STAFF REPORT TO THE MARIN COUNTY
PLANNING COMMISSION
Dipsea Ranch (Weissman) Land Division (Tentative Map) and
Mitigated Negative Declaration

Recommendation: Adopt Mitigated Negative Declaration
Approve with conditions
Hearing Date: July 27, 2020

application No(s): P1589
Agenda Item: 1
Owner(s): Daniel Weissman
Assessor’s Parcel No(s): 046-161-11

Proposed Lot Number | Proposed Lot Area (acres) |
---------------------|--------------------------|
1                    | 2.22                     |
2                    | 0.89                     |
3                    | 5.18                     |

Property Address: 455 Panoramic Highway, Mill Valley
Project Planner: Sabrina Cardoza
Signature: Sabrina Cardoza

Countywide Plan Designation: PR (Planned Residential, 1 unit per 1-10 acres)
Community Plan Area: Tamalpais Area Community Plan
Zoning District: RMP-0.5 (Residential, Multiple Planned, 1 unit per 2 acres)
Environmental Determination: Mitigated Negative Declaration

PROJECT SUMMARY

The applicant and property owner, Daniel Weissman, has submitted a proposal to subdivide an existing 8.29-acre property currently developed with one single-family residence and detached accessory structures into three single-family residential lots with proposed building envelopes on each lot. The new residential lots would range in size as follows:

The subject property is a roughly boot-shaped lot with the upper northern and lower southeastern property lines located along Panoramic Highway. The applicant proposes to provide access to
the existing and new lots via the existing entry driveway at 455 Panoramic Highway located along
the upper portion of the site.

The project entails site improvements to accommodate the new lots, including: the installation of
two new on-site sewage disposal systems to serve Lots Two and Three; the installation of a storm
water management system inclusive of storm drains, cisterns, and bioswales to address run off;
and the improvement of the existing driveway to extend access to Lots Two and Three.

Pursuant to Section 22.80.030 of the Marin County Development Code, Tentative Map approval
is required for the subdivision of an existing lot into two or more proposed lots.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area: 8.29 acres
Adjacent Land Uses: Single-family residences and Mount Tamalpais State Park
Topography and Slope: Steep topography with an average slope of 45 percent
Existing Vegetation: Dense mature native and non-native vegetation
Environmental Hazards: Very high fire risk

The project site is located on a roughly boot-shaped lot at 455 Panoramic Highway in
unincorporated Mill Valley. The site is currently developed with a single-family residence and
accessory structures (garage and detached accessory building) located within the northern, upper
portions of the site. An existing septic system serving the residence, as well as an existing septic
system with an easement serving an adjacent property are also located within the upper portions
of the site. The southeastern, lower portions of the site consist of dense, mature vegetation with
several unpaved roads traversing through the area. Access to the existing developed areas of the
upper portion of the site is taken from Panoramic Highway. A gate to a “fire road” within the lower
portions of the site is located along Panoramic Highway across from Kent Way.

BACKGROUND

On February 9, 2017, the project applicant first submitted a substantially different project
application, a Master Plan for the subdivision of the subject property into 13 single-family lots. The
applicant received a substantial number of public comments and multiple merits comments from
staff of the Marin County Community Development Agency, Planning Division (CDA) that
indicated the project as proposed did not conform to the County’s policies and design guidelines.
Subsequently, the applicant revised the project and reduced the scope of the subdivision.

On February 28, 2018, the applicant submitted a Tentative Map application for the subdivision of
the subject property into three single-family lots. The current Tentative Map application is limited
to the following improvements: two new septic systems, a new stormwater management system,
and driveway improvements for the access of proposed Lots Two and Three. The current
application was transmitted to the Department of Public Works, the Environmental Health
Services Division, the Marin County Community Development Agency, Housing and Federal
Grants Division, the Marin County Fire Department, the Marin County Parks and Open Space,
the Marin Municipal Water District, and the Tamalpais Design Review Board. Responses received
are attached. The application was deemed complete on July 12, 2018.
Environmental review was initiated for the project due to site topography and potential environmental issues resulting from the creation of the three new single-family lots.

ENVIRONMENTAL REVIEW

In December of 2019, the initial study was completed leading to a Mitigated Negative Declaration prepared by Sicular Environmental Consulting & Natural Lands Management on behalf of the Marin County Community Development Agency, Planning Division (CDA). The Mitigated Negative Declaration was subsequently signed by the applicant. On December 12, 2019, the initial study/Mitigated Negative Declaration was circulated for a 30-day public review period, and subsequently extended to January 28, 2020 for a public review period totaling 45 days. The initial study/Mitigated Negative Declaration was also circulated by the State Clearinghouse to the following state agencies: Caltrans, District 4, California State Department of Fish and Wildlife, the Regional Water Quality Control Board, the Native American Heritage Commission, U.S. Army Corps of Engineers, and the National Marine Fisheries Services.

The CDA received 26 public comment letters in response to the initial study/Mitigated Negative Declaration. A summary and responses to these comments were prepared by Sicular Environmental Consulting & Natural Lands Management on behalf of the CDA and are attached to this staff report.

KEY ISSUES

Many of the public comments received for the current Tentative Map application raised concerns regarding the grading of a road located on the lower portions of the property. In 2014, the applicant made improvements to a section of this road, which resulted in approximately 1,200 cubic yards of fill. On April 14, 2017, staff from the Department of Public Works (DPW) provided a memorandum detailing the sequence of events related to the grading work. Per the memo, the DPW conducted an onsite investigation and issued a Notice of Violation for undertaking the work without a grading permit upon receiving complaints regarding the grading work. Following notice to stop all grading work, the property owner installed erosion and sediment control measures in accordance with DPW standards. This issue is further discussed and analyzed in the initial study/Mitigated Negative Declaration and the response to comments prepared by Sicular Environmental Consulting & Natural Lands Management on behalf of the Marin County Community Development Agency, Planning Division.

Other comments addressing merits issues including consistency with the Tamalpais Area Community Plan and any potential impacts of the project on the environment have been further discussed in the attached recommended resolution and CEQA resolution.

RECOMMENDATION

Staff recommends the Planning Commission review the administrative record, conduct a public hearing, adopt the proposed Mitigated Negative Declaration and approve the Dipsea Ranch (Weissman) Land Division (Tentative Map) based on the findings and subject to the conditions contained in the attached resolution.

Attachments:

1. Recommended resolution
2. CEQA resolution
3. Marin County Uniformly Applied Conditions 2020
4. Dipsea Ranch Land Division Mitigated Negative Declaration prepared by Sicular Environmental Consulting & Natural Lands Management
5. Dipsea Ranch Land Division Initial Study/Mitigated Negative Declaration: Response to Comments prepared Sicular Environmental Consulting & Natural Lands Management on behalf of the Marin County Community Development Agency, Planning Division, dated March 2020
6. Memorandum from the Department of Public Works, dated April 14, 2017
7. Transmittal response from staff of the Community Development Agency, Housing and Federal Grants Division, dated March 26, 2018
8. Transmittal response from staff of the Department of Public Works, dated July 12, 2018
9. Transmittal response from staff of the Environmental Health Services Division, dated November 18, 2019
10. Tamalpais Design Review Board meeting minutes, May 2, 2018
11. Public Correspondence other than those received for the initial study/Mitigated Negative Declaration, as listed in order of dated received
12. Project Plans
MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. ________

A RESOLUTION APPROVING THE DIPSEA RANCH (WEISSMAN) LAND DIVISION
(TENTATIVE MAP)
455 PANORAMIC HIGHWAY, MILL VALLEY
ASSESSOR’S PARCEL: 046-161-11

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SECTION I: FINDINGS

1. **WHEREAS**, the applicant and property owner, Daniel Weissman, has submitted a proposal to subdivide an existing 8.29-acre property currently developed with one single-family residence and detached accessory structures into three single-family residential lots with proposed building envelopes on each lot. The new residential lots would range in size as follows:

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The subject property is a roughly boot-shaped lot with the upper northern and lower southeastern property lines located along Panoramic Highway. The applicant proposes to provide access to the existing and new lots via the existing entry driveway at 455 Panoramic Highway located along the upper portion of the site.

The project entails site improvements to accommodate the new lots, including: the installation of two new on-site sewage disposal systems to serve Lots Two and Three; the installation of a storm water management system inclusive of storm drains, cisterns, and bioswales to address run off; and the improvement of the existing driveway to extend access to Lots Two and Three.

Pursuant to Section 22.80.030 of the Marin County Development Code, Tentative Map approval is required for the subdivision of an existing lot into two or more proposed lots.

The property is located at 455 Panoramic Highway, Mill Valley and is further identified as Assessor’s Parcel 046-161-11.

2. **WHEREAS**, on July 27, 2020, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

A. The Countywide Plan land use designation for the site is PR (Planned Residential), which allows a residential density range between 1 unit per 1-10 acres. Consistent with finding 6 below, the allowable residential density is specifically governed by the Tamalpais Community Plan.
B. The project is consistent with the CWP woodland preservation policy (BIO-1.3). The site contains 165 trees, including Coast Redwood, Monterey Pine, Coast Live Oak, Monterey Cypress, and other native and non-native trees varying in health and maturity. Mature, native trees on site would be protected under Marin County Development Code Chapter 22.27 for Native Tree Protection and Preservation. Improvements associated with the subdivision would result in the removal of three non-native trees, including an English laurel, red flowering gum, and incense cedar, none of which qualifies as "protected" pursuant to MCC Chapter 22.27 as verified by the Arborist Report prepared by Urban Forestry Associates, 2018.

The project also entails the construction of a small rock retaining wall near a Marin County Code protected multi-trunk coast live oak. Additional tree pruning of other trees may also be required to accommodate construction of future development on Lots Two and Three. In order to reduce any potential impacts on native trees to less than significant, mitigation measures were provided in the initial study/Mitigated Negative Declaration prepared by Sicular Environmental Consulting & Natural Lands Management, which requires minimizing removal and pruning, protecting tree root zones, and requiring replanting for any protected tree removed. Therefore, the project is consistent with this finding.

C. The project is consistent with the CWP special-status species protection policy (BIO-2.2). The initial study/Mitigated Negative Declaration indicated that, though not present or observed on the site itself, the site could contain potential habitat for special-status species including northwestern pond turtle, California red-legged frog, northern spotted owl, and California giant salamander, as well as four species of bats including Townsend’s big-eared bat, western mastiff bat and hoary bat. Per the initial study, no habitat for these species were found to be present within the proposed building envelopes of the new lots.

However; due to sensitivity of habitats within the overall Project site and surrounding areas, mitigation measures were provided in the initial study/Mitigated Negative Declaration to ensure the protection of special-status species and their habitats. Additionally, with the adoption of Chapter 22.20.040.E and F. of the Marin Development Code, the project would be conditioned to conform to the bird and bat protection measures as uniformly applied to construction activities. Therefore, the project is consistent with this finding.

D. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4). Native plant communities and significant stands of native vegetation exist within the subject property; however, these areas are not located within the immediate vicinity of the previously developed portions of the site and would not be located within the proposed building envelopes.

Per the initial study, two drainages and wetlands located on the site are likely to support local wildlife movement; however, the habitats surrounding these aquatic resources would be conserved within the Stream Conservation Areas and Wetland Conservation Areas. Per the initial study, the project site consists of existing fencing, is surrounded by established urban conditions, and currently experiences high level of human use. Therefore, any future construction-related disturbance following the creation of the proposed new lots would not result in any negative long-term impacts on wildlife movement and use of wildlife nursery locations. Therefore, the project is consistent with this finding.

D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the building envelopes proposed to be established within the new
lots are located outside of and would not encroach into any Stream Conservation Areas or Wetland Conservation Areas as verified in the initial study. Therefore; the project is consistent with this finding.

E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements associated with the creation of the new lots would be located outside of any Stream Conservation Areas or Wetlands Conservations as verified in the initial study.

The proposed stormwater management system was informed by the hydrologic and hydraulic study prepared by Ziegler Civil Engineering and was peer reviewed by the preparer of the initial study. Further, the stormwater management system was found to have been designed and sized appropriately for the proposed subdivision and would not result in hydromodification-related impacts onsite or downstream. Further, site improvements would comply with the Marin County standards and best management practices required by the Department of Public Works. Therefore; the project is consistent with this finding.

F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.

G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it entails the creation of new lots with building envelopes located within previously developed and landscaped portions of the site. Site improvements associated with the subdivision, including the expansion of the existing improved driveway, would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.

H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to project.

4. WHEREAS, the project is consistent with the goals and policies of the Tamalpais Area Community Plan (Tam Plan) for the following reasons:

A. The Tam Plan designates the property with a Land Use Category of SF-1, Single-family Rural, one unit per acre maximum density. Further, Policy LU31.1 identifies the subject property identified as Assessor’s parcel 046-161-11 (formerly APN 046-161-10) as a specific property of interest and states:

“APN 046-161-10 total ten acres on the south side of Panoramic with an average slope exceeding 40 percent. Given septic tank regulations a maximum of five units is possible. The community desires this site to remain open in appearance. The most buildable part of the site is on the ridge, which is contrary to community policy for development. The steep slopes and the particular drainage pattern of the area below the ridge will make it difficult to get many dwelling [sic] on the site.”

The project is consistent with this policy because the proposed subdivision of the previously developed Assessor Parcel 046-161-11 (formerly 046-161-10) would result in the creation of
three single-family lots. With the existing single-family dwelling unit proposed to remain on Lot One, the subdivision would support the potential development of two additional primary dwelling units, resulting in a density of three dwelling units. Additionally, the project entails the establishment of building envelopes clustered within the vicinity of the existing developed area, with the remaining lower portions of the site located outside of the proposed building envelopes. The project is consistent with the policies related to the protection and enhancement of existing open space areas, specifically the Muir Woods Park area identified in the Tam Plan.

B. The project is consistent with the policies related to preserving community character, including Policies LU 1.1, LU 1.3, LU 1.4, and LU 1.5, because the project entails the creation of three residential lots with building envelopes that are located outside of sensitive habitat areas including watercourses and wetlands protected by Steam Conservation Areas and Wetland Conservation areas and wood areas consisting of trees protected under the Marin County Development Code Chapter 22.27 for Native Tree Protection and Preservation. Further, the project entails the creation of lots with proposed building envelopes that have been carefully sited to protect the sunlight, views and privacy enjoyed by adjacent homes, and to preserve open space.

C. The project is consistent with the policies related to protecting habitats, wetlands, streams, and native vegetation and protecting soil stability, including Policies LU2.1, LU2.2, LU10.2, LU10.3, LU11.1, LU11.2, LU12.1, 16.1 and 17.1, because it would respect the environmental constraints of the site. As previously discussed in Findings 3.A through 3.E, the project has been designed to avoid wetland and stream habitats and mitigation measures were provided in the initial study/Mitigated Negative Declaration to ensure the protection of special-status species and their habitats. Removal of native vegetation would be minimized, and native trees would be protected or replaced. Further, the project has been designed to avoid substantial increases in erosion or slope failure risk and would implement construction and post-construction stormwater management to control runoff from the project site, thus avoiding degradation to downstream resources or aquatic habitat.

D. The project is consistent with the access and parking policies, including Policy T2.4, T4.1, T8.2, T.11, because it would not take access from a new roadway or driveway connected directly to Shoreline Highway, would not reduce the existing levels of service on surrounding intersections as verified by the initial study/Mitigated Negative Declaration, and would provide the required parking and adequate access as determined by the Department of Public Works.

WHEREAS, the project is consistent with the mandatory findings for Tentative Map approval (Marin County Code Section 22.84.060) or Vesting Tentative Map approval (Marin County Code Section 22.84.110).

A. A Tentative Map shall be approved if the following findings can be made for each proposed parcel as well as the entire subdivision, including any parcel designated as a remainder in compliance with Map Act Section 66424.6.

1. The proposed subdivision including design and improvements is consistent with the Marin Countywide Plan and any applicable Community Plan or Specific Plan.

The proposed subdivision is consistent with policies as they pertain to the impacts of design and improvements on the environment, community character, and the density
The subdivision has been designed with building envelopes and septic systems that are located outside of any Stream Conservation Areas, Wetland Conservation Areas, and would preserve the majority of the undeveloped wooded areas of the site. The proposed septic systems have been reviewed by the Environmental Health Services Division and were found to be acceptable as presented. Further, the project has been mitigated with measures that would support the preservation of existing natural systems and enhance and protect sensitive habitats and tree resources as previously discussed.

2. The site is physically suitable for the type and proposed density of development.

As proposed, the Tentative Map would result in three new lots and the foreseeable future development on two of the new lots. The existing residence and the septic system that serves it would remain on this lot. To ensure that the future development of Lots Two and Three occurs in the most advantageous locations, building envelopes are established on the map that protect sensitive resources in the surrounding area. As demonstrated on the Tentative Map, Lots Two and Three are large enough to support future development and have been designed to be clustered near the most accessible portions of the site and near existing development.

The site is physically suited to accommodate the two new proposed septic systems as verified by a cumulative impact assessment of all existing and proposed septic systems on the project site. The cumulative impact assessment was reviewed by the Environmental Health Services Division and was found to be acceptable.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat.

As previously discussed in Sections 3 and 4 of this resolution, the subdivision has been designed with building envelopes and new site improvements located outside of any sensitive habitat or resource areas. As discussed in the initial study/Mitigated Negative Declaration, any impacts to local birds and bats have been mitigated above and beyond the uniformly applied standards as codified in Marin County Chapter 22.20.040 E. and F. The accompanying initial study/Mitigated Negative Declaration found that, as mitigated, the project would not cause any substantial environmental damage or injury to fish, wildlife, or their habitat.

4. The design of the subdivision and type of improvements is not likely to cause serious public health or safety problems.

The subject property has been previously developed with a single-family residence, accessory structures, septic systems, and hardscape improvements, and is surrounded by existing development within the City-Centered corridor. Improvements to the existing driveway are proposed to improve visibility and turning movements for vehicles entering and exiting the project site and to allow for access to the proposed Lots Two and Three. Driveway improvements would be constructed in accordance with the standards of the Department of Public Works.
Additionally, per the initial study/Mitigated Negative Declaration, the project has been designed with right-of-way improvements that would not create a safety hazard due to geometric design features and has been designed and mitigated to minimize impacts related to noise and air quality to less than significant.

5. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision. This finding may be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

The proposed subdivision would not conflict with easements acquired by the public at large or for access through or use of property within the proposed subdivision. The project does not conflict with any established easements on the property, including an existing sewer line and leach field easement for the benefit of an adjacent property identified as Assessor’s parcel 046-151-37 and a view easement for the benefit of an adjacent property identified as Assessor’s parcel 046-161-13. No other easements are affected.

6. The proposed subdivision is consistent with the Subdivision Design Standards contained in Chapter 22.82 of the Marin County Development Code (MCC), all other applicable provisions of the MCC, and any other applicable provisions of the County Code, and the Map Act.

The proposed project is consistent with all applicable provisions of the Marin County Code and the Map Act as discussed in these findings. The proposed subdivision is consistent with the Subdivision Design Standards in that it would comply with lowest end of the density range of the applicable Countywide Plan Planned Residential (PR) density range, provides drainage facilities in accordance to the standards of the Department of Public Works, and entails lot configurations and building envelopes that are clustered in previously developed areas of the site, are easily accessible and respects the environmental and topographical conditions of the site.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Planning Commission and is subject to the conditions of project approval.

This decision certifies the proposed project’s conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.
SECTION III: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission hereby approves the Dipsea Ranch (Weissman) Land Division (Tentative Map) subject to the conditions as specified below:

**CDA-Planning Division**

1. This Tentative Map approval authorizes the subdivision an existing 8.29-acre property currently developed with one single-family residence and detached accessory structures into three single-family residential lots with approved building envelopes on each lot, as shown on the Tentative Map plan. The new residential lots are approved to range in size as follows:

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The following site improvements to accommodate the new lots are also approved: the installation of two new on-site sewage disposal systems to serve Lots Two and Three; the development of a storm water management systems inclusive of storm drains, cisterns, and bioswales to address run off; and the improvement of the existing driveway to extend access to Lots Two and Three.

2. BEFORE RECORDATION OF THE SUBDIVISION, the applicant shall apply for and obtain Parcel Map or Final Map Plan Check approval, as applicable, from the Planning Division.

3. Plans submitted for a Parcel Map or Final Map Plan Check shall substantially conform to plans identified as Exhibit A, entitled “Dipsea Ranch Tentative Map,” consisting of 46 sheets prepared by Malott Architects, received in final form on December 20, 2018, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

4. BEFORE PARCEL MAP PLAN CHECK APPROVAL, the applicant shall apply for and obtain address assignments for the new lots.

5. BEFORE PARCEL MAP PLAN CHECK APPROVAL, the applicant shall apply for and pay the required deposit fees for mitigation monitoring.

6. BEFORE PARCEL MAP PLAN CHECK APPROVAL, the applicant shall submit to the Community Development Agency, Housing Division and Federal Grants Division an in-lieu participation fee for the construction of affordable housing. The fee shall be determined at the time the Parcel Map is filed in accordance with the provisions of the Marin County Development Code Chapter 22.22 (Affordable Housing Regulations).

7. BEFORE PARCEL MAP PLAN CHECK APPROVAL, the applicant shall submit confirmation that an in-lieu park fee has been submitted to the Parks and Open Space Department for future park improvements. The fee shall be determined in accordance with the provisions of Marin County Development Code Section 22.98.040 (Parkland Dedication and Fees), which provide the formula for determining the in-lieu fee based upon the fair market value of land.
that would otherwise be required for dedication, plus 20 percent toward costs of off-site improvements. The fee shall be paid directly to the Parks and Open Space Department.

8. **DURING CONSTRUCTION AND BEFORE FINAL INSPECTION OF EACH FUTURE RESIDENCE**, provide the County with written evidence from the contracted builder that all off-road diesel-powered equipment with engines greater than 25 horsepower meet Tier 4 emissions standards.

(MM AQ-1)

9. **BEFORE ISSUANCE OF A BUILDING PERMIT**, the applicant shall implement the following mitigation measures and provide the County with written evidence from a qualified Biologist to verify the following protection measures for special-status wildlife and habitat have been implemented during construction within each of the three proposed lots:

   a. Conduct a worker awareness training for all field staff that may come across sensitive habitats or special-status species. The training shall include the following information: a photograph and description of each special-status species or sensitive resource known from the area; a description of its ecology and habitat needs; potentially confusing resources (e.g., similar species or habitats); an explanation of the measures being taken to avoid adverse impacts; reporting and necessary actions if sensitive resources are encountered; and workers’ responsibility under the applicable environmental regulation.

   b. Project limits should be clearly marked on the final design drawings and work confined within those boundaries.

   c. Foot and vehicle traffic should be restricted to the designated work and staging areas.

   d. For any fencing needs, install fencing that reduces the risk of death or injury to wildlife and does not impede movement. See *Fencing with Wildlife in Mind* by Colorado Division of Wildlife for specific guidelines on fencing installation and types (Hanophy, 2009).

   (MM BIO-1)

10. **BEFORE ISSUANCE OF A BUILDING PERMIT AND DURING CONSTRUCTION**, the applicant shall implement the following mitigation measures and provide the County with written evidence from a qualified Biologist to verify the following protection measures for special-status and common bat species have been implemented during construction within each of the three proposed lots:

   a. Complete presence/negative finding bat surveys prior to removal or pruning of any trees over 6 inches in diameter at breast height. If during future development buildings are proposed for removal, buildings shall be surveyed for bats within 15 days prior to any building demolition. Surveys shall be completed by a qualified biologist. Because each individual bat species may use different roosts seasonally and from night to day, surveys must be conducted by a qualified biologist at the appropriate times.
b. If trees planned for pruning or removal are identified as active roost sites, appropriate avoidance measures shall be developed by a qualified biologist. This may include seasonal limitations on work when roosts are unoccupied and/or establishment of buffer areas around occupied roosts.

c. If bats are found roosting within the buildings, work shall cease until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between March 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by a qualified biologist up to two weeks prior to building demolition.

d. For all trees previously identified as active roost sites (during Project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall be followed by bole removal on day two. This approach would allow bats, if present, an opportunity to move out of the area prior to completing removal of the trees. No trees supporting special-status bats shall be removed without prior consultation with CDFW.

e. If work is postponed or interrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.

f. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.

(MM BIO-2)

11. BEFORE ISSUANCE OF A BUILDING PERMIT AND DURING TREE REMOVAL, the applicant shall implement the following mitigation measures and provide the County with written evidence from a qualified Arborist that the following measures have been implemented:

a. Minimize tree removal and pruning. Light pruning may occur at any time of year. Heavy pruning may cause problems due to vigorous sprouting and subsequent witches broom or powdery mildew diseases. Heavy pruning shall be done on deciduous trees in the winter; see BIO-2 and BIO-3 for wildlife protection measures. Acoustic emergence surveys or other appropriate methods shall be conducted/implemented to further evaluate if the roost is an active maternity roost.

b. Minimize impacts within the Root Protection Zone:
   i. Temporary protective fencing shall be installed around RPZs or, at a minimum, the dripline perimeter of trees near work areas.
   ii. Changes in drainage within protected tree perimeters shall be avoided to the extent feasible.
   iii. Soil compaction within protected tree perimeters shall be avoided to the extent feasible.
   iv. Heavy equipment, vehicles, and/or construction materials shall not be parked or stored beneath trees or operated within the delineated protected perimeter.

c. Develop a tree replacement plan for any “protected” tree removed over 6 inches in diameter. The plan shall be developed in consultation with a Registered Professional Forester or Certified Arborist. The plan shall include appropriate ratios for replacement,
planting location, methods, plant sources, and timing. Maintenance and monitoring of the planting during an establishment period of 5 years shall be required.

(MM BIO-3)

12. BEFORE ISSUANCE OF A BUILDING PERMIT AND PRIOR TO TREE REMOVAL, the applicant shall implement the following mitigation measures and provide the County with written evidence from a qualified Arborist that the following measures have been implemented:

a. Incorporate the removal of invasive species into site development. During site clearing for construction, remove, by hand or mechanical means, all non-natives within the area to be disturbed and within 25 feet of the disturbed area. Any material with potential to germinate or re-sprout shall be disposed in a landfill. If bare ground is left after removal, the area shall be reseeded and/or replanted with native species.

b. The Vegetation Management Plans prepared for each parcel shall include provisions to prevent the introduction and spread of invasive plant species. Provisions shall include, but are not limited to:
   
   i. Any seed, straw, or mulch brought into the site shall be weed-free.
   
   ii. Construction vehicles and other landscaping equipment shall be cleaned of seed and soil from weed-infested locations before entering new areas.
   
   iii. Revegetation of disturbed soil shall occur promptly after disturbance.
   
   iv. All site restoration and erosion control seeding shall include only native species from the Redwood Creek watershed or Marin County.
   
   v. Monitor areas of ground disturbance for invasive species infestation and remove any invasives.
   
   vi. Avoid planting any ornamental species known to be invasive.

(MM BIO-4)

13. DURING CONSTRUCTION AND BEFORE FINAL INSPECTION, the applicant shall implement the following mitigation measures and provide the County with written evidence that the following measures have been implemented:

a. Clean equipment, boots, truck tires, and any other exposed material with a 10% bleach solution or other disinfectant after working in infected areas and bringing materials onto the site.

b. Avoid pruning oaks or other affected trees in wet weather.

c. Avoid work in wooded areas during the wet season when spores are being produced and infections are starting.
d. Leave potentially infected downed trees on the Project site instead of transporting the material to an uninfected area.

e. Purchase nursery stock for landscape plantings at nurseries that follow current BMPs for preventing the spread of SOD (consult the California Oak Mortality Task Force, www.suddenoakdeath.org, for current standards.

(MM BIO-5)

14. BEFORE ISSUANCE OF A BUILDING PERMIT AND DURING CONSTRUCTION, the applicant shall submit to the County photographic evidence that the following Mitigation Measure has been implemented by the Building Contractor:

a. Develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan. The disturbance coordinator shall be responsible for receiving and acting on complaints about construction disturbances, including noise, during construction activities. The disturbance coordinator shall determine the cause of noise complaints and implement remedial measures as necessary to alleviate significant problems.

b. Prior to commencing work, all neighbors within 500 feet of the Project site shall be informed of the name and contact information of the disturbance coordinator; this information shall also be posted at the entrance to the work site, in a location visible to the public.

c. The construction noise reduction plan shall include measures for minimizing and avoiding noise disturbance of nearby sensitive receptors. Such measures may include, but are not limited to, the following:

   i. Muffle and maintain all equipment used on site. All internal combustion engine-drive equipment shall be fitted with mufflers which are in good condition. Mufflers shall result in non-impact tools generating a maximum noise level of 80dB when measured at a distance of 50 feet.

   ii. Schedule construction activities to have the least impact on noise-sensitive receptors (existing residents) in the area. This shall be accomplished by limiting construction activities, including grading, excavating, and paving, to weekdays between 7:00 AM and 6:00 PM, per Marin County Municipal Code Sec. 6.70.030(5)(a-c). Nearby sensitive receptors shall be informed of allowable construction hours.

(MM NOISE-1)

15. The project shall conform to the Planning Division’s “Uniformly Applied Conditions 2020” with respect to all of the standard conditions of approval.

SECTION IV: VESTING

NOW THEREFORE, BE IT RESOLVED, this Tentative Map approval is valid for three years after its effective date. If the Tentative Map has not been vested by the end of that time, the approval shall expire and become void unless:
A. A Parcel or Final Map, and related bonds and improvement agreements, have been filed with the County Surveyor in compliance with Chapter 22.86 (Parcel Maps and Final Maps); or

B. An extension of time has been granted in compliance with Section 22.84.140 (Extensions of Time for Tentative Maps).

A Tentative Map approval shall be vested if a Parcel Map has been filed within the time limits established by this section or within an extension of time approved in compliance with Section 22.84.140 (Extensions of Time for Tentative Maps). Expiration of the approved Tentative Map shall terminate all proceedings. The application shall not be reactivated unless a new subdivision application is filed.

SECTION V: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and the required filing fee must be submitted in the Community Development Agency, Planning Division, Suite 308, Civic Center, San Rafael, within eight business days of the date of this decision.

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, held on this 27th day of July 2020 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

____________________________________________________
MARGARET CURRAN, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

____________________________________________________
Ana Hilda Mosher
Planning Commission Secretary
SECTION I: FINDINGS

1. WHEREAS, the applicant and property owner, Daniel Weissman, has submitted a proposal to subdivide an existing 8.29-acre property currently developed with one single-family residence and detached accessory structures into three single-family residential lots with proposed building envelopes on each lot. The new residential lots would range in size as follows:

<table>
<thead>
<tr>
<th>Proposed Lot Number</th>
<th>Proposed Lot Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.22</td>
</tr>
<tr>
<td>2</td>
<td>0.89</td>
</tr>
<tr>
<td>3</td>
<td>5.18</td>
</tr>
</tbody>
</table>

The subject property is a roughly boot-shaped lot with the upper northern and lower southeastern property lines located along Panoramic Highway. The applicant proposes to provide access to the existing and new lots via the existing entry driveway at 455 Panoramic Highway located along the upper portions of the site.

The project entails site improvements to accommodate the new lots, including: the installation of two new on-site sewage disposal systems to serve Lots Two and Three; the installation of a storm water management system inclusive of storm drains, cisterns, and bioswales to address run off; and the improvement of the existing driveway to extend access to Lots Two and Three.

Pursuant to Section 22.80.030 of the Marin County Development Code, Tentative Map approval is required for the subdivision of an existing lot into two or more proposed lots.

The property is located at 455, Panoramic Highway, Mill Valley and is further identified as Assessor’s Parcel 046-161-11.

2. WHEREAS, the Marin County Community Development Agency prepared an Initial Study for the project, which concluded that potential impacts relating to air quality, biological resources and noise would be avoided or mitigated to a point where no significant effects would occur because revisions to the project have been agreed to by the applicant and there is no evidence that the project as revised may have a significant effect on the environment.

3. WHEREAS, the Marin County Environmental Planning Manager has determined that, based on the Initial Study, a Mitigated Negative Declaration of Environmental Impact is required for the project pursuant to the California Environmental Quality Act (CEQA).
4. WHEREAS, the Mitigated Negative Declaration of Environmental Impact for the project consists of the Mitigated Negative Declaration, Initial Study, responses to comments, and all supporting information incorporated by reference therein.

5. WHEREAS, the Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County’s CEQA process.

6. WHEREAS, on Tuesday, December 12, 2019, the Initial Study and proposed Mitigated Negative Declaration of Environmental Impact were completed and distributed to agencies and interested parties to commence a 45-day period for public review and comment on the Mitigated Negative Declaration, and a notice of the public review period and public hearing was published in a general circulation newspaper pursuant to CEQA.

7. WHEREAS, on July 27, 2020, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

SECTION II: ACTION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Planning Commission certify the Mitigated Negative Declaration of Environmental Impact for the Dipsea Ranch (Weissman) Land Division project as adequate and complete in compliance with CEQA, the State CEQA Guidelines and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the project.

SECTION IV: ADOPTION

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on this 27th day of July 2020 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

______________________________________________
MARGARET CURRAN, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

______________________________________________
Ana Hilda Mosher
Planning Commission Recording Secretary
MARIN COUNTY UNIFORMLY APPLIED CONDITIONS
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS

2020

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.

2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin, and shall cooperate fully in the defense.

3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.

4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California’s Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.
3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the “Disclosure Statement Concerning Agricultural Activities,” as required by Section 23.03.050 of the Marin County Code.

6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.

7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.

8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A
report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.

11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building’s finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in “Exhibit A” unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.

14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California’s Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.

16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and
compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

**CODE ENFORCEMENT CONDITIONS**

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant’s control.

2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant’s control.

3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant’s control.
MITIGATED NEGATIVE DECLARATION
Marin County Environmental Review

Pursuant to Section 21000 et. seq. of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

1. Project Name: Dipsea Ranch Land Division

2. Location: 455 Panoramic Highway, Mill Valley/ Assessor’s Parcel: 046-161-11

3. Project Summary:

The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. The new residential lots would range in size as follows:

<table>
<thead>
<tr>
<th>Proposed Lot Number</th>
<th>Proposed Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
<td>0.89</td>
</tr>
<tr>
<td>3</td>
<td>5.18</td>
</tr>
</tbody>
</table>

Residential development currently exists at the property and access to the site is proposed to be provided via the existing entry driveway at 455 Panoramic Highway.

4. Project Sponsor: Dan Weissman

5. Finding:

Based on the attached Initial Study and without a public hearing, it is my judgment that:

☐ The project will not have a significant effect on the environment.

☒ The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

Rachel Reid
Environmental Planning Manager

Based on the attached Initial Study, a Mitigated Negative Declaration is granted.

Date: 12/4/19

Deputy Zoning Administrator
1. Mitigation Measures:

☐ No potential adverse impacts were identified; and therefore, no mitigation measures are required.

☒ Please refer to mitigation measures in the attached Initial Study.

2. Preparation:

This Mitigated Negative Declaration was prepared by Dan Sicilar, Environmental Consultant on behalf of the Marin County Community Development Agency - Planning Division. Copies may be obtained at the address listed below.

Marin County Community Development Agency
Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
(415) 473-6269
Monday-Thursday, 8:00 a.m. to 4:00 p.m.
I. BACKGROUND

A. Project Sponsor’s Name and Address: Daniel Weissman
   455 Panoramic Highway
   Mill Valley, CA

B. Lead Agency Name and Address: Marin County Community
   Development Agency
   3501 Civic Center Dr., Suite 308
   San Rafael, CA 94903

C. Agency Contact: Sabrina Sihakom, Planner
   (415) 473-3607
   ssihakom@marincounty.org

II. PROJECT DESCRIPTION

A. Project Title: Dipsea Ranch Land Division

B. Type of Application(s): Subdivision, Tentative Map,
   Grading Permit

C. Project Location: 455 Panoramic Highway, Mill
   Valley APN # 046-161-11

D. General Plan Designation: PR-Planned Residential

E. Zoning: RMP 0.5 (Residential, Multiple
   Planned District - 1 unit per 2 acres)

F. Description of Project:
INTRODUCTION AND SUMMARY

The Marin County Community Development Agency has received a Land Division application to subdivide an existing 8.29-acre lot, located at 455 Panoramic Highway in unincorporated Mill Valley (the “Project site”), to create 3 single-family residential lots. The Project Applicant (Applicant) is the property owner, Daniel Weissman.

The Project site is currently developed with a 2,745 square foot (sf) single-family residence, a 1,400 sf 4-car garage, and a 480 sf detached accessory building. Several unpaved roads traverse the lower part of the property, including a gated “Fire Road” that provides access from Panoramic Highway. The Applicant proposes to provide access to the new lots via the existing entry driveway at 455 Panoramic Highway, which would be improved and. The Proposed Project (hereinafter “Project”), includes a proposal to install two new on-site sewage disposal systems. Water service to each of the three lots would be provided by the Marin Municipal Water District (MMWD), which currently serves the existing residence. The Project includes the development of a storm water management system that would utilize a system of storm drains, cisterns, and bioswales to control runoff.

The Project also includes the permitting of grading activity and replacement of an existing culvert that took place in March 2014 without the benefit of permits, when a quantity of soil was brought onto the Project site and used as fill to elevate the Fire Road. Marin County Code Section 23.08.025(1) requires a grading permit if artificial movement of earth exceeds 250 cubic yards; the grading of the Fire Road involved approximately 1,200 cubic yards. A notice of violation was posted on the site and the owners were notified to stop all grading work and to stabilize the entire area prior to the start of the rainy season. This work is being analyzed as part of the Project.

The proposed subdivision is a discretionary action, which the Board of Supervisors will have the ultimate authority to approve. The proposal therefore qualifies as a “project” under the California Environmental Quality Act (CEQA). CEQA is a California State law that requires environmental review of certain projects subject to discretionary approval by local or State agencies. Because the subdivision, if approved, would be the first step in enabling development of the two newly-created residential lots where there is currently no residence, the development of the lots is considered a reasonably foreseeable consequence of approval, and therefore a part of the Project. Therefore, the Project, for the purpose of this Initial Study, consists of the proposed subdivision and the future development of the three lots.1

This Project Description is based primarily on documents provided by the Applicant, listed in the reference section at the conclusion of the section.

PROJECT LOCATION AND SETTING

The Project site is located at 455 Panoramic Highway (Assessor’s Parcel Number 046-161-11), on the southern flank of Mount Tamalpais, in the Muir Woods Park neighborhood (Figure 1, Location). The Project site is a roughly boot-shaped lot

1 Section 14, Population and Housing, considers whether the Project could result in or enable additional development in the area.
within a neighborhood developed primarily with single-family homes. Much of the land, both within the Project site and surrounding area, is steep and heavily wooded (Figure 2, Topographic Map, Figure 3, Aerial Photo of Project Site, and Figure 4, Photos of Project Site). At 8.29 acres, the existing lot is much larger than those surrounding it (Figure 5, Parcel Map). The northern portion of the Project site, where the existing structures are located, is relatively flat, being the top of a small hill that has been graded. Elevations range from about 950 feet above mean sea level (msl) at the top of the hill, to about 750 feet above msl at the lowest part of the property along its southern boundary. The average slope is 36.76 percent (MarinMap, 2019). Two ephemeral streams, both tributary to Redwood Creek, flow along the western and eastern edges of the Project site and meet just south of the property boundary. The Dipsea Trail, a recreational hiking trail, passes to the south about 350 feet from the property line.

The top of the hill and areas near the existing structures are open and landscaped, while much of the undeveloped part of the property is covered in dense brush and small trees. Native trees include coast redwood, Douglas fir, California Bay, and live oak. Non-native trees include Monterey pine, Monterey cypress, and acacia. The Project site is within the Wildland-Urban Interface (WUI) fire hazard zone (MarinMap, 2019).

The Project site is within the City-Centered Corridor, as defined in the Marin Countywide Plan (CWP). The CWP designates the land use within the Project site as PR-Planned Residential, which has an allowable density of one unit per 1-10 acres. The PR designation is a Rural/Residential land use category established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development. The Project site is not within a Ridge and Upland Greenbelt Area, as designated in the CWP. Portions of the Project site are within CWP-defined Stream Conservation Areas, within which development is restricted.

The zoning for the Project site is RMP 0.5 (Residential, Multiple Planned District - 1 unit per 2 acres). The RMP zoning district is intended for a full range of residential development types within the unincorporated urban areas of the County, including single-family, two-family dwellings, multi-family residential development, and limited commercial uses in suburban settings, along with similar and related compatible uses, where site or neighborhood characteristics require particular attention to design detail provided through a discretionary planning process, such as a Master Plan, Design Review, etc.

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2 Percent slope is calculated as rise/run x 100. With this nomenclature, a flat surface is 0 percent and a 1:1 slope (1 foot rise per 1 foot horizontal run) is 100 percent. The average slope of the Project site, 36.75 percent, corresponds to about 21 degrees tangential to the horizontal.
Figure 1
Project Location
Figure 2
Project Site – Topographic Map
Figure 3
Aerial Photo of Project Site
Existing Driveway and Residence

Existing Outbuilding and Garage

Project Site Looking North toward Top of Hill

SOURCE: Sicular Environmental Consulting

Figure 4
Photos of Project Site
Figure 5
Parcel Map
The Project site is also subject to the Tamalpais Area Community Plan (Tam Plan), a community plan adopted by Marin County Board of Supervisors in 1992 that governs development within the plan area. The Tamalpais Planning Area totals an estimated 2,345 acres and is bounded on the south and west by the undeveloped ridges of the Golden Gate National Recreation Area, on the north by the City of Mill Valley, and on the east by Richardson Bay, specifically, the Bothin Marsh. The Tam Plan contains goals, policies, and special development standards specific to the plan area. These standards are also contained in Marin County Code §22.30.060. The Tam Plan restricts the allowable size of residential development on hillside lots, such as the Project Site, based on the area of the property. Restrictions include total floor area and the floor area ratio (Table 1).

**LAND DIVISION**

The Project site currently consists of one legal lot of record. Approval of the Project would divide the existing lot into three lots, ranging in size from just under one acre to just over five acres, as shown in Table 1.

**Table 1: Proposed Lots**

<table>
<thead>
<tr>
<th>Proposed Lot Number</th>
<th>Proposed Lot Area (acres)</th>
<th>Proposed Building Envelope Area (square feet)</th>
<th>Estimated maximum allowable building floor area (square feet)</th>
<th>Maximum Floor Area Ratio Per Tam Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.22</td>
<td>20,228</td>
<td>7,000</td>
<td>0.08</td>
</tr>
<tr>
<td>2</td>
<td>0.89</td>
<td>10,397</td>
<td>4,250</td>
<td>0.12</td>
</tr>
<tr>
<td>3</td>
<td>5.18</td>
<td>33,826</td>
<td>7,000</td>
<td>0.08</td>
</tr>
</tbody>
</table>

The proposed Tentative Parcel Map, which shows the proposed land division, is shown in Figure 6, Proposed Land Division. The existing house is within proposed lot 1; the existing garage is within proposed lot 2; and the existing outbuilding is within proposed lot 3. For the purpose of this Initial Study, it is assumed that, if the Project is approved, the existing residence would remain in newly created lot 1, and that new residences would be built on newly-created lots 2 and 3.

**FUTURE DEVELOPMENT OF THE NEWLY-CREATED LOTS**

The proposed Land Division Map (Figure 6) shows the “building envelopes” within which residences could be built. The sizes of the building envelopes are shown in Table 1. If the Project is approved, no construction could occur outside of these building envelopes without a new application and approval to alter the Tentative Parcel Map. Therefore, this Initial Study assumes that future residential development following Project approval, if such approval is forthcoming, would be within the mapped building envelopes.

Within the RMP zoning district, development of one single family dwelling and one accessory dwelling unit (ADU) on each lot would be principally permitted. Pursuant to Marin County Code §22.42.020, the development of a new single-family residence in the RMP zoning district requires Design Review. The RMP zoning establishes
height limits of 30 feet above surrounding grade for the primary dwelling and 15 feet for an ADU. A future Design Review process would review the proposed building size, setbacks, floor area ratio (FAR),¹ building height, and other specifications for future development. The Applicant’s plans estimate that maximum building size for each lot would be 7,000 square feet (Zeigler Civil Engineering, 2018a), but this figure is a preliminary estimate.

Access

The Project includes improvement of the existing access for the Project site. The existing residence is accessed via a paved, gated driveway from Panoramic Highway. The Project would modify the intersection of the driveway and Panoramic Highway to improve visibility for drivers exiting the property, and to provide more space for turning movements for large vehicles (Ziegler Civil Engineering, 2018a, TJKM, 2018). This would include increasing the width of shoulders on Panoramic Highway on either side of the driveway to provide adequate “taper” for vehicles entering and exiting the driveway. A stop sign would be placed at the exit. Because Panoramic Highway is County-maintained, an encroachment permit would be required for all improvements within the right-of-way.

A new branch of the existing driveway would be developed to provide vehicle access to lots 2 and 3. The new driveway segment would end in a “hammerhead” to allow fire trucks and other large vehicles to turn around (Figure 6).

Utilities

Marin Municipal Water District provides potable water to the existing residence, and would provide water to the newly created lots. The Project site and surrounding parcels are not currently served by a municipal sewer system. The existing residence has an on-site sewage disposal (i.e., septic) system, that would be retained. The Project includes development of new on-site sewage disposal systems for lots 2 and 3 (Questa Engineering, 2018). The location of the proposed leach fields is shown in Figure 6. Electrical service to the Project site is and would continue to be provided by Pacific Gas and Electric Company (PG&E). The Project includes extension of water and electrical lines to each parcel.

Stormwater Controls

Because the Project would exceed 5,000 square feet of impervious surface and is part of a larger plan of development, it would be considered a “Regulated Project” per the Bay Area Stormwater Management Agencies Association (BASMAA) manual (BASMAA, 2014). Regulated projects are required to meet a higher standard of stormwater control. The Project includes a proposed stormwater management system that is intended to comply with the requirements for a Regulated Project (Ziegler Civil Engineering, 2018b, 2018c). The proposed stormwater management system includes a series of drains, bioswales, conveyance channels, and cisterns to control an anticipated increase in stormwater runoff from the increase in impervious areas, including paved and built areas. The proposed system is designed

¹ FAR is the ratio of floor area of a structure to the area of the lot on which it is situated.
to result in no increase in peak runoff associated with the predicted 100-year storm event.

**Grading**

The Project proposes new grading, including grading of the entrance to the Project site, new driveway segment, stormwater management system elements, extension of underground utilities, and on-site sewage disposal systems. The Grading Plan estimates earthwork to be a total of 1,709 cubic yards of cut and 1,565 cubic yards of fill (Ziegler Civil Engineering, 2018a). The difference (about 140 cubic yards) would be stockpiled on-site or hauled off-site and disposed. The Grading Plan does not include grading of building pads or other grading that may be required for development of proposed lots 2 and 3.

**Grading of the Fire Road**

The Fire Road provides access to the lower part of the Project site via a gated entrance from Panoramic Highway. In 2014, the Applicant improved a section of the Fire Road near the gate, in order to improve access for vegetation management and firefighting crews. The Applicant discussed the planned work with the Marin County Fire Department, but the Fire Department was not involved in the execution of the work (neither does the Fire Department have permitting authority for this work).

The work involved the replacement of an existing culvert located under the Fire Road intended to drain the area upslope and placement of fill to raise and broaden the roadway. Based on a comparison of topographic surveys performed in 2009 before the work was undertaken, and 2014 after the work was completed, earthwork involved about 1,200 cubic yards of fill, as shown in Figure 7, Fire Road Grading. Following imposition of a Notice of Violation from the Marin County Department of Public Works (DPW) for undertaking the work without a grading permit, erosion control features, including straw mulch and netting, were installed by the property owner (Figure 8, Photos of Fire Road Grading). Since then, the Applicant has maintained the road for vegetation management and firefighting access, should the Fire Department wish to use it during an emergency.

CEQA analysis typically uses current conditions – that is, the existing physical environment as it existed at the time that the environmental analysis is initiated – as the baseline against which to measure a project’s impacts. Changes that occurred before environmental review commenced, even if they were not permitted, are generally not considered a part of the baseline. For this Initial Study, however, the County has chosen to consider the impacts of the Fire Road grading. In each topical section, the analysis first considers the Project’s impacts without Fire Road grading, then considers whether impacts of the Fire Road grading would change the significance conclusions. The consideration of Fire Road grading includes both impacts during construction, and ongoing impacts.
Figure 7
Fire Road Grading
Figure 8
Photos of Fire Road Grading

SOURCE: Daniel Weissman/Sicular Environmental Consulting
Protection for Sensitive Resources

The Project site drains to ephemeral streams that are tributary to Redwood Creek. In its lower reaches, Redwood Creek supports coho salmon, an endangered species, and steelhead trout, a threatened species. The ephemeral streams on the Project site themselves contain sensitive aquatic habitat and are bordered with riparian vegetation (LSA Associates, 2015, 2017, and 2018). The Project includes several features intended to protect these sensitive resources, including establishment of setbacks from streambanks and edge of riparian vegetation; protection of most of the native trees growing on the Project site; and the aforementioned proposed stormwater management system. The Applicant has also conducted geotechnical studies to address landsliding and other site conditions that could affect the ability to develop the proposed new lots (Herzog Consulting Geotechnical Engineers, 2013, 2018).

With regard to tree removal, the Applicant’s Arborist Report (Urban Forestry Associates, 2018) indicates that the Project would result in the removal of 3 non-native trees, none of which qualifies as “protected” per Marin County Code §22.27 - Native Tree Protection and Preservation.

REQUIRED APPROVALS

Approvals required for the Project and the agency responsible for each approval include the following:

- Approval of Land Division and Tentative Map (Marin County Zoning Administrator);
- Grading Permit (Marin County DPWt); Septic Permits (Marin County Environmental Health Services [EHS] Division);
- Tree Removal Permit (Marin County Community Development Agency);
- Encroachment permit for driveway improvements within the Panoramic Highway right-of-way (Marin County DPW).
- Vegetation Management Plan for each parcel to comply with Fire Protection Standard 220 (Marin County Fire Department)

In addition, if the Project is approved, site development could only occur following approval of a Design Review, and issuance of building permits.

REFERENCES


III. CIRCULATION AND REVIEW

This Initial Study/Mitigated Negative Declaration is being circulated for a 30-day review and comment period pursuant to the State CEQA Guidelines Section 15073. It is being circulated to all agencies that have jurisdiction over the subject property or the natural resources affected by the Project and to consultants, community groups, and interested parties to attest to the completeness and adequacy of the information contained in the Initial Study as it relates to the concerns which are germane to the agency's or organization's jurisdictional authority or to the interested parties' issues.

Marin County Agencies:

- Marin County Department of Public Works (DPW)
- Marin County Community Development Agency, Environmental Health Services (EHS) Division
- Marin County Fire Department
Trustee and Responsible Agencies:

- National Marine Fisheries Services
- US Fish and Wildlife Service
- US Army Corp of Engineers
- California Department of Fish and Wildlife
- California Regional Water Quality Control Board

IV. EVALUATION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Pursuant to Section 15063 of the State CEQA Guidelines, and the County EIR Guidelines, Marin County will prepare an Initial Study for all projects not categorically exempt from the requirements of CEQA. The Initial Study evaluation is a preliminary analysis of a project which provides the County with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration. The points enumerated below describe the primary procedural steps undertaken by the County in completing an Initial Study checklist evaluation and, in particular, the manner in which significant environmental effects of the project are made and recorded.

A. The determination of significant environmental effect is to be based on substantial evidence contained in the administrative record. As a procedural device for reducing the size of the Initial Study document, relevant information sources cited and discussed in topical sections of the checklist evaluation are incorporated by reference into the checklist (e.g. general plans, zoning ordinances). Other sources used or individuals contacted are also cited in the discussion of topical issues where appropriate. Documents incorporated by reference are listed at the end of the Initial Study.

B. In general, a Negative Declaration shall be prepared for a project subject to CEQA when either the Initial Study demonstrates that there is no substantial evidence that the project may have one or more significant effects on the environment. A Negative Declaration shall also be prepared if the Initial Study identifies potentially significant effects, but revisions to the project made by or agreed to by the applicant prior to release of the Negative Declaration for public review would avoid or reduce such effects to a level of less than significance, and there is no substantial evidence before the Lead County Department that the project as revised will have a significant effect on the environment. A signature block is provided in Section VII of this Initial Study to verify that the project sponsor has agreed to incorporate mitigation measures into the project in conformance with this requirement.

C. All answers to the topical questions must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Significant unavoidable cumulative impacts shall be identified in Section 21 of the Initial Study checklist (Mandatory Findings of Significance).

D. A brief explanation shall be given for all answers except "Not Applicable" answers that are adequately supported by the information sources the District cites in the parenthesis following each question. A "Not Applicable" answer is
adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "Not Applicable" answer shall be discussed where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

E. "Less Than Significant Impact" is appropriate if an effect is found to be less than significant based on the project as proposed and without the incorporation of mitigation measures recommended in the Initial Study.

F. "Potentially Significant Unless Mitigated" applies where the incorporation of recommended mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead County Department must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section IV, "Earlier Analyses", may be cross-referenced).

G. "Significant Impact" is appropriate if an effect is significant or potentially significant, or if the Lead County Department lacks information to make a finding that the effect is less than significant. If there are one or more effects which have been determined to be significant and unavoidable, an EIR shall be required for the project.

H. The answers in this checklist have also considered the current State California Environmental Quality Act Guidelines and Appendix G contained in those Guidelines.
Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "potentially significant impact" as indicated by the checklist on the following pages.

| ☐ Aesthetics                  | ☐ Agriculture and Forestry Resources |
| ☑ Air Quality                | ☑ Biological Resources               |
| ☐ Cultural Resources         | ☐ Energy                                |
| ☐ Geology and Soils          | ☐ Greenhouse Gas Emissions             |
| ☐ Hazards and Hazardous Materials | ☐ Hydrology and Water Quality       |
| ☐ Land Use and Planning      | ☐ Mineral Resources                    |
| ☑ Noise                      | ☐ Population and Housing              |
| ☐ Public Services            | ☐ Recreation                            |
| ☐ Transportation            | ☐ Tribal Cultural Resources           |
| ☐ Utilities and Service Systems | ☐ Wildfire                              |
| ☐ Mandatory Findings of Significance |                                      |
Environmental Impact Checklist

1. Aesthetics

<table>
<thead>
<tr>
<th>Except as provided in Public Resources Code Section 21099, would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) Have a substantial adverse effect on a scenic vista?

c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Scenic vistas are singular vantage points that offer unobstructed views of valued viewsheds, including areas designated as official scenic vistas along major highways or designated visual resources. The Marin Countywide Plan (CWP) primarily provides for the protection of scenic resources through the use of the Ridge and Upland Greenbelt
(RUG) designation. The Tamalpais Community Plan (Tam Plan) also identifies undeveloped ridges and upland greenbelts as important scenic resources. The CWP both maps designated RUG areas and includes policies that restrict development near or on these ridgelines, requiring development to be located in the least visually prominent areas possible. Figure 1-1 shows designated RUG areas in proximity to the Project site. While there is designated RUG adjacent to the Project site to the south, the Project site itself is not designated as RUG. The Project site is located along a ridgeline; however, it is not protected by policies contained in the CWP. As discussed below, the Project would not block public views of RUG areas or other scenic vistas. Therefore, the Project would not adversely affect scenic vistas that include any designated RUG areas.

Public views of the Project site are limited by topography and vegetation. Portions of the Project site, including small portions of the proposed development envelopes for proposed lots 2 and 3, are visible from two nearby publicly accessible vantage points: the Dipsea Trail, near its intersection with Panoramic Highway, as well as points along this section of Panoramic Highway (Figure 1-2); and near the end of Ridge Avenue (Figure 1-3). There are much more distant views of the Project site from hiking trails and access roads within Tamalpais State Park; however, the Project site is minimally visible from these locations, and the Project would not substantially affect public views or scenic vistas from within Tamalpais State Park. The Project site is not visible, or only fleetingly visible, from other publicly accessible vantage points, including along Muir Woods Road and Highway 1 (Shoreline Highway). Several nearby houses and yards look over the Project site. Impacts on private views, however, are generally not considered significant impacts.

The Project site is already developed with a single-family residence and two outbuildings, driveways, and landscaping. The building envelopes for proposed lots 2 and 3, within which future development would occur, are within this developed area of the Project site. The scenic qualities of the Project site are similar to the surrounding neighborhood, and are characterized by low-density residential development and associated landscaping within a hilly, wooded setting. The scenic quality of the Project site would be affected, temporarily, by short-term construction impacts. These would include vegetation removal (including 3 trees), grading, and the presence of construction equipment. These impacts would be of short duration and public views of the construction area would be partially or wholly obscured by vegetation and topography. Construction impacts therefore would not substantially affect the scenic quality of the Project site or public views of it.

New residences developed on proposed lots 2 and 3 would be minimally visible from Ridge Avenue and also from the Dipsea Trail and nearby portions of Panoramic Highway. As noted in the Project Description, the overall size of the residences would be limited by the Tam Plan. Future development is estimated to be a maximum of 7,000 square feet for lots 1 and 3 and 4,250 on lot 2. Visual impacts of the Project would be reduced through compliance with Marin County Code §22.26.040, the Single-Family Residential Design Guidelines, and the mandatory findings for design review approval. The appearance and scale of new residences would be consistent with existing residences in the neighborhood, and would not substantially alter the scenic quality of
Figure 1-1: Ridge and Upland Greenbelt Areas

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.
Figure 1-2
View of the Project Site from The Dipsea Trail, near Panoramic Highway, Looking Northwest
Figure 1-3
View of the Project Site from Ridge Avenue, Looking North
the Project site or public views of it. Like the current residence, the new residences would be minimally visible from publicly accessible vantage points, and would be in keeping with existing development patterns in the surrounding neighborhood. Therefore, new residences would not have a significant impact on scenic quality or public views of the Project site.

Private views from several neighboring houses and yards may be affected by the Project, including altered views of the Project site itself, and potentially, partial obstruction of long-range views. While this may adversely affect the existing views for occupants of several nearby residences, the County does not consider limited impacts on private views to be a significant impact.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

Scenic resources can be defined as those landscape patterns and features that are visually or aesthetically pleasing. These include, but are not limited to trees, rock outcroppings, and historic buildings. Scenic areas, open spaces, rural landscapes, and vistas also contribute to a net visual benefit on individuals and the community.

The California Department of Transportation (Caltrans) manages the California Scenic Highway Program to protect State highways located in areas of outstanding natural beauty. The State legislature created the California’s Scenic Highway Program in 1963 to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. While many roadways in Marin County offer views of some of the County’s most scenic resources, there are currently no designated State Scenic Highways or National Scenic Byways within Marin County. However, the entire stretch of State Route 1 running through the county is eligible to be a State Scenic Highway (Caltrans, 2019). The Project site is located off Panoramic Highway, which is not within the California Scenic Highway Program and is over a mile from State Route 1. The Project site is not visible from State Route 1, because topography, dense vegetation, buildings, and fences obstruct the view from nearby sections of the Highway. Therefore, the Project would not have a significant impact on scenic resources within a State scenic highway, or a highway that is a candidate for this designation.

As discussed under topics a) and c), above, the development of two additional residences and associated accessory dwelling units in a residential neighborhood would not have a substantial adverse effect on scenic resources. No rock outcroppings would be affected by implementation of the proposed Project, as none are present within the proposed development area. No historic buildings are present within the Project area, and so none would be affected by the Project. Therefore, the proposed Project would not result in impacts to scenic sources.
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

New sources of light and glare can occur from lighting associated with buildings and from exterior light sources such as street lighting, building illumination, security lighting, and landscape lighting. Glare is the effect usually created by the reflection of sunlight or artificial light from highly polished surfaces, such as window or automobile glass during the daytime. During nighttime, glare is usually the result of the viewer being within the line-of-sight of a bright source of light, such as from a building or vehicle headlamps, which contrast with surrounding low-ambient light conditions. Light pollution is an unwanted consequence of outdoor lighting and includes such effects as sky glow, glare, and light trespass. Light trespass is light cast where it is not wanted or needed, such as light from a streetlight or a floodlight that illuminates a neighbor’s bedroom at night making it difficult to sleep.

The new residences that would be developed under the Project can be expected to add new sources of nighttime lighting as well as daytime glare from reflective building surfaces. These new sources of lighting and glare may be visible to neighbors; however, the visibility would be reduced by the topography of the site and by vegetation. Exterior lighting would be reviewed through the Design Review process and new development under the Project would be subject to all applicable standards and regulations, such as requiring downcast lighting and low wattage exterior lights. Overall, additional lighting and glare would be similar to that associated with the existing residence and adjacent residences in the neighborhood and would not cause a substantial increase in light and glare compared to existing conditions. Therefore, the Project would result in a less than significant impact with respect to light and glare.

2014 Grading of the Fire Road

The 2014 unpermitted grading of the Fire Road likely resulted in short-term changes to the visual environment in the form of grading and earth disturbance associated with the approximately 900 cubic yards of fill material that was imported to the site, and grading over an approximately ½ acre area. Additional visual changes included construction staging equipment over the duration of the improvements. After conclusion of the grading activities, the area revegetated quickly. No tree removal occurred as part of the grading. Potential impacts to visual resources were limited to minimal short-term changes in the appearance of the ground. The grading of the Fire Road therefore would not have had a substantial impact on visual quality, scenic views, or public views of the Project site, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact.

References

California Department of Transportation (Caltrans), 2019. California Scenic Highway Mapping System.
http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.
# 2. Agriculture and Forestry Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
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<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) provides a classification system based on technical soil ratings and
current land use. The FMMP is an informational service only and does not have regulatory authority over local land-use decisions. The minimum land use mapping unit is ten acres unless specified; the map incorporates smaller units of land into the surrounding map classifications. Pursuant to the State CEQA Guidelines, Appendix G, the term “Farmland” refers to FMMP map categories Prime Farmland, Unique Farmland, and Farmland of Statewide Importance collectively referred to as “Farmland.” These map categories are as follows:

**Prime Farmland.** Land which has the best combination of physical and chemical characteristics to produce crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods.

**Unique Farmland.** Land of lesser quality soils used to produce specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. It is usually irrigated but may also include non-irrigated orchards or vineyards as found in some climatic zones in California. Examples of crops include oranges, olives, avocados, rice, grapes, and cut flowers.

**Farmland of Statewide Importance.** Land that is like Prime Farmland but with minor shortcomings, such as greater slopes or less ability to hold and store moisture.

The Project area is not identified as farmland on the Farmland Mapping and Monitoring Program maps and does not contain agricultural or forestry use (California Department of Conservation, 2016). The Project area would continue to be used for residential land uses, in the same capacity as existing use. As a result, the Project would not result in impacts to Farmland.

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The Project site is not in an agricultural area and is not zoned for agriculture. None of the parcels that would be developed under the Project are under Williamson Act contracts, and the Project site is not mapped as Prime Farmlands Soil or Farmland Soil of State Importance by the California Department of Conservation (Marin County, 2019; California Department of Conservation, 2016). Therefore, the Project would not adversely affect agricultural resources, operations, or contracts, and there would be no impact of this kind.

c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined**
by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? 

In accordance with the definition provided in California Public Resources Code §12220(g), “forest land” is land that can support, under natural conditions, 10 percent native tree cover of any species, including hardwoods, and that allows for the preservation or management of forest-related resources, such as timber, aesthetic value, fish and wildlife, biodiversity, water quality, recreational facilities, and other public benefits. "Timberland" means land, other than land owned by the federal government and land designated as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. As described above, the zoning for the Project site is RMP-0.5 (Residential, Multiple Planned District). This zoning district recognizes lands that are intended to support residential development. The future development of new residences on the Project site would not conflict with this zoning. Therefore, the proposed Project would not impact forestland, timberland, or timberland zoned Timberland Production.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

The Project site is zoned for residential development and existing and future development of the Project would be consistent with that purpose. The Project area is not used for any timber-related activities. Therefore, the implementation of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The Project site is currently zoned for residential development, and implementation of the Project would support continued use of the site for that use. The Project area is not used for any Farmland, agricultural, or forestry activities. Therefore, the implementation of the Project would not involve any changes in the existing environment which could result in the conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use.

2014 Grading of the Fire Road

As there is no agricultural or forest land on the Project site, the 2014 unpermitted grading of the Fire Road did not impact these resources. Consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would have no impact on agriculture and forestry resources.
References


3. Air Quality

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☒</td>
<td>☒</td>
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</tr>
<tr>
<td>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.</td>
<td>☒</td>
<td>☒</td>
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<td>☒</td>
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<tr>
<td>c) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☒</td>
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<tr>
<td>d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</td>
<td>☒</td>
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</table>

a) Conflict with or obstruct implementation of the applicable air quality plan?

The Project site is within the San Francisco Bay Area (Bay Area) Air Basin. Air quality in the Bay Area Air Basin is governed by the Bay Area Air Quality Air Management District (BAAQMD). The BAAQMD has developed air quality plans to attain and maintain air quality standards within designated timeframes. The BAAQMD plans estimate future emissions in the Bay Area Air Basin and contain strategies necessary for emissions reductions through regulatory controls. Emissions projections are based on population, vehicle, and land use trends typically developed by the BAAQMD, Metropolitan Transportation Commission (MTC), and the Association of Bay Area Governments (ABAG).

In April of 2017, the BAAQMD adopted the Final 2017 Clean Air Plan/Regional Climate Protection Strategy (CAP/RCPS; BAAQMD, 2017a). The 2017 CAP/RCPS provides a roadmap for BAAQMD’s efforts over the next few years to reduce air pollution and protect public health and the global climate. The CAP/RCPS includes the Bay Area’s first-ever comprehensive Regional Climate Protection Strategy, which identifies potential rules, control measures, and strategies that the BAAQMD can pursue to reduce greenhouse gas (GHG) emissions in the Bay Area. Measures included in the 2017 CAP/RCPS that address the transportation sector are in direct support of Plan Bay Area,
which was prepared by ABAG and MTC and includes the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

Any project that would not support the 2017 CAP/RCPS goals would be considered inconsistent with the 2017 CAP/RCPS. The recommended measure for determining project support of these goals is consistency with BAAQMD CEQA thresholds of significance (BAAQMD, 2017b). As presented in the subsequent impact discussions, the Project would not exceed the BAAQMD significance thresholds; therefore, the Project would not conflict with the primary goals of the 2017 CAP/RCPS, and would not obstruct its implementation. The impact would therefore be less than significant.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Criteria air pollutants include carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), particulate matter equal to or less than 10 micrometers (coarse particulates or PM₁₀), and particulate matter equal to or less than 2.5 micrometers (fine particulates or PM₂.₅). Reactive organic compounds (ROG) and nitrogen oxides (NOₓ) are precursors to the formation of ozone. The Bay Area Air Basin is currently designated nonattainment for State and National (1-hour and 8-hour) ozone standards, for the State annual and 24-hour PM₁₀ standards, and for State annual and national 24-hour PM₂.₅ standards (BAAQMD, 2017a). The Bay Area Air Basin is designated attainment or unclassifiable with respect to the other ambient air quality standards.

Intermittent (short-term construction emissions that occur from activities such as site-grading, paving, and building construction) and long-term air quality impacts related to the operation (that is, residential use following construction) of the Project were evaluated for this impact analysis. The California Air Resources Board (CARB) Emissions Estimator Model (CalEEMod), Version 2016.3.2 (CARB, 2016) was used to estimate construction-related emissions and operational pollutant emissions.

BAAQMD’s CEQA Air Quality Guidelines recommend the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable thresholds of significance. The BAAQMD measures are also required by Marin County Code §22.20.040 (B). The emissions modeling therefore assumes that Project construction would employ the Basic Construction Mitigation Measures. These measures include the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, and graded areas, and unpaved access roads) shall be watered two times a day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to a maximum of 15 miles per hour.

5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California of Regulations). Clear signage shall be provided for construction workers at all access points.

6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Table 3-1 provides the estimated short-term emissions that would be associated with Project construction, assuming that single family residences and accessory dwelling units (ADUs) would be constructed on proposed lots 2 and 3 simultaneously over the course of one year.

Table 3-1: Estimated Daily Construction Emissions

<table>
<thead>
<tr>
<th>Condition</th>
<th>ROG</th>
<th>NOx</th>
<th>PM(_{10})</th>
<th>PM(_{2.5})</th>
<th>CO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tons per year</td>
<td>0.31</td>
<td>1.79</td>
<td>0.10</td>
<td>0.09</td>
<td>1.55</td>
</tr>
<tr>
<td>Pounds per day (avg(^1))</td>
<td>1.7</td>
<td>9.8</td>
<td>0.5</td>
<td>0.5</td>
<td>8.5</td>
</tr>
<tr>
<td>Significance Threshold (pounds per day)</td>
<td>54</td>
<td>54</td>
<td>82</td>
<td>54</td>
<td>n.a.</td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

Note: 1. Annual emissions averaged over 365 days.
2. PM\(_{10}\) and PM\(_{2.5}\) are exhaust emission only, per BAAQMD guidance.
Source: CARB, 2016.

Operational Emissions

CalEEMod was also used to estimate emissions that would be associated with motor vehicle use, space and water heating, and landscape maintenance expected to occur after the Project construction is complete and operational – that is, after residences are constructed on proposed lots 2 and 3. The proposed Project land use types and size and other Project-specific information were input to the model, based on Table 1 in the Project Description. The modeling assumed that one single family residence and one ADU would be constructed on each of the two lots, and that building square footage would equal that shown in Table 1. CalEEMod provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater treatment (in this case, for on-site septic systems), and solid waste landfilling and transport. Per BAAQMD regulations, fireplaces,
if proposed for installation in the proposed homes, must use natural gas, not wood, as fuel.  

Estimated annual and daily operational emissions that would be associated with the Project are presented in Tables 3-2 and 3-3 and are compared to BAAQMD’s thresholds of significance. As indicated, the estimated Project operational emissions would be below the BAAQMD’s significance thresholds and would therefore be less than significant.

Table 3-2: Estimated Annual Project Operational Emissions (Tons/Year)

<table>
<thead>
<tr>
<th>Condition</th>
<th>ROG</th>
<th>NOx</th>
<th>PM10</th>
<th>PM2.5</th>
<th>CO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>0.053</td>
<td>0.001</td>
<td>&lt;0.000</td>
<td>&lt;0.000</td>
<td>0.030</td>
</tr>
<tr>
<td>Energy</td>
<td>0.001</td>
<td>0.006</td>
<td>0.001</td>
<td>0.001</td>
<td>0.003</td>
</tr>
<tr>
<td>Mobile</td>
<td>0.012</td>
<td>0.045</td>
<td>0.050</td>
<td>0.014</td>
<td>0.152</td>
</tr>
<tr>
<td>Total Proposed Project</td>
<td>0.065</td>
<td>0.052</td>
<td>0.051</td>
<td>0.015</td>
<td>0.185</td>
</tr>
</tbody>
</table>

Significance Threshold: 10 10 15 10 ---
Significant? No No No No No

Source: CARB CalEEMod Version 2016.3.2.

Table 3-3: Estimated Daily Project Operational Emissions (Pounds/Day)

<table>
<thead>
<tr>
<th>Condition</th>
<th>ROG</th>
<th>NOx</th>
<th>PM10</th>
<th>PM2.5</th>
<th>CO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>0.29</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>0.16</td>
</tr>
<tr>
<td>Energy</td>
<td>&lt;0.01</td>
<td>0.03</td>
<td>&lt;0.01</td>
<td>&lt;0.01</td>
<td>0.01</td>
</tr>
<tr>
<td>Mobile</td>
<td>0.06</td>
<td>0.24</td>
<td>0.28</td>
<td>0.08</td>
<td>0.83</td>
</tr>
<tr>
<td>Total Proposed Project</td>
<td>0.36</td>
<td>0.28</td>
<td>0.28</td>
<td>0.08</td>
<td>1.01</td>
</tr>
</tbody>
</table>

Significance Threshold: 54 54 82 54 ---
Significant? No No No No No

Source: CARB CalEEMod Version 2016.3.2.

c) Expose sensitive receptors to substantial pollutant concentrations?

The BAAQMD has established thresholds of significance for exposure to toxic air contaminants (TACs) based on the projected increase in human health risk. Projects that would result in increased cancer risk of greater than 10 in a million or increased non-cancer risk greater than a Hazard Index of 1.0 are considered to have a significant impact. In addition, an increase in annual average ambient PM2.5 concentrations in excess of 0.3 micrograms per cubic meter would be considered a significant impact. The BAAQMD recommends that lead agencies assess the incremental toxic air contaminant (TAC) exposure risk to all sensitive receptors within a 1,000-foot radius of a project’s

---

4 BAAQMD Regulation 6, Rule 3, prohibits installation of wood-burning devices in new construction after November 1, 2016.
fence line. (BAAQMD, 2017b). Sensitive receptors include residences, hospitals, schools, day care facilities, and nursing homes.

Project operation (that is, residential uses of new residences constructed on proposed lots 2 and 3) would not result in substantial new TAC emissions. However, Project construction activities would result in emission of diesel particulate matter (DPM) from use of diesel-powered trucks and equipment. DPM is considered to be a TAC, with both carcinogenic and non-carcinogenic health effects.

The closest sensitive receptors to the Project site are neighboring residences on Panoramic Highway. The closest residence to proposed lots 2 and 3, where construction activities would take place, is about 50 feet from the boundary of the building envelope. Several additional residences along Panoramic Highway and Brighton Boulevard are within 200 feet, including the existing residence within the Project site. The closest school to the Project site is the Old Mill Elementary School, about \( \frac{3}{4} \) of a mile to the northwest. A daycare center, Mishka Daycare, is located about \( \frac{1}{2} \) mile to the east, on Park Way. There are no retirement homes in the vicinity of the Project site.

The dose to which receptors are exposed is the primary factor affecting health risk from exposure to TACs. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. According to the California Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period when assessing TACs (such as DPM) that have only cancer or chronic non-cancer health effects. However, such health risk assessments should be limited to the duration of the emission-producing activities associated with the project (OEHHA, 2015).

Project construction is expected to occur for an approximately 1-year period, though the majority of DPM emissions would occur during site preparation and grading, which would likely last several weeks. Several nearby residences would be within 1,000 feet of DPM emission sources for up to a year. Emissions modeling results indicate that DPM emissions (Exhaust PM\(_{2.5}\)) would average 0.53 pounds per day of construction (0.096 tons per year), and total PM\(_{2.5}\) emissions would also average 0.53 pounds per day. The Basic Construction Mitigation Measures numbers 5 and 6, listed above, would result in reduction of DPM emissions and PM\(_{2.5}\). Given the small amount of DPM emissions and the short exposure time, the Project would not be expected to substantially increase cancer or non-cancer health risks for nearby sensitive receptors. However, certain individuals, such as pregnant women and their fetuses, infants, and children, are more sensitive to toxic air contaminants than the population at large (OEHHA, 2015). Even short-term exposure to TACs could result in an increased risk of adverse health effects. To address this potential impact, Mitigation Measure AQ-1 is specified below. Mitigation Measure AQ-1 requires use of Tier 4 diesel engines for off-road equipment. This would reduce exhaust PM\(_{2.5}\) emissions by approximately 96 percent below unmitigated emissions, as shown in Table 3-4. With implementation of Mitigation Measure AQ-1, exposure of nearby residents to TACs from construction equipment would be greatly reduced, and the resulting impact would be less than significant.
Table 3-4: Unmitigated and Mitigated DPM emissions

<table>
<thead>
<tr>
<th></th>
<th>Unmitigated</th>
<th>Mitigated</th>
<th>Percent Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhaust PM$_{2.5}$ emissions (\text{lbs/day})</td>
<td>0.51</td>
<td>0.02</td>
<td>96%</td>
</tr>
</tbody>
</table>

Source: CARB CalEEMod Version 2016.3.2.

Mitigation Measure AQ-1: Diesel Exhaust Emissions Reduction. During Project construction, all off-road diesel-powered equipment with engines greater than 25 horsepower shall meet Tier 4 emissions standards.

Monitoring Measure AQ-1: The Marin County Community Development Agency and Department of Public Works shall verify that the provisions of the measure have been implemented.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

According to BAAQMD’s CEQA Air Quality Guidelines, (BAAQMD, 2017c) odor impacts could result from siting a new odor source near existing sensitive receptors or siting a new sensitive receptor near an existing odor source.

Though offensive odors rarely cause any physical harm, they still remain unpleasant and can lead to public distress and citizen complaints. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

The BAAQMD’s significance criteria for odors are subjective and are based on the number of odor complaints generated by a project. Generally, the BAAQMD considers any project with the potential to frequently expose members of the public to objectionable odors to cause a significant impact. With respect to the proposed Project, diesel-fueled construction equipment exhaust would generate some odors. However, these emissions typically dissipate quickly and would be unlikely to affect a substantial number of people, or to persist for a substantial length of time. Therefore, odor impacts associated with the Project on existing sensitive receptors would be less than significant.

Odor impacts could also result from siting a new sensitive receptor near an existing odor source. Examples of land uses that have the potential to generate considerable odors include, but are not limited to wastewater treatment plants; landfills; refineries; and chemical plants. In the BAAQMD CEQA Air Quality Guidelines, odor screening distances are recommended by BAAQMD for a variety of land uses (BAAQMD, 2017c). Projects that would site a new receptor farther than the applicable screening distance from an existing odor source would not likely result in a significant odor impact. The odor screening distances are not used as absolute screening criteria, rather as information to consider along with the odor parameters and complaint history. The odor screening distances for a sewage treatment plant, refinery, and chemical plant are two miles (BAAQMD, 2017c). The Project is not within the odor screening distances for a sewage
treatment plant, refinery, or other odor producing sources. Therefore, odor impacts associated with the location of the Project would be less than significant.

2014 Grading of the Fire Road

Air quality impacts of the 2014 grading of the Fire Road would have included short-term emissions of criteria air pollutants and TACs from use of diesel-powered earth moving equipment, including off-road equipment and haul trucks. As noted in the Project Description, grading of the Fire Road involved an estimated 42 yards of cut and 882 yards of fill. The CalEEMod emissions model was used to estimate air emissions associated with the grading work. The model inputs included an assumption that 900 cubic yards of fill was imported to the site, none was exported, and grading took place over ½ acre. The model used emissions factors for 2014. The results of the modeling are shown in Table 3-5. As shown, emissions are estimated to have been well below significance thresholds. Furthermore, the short duration of the work, and the low amount of TACs emitted, together would limit exposure of nearby sensitive receptors. This would also have been less than significant. There is no record of odor complaints, so the work appears not to have caused offensive odors. In short, the Fire Road grading appears to have had less than significant air quality impacts, and consideration of the Fire Road grading does not change any of the conclusions about Project air quality impacts.

Table 3-5: Fire Road Grading

<table>
<thead>
<tr>
<th>Condition</th>
<th>ROG (tons/year)</th>
<th>NOx (tons/year)</th>
<th>PM10 (tons/year)</th>
<th>PM2.5 (tons/year)</th>
<th>CO (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil Import (Offsite) - Tons per Year</td>
<td>0.002</td>
<td>0.028</td>
<td>0.0004</td>
<td>0.0004</td>
<td>0.018</td>
</tr>
<tr>
<td>Grading - Onsite - Tons per Year</td>
<td>0.033</td>
<td>0.372</td>
<td>0.020</td>
<td>0.019</td>
<td>0.173</td>
</tr>
<tr>
<td>Grading - Total Tons per Year</td>
<td>0.035</td>
<td>0.400</td>
<td>0.021</td>
<td>0.019</td>
<td>0.191</td>
</tr>
<tr>
<td>Construction - lbs per day (avg)</td>
<td>0.013</td>
<td>0.152</td>
<td>0.002</td>
<td>0.002</td>
<td>0.100</td>
</tr>
<tr>
<td>Significance Threshold (lbs per day)</td>
<td>54</td>
<td>54</td>
<td>82</td>
<td>54</td>
<td>--</td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

Source: CARB CalEEMod Version 2016.3.2.

References


California Air Resources Board (CARB), 2016. California Emissions Estimator Model (CalEEMod), version 2016.3.2.

4. Biological Resources

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The biological resource conditions of the Project site were evaluated by LSA (LSA, 2015; 2017; and 2018). These reports contain detailed descriptions of existing conditions and conclusions regarding presence or absence of sensitive biological resources. The reports are available for review at the Marin County Community Development Agency office. A follow-up field reconnaissance survey and background review were completed in May 2019 to evaluate current site conditions and to confirm the findings of the LSA evaluations.

Existing Conditions

The following is an overview of the existing conditions within the Project site; see Figure 4-1. A brief summary of the conditions within each proposed lot follows. Project site refers to the entire parcel. Development areas or building envelopes include those locations where residences could be built, or where the site would be modified to support the subdivision.

The proposed development areas are concentrated on the northern portion of the Project site on the ridgetop where the existing single-family residence, garage, and outbuilding, surrounded by ornamental landscaping and decking, are located. In this location, there is a large, flat undeveloped terrace and the site of one of the building envelopes. This area is dominated by non-native annual grassland and supports non-native ripgut brome (*Bromus diandrus*), mouse ear chickweed (*Cerastium glomeratum*), filaree (*Erodium* sp.), brome fescue (*Festuca bromoides*), scarlet pimpernel (*Lysimachia arvensis*), burclover (*Medicago* sp.), English plantain (*Plantago lanceolata*), wild radish (*Raphanus sativus*), sheep sorrel (*Rumex acetosella*), common dandelion (*Taraxacum officinale*), and spring vetch (*Vicia sativa*). Patches of native California poppy (*Eschscholzia californica*) grow to the east of the existing garage along with a dense carpet of non-native cape weed (*Arctotheca prostrata*).

Along the edges and just downslope of the ridgetop, there are plantings of ceanothus (*Ceanothus* sp.), cotoneaster (*Cotoneaster franchetii*), Monterey cypress (*Hesperocyparis macrocarpa*), and Monterey pine (*Pinus radiata*). A few small, native coast live oaks (*Quercus agrifolia*) are present. Mature coast redwood (*Sequoia sempervirens*) trees are planted along the existing driveway and to the north of the residence along with other ornamental trees [incense cedar (*Calocedrus* sp.), red flowering gum (*Corymbia ficifolia*)]. Understory landscaping plants occur under the trees. The northern edge of the Project site along Panoramic Drive supports coast live oak and cotoneaster and other tree plantings. Patches of English ivy (*Hedera helix*), Himalayan
Figure 4-1

Proposed Land Division and Conservation Areas

Source: Aerial and Stream, ESRI 10/2017

Note: Lot line boundaries, wetland, streams, and conservation areas are approximate locations.
blackberry (*Rubus armeniacus*) and various herbaceous species are present in the
understory. To the west of the existing residence, there are pathways, garden beds,
extensive landscape plantings, and mulch.

Beyond the building envelopes to the west, south, and southeast, the Project site
supports scattered trees of native Douglas fir (*Pseudotsuga menziesii*) and coast
redwood and non-native Monterey cypress and Monterey pine. Understory composition
varies across the site, but non-native plants are pervasive, especially along the lower
elevations. Invasive thickets of pampas grass (*Cortaderia selloana*), cotoneaster, cape
ivy (*Delairea odorata*), pride of Madeira (*Echium candicans*), French broom (*Genista
monspeusulana*), and smaller acacias (*Acacia* sp.) occur.

Throughout the wooded areas on the Project site, native understory shrubs include
cyote brush (*Baccharis pilularis*), California blackberry (*Rubus ursinus*), and poison oak
(*Toxicodendron diversilobum*) with the occasional wild cucumber (*Marah fabacea*) and
sword fern (*Polystichum munitum*). The Fire Road at the southeast corner of the site is
maintained and frequently mown. The road bed supports low-growing annual grasses
and forbs. There is a dense thicket of acacia on the south side of the Fire Road with
pampas grass growing along the edge. The lower elevations on the Project site support
dense stands of scrub vegetation dominated by non-native French broom and native
cyote brush.

The Project site supports two drainages along the western and southeastern edges
(LSA, 2017). These drainages converge just south of the property and flow directly to
Redwood Creek. The western drainage flows through a ravine under a dense canopy of
Douglas fir, Monterey cypress, and Monterey pine. The entire length of the drainage has
a scoured bed and defined bank. The eastern drainage originates in a rock-lined ditch
along Panoramic Highway. Road runoff is directed onto the Project site where it sheet
flows for approximately 50 feet downhill before entering a defined channel. Willow (*Salix
sp.*) and California bay (*Umbellularia californica*) trees are present along the lower
reaches of this drainage. Both of these drainages are protected by a 100-foot Stream
Conservation Area (SCA), as defined in the Marin Countywide Plan (CWP).

A small wetland seep is present along the northern edge of the lower fire road. This
wetland was impacted by site grading and culvert replacement in 2014. This wetland
was delineated by LSA in 2017 and then verified by the Army Corps of Engineers (ACE)
in 2018 (ACE, 2018; LSA, 2018). The wetland is approximately 180 square feet and
appears to be fed from upslope drainage. It supports wetland soils, wetland hydrology
(ponded water was observed in May 2019), and hydrophytic vegetation. The wetland is
dominated by native Pacific rush (*Juncus effusus*) and non-native cape ivy. Additional
ground cover is provided by native California brome (*Bromus carinatus*), tall cyperus
(*Cyperus eragrostis*), California blackberry (*Rubus ursinus*), and non-native common
velvetgrass (*Holcus lanatus*) and common knotweed (*Polygonum aviculare*). The hillside
upslope of the wetland is dominated by native coyote brush with a dense understory of
cape ivy and specimens of coast live oak, pride of Madeira, and cotoneaster. A second
small area of wetland vegetation occurs along the western tributary and appears to be
associated with a small landslide. This wetland falls entirely within the 100-foot SCA.
Individual Lot Descriptions

Below is a brief summary of the existing conditions for each proposed lot; see Figure 4-1:

- Lot 1 includes the existing single-family residence, driveway/access roads, parking area, and septic/sewage disposal system. The western and southern portions of the lot are not proposed for development and include the seasonal drainage with an established SCA. Outside of the existing developed area, mixed non-native coniferous forest is dominant.

- Lot 2 includes the existing garage and access road and parking area. The proposed driveway and septic/sewage disposal system would be located in areas supporting non-native annual grassland and ornamental landscaping. The eastern edge of the lot has extensive infestations of cape weed and cotoneaster and ornamental plantings.

- Lot 3 includes only a portion of the existing access road and parking area and a small outbuilding. The proposed building envelope comprises the majority of the large, flat terrace at the ridgetop. A large portion of the lot would remain undeveloped including the lower fire road, seasonal wetland and surrounding WCA, eastern drainage with established SCA, extensive mixed non-native coniferous forest, and invasive plant infestations (e.g., acacia, cotoneaster, French broom).

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The biological assessment included a review of special-status species with potential to occur within the Project area. Records from the California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CDFW, 2019a), U.S. Fish and Wildlife Service (USFWS) IPaC resource list (USFWS, 2019ac), California Native Plant Society’s electronic database (CNPS, 2019), Calflora (Calflora, 2019), Marin County documents and reports, and other resources were reviewed. The review identified 23 special-status plants and 21 special-status animal species for possible occurrence in the general vicinity of the Project (see Appendices A and B).

Definitions

Special-status plants and animals include those species that are afforded legal protection and include:

- Species listed or proposed for listing as threatened or endangered under the federal Endangered Species Act (ESA);
- Species listed or proposed for listing as threatened or endangered under California Endangered Species Act (CESA);
• Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as USFWS, National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and CDFW;

• Species defined by CDFW as California Species of Special Concern;

• Species classified as Fully Protected by CDFW;

• Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.);

• Plant species listed by the California Native Plant Society (State CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR);

• Species that otherwise meet the definition of rare, threatened, or endangered pursuant to Section 15380 of the State CEQA Guidelines; and

• Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a "specially protected mammal in California."

In addition to special-status species, nesting native bird species are protected under both federal and State regulations. According to the USFWS, under the federal Migratory Bird Treaty Act of 1918 (MBTA; 50 CFR 10.13), “it is unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg or any such bird,” unless authorized under a permit issued by the Secretary of the Interior. Some regulatory exceptions apply. Bald and golden eagles are also protected under the federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) of 1940.

Birds and their nests are protected under the California Fish and Wildlife Code (§3503 and §3513). Under §3503, “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” Under §3513, “it is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.” The ESA and CESA also protect nesting threatened and endangered bird species.

Special-status Plants

As shown in Table 4-1, the biological assessment report by LSA and additional background review identified 23 special-status plant species in the general vicinity of the Project. Microhabitat components (such as serpentine soils) necessary to support 22 of these species do not occur within the Project site and as a result those species would not be expected to occur there. The Project site contains potential habitat for one special-status plant species, congested-headed hayfield tarplant (Hemizonia congesta ssp. congesta). This species is listed as CNPS 1B.2 plant; rare, threatened, or endangered in California and elsewhere and moderately endangered in California. It is
an annual herb that blooms from April through November and occurs in valley and foothill grassland, and sometimes roadsides. The site was surveyed on September 22, 2015 during its reported blooming period and this plant was not detected (LSA, 2015). The plant was not observed during a follow-up survey in May 2019.

Table 4-1. Special-status Plants Evaluated for the Dipsea Ranch Land Division Project

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Listing Status¹ USFWS/CDFW/CNPS</th>
<th>Life Form, Blooming Period, and General Habitat</th>
<th>Potential for Occurrence within the Project Site²</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Arctostaphylos montana ssp. montana</em></td>
<td>Mt. Tamalpais manzanita</td>
<td>--/--/ 1B.3</td>
<td>Perennial evergreen shrub. Blooms February-April. Serpentine, rocky chaparral or grassland.</td>
<td>Not present – no serpentine, species not observed.</td>
</tr>
<tr>
<td><em>Kopsiopsis hookeri</em></td>
<td>small groundcone</td>
<td>--/--/ 2B.3</td>
<td>Perennial rhizomatous herb (parasitic). Blooms April-August. North Coast coniferous forest.</td>
<td>Low – species not observed.</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
<td>Listing Status¹ USFWS/CDFW/CNPS</td>
<td>Life Form, Blooming Period, and General Habitat</td>
<td>Potential for Occurrence within the Project Site²</td>
</tr>
<tr>
<td>---------------------------------</td>
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<td>---------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Holocarpha macradenia</td>
<td>Santa Cruz tarplant</td>
<td>FT/SE/ 1B.1</td>
<td>Annual herb. Blooms June-October. Coastal prairie, coastal scrub, valley and foothill grassland (often clay, sandy).</td>
<td>Low – species not observed, not known from vicinity.</td>
</tr>
<tr>
<td>Lessingia micradenia var.</td>
<td>Tamalpais lessingia</td>
<td>--/--/ 1B.2</td>
<td>Annual herb. Blooms July-November. Usually serpentine, often roadides, in chaparral and grassland.</td>
<td>Low – species not observed, no serpentine, not known from vicinity.</td>
</tr>
<tr>
<td>Pentachaeta bellidiflora</td>
<td>white-rayed pentachaeta</td>
<td>FE/SE/ 1B.1</td>
<td>Annual herb. Blooms March-May. Woodland, grassland (often serpentine).</td>
<td>Low – not known from vicinity.</td>
</tr>
<tr>
<td>Quercus parvula var. tamalpaisensis</td>
<td>Tamalpais oak</td>
<td>--/--/ 1B.3</td>
<td>Perennial evergreen shrub. Blooms March-April. Lower montane coniferous forest.</td>
<td>Not present – species not observed.</td>
</tr>
<tr>
<td>Sidalcea calycosa ssp. rhizomata</td>
<td>Point Reyes checkerbloom</td>
<td>--/--/ 1B.2</td>
<td>Perennial rhizomatous herb. Blooms April-September. Freshwater marshes and swamps (near the coast). 3-75 m.</td>
<td>Not present – no marsh habitat.</td>
</tr>
<tr>
<td>Stebbinsoseris decipiens</td>
<td>Santa Cruz microseris</td>
<td>--/--/ 1B.2</td>
<td>Annual herb. Blooms April-May. Open areas, sometimes serpentine in broadleafed upland forest, closed-cone coniferous forest, chaparral, coastal prairie, and grassland.</td>
<td>Low – no suitable habitat.</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
<td>Listing Status¹</td>
<td>Life Form, Blooming Period, and General Habitat</td>
<td>Potential for Occurrence within the Project Site²</td>
</tr>
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<td>-----------------------------------------------</td>
</tr>
</tbody>
</table>

Notes:

1 **Listing Status:** FE-federally listed as endangered, FT-federally listed as threatened, SE-state listed as endangered, ST-state listed as threatened, Candidate SE-state candidate to be listed as endangered under CESA Candidate, ST-state candidate to be listed as threatened under CESA, CR-state listed as rare; California Rare Plant Rank (CRPR): 1A – Presumed extinct in California and rare/extinct elsewhere, 1B – Rare, threatened, or endangered in California and elsewhere, 2A – Presumed extirpated in California, more common elsewhere, 2B – Rare, threatened, or endangered in California, more common elsewhere, 3 - Plants for which we need more information, 4 – Plants of limited distribution. Suffixes: .1 Seriously endangered in California, .2 Fairly endangered in California, .3 Not very endangered in California.

2 **Special-status Species Evaluation Criteria:** Special-status species were evaluated for their potential to occur within the project site. Potential for occurrence was classified as not present, low, moderate, high, or present based on the following criteria: **Not Present** – Suitable habitat is not present within the project site, species definitively not observed, and/or project site is outside the range of the species; **Low** – One or more key habitat components is absent from the project site; no known occurrences in vicinity, or habitat present but species not observed during field surveys that would be expected to discover species, if present, based on season and level of effort. Species is unlikely to occur within the project site; **Moderate** – Some of the habitat components required by this species are present within the project site and/or marginally suitable habitat is present within surrounding areas. Species may occur within the project site; **High** – All of the habitat components required by this species are present within the project site and/or it is known to occur in surrounding areas. Species is likely to occur within the project site; **Present** – Species has reported occurrences within the project site and/or was observed within the project site during field surveys.

The Project site does not support the required habitat characteristics for most special-status plants in the region. The area within the proposed building envelopes has been disturbed previously, and no special-status plants were observed within the Project site during the reported blooming period of the one species, congested-headed hayfield tarplant, that has potential to occur on site. Suitable habitat and special-status plant species are not present on the Project site; therefore, there would be no impact on special-status plants.

**Special-status Wildlife**

As shown in [Table 4-2](#), 21 special-status animal species have the potential to occur in the general vicinity of the Project site. One special-status bird, oak titmouse, was documented within the Project site. One reptile species, northwestern pond turtle, and two fish species, steelhead and coho salmon, have the potential to occur downstream of the Project site in the Redwood Creek watershed, but suitable habitat is not present within the site itself. Four species of bats (pallid bat, Townsend’s big-eared bat, western mastiff bat and hoary bat) have low to moderate potential to forage over the Project site.
and roost in mature trees. Tree removal and trimming associated with future development within the Project site could impact special-status bats. California red-legged frog, northern spotted owl, and California giant salamander have low to moderate potential to occur within the drainages on the Project site, but no habitat for these species exists within the proposed buildings envelopes; therefore, there would be no impact on these species from future development. See Table 4-2 for additional wildlife descriptions.

Table 4-2. Special-status Animals Evaluated for the Dipsea Ranch Land Division Project

<table>
<thead>
<tr>
<th>Common Name Scientific Name</th>
<th>Listing Status1 (Federal/ State)</th>
<th>Description</th>
<th>Potential for Occurrence within the Project site2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amphibians</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California giant salamander</td>
<td>Dicamptodon ensatus, --/SSC</td>
<td>Occur in wet coastal forests near permanent and semi-permanent streams and springs. This species is one of the largest terrestrial salamanders in North America. Breeding occurs mostly in spring, but sometimes fall. Eggs are laid in water and larvae exhibit an enlarged tail fin for swimming with external gills. They transform into land dwelling salamanders with lungs around 18 to 24 months. They consume a wide variety of animals from small invertebrates to salamanders, rodents, and lizard – they exhibit a sit and wait feeding style. This species is endemic to California.</td>
<td>Moderate, limited upland non-breeding habitat present in forested areas along drainages outside of development area</td>
</tr>
<tr>
<td>California red-legged frog</td>
<td>Rana draytonii, FT/SSC</td>
<td>Largest native frog in the western U.S. with females reaching up to 5¼ inches in length and males being slightly smaller. They are most common in marshes, streams, lakes, reservoirs, ponds, and other water sources with plant cover. Breeding occurs in deep, slow-moving waters with dense shrubby or emergent vegetation from late November through April. Floating egg masses are attached to emergent vegetation near the water’s surface. Tadpoles require 3½ to 7 months to attain metamorphosis. During the non-breeding season, California red-legged frogs can remain at the breeding site (in the presence or absence of water) or move into surrounding non-breeding habitats. Adults eat invertebrates and small vertebrates. Larvae are algal grazers.</td>
<td>Low; temporary upland refugia habitat present in forested areas along drainages outside of development area</td>
</tr>
<tr>
<td>Foothill yellow-legged frog</td>
<td>Rana boylii, --/Candidate ST, SSC</td>
<td>In or near partly shaded rocky streams that are shallow, slow, and moderately size from sea level to 6,300 feet. Breeding occurs from spring to early summer after high flows have receded. Eggs are laid at downstream end of rocks. Tadpoles require 3 to 4 months to attain metamorphosis. During all season, never found far from water.</td>
<td>Not present, extirpated downstream</td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
<td>Listing Status¹ (Federal/State)</td>
<td>Description</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------</td>
<td>--------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>Reptiles</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwestern pond turtle</td>
<td><em>Actinemys marmorata</em></td>
<td>--/SSC</td>
<td>A year-round resident of Marin County, found in or near permanent or semi-permanent water sources (e.g., ponds, lakes, rivers, streams) with suitable basking sites and underwater retreats. Eggs are laid in shallow holes dug by the female from April through August. Eggs hatch in late summer or fall. In northern California, hatchlings can remain buried until the following spring. Turtles may use uplands for overland migration (movements up to 5 km) and nesting sites (nesting can occur over 500 m from water).</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burrowing owl</td>
<td><em>Athene cuniculari</em></td>
<td>--/SSC (burrowing and some wintering sites)</td>
<td>A small, ground-dwelling species of grasslands, prairies, rolling hills, and ranchlands. Subterranean nesters that utilize abandoned burrows of ground squirrels and other mammals. Feed on a variety of prey items, including ground insects and small vertebrates. This species no longer breeds in Sonoma County. However, it is observed frequently in the winter, especially along the coast and baylands.</td>
</tr>
<tr>
<td>Oak titmouse</td>
<td><em>Baeolophus inornatus</em></td>
<td>BCC/--</td>
<td>Small, gray-brown bird of oak woodlands. Characterized by small pointed crest and nasal tsick-a-dee-dee call that resonates through woodland habitats. Forages for insects and seeds, hopping from branch to branch. Nests in cavities in trees or nest boxes. Oak titmice are a year-round resident in Marin County.</td>
</tr>
<tr>
<td>Marbled murrelet</td>
<td><em>Brachyramphus marmoratus</em></td>
<td>FT/SE (nesting)</td>
<td>Uncommon permanent resident of the west coast from California to Alaska. This species is permanent resident along the Marin Coast, but sightings are uncommon during the breeding season from May through July. This seabird forages for small fish and plankton in offshore areas and along the rocky coastline. It has an unusual nesting behavior. Unlike most alcids, it does not nest in burrows or cliff colonies, but uses old-growth forests dominated by conifers and redwoods. Nesting may occur as far as 45 miles inland. A single egg is laid on a platform of lichen and moss on large tree limbs. Adult movements to and from the nest occur most often at dusk and dawn. Breeding success is very low. The decline of this species has been attributed to the loss of old-growth forests.</td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
<td>Listing Status (Federal/State)</td>
<td>Description</td>
</tr>
<tr>
<td>-------------</td>
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</tr>
<tr>
<td>Northern harrier</td>
<td><em>Circus cyaneus</em></td>
<td>/-SSC</td>
<td>Occupies wide-open habitats from grasslands to marshes. A slender, medium sized raptor. Fly low to ground hunting for small animals. Rely heavily of sense of hearing to detect prey. Nests are constructed on the ground in well concealed vegetation or clumps of vegetation. A year-round resident in Marin County.</td>
</tr>
<tr>
<td>Western yellow-billed cuckoo</td>
<td><em>Coccyzus americanus occidentalis</em></td>
<td>Candidate/SE (nesting)</td>
<td>A rare summer resident of valley foothill and desert riparian woodlands. Requires extensive thickets with low growing understory vegetation adjacent to water. Open cup nest constructed on horizontal branch from 2 to 25 feet off the ground. Breeds from June to July departing for South America in late August to early September. Feeds primarily on insects, but will also consume frogs, lizards, and fruit. Cuckoos have declined from former range due to a loss of riparian habitat. Historically may have nested in Marin County (Shuford, 1993).</td>
</tr>
<tr>
<td>Loggerhead shrike</td>
<td><em>Lanius ludovicianus</em></td>
<td>/-SSC</td>
<td>A large, predatory bird of open woodlands and shrublands. Forage from exposed perches primarily for large insects but will also take small birds, and rodents with their large hooked bill. During the breeding season, they prefer semi-open habitats with scattered trees and shrubs for nesting. Breeding occurs from March through August. During winter, may frequent treeless habitats in the presence of wires and fences.</td>
</tr>
<tr>
<td>Northern spotted owl</td>
<td><em>Strix occidentalis caurina</em></td>
<td>FT/ST, SSC</td>
<td>Dense forest habitats in northern California. Requires multi-layered canopy cover for roosting sites. Breeding sites include tree or snag cavities or broken tops of large trees. Nocturnal hunter eating mostly small mammals. Year-round resident in Marin County where it is known from breeding occurrences in old-growth and mixed forest habitats. Species occupies a large territory, approximately 5 square miles. A pair of owls may utilize the same breeding site for five to 10 year.</td>
</tr>
<tr>
<td>Common Name Scientific Name</td>
<td>Listing Status(^1) (Federal/ State)</td>
<td>Description</td>
<td>Potential for Occurrence within the Project site(^2)</td>
</tr>
<tr>
<td>-----------------------------</td>
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<td>-----------------------------------------------------</td>
</tr>
<tr>
<td><strong>Mammals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pallid bat <strong>Antrozous pallidus</strong></td>
<td>--/SSC Western Bat Working Group high priority species</td>
<td>Grassland, shrubland, forest, and woodland habitats at low elevations up through mixed coniferous forests. A social species forming small colonies. Roosting sites include caves, mines, crevices, buildings, and hollow trees during day, more open sites used at night. Pallid bats feed on large flightless arthropods. A yearlong resident throughout most of its range. During non-breeding season, both sexes may be found roosting in groups of 20 or more individuals. One to three (typically twins) pups born from April to July.</td>
<td>Moderate; suitable roosting habitat present in mature trees, may forage over Project site</td>
</tr>
<tr>
<td>Townsend’s big-eared bat <strong>Corynorhinus townsendii</strong></td>
<td>--/SSC Western Bat Working Group high priority species</td>
<td>Low to mid-elevation mesic habitats including riparian, mixed forest, coniferous forest, prairies, and agricultural lands. Utilizes edge habitats for foraging. Roosting sites include caves, mines, tunnels, buildings, and other man-made structures. Mating typically occurs in winter with single young born in May or June. Maternal roosts consist of a small number of females with young, typically less than 100 individuals.</td>
<td>Low; limited potential roosting habitat, may forage over Project site</td>
</tr>
<tr>
<td>Western mastiff bat <strong>Eumops perotis californicus</strong></td>
<td>--/SSC Western Bat Working Group high priority species</td>
<td>The largest native bat in the U.S., occupying open, semi-arid to arid habitats with cliff faces, high buildings, trees and tunnels for roosting. Typically occurs in conifer and deciduous woodlands, coastal scrub, grasslands, palm oases, chaparral, desert scrub, and urban environments. Typically non-migratory and occurs throughout southern California but ranges north to Butte County.</td>
<td>Low; limited potential roosting habitat, may forage over Project site</td>
</tr>
<tr>
<td>Hoary bat <strong>Lasiurus cinereus</strong></td>
<td>--/-- Western Bat Working Group medium priority species</td>
<td>Occur in open habitat or habitat mosaics. Requires medium to large trees for cover and habitat edges and/or open areas for foraging habitat. Tend to be solitary roosting in trees and foliage, and they are widespread in California except patchy in desert regions. Mating occurs during fall migration and young are born the following June. Favored food is moths.</td>
<td>Moderate; suitable roosting habitat present in mature trees, may forage over Project site</td>
</tr>
<tr>
<td>American badger <strong>Taxidea taxus</strong></td>
<td>--/SSC</td>
<td>Occur in a variety of habitat types (e.g., herbaceous, shrub, or forest habitats) with dry, friable soils. Badgers are carnivorous and dig their own burrows. Consume primarily fossorial rodents but will also eat reptiles, insects, eggs, birds, and carrion. They are active year-round, although less active in winter. Mating occurs in summer and early fall with young (average 2 to 3) born in early spring.</td>
<td>Suitable habitat not present</td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
<td>Listing Status¹ (Federal/State)</td>
<td>Description</td>
</tr>
<tr>
<td>-------------</td>
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</tr>
<tr>
<td>Invertebrates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Bruno elfin butterfly</td>
<td>Callophrys mossii bayensis</td>
<td>FE/--</td>
<td>Coastal, mountainous areas with grassy ground cover. All known locations restricted to San Mateo County. Host plant is Pacific sedum (<em>Sedum spathulifolium</em>) (eggs laid on plant and caterpillars feed on sedum). Adult flight season is late February to mid-April.</td>
</tr>
<tr>
<td>Monarch butterfly</td>
<td>Danaus plexippus</td>
<td>--/--</td>
<td>Overwinter along the California coast. Eucalyptus, Monterey pine, and Monterey cypress groves are the most commonly used trees for roosting. Monarchs begin to arrive in September/October. They cluster in dense groups on tree branches and trunks. They require mild climates to survive through winter. They have limited activity in the winter - restricted to occasional sunning, rehydrating, and nectaring. They disperse after breeding in February/March</td>
</tr>
<tr>
<td>Mission blue butterfly</td>
<td>Plebejus icarioides missionensis</td>
<td>FE/--</td>
<td>Historically, occupied grassland and chaparral habitats in seven counties surrounding the San Francisco Bay. The majority of butterflies are restricted to San Bruno Mountain. Small isolated colonies are also reported at Twin Peaks in San Francisco (possibly extirpated?) and Golden Gate National Recreation Area in the Marin Headlands. Host plant is silver lupine (<em>Lupinus albifrons</em>) (eggs laid on plant and caterpillars feed on lupine). Adult flight season is late March to early July. Adults are known to feed on buckwheat, golden aster, wild hyacinths, and other plants. Hilltops and ridges are important breeding grounds.</td>
</tr>
<tr>
<td>Fish</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steelhead – Central California Coast DPS</td>
<td>Oncorhynchus mykiss irideus</td>
<td>FT/--</td>
<td>Spawn in fresh water and mature at sea. Steelhead generally spend their first and sometimes second year of life in freshwater creeks and then one to four years at sea. They return to spawn in their natal streams as many as four times as they do not always die after spawning like other salmonids. Juvenile steelhead generally occupy glides and riffles and less frequently pools. Adult steelhead spawn from December through April in cool, clear, well-oxygenated streams with pea to apple-sized gravel, usually at the head of a riffle. Federal listing applies to all coastal runs from Russian River south to Soquel Creek; it includes San Francisco and San Pablo Bay basins but excludes the Sacramento-San Joaquin Rivers.</td>
</tr>
<tr>
<td>Common Name Scientific Name</td>
<td>Listing Status¹ (Federal/ State)</td>
<td>Description</td>
<td>Potential for Occurrence within the Project site²</td>
</tr>
<tr>
<td>-----------------------------</td>
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</tr>
<tr>
<td>Coho salmon – Central California Coast ESU <em>Oncorhynchus kisutch</em></td>
<td>FE/SE</td>
<td>Coho salmon spend their adult life in the ocean, migrate up freshwater streams to spawn, rear at least partially in freshwater, and migrate to the ocean as juveniles. Unlike other Pacific salmon in California, their reproductive strategy is completed over a three-year cycle and is fairly rigid. Spawning years with relatively poor reproductive success can result in poor spawning runs three years later. They prefer cold, low gradient stream with dense riparian canopy. Adult coho salmon start to arrive in late summer and fall to begin acclimation to freshwater before they migrate upstream. Juvenile coho salmon emerge from the gravel the following spring and usually rear in the stream for one year before migrating to the ocean.</td>
<td>Suitable habitat not present, but downstream in Redwood Creek</td>
</tr>
</tbody>
</table>

Notes:

1 **Listing Status** (CDFW, 2018): FE-federally listed as endangered, FT-federally listed as threatened, BCC-Bird of Conservation Concern, SE-state listed as endangered, ST-state listed as threatened, Candidate SE-state candidate to be listed as endangered under CESA Candidate ST-state candidate to be listed as threatened under CESA, FP-State of California fully-protected species, SSC-California Species of Special Concern, and WL-Watch List.

2 **Special-status Species Evaluation Criteria:** Special-status species were evaluated for their potential to occur within the project site. Potential for occurrence was classified as not present, low, moderate, high, or present based on the following criteria: **Not Present** – Suitable habitat is not present within the project site, species definitively not observed; **Low** – One or more key habitat components is absent from the project site; no known occurrences in vicinity, or habitat present but species not observed during field surveys that would be expected to discover species, if present, based on season and level of effort. Species is unlikely to occur within the project site; **Moderate** – Some of the habitat components required by this species are present within the project site and/or marginally suitable habitat is present within surrounding areas. Species may occur within the project site; **High** – All of the habitat components required by this species are present within the project site and/or it is known to occur in surrounding areas. Species is likely to occur within the project site; **Present** – Species has reported occurrences within the project site and/or was observed within the project site during field surveys.

**Downstream Aquatic Resources**

As noted above, the Project site is located in the Redwood Creek watershed. The watershed is known to support sensitive aquatic resources. Redwood Creek is documented habitat for federally listed as threatened steelhead, federally and state listed as endangered coho salmon, and special-status pond turtles; see Table 4-2 for additional descriptions. Suitable habitat for these sensitive aquatic species is not present within the Project site. The Project would protect downstream aquatic resources through the establishment of SCA (per CWP, Policy BIO-4.1) along both of the drainages within the Project site; see section 3 below. The SCAs would allow for the protection of aquatic species by providing a 100-foot buffer from the creek and any development and would ensure no sedimentation and contamination from the Project site through
implementation of standard construction Best Management Practices (BMPs). The Project would not result in impacts on aquatic species or sedimentation of the Project site drainages or any downstream waterway or otherwise adversely affect water quality; see conclusions in Section 10, Hydrology.

Special-status Wildlife Descriptions

**Northwestern pond turtle** (*Actinemys marmorata*, CDFW Species of Special Concern) – found in or near permanent or semi-permanent water sources (e.g., ponds, lakes, rivers, streams) with suitable basking sites and underwater retreats. Suitable habitat downstream in Redwood Creek, but not present within the Project site.

**Pallid bat** (*Antrozous pallidus*, CDFW Species of Special Concern, Western Bat Working Group high priority species) – occurs in grassland, shrubland, forest, and woodland habitats at low elevations up through mixed coniferous forests. Suitable roosting habitat is present in mature trees and species may forage over the Project site. Moderate potential for occurrence within the Project site.

**Oak titmouse** (*Baeolophus inornatus*, Bird of Conservation Concern) – small, gray-brown bird of oak woodlands. Oak titmice are a year-round resident in Marin County. Species was documented within the Project site and may occur there year-round.

**Townsend’s big-eared bat** (*Corynorhinus townsendii*, CDFW Species of Special Concern, Western Bat Working Group high priority species) – occurs in low to mid-elevation mesic habitats including riparian, mixed forest, coniferous forest, prairies, and agricultural lands. Limited roosting habitat is present within the Project site; species may forage over the Project site. Low potential for occurrence within the Project site.

**California giant salamander** (*Dicamptodon ensatus*, CDFW Species of Special Concern) – occurs in wet coastal forests near permanent and semi-permanent streams and springs. Limited upland non-breeding habitat present in forested areas along drainages outside of development area. Moderate potential for occurrence within the Project site, but not within the proposed building envelopes.

**Western mastiff bat** (*Eumops perotis californicus*, CDFW Species of Special Concern, Western Bat Working Group high priority species) – occupies open, semi-arid to arid habitats with cliff faces, high buildings, trees and tunnels for roosting. Limited roosting habitat is present within the Project site; species may forage over the Project site. Low potential for occurrence within the Project site.

**Hoary bat** (*Lasiurus cinereus*, Western Bat Working Group medium priority species) – Occurs in open habitat or habitat mosaics. Requires medium to large trees for cover and habitat edges and/or open areas for foraging habitat. Suitable roosting habitat is present in mature trees and species may forage over the Project site. Moderate potential for occurrence within the Project site.
California red-legged frog (*Rana draytonii*, federally listed as threatened, State listed as threatened, CDFW Species of Special Concern) – common in marshes, streams, lakes, reservoirs, ponds, and other water sources with plant cover. Breeding occurs in deep, slow-moving waters with dense shrubby or emergent vegetation with water present into summer. Temporary upland refugia habitat present in forested areas along drainages outside of development area. Low potential for occurrence within the Project site.

Northern spotted owl (*Strix occidentalis caurina*, federally listed as threatened, State listed as threatened, CDFW Species of Special Concern) – occupy dense forest and woodland habitats. Year-round resident in Marin County where it is known from breeding occurrences in old-growth and mixed forest habitats. Positive observations of northern spotted owl are reported within 0.5 miles of the Project site in Muir Woods National Park (CDFW, 2019a). Suitable habitat is not present within the Project site due to habitat composition and proximity to development; may occasionally forage along western drainage outside of development area. Low potential for occurrence within the Project site, but not within the proposed building envelopes.

Special-status Wildlife and Habitat

A number of special-status animal species have been reported in the general vicinity of the Project site. As noted above, northwestern pond turtle, has potential to occur downstream of the Project site in the Redwood Creek watershed, but suitable habitat is not present within the site itself. California red-legged frog, northern spotted owl, and California giant salamander have low to moderate potential to occur within the drainages on the Project site, but no habitat for these species exists within the proposed buildings envelopes; see *Special-status and Common Bats* and *Special-status and Nesting Birds* below. Due the sensitivity of habitats within the Project site and in surrounding areas, precautionary measures are necessary to ensure the protection of special-status species and their habitats within the Project site. Direct impacts to special-status species would be significant. Development of the project site should include wildlife friendly practices such as appropriate fencing to reduce potential impacts on wildlife.

Implementation of Mitigation Measure BIO-1 would limit potential impacts on native wildlife by completing a worker training, defining Project boundaries and confining workers to those boundaries, and installation of wildlife friendly fencing.

Special-status and Common Bats

There are approximately 15 bat species with known occurrences within Northern California, and a number of these species have a high probability of occurring within the area around the Project site. Bats are highly mobile; many are migratory. Foraging habitats range from woodlands, forests, and grasslands to open water. As noted above, four special-status species (pallid bat, Townsend’s big-eared bat, western mastiff bat, and hoary bat) have low to moderate potential to occur within the Project site based on nearby observations and site conditions. Additional bat species (e.g., fringed myotis, long-eared myotis, silver-haired bat, small-footed myotis, Yuma myotis) identified as
having moderate to high priority for conservation by the Western Bat Working Group⁵ may also occur within the Project area.

A number of trees within the Project site could contain cavities and other conditions that could provide suitable roosting habitat for special-status and common bat species. Three non-native trees (i.e., English laurel, red flowering gum, and incense cedar) are proposed for removal (Urban Forestry Associates, 2018). Some minor pruning may be required to accommodate construction of the residences or new vehicle access. Tree removal or pruning could result in disturbance to roosting bats through noise generated during the pruning or direct removal of occupied habitat, and the impact could be significant.

Implementation of Mitigation Measure BIO-2 would limit potential impacts on special-status and common bat species by requiring preconstruction surveys, avoidance of disturbance to roosting bats, and work hour restrictions.

**Special-status and Nesting Birds**

The Project site provides potential nesting habitat for special-status bird species. Oak titmice are known to occur year-round in Marin County and were documented within the Project site. There have been observations of northern spotted owls within 0.5 mile of the Project site in Muir Woods National Park. The potential for occurrence within the Project site is low given habitat composition and proximity to development. Spotted owls may occasionally forage along the drainages outside of the proposed building envelopes; however, there would be no impact on these species from the Project with adherence to the stream and wetland setback requirements.

Since construction could occur during the nesting season, the Project has the potential to affect special-status and nesting birds. Construction activities could result in tree removal or pruning, ground disturbance, or construction-related noise which could result in impacts on protected nesting birds if present in and near the work area. Potential impacts on nesting birds could result from destruction of eggs or occupied nests, mortality of young, and abandonment of nests with eggs or young birds prior to fledging. Such potential impacts on protected nesting birds could be significant.

The Marin County Development Code §22.20.040 (F) establishes nesting bird protection measures for outdoor construction activities that involve tree removal, grading, or other site disturbance in areas where nesting birds have a high probability of being present. Adherence to section 22.20.040 (F) would limit potential impacts on nesting birds by requiring preconstruction surveys by a qualified biologist to determine if nesting birds are present and by identifying buffer zones around the nests or delaying work until the breeding season is over or nesting is complete. If work would occur outside the nesting

⁵ The Western Bat Working Group (WBWG) is composed of agencies, organizations, and individuals interested in bat research, management, and conservation from the 13 western states and provinces. CDFW includes the listing status of other conservation organizations, including the WBWG, in their “Special Animals” publication (CDFW, 2018).
bird window of February 1 to August 15, surveys and avoidance measures would not be necessary for special-status and nesting birds.

**Mitigation Measure BIO-1: Special-status Wildlife and Habitat**

Implement the following protection measures for special-status wildlife and habitat during construction within each of the three proposed lots:

- Conduct a worker awareness training for all supervisory field staff. The training shall include the following information: a photograph and description of each special-status species or sensitive resource known from the area; a description of its ecology and habitat needs; potentially confusing resources (e.g., similar species or habitats); an explanation of the measures being taken to avoid adverse impacts; reporting and necessary actions if sensitive resources are encountered; and workers’ responsibility under the applicable environmental regulation.

- The Project limits should be clearly marked on the final design drawings and work confined within those boundaries.

- Foot and vehicle traffic should be restricted to the designated work and staging areas.

- For any fencing needs, install fencing that reduces the risk of death or injury to wildlife and does not impede movement. See *Fencing with Wildlife in Mind* by Colorado Division of Wildlife for specific guidelines on fencing installation and types (Hanophy, 2009).

**Monitoring Measure BIO-1:** The Marin County Community Development Agency and Department of Public Works shall verify that the provisions of the measure have been implemented.

**Mitigation Measure BIO-2: Special-status and Common Bats**

Implement the following protection measures for special-status and common bat species during construction within each of the three proposed lots:

- Complete presence/negative finding bat surveys prior to removal or pruning of any trees over 6 inches in diameter at breast height. Surveys shall be completed by a qualified biologist. Because each individual bat species may use different roosts seasonally and from night to day, surveys must be conducted by a qualified biologist at the appropriate times. If trees planned for pruning or removal are identified as active roost sites, appropriate avoidance measures shall be developed by a qualified biologist. This may include seasonal limitations on work when roosts are unoccupied and/or establishment of buffer areas around occupied roosts.

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A qualified biologist has a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years conducting surveys for the target species.
• For all trees previously identified as active roost sites (during Project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall be followed by bole removal on day two. This approach would allow bats, if present, an opportunity to move out of the area prior to completing removal of the trees. No trees supporting special-status bats shall be removed without prior consultation with CDFW.

• If work is postponed or interrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.

• Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.

Monitoring Measure BIO-2: The Marin County Community Development Agency and Department of Public Works shall verify that the provisions of the measure have been implemented.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

CDFW has established a list of natural communities for California that it considers part of the natural heritage conservation triad, along with plants and animals of conservation significance. Since 1999, the CDFW Vegetation Classification and Mapping Program has undertaken the classification and mapping of vegetation throughout the state and has assumed the role of standardizing vegetation nomenclature for California to comply with the National Vegetation Classification System. One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe’s Heritage Methodology, which identifies both a G (global) and S (state) rank. Communities listed as critically imperiled (Rank 1), imperiled (Rank 2), or vulnerable (Rank 3) within the state are considered special-status, defined as “communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects” (CDFW, 2019b).

Several vegetation types occur within the Project site – non-native annual grassland, ornamental landscaping, mixed non-native coniferous forest with occasional native Douglas fir, seasonal wetland, scrub, and a small stand of riparian woodland along one of the drainages. Of these types, only wetlands and riparian woodlands would be considered sensitive natural communities as defined by CDFW and the Marin CWP (CDFW, 2019b). The riparian woodlands fall within a designated SCA, where development is restricted; see topic d below, for further discussion. Impacts on seasonal wetlands are discussed under topic c below. No work is proposed within the riparian woodlands; therefore, the Project would have no impact on this sensitive natural community.
c) **Have a substantial adverse effect on State or federally protected wetlands** (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Wetlands are either permanently or seasonally inundated by surface or groundwater. They are characterized by the presence of aquatic plants and unique soil characteristics. They provide many important functions including water purification and storage, recharge, and wildlife and fish habitat. Regulations and policies that protect aquatic habitats have been enacted by a number of government agencies. Wetlands fall under the jurisdiction of the ACE, local Regional Water Quality Control Board, and CDFW. Any fill, removal of native wetland vegetation, or alteration of drainage patterns require permits and resource agency consultation. Wetlands are also protected under CWP Policy BIO-3.1. Within the City-Centered Corridor, and defined in the CWP, for parcels greater than 2 acres in size, there is a minimum 100-foot development setback from wetlands. WCAs must be established around the wetland and include the required buffer.

As described above, the Project site supports two wetland features. A small area of wetland vegetation occurs along the western drainage that appears to be associated with a small landslide and is entirely within the 100-foot SCA; see topic d). No development is proposed in this area, and any site development would be well outside the WCA.

A second wetland seep is located along the northern edge of the Fire Road, where grading activities took place in 2014. A wetland delineation of this feature was completed in 2017 and then verified by the ACE in 2018 (ACE, 2018; LSA, 2018). Currently, the wetland is approximately 180 square feet, and supports hydrophytic vegetation, wetland soils, and wetland hydrology. Non-native invasive plant species, including cape ivy, are pervasive in this area, including in the wetland. The proposed development envelopes and other areas of Project disturbance, including on-site septic systems and drainage systems, are set-back at least 100 feet from the wetland, as required by the CWP, and would not alter drainage patterns within the wetland. Future development of the Project site is therefore not expected to adversely affect this wetland.

In sum, the Project would have no impact on wetlands.

**2014 Grading of the Fire Road**

No baseline assessment of the wetland area was completed prior to the unpermitted grading of the Fire Road in 2014. The extent and composition of the original feature is not known. It is assumed that impacts associated with site grading and fill placement may have resulted in disturbance to the wetland, such as hydrologic alteration, removal of wetland vegetation, or filling directly into the wetland. Based on present conditions, however, the wetland appears to be functionally intact. The grading of the Fire Road therefore appears not to have had lasting impacts on the wetland, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on wetlands.
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

A wildlife corridor is an area of habitat connecting wildlife populations otherwise separated by human activities or structures (e.g. roads, development, or logging). They are typically described as linear or relatively narrow strips of land. Wildlife corridors allow an exchange of individuals between populations separated by habitat fragmentation. This exchange helps prevent the negative effects of inbreeding and reduced genetic diversity that often occur within isolated populations. Habitat linkages refer to broader regions of connectivity that allow for the movement of multiple species and maintenance of ecological processes. Native wildlife nursery sites are specific areas where certain species return yearly to breed, birth, and raise young.

Future development would be concentrated on the northern portion of the Project site on the ridgetop that currently supports the existing single-family residence, garage, and an outbuilding surrounded by ornamental landscaping and decking, and non-native annual grassland. Native plant communities and significant stands of native vegetation are not present within the proposed building envelopes. The Project site is adjacent to urban development consisting of single-family residences and roads to the northwest, north, and east. More extensive stands of both native and non-native vegetation occur to the south and southwest, buffering the building envelopes from neighboring properties. The Project site is nearby to adjacent protected lands that provide high quality habitat, including Muir Woods National Park, which is located directly to the southwest.

Fencing surrounds a large portion of the Project site, including the building envelopes. The fencing currently restricts wildlife movement into the proposed development area. The drainages within Project site are likely to support local wildlife movement; however, no development, including roads or fencing, is proposed in these locations and these habitats are conserved within the SCA and WCA. Vegetated habitats beyond the proposed buildings envelopes would remain undisturbed.

The development area experiences a high level of human use already. Wildlife residing near the Project site are likely habituated to human activity. Construction-related disturbance would not cause significant impacts on wildlife movement activity in the surrounding area. Future construction of additional residences would be temporary. The Project would not result in any negative long-term impacts on wildlife movement and use of wildlife nursery locations, and it would not require any additional mitigation.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road in 2014 did not erect barriers, such as new fences, that would affect wildlife movement. As previously noted, impacts on the wetland, which may serve as a nursery for some species, appear to have been temporary. The area that was graded does not provide fish habitat, and so the alterations to the site would not have directly affected fish. Any impacts to downstream
fish habitat, such as from sedimentation, would have been temporary. As described in Section 10, Hydrology and Water Quality, there are no ongoing issues of sedimentation associated with the unpermitted work on the Fire Road. Therefore, consideration of the impacts of the 2014 grading would not alter the conclusion that the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The CWP includes goals and policies to protect natural resources and manage invasive species and the spread of plant pathogens. The Project would not conflict with any goals and policies of the CWP with adherence to the below mitigation measures. Measures discussed under (a) through (d) above would ensure avoidance of special-status species, habitats, and other sensitive resources protected under the CWP. The following provides a review of the conformance of the Project with respect to the CWP’s goals to protect wetlands, streams, native trees, and to manage invasive plant species and the spread of plant pathogens.

Wetland Conservation Area

The CWP, Policy BIO-1, establishes WCAs to protect wetlands and upland buffers. The WCA includes the wetland itself and a designated buffer from the edge of the jurisdictional boundary. Within the City-Centered Corridor, for parcels greater than 2 acres in size, there is a minimum 100-foot development setback. As described above, there are two wetlands within the Project site, but outside the area of proposed development. There are established WCAs surrounding these features. The Project would not affect compliance with Policy BIO-1; see Figure 4-1.

Stream Conservation Area

The CWP, Policy BIO-4.1, also establishes SCAs to protect stream and streamside habitats from the impacts of new development by providing habitat for aquatic species, absorption of water, and distribution of flood waters (Marin County, 2016). The SCA includes the creek itself, and is measured from the top of the creek bank. Within the City-Centered Corridor, for parcels greater than 2 acres in size, there is a minimum 100-foot development setback. As described above, there are two drainages within the Project site, but outside the area of proposed development. There are established SCAs surrounding these drainages. No work is proposed in these locations; therefore, the Project would not affect compliance with Policy BIO-4.1; see Figure 4-1.

Native Tree Protection

The Native Tree Preservation and Protection Ordinance (Chapter 22.27) of the Marin County Code establishes regulations for the preservation and protection of native trees in the non-agricultural unincorporated areas of the County by limiting tree removal in a manner that allows for reasonable use and enjoyment of private property. The purpose
of the ordinance is to establish regulations for the preservation and protection of native trees. This ordinance applies only to “protected trees,” generally prohibiting the removal of native trees between 6 and 10 inches in diameter (depending on species). The County may require mitigation for removal of a protected tree by replanting or, where tree planting on the site is not feasible or appropriate, through an in-lieu fee.

The Project would result in the removal of three non-native trees, including a 10" diameter trunk English laurel, 23" diameter trunk red flowering gum, and 24" diameter incense cedar) (Urban Forestry Associates, 2018). The Applicant proposes to construct a small rock retaining wall near a Marin County Code “protected tree” – a multi-trunk coast live oak. Tree protection fencing would be placed to protect this tree. An additional coast live oak would be protected near proposed excavation. In addition, some minor pruning of other trees may be required to accommodate construction of the residences or new vehicle access. Development of individual lots and septic disposal areas may result in tree removal depending on the specific site plan. Development could adversely affect existing trees through root damage from construction activities within the root zone of protected trees and tree mortality could occur. Trimming activities could also damage existing trees if completed during a time of year that could impact growth. The loss of trees could be inconsistent with the local tree ordinance, and the impact would be significant.

Implementation of Mitigation Measure BIO-3 would limit impacts on native trees by minimizing removal and pruning, protecting tree root zones, and requiring replanting for any “protected” tree removed.

**Mitigation Measure BIO-3: Protect Native Trees**

Implement the following tree protection measures during construction within each of the three proposed lots:

- Minimize tree removal and pruning. Light pruning may occur at any time of year. Heavy pruning may cause problems due to vigorous sprouting and subsequent witches broom or powdery mildew diseases. Heavy pruning shall be done on deciduous trees in the winter; see BIO-2 and BIO-3 for wildlife protection measures.

- Minimize impacts within the Root Protection Zone.⁷
  - Temporary protective fencing shall be installed around RPZs or, at a minimum, the dripline perimeter of trees near work areas.
  - Changes in drainage within protected tree perimeters shall be avoided to the extent feasible.

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⁷ Native trees are particularly susceptible to disturbance, especially within the root crown and root zone, commonly referred to as the Root Protection Zone (RPZ), which is defined as 1.5 times the dripline radius measured from the tree trunk. The RPZ also extends approximately three feet below the soil surface.
o Soil compaction within protected tree perimeters shall be avoided to the extent feasible.

o Heavy equipment, vehicles, and/or construction materials shall not be parked or stored beneath trees or operated within the delineated protected perimeter.

- Develop a tree replacement plan for any “protected” tree removed over 6 inches in diameter. The plan shall be developed in consultation with a Registered Professional Forester or Certified Arborist. The plan shall include appropriate ratios for replacement, planting location, methods, plant sources, and timing. Maintenance and monitoring of the planting during an establishment period of 5 years shall be required.

**Monitoring Measure BIO-3:** The Marin County Community Development Agency shall verify that the provisions of the measure have been implemented.

**Invasive Plant Species Management**

CWP policies BIO-1.6 and BIO-1.7 call for the control of the spread and removal of invasive exotic plants. Invasive plants are species that are introduced from other parts of the world that tend to grow and spread rapidly. They often create dense stands where little else can grow and change habitat conditions in ways that are detrimental to native plant species and native wildlife. They can also increase fire hazards. Project construction would involve equipment operation, grading, and other disturbances that could result in the introduction or spread of invasive plant species, allowing these species to spread into adjacent areas.

Invasive plant species are present within the proposed building envelopes and pervasive throughout the much of the Project site. Portions of the Project site include dense stands of acacia, cape ivy, cotoneaster, and French broom and smaller patches of cape weed, English ivy, Himalayan blackberry, pampas grass, and pride of Madeira. Most of the invasive plant species within the Project site are classified as moderately to highly invasive by the California Invasive Plant Council (Cal-IPC, 2019). The Project site also supports other more widespread and common non-native grasses and forbs; these are not considered noxious or of high concern. Introduction of additional invasive and further spread of existing plants both with the site and beyond into uninfected areas could result in conflicts with the CWP policies, and the impact could be significant.

The Project is subject to the requirements of the Marin County Fire Code, which requires developments within the Wildland-Urban Interface (WUI) to prepare and implement a Vegetation Management Plan (VMP) consistent with Marin County Fire Standard 220. The VMP must include a fire hazard risk assessment, plan for creation and maintenance of defensible space, and specify the species and spacing of landscape plants. Standard 220 includes a list of prohibited, highly flammable plants that includes many common invasive species.

Implementation of Mitigation Measure BIO-4 would limit the introduction and spread of invasive plant species through removal of existing plants, proper disposal, cleaning and
inspecting equipment and vehicles, site rehabilitation, prompt site restoration, and monitoring.

**Mitigation Measure BIO-4: Invasive Plants**

Implement the following protection measures to limit the introduction and spread of invasive plants during construction within each of the three proposed lots:

- Incorporate the removal of invasive species into site development. During site clearing for construction, remove, by hand or mechanical means, all non-natives within the area to be disturbed and within 25 feet of the disturbed area. Any material with potential to germinate or re-sprout shall be disposed in a landfill. If bare ground is left after removal, the area shall be reseeded and/or replanted with native species.

- The Vegetation Management Plans prepared for each parcel shall include provisions to prevent the introduction and spread of invasive plant species. Provisions shall include, but are not limited to, the following:
  - Any seed, straw, or mulch brought into the site shall be weed-free.
  - Construction vehicles and other landscaping equipment shall be cleaned of seed and soil from weed-infested locations before entering new areas.
  - Revegetation of disturbed soil shall occur promptly after disturbance.
  - All site restoration and erosion control seeding shall include only native species from the Redwood Creek watershed or Marin County.
  - Monitor areas of ground disturbance for invasive species infestation and remove any invasives.
  - Avoid planting any ornamental species known to be invasive.

**Monitoring Measure BIO-4:** The Marin County Community Development Agency, the Department of Public Works, and the Marin County Fire Department shall verify that the provisions of the measure have been implemented.

**Sudden Oak Death**

Sudden Oak Death (SOD) is a disease caused by the introduced oomycete (water mold) pathogen *Phytophthora ramorum*. This disease is well established in Marin County and in coastal California forests and woodlands (Oak Mapper, 2019). SOD death mortalities have created heavy fuel loads in some forested areas in the region.

*Phytophthora ramorum* and other common plant pathogens can be spread to new sites by human activity. Using standard BMPs to reduce the spread of pathogens during construction would help protect plants and plant communities on the Project site and within adjacent areas. The CWP Implementing Program BIO-1e calls for the control of the spread of SOD. Introduction or spread of SOD into uninfected areas and loss of native trees could result in significant impacts and would conflict with CWP Implementing Program BIO-1e.
Implementation of Mitigation Measure BIO-5 would limit the spread of plant pathogens like SOD during construction by requiring equipment to be properly cleaned, avoiding work in wet weather, containing infected trees, and purchasing materials from appropriate nurseries.

**Mitigation Measure BIO-5: Sudden Oak Death:**

Implement the following protection measures to limit the introduction and spread of plant pathogens during construction within each of the three proposed lots:

- Clean equipment, boots, truck tires, and any other exposed material with a 10% bleach solution or other disinfectant after working in infected areas and bringing materials onto the site.
- Avoid pruning oaks or other affected trees in wet weather.
- Avoid work in wooded areas during the wet season when spores are being produced and infections are starting.
- Leave potentially infected downed trees on the Project site instead of transporting the material to an uninfected area.
- Purchase nursery stock for landscape plantings at nurseries that follow current BMPs for preventing the spread of SOD (consult the California Oak Mortality Task Force, www.suddenoakdeath.org, for current standards).

**Monitoring Measure BIO-5:** The Marin County Community Development Agency and Department of Public Works shall verify that the provisions of the measure have been implemented.

**2014 Grading of the Fire Road**

The 2014 unpermitted grading of the Fire Road was inconsistent with County policies regarding wetland protection by conducting grading activities within the WCA that may have had an adverse effect on wetland function and habitat. As previously noted, however, the wetland now appears to be functionally intact. The grading of the Fire Road therefore appears not to have had lasting impacts on the wetland, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not conflict with CWP policies regarding wetland protection.

The Fire Road grading appears to have occurred outside of the SCA. The grading may have resulted in some delivery of sediment to the stream system, but erosion control required by the County and the Regional Water Quality Control Board appears to have been effective in controlling sedimentation (see Figure 8 in the Project Description, and the discussion in Section 10, Hydrology and Water Quality). In sum, there appears to be no ongoing conflict or inconsistency with County policies regarding stream protection, and the conclusions regarding this point are not changed with consideration of the unpermitted grading of the Fire Road.
The grading appears not to have affected trees protected by the Section 22.27 of the Marin County Code (Native Tree Protection), and so appears not to have conflicted with the County ordinance, nor with policies regarding control of SOD.

While the area around the Fire Road grading has grown in with invasive plants, this appears to be a general trend within the lower part of the property, and does not appear to have been exacerbated by the grading.

In sum, consideration of impacts of the unpermitted grading of the Fire Road does not change the conclusions regarding the Project’s consistency with local policies and ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As described by the USFWS:

“Habitat conservation plans (HCPs) are planning documents required as part of an application for an Incidental Take Permit. They describe the anticipated effects of the proposed taking; how those impacts would be minimized or mitigated; and how the HCP is to be funded. HCPs can apply to both listed and non-listed species, including those that are candidates or proposed for listing. HCPs are required to meet the permit issuance criteria of Endangered Species Act of 1973” (USFWS, 2019b).

There are no applicable HCPs in Marin County (USFWS, 2019c).

As described by CDFW:

“A Natural Community Conservation Planning program (NCCP) is a State-led effort to take a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. It is broader in its orientation and objectives than the California and federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly. An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity” (CDFW, 2019b).

There are 14 approved NCCPs in the State. There are no adopted NCCPs in Marin County.

There are no applicable HCPs or NCCPs in Marin County; therefore, there would be no impact of this kind.
2014 Grading of the Fire Road

Like the current Project, the unpermitted grading of the Fire Road in 2014 did not conflict with an adopted conservation plan, as no such plan is in effect within Marin County.

References


5. Cultural Resources

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<th>Would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<td>a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?</td>
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<td>c) Disturb any human remains, including those interred outside of formal cemeteries?</td>
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a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The State CEQA Guidelines, §15064.5, detail the measures for the evaluation and protection of cultural resources in a CEQA document. “Historical resources” are those cultural resources that are: (1) listed in or eligible for listing in the California Register of Historical Resources; (2) listed in a local register of historical resources (3) identified as significant in a historical resource survey meeting the requirements of Public Resources Code §5024.1(g); or (4) determined to be a historical resource by a project's lead agency. The Guidelines further state that “A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”

The Applicant commissioned an Archeological Resources Study for the Project site and an adjacent property, also owned by the Applicant (Anthropological Studies Center, 2017). The study was used as the basis for the cultural resources impact analysis. The study included four main parts: a records and literature search at the Northwest Information Center of the California Historical Resources Information System, located at Sonoma State University and administered by the California Office of Historic Preservation; a further literature review of publications, files, and maps at the Anthropological Studies Center and online for ethnographic, historic-era, and prehistoric resources and background information; communication with the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands File and contact
information for the appropriate tribal communities, who were then contacted by Anthropological Studies Center; and a pedestrian archaeological survey of the parcels. Based on the results of this review, this report concludes with an assessment of the potential for surficial and buried archaeological resources within the study area.

The records search found no previously recorded archaeological or historical resources within the Project site but did reveal two previously recorded cultural resources within the larger study area, which included the area within a quarter mile of the two subject parcels. These are two historic-era roads/trails (Dipsea Trail, P-21-000493 and Frank's Valley Road, P-21-000497), both of which are still in use, and neither of which would be affected by the Project. The pedestrian archaeological survey identified no unrecorded archaeological resources within the two subject parcels. The Native American Heritage Commission Sacred Land File search returned no records. The Federated Indians of Graton Rancheria were contacted to request additional information about or interest in the study area, but the Tribe did not respond to repeated written requests.

The likelihood that an area includes surface or buried archaeological remains is referred to as its “archaeological sensitivity.” Although the presence of known archaeological sites is an indicator of the sensitivity of the general landscape, the results of the records searches reflect only available information on resources that have already been documented. Predictions of an area's sensitivity are based on additional factors, including geological and soil conditions. Based on the geology of the Project site, which consists of older, pre-Quaternary (that is, prior to human habitation of the area) deposits and bedrock, the Archeological Resources Study concludes that the overall sensitivity for buried archaeological resources in the Project area is low. The lack of recorded prehistoric cultural resources within a quarter mile of the Project site indicates that the sensitivity for archaeological remains on the surface is also low. Historical research and the presence of two historic-era resources within a quarter mile of the Project site indicate that the potential for historic-era archaeological resources within the Project site is low as well.

Marin County Code §22.20.040 (D) addresses potential accidental discovery of archaeological and historical resources during construction. This Code section states that, in the event that archaeological or historic resources are discovered during any construction, construction activities shall cease, and the Community Development Agency shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State and Federal law.

Given the low archeological sensitivity of the Project site, and the provisions of Marin County Code §22.20.040 (D), the potential for the Project to cause a substantial adverse change in the significance of an archaeological or historical resource is less than significant.
c) Disturb any human remains, including those interred outside of formal cemeteries?

Ground disturbing activities associated with site preparation, grading, and construction activities could disturb human remains, including those interred outside of formal cemeteries. The potential to uncover Native American human remains exists in locations throughout California. Given the low archeological sensitivity of the site, however (as discussed above), the potential for the presence and accidental disturbance of human remains is low.

Section 7050.5(b) of the California Health and Safety code requires certain procedures to be implemented if human remains, or possible human remains, are discovered. Section 7050.5(b) states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission (NAHC) within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the Project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains.

With adherence to Section 7050.5(b) of the California Health and Safety code, the potential for the disturbance of human remains during Project construction would be less than significant.

2014 Grading of the Fire Road

While the 2014 unpermitted grading of the Fire Road had the potential to disturb previously undiscovered archaeological or historical resources or human remains, no information has come to light suggesting that it did. The grading of the Fire Road therefore appears not to have had an impact on cultural resources, including human remains, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on cultural resources.
References:
6. Energy

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<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</td>
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<td>b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</td>
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a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The Project would consume energy during both construction and operation of new residences. During construction, energy consumption would be in the form of electricity, natural gas, and diesel fuel required to power a variety of construction equipment, as well as gasoline associated with car trips from construction workers driving to and from the site each day. Operation of the site would consume gasoline, natural gas, and electricity from routine uses such as car trips, cooking, and electricity for lighting. Construction of future single-family residences would be required to meet the minimum requirements of the Marin County Green Building Submittal Checklist, California Title 24 (the CalGreen building code), and Ordinance 3492 (collectively, the Green Building Requirements). The Green Building Requirements include energy efficiency standards that would reduce energy consumption by the Project. Overall, minor amounts of energy consumption would be associated with the Project and energy would not be used in wasteful, inefficient, or unnecessary ways and this impact would be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

As discussed above, the Project would use small amounts of energy during construction of the Project, including the use of heavy equipment as well as from car and truck trips associated with employees driving to and from the site and from material deliveries. Energy use during operation would include car trips to and from the site from residents, use of electricity for lighting, refrigeration, and other uses, and natural gas for cooking. Overall, energy required during operation and maintenance would slightly increase compared to existing conditions. The Project would not conflict with renewable energy or
energy efficiency plans, including goals set forth in AB 32. These goals include the 39 Recommended Actions identified by the California Air Resources Board (CARB) in its Climate Change Scoping Plan (CARB, 2017). The Project would also not conflict with goals and policies contained in the Marin CWP and Climate Action Plan (Marin County, 2015). This impact would be less than significant.

2014 Grading of the Fire Road

The 2014 unpermitted grading of the Fire Road required energy consumption primarily in the form of diesel fuel required to power construction equipment and trucks, as well as gasoline associated with car trips from construction workers driving to and from the site. Energy use was limited to the duration of the grading activities. The relatively small amounts of energy consumed is not considered significant. Consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact with respect to energy use.

References


### 7. Geology and Soils

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<th>Would the project:</th>
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<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<td><strong>a)</strong> Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>ii) Strong seismic ground shaking?</td>
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<td>iii) Seismic-related ground failure, including liquefaction?</td>
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<td>iv) Landslides?</td>
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<td><strong>b)</strong> Result in substantial soil erosion or the loss of topsoil?</td>
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<td><strong>c)</strong> Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</td>
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<td><strong>d)</strong> Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</td>
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e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Introduction

This section relied on several sources for information on site-specific and regional geology, seismic response, and geotechnical considerations. Topography, geologic site conditions (surface and subsurface soil/bedrock materials), groundwater occurrence and geotechnical constraints and remedies were provided in an Applicant-commissioned geotechnical investigation report completed by Herzog Geotechnical Consulting Engineers in November 2015 (Herzog, 2015). That study considered a previously proposed project that included subdividing and developing 13 individual lots on the Project site rather than the 3 lots that are currently proposed. In May 2018, Herzog updated the 2015 study to reflect the current Project in a letter-report that provided revisions to the geologic map/exploration plan, seismic design criteria, and criteria for design of driveway fill banks (Herzog, 2018). Supplemental site-specific and near-vicinity seismic and geologic information was provided through publicly available, published reports and studies by the California Geological Survey and United States Geologic Survey. Information and analysis of the feasibility of installing onsite septic tank and leachfield systems was developed using an Applicant-commissioned onsite sewage study completed by Questa Engineering Corporation (Questa, 2018). The California-certified engineering geologist who prepared this section of the Initial Study conducted a technical peer review of the geotechnical and sewage disposal investigation reports to verify that they were adequate and applicable information sources to inform the CEQA analysis (Sutro Science, 2019). Soil data for the site and vicinity were obtained from the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) through its on-line Web Soil Survey (NRCS, 2019). Topography, geologic conditions, soil test locations, current slope stability conditions were verified and ground-truthed during a site reconnaissance conducted on March 14, 2019 by the preparer of this Initial Study section.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence
of a known fault? Refer to Division of Mines and Geology Special Publication 42.

The closest known active fault capable of causing ground fault rupture during an earthquake is the San Andreas fault, located 4.7 miles to the west of the Project site. The San Andreas fault is delineated within an Alquist-Priolo Earthquake Fault Hazards Zone (CGS, 2007). No other geomorphic features were found on the site that would suggest the presence of active faulting (Herzog, 2015). Given the distance to the nearest active fault and site-specific field observations of geomorphic features, the risk of ground rupture along a fault trace at the Project site is low and thus surface fault rupture is not considered an impact of the Project.

2014 Grading of the Fire Road

As discussed in the Project Description, the 2014 unpermitted grading of the Fire Road included placement of fill, soil stabilization and installation of a culvert. The Fire Road grading project did not increase or decrease seismic risk at the Project site.

ii) Strong seismic ground shaking?

Marin County is in a seismically active region of California that has experienced earthquakes throughout recorded history. The largest earthquakes to impact this region was the 1906 temblor, followed by the 1989 Loma Prieta event, both on the San Andreas fault. These earthquakes subjected the San Francisco Bay Region, including Marin County, to ground shaking and widespread damage. Based on recently updated earthquake probability modeling, over the next 30 years, there is a 100 percent likelihood that the San Francisco Bay region will experience a magnitude 5 to 6 earthquake and a 72 percent chance that it will experience a magnitude 6.7 to 7 earthquake. The percent likelihood decreases with greater magnitude earthquakes resulting in a 4 percent likelihood of a magnitude 8 or greater magnitude earthquake over the next 30 years (USGS, 2015). The degree of earthquake ground shaking experienced by the Project site depends on the causative fault, the distance to the epicenter, the earthquake magnitude and the response of the underlying geologic materials to the seismic waves. An earthquake on any of the San Francisco Bay region’s active faults would likely subject the Project site to moderate to strong ground shaking. The California Building Code, as adopted by Marin County, requires design and construction of buildings intended for human occupancy to withstand the anticipated ground motion generated during a large earthquake with minimal damage and without structural collapse. While earthquakes are unavoidable and the Project could expose new occupants to the ground shaking hazards in this region, seismic design parameters required through enforceable building codes would reduce the risk of injury and the loss of life during an earthquake. Impacts associated with earthquake ground shaking are therefore considered less than significant.
2014 Grading of the Fire Road

The 2014 unpermitted grading of the Fire Road did not increase or decrease the risks associated with seismic ground shaking at the Project site.

iii) Seismic-related ground failure, including liquefaction?

Ground shaking during an earthquake can alter the structure and greatly reduce the strength of an underlying soil. Liquefaction occurs when saturated, loose, cohesionless sands or gravels are subjected to ground shaking during an earthquake, causing them to transform to a liquid state and lose bearing strength. The seismic hazards associated with liquefaction include lateral spreading, loss of bearing strength/collapse, densification, and settlement. The conditions for liquefaction are not present on the Project site as the geologic materials consist of fine-grained and poorly sorted colluvium8 overlying deep competent sandstone and shale bedrock of the Franciscan Assemblage. This was verified in borings drilled on the Project site during a geotechnical investigation completed by Herzog in November 2015. Materials encountered during the investigation were relatively dense and/or contained a high percentage of fine-grained materials (silt and clay) (Herzog, 2015). Groundwater was encountered in the bedrock at a depth of 16 feet in only one of the borings drilled during the Herzog investigation. The Project site is not within a Seismic Hazard Zone for liquefaction delineated under the California Seismic Hazards Mapping Act of 1990 (CGS, 2008). Considering the subsurface materials, the likelihood of liquefaction during ground shaking is low. Liquefaction and other related ground failures are less than significant impacts of the Project.

2014 Grading of the Fire Road

The native soils underlying the Fire Road in the eastern portion of the property consist of sandy clays and the fill for the Fire Road that overlies the native soils is composed of clayey and silty gravels and sand. These materials are fine-grained and not susceptible to liquefaction or related seismically activated ground failures. Therefore, the 2014 unpermitted grading of the Fire Road did not increase or decrease the potential for liquefaction to occur at the Project site.

iv) Landslides?

The Project site is not within a Seismic Hazard Zone for seismically-induced landsliding delineated under the California Seismic Hazards Mapping Act of 1990 (CGS, 2008). However, published regional geologic maps locate the Project site within three Slope Stability Zones (Rice, 1976). The eastern-most portion of Project site lies in Slope Stability Zone 4, the least stable category. Zone 4 slope stability includes existing active or inactive landslides and those subject to downslope creep. Previous regional mapping identified an earth-flow type slope failure in the eastern portion of the Project site, along

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8 Colluvium refers to loose, heterogeneous soil material or rock fragments deposited on a slope through mechanical and water erosion. Colluvium can be representative of the underlying parent bedrock.
the south-trending swale adjacent to Panoramic Highway. The areas on the southwest flanking slopes of the Project site were mapped within Slope Stability Zone 3 where the steepness of the slopes approach the stability limits of the underlying materials (Rice, 1976). Landslide deposits in Zone 3 areas tend to be more stable than those in Zone 4 areas. The upper portion of the Project site along the knoll, where the topography is less sloped, was mapped as Slope Stability Zones 1 and 2. Zone 1 is characterized as the most stable, typically underlain by resistant bedrock in a stable slope position. Zone 2 is typically on ridge and spur crests, underlain by competent bedrock but with the side slopes that are potentially unstable. The existing developed area of the Project site and the proposed building envelopes are located primarily in Slope Stability Zones 1 and 2.

The November 2015 geotechnical investigation included detailed geologic mapping of the Project site (Herzog, 2015). The site-specific mapping was consistent with and verified findings from the regional mapping conducted by Rice in 1976 (Rice, 1976). Herzog identified topography that suggested legacy slope failure in the eastern-most portion of the Project site and mapped this area as landslide deposits that encompass much of the south-trending swale (Herzog, 2015). Herzog drilled a soil boring on the Fire Road and encountered landslide slide debris materials underneath the road fill.

Herzog also identified several smaller landslides, referred to as slumps, along the banks of the ephemeral drainage that borders the southern boundary of the Project site and along the cut banks for the earthen access roads traversing the Project site’s south facing slopes. These slump failures are consistent with expected slope conditions within Slope Stability Zone 3.

Herzog did not encounter features indicative of slope failure in the upper, less sloped portions of the Project site near the crest of the knoll, consistent with previous regional mapping (Rice, 1976). These areas support the existing residence and the two proposed building envelopes in lots 2 and 3. Geologic materials that underlie this portion of the Project site consist of 1 to 3 feet of gravel/clay mixtures over competent sandstone bedrock described by Herzog as Cretaceous-age sedimentary bedrock consisting of sandstone and shale. Given the gradual slopes and the presence of competent bedrock, these areas are less susceptible to landsliding or ground failure.

There are areas of slope instability on the Project site, namely the old landslide in the eastern portion and slump failures along the southern slopes adjacent to the drainages and roads. These areas of are not, however, expected to adversely impact slope stability conditions within the building envelopes of the proposed lots, which are underlain by competent bedrock and are thus less susceptible to slope failure. Therefore, the impacts associated with slope failure and landslides are less than significant.

2014 Grading of the Fire Road

The area where the unpermitted grading for the Fire Road occurred overlies an old landslide identified by previous regional mapping and confirmed by Herzog’s geotechnical investigation (Herzog, 2015). While the fill for the Fire Road was placed on the debris of a former landslide, the grading of the Fire Road appears not to have
increased the potential for future landsliding. Conversely, it is likely that grading the road bed for the Fire Road created a stable terrace on the slope that, in addition to channelizing and routing of storm flows through the culvert under the road, stabilizing the fill soils, and revegetating the slope, reduced the potential for further landsliding in this area. Therefore, impacts to slope stability on the Project site from the unpermitted grading of the Fire Road are less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

This analysis refers to excessive, long term soil erosion and topsoil loss that can cause noticeable and lasting changes to the topography, such as deep slope rills, gullies or the unmanageable accumulation of sediment. Under current conditions, the existing structures and proposed building envelopes are not subject to erosion or loss of topsoil as these areas are on relatively level to gradual slopes that currently support landscaping or hardscape with an effective drainage system. Areas with moderate slopes, such as the south portion of proposed lot 3, are covered with vegetation and do not show signs of past or ongoing surface erosion, instability or failure. As discussed in Section 10, Hydrology and Water Quality, construction activities during the development of the lots could cause temporary erosion of exposed soil, however, construction projects must comply with the prescriptions of California’s Construction General Permit and apply measures that reduce or limit soil erosion and sedimentation. Under post-construction conditions, the proposed lots would be developed, and erosion and soil loss would be limited by the installation of hardscape, landscape, vegetation and an improved surface water drainage system that would not increase or concentrate stormwater drainage. Therefore, impacts associated with substantial soil erosion and loss of topsoil would be less than significant.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road did not cause new or exacerbate existing soil erosion and loss of topsoil because the grading project stabilized a slope composed of landslide debris by creating a benched slope break with stabilized fill material. The culvert installed beneath the road serves to direct stormwater flow under the road and into a channel downslope, thereby reducing the risk of long-term gully and rill erosion. Short-term erosion was minimized by the installation of erosion control features. It is likely that the Fire Road grading and associated soil stabilization reduced the potential for future soil erosion, loss of topsoil and downslope sediment accumulation.

c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The three proposed building envelopes are located on a knoll of a spur ridge that is composed of gravelly-clay-silt colluvium overlying competent sandstone and shale bedrock. The bedrock consists of highly weathered, non-metamorphosed sandstone and shale which appears consistent with typical Cretaceous rocks of the Franciscan Assemblage (Herzog, 2015). These materials are considered stable and not susceptible
to excessive ground shaking, landsliding or secondary soil and rock failure mechanisms (i.e. liquefaction, densification, lateral spreading or subsidence or collapse). Areas of slope instability elsewhere on the Project site (i.e. slump failures on the southern slopes) are an adequate distance away and would not impact the proposed building envelopes. Therefore, impacts associated with current or potential future instability of a geologic unit are less than significant.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road did not destabilize the slopes in the eastern portion of the Project site or increase the potential for liquefaction. Furthermore, the Fire Road grading was an adequate distance away, such that it did not adversely impact the proposed building envelopes. The Fire Road grading stabilized a slope composed of landslide debris by creating a benched slope break with stable fill material and adequate drainage, and had a less-than-significant impact on current or potential future instability of a geologic unit.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils are those that have the capability to swell when wet and shrink when desiccated. This shrink-swell behavior is common in soils that contain certain types and fractions of clay. The expansive behavior of certain soils can damage foundations and other structural elements. Typically, the common remedy for expansive soils is removal and replacement with non-expansive surface soils and/or gravel foundation base materials. The predominant soils type on the Project site is Bonnydoon Gravelly Loam (NRCS, 2019). The plasticity index (PI)\(^9\) of this soil type ranges from a 5 to 15. Soils with a PI in this range are not considered expansive (Hunt, 2005). The California Building Code, which has been adopted by Marin County, requires design-level geotechnical investigations prior to grading and construction. Soils testing conducted as part of the design-level geotechnical investigation for any proposed structures on the newly created lots would require testing for expansive soil and if soils are found to be expansive, geotechnical recommendations would be prescribed to remove and replace the problematic soils prior to foundation construction. Given that the predominant soil type on the Project site is not considered expansive and that soils testing would be conducted prior to individual development on lots 2 and 3, the risk of impacts associated with expansive soils is less than significant.

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\(^9\) Plasticity index is a measure of the expansivity of a soil, which is defined as the Liquid Limit (moisture content at which a soil passes from the liquid to the plastic state as moisture is removed) minus the Plastic Limit (PL) the moisture content at which a soil passes from the plastic to semi-solid state.
The reworking of native soils and/or importation of fill required for the unpermitted grading of the Fire Road did not significantly alter the soil conditions on the Project site nor did it introduce a non-native source of expansive soils. The grading of the Fire Road had no impact on the presence or distribution of potentially expansive soils.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The Applicant engaged Questa Engineering Corporation (Questa) to complete an onsite sewage disposal investigation in January 2018. Questa reviewed the existing disposal system and leachfield for the existing residence (which is on proposed lot 1) and evaluated whether individual sewage disposal systems were feasible for proposed lots 2 and 3. The scope of the investigation included an assessment of underlying soil characteristics, groundwater conditions, percolation test data, and potential slope stability impacts. Based on that information, Questa recommended designs for the new onsite sewage disposal systems on proposed lots 2 and 3.

The leachfield serving the existing residence is a Class 1 alternative system that has a Marin County operating permit and is under the County’s monitoring program. County records show that this 5-bedroom system is in good operating condition. The leachfield system requires a non-revocable sewage disposal easement into proposed lot 3 for monitoring and maintenance and does not allow any grading or development in the easement. There is also an existing septic system easement on proposed lot 1 that serves the property immediately to the west (APN 046-151-37). The leachfield for proposed lot 2 would be located on the east side of the lot and could support a 5-bedroom house with a leaching trench depth of 48 inches and total length of 210 linear feet. The leachfield on proposed lot 2 would be located approximately 200 feet northeast from the leachfield easement on proposed lot 1 and the leachfield serving the existing residence (Questa, 2018). The leachfield for proposed lot 3 would be located centrally on the lot and could serve a 5-bedroom house with leaching trench depth of 60 inches and 133 linear feet. The leachfield on proposed lot 3 would be located approximately 200 feet southeast from the leachfield easement on proposed lot 1 and the leachfield serving the existing residence (Questa, 2018).

Questa’s findings indicate that there are suitable conditions and sufficient area on the three proposed lots to support pressure dosed leachfield systems, which can meet and exceed the minimum three-bedroom size requirement and comply with Marin County Sewage Disposal Regulations (Questa, 2018).

In addition to meeting the County’s established leachfield siting and design criteria, the project applicant was also required to conduct an assessment of cumulative impacts in accordance with General Provision 308 of the Marin County Regulations for Design Construction and Repair of Individual Sewage Disposal Systems. In accordance with Provision 308, cumulative impact assessments are required for proposed projects
involving a subdivision of 3 or more lots, projects with large flow leachfield systems, or projects with leachfield systems that are closer than 100 feet upslope or downslope or within 50 lateral feet of an existing system (County of Marin, 2016). Assessments must evaluate potential groundwater mounding and nitrate loading conditions and demonstrate that a minimum water table clearance of 24-inches can be maintained beneath each system and that the proposed systems would not cause the groundwater nitrate-nitrogen concentration to exceed 10.0 milligrams of nitrogen per Liter (mg-N/L) in areas not served by groundwater wells. The Marin County Department of Environmental Health Services (EHS) Division reviews the results of the cumulative impact assessment to determine compliance and would not approve a project if it was found not to comply with General Provision 308.

Because the proposed Project is a subdivision with 3 or more lots, Questa performed a cumulative impact assessment, as required by Provision 308, in conformance with procedures and evaluation criteria contained in the Marin County Alternative Septic Systems Regulations, Section 807. The assessment assumed a 5-bedroom capacity septic system for each lot and a 500-gallon per day (gpd) long-term wastewater flow for each system. A groundwater mounding analysis was conducted for each leachfield separately as they drain in different directions and are between 160 feet and 500 feet apart. The results of the analysis show a 2- to 5-inch rise in groundwater level at the downslope edge of each leachfield, which is within the required minimum water table clearance of 24-inches. The mounding analysis for the existing leachfield on proposed lot 1 shows a 2-inch rise in the water table at a point 100 feet downslope and adjacent to the existing leachfield easement, which is within evaluation criteria and of no consequence to the functioning of either existing septic system (Questa, 2019). The nitrate loading analysis shows a projected groundwater value of 4 mg-N/L, which is within the 10 mg-N/L criterion. Questa concluded that cumulative wastewater loading impacts were within regulatory limits and are of no significance (Questa, 2019). The County Health Officer reviewed Questa’s cumulative impact assessment and determined that the predicted groundwater rise between 2- and 5-inches downslope of the leachfields is acceptable (Marin County EHS, 2019).

Questa concluded that the proposed leachfield systems would comply with the County’s established siting and design criteria, and thus, with Questa’s design recommendations, the Project site could accommodate the two proposed and the two existing leachfield systems (Weissman, 2019). The cumulative impact assessment found that groundwater mounding and nitrate loading would be within regulatory limits. Therefore, adverse effects associated with the proposed septic/leachfield systems are not expected and this impact is less than significant.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road had no impact on the operation of existing leachfield systems or on the feasibility of developing new onsite sewage disposal and leachfields.
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Project site is underlain by highly weathered, non-metamorphosed sandstone and shale, which appears consistent with typical Cretaceous rocks of the Franciscan Assemblage. These rocks have undergone extensive tectonic deformation associated with an ancient subduction zone and therefore, fossilized remains of flora or fauna in this formation are rare because they would not likely have remained intact. Some marine fossils have been found in Franciscan Assemblage rocks at sites in California, but these specimens are common and well-documented and thus would not be considered a unique paleontological resource. In general, the Franciscan Assemblage is considered to have a low paleontological sensitivity. Marin County Code, Section 22.20.040(d), addresses discovery of paleontological resources during construction. In the event that paleontological resources are discovered during any construction, construction activities shall cease, and the Community Development Agency shall be notified so that the extent and location of discovered materials may be recorded, and disposition of artifacts may occur in compliance with state and federal law.

The Project site is located on a knoll and along associated side slopes of a spur ridge. The Project could construct single-family residences on upper, relatively level portions of that knoll. There are no unique geologic features or outcroppings present on the Project site. While the Project would require grading and soil disturbance on the individual lots, the work would not change the overall site relief and topography. The spur ridge and knoll are not considered unique to this region and thus, the proposed Project would not adversely impact a unique geological feature. This impact is considered less than significant.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road did not destroy a paleontological resource nor did it adversely impact a unique geological feature.

References


Questa Engineering Corporation (Questa), 2019. Letter to Gwen Baert and Rebecca Ng, Marin County Environmental Health Services Division from Paul Pospisil regarding 455 Panoramic Highway, Mill Valley. November 1, 2019.


8. Greenhouse Gas Emissions

Would the Project: | Significant or Potentially Significant Impact | Less Than Significant Impact with Mitigation Incorporated | Less than Significant | No Impact |
--- | --- | --- | --- | --- |
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | | | ☒ | 

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | | | ☒ | 

Greenhouse Gas Emissions Setting

“Global warming” and “global climate change” are the terms used to describe the increase in the average temperature of the earth’s near-surface air and oceans since the mid-20th century and its projected continuation. Warming of the climate system is now considered to be unequivocal, with global surface temperature increasing approximately 1.33 degrees Fahrenheit (°F) over the last 100 years. Continued warming is projected to increase global average temperature between 2 and 11°F over the next 100 years (International Panel on Climate Change [IPCC], 2014).

Natural processes and human actions have been identified as the causes of this warming. The IPCC concludes that variations in natural phenomena such as solar radiation and volcanoes produced most of the warming from pre-industrial times to 1950 and had a small cooling effect afterward. After 1950, however, increasing greenhouse gas (GHG) concentrations resulting from human activity such as fossil fuel burning and deforestation have been responsible for most of the observed temperature increase. These basic conclusions have been endorsed by more than 45 scientific societies and academies of science, including all of the national academies of science of the major industrialized countries. Since 2007, no scientific body of national or international standing has maintained a dissenting opinion.

Increases in GHG concentrations in the earth’s atmosphere have been identified as the main cause of human-induced climate change. Gases that trap heat in the atmosphere are referred to as GHGs because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. Some GHGs occur naturally and are necessary for keeping the earth’s surface inhabitable. However, increases in the concentrations of these gases in the atmosphere during the last 100 years have decreased the amount of solar radiation that is reflected back into space,
intensifying the natural greenhouse effect and resulting in the increase of global average temperature.

The primary GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone, and water vapor. While the presence of the primary GHGs in the atmosphere are naturally occurring, CO₂, CH₄, and N₂O are also emitted from human activities, increasing the concentration of these compounds within earth’s atmosphere.

(a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The air quality modeling performed for the Project (CARB, 2016) also produced an estimate of GHG emissions from Project construction and operation (that is, residential use of the Project site following construction). Construction emissions would be associated with use of off-road fossil-fuel powered equipment, on-road cars and trucks used by construction workers and for delivery of materials and equipment, and electricity use. GHG emissions associated with operations include emissions produced by motor vehicles used by future residents, natural gas combustion for space and water heating, electricity use, and landscape maintenance equipment.

The Project’s estimated construction and operational GHG emissions are presented in Table 8-1. There is no BAAQMD CEQA significance threshold for construction-related GHG emissions. Nevertheless, the BAAQMD recommends quantifying and disclosing construction-related GHG emissions. The CalEEMod model run estimated GHG emissions during construction are 219.1 metric tons of CO₂e (total GHG emissions expressed in terms of CO₂ equivalence), all of which would be from fossil sources.¹⁰

Table 8-1: Estimated Annual Greenhouse Gas Emissions (metric tons)

<table>
<thead>
<tr>
<th>Source</th>
<th>Annual CO₂e Metric Tons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>219.1</td>
</tr>
<tr>
<td>Operations</td>
<td></td>
</tr>
<tr>
<td>Area Sources</td>
<td>0.39</td>
</tr>
<tr>
<td>Energy</td>
<td>16.7</td>
</tr>
<tr>
<td>Mobile</td>
<td>49.3</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>0.56</td>
</tr>
<tr>
<td>Water</td>
<td>1.72</td>
</tr>
<tr>
<td><strong>Total Operational Emissions</strong></td>
<td><strong>68.6</strong></td>
</tr>
<tr>
<td><strong>Significance Threshold</strong></td>
<td><strong>1,100</strong></td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: CARB, 2016.

¹⁰ Fossil sources of GHG emissions are distinguished from non-fossil, “biogenic” sources. These latter include decomposition of organic matter. Biogenic emissions are considered part of the natural carbon cycle.
The BAAQMD has established a threshold for operational emissions of 1,100 metric tons of CO₂e per year (BAAQMD, 2017). The operational GHG emissions for the Project are estimated to be 68.6 metric tons per year, which is well below the BAAQMD threshold. Thus, the Project’s GHG emissions would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

In 2006, the California legislature passed and Governor Schwarzenegger signed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished by enforcing a statewide cap on GHG emissions. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

AB 32 requires CARB to adopt a quantified cap on GHG emissions representing 1990 emissions levels and disclose how it arrived at the cap; institute a schedule to meet the emissions cap; and develop tracking, reporting, and enforcement mechanisms to ensure that the state reduces GHG emissions enough to meet the cap. AB 32 also includes guidance on instituting emissions reductions in an economically efficient manner, along with conditions to ensure that businesses and consumers are not unfairly affected by the reductions. Using these criteria to reduce statewide GHG emissions to 1990 levels by 2020 would represent an approximate 25 to 30 percent reduction in current emissions levels. However, CARB has discretionary authority to seek greater reductions in more significant and growing GHG sectors, such as transportation, as compared to other sectors that are not anticipated to significantly increase emissions. Under AB 32, CARB must prepare a Scoping Plan and adopt regulations to achieve reductions in GHG emissions to meet the 1990 emissions cap by 2020. The Scoping Plan was adopted in 2008 (CARB, 2008).

SB 32, enacted in 2016, increased the required reductions in GHG emissions to 40 percent below 1990 levels by 2030. The AB 32 Scoping Plan 2017 Update contains the strategy for meeting the 2030 goal. This will be accomplished by increasing renewable energy use, putting more electric cars on the road, improving energy efficiency, and curbing emissions from key industries. The State has also established “renewable portfolio standards,” which specify the percentage of retail energy sold in the state from renewable and zero carbon sources. In September of 2018, Governor Brown signed SB100, establishing a renewable portfolio standard of 100 percent by the year 2045.

Several of the Scoping Plan policies would result in a reduction of GHG emissions from Project construction and operation. The Low Carbon Fuel Standard (LCFS), which seeks a transition to cleaner, less-polluting fuels that have a lower footprint, seeks at least an 18 percent reduction in carbon intensity of liquid fuels, and applies to all fuels sold in California (CARB, 2017). Equipment and vehicles used in Project construction and
operation would use fuels subject to the LCFS, and would therefore be consistent with this State policy. The California Light-Duty Vehicle Greenhouse Gas Standards (“Pavley Standards”) establish tailpipe limits for cars and light trucks sold in California, which would apply to vehicles purchased and used by future residents of the Project site. The original, 2008 Scoping Plan included High Recycling / Zero Waste measure for GHG reduction. This measure reduces GHG emissions primarily by reducing the substantial energy use associated with the acquisition of raw materials in the manufacturing stage of a product’s lifecycle. Since the Project would comply with the California Green Building Code (CalGreen) requirement to divert at least 65 percent of construction and demolition waste from landfill disposal, and future residents would be served with comprehensive recycling programs, the Project would be consistent with the High Recycling measure. GHG emissions from Project operation would also be reduced through State-wide achievement of the renewable portfolio standards. Other Scoping Plan polices that would result in GHG emissions reductions for the Project include Energy Efficiency standards for buildings and appliances and the Green Building Strategy, which has been implemented by adoption of CalGreen.

The Scoping Plan’s Regional Transportation-Related Greenhouse Gas Targets strategy, which is implemented by SB 375, requires regions, such as the Bay Area, to integrate development patterns and the transportation network in a way that achieves the reduction of greenhouse gas emissions, while meeting housing needs and other regional planning objectives. SB 375 reflects the importance of achieving significant additional reductions of greenhouse gas emissions from changed land use patterns and improved transportation to help achieve the goals of AB 32.

In the Bay Area region, responsibility for regional transportation and housing planning is shared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). These two agencies have prepared Plan Bay Area 2013, and the Plan Bay Area 2040 Update (MTC and ABAG, 2017), which include the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan. Plan Bay Area 2040 prioritizes fixing an aging transportation system and directing future growth to reduce dependence on the automobile. Plan Bay Area 2040 identifies about 200 “Priority Development Areas” (PDAs). These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. Two PDAs are located in Marin County, the San Rafael Transit Center PDA in downtown San Rafael, and the Unincorporated Marin County PDA in Marin City.

The Project site is not within either of these PDAs. However, the Project site is within the City-Centered Corridor, as defined in the CWP. The City-Centered Corridor contains the County’s urbanized areas, and is the focus for future urban development. Thus, while the Project is not wholly consistent with the Scoping Plan, SB 375, and Plan Bay Area 2040 priorities to focus development in areas to reduce reliance on automobiles for transportation needs, it is consistent with the County’s similar focus, as expressed in the CWP.

Marin County has developed a Climate Action Plan (Marin County, 2015) that provides a roadmap for how the County will reduce energy consumption and GHG emissions to
contribute to meeting the State GHG emissions targets. In addition, the CWP outlines action items pertaining to sustainability including the preparation of policies that promote efficient management and use of resources in order to minimize GHG emissions. Marin County has also enacted green building requirements for construction of energy- and materials-efficient buildings. These are consistent with, and in some instances exceed the CalGreen (Title 24) State Green Building Code. Green building requirements that pertain to the Project include achievement of higher energy efficiency standards, installation of solar panels or other renewable energy generation capacity, and provision of electric car charging stations.

In summary, the Project would substantially be consistent with, and would not conflict with, State and County policies and regulations to reduce GHG emissions. The impact would be less than significant.

2014 Grading of the Fire Road

The CalEEMod emissions model was used to estimate GHG emissions from the 2014 unpermitted grading of the Fire Road, based on assumptions that 900 cubic yards of fill material was imported to the site, and grading took place over a ½ acre area. The results are shown in Table 8-2. As previously noted, the BAAQMD has not established a significance threshold for construction-related GHG emissions. However, for comparison, the estimated amount of emissions, about 35 tons, is well below the operational threshold of 1,100 tons per year.

Table 8-2 Fire Road Grading GHG Emissions

<table>
<thead>
<tr>
<th>Condition</th>
<th>CO₂e</th>
<th>Biogenic CO₂</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading – Soil Import (Offsite) - Tons per Year</td>
<td>5.8</td>
<td>—</td>
</tr>
<tr>
<td>Grading - Onsite - Tons per Year</td>
<td>28.8</td>
<td>—</td>
</tr>
<tr>
<td>Grading - Total Tons per Year</td>
<td>34.6</td>
<td>—</td>
</tr>
</tbody>
</table>

Source: CARB, 2016

The grading of the Fire Road therefore appears not to resulted in emissions of a significant amount of GHGs, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact with respect to GHGs and climate change.

References


California Air Resources Board (CARB), 2016. California Emissions Estimator Model (CalEEMod), version 2016.3.2.


9. Hazards and Hazardous Materials

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The Project does not propose to construct or operate a facility that mainly stores, handles or processes flammable or combustible chemicals or other hazardous materials or waste. Any use of hazardous materials would be incidental to Project construction and future residential use of the Project site.

The Project would involve construction activities that use limited quantities of hazardous materials, such as paint, solvents, oil and grease, concrete, and petroleum hydrocarbons. Any use of such materials carries the risk of accidental spill or release. The Project, however, would be subject to federal, State, and local laws and regulations governing hazardous material transport, storage, use, and disposal.

As discussed further in Section 10, Hydrology and Water Quality, topic a), the Project would be required to comply with federal National Pollutant Discharge Elimination System (NPDES) regulations by applying for coverage under the State Construction General Permit. Under the Construction General Permit, the Project would be required to implement construction BMPs as set forth in a detailed Stormwater Pollution Prevention Program. These would include measures for storage, use, and disposal of hazardous materials. As a result, the Project would not result in a significant impact related to accidental released of hazardous substances during Project construction.

Operation of the site, that is, post-construction residential use, would also result in the use, storage, and handling of small quantities of hazardous materials associated with routine cleaning, maintenance, repair, and landscaping. Such materials may include petroleum products, cleansers, paints, batteries, and electronics. Risk of release of such materials from residential uses in quantities and concentrations that could have a substantial adverse effect on the environment or human health, however, is low. With regard to disposal of household hazardous waste, Marin County operates a Household Hazardous Waste Collection Facility at 565 Jacoby Drive in San Rafael. The facility accepts a wide range of household hazardous materials from Marin County residents on a free, drop-off basis. The facility also accepts larger quantities of hazardous materials from businesses, on a fee basis.

A search of the area around the Project site using Google Maps identified no schools within ¼ mile of an existing school. The closest school identified is the Old Mill Elementary School, about ¾ of a mile to the northwest. A daycare center, Mishka Daycare, is located about ½ mile to the east, on Park Way. According to the Marin
County Community Development Agency, Planning Division, there are currently no proposed schools in the vicinity of the Project site (Marin County Community Development Agency, 2019).

Given the limited amount of hazardous materials that would be used during Project construction and operation, the low risk of release of such materials through accidental spill or upset, and the availability of a facility for disposal of hazardous wastes, the Project would have a less-than-significant impact with regard to hazardous materials. As there are no schools existing or planned within ¼ mile of the Project site, and the Project would not result in hazardous emissions or handle acutely hazardous materials, there would be no impact with regard to potential effects of hazardous materials use on nearby schools.

With regard to hazardous emissions during construction, please see the discussion of DPM emissions in Section 3, Air Quality, which finds that hazardous emissions would be less than significant with mitigation.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

A search of the State’s Geotracker and EnviroStor databases revealed no hazardous materials sites within or in close proximity to the Project site (SWRCB, 2019a; DTSC, 2019a). The closest site found in the database searches was the closed Mill Valley City Landfill, located about 1,500 feet east of the Project site, south of the intersection of Edgewood Ave. and Cypress Ave.

According to the Envirostor summary, the Mill Valley City Landfill site was used as a water reservoir until 1967, when it was sold to the City of Mill Valley as a potential park. Also known as the Edgewood Disposal Area, the site was used for disposal of green waste, soil, and some construction debris. In the 1990s, the Marin County Local Enforcement Agency (LEA) (Marin County EHS) and the California Integrated Waste Management Board (CIWMB) monitored the site for landfill gases and did not find any results above detection levels. The site is listed in the State’s Solid Waste Information System (SWIS) as a closed solid waste disposal facility. Inspection frequency by the LEA changed in 2001 from quarterly to annual. Given its distance from the Project site of over ¼ mile, the Project would not affect nor be affected by this closed landfill.

Additionally, the following “Cortese List” lists were searched:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database (DTSC, 2019b);
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit (SWRCB, 2019b);
- List of “active” Cease and Desist Order (CDO) and Cleanup and Abatement Order (CAO) sites (SWRCB, 2019c);
• List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (DTSC, 2019c).

The Project site was not found on any of these lists.

Based on the search of State lists and databases, the Project site is not included on a list of hazardous materials sites, and therefore there is no impact of this kind.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The closest airports or airfields to the Project site are San Rafael Airport (also known as Smith Ranch Airport), located approximately 9 miles from the Project site, east of US 101, and Gnoss Field, near Novato, about 17 miles from the Project site. The Project site is not within an airport land use plan, and because of its distance from the nearest airports and airfields, the Project does not have the potential to result in a safety hazard or excessive noise due to proximity to an airport. There would be no impact of this kind.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Other than proposed work to improve the intersection of the existing driveway for the Project site with Panoramic Highway, the Project would not alter roads or other transportation facilities. Project construction is not expected to result in temporary or permanent road closures. Therefore, the Project would not have the potential to impair or interfere with an emergency response plan or evacuation plan. Any effects on roadways during Project construction would be minor and temporary, and would have a less-than-significant impact on emergency response plans and evacuation plans.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road in 2014 involved use of heavy equipment on the Project site and haul trucks importing fill material to the site. No information has come to light indicating that there was a spill or other release of hazardous materials during the grading. Therefore, the Fire Road grading appears not to have created a serious hazard to the public involving hazardous materials. The other topics in this section all cover the entire Project site, including the Fire Road. In short, the Fire Road grading appears not to have resulted in a significant impact with regard to hazards and hazardous materials, and consideration of the Fire Road does not change conclusions regarding the Project’s less-than-significant impacts.

References

https://www.marincounty.org/depts/cd/divisions/planning/projects


## 10. Hydrology and Water Quality

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>i) result in substantial erosion or siltation on- or off-site;</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>iv) Impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The 8.29-acre Project site is located within the upper reaches of the 8.8 square mile Redwood Creek watershed at elevations ranging from 700 feet to 900 feet above sea level. The Project site receives mean annual precipitation of 34 inches of rain, mostly during the winter months. The Redwood Creek watershed is primarily comprised of undeveloped public lands and open space (95% of area) and private land (5%). The Project site forms a portion of a 37-acre drainage area (sub-watershed) within the Redwood Creek watershed that drains to two unnamed ephemeral channels. The sub-watershed area, defined here for the purposes of assessing hydrologic impacts (discussed further under c), below), represents approximately 0.7% of the Redwood Creek watershed. The two unnamed ephemeral streams, both tributary to Redwood Creek, flow along the western and eastern edges of the Project site and meet just south of the property boundary. All surface runoff, as well as shallow subsurface flows from the Project site and surrounding sub-watershed area flow via the unnamed drainages downstream approximately 0.8 miles to the confluence with Redwood Creek and then to the Pacific Ocean at Muir Beach, 4 miles farther downstream. Salmon and steelhead habitat, currently undergoing recovery and enhancement efforts within the watershed, occurs within reaches of Redwood Creek at the valley floor downstream and well downstream of the confluence with the unnamed streams on the Project site.

Construction of the Project would include earthwork activities (i.e., grading, excavation, and other soil-disturbing activities) and placement of engineered fill soils. Stormwater runoff from construction activities is a common source of pollutants (mainly sediment) to receiving waters. Earthwork activities can loosen soils making them more susceptible to erosion from stormwater runoff and causing them to migrate to storm drains and downstream or downgradient water bodies, such as Redwood Creek and its tributaries. Increased sediment in Redwood Creek could degrade water quality, exceed water quality standards, and degrade aquatic habitat for salmonids (see Section 4, Biological Resources). To protect sensitive aquatic habitat and ensure water quality is not degraded, especially as a result of erosion and sedimentation from direct disturbance, the Project establishes setbacks from streambanks and the edge of riparian vegetation (see Project Description). In addition, Project construction would likely involve the use of various materials typically associated with construction activities such as paint, solvents, oil and grease, petroleum hydrocarbons, concrete and associated concrete wash-out areas. If improperly handled, these materials could be released and be transported offsite by stormwater runoff (nonpoint source pollution) to eventually degrade receiving water quality.
Because the Project exceeds one acre of disturbance by construction activities, it would
be required to comply with NPDES regulations and obtain coverage under the State
Construction General Permit (CGP). Under the requirements of the CGP, the Applicant
or their contractor(s) would implement stormwater controls referred to as construction
BMPs, as set forth in a detailed Stormwater Pollution Prevention Plan (SWPPP).
SWPPPs are a required component of the CGP and must be prepared by a California-
certified Qualified SWPPP Developer (QSD) and implemented by a California-certified
Qualified SWPPP Practitioner (QSP). SWPPPs must describe the specific erosion
control and stormwater quality BMPs needed to minimize pollutants in stormwater runoff,
and detail their placement and proper installation. The BMPs are designed to prevent
pollutants from contacting stormwater and to keep all products of erosion (i.e., sediment)
and stormwater pollutants from migrating offsite into receiving waters. Typical BMPs
implemented at construction sites include placement of sediment barriers around storm
drains, the use of fiber rolls or gravel barriers to detain small amounts of sediment from
disturbed areas, and temporary or permanent stockpile covers to prevent rainfall from
contacting the stockpiled material. In addition to erosion control BMPs, SWPPPs also
include BMPs for preventing the discharge of NPDES pollutants such as paint, solvents,
concrete, and petroleum products to downstream waters. BMPs for these NPDES
pollutants also include routine leak inspections of equipment, maintaining labelling and
inspecting integrity of containers, and ensuring that construction materials are disposed
of in accordance with manufacture’s recommended disposal practices and applicable
hazardous waste regulations.

Under the provisions of the CGP, the QSD is responsible for assessing the risk level of a
site based on both sediment transport and receiving water risk and developing and
implementing the SWPPP. Projects can be characterized as Risk Level 1, 2, or 3, and
these risk levels determine the minimum BMPs and monitoring that must be
implemented during construction. Under the direction of the QSD, the QSP is required to
conduct routine inspections of all BMPs, conduct surface water sampling, when
necessary, and report site conditions to the State Water Resources Control Board
(SWRCB) using the Stormwater Multi-Application Reporting and Tracking System
(SMARTS). Compliance with the CGP is required by law and has proven effective in
protecting water quality at construction sites.

Following the completion of construction (post-construction), the Project would be
subject to compliance with the Phase II Stormwater NPDES Permit for small municipal
separate storm sewer systems (MS4s) covering Marin’s cities, towns and unincorporated
areas. Provision E.12 of the MS4 Permit, the “Post-Construction Stormwater
Management Program,” is administered locally under the Marin County Stormwater
Pollution Prevention Program (MCSTOPPP). Under MCSTOPPP post-construction
requirements, the Project would be required to implement an approved Stormwater
Control Plan consistent with the BASMAA post-construction manual (BASMAA, 2019).

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11 National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water
Discharges Associated with Construction and Land Disturbance Activities – Order no. 2009-0009-
DWQ, NPDES No. CAS 000002
which specifies design guidance for stormwater treatment and control for projects in Marin. As such, the Project would be required to include design features that incorporate stormwater management guidelines and incorporate measures such as limiting clearing, grading and soil compaction; minimizing impervious surfaces; reducing runoff and peak storm discharges by dispersing runoff to landscaping or using pervious pavements; conserving natural areas of the site as much as possible; and protecting slopes and channels against erosion. At a minimum, the Project would be required to adhere to MCSTOPPP provisions, which would require source controls of stormwater volumes and implementation of BMPs for stormwater quality management, (discussed further under topic c), below), including implementation of Low Impact Design (LID) stormwater measures.

Additionally, because the Project exceeds 5,000 square feet of impervious surface, the proposed Project would be subject to the MCSTOPPP requirements for a Regulated Project\(^\text{12}\) and would therefore be subject to more stringent post-development stormwater permit requirements. MCSTOPPP post-construction requirements specify that site designs for Regulated Projects, or where otherwise required by the local agency, must minimize the area of new roofs and paving. Where feasible, it is required that pervious surfaces be used instead of paving so that runoff can infiltrate to the underlying soil. Remaining runoff from impervious areas must be captured and used or treated through bioretention methods. Regulated Projects must also incorporate pollutant source control best management practices (BMPs) into the site design consistent with the BASMAA post-construction manual Appendix A checklist (BASMAA, 2019).

As discussed in the Project Description, the Project includes a proposed stormwater management system that is intended to comply with the requirements for a Regulated Project (Ziegler Civil Engineering, 2018a and 2018b). The proposed system to manage stormwater includes a series of drains, bioswales, conveyance channels, and cisterns to treat stormwater, minimize and avoid erosion, and control an anticipated increase in stormwater runoff from the increase in impervious areas, including paved and built areas. The design for the proposed stormwater management system was completed consistent with the BASMAA guidelines for post-construction activities, as required by MCSTOPPP. The Project civil engineer, Ziegler Civil Engineering, assessed the site and proposed stormwater management system by model analysis to ensure compliance and consistency with MCSTOPPP requirements for a Regulated Project and MS4 Permit standards (Ziegler Civil Engineering, 2018a) (see detailed discussion under topic c), below).

Required compliance with the prescriptions set forth by the CGP, SWPPP, and the construction and post-construction requirements of MCSTOPPP, including application of BASMAA design guidelines, as well as implementation of associated BMPs and pollutant source controls, would prevent the discharge of pollutants to surface waters or groundwater and minimize or eliminate the potential for degradation of surface water or

\(^{12}\) A regulated project is one that creates or replaces 5,000 square feet or more of impervious surface.
groundwater quality during Project implementation. Water quality impacts related to violation of water quality standards or degradation of water quality would be less than significant.

2014 Grading of the Fire Road

As discussed in the Project Description, the 2014 unpermitted grading of the Fire Road included placement of fill and installation of a culvert to capture and convey runoff from areas upslope of the fire road to the ephemeral stream that bounds the eastern edge of the Project site. The work related to improving the Fire Road created a shallow impoundment of surface runoff, resulting in a small wetland feature, on the inboard (uphill) edge of the road that drains westward towards the installed culvert (LSA, 2018; ACE, 2018). During construction, the grading activities and placement of fill materials likely resulted in temporary and localized erosion and a short-term increase in sediment concentrations within downgradient receiving waters. Following the grading operation, the Applicant installed erosion control features, including straw mulch and netting. The Hydrologist who prepared this section of the Initial Study conducted a site visit on March 14, 2019 and observed that the erosion control features installed by the property owner were present, in good repair, and appeared to be effective in minimizing erosion and sedimentation associated with the Fire Road improvements. Further, the revegetation downslope of the Fire Road improvements has resulted in dense vegetation on the slopes and areas adjacent to the culvert and ephemeral stream.

The vegetative cover along with the erosion control features required by the County, San Francisco Regional Water Quality Control Board, and CDFW has addressed any ongoing erosion and sedimentation associated with the Fire Road and there is no residual or ongoing impact relating to sedimentation or the degradation of water quality. As described above, the Project would not result in a significant impact related to violation of water quality standards or degradation of water quality; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Pumping of groundwater can cause groundwater levels to decline in the area around the point of extraction, which could interfere with the operation of nearby wells, if present. The Project would not include installation of groundwater wells or long-term groundwater extraction. Water service to each of the proposed three lots would be provided by the MMWD. MMWD currently serves the existing residence. There are no known wells within 100 feet of the Project site (Questa, 2018).

Project construction of utilities and foundations would involve subsurface excavation. If shallow groundwater were encountered during excavation activities, it would have to be pumped out of the construction trench to create a dry work area. It is unlikely that such excavations would intercept shallow groundwater, as shallow groundwater was not
encountered within proposed development locations during the geotechnical investigation\(^{13}\) (Herzog, 2015). Based on the results of the geotechnical investigation, dewatering activities would not be required (Questa, 2018). If excavations intersect unanticipated shallow groundwater and dewatering activities are required, dewatering would be temporary, highly localized, and would typically involve the extraction of low volumes of shallow groundwater from excavation trenches. Because of its short-term nature and because there is limited groundwater underlying the site, construction dewatering would not affect local groundwater levels or volumes. Therefore, impacts relating to substantial changes in groundwater supplies through direct withdrawals or through intersection of an aquifer by cuts or excavations would be less than significant.

The Project would not add a substantial amount of impervious surfaces to reduce local groundwater recharge from rainfall infiltration into soils. Under existing conditions, 0.27 acres of the 8.29-acre site are covered with impervious surfaces. Under the proposed Project, an additional 0.31 acres of impervious surfaces would be added to the site, resulting in a total of 0.58 acres. The addition of 0.31 acres of impervious surface would not markedly alter local groundwater recharge because most precipitation flows as runoff to drainages rather than infiltrating into soils or the underlying bedrock, and the Project site does not appear to directly contribute substantially to groundwater recharge of basin aquifers. The addition of the proposed impervious surfaces would not substantially alter this drainage pattern; runoff would continue to run off the site and infiltrate into soils and creek beds down gradient. Therefore, the Project would not interfere with groundwater recharge, and impacts related to groundwater depletion and interference with groundwater recharge would be less than significant.

### 2014 Grading of the Fire Road

The grading, placement of fill, and installation of a culvert to improve the Fire Road has not increased impervious surfaces at the Project site, has not altered drainage patterns (see discussion under topics a) and c)) such that groundwater recharge is reduced, and no groundwater extraction occurred as part of the fire road improvement. There is no residual or ongoing impact relating to groundwater supplies or groundwater recharge on-site or off-site. As described above, the Project would not result in a significant impact related to groundwater; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

\(^{c})\) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would: i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) Create or contribute runoff water which**

\(^{13}\) Free groundwater was only encountered in Boring 1 at a depth of approximately 16 feet below ground surface in the vicinity of the wetland and culvert located near the eastern edge of the property.
would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows?

As described in detail under topic a), the Project site is located within the upper reaches of the largely undeveloped 8.8 square mile Redwood Creek watershed. The 8.29-acre Project site is located within a 37-acre sub-watershed (drainage) area within the Redwood Creek watershed. All surface drainage from the Project site flows to two unnamed channels located along the western and eastern edges of the Project site and then downstream approximately 0.8 miles to the confluence with Redwood Creek. The proposed Project would not involve the direct alteration of a stream or river (including the two unnamed channels) and would not substantially alter on-site drainage patterns; stormwater runoff during construction and following completion of the Project would continue to primarily flow downgradient to the two unnamed channels bounding the Project site. The following assessment focuses on hydrologic and water quality related impacts that could result from the proposed addition of impervious surfaces and implementation of a stormwater management system associated with the Project. As described under topic b), above, the Project would result in an additional 0.31 acres of impervious surfaces (including the proposed driveway improvements and potential new buildings\textsuperscript{14}), resulting in a total of 0.58 acres for the Project site.

Loss of watershed stormwater storage from the addition of impervious surfaces can be a primary impact of development because it can decrease rainfall infiltration into soils and increase runoff flow rates and volumes. Increased runoff can erode slopes and surface water channels as well as the transport of sediment and other pollutants downgradient. Additionally, increased peak stormwater discharges can overwhelm stormwater conveyance systems and cause flooding on-site or downgradient.

Regulations governing development and stormwater recognize the relationship between land-use changes and runoff and typically prescribe requirements relating to storage capacity and drainage that either minimizes concentration (such as through infiltration) or that redistributes concentrated runoff in a manner that mimics pre-development runoff conditions and thus avoids erosion or flooding. Regulations also typically protect water quality and require treating stormwater runoff via physical or biological systems, and minimizing disturbance areas. Table 10-1 summarizes the regulatory standards and criteria for stormwater management relevant to the Project (see also the discussion of water quality regulations under topic a), above).

\textsuperscript{14} All building envelopes described in Table 1 of the Project Description assumed to be 50% pervious and 50% impervious to reflect likely two-story structures (Ziegler Civil Engineering, 2018a).
Table 10-1. Regulatory Requirements and Design Criteria for Project Stormwater and Runoff Management System

<table>
<thead>
<tr>
<th>Regulatory Criteria</th>
<th>Design Parameter</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCSTOPPP / State MS4 Permit</td>
<td>Retain and treat volume of runoff from 0.2 inch/hour storm</td>
</tr>
<tr>
<td>Section E.12.e.c.2.a, Flow Based Criteria</td>
<td></td>
</tr>
<tr>
<td>State MS4 Permit</td>
<td>Post-project peak runoff shall not exceed estimated pre-project flow rate for</td>
</tr>
<tr>
<td>Section E.12, Hydromodification Criteria</td>
<td>2 year/24-hour storm</td>
</tr>
<tr>
<td></td>
<td>85th percentile storm volume capture</td>
</tr>
<tr>
<td>Marin County Culvert Design Criteria</td>
<td>Peak runoff capacity/stability</td>
</tr>
<tr>
<td></td>
<td>100 year/24-hour storm</td>
</tr>
<tr>
<td>Marin County Open Channel Design Criteria</td>
<td>Peak runoff capacity/stability</td>
</tr>
<tr>
<td></td>
<td>100 year/24-hour storm</td>
</tr>
</tbody>
</table>

Note: See also Marin County Code §23.18, Urban Runoff Pollution Prevention, and §24.04.520-627, Drainage Facilities

Source: Ziegler Civil Engineering, 2018a.

The Applicant’s civil engineer completed a hydrologic and hydraulic study (hydrologic study) for the Project (Ziegler Civil Engineering, 2018a). The hydrologic study included a detailed review of the hydrologic characteristics of the sub-watershed and Project site. Model-based analyses were conducted to quantify changes to runoff rates and volumes resulting from implementation of the Project and to determine drainage patterns. The hydrologic study assessed potential impacts from increased runoff and altered drainage patterns and the model results were incorporated into the engineering design for a stormwater management system. The regulatory standards and criteria for stormwater management summarized in Table 10-1 were incorporated into the model analysis and stormwater system design. The resulting proposed stormwater management system comprises of a network of pervious paving, cisterns, bio swales, and detention areas to increase storage, treat runoff, and attenuate peak runoff rates in a manner that mimics pre-development hydrologic conditions at the Project site consistent with the applicable regulations.

The preparer of this Initial Study section peer-reviewed the hydrologic study for accuracy and to verify that methodologies and assumptions employed were defensible and appropriate and that the results were valid (Sutro Science, LLC., 2019). Where applicable, the results and findings of the hydrologic study are incorporated into the analysis of the Project’s potential environmental impacts. Discussed below is a summary of the model analysis methodology, the results and findings, followed by the assessment of the Project’s potential environmental impacts.
Methodology

The model analysis conducted by Ziegler (2018a) assessed the 37-acre sub-watershed that contains the Project site within the larger Redwood Creek watershed. The watershed sub-area was divided into sub-drainages and peak runoff flow rates were calculated using the TR-55 model. TR-55 is the standard model used for such assessments and can simulate a wide variety of surface conditions, land-use changes, and the subsequent effect on stormwater runoff rates, volumes, and storage capacity. TR-55 is also suitable for modelling complex drainage networks and stormwater management systems such as the one proposed as part of the Project.

Accurate hydrologic modelling requires rainfall characteristics that are representative of the study area. For stormwater control and mitigation, the storm duration and intensity for stormwater system design is defined in the MS4 permit and has been adopted under MCSTOPPP as the minimum design standard. MCSTOPPP requires consideration of a design storm intensity of 0.2 inches/hour to calculate a treatment volume for stormwater runoff from a project site. Such a storm type is associated with peak potential stormwater pollution and pollutant transport. In addition to the MCSTOPPP minimum design standard, due to the size of the Project, criteria for hydromodification also applies to the design of the stormwater system (Table 10-1). The hydromodification standard requires that post-development peak runoff flow rates do not exceed those for pre-development conditions. To design a system consistent with the hydromodification standard, the model analysis included consideration of the rainfall depths and associated runoff from the 2 year 1-hour storm (0.64 inches), the 2 year 24-hour storm (3.38 inches), and the 100 year 24-hour storm (8.73 inches) to determine peak runoff rates and total volume generated during design storms. The hydrology of the sub-watershed area was modelled in the pre- and post-project condition for the design storms to ensure that the stormwater management system was designed and sized appropriately for the proposed and foreseeable level of development at the Project site.

Results

Hydrologic study results for the sub-watershed area under the pre- and post-project condition show that the proposed Project would not increase peak discharge rates and stormwater volumes discharged from the Project site (Ziegler Civil Engineering, 2018a, 2018c). The proposed stormwater management system would mimic the pre-project hydrology of the Project site and would slightly decrease overall the peak discharge rate for the sub-watershed area (Table 10-2). Therefore, the Project is consistent with applicable regulatory stormwater standards for development and would not result in hydromodification-related impacts on-site or downstream. The proposed design elements for stormwater capture, treatment, storage, conveyance and drainage routing

15 If the entire watershed were analyzed using model analysis to quantify stormwater changes resulting from the Project, the effects of the Project would be masked by the watershed scale runoff volumes (the sub-watershed area represents less than 0.7% of the total Redwood Creek watershed).
are sized appropriately for calculated peak discharges associated with the required design storms. Additionally, the stormwater system has been designed, based on engineering and model analysis, to ensure hillside, channel, and culvert stability for the 100-year/24-hour design storm. The results of the hydrologic study demonstrate that the Project would comply with the applicable stormwater management requirements (Ziegler Civil Engineering, 2018a and 2018b).

Table 10-2. Summary of Hydrologic Model Analysis Results

<table>
<thead>
<tr>
<th>Project Site Condition</th>
<th>Sub-Watershed Discharge Summary by Design Storm</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Q-2yr Peak (ft³/s)</td>
</tr>
<tr>
<td>Existing Condition</td>
<td>21.83</td>
</tr>
<tr>
<td>Pre-Project</td>
<td></td>
</tr>
<tr>
<td>Post-Project</td>
<td>21.03</td>
</tr>
<tr>
<td>Full build out with proposed stormwater system</td>
<td></td>
</tr>
</tbody>
</table>

Source: Ziegler Civil Engineering, 2018a.

i) result in substantial erosion or siltation on- or off-site

As described under topic a), above, during construction of the Project, the Applicant would be required to comply with the NPDES regulations and apply for coverage under the CGP because ground disturbance at the Project site would exceed one acre. Under the CGP, the Applicant would be required to prepare a SWPPP. The SWPPP must include site-specific erosion and sedimentation control practices and would limit the amount of runoff that may be directed offsite during construction. Compliance with the requirements of the CGP, SWPPP, and the implementation of associated BMPs would prevent erosion and siltation on- and off-site during construction. Impacts related to erosion and/or siltation due to altered drainage patterns during construction would be less than significant.

Following the completion of construction (post-construction), the Project would be subject to compliance with the MCSTOPPP “Post-Construction Stormwater Management Program.” As described under checklist item a), the proposed Project would be subject to the MCSTOPPP requirements for a Regulated Project, and therefore subject to more stringent stormwater permit requirements for post-development. Adherence to MCSTOPPP provisions, which would require source controls of stormwater volumes and implementation of BMPs for stormwater quality management, such as through the proposed stormwater management system, would ensure impacts related to erosion and/or siltation due to altered drainage patterns following completion of construction would be less than significant.
2014 Grading of the Fire Road

As described under checklist item a), during construction, the grading activities and placement of fill materials likely resulted in temporary and localized erosion and a short-term increase in sediment concentrations within downgradient receiving waters. Erosion control features installed by the property owner remain effective in minimizing erosion and sedimentation associated with the Fire Road improvements and revegetation at the Fire Road site has resulted in dense cover of the slopes and areas around the culvert and ephemeral stream, stabilizing slopes and exposed soils. There is no residual or ongoing impact relating to erosion or sedimentation. As described above, the Project would not result in a significant impact related to erosion or sedimentation as a result of altered drainage patterns; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite

The Project area is not located within a flood hazard risk area associated with a 100-year flood (Marin County, 2019) and would not result in substantially altered on-site drainage patterns (i.e., only minor changes to drainage patterns) (Ziegler Civil Engineering, 2018a). Implementing the Project would create an additional 0.31 acres of impervious surfaces within the 37-acre sub-watershed area (0.8 percent increase), and contribute to the total of 0.58 acres of impervious surfaces within the 8.29-acre project site (3.7 percent). As described above under topic c), the stormwater management system proposed for Project ensures that peak stormwater discharge rates and volumes discharged from the Project site would remain at or below the existing conditions and not increase. Further, the stormwater management system has been designed with sizing and capacity to safely convey storm flows associated with 100-year storm. Impacts related to flooding due to altered drainage patterns or the addition of impervious surfaces following completion of construction would be less than significant.

2014 Grading of the Fire Road

The grading, placement of fill, and installation of a culvert to improve the Fire Road has not substantially altered drainage patterns. Prior to the Fire Road improvement, upslope runoff above the Fire Road was concentrated into one of the unnamed downgradient channels bounding the property area. Under existing conditions, upslope runoff is conveyed under the Fire Road through a culvert and continues to flow into that same downgradient channel. No additional impervious surface area was added within the Project site due to the Fire Road improvement and thus, the Fire Road has not contributed to an increase in surface runoff. As described above, the Project would not result in a significant impact related to flooding as a result of altered drainage patterns or the addition of impervious surfaces; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff

As described above under topic c), the Project’s proposed stormwater management system has been designed consistent with regulatory requirements, including those related to conveyance capacity for peak discharges associated with the 100-year/24-hour storm (Table 10-1). Stormwater treatment measures, such as the use of bioswales and cisterns for sediment capture, are incorporated into the design of the stormwater management system to ensure pollutants are not mobilized and transported to downgradient waters. Peak stormwater discharge rates and volumes from the project site would not increase as a result of the Project (Table 10-2). As described in detail under topics a) and c.i), the proposed Project would not result in new sources of pollutants that could be transported via storm runoff.

The proposed stormwater management system, including bioswales, has been designed consistent with setbacks established for all existing and proposed septic system components. The setbacks ensure that leachfields and other septic system components would be a minimum distance of 25 feet on all sides (and generally a greater distance of 50 feet or more) from areas of infiltration associated with bioswales, paths of concentrated stormwater flow, or other stormwater management system structures (Weissman, 2019). The setbacks would minimize the potential for stormwater to intersect leachfields in a manner that results in excessive infiltration and soil saturation of leachfields, to avoid pollutants being transported in stormwater or leachfields not operating as designed. The setbacks are consistent with recommendations by Questa Engineering following an onsite sewage disposal investigation (Questa, 2018; see Section 7, Geology and Soils, for additional details) as well as input from the County, including from Marin County Environmental Health Services (EHS). Following review of Project plans, including detailed drawings provided by the Applicant showing distances between septic system features (Weissman, 2019), EHS determined the application for the Project to be complete as it relates to onsite sewage disposal (Marin County EHS, 2019). One proposed bioswale on Lot 3 would cross the existing sewage conveyance pipe (which is not a perforated leachline) associated with the neighboring property septic system, as currently occurs for the existing bioswale. The existing conveyance pipe would be armored appropriately to avoid erosion and scour should its depth be determined to be insufficient. Impacts related to exceeding stormwater conveyance infrastructure or creating additional sources of polluted runoff would be less than significant.

2014 Grading of the Fire Road

Prior to the Fire Road improvement, runoff from the area upslope of the Fire Road was concentrated into the one of the unnamed downgradient channels bounding the property area. Under current conditions, upslope runoff is conveyed under the improved Fire Road through an 18-inch diameter culvert and continues to flow into that same downgradient channel.
During a site visit on March 14, 2019, the preparer of this Initial Study section confirmed that the erosion control features and energy dissipation structures at the culvert inlet and outlet were in good repair and appeared to be effective in minimizing erosion and sedimentation. As described above, the Project would not increase runoff rates or volumes conveyed to the Fire Road culvert. Based on the hydrologic model analysis completed by Ziegler (2018a), the peak 100-year 24-hour storm flow downgradient of the culvert is 6 cubic feet per second (cfs), which includes all flows routed from the proposed storm management system through the Fire Road culvert, runoff from the area directly upslope of the culvert, and runoff from portions of Panoramic Highway (which are not conveyed via the Fire Road culvert). Therefore, the 6 cfs peak discharge represents a conservative assumption for peak 100-year storm discharges conveyed via the Fire Road culvert. Applying the methodology for culvert sizing procedures for 100-year peak flow (Weaver et al., 2015), the Fire Road culvert has a peak discharge capacity of 6.5 cfs or greater (based on most conservative assumptions). Therefore, the Fire Road culvert is appropriately sized to convey existing and planned stormwater peak flood flows. The proposed Project would not result in a significant impact related to exceeding stormwater conveyance infrastructure or creating additional sources of polluted runoff; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

iv) impede or redirect flood flows

The Project site is not located within the 100-year flood hazard zone designated by the Federal Emergency Management Agency (FEMA) (Marin County, 2019). As described above, the stormwater management system proposed as part of the Project is sized appropriately for the calculated peak discharges associated with the 100-year/24-hour design storm. The design of the stormwater management system considered upslope runoff contributions, which flow onto the Project site and the drainage system design ensures that the Project does not increase the overall discharges from the Project site. Impacts related to impeding or redirecting flood flows would be less than significant.

2014 Grading of the Fire Road

As described above under topic c.iii, the culvert associated with the Fire Road that conveys upslope runoff to the downgradient ephemeral channel is sized appropriately. Following implementation of the Project, peak stormwater discharges would be reduced due to the design of the stormwater management system. The Project would not result in a significant impact related to impeding or redirecting flood flows; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

The Project site is not located within the 100-year flood hazard zone designated by the FEMA, is not in a tsunami hazard inundation zone, and is not in an area subject to current or projected future coastal flooding (Marin County, 2019). A seiche is caused by
oscillation of the surface of a large enclosed or semi-enclosed body of water due to an earthquake or large wind event. The Project site is not located near a large enclosed or semi-enclosed body of water. The Project site is not located near levees or dams and would not be exposed to flooding from failure of one of these structures (Marin County, 2019). Therefore, there would be no impact related to the release of pollutants due to inundation.

2014 Grading of the Fire Road

The grading, placement of fill, and installation of a culvert to improve the Fire Road has not resulted in an increase in flood risk at the Project site and, as discussed under topic c), has not altered drainage patterns in a manner that would result in flooding on- or off-site. There is no residual or ongoing impact from the Fire Road improvements relating to a risk of pollutant release during flooding. As described above, the Project would not result in a significant impact related to pollutants being released due to flooding; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed above under topics a), c), and b), no water quality degradation or groundwater impacts would occur as a result of the proposed Project. As described under topic a), the proposed Project would have a less-than-significant impact on surface water and groundwater quality on-site and off-site. This includes Redwood Creek and its tributaries, which are subject to the Regional Water Quality Control Board Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) water quality objectives. Basin Plan water quality objectives include parameters such as turbidity/sediment, nutrients, and fecal coliform. The Basin Plan water quality objectives are designed to preserve and enhance water quality and protect the beneficial uses\(^{16}\) of all regional terrestrial surface water bodies (e.g., creeks, rivers, streams, and lakes), groundwaters, coastal drainages, estuaries, coastal lagoons, and enclosed bays within the Regional Water Quality Control Board’s jurisdictional area. The beneficial uses designated for Redwood Creek include agricultural supply, municipal and domestic supply, freshwater replenishment, shellfish harvesting, cold freshwater habitat, spawning habitat, warm freshwater habitat, wildlife habitat, recreation, and navigation. Redwood Creek is not currently classified as impaired for any of the water quality objectives of the Basin Plan.

As discussed above under topic c), the Project would comply with the requirements of the CGP under the NPDES Permit program, including implementation of BMPs and other requirements of a SWPPP, as well as the stormwater management requirements

\(^{16}\) Aquatic resources provide many different benefits. Beneficial uses are those resources, services, and/or qualities of aquatic systems that are to be maintained and are the ultimate goals for protecting and achieving high water quality.
of MCSTOPPP, all of which are designed to ensure stormwater discharges associated with construction and long-term occupancy of the Project site comply with the Basin Plan water quality standards. Portions of the Project site are within SCAs defined in the Marin CWP, within which development is restricted. The Project includes setbacks consistent with the Stream Conservation Areas to ensure disturbance is avoided within these sensitive areas. The Project would not require ongoing groundwater withdrawals or reduce groundwater recharge, as discussed under topic b), and therefore would not conflict with or obstruct implementation of a sustainable groundwater management plan. As discussed under c), the proposed stormwater management system is designed such that there would be no increase in peak runoff from the Project site. The proposed stormwater system was designed to meet or exceed the minimum standards required by and to be consistent with the goals and policies of State and federal water quality requirements, the Marin CWP, Marin County Zoning, Marin County Ordinances, the Tam Plan Plan, the Redwood Creek Watershed Assessment and “Vision for the Future”, and the Recovery Plan proposed for the steelhead and coho salmon of Redwood Creek (Ziegler Civil Engineering, 2018a). Impacts relating to conflict or obstruction of implementing a water quality control plan or sustainable groundwater management plan would be less than significant.

2014 Grading of the Fire Road

As discussed above under topics a) and c), the grading, placement of fill, and installation of a culvert to improve the Fire Road has not resulted in any ongoing or residual impact relating to water quality, including from erosion and sedimentation as a result of altered drainage patterns. As discussed under topic b), no ongoing or residual impacts relating to groundwater recharge or supplies have been identified as a result of the improvement of the Fire Road. As described above, the Project would not result in a significant impact related to conflict with or obstruction of implementing a water quality control plan or sustainable groundwater management plan; this conclusion is not altered as a result of the past grading, fill placement, and culvert installation associated with the Fire Road improvements.

References


Marin County Environmental Health Services Division, 2019. Interdepartmental Transmittal from Gwendolyn Baert, Senior REHS to Sabrina Sihakom, Planner regarding Dipsea Ranch Land Division Weisman Project ID P1589, APN 046-161-11, 455 Panoramic Highway, Mill Valley. November 18, 2019.


11. Land Use and Planning

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Physically divide an established community (including a low-income or minority community)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>c) Result in substantial alteration of the character or functioning of the community, or present planned use of an area?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>d) Conflict with applicable Countywide Plan designation or zoning standards?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) Physically divide an established community (including a low-income or minority community)?

The Project site is located on Panoramic Highway, which is characterized by rural, low density residential development. The Project would result in the subdivision of an existing, developed residential lot. The subdivision would support future development of up to four single-family residences (two primary units and two accessory dwelling units) and would not result in the direct or indirect physical division of the established community of Tam Valley. It would result in infill development on existing, unoccupied land with the same single family residential land use as the surrounding community. Therefore, this impact would be less than significant.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The considerations of the Project’s consistency with relevant County policies discussed below represent County staff interpretation. This Initial Study does not, however, determine policy consistency. The County decision-makers make the formal policy consistency determinations. Policy inconsistencies may not necessarily indicate
significant environmental effects. The State CEQA Guidelines §15358(b) states that “effects analyzed under CEQA must be related to a physical change [in the environment].” Therefore, only those policy inconsistencies that would lead to a significant effect on the physical environment are considered significant impacts pursuant to CEQA. Other policy issues not pertaining to physical changes will be addressed as part of the County’s review of the merits of the Project. Many of the policies discussed in this section pertain to environmental topics evaluated elsewhere in this Initial Study. Where this is the case, the reader is directed to the relevant section.

The foremost plans adopted by Marin County that pertain to the Project are the 2007 Countywide Plan (CWP) and the 1992 Tamalpais Area Community Plan (Tam Plan). Both contain numerous goals, objectives, policies, and programs intended to protect the environment. Many of the land use provisions of the Tam Plan were incorporated into the 2007 CWP. The Tam Plan, however, is still in effect and still provides important and fine-grained guidance on future development in the Tamalpais area.

The Tam Plan states that its goals are to maintain the semi-rural character of the community as defined by its small town residential and commercial nature and the quality of its natural environment. Accordingly, the Tam Plan states that new development shall be integrated harmoniously into the neighborhoods and geographic areas of the community in order to maintain their distinctive characters.

The Tam Plan states that its guiding philosophy places a strong emphasis on protecting public safety and preserving the natural resources of the community, while still permitting individual property owners to realize reasonable development potentials.

The environmental protection policies contained in the CWP and Tam Plan that pertain to the proposed Project are considered below. Policies are grouped where appropriate to facilitate the policy analysis. Countywide Plan policies are designated “CWP” and Tamalpais Area Community Plan policies are designated “Tam Plan”.

CWP Policy AIR-1.2: Seek to attain or exceed the more stringent of federal or State Ambient Air Quality Standards for each measured pollutant.

CWP Policy AIR-1.3: Require projects that generate potentially significant levels of air pollutants, such as quarry, landfill operations, or large construction projects, to incorporate best available air quality mitigation in the project design.

Consistent with Incorporation of Mitigation. As discussed above in Section 3, Air Quality, the Project would result in potentially significant impacts to air quality from construction-related emissions. Implementation of Mitigation Measure AQ-1, as described in Section 3, Air Quality, would reduce the identified impacts to less than significant and ensure consistency with the identified policies.

CWP Policy AIR-4.1 Reduce Greenhouse Gas Emissions. Adopt practices that promote improved efficiency and energy management technologies; shift to low-carbon and renewable fuels and zero emission technologies.
As discussed in Section 8, Greenhouse Gas Emissions, all residences constructed under the Project would be required to comply with the Marin County Green Building Ordinance and California Title 24 building codes, which would ensure that construction and use of the residences minimizes GHG emissions. Section 8 finds that the Project would not result in significant increases in GHG emissions, nor would it conflict with existing plans to reduce such emissions.

**CWP Policy WR-1.3 Improve Infiltration.** Enhance water infiltration throughout watersheds to decrease accelerated runoff rates and enhance groundwater recharge. Whenever possible, maintain or increase a site’s predevelopment infiltration to reduce downstream erosion and flooding.

**CWP Policy BIO-4.19 Maintain Channel Stability.** Applicants for development projects may be required to prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. This assessment should be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g., sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the County.

**CWP Policy BIO-4.20 Minimize Runoff.** In order to decrease stormwater runoff, the feasibility of developing a peak stormwater management program shall be evaluated to provide mitigation opportunities such as removal of impervious surface or increased stormwater detention in the watershed.

**Tam Plan Policy LU16.1** The County shall regulate new or altered development and vegetation removal to ensure that site preparation and construction do not contribute to erosion or slope failure, with resulting loss of life or property, loss of soils, sedimentation in streams, damage to downslope properties, downstream flooding, or siltation of wetlands. Development shall be located in the most accessible, least environmentally sensitive, and most geologically-stable area or areas of a development site, as balanced by considerations of open space and visual resource values.

**Tam Plan Policy LU17.1** Vegetation Removal. All new developments in the Planning Area should be designed to minimize vegetation removal, soils compaction and site coverage.

**Consistent.** All of these policies pertain to reduction of stormwater runoff and its adverse effects resulting from alteration of the land. As discussed in detail in Section 10, Hydrology and Water Quality, the Project has been designed to comply with all applicable stormwater management requirements, and would result in no net increase in stormwater runoff, nor would the Project result in substantial erosion. The Project would therefore be consistent with these policies.

**CWP Policy WR-1.4 Protect Upland Vegetation** Limit development and grazing on steep slopes and ridgelines in order to protect downslope areas from erosion and to ensure that runoff is dispersed adequately to allow for effective infiltration.
**CWP Policy WR-2.3 Avoid Erosion and Sedimentation.** Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, require continued monitoring and maintenance of these facilities upon project completion.

**Tam Plan Policy LU16.1** The County shall regulate new or altered development and vegetation removal to ensure that site preparation and construction do not contribute to erosion or slope failure, with resulting loss of life or property, loss of soils, sedimentation in streams, damage to downslope properties, downstream flooding, or siltation of wetlands. Development shall be located in the most accessible, least environmentally sensitive, and most geologically-stable area or areas of a development site, as balanced by considerations of open space and visual resource values.

**Consistent.** All of these policies address the potential for development in geologically unstable locations to result in erosion and slope failure. Section 7, Geology and Soils, finds that the Project would not substantially increase erosion or pose a substantial risk of slope failure. Furthermore, as described in Section 10, Hydrology and Water Quality, the Project has been designed to implement construction and post-construction stormwater management to control runoff from the Project site. The Project would also be required to implement standard measures for minimizing erosion per Marin County Code Title 24 and Marin County Code §23.08, Excavation, Grading and Filling. As discussed in Section 4, Biological Resources, the proposed development envelopes are within already-disturbed portions of the Project site. The Project would be consistent with these policies.

**CWP Policy NO-1. Protection from Excessive Noise.** Ensure that new land uses, transportation activities, and construction do not create noise levels that impair human health or quality of life.

**Consistent.** The Project would result in new noise sources during Project construction and also following construction, with the ongoing use of new single-family residences. Section 13, Noise, concludes that the noise associated with construction activities and the proposed residential uses would be less than significant, ensuring compliance with the identified policy.

**CWP Policy BIO-1.3 – Protect Woodlands, Forests, and Tree Removal.** The County shall strive to protect large trees, trees with historical importance, and oak woodland habitat, and prevent the untimely removal of trees through implementation of tree preservation ordinance.

**Tam Plan Policy LU12.1 Native Vegetation.** Native trees (native to the ecosystem of the area), and the habitats that they support, shall be protected from destruction or removal. However, should development or land improvements result in the loss of any trees the County should require either replacement with similar size trees or 2-3 new native trees for each tree removed where physically feasible.
Consistent with Incorporation of Mitigation. The proposed building envelopes are largely disturbed and contain existing development and therefore future development would require little vegetation or tree removal. As described in Section 4, Biological Resources, the Project would result in the removal of three trees subject to review under Marin County Code §22.27 (Native Tree Protection and Preservation). Mitigation Measure BIO-3 requires the Applicant to submit and implement a Native Tree Protection and Replacement Plan to minimize and avoid direct and indirect impacts to protected trees during Project construction. Implementation of Mitigation Measure BIO-4 would limit the introduction and spread of invasive plant species through removal of existing plants, proper disposal, cleaning and inspecting equipment and vehicles, site rehabilitation, prompt site restoration, and monitoring. Additionally, implementation of Mitigation Measure BIO-5 would limit the spread of plant pathogens like Sudden Oak Death during construction by requiring equipment to be properly cleaned, avoiding work in wet weather, containing infected trees, and purchasing materials from appropriate nurseries. With implementation of Mitigation Measures BIO-3 through BIO-5, the Project would be consistent with the referenced policies.

CWP Policy BIO-4.1 – Restrict Land Use in Stream Conservation Areas. A SCA is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall be set back to protect the stream and provide an upland buffer, which is important to protect significant resources that may be present and provides a transitional protection zone. Best management practices shall be adhered to in all designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

Tam Plan Policy LU11.1 Stream Setbacks. Maintain a setback from stream courses adequate to accommodate anticipated storm water flows, and to protect associated riparian habitat from removal or destruction.

Consistent. The Project’s proposed building envelopes are outside of the SCA areas within the Project site. Therefore, the Project would be consistent with these policies.

CWP Policy BIO-1.4 Support Vegetation and Wildlife Disease Management Programs. Support agency programs and proven methods to limit the impacts of Sudden Oak Death syndrome and any other diseases harmful to native vegetation and wildlife in Marin County, while addressing any potential adverse effects on sensitive resources.

CWP Policy BIO-1.5 Promote Use of Native Plant Species. Encourage use of a variety of native or compatible nonnative, non-invasive plant species indigenous to the site vicinity as part of project landscaping to improve wildlife habitat values.

CWP Policy BIO-1.6 Control Spread of Invasive Exotic Plants. Prohibit use of invasive species in required landscaping as part of the discretionary review of proposed development.
CWP Policy BIO-1.7 Remove Invasive Exotic Plants. Require the removal of invasive exotic species, to the extent feasible, when considering applicable measures in discretionary permit approvals for development projects unrelated to agriculture, and include monitoring to prevent re-establishment in managed areas.

Consistent with Incorporation of Mitigation. All of these policies seek to protect and enhance native vegetation. As discussed in Section 4, Biological Resources, implementation of Mitigation Measure BIO-3 would protect native trees onsite and Mitigation Measure BIO-4 would limit the introduction and spread of invasive plant species through removal of existing plants, proper disposal, cleaning and inspecting equipment and vehicles, site rehabilitation, prompt site restoration, and monitoring. Additionally, Mitigation Measure BIO-5 would limit the spread of plant pathogens like Sudden Oak Death. Further, as the Project site is within the Wildland-Urban Interface (WUI), new landscaping for each developed lot would be required to comply with Marin County Fire Department Fire Protection Standard 220, Vegetation Management. Compliance would include development, submittal, and approval of a Vegetation Management Plan. This rule requires establishment of a defensible space zone around structures that must be planted with fire-resistant plants and irrigated if necessary. Standard 220 requires property owners to use fire resistant plants, and to select native or domesticated plants that best suit the architectural and planning design of the proposed Project. Standard 220 includes a list of prohibited plants, which includes many common invasive species. Adherence to Standard 220 and the above-cited mitigation measures will ensure that the Project does not result in introduction or spread of invasive plant species, and thus will ensure consistency with these policies.

CWP Policy BIO-2.1 Include Resource Preservation in Environmental Review. Require environmental review pursuant to CEQA of development applications to assess the impact of proposed development on native species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and important wildlife nursery areas and movement corridors. Require adequate mitigation measures for ensuring the protection of any sensitive resources and achieving “no net loss” of sensitive habitat acreage, values, and function.

CWP Policy BIO-2.4 Protect Wildlife Nursery Areas and Movement Corridors. Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits, including consideration of cumulative impacts. Features of particular importance to wildlife for movement may include riparian corridors, shorelines of the coast and bay, and ridgelines. Linkages and corridors shall be provided that connect sensitive habitat areas such as woodlands, forests, wetlands, and essential habitat for special-status species, including an assessment of cumulative impacts.

CWP Policy BIO-2.5 Restrict Disturbance in Sensitive Habitat During Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and baylands to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat during the nesting season from March 1 through August 1 to protect bird nesting, rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where
Development is proposed in sensitive habitat areas during the nesting season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.

**TAM PLAN Policy LU1.1 Protect Natural Habitats.** All land use decisions within the Planning Areas neighborhoods will take into consideration the protection and preservation of the area’s hillsides, ridges, water courses, wetlands, woodlands and any other unique natural habitats.

**TAM PLAN Policy LU15.1 Wildlife Corridors.** Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.

**Consistent with Incorporation of Mitigation Measures.** As stated in Section 4, Biological Resources, the Project site contains only non-sensitive habitats and is not an important wildlife nursery area or wildlife movement corridor. Mitigation Measure BIO-1, requiring construction worker training and other measures to protect wildlife, Mitigation Measure BIO-2, requiring measures to protect bats, and Mitigation Measure BIO-3, which would ensure protection or replacement of native trees, would reduce potential impacts on wildlife. Marin County Code §22.20.040 (F) establishes nesting bird protection measures for outdoor construction activities that involve tree removal, grading, or other site disturbance in areas where nesting birds have a high probability of being present. Adherence to this code section would limit potential impacts on nesting birds by requiring preconstruction surveys by a qualified biologist to determine if nesting birds are present and by identifying buffer zones around the nests or delaying work until the breeding season is over or nesting is complete. With adherence to the County Code and implementation of the above-cited mitigation measures, wildlife within the Project site would be adequately protected. Also as discussed in Section 10, Hydrology and Water Quality, the Project would not increase stormwater runoff or sediment delivery to Redwood Creek tributaries. As stated in Section 4, Biological Resources, the Project therefore would not degrade downstream salmonid habitat or otherwise degrade aquatic habitat. The Project would therefore be consistent with these policies.

**CWP Policy EH-2.1 Avoid Hazard Areas.** Require development to avoid or minimize potential hazards from earthquakes and unstable ground surfaces.

**CWP Policy EH-2.3 Ensure Seismic Safety of New Structures.** Design and construct all new buildings to be earthquake resistant. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction would require effective oversight and enforcement to ensure adherence to the earthquake design criteria.

**Consistent.** As discussed in Section 7, Geology and Soils, the Project site is not located within geologic hazard areas. Like the entire Bay Area, the Project site is subject to strong ground shaking during an earthquake. The California Building Code (CBC), as adopted by Marin County, requires design and construction of buildings intended for human occupancy to withstand the anticipated ground motion generated during a large earthquake with minimal damage and without structural collapse. While earthquakes are
unavoidable and the Project would expose new home owners to the ground shaking hazards in this region, seismic design parameters required through enforceable building codes would reduce the risk of injury and the loss of life during an earthquake. The Project is therefore consistent with these policies.

**CWP Policy EH-4.1 Limit Risks to Structures.** Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.

**CWP Policy EH-4.5 Regulate Land Uses to Protect from Wildland Fires.** Land use regulations, including but not limited to subdivision approvals and denials, as means of protecting people and property from hazards associated with wildland fires.

Consistent, As discussed in Section 20, Wildfire, the Project site is located within the WUI. Furthermore, emergency escape routes and emergency access are limited in the Project area. As discussed in Section 15, Public Services, the Project site is served with fire protection by the Marin County Fire Department. Fire risk reduction measures are required by the Building Code and have been specified for the Project by the Fire Marshall. The proposed Tentative Parcel Map was reviewed by the Marin County DPW and the Marin County Fire Department for consistency with all applicable standards. The Fire Department only commented that each proposed house would require a sprinkler system and a VMP would be required for each house. Therefore, the Project would be consistent with these policies.

**CWP Policy CD-1.1 Direct Land Uses to Appropriate Areas.** Concentrate urban development in the City-Centered Corridor, where infrastructure and facilities can be made available most efficiently. Protect sensitive lands in the Baylands Corridor. Emphasize agricultural uses in the Inland Rural Corridor, along with preservation of resources, habitat, and existing communities. Focus on open space, recreational, and agricultural land uses, as well as preservation of existing communities, in the Coastal Corridor.

**CWP Policy CD-5.1 Assign Financial Responsibility for Growth.** Require new development to pay its fair share of the cost of public facilities, services, and infrastructure, including but not limited to transportation, incremental water supply, sewer and wastewater treatment, solid waste, flood control and drainage, schools, fire and police protection, and parks and recreation. Allow for individual affordable housing projects to be exempted from the full cost of impact fees, subject to meeting specified criteria.

**CWP Policy CD-5.2 Correlate Development and Infrastructure.** For health, safety, and general welfare, new development should occur only when adequate infrastructure is available, consistent with the following findings:

a. Project-related traffic will not cause the level of service established in the circulation element to be exceeded.
b. Any circulation improvements or programs needed to maintain the established level of service standard have been programmed and funding has been committed.

c. Environmental review of needed circulation improvement projects or programs has been completed.

d. The time frame for completion of the needed circulation improvements or programs will not cause the established level of service standard to be exceeded.

e. Wastewater, water (including for adequate fire flows), and other infrastructure improvements will be available to serve new development by the time the development is constructed.

Consistent. These CWP policies all direct development to areas deemed suitable for the type of development proposed and already served by essential infrastructure. As previously noted, the Project site is within the City-Centered Corridor and the proposed Project is consistent with the site’s land use designation and zoning. As discussed in Section 15, Public Services and in Section 19, Utilities and Service Systems, the Project site is adequately served with infrastructure and essential services. These services are funded through property tax assessments or fees, and so property owners within the Project site would pay their fair share of the cost of public facilities, services, and infrastructure. As discussed in Section 17, Transportation, the Project would not cause a reduction in intersection level of service, and no circulation improvements are required. The Project would therefore be consistent with CWP Policies CD-1.1, CD-5.1, and CD 5.2.

CWP Policy DES-1.1, Address Design at the Community Level. Use community plans to regulate building design and protect key resources. Encourage cities and towns to address design issues.

CWP Policy DES-4.1 Preserve Visual Quality. Protect scenic quality and views of the natural environment — including ridgelines and upland greenbelts, hillsides, water, and trees — from adverse impacts related to development.

Tam Plan Policy LU1.3 Compatible Design. New residential and commercial development shall be comparable and compatible with the scale (bulk, mass and height) and appearance (colors, materials and design) of the particular neighborhood and shall be integrated with and subordinate to the area’s natural setting.

Tam Plan Policy LU 1.4 Size, Height, Setbacks. The size, height, and building setbacks of all new or expanded residential development shall be carefully regulated to maintain the existing character of residential neighborhoods and to protect the exposure to sun light, views and privacy of adjacent homes.
Consistent. As discussed in Section 1, Aesthetics, the residences developed under the Project are expected to be consistent with the surrounding neighborhood and are not expected to block views or degrade important visual resources. The development of single-family residences would be consistent with the Project site’s CWP land use designation and zoning. The Project would therefore be consistent with the referenced policies.

Tam Plan Policy LU3.1 Historic Lots. Promote resubdivision, where feasible, of historic lots of record to ensure that future development is responsive to the inherent physical constraints and environmental amenities of the site.

Tam Plan Policy LU4.1 Lot Mergers. The County shall encourage owners of historic substandard legal lots of record to merge them to create new lots which conform to the current required minimum lot size, including the minimum lot sizes required by the County’s Slope Ordinance.

Tam Plan Policy T11.1 To require the dedication or provision through easements of additional land for roadway construction when an existing paper street does not have adequate width or alignment to serve proposed development.

Tam Plan Policy T11.2 To provide for adequate access, particularly emergency vehicles on private roads through the enforcement of parking standards.

Consistent. All of these Tam Plan policies are intended to limit and condition development in historic subdivisions where access and lot configuration do not meet current standards. The proposed lots meet the minimum lot size and the Tentative Map proposes access that meets DPW standards and has been reviewed and approved by the Marin County Fire Marshall. The Project is consistent with these policies.

CWP Policy TR-1.2 Maintain Service Standards. Establish level of service standards for vehicles on streets and highways and performance standards for transit, bicycles, pedestrians, and other modes of transportation.

CWP Policy TR-1.5 Require Necessary Transportation Improvements. Require necessary transportation improvements to be in place, or otherwise guaranteed to result in their timely installation, before or concurrent with new developments. In evaluating whether a transportation improvement is necessary, the County shall consider alternatives to the improvement consistent with Policy TR-1.1, Manage Travel Demand, and the extent to which the improvement will offset the traffic impacts generated by proposed and expected development and restore acceptable traffic levels of service.

Consistent. As discussed in Section 17, Transportation, Project-related traffic, both during and after construction, is not expected to reduce intersection level of service. The Project would take its access from Panoramic Highway via an existing driveway. The intersection of the driveway and Panoramic Highway would be improved as part of the Project. The Project would therefore be consistent with referenced policies.
Conclusion: With implementation of the mitigation measures cited in the discussion above, the Project would be consistent with relevant CWP and Tam Plan policies. Therefore, this impact would be less than significant.

c) Result in substantial alteration of the character or functioning of the community, or present planned use of an area?

The Project site is currently developed with a single-family residence and the Project would enable development of up to four additional future residences on the new lots (two primary residences and two accessory dwelling units, or ADUs), continuing the residential use of the property and neighborhood. The visual character of the future development would be in keeping with the existing neighborhood and community because it would only consist of new single-family residences, garages, and various accessory structures, similar to the existing character of the area. The future residences would be subject to Design Review approval. Therefore, the Project would not result in a substantial alteration of the character or functioning of the community, or present or planned use of an area and this impact would be less than significant.

d) Conflict with applicable Countywide Plan designation or zoning standards?

Development at the Project site would be governed by the CWP, zoning standards contained in Title 22 of the Marin County Code, and the Tam Plan.

Marin Countywide Plan

The Project site is located within the City-Centered Corridor, as delineated in the CWP. The new lots that would be developed under the Project would, like the existing lot, have a land use designation of as PR (Planned Residential). The PR designation is a Rural/Residential land use category established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development. The Project site is not within a Ridge and Upland Greenbelt Area, as designated in the CWP. Portions of the Project site are within CWP-defined Stream Conservation Areas, within which development is restricted.

The PR designation is a rural/residential density land use category with a density range of one acre to 10 acres. Rural/residential density land use categories are established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development. The lots that would be established under the Project would be 2.22 acres (lot 1, with the existing residence), 0.89 acres (lot 2), and 5.18 acres (lot 3) The lots total 8.29 acres, and therefore the density for the Project is about 0.36 dwelling units per acre. It is assumed that residences developed on the lots would comply with the Floor Area Ratio (FAR) limits, as described in the Project Description. The Project would therefore be in substantial conformance with the CWP land use designation.
Tamalpais Area Community Plan

In addition to the CWP, the Marin County Board of Supervisors have adopted several Community Plans and other area plans, which contain policies for land use and development related specifically to a local unincorporated area. They are intended to reflect the unique character of local communities and are used to evaluate discretionary planning applications. The Tamalpais Area Communities Plan (Tam Plan) was adopted in 1992 and, in addition to goals and policies, contains special development standards specific to the Tamalpais area. These standards are also contained in Marin County Code §22.30.060. The Tam Plan states that the primary land use goal for the Tamalpais Planning Area is the conservation of the semirural small town residential and commercial character and scale of the community, and its close relationship with the natural beauty of its setting.

Marin County Development Code

All lots would be zoned RMP 0.5 (Residential, Multiple Planned District - 1 unit per 2 acres). The RMP zoning district is intended for a full range of residential development types within the unincorporated urban areas of the County, including single-family, two-family dwellings, multi-family residential development, and limited commercial uses in suburban settings, along with similar and related compatible uses, where site or neighborhood characteristics require particular attention to design detail provided through a Master Plan, Tentative Map, Design Review or other applicable discretionary entitlement process.

Each of the proposed lots would be zoned RMP 0.5, which has a 30-foot height limit for the main structure and 15-foot height limit for detached accessory structure. Development standards are determined on a site by site basis, depending on site constraints and implemented through discretionary review.

Special development standards that were established by the Tam Plan and that are contained in Marin County Code §22.30.060 would apply to development of those lots that require Design Review. For the two lots over 10,000 square feet with average slopes over 25 percent, these standards include a reduction of the maximum FAR, as shown in Table 1 in the Project Description.

For the purpose of this initial study, it is assumed that the houses developed on the new lots would be built to the maximum allowable FAR calculated using the special development standards for the Tamalpais area. This would result in houses of about 4,250 sf for lot 2 and 7,000 for both lots 1 and 3, as shown in Table 1 in the Project Description, plus garages and outbuildings. The heights of the future proposed residences would be reviewed through future discretionary action, such as the Design Review process, to ensure consistency with the zoning district standards and special development standards for the Tamalpais Area contained in the Marin County Code.
Overall, the project would be consistent with the CWP land use designation and zoning, and with the special development standards contained in the Tam Plan. Therefore, the impact would be less than significant.

**2014 Grading of the Fire Road**

The 2014 unpermitted grading of the Fire Road did not physically divide an existing community or alter the community character as the work entailed improvements to an existing fire road that is located on the Project site. However, the grading was inconsistent with County policies regarding wetland protection by conducting grading activities within a WCA that may have had an adverse effect on wetland function and habitat. As discussed in Section 4, Biological Resources, the wetland now appears to be functionally intact and the grading of the Fire Road therefore appears not to have had lasting impacts on the wetland. As the impact has been mitigated through remedial work performed by the Applicant, and through passage of time, the inconsistency no longer exists: there is no ongoing impact and no need for further mitigation. Therefore, consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not conflict with CWP policies regarding wetland protection.

Additionally, the Fire Road grading appears to have occurred outside of the SCA. The grading may have resulted in some delivery of sediment to the stream system, but erosion control required by the County and the Regional Water Quality Control Board appears to have been effective in controlling sedimentation (see Figure 8 in the Project Description, and the discussion in Section 10, Hydrology and Water Quality). Overall, there appears to be no ongoing conflict with County policies regarding stream protection, and the conclusions regarding this point are not changed with consideration of the unpermitted grading of the Fire Road. The grading appears not to have affected trees protected by the Marin County Code §22.27 (Native Tree Protection), and so appears not to have conflicted with the County ordinance.
12. Mineral Resources

<table>
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<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
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<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
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</tbody>
</table>

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no known mineral resource deposits within the Project site. The Project therefore would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The Project site is not designated in the Countywide Plan as a significant mineral resource site, and there are no mineral extraction sites or operations in the vicinity of the Project site. The Project would have no impact on mineral resources.

2014 Grading of the Fire Road

There are no significant mineral resource sites in the Project area, let alone the Project site and therefore the 2014 unpermitted grading of the Fire Road therefore would have no impact on mineral resources.
## 13. Noise

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<thead>
<tr>
<th>Would the Project result in:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
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### Setting

**Noise Descriptors**

Sound is mechanical energy transmitted by pressure waves through a medium such as air. Noise is defined as unwanted sound. Sound pressure level has become the most common descriptor used to characterize the “loudness” of an ambient sound level. Sound pressure level is measured in decibels (dB), with zero dB corresponding roughly to the threshold of human hearing, and 120 to 140 dB corresponding to the threshold of pain. Decibels are measured using different scales, and it has been found that A-weighting of sound levels best reflects the human ear’s reduced sensitivity to low frequencies, and correlates well with human perceptions of the annoying aspects of noise. The A-weighted decibel scale (dBA) is cited in most noise criteria. All references to decibels (dB) in this analysis will be A-weighted unless noted otherwise.

Several time-averaged scales represent noise environments and consequences of human activities. The most commonly used noise descriptors are the equivalent A–
weighted sound level over a given time period (Leq)\(^{17}\); average day–night 24-hour average sound level (Ldn)\(^{18}\) with a nighttime increase of 10 dB to account for sensitivity to noise during the nighttime; and community noise equivalent level (CNEL)\(^{19}\), also a 24-hour average that includes both an evening and a nighttime sensitivity weighting.

*Table 13-1* identifies decibel levels for common sound heard.

**Noise Attenuation**

Stationary point sources of noise, including construction equipment, attenuate (lessen) at a rate of 6 to 7.5 dB per doubling of distance from the source, depending on ground absorption. Soft sites attenuate at 7.5 dB per doubling because they have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. Hard sites have reflective surfaces (e.g., parking lots or smooth bodies of water) and therefore have less attenuation (6.0 dB per doubling). A street or roadway with moving vehicles (known as a “line” source), would typically attenuate at a lower rate, approximately 3 to 4.5 dB each time the distance doubles from the source, which also depends on ground absorption (Caltrans, 1998). Physical barriers located between a noise source and the noise receptor, such as berms or sound walls, will increase the attenuation that occurs by distance alone.

*Table 13-1: Typical Noise Levels*

<table>
<thead>
<tr>
<th>Noise Level (dB)</th>
<th>Outdoor Activity</th>
<th>Indoor Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>90+</td>
<td>Gas mower at 3 ft., jet flyover at 1,000 ft.</td>
<td>Rock band</td>
</tr>
<tr>
<td>80–90</td>
<td>Diesel truck at 50 ft.</td>
<td>Loud television at 3 ft.</td>
</tr>
<tr>
<td>70–80</td>
<td>Gas lawn mower at 100 ft., noisy urban area</td>
<td>Garbage disposal at 3 ft., vacuum at 10 ft.</td>
</tr>
<tr>
<td>60–70</td>
<td>Commercial area</td>
<td>Normal speech at 3 ft.</td>
</tr>
<tr>
<td>40–60</td>
<td>Quiet urban daytime, traffic at 300 ft.</td>
<td>Large business office, dishwasher next room</td>
</tr>
<tr>
<td>20–40</td>
<td>Quiet rural, suburban nighttime</td>
<td>Concert hall (background), library, bedroom at night</td>
</tr>
<tr>
<td>10–20</td>
<td></td>
<td>Broadcast / recording studio</td>
</tr>
<tr>
<td>0</td>
<td>Lowest threshold of human hearing</td>
<td>Lowest threshold of human hearing</td>
</tr>
</tbody>
</table>

Source: Modified from Caltrans Technical Noise Supplement (Caltrans, 2013)

\(^{17}\)The Equivalent Sound Level (Leq) is a single value of a constant sound level for the same measurement period duration, which has sound energy equal to the time–varying sound energy in the measurement period.

\(^{18}\) Ldn is the day–night average sound level that is equal to the 24-hour A-weighted equivalent sound level with a 10-decibel penalty applied to night between 10:00 p.m. and 7:00 a.m.

\(^{19}\) CNEL is the average A-weighted noise level during a 24-hour day, obtained by addition of 5 decibels in the evening from 7:00 to 10:00 p.m., and an addition of a 10–decibel penalty in the night between 10:00 p.m. and 7:00 a.m.
**Regulatory Framework**

**State Guidelines**

State Land Use Compatibility Standards for Community Noise are provided in the State of California General Plan Guidelines (State of California, Governor’s Office of Planning and Research, 2017). The guidelines indicate that a Community Noise Exposure up to 60 dB (Ldn or CNEL) is Normally Acceptable for Single Family Residential, and a Community Noise Exposure up to 70 dB (Ldn or CNEL) is Conditionally Acceptable.

**Marin Countywide Plan**

Noise policies are included in Section 3.10 of the Built Environment Element of the Marin Countywide Plan (CWP). The CWP refers to the State’s acceptable noise levels (described above), and includes the following Implementing Programs:

**Implementing Program NO-1.c**, requires all development to mitigate noise impacts where the project would:

- Raise the Ldn by more than 5 dBA;
- Raise the Ldn by more than 3 dBA and exceed the Normally Acceptable standard; or
- Raise the Ldn by more than 3 dBA and the Normally Acceptable standard is already exceeded.

**Implementing Program NO-1.d** sets a maximum exterior noise level for all new residential units of 60 dBA Ldn, and maximum interior noise level of 45 dBA Ldn.

**Implementing Program NO-1.i** references §6.70.030(5) and §6.70.040 of the Marin County Code, which establish allowable hours of operation for construction-related activities. As a condition of permit approval for projects generating significant construction noise impacts, this Implementing Program requires construction management for any project to include development of a construction noise reduction plan and to designate a disturbance coordinator at the construction site to implement the provisions of the plan.

**Marin County Code**

The Marin County Code §6.70.030(5) establishes allowable hours of operation for construction-related activities.

a. Hours for construction activities and other work undertaken in connection with building, plumbing, electrical, and other permits issued by the Community Development Agency shall be limited to the following:

1. Monday through Friday: 7 a.m. to 6 p.m.
2. Saturday: 9 a.m. to 5 p.m.

b. Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at a construction site for permits administered by the Community Development Agency from 8 a.m. to 5 p.m. Monday through Friday only.

c. Special exceptions to these limitations may occur for:

i. Emergency work as defined in Section 22.130.030 of the Municipal Code provided written notice is given to the Community Development Director within forty-eight hours of commencing work;

ii. Construction projects of city, county, state, other public agency, or other public utility;

iii. When written permission of the Community Development Director has been obtained, for showing of sufficient cause;

iv. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal/no noise impacts on surrounding properties;

v. Modifications required by the review authority as a discretionary permit condition of approval.

Existing Noise Sources

The Project site is in a low-density suburban area with generally low noise levels that are compatible with the residential use. The main noise sources are traffic on Panoramic Highway and noise from small power equipment used for landscaping and construction. All of these noise sources diminish or cease at night.

Existing Sensitive Receptors

The closest sensitive receptors that would be affected by noise resulting from the Project are nearby residences. The closest neighboring residence is about 50 feet from the boundary of the building envelope for proposed lot 3. Several additional residences along Panoramic Highway and Brighton Boulevard are within 200 feet. The existing residence on the Project site is also within about 20 feet of the boundary of the building envelope for proposed lot 3.
a) Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**Construction Noise**

The use of power equipment and other tools during construction of the Project would result in increases in ambient noise levels in the Project vicinity. Construction activity would also result in noise from vehicles accessing the construction site (workers, supply deliveries, and trucks), but these pass-by vehicles would be limited in number and the noise from them would be similar to other existing pass-by vehicles. During construction, which may occur in one or more years, noise levels would vary considerably, with most periods having limited or no construction noise and other times when noise would be greater. The noise would also be generated from different locations, depending on which lot construction is occurring on, and the location of construction within a lot, and so would affect different sensitive receptors to different degrees, at different times.

The short-term increase in ambient noise from construction could be substantial. Adherence to the allowable construction hours in Marin County Code §6.70.030(5) would reduce noise exposure, and would ensure that nighttime noise levels are not increased. To ensure that the Project complies with Countywide Plan implementing program NO-1.i, Mitigation Measure NOISE-1 is added below. Mitigation Measure NOISE-1 would insure that increases in ambient noise levels from construction activities would not be in excess of standards established in the CWP or noise ordinance, and the impact of construction noise would be less than significant.

**Operational Noise**

After construction, impacts from the Project would include any noise generated by the new residences that would affect surrounding land uses. In general, residences are one of the quietest land uses (other than open space), and noise from the new residences would be compatible with the surrounding residences.

The primary source of operational noise from the Project would be new vehicle trips from Project residents. Based on an increase of 38 vehicles per day from the Project site, spread out over the course of the day (see Section 17, Transportation) Project-generated traffic is expected to result in only a minor incremental increase in traffic noise, which would not be perceptible at the nearest sensitive receptors (the homes along Panoramic Way). In sum, Project operations would not result in substantial increases in existing ambient noise levels. Operational noise would not be in excess of standards, including State compatibility guidelines, and the impact would be less than significant.

**Mitigation Measure NOISE-1: Construction Disturbance Coordinator and Noise Reduction Plan.** In conformance with Marin Countywide Plan Implementing Program NO-1.i, as a condition of permit approval, construction
management shall be required to include development of a construction noise reduction plan and to designate a disturbance coordinator at the construction site to implement the provisions of the plan. The disturbance coordinator shall be responsible for receiving and acting on complaints about construction disturbances, including noise, during construction activities. The disturbance coordinator shall determine the cause of noise complaints and implement remedial measures as necessary to alleviate significant problems. Prior to commencing work, all neighbors within 500 feet of the Project site shall be informed of the name and contact information of the disturbance coordinator; this information shall also be posted at the entrance to the work site, in a location visible to the public.

The construction noise reduction plan shall include measures for minimizing and avoiding noise disturbance of nearby sensitive receptors. Such measures may include, but are not limited to, the following:

- Muffle and maintain all equipment used on site. All internal combustion engine-drive equipment shall be fitted with mufflers which are in good condition. Mufflers shall result in non-impact tools generating a maximum noise level of 80dB when measured at a distance of 50 feet.

- Schedule construction activities to have the least impact on noise-sensitive receptors (existing residents) in the area. This shall be accomplished by limiting construction activities, including grading, excavating, and paving, to weekdays between 7:00 AM and 6:00 PM, per Marin County Municipal Code Sec. 6.70.030(5)(a-c). Nearby sensitive receptors shall be informed of allowable construction hours.

**Monitoring Measure NOISE-1:** The Marin County Community Development Agency and Department of Public Works shall verify that the provisions of the measure have been implemented.

*b) Would the project result in excessive groundborne vibration or groundborne noise levels?*

Construction activities have the potential to result in varying degrees of temporary ground vibration. The amount of vibration depends on the specific construction equipment used and operations involved. In most cases, vibration induced by typical construction equipment does not result in adverse effects on people or structures (Caltrans, 2002). Project construction would not require significant sources of vibration such as pile driving or blasting. Based on the types of construction equipment expected to be used for Project construction, the Project would not be expected to result in excessive groundborne vibration or groundborne noise levels, and the impact would be less than significant.

*c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles
of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The closest airports or airfields to the Project site are San Rafael Airport (also known as Smith Ranch Airport), located approximately 9 miles from the Project site to east of US 101 and north of Point San Pedro, and Gnoss Field, near Novato, about 17 miles from the Project site. The Project site is not within an airport land use plan, and because of its distance from the nearest airports and airfields, the Project does not have the potential to expose people residing or working in the area of the Project site to excessive noise levels from aircraft. There would be no impact of this kind.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road in 2014 would have caused noise from use of heavy equipment and from haul trucks entering and leaving the site. This may have caused short-term disturbance of neighbors, but there are no records of noise complaints in the County’s files. It is unknown whether the grading work complied with the limits on construction noise in the Marin County Code, but there are no records of complaints or enforcement actions in this regard.

Because noise impacts of the grading work would have been short term, they would be considered less than significant. Consideration of noise impacts of the grading work does not change any of the conclusions regarding significance of the Project’s noise impacts.

References


14. Population and Housing

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>c) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Displace existing housing, especially affordable housing?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>e) Result in any physical changes which can be traced through a chain of cause and effect to social or economic impacts?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project would include the extension of driveways, electrical, and water infrastructure to the new lots. However, the growth caused by the future residences is well within planned growth identified in the Marin Countywide Plan, and therefore the Project would result in a less than significant impact with respect to population growth.
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Project site is currently developed with one single-family residence. As no demolition of existing housing is proposed, the Project would not displace any housing and therefore there would be no impact.

c) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan?

The Project would add up to four single family residences (two primary residences and two accessory dwelling units, or ADUs), resulting in a population increase in the area of about 10 people, assuming the County-wide average of 2.4 persons per dwelling unit (US Census Bureau, 2018). The density of the proposed development (approximately 0.36 dwelling units per acre) is consistent with the CWP land use designation, Tam Plan, and County Zoning. Therefore, the Project’s density and additional population would be consistent with Countywide Plan and Community Plan population projections and density for the planning area, and this impact would be less than significant.

d) Displace existing housing, especially affordable housing?

As discussed above, the Project site is currently developed with one single family residence. As no demolition is proposed, the Project would not displace any housing and there would be no impact on existing housing or affordable housing.

e) Result in any physical changes which can be traced through a chain of cause and effect to social or economic impacts?

The proposed Project entails the subdivision of a lot that is currently developed with a single-family residence. As the Project site is zoned for future residential development and would support the future construction of up to four additional residences, the Project would not result in physical changes that would have social or economic impacts and this impact would be less than significant.

2014 Grading of the Fire Road

The 2014 unpermitted grading of the Fire Road had no impact to existing or future residential development and therefore consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on population and housing.

20 Accessory dwelling units do not count toward calculation of the site’s density.
References:

US Census Bureau, 2018. Quick Facts Marin County, California, available online at: https://www.census.gov/quickfacts/marincountycalifornia
15. Public Services

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Fire protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>ii) Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>iii) Schools?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>iv) Parks?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>v) Other public facilities including roads?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

i) Fire protection?

Fire protection services are provided to the Project site by the Marin County Fire Department. The new residences would be served by the Marin County Fire Department Throckmorton Station, located at 816 Panoramic Highway, Mill Valley (Marin County Fire Department, 2019). New residences would be constructed in accordance with fire safety standards contained in the California Building Code and Project site emergency access and defensible space would be reviewed during the Design Review process. The Project would not result in a need for new or altered fire protection service.
ii) Police protection?

Police protection services is provided to the Project site by the Marin County Sheriff’s Department. The addition of up to four residences to this area would not be expected to result in the need for new or altered service from the Marin County Sheriff’s Department (Marin County Sheriff’s Office, 2019).

iii) Schools?

The Project site is within the Mill Valley Elementary School District and the Tamalpais Union High School District (Marin County, 2019). The Mill Valley School District has five elementary schools and one middle school with an enrollment of approximately 3,200 students in grades K through 8. Four of the schools are located within the City of Mill Valley, while two are located in the adjacent unincorporated areas of Strawberry and Tamalpais Valley. The District also includes the unincorporated communities of Alto, Almonte, Homestead Valley, and Muir Beach (Mill Valley School District, 2019). Old Mill Elementary School is located at 352 Throckmorton Ave, about a mile from the Project site. The Tamalpais Union High School District currently enrolls over 4,800 students served in three comprehensive high schools and two alternative programs (Tamalpais Union High School District, 2019). Both districts have the capacity for additional enrollments that may result from development of up to four additional residential units under the Project, if approved.

iv) Parks?

The Project area includes a wide variety of national, State, County, and City of Mill Valley parks, including Muir Woods National Monument managed by the US National Park Service, Mount Tamalpais State Park managed by California State Parks, Blithedale Summit Open Space Preserve managed by Marin County Open Space District, and Old Mill Park managed by the City of Mill Valley. Implementation of the Project would result in up to four additional residences. The addition of several residents would not substantially increase demand on park facilities. There are sufficient park facilities in the area of the Project site to accommodate the additional demand generated by the Project. Therefore, this impact would be less than significant.

v) Other public facilities including roads?

Implementation of the Project would slightly increase demand for public facilities and services, such as roads and libraries, as a result of the development of up to four new residences. Because of the small number and type of vehicles that would be used by future residents of the project (i.e., light vehicles), Project operations are not expected to result in a need for new or altered government service for road maintenance. Project construction would involve heavy trucks that have the potential to damage road surfaces, which could lead to the need for road repairs in order to return the road to its pre-Project condition, but given the limited amount of development, including a relatively modest amount of earth movement required for lot development, road damage from Project construction would not be expected to have a substantial effect upon, or result in
a need for new or altered government service for road maintenance. The impact would be less than significant.

**2014 Grading of the Fire Road**

The 2014 unpermitted grading of the Fire Road had no impact to police, schools, parks, and other facilities. It did improve access for fire and emergency vehicles to the lower portion of the project site. The improvements were made in conjunction with the Marin County Fire Department and were determined to improve access and reduce wildfire risks (Marin County Fire Department, 2014). The grading of the Fire Road therefore appears not to have had a negative impact on public services and may have had a beneficial impact. Therefore, consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on public services.

**References:**

http://www.marinmap.org

Marin County Fire Department, 2019. Throckmorton Ridge Station, available online at.  
https://www.marincounty.org/depts/fr/divisions/operations/stations/throckmorton


Marin County Sheriff’s Office, 2019. Official website, available online at  
http://www.marinsheriff.org/

Mill Valley School District, 2019. Web Site: About Us. Available online at:  
https://www.mvschools.org/domain/597

Tamalpais Union High School District, 2019. District Website: “About” page. Available online at:  
https://www.tamdistrict.org/domain/3
16. Recreation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>❌</td>
<td>❌</td>
<td>✗</td>
<td>❌</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>❌</td>
<td>❌</td>
<td>✗</td>
<td>❌</td>
</tr>
</tbody>
</table>

a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Implementation of the proposed Project would result in the subdivision of an existing residential lot into three lots and the future development of up to four additional dwelling units. Therefore, the Project would not substantially increase demand on neighborhood or regional parks or other such recreational facilities or opportunities. Therefore, this impact would be less than significant.

b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

The Project does not include any recreational facilities or require the expansion of recreational facilities which may have an adverse effect on the environment. As discussed above, implementation of the proposed Project would result in the subdivision of an existing residential lot into three lots and the future development of up to four new residences. This impact would be less than significant.

**2014 Grading of the Fire Road**

The 2014 unpermitted grading of the Fire Road was limited in scope to work on the Project site and had no offsite impacts to recreational facilities. Therefore, the grading of the Fire Road appears not to have had an impact on recreation and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on recreational facilities.
17. Transportation

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
</tr>
<tr>
<td>b) Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
</tr>
<tr>
<td>c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
</tr>
<tr>
<td>d) Result in inadequate emergency access?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

In the Bay Area region, responsibility for regional transportation and housing planning is shared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). These two agencies have prepared Plan Bay Area 2013, and the Plan Bay Area 2040 Update (MTC and ABAG, 2017), which include the region’s Sustainable Communities Strategy and the 2040 Regional Transportation Plan, prepared pursuant to Senate Bill 375 (SB375). SB 375 builds on the existing framework of regional planning to tie together the regional allocation of housing needs and regional transportation planning in an effort to reduce greenhouse gas (GHG) emissions from motor vehicle trips. Plan Bay Area 2040 prioritizes fixing an aging transportation system and directing future growth to reduce dependence on the automobile. Plan Bay Area 2040 identifies about 200 “Priority Development Areas” (PDAs). These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. Two PDAs are located in Marin County, the San Rafael Transit Center PDA in downtown San Rafael, and the Unincorporated Marin County PDA in Marin City.
The Project site is not within either of these PDAs. However, the Project Site is within the City-Centered Corridor, as defined in the Countywide Plan (CWP). The City-Centered Corridor contains the County’s urbanized areas, and is the focus for future urban development, as stated in CWP Built Environment Policy CD-1.1 and Implementing Program CD-1a:

**Policy CD-1.1 Direct Land Uses to Appropriate Areas.** Concentrate urban development in the City-Centered Corridor, where infrastructure and facilities can be made available most efficiently. Protect sensitive lands in the Baylands Corridor. Emphasize agricultural uses in the Inland Rural Corridor, along with preservation of resources, habitat, and existing communities. Focus on open space, recreational, and agricultural land uses, as well as preservation of existing communities, in the Coastal Corridor.

**Implementing Program CD-1.a Keep Urban Uses in the City-Centered Corridor.** Update the Development Code as necessary to ensure that urban development is confined primarily to the City-Centered Corridor, and designate specific areas within and surrounding the corridor for resource protection, including the Ridge and Upland Greenbelt Area, the Streamside Conservation Area, designated wetlands, and undeveloped historic baylands and floodplains.

Thus, while the Project site is not identified as a PDA within Plan Bay Area, it is consistent with CWP policy to focus development within the City-Centered Corridor, and, because the Project site is not within the Ridge and Upland Greenbelt Area, and proposed development envelopes avoid Streamside Conservation Areas and designated wetlands (see Section 4, Biological Resources), the Project is consistent with CWP Policy CD-1.1 and its Implementing Program CD-1a.

County transportation policies, per se, are contained in the Transportation Element of the CWP. Policies that pertain to the Project include several associated with **GOAL TR-1: Safe and Efficient Movement of People and Goods** - Provide a range of transportation options that meet the needs of residents, businesses, and travelers:

**Policy TR-1.1 Manage Travel Demand.** Improve the operating efficiency of the transportation system by reducing vehicle travel demand and provide opportunities for other modes of travel. Before funding transportation improvements consider alternatives — such as Transportation Demand Management (TDM) — and prioritize projects that will reduce fossil fuel use and reduce single-occupancy vehicle trips.

**Policy TR-1.2 Maintain Service Standards.** Establish level of service standards for vehicles on streets and highways and performance standards for transit, bicycles, pedestrians, and other modes of transportation.

**Policy TR-1.8 Reduce Vehicle Miles Traveled (VMT).** Reduce the rate of increase for total vehicle miles traveled by single-occupant automobile to not exceed the population growth rate.
With regard to Policies TR-1.1 and TR1.8, as discussed above, while the Project site is not within a PDA identified in Plan Bay Area, it is within the CWP’s City-Centered Corridor. Still, the Project site is not well-served by transit or other non-automobile modes of transportation. Marin Transit Route 61 (West Marin Stagecoach) provides bus service along Panoramic Highway west to Stinson Beach and Bolinas and east to Mill Valley, Marin City and Sausalito. There are four buses per weekday in each direction, and more on weekends from March to October (Marin Transit, 2019). The closest stop to the Project Site is at the intersection of Panoramic Highway and Ridge Road, about a 4-minute walk (511.org, 2019). There are no bicycle paths, bicycle lanes, or designated bicycle routes on Panoramic Highway or elsewhere around the Project site (Google Maps, 2019). It can be expected that future residents of the Project site will be primarily dependent on automobiles. On the other hand, compared to proposed developments in more rural and remote portions of the County, the Project does limit development to an existing neighborhood, surrounded by similar development, within the City-Centered Corridor. Therefore, conflicts with these County transportation policies is considered less than significant.

With regard to CWP Transportation Policy TR-1.2, Maintain Service Standards, CWP Implementing Program TR-1.e - Uphold Vehicle Level of Service Standards, establishes a standard of Level of Service (LOS) D or better for urban and suburban arterial roads. LOS is a qualitative description of traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels of service are defined ranging from LOS A (best operating conditions) to LOS F (worst operating conditions), with LOS E operating “at or near capacity.” When volumes approach capacity, stop-and-go conditions result. Per CWP Implementing Program TR-1e, Marin County generally strives to maintain LOS D or better for peak hour intersection operations.

During Project construction, the Project would result in a small incremental increase in vehicle traffic associated with construction worker commute trips and transportation of materials and equipment to and from the Project site. The number of trips would be small, however. The CalEEMod model used for forecasting air and GHG emissions (CARB, 2016) provides an estimate of construction vehicle trips. The model estimates that workers’ vehicles may make up to 13 trips per day, with vendors’ vehicles and heavier trucks hauling and materials making trips occasionally, but not daily. The small number of trips and the short duration of the construction period would be within the existing range of traffic conditions, and would not be expected to conflict with Countywide Plan policies regarding maintenance of adequate LOS.

Project operations, that is, residential use of the Project site post-construction, would result in long-term generation of additional vehicle trips. Table 17-1 shows the expected trip generation for Project operations, based on factors provided by the Institute of Traffic Engineers (ITE, 2012). As shown in Table 17-1, the Project, which could add up to four additional residences (one primary unit and one accessory dwelling unit for each of proposed lots 2 and 3) may add up to about 38 additional daily vehicle trips to the roadways. This would include about 3 new trips during the a.m. peak hour, and 4 new trips during the p.m. peak hour. Given this small number of new vehicle trips, which would be within the current range of daily traffic fluctuation on Panoramic Highway and
intersections with connecting arterial roads (including the intersection of Panoramic Highway with Muir Woods Road and Sequoia Boulevard; the intersection of Panoramic Highway with Shoreline Highway) as well as more distant intersections (such as Tam Junction and intersections along Miller Avenue), the Project would not be expected to reduce LOS for roadways and intersections in the vicinity of the Project site, and so would not conflict with Countywide Plan policies regarding maintenance of adequate LOS.

Table 17-1: Operational Vehicle Trip Generation

<table>
<thead>
<tr>
<th>Condition</th>
<th># Residential Units</th>
<th>Daily Trips (Generation Rate = 9.52)</th>
<th>AM Trips (Generation Rate = 0.75)</th>
<th>PM Trips (Generation Rate = 1.0)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>1</td>
<td>10</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Existing Plus Project</td>
<td>5</td>
<td>48</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Project Only</td>
<td>4</td>
<td>38</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>


The Project’s effects on vehicle miles traveled (VMT), the subject of Policy TR-1.8, is addressed under the following topic, which finds that the Project would not substantially increase VMT. Therefore, the Project would not conflict with Policy TR-1.8 to the extent that a significant impact would occur.

In sum, the Project would not substantially conflict with a program, plan, ordinance, or policy addressing the circulation system, and the impact would therefore be less than significant.

b) Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?

The State CEQA Guidelines section 15064.3(b) is a new provision that establishes thresholds for determining the significance of transportation impacts. This section uses a Project’s potential to increase VMT as the most appropriate measure of transportation impacts. VMT refers to the amount and distance of automobile travel attributable to a project. Beginning July 1, 2020, a project’s effect on automobile delay (that is, an increase in traffic congestion) shall not constitute a significant environmental impact.

As discussed in a State advisory bulletin on the change to VMT as a measure of transportation impacts (Governor’s Office of Planning and Research, 2017), the change is prompted by three major considerations: the nexus of VMT with greenhouse gas (GHG) emissions; other impacts of automobile use on human health and the environment; and the relationship between VMT and economic growth. The text of the State advisory explaining these connections is excerpted below.

VMT and Greenhouse Gas Emissions Reduction. Senate Bill 32 (Pavley, 2016) requires California to reduce GHG emissions 40 percent below 1990 levels by 2030, and Executive Order B-16-12 provides a target of 80 percent
below 1990 emissions levels for the transportation sector by 2050. The transportation sector has three major means of reducing GHG emissions: increasing vehicle efficiency, reducing fuel carbon content, and reducing the amount of vehicle travel. The California Air Resources Board (CARB) has provided a path forward for achieving these emissions reductions from the transportation sector in its 2016 Mobile Source Strategy. CARB determined that it will not be possible to achieve the State’s 2030 and post-2030 emissions goals without reducing VMT growth.

**VMT and Other Impacts to Health and Environment.** Beyond GHG emissions, increases in VMT also impact human health and the natural environment. Human health is impacted as increases in vehicle travel leads to more vehicle crashes, poorer air quality, increases in chronic diseases associated with reduced physical activity, and worse mental health. Increases in vehicle travel also negatively affects other road users, including pedestrians, cyclists, other motorists, and many transit users. The natural environment is impacted as higher VMT leads to more collisions with wildlife and fragments habitat. Additionally, development which leads to more vehicle travel also tends to consume more energy, water, and open space (including farmland and sensitive habitat). This increase in impermeable surfaces raises the flood risk and pollutant transport into waterways.

**VMT and Economic Growth.** While it was previously believed that VMT growth was a necessary component of economic growth, data from the past two decades shows that economic growth is possible without a concomitant increase in VMT. Recent research shows that requiring development projects to mitigate LOS may actually reduce accessibility to destinations and impede economic growth.

(Governor’s Office of Planning and Research, 2017, pp. 1-2)

As noted above, the Project would result in an incremental increase in long-term vehicle trips, and therefore VMT, by adding up to about 38 new vehicle trips per day. Project construction would add up to as many as 13 new vehicle trips per day during some construction phases.

The CalEEMod model used to estimate air and greenhouse gas emissions for the Project (CARB, 2016), uses a default figure of 10.8 miles for commuter trips for construction workers, but for the modeling for the Project, the figure was changed to 15 miles, to account for the distance of the Project site from a major transportation corridor (U.S. 101). Using this figure, Project construction could result in a short-term increase of about 195 VMT per workday, and long-term operational VMT would be 133,934 per year (367 miles per day average).

The County considers projects that would generate or attract fewer than 110 trips per day to cause a less-than-significant transportation impact, based on guidance from the State (Governor’s Office of Planning and Research, 2017). Because the Project would
generate an estimated 38 trips per day during operation, and about 13 trips per day during construction, the Project would not conflict or be inconsistent with State CEQA Guidelines section §15064.3, subdivision (b), and the impact would therefore be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As noted in the Project Description, the existing residence within the Project site is accessed via a paved, gated driveway from Panoramic Highway. The Project would modify the intersection of the driveway and Panoramic Highway to improve visibility for drivers exiting the property, and to provide more space for turning movements for large vehicles. This would include increasing the width of shoulders on Panoramic Highway on either side of the driveway to provide adequate “taper” for vehicles entering and exiting the driveway. A “Stop” sign and a “Right Turn Only” sign would be placed at the exit (Ziegler Civil Engineering, 2018).

Both Project construction and operation would increase use of the driveway for vehicles entering and leaving the Project site. Improvement of the driveway would occur prior to development of the proposed new lots, and so both construction-related vehicles and future residents’ vehicles would utilize the improved driveway.

A search of U.C. Berkeley’s Transportation Injury Mapping System (TIMS) on-line database identified three accidents along the stretch of Panoramic Highway between Brighton Blvd. and Sunrise Lane, from 2006 through 2018 (TIMS, 2019). Two were injury accidents involving bicycles. One was a fatal accident caused by a sideswipe collision. None of these accidents were within 200 feet of the driveway intersection with Panoramic Highway.

According to a traffic analysis prepared on behalf of the Applicant (TJKM, 2018) and the Project plan set (Ziegler Civil Engineering, 2018), the driveway and intersection improvements meet Marin County Code and Caltrans Highway Design Manual (HDM; Caltrans, 2018) requirements for urban driveways and private road connections for taper length and width, turning radius, and access opening width. These design features would improve intersection safety, would facilitate egress and ingress by large vehicles, and would not increase safety hazards.

Project plans (Driveway Intersection Plan sheet 1; Ziegler Civil Engineering, 2018) show the “site distances” for the proposed intersection improvements. This shows the distance that a driver exiting the driveway onto Panoramic Highway could see, given roadway geometry, vegetation, etc. According to the Plans, a driver looking right would have a site distance of about 235 feet, to the intersection of Panoramic Highway and Brighton Blvd. Looking left, the site distance would be about 518 feet, to a curve in the road before Sunrise Lane. According to the HDM, Table 201.1, the minimum site distance for a driveway or private road intersecting with a road with a 30 MPH speed limit is 200 feet.
in both directions. The Project’s intersection design would therefore comply with HDM requirements.

The American Association of State Highway and Transportation Officials (AASHTO) also establishes guidelines for road geometry standards, in its “Policy on Geometric Design of Highways and Streets,” generally known as the “AASHTO Greenbook.” (AASHTO, 2011). The AASHTO Greenbook’s recommendations for site distance for driveways and private roads differ substantially from the HDM: for a 30 MPH road, the standards are 335 feet for a left turn (looking to the right and left), and 290 feet for a right turn (looking to the left). According to the AASHTO Greenbook recommendations, site distance at the intersection is adequate for right turns, but not adequate for left turns. For this reason, the Applicant proposes to install a “Right Turn Only” sign, in addition to a “Stop” sign, for vehicles exiting the driveway (Ziegler Civil Engineering, 2018, Driveway Intersection Sheet 2).

Because the site distances do not achieve the recommendations contained in the AASHTO Greenbook, the County DPW may require the Applicant to submit an exception request, pursuant to Marin County Code §24.15, including findings pursuant to §24.15.020 demonstrating that the granting of an exception will not create a safety hazard.

The limited site distances and the resulting inconsistency with AASHTO Greenbook recommendations are an existing condition at the driveway intersection. The proposed intersection improvements would reduce the safety hazard by providing improved taper, width, and radius, all of which would facilitate turning movements of vehicles in and out of the driveway. While more vehicles would be using the driveway, thus increasing the possibility for a conflict with other vehicles on Panoramic Highway, the improved design would reduce the potential for conflicts. With the proposed installation of a Right Turn Only sign at the driveway exit, the left turn site distances would not be an issue. With this Project feature, the Project would not create a safety hazard due to a geometric design feature, and the impact would be less than significant.

d) Result in inadequate emergency access?

Project plans include improving the existing driveway to meet County standards, including Fire Department standards, for driveway width (minimum 20-foot paved width), turnouts, and a “hammerhead” turn-around at the driveway terminus (Ziegler Civil Engineering, 2018). With the proposed improvements to the driveway, the proposed new lots would all have adequate emergency access, and the impact would be less than significant.

2014 Grading of the Fire Road

The unpermitted grading of the Fire Road in 2014 would have involved the generation of vehicle trips from workers arriving at and leaving the site, equipment move-in/move-out, heavy trucks hauling fill material to the site, other materials hauling and vendor trips, and trips by agency personnel visiting the site in connection with the Notice of Violation and
subsequent clean-up and mitigation requirements. This may have amounted to several trips per day, which would have added incrementally to traffic in the area, likely on Shoreline Highway and Panoramic Highway. The short-term nature of the grading work, and its limited nature, preclude a conclusion of significance: the grading would not have resulted in a substantial increase in VMT, and would not have caused a significant deterioration in level of service or otherwise conflicted with transportation policies. Consideration of the transportation impacts of the Fire Road grading does not alter the conclusions regarding transportation impacts of the Project.

References


California Air Resources Board (CARB), 2016. California Emissions Estimator Model (CalEEMod), version 2016.3.2.


### 18. Tribal Cultural Resources

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of
the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? As described in Section 5, Cultural Resources, the Applicant commissioned an Archeological Resources Study by the Sonoma State University Anthropological Studies Center for the Project site and an adjacent lot also owned by the Applicant (Anthropological Studies Center, 2017). The study included a survey of the Project site by a qualified archaeologist and a records search at the California Historical Resources Information System, Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California, as well as a search of the Sacred Lands File maintained by the California Native American Heritage Commission. The results of the study indicate there are no previously recorded archaeological sites or other cultural resources within the Project site. Accidental discovery provisions in County and State statutes (see Section 5, Cultural Resources) would ensure that any previously unknown archaeological resources accidentally discovered during Project construction would be protected and properly handled, including, if appropriate, consultation with Native American Tribes regarding the final disposition of any such materials. Since no tribal cultural resources have been identified within the Project site, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that has been previously listed or that is eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, and the impact would therefore be less than significant.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. On August 28, 2018, Marin County Community Development Agency staff contacted representatives of the Federated Indians of Graton Rancheria (FIGR) and the Ione Band of Miwok Indians, the two tribes that have previously requested notification of proposed projects in Marin County, to determine whether they had any interest in the Project, and to provide them with an opportunity for formal consultation (Sihakom, 2018a and 2018b). As of June 5, 2019, neither tribe had responded. Therefore, the County has no information from either tribe about the presence or potential presence of tribal cultural resources at or in the vicinity of the Project site.

Based on the lack of response from the Tribes, and the lack of any previously recorded or identified archaeological resources within the Project site (see previous discussion), the Project is not expected to cause a substantial adverse change in the significance of a tribal cultural resource, and the impact would therefore be less than significant.
2014 Grading of the Fire Road

As there are no known tribal cultural resources within the Project site, the 2014 unpermitted grading of the Fire Road would not have caused a substantial adverse change in any such resources. Consideration of the Fire Road does not alter the conclusion reached above: the Project would have a less-than-significant impact on tribal cultural resources.

References


Sihakom, Sabrina, 2018a. Letter from S. Sihakom, Planner, Marin County Community Development Agency, to Buffy McQuillen, Tribal Heritage Preservation Officer, Federated Indians of Graton Rancheria, re: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1. Sent August 28, 2018.

Sihakom, Sabrina, 2018b. Letter from S. Sihakom, Planner, Marin County Community Development Agency, to Randy Yonemura, Cultural Committee Chair, Ione Band of Miwok Indians, re: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1. Sent August 28, 2018.
## 19. Utilities and Service Systems

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

a) **Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or**
telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water service is provided to the Project site by the Marin Municipal Water District, who has indicated the ability to serve the future residences. Water lines would be extended to the two new lots from the existing connection on site, which would be a minor extension of water facilities.

The existing residence is served by an onsite septic system and similarly, the project proposes to install two new on-site sewage disposal systems to serve proposed lots 2 and 3. The construction of two additional septic systems would not cause significant environmental effects as minor earthwork would be required and the system design and installation would be reviewed and approved by the Marin County EHS Division. Therefore, this impact would be less than significant.

Additional stormwater generated by the future development would be accommodated on site through a system of bioswales and stormwater collection facilities. As described in Section 10, Hydrology and Water Quality, the planned stormwater management system would result in no additional runoff from the Project site. Therefore, the Project would not require new or expanded stormwater facilities off-site.

Pacific Gas and Electric (PG&E) is the power provider for the Project area. Currently, utilities run to the existing residence and would be extended a short distance to connect to the future new residences. No new facilities or transmission lines would be required to provide power to the Project. Marin County Code §22.20.110 requires undergrounding of utilities to new developments. This impact would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The Project site is within the MMWD, which has stated that it would provide hook-ups to the future residences (Marin County, 2018). The Project would therefore not result in the need for new or expanded regional water treatment or distribution facilities and this impact would be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

The existing residence is served by an onsite septic system and similarly, the Project proposes to install two new on-site sewage disposal systems to serve proposed lots 2 and 3. The proposed on-site sewage disposal systems are discussed in Section 7, Geology and Soils, topic e. As the Project would not be served by a wastewater treatment provider, there would be no impact of this kind.
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Solid waste and recycling collection service is provided to the Project area by Mill Valley Refuse Service (Marin County, 2019). Mill Valley Refuse operates its own vehicle fleet and makes separate weekly collection of refuse, recyclable materials, and greenwaste (Mill Valley Refuse Service, 2019). Collected materials are taken to the Marin Resource Recovery Center, operated by Marin Sanitary Service and located on Jacoby Drive in San Rafael. There, recyclable materials are processed for market and compostable and disposed materials are transferred to the Redwood Landfill, located north of Novato just east of US 101. Redwood Landfill is permitted to accept 1,390 tons per day of refuse for disposal, and has sufficient capacity through approximately 2040, given the most likely scenario for future waste receipts (R3 Consulting, 2018). The EarthCare Composting Facility, located on the landfill site, is permitted to receive up to 514 tons per day of material for composting (CalRecycle, 2019). Solid waste generated by Project construction and future single-family residences would not result in exceedance of the permitted throughput capacity or long-term capacity of these facilities. Therefore, this impact would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Solid waste generated from construction and operation of the future single-family residences would be required to comply with applicable County and State regulations regarding solid waste disposal and recycling, including the CalGreen (Title 24) requirement to recycle 65 percent of construction and demolition waste. Following construction, new residents would be served by Mill Valley Refuse Service with solid waste, recycling, and composting collection. In these ways, the Project would comply with statutes and regulations related to solid waste, and the impact would be less than significant.

2014 Grading of the Fire Road

The 2014 unpermitted grading of the Fire Road had no impact on utilities and service systems and therefore consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on utilities and service systems.

References:


http://www.marinmap.org
Marin County, 2018. Community Development Agency-Environmental Health Services memo dated April 12 from Gwendolyn R. Baert, Senior REHS to Curtis Havel, Senior Planner, subject: Dipsea Ranch Land Division (Weissman).


### 20. Wildfire

<table>
<thead>
<tr>
<th>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:</th>
<th>Significant or Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

#### a) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

In accordance with California Public Resource Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, The California Department of Forestry and Fire Protection (CalFire) has mapped areas of significant fire hazards because of fuels, terrain, weather, and other relevant factors. CalFire’s Statewide and County maps (adopted November 2007) depict Fire Hazard Severity Zones (FHSZs) that are within the State Responsibility Area (SRA). The SRA is the area of the state where the State of California is financially responsible for the prevention and suppression of...
wildfires. The SRA does not include lands within city boundaries or in federal ownership. The FHSZs in the SRA are further classified as being Moderate, High, or Very High.

Per Marin County Code Section 16.17.080, the County designates lands within the Wildland-Urban Interface (WUI). The Project site is within the mapped WUI, and is also within an area mapped as a very high fire hazard severity zone (Marin County, 2019). The Project would confine new development to already developed and landscaped portions of the Project site, and new construction would be subject to requirements and restrictions of the WUI ordinance (California Building Code Section 7a, Materials and Construction Methods for Exterior Wildfire Exposure), which requires fire-resistant building materials and methods. Therefore, the Project would not exacerbate wildfire risks, and the impact would be less than significant.

b) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Implementation of the Project would extend infrastructure, including new driveways, power, and utility lines a short distance from the existing residence, in order to serve proposed lots 2 and 3. This would not be expected to exacerbate wildfire risks or result in other environmental impacts. This impact would be less than significant.

c) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As discussed in Section 7, Geology and Soils and Section 10, Hydrology and Water Quality, the proposed building envelopes are on stable ground, not subject to landsliding or flooding. As they would be located at the top of a hill, new structures would not be below areas of potential landslides, runoff, or slope instability or drainage changes resulting from a wildfire. The impact would be less than significant.

d) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

As noted above, the Project site is within the WUI and is within an area of elevated fire hazard severity (County of Marin, 2019). Adherence to Fire Department requirements and building code requirements, including requirements of the WUI ordinance, would reduce the risk of loss, injury, or death involving wildland fires to less than significant.

2014 Grading of the Fire Road

According to the Applicant, the unpermitted grading of the Fire Road in 2014 was undertaken to improve access for vegetation management for fire hazard reduction, and for emergency vehicles. The work likely did improve emergency access, particularly to the southern part of the Project site. The grading work did not cause a wildfire, or
increase the risk of wildfire. Therefore, the grading work’s impact on wildfire would have been less than significant, and consideration of the Fire Road grading does not alter the conclusions reached above about the wildfire impacts of the Project.

Reference
www.marinmap.org
21. MANDATORY FINDINGS OF SIGNIFICANCE.
Pursuant to Section 15065 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Maybe</th>
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<td>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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Section 4, Biological Resources, finds that the Project could have an adverse impact on sensitive wildlife species and their habitat. With the mitigation measures specified in that section, however, all impacts on biological resources would be reduced to less than significant, and the Project would not substantially degrade the quality of the environment or substantially impact sensitive plants or animals. Section 5, Cultural Resources, finds that the Project site has no known archaeological or historical resources present, and that it has low archeological sensitivity. The Project therefore does not have the potential to cause a substantial adverse change in the significance of an archaeological or historical resource, and therefore would not have the potential to eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Cumulative impacts analysis considers whether the impacts of a project could combine with impacts of other nearby past, present, and reasonably foreseeable future projects in a cumulative manner, and if so, whether the project’s contribution to the cumulative impact would be “cumulatively considerable” and therefore significant. Other projects considered in the cumulative analysis include current, recent, and foreseeable future projects in the vicinity of the Project site. Several such projects are listed at the Marin County Community Development Agency website (Marin County CDA, 2019), including those listed below. Several other, smaller projects, including additions and remodels of existing residences, are also listed in the vicinity of the Project site, but these are considered too small to make a considerable contribution to any cumulative impact.

**Harris Land Division** (412 Laverne Avenue, Unincorporated Mill Valley), a Tentative Map approval to divide a developed, 1.32-acre (57,512-square-foot) parcel into two parcels consisting of the following: Parcel 1 – 0.31-acre (13,636-square-foot) parcel; and Parcel 2 – 1.01 acre (43,996-square-foot) parcel as shown on the proposed Tentative Map. The average slope for proposed Parcel 1 would be 18.3-percent; the average slope for proposed Parcel 2 would be 41.6-percent. This project is undergoing review.

**Maddox Design Review** (42 Ridge Avenue, Unincorporated Mill Valley), Design Review approval to replace an existing 1,924 square foot two-story residence and 54 square foot accessory structure and construct a new two-story 3,357 square foot residence in the Tamalpais Valley area. The proposed development would consist of 3,357 square-feet of
total building area and 3,004 square-feet of total floor area, which would result in a floor area ratio of 25.9 percent on the 11,554 square-foot lot. The residence would reach a maximum height of 26 feet and 9 inches above existing grade and the exterior walls will have the following setbacks: 25 feet from the western front property line; 24 feet from the northern side property line; 14 feet from the southern side property line; and 36 feet from the eastern rear property line. The exterior materials include grey stained vertical siding, doors and windows trimmed in dark bronze, and grey Versico roofing. Various site improvements are also included in the approved development, including replacement of the existing septic system and undergrounding of utilities.

**Alta Way Extension Project** (Alta Way at Blue Jay Way, off of Shoreline Highway, Unincorporated Mill Valley), a grading permit to allow the extension of Alta Way, an existing residential street in unincorporated Mill Valley. The extension of Alta Way would provide access and utility extensions to several undeveloped lots, enabling their development. The application for the project is currently being reviewed by the County for completeness.

**Gurley Design Review** (529 Charles Lane, Unincorporated Mill Valley), a proposed new 1,508 square foot residence and relocate an existing 125 square foot accessory structure on a developed lot in Mill Valley. The 1,633 square feet of proposed development would result in a floor area ratio of 34 percent on the 4,802 square foot lot. The proposed residence would reach a maximum height of 30 feet above surrounding grade. This project is undergoing planning review.

**Qi Design Review** (343 Loring Avenue, Unincorporated Mill Valley), is a proposed new 1,803-square foot single-family residence and a 480-square-foot attached garage on a vacant lot in Mill Valley. The plans indicate that the approximately 2,283 square feet of proposed development would result in a floor area ratio 29.9-percent on the approximately 6,048-square-foot lot. The proposed building would reach a maximum height of 25 feet above surrounding grade and the exterior walls would have the following setbacks 19.5 feet from the west front property line; 5 feet from the north side property line; 8.5 feet from the south side property line; and 56 feet from the east rear property line. The project is undergoing planning review.

**Tsang Variance / Design Review** (15 Midway Avenue, Unincorporated Mill Valley), is a new 1,866-square-foot, two-story residence and a 378-square-foot attached garage on a lot developed with a 1,057-square foot residence that would be demolished to construct the project. The 2,244 square feet of proposed development would result in a floor area ratio of 31.5-percent on the 5,924-square-foot lot. The proposed building would reach a maximum height of 29 feet above surrounding grade and the exterior walls would have the following setbacks: 10 feet from the south front property line; 3 feet from the west side property line; 1 foot from the east side property line; and 27 feet from the north rear property line. The project is undergoing planning review.

As discussed in this Initial Study, the only environmental issue areas for which the Project could have a significant impact are Air Quality (Section 3), Biological Resources (Section 4), and Noise (Section 13). The Project could have a less-than-significant
impact in several other issue areas. However, most of these less-than-significant impacts would not tend to combine with impacts of other projects, either because they are highly localized, or because the impacts are too slight to have the ability to combine in a cumulative manner. The following discussion therefore focuses on the three issue areas which have the potential for a significant impact, and on Hydrology and Water Quality, since many impacts of this kind are cumulative by nature.

Air Quality

According to the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines (BAAQMD, 2017), a project with a significant air quality impact for criteria pollutant emissions would also be considered to have a significant cumulative air quality impact, but a project with a less-than-significant air quality impact would be considered not to make a considerable contribution to cumulative air quality impacts. Because the Project’s criteria pollutant emissions would be less than significant, the Project’s contribution to cumulative criteria pollutant levels would therefore be less than significant as well.

A search of the BAAQMD’s interactive map showing areas of elevated pollutant concentrations (BAAQMD, 2019) shows that the Tamalpais Valley area does not have high levels of TACs or PM$_{2.5}$. Because the Project, with the incorporation of Mitigation Measure AQ-1: Diesel Exhaust Emissions Reduction Measures, would emit very low levels of TACs and PM$_{2.5}$, over a short period of time, in a neighborhood that does not have elevated levels of pollutant concentrations, the Project’s contribution to cumulative health risk would be less than significant.

Biological Resources

Several of the listed cumulative projects could, like the Project, impact special status wildlife species and their habitat. Additionally, they could have similar policy conflicts with the CWP related to tree removal, invasive species, and Sudden Oak Death. As implementation of Mitigation Measures BIO-1 through 5 would reduce these impacts to a less than significant level, the proposed Project would tend not to combine with impacts of other past, current, or foreseeable future projects to result in a cumulative impact on special-status species, natural communities, or other biological resources. Where cumulative impacts may occur, the Project’s contribution would not be cumulatively considerable. Thus, the cumulative effect would be less than significant.

Noise

As described in Section 13, Noise, construction of the project would result in a short-term increase in ambient noise that could be substantial. Adherence to the allowable construction hours in Marin County Code §6.70.030(5) would reduce noise exposure, and would ensure that nighttime noise levels are not increased. To ensure that the Project complies with Countywide Plan implementing program NO-1.i, Mitigation Measure NOISE-1 would insure that increases in ambient noise levels from construction activities would not be in excess of standards established in the local general plan or noise ordinance, and would therefore be less than significant. Two of the cumulative
projects listed above, Maddox Design Review and Gurley Design Review, are located close enough to the Project site that there could be the potential for cumulative noise impacts, should construction proceed simultaneously.

Noise impacts are highly dependent on distance, as noise attenuates (lessens) at a rate of 6 to 7.5 dB per doubling of distance from the source, depending on ground absorption. Additionally, physical barriers located between a noise source and the noise receptor, such as berms or sound walls, would increase the attenuation that occurs by distance alone. It is therefore unlikely that noise from construction of either of the cumulative projects considered here would combine with noise from construction of the Dipsea Ranch Land Division Project in a cumulative manner. Furthermore, all development projects are subject to the noise restrictions of Marin County Code §6.70.030(5), including restrictions on hours during which noisy construction activity may occur (see Section 13, Noise). Even if construction projects were to occur simultaneously, adherence to the Marin County Code by all projects, and implementation of Mitigation Measure NOISE-1 would reduce any cumulative noise impact to less than significant.

**Hydrology and Water Quality**

The geographic scope for assessing potential cumulative hydrology and water quality impacts consists of the Project site and surrounding lands within the Redwood Creek watershed. Of the projects on the list above, only one (Maddox Design Review) is within the Redwood Creek Watershed. The Project site is designated within the CWP as PR-Planned Residential, which has an allowable density of one unit per 1-10 acres. Within the PR designation are requirements for development that must be implemented to ensure conformance to the CWP and all related regulatory requirements. As described below, the Project would not result in or contribute to cumulative impacts; cumulative impacts to hydrology and water quality would be mitigated on a project-by-project level in accordance with applicable regulatory requirements, and through the established regulatory review process.

The analysis of cumulative impacts considers that all future development with the potential to impact hydrology and water quality would be required to demonstrate compliance with applicable federal and state regulatory requirements, which are intended to reduce and/or avoid potential adverse environmental effects on surface and groundwater resources as a result of multiple actions, such as development projects within a watershed. Through implementing regulatory stormwater management requirements, surface water, groundwater, and aquatic habitats are protected from potential sources of degraded water quality, increased flow rates and runoff volumes, which can result in downstream erosion, sedimentation, and other water quality and quantity impacts to a watershed system.

Construction of the Project would include preparation of a SWPPP and implementation of BMPs required under the CGP. Once construction is completed, the Project would be required to adhere to MCSTOPPP provisions, which would require source controls of stormwater volumes and implementation of BMPs for stormwater quality management.
Consistent with MCSTOPPP requirements, the Project includes a stormwater management system that complies with the requirements for a Regulated Project (see Section 10, Hydrology and Water Quality), and which includes a series of drains, bioswales, conveyance channels, and cisterns to treat stormwater, facilitate infiltration, capture sediment, minimize and avoid erosion, and control an anticipated increase in stormwater runoff from the increase in impervious areas, including paved and built areas. Implementation of the Project would not increase the rate or amount of peak runoff, increase flooding or flood risks, erosion, and/or sedimentation on- or off-site, or reduce groundwater recharge.

The cumulative projects listed above could involve excavation and use of heavy equipment during construction. Therefore, the cumulative projects have the potential to degrade surface water quality as a result of construction-related soil erosion or accidental discharges of hazardous construction chemicals. Redwood Creek is not currently listed on the 303(d) list as impaired due to water quality (such as high turbidity or sediment), indicating that no cumulative water quality impact is currently ongoing within the watershed; this is consistent with the largely undeveloped nature of the Redwood Creek watershed. Further, compliance with the CGP and MCSTOPPP requirements for the Project and any future projects would protect surface water quality from impacts resulting from cumulative development in the watershed. With adherence to the described regulatory requirements, the effects of the Project, combined with those of cumulative projects, would not cause a cumulatively significant effect to surface water or groundwater resources and the Project would not result in a cumulatively considerable contribution to any significant cumulative effect.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

As discussed in Section 3, Air Quality, the Project could have a significant adverse effect on human health, but Mitigation Measure AQ-1: Diesel Exhaust Emissions Reduction Measures would reduce this impact to less-than-significant. With this measure, the Project would not have a substantial adverse effect on human beings. Other potential direct or indirect impacts on human beings, such as from geologic hazards (Section 7, Geology and Soils), exposure to hazardous materials (Section 9, Hazards and Hazardous Materials), and construction noise (Section 13, Noise), would be less than significant, and would not have substantial adverse effects on human beings.

d) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

The Project’s objectives are to support new residential development to provide housing in the Tamalpais Valley community, which would benefit the community. While the Project would have short-term environmental impacts that require mitigation, long-term operation of the property for additional residential development would not result in any potential environmental impacts requiring mitigation. While the residences would contribute, albeit to a less-than-significant extent, to a number of issues such as traffic, air emissions, and greenhouse gas emissions, the benefits of the additional housing
would offset these less-than-significant impacts. Therefore, the Project would not
disadvantage the County’s long-term environmental goals, as embodied in the Marin
CWP.

References:

https://www.arcgis.com/home/webmap/viewer.html?webmap=9b240e706e6545e0996be9df227a5b8c&extent=-122.5158,37.5806,-122.0087,37.8427

https://www.marincounty.org/depts/cd/divisions/planning/projects
V. PROJECT SPONSOR’S INCORPORATION OF MITIGATION MEASURES:

Acting on behalf of the Project sponsor or the authorized agent of the Project sponsor, I (undersigned) have reviewed the Initial Study for the Dipsea Ranch Land Division and have particularly reviewed the mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study, including the recommended mitigation measures, and hereby agree to modify the proposed Project applications now on file with Marin County to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

[Signature]
(Daniel Weissman)
(Project Sponsor’s Name or Representative)

[Signature]
(Daniel Weissman)
(Project Sponsor’s signature)

12/4/19
(Date)
VI. DETERMINATION: (Completed by Marin County Environmental Planning Manager). Pursuant to Sections 15081 and 15070 of the State Guidelines, the forgoing Initial Study evaluation, and the entire administrative record for the Project:

[  ] I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[ X ] I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the Project. A MITIGATED NEGATIVE DECLARATION will be prepared.

[  ] I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Rachel Reid, Environmental Planning Manager

Date 12/4/19
Dipsea Ranch Land Division

DOCUMENTS INCORPORATED BY REFERENCE

The following is a list of relevant information sources that have been incorporated by reference into the foregoing Initial Study pursuant to Section 15150 of the State CEQA Guidelines. These documents are both a matter of public record and available for public inspection either online or at the Planning Division office of the Marin County Community Development Agency (CDA), Suite 308, 3501 Civic Center Drive, San Rafael. The information incorporated from these documents shall be considered to be set forth fully in the Initial Study.

1. Marin Countywide Plan, CDA - Planning Division (2007)

2. Tamalpais Area Community Plan, Adopted by the Marin County Board of Supervisors September 21, 1992.

3. Marin County Development Code, Title 22, CDA - Planning Division

4. Marin County Development Standards, Title 24, Marin County Department of Public Works - Land Use & Water Resources Division


6. Flood Insurance Rate Map Series of Marin County, California, prepared by the Federal Emergency Management Agency

7. Association of Bay Area Governments (ABAG), 2013. Marin County Earthquake Hazard Map. Available online:
   http://gis.abag.ca.gov/website/liquefactionsusceptibility/index.html

8. California Department of Conservation, (CDC), 2014. Marin County Tsunami Inundation Maps, available online:


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18. Marin County Sheriff Department, official website, available online at http://www.marinsheriff.org/.


20. Marin County Archaeological Sites Inventory Map, CDA - Planning Division (undated) confidential.
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1. Introduction

This document contains copies of comment letters on the Dipsea Ranch Land Division Initial Study/Draft Mitigated Negative Declaration (Initial Study) received during the public review period, and the responses to those comments. The letters are included in Section 3, Comment Letters and Individual Responses. Each written comment letter is designated with a letter (A through W) in the upper right-hand corner of the first page of the letter. Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Only comments on the scope of the Project and on the Initial Study analysis and conclusions are responded to: comments expressing the commenter’s support for or opposition to the Project, and comments addressing other issues not within the scope of the Project, are not responded to.

Section 2 of this document presents several “Master Responses.” Each Master Response addresses an issue or topic raised by several commenters, providing a unified and comprehensive response. Master Responses are cross-referenced in the individual responses.

Changes to the text of the initial study prompted by comments are indicated by strike-throughs for deletions and underline for additions. Changes are compiled in Section 4.

Comments were received from the following individuals and organizations:

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<th>Letter Designation</th>
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<tr>
<td>A</td>
<td>State Clearinghouse – Governor’s Office of Planning and Research</td>
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<td>B</td>
<td>Laura Chariton</td>
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<td>C</td>
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2. Master Responses

Master Response 1: Habitat Values of the Project Site

Several Commenters expressed concerns about the sensitive nature of the Project site, the potential for wildlife species (including rare, threatened, and endangered species) to be present, and the potential impacts of future development on wildlife corridors. They note that the area supports a diverse assemblage of birds, reptiles, amphibians, mammals, and invertebrate species, and that wildlife move across the Project site. Initial Study Section IV.4, Biological Resources evaluates potential impacts on special-status species, natural vegetation communities, and wildlife movement corridors. As presented in Section IV.4, the Project would not result in a significant impact related to special-status species, natural vegetation communities or wildlife movement corridors. This Master Response provides additional clarification on the biological communities present within the Project site and potential Project impacts; however, the impact conclusion reached in the Initial Study, that the Project would have only less-than-significant impacts on wildlife, remains the same. Master Response 2 provides more detailed information on sensitive biological resources in the Redwood Creek watershed.

Plant Communities

As described in the Existing Conditions discussion in Initial Study Section IV.4, Biological Resources, the proposed building envelopes are located on the northern portion of the Project site on the ridgetop where the existing single-family residence, garage, and outbuilding, surrounded by ornamental landscaping and decking, are located. There is a large, flat, undeveloped, ruderal terrace where development would occur. This upper terrace supports non-native annual grassland. Along the edges of the terrace (along the existing driveway and the edge of existing buildings) and just downslope, there are plantings of a few native trees and shrubs (e.g., coast live oak, coast redwood, ceanothus) and abundant ornamental shrubs and trees (e.g., cotoneaster, Monterey cypress, Monterey pine, incense cedar). Invasive species are prevalent as well and patches of English ivy and Himalayan blackberry occur in the understory.

Beyond the building envelopes and septic disposal areas to the west, south, and southeast, the Project site supports scattered trees of native Douglas fir and coast redwood and non-native Monterey cypress and Monterey pine. Understory composition varies across the Project site, but non-native plants are pervasive, especially within the lower elevations. Invasive thickets of pampas grass, cotoneaster, cape ivy, pride of Madeira, French broom, and smaller acacias are widespread. In the more densely wooded areas, along the drainages, native understory shrubs include coyote brush, California blackberry, and poison oak with the occasional wild cucumber and sword fern. No development is proposed in areas that support native vegetation. As shown in Initial Study Figure 4-1, the drainages are protected by a 100-foot Stream Conservation Area (SCA) buffers and no development would occur within them. There is a small wetland seep along
the northern edge of the lower Fire Road protected by a 100-foot Wetland Conservation Area (WCA) (see Master Response 3). More detailed descriptions of plant communities present within the Project site are included in Section IV.4, Biological Resources in the Initial Study.

As described in Section IV.4, Biological Resources, proposed lot 3 would support the construction of new single-family residence on the upper terrace; the downslope septic disposal area is dominated by non-native trees and invasive understory species. It is assumed that no new development would occur in proposed lot 1, as this is the location of the existing residence. The development envelope for proposed lot 2 and the proposed area for septic system development for this lot support non-native annual grassland and ornamental plantings. No development is proposed in areas supporting naturally occurring native vegetation along the drainages and wetlands. No native trees are proposed for removal. No removal or disturbance of naturally occurring native vegetation is proposed or anticipated, based on the existing conditions within the areas of the proposed development envelopes, septic systems, stormwater system, and driveway improvements.

None of the comments provide any new information that would change the conclusion in the Initial Study regarding potential impacts on native plant communities. Commenters have not provided substantial evidence to support a fair argument that the Project may have significant impacts on native plant communities. The only conclusion supported by evidence is a conclusion of less than significant.

Wildlife Communities and Movement Corridors

In response to comments on the wildlife diversity within the Project area, the following includes additional clarification on wildlife usage of the Project site. As described in the Existing Conditions discussion in Section IV.4, Biological Resources, development of the Project site would be concentrated in an area that supports existing buildings, ornamental planting, and a terrace of non-native annual grassland. In general, habitats surrounding developed areas provide habitat and foraging opportunities for many of the more common and urban wildlife species. Within the Project site, ornamental trees and shrubs, particularly flowering trees, provide a supplemental food source for wildlife species in the form of fruit and habitat for prey species. They also serve as suitable nesting habitat for generalist bird species. Omnivorous disturbance-adapted species, such as skunks, raccoons, and non-native opossums, are abundant in habitat of this type. Invertebrates may be attracted to a variety of ornamental flowers. Wildlife species with the greatest potential for occurrence within the building envelopes are birds. The abundant planted native and ornamental trees and shrubs are likely to support nesting habitat for more common bird species. Bats may forage over the site and roost in mature trees. These conditions would not change with the proposed subdivision; wildlife is expected to continue to utilize the Project site.
As described in the Initial Study in the discussion of Special-status and Nesting Birds (pages 56-57), nesting birds are protected from construction impacts by Marin County Development Code §22.20.040 (F), which establishes nesting bird protection measures. There is potential for bats to be present in tree cavities and they would be protected as outlined in Mitigation Measure BIO-2. During construction, there may be disturbance to common wildlife utilizing the building envelope areas, but the impact would be temporary. With the exception of nesting birds and bats, the building envelopes do not support habitat for special-status wildlife species or native plant communities.

The high wildlife use areas on the Project site are along the drainages and more densely vegetated areas beyond the building envelopes. The Project site is dominated by non-native plant species, especially dense thickets of acacia and broom, and, in general, these areas support less diverse wildlife than native habitats. However, the drainages support mature native Douglas fir and non-native pine and cypress. These wooded drainages provide cover, foraging opportunities, and nesting habitat for native wildlife. The woodlands extend beyond the property boundary and provide wildlife with opportunities to move through the lower elevations of the Project site and drainages. Breeding birds, special-status species, such as California giant salamander and bats, and other common wildlife may occupy these areas (see Master Response 2). The wooded areas fall almost entirely within the SCAs (Initial Study Figure 4-1). Wildlife utilizing these areas would be protected from future site development through the establishment of these buffer areas. No habitat changes are proposed along the drainages. The seasonal wetland along the lower Fire Road also provides habitat for common wildlife. No additional development is proposed in this location and wetland resources are protected by the WCA buffer, depicted in Initial Study Figure 4-1.

In response to comments expressing concern that the Project could impact wildlife corridors and wildlife movement within the Project area, the following provides additional clarification of this topic. As described in the Initial Study, page 60, the Project would not result in any negative long-term impacts on wildlife movement and use of nursery sites. Further development would be concentrated in the northern portion of the Project site on the ridgetop that currently supports the existing single-family residence, outbuildings, ornamental landscaping, and non-native annual grassland. Wildlife movement through the building envelopes is currently constrained by the existing residential development, perimeter deer fencing (between the existing residential development and downslope drainages/undeveloped areas on the Project site), and vehicular traffic surrounding the site along Panoramic Highway. The proposed building envelopes already experience a high level of human use. Wildlife residing near the Project site and frequenting the building envelopes are likely habituated to human presence given the level of existing site development, on-going residential use, and proximity to other residential development.

As described on page 60 in Section IV.4, Biological Resources, wildlife use of the site, including migration corridors, would not be changed as a result of development within the building envelopes. Wildlife migrating through the site along the drainages and species residing in these locations (e.g., drainages, wetlands, or other more densely vegetated
areas on the Project site) would be protected from construction impacts through establishment of the SCA and WCA buffer areas and distance of the construction areas from occupied habitat. Construction would be of relatively short duration. Following construction, residential use would be similar to existing use of the Project site, which is concentrated in the most developed, least sensitive area.

None of the comments provide any new information that would change the conclusions on wildlife movement and migration corridors in the Initial Study. The impacts remain less than significant. Commenters have not provided substantial evidence to support a fair argument that the Project may have significant impacts wildlife migration and use. The only conclusion supported by evidence is a conclusion of less than significant.

**Master Response 2: Potential Impacts on Redwood Creek Watershed Biological Resources**

Several commenters express concerns about the sensitive location of the Project site and the potential impacts on sensitive biological resources within the Redwood Creek watershed. They note that the watershed supports special-status wildlife species. Initial Study Section IV.4, Biological Resources, Tables 4-1 and 4-2, provides an evaluation of the Project's potential impacts on special-status species. As discussed in Section IV.4, the Project would not result in a significant impact on special-status species occupying the Redwood Creek watershed. This Master Response provides additional clarification on current watershed conditions, sensitive wildlife species presence within the watershed and the Project site, and potential Project impacts for resources in the watershed. However, the Initial Study's conclusion of a less-than-significant impact remains the same.

**Watershed Condition**

The Project site is located at the watershed divide between the Redwood Creek and Mill Valley watersheds and within close proximity to an extensive network of protected lands. The Redwood Creek watershed encompasses approximately 9 square miles, including portions of Mount Tamalpais, and drains to the Pacific Ocean at Muir Beach. The Project site is located in the upper elevations of the Redwood Creek watershed along its eastern edge. Lands directly to the east drain to Mill Valley. Two ephemeral drainages (see Master Response 8) on the Project site drain into the Redwood Creek watershed. The watershed provides habitat for a number of special-status species and protected aquatic resources, including federally and State protected steelhead, coho salmon, western pond turtle, California red-legged frog, California giant salamander, northern spotted owl, California red-legged frog, and several plant species. These resources are described below.

The Project site provides limited habitat for special-status species residing in the Redwood Creek watershed. As outlined in Table 4-2 in the Initial Study, special-status animal species presence was evaluated for the Project. The following is a breakdown of the
sensitive resources addressed by commenters. Special-status bats and breeding birds are addressed in Master Response 1.

**Steelhead and Coho Salmon**

The Initial Study discusses the presence of steelhead and coho salmon within the Redwood Creek watershed (Initial Study, page 52 and Table 4-2). These fish occur in downstream stream reaches, but the Project site does not support perennial streams and no habitat for salmonids is present. The Project site is located above the limits of anadromy at nearly 1,000 feet in elevation. As noted in the Initial Study, the Project would protect downstream fisheries resources through the establishment of SCAs, implementation of the proposed stormwater management plan and septic system designs, and implementation of standard construction Best Management Practices (BMPs); see Master Responses 7 and 11. The impact conclusion of less than significant for fisheries resources remains the same as presented in the Initial Study.

**Special-status Herpetofauna**

Commenters note the presence of California red-legged frog and California giant salamander in the watershed, including the area of the Project site. The presence of special-status herpetofauna is evaluated in Initial Study Table 4-2. Additional species (e.g., foothill yellow-legged frog and western pond turtle) are also evaluated and suitable habitat is determined not to be present within the Project site, based on existing habitat conditions and current sighting information. In the case of California red-legged frog, this species requires somewhat perennial water sources, such as ponds and streams, for breeding, foraging, and aestivation. Suitable breeding habitat is not present within the Project site or in nearby areas. The forested drainages may provide temporary upland refugia if nearby breeding sites exist, but the likelihood of occurrence is low. Suitable habitat for special-status California giant salamander is not present within the building envelopes; however, suitable non-breeding habitat may be present in the forested areas along the drainages. Breeding in the drainages is unlikely given their ephemeral nature. The Project would protect special-status herpetofauna and their habitat through the establishment of SCAs, implementation of the proposed stormwater management system, proposed septic system design, standard construction BMPs, and implementation of Mitigation Measure BIO-1 Special-status Wildlife and Habitat. The impact conclusion of less than significant for herpetofauna resources remains the same as presented in the Initial Study.

**Northern Spotted Owl**

Marin County populations of northern spotted owl are closely monitored. Local populations have been monitored by Point Blue Conservation Science since 1997. Monitoring has occurred on forests managed by Marin County Open Space District and Marin Municipal

Water District. The National Park Service also closely tracks owl populations on federal lands. Due to the sensitivity of this species, northern spotted owl nesting locations are typically kept confidential. However, the California Department of Fish and Wildlife (CDFW) maintains a database (CNDDB) of reported nesting and activity centers for professionals. This database, background reports, Project site conditions, and surrounding land use composition were evaluated for the Initial Study to determine the potential for this species to be present within the Project site. As discussed in the Initial Study (page 55 and Table 4-2) the Project biologists determined that suitable northern spotted owl breeding habitat is not present within the Project site, and there is a very low likelihood of their occurrence outside of nesting given the Project site’s current habitat composition (see Master Response 1) and surrounding land uses (e.g., presence of non-native trees, open habitat, residential setting).

According to the CNDDB, the Project site is located 0.45 mile to the north of the nearest activity center for northern spotted owl. This activity center is located south of Muir Woods Road in an intact wooded drainage in Muir Woods National Monument. The nearest reported pair sightings are located 0.34 mile and 0.36 mile to south of the Project site in 2010 and 2011, respectively. There is a historic observation of an individual on Panoramic Highway at the edge of the Project site, but this sighting is from 1974.

The Project site is buffered from the recent activity center and adult pair sightings by residential development along Ridge Road and open grassland and scrub habitat to the south. There is a fragmented woodland located to the south of the Project site, but this wooded area is isolated from surrounding intact habitats that are likely to support northern spotted owl. Overall, habitat conditions both within the Project site and on adjacent privately held lands are not likely to support nesting northern spotted owl. Owls may forage, migrate, and temporarily roost in nearby forested areas, but nesting is unlikely.

Any future development within the Project site will be subject to Marin County Development Code §22.20.040 (F), Outdoor Construction Activities, Nesting Bird Protection Measures. These measures include pre-construction nesting surveys by a qualified biologist if construction is planned during the nesting season. If the biologist identifies a spotted owl nest within 500 yards of the proposed construction area, Project construction activities will be subject to the requirements of Development Code §22.20.040 (G), Outdoor Construction Activities, Northern Spotted Owl. These include seasonal limitations, disturbance-free buffer zones, and preconstruction surveys. These

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3 "Activity Center: Spotted owls have been characterized as central-place foragers, where individuals forage over a wide area and subsequently return to a nest or roost location that is often centrally-located within the home range" (Rosenberg and McKelvey 1999). Activity centers are a location or point within the core use area that represent this central location. Nest sites are typically used to identify activity centers, or in cases where nests have not been identified, breeding season roost sites or areas of concentrated nighttime detections may be used to identify activity centers" (U.S. Fish and Wildlife Service 2011). Text from California Department of Fish and Wildlife. 2020. Spotted Owl Observations Database FAQs. Accessed at: https://wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-FAQ
measures are designed to reduce potential temporary construction impacts on northern spotted owl. The impact conclusion of less than significant for northern spotted owl remains the same as presented in the Initial Study.

Ringtail

Commenters note the presence of ringtail in the vicinity of the Project site. The ringtail is a CDFW fully protected species. Sightings for this species are not tracked in the CNNDB despite its formal listing status; observations for this species are limited to anecdotal sightings and local observations. Based on the background document review and a lack of reported sighting, ringtail was not specifically identified as a special-status species in Table 4-2 of the Initial Study, but was considered under review of general wildlife impacts under Mitigation Measure BIO: 1 Specials-status Wildlife and Habitat. To further address the comments pertaining to ringtail, this Master Response provides additional clarification on the potential for the Project to impact this species.

This species is known to occur in Marin County,\(^4\) where they are an uncommon permanent resident. They occupy riparian, forest, and scrub habitats and nest in tree hollows, logs, and other cavities. If local populations are present, suitable habitat may be present in the undeveloped areas within the Project site, including the wooded areas and drainages. No development is proposed in areas supporting naturally occurring native vegetation along the drainages. Wildlife, such as ringtail, migrating through the site along the drainages and residing in these locations would be protected from construction impacts through the SCA buffer areas and distance of the building envelopes from occupied habitat; see Master Response 1. Future development of the Project site would not impede use of the site drainages by ringtail or other wildlife species. The impact conclusion of less than significant for wildlife resources remains the same as presented in the Initial Study.

Summary and Conclusion

The Project would protect core habitat areas on the site through the establishment of the SCAs and WCAs. Both drainages and the seasonal wetland fall within these conservation areas. The conservation areas provide protection of aquatic resources and special-status species habitat by establishing a 100-foot buffer from the creek and wetland areas. The proposed stormwater management system (see Master Response 11), septic system (see Master Response 7), implementation of a construction Stormwater Pollution Prevention Plan (see Initial Study Section IV.10, Hydrology and Water Quality, topic c.i and Master Response 11) would ensure no sedimentation or contamination from the Project site. The Project would not result in significant impacts to sensitive aquatic or terrestrial species or their habitats within the Redwood Creek watershed.

None of the comments provide any new information that would change the Initial Study’s conclusions regarding the potential for the Project to impact sensitive resources in the

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Redwood Creek watershed. The impacts remain less than significant. Commenters have not provided substantial evidence to support a fair argument that the Project may have significant impacts on biological resources in the watershed. The only conclusion supported by evidence is a conclusion of less than significant.

**Master Response 3: Potential Impacts of the Fire Road Grading on Biological Resources**

Several commenters expressed concerns about biological resource impacts associated with the unpermitted grading work that took place on the Project site in 2014. Initial Study Section IV.4, Biological Resources evaluates potential impacts of the 2014 grading of the Fire Road on biological resources. As presented in Section IV.4, the Project would not result in a significant impact from the 2014 Fire Road grading. This Master Response provides additional clarification on the known site conditions and potential resource impacts. However, the impact conclusion of less than significant remains the same as presented in the Initial Study.

As described in the Initial Study, in 2014, the Applicant improved a section of the Fire Road near the lower gate in order to increase access for vegetation management and firefighting crews. The Fire Road, which existed prior to the grading, provides access to the lower part of the Project site via a gated entrance from Panoramic Highway, which also existed prior to the work in 2014. The improvement work was done without authorization from regulatory agencies, though the County later determined that a Grading Permit was required. The work involved placement of fill to raise and broaden the roadway. Based on a comparison of topographic surveys performed pre- and post-work, earthwork resulted in about 1,200 cubic yards of fill along the existing road. The work was completed during February and March. A small amount of grading work may have been completed during periods of rain in February, but the majority of the site work was completed during a dry period in March (based on a review of rainfall data and County inspections), as further described in Master Response 4. On March 26, 2014, a Notice of Violation was posted on the site and the owners were notified to stop all grading work and to stabilize the entire area. Erosion control features, including straw mulch, netting, and a silt fence, had already been installed on that date. The site was inspected by Marin County Department of Public Works (DPW) and the San Francisco Bay Regional Water Quality Control (RWQCB) and both agencies found the site to be stabilized, with satisfactory erosion control measures in place.

As described in the Existing Conditions discussion in Initial Study Section IV.4, Biological Resources, a biological assessment of the Project site was completed by LSA Associates in 2015. This report references an earlier site reconnaissance report from 2009, but that report has not been located, and the 2015 report does not discuss changes in habitat conditions between the 2009 and 2015 survey periods. The LSA report notes that the area

adjacent to the Fire Road contained plant species characteristic of wetlands and the wetland may be caused by septic leakage from the adjacent property. In October 2017, LSA conducted fieldwork for a formal wetland delineation of the area around the Fire Road. LSA delineated a small 180 square foot wetland on the uphill side of the Fire Road. The delineation was subsequently verified by the US Army Corps of Engineers (ACE). LSA found that the wetland supported hydrophytic vegetation (e.g., rabbit’s-foot grass, Pacific rush, tall flatsedge), contained hydric soils (redox concentrations and dark topsoil), and had physical conditions to support hydrology. The adjacent upland sample point lacked wetland indicators.

While the site conditions prior to the unpermitted grading work were not formally documented, the Project site was assessed in the year following and, based on these observations, a small wetland area was likely present prior to work, though there is no documentation of the extent, hydrology, or biological features of a wetland at this location. Wetland impacts associated with grading and fill placement were not documented either, but may have included hydrologic alteration, removal of wetland vegetation, and/or filling directly into the wetland. Wetland vegetation removal, if it did occur, was likely to have been limited in extent, as a wetland area was observed in 2015, the feature that was delineated in 2017 is small (180 square feet), and areas immediately adjacent are currently dominated by upland plants and lack hydric soil indicators based on soil sampling in 2017.

Based on the timing of the work, there may have been some erosion and downslope movement of sediment in the immediate area surrounding the grading work. Based on photos of the Fire Road area in 2013 and 2014 (see Initial Study Figure 8 and figures in Master Response 4), areas downslope from the grading work were well-vegetated and not disturbed. These vegetated buffers likely protected the tributary stream and downstream resources from being affected from the work.

Lacking photographic or documentary evidence, the existence, size, and condition of any wetland feature, and the impacts of Fire Road grading on any wetlands and on downstream resources, are all speculative. There is evidence that any erosion and sedimentation impacts that may have occurred while the work took place did not continue, as erosion control measures, inspected and found to be adequate by the County and the RWQCB, were promptly installed.

Prior to grading work, the small wetland area, if it existed, may have supported habitat for native wildlife, specifically Sierran tree frog, a common amphibian species, and small invertebrate species; however, no evidence, such as a biological survey or photographs, has come to light that depicts or describes any wetland feature or its habitat value, if it did in fact exist. If tree frogs and other small wildlife were present during site grading, they

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could have been displaced, harmed, or killed. Because these are common wildlife species without regulatory protection, however, any impact of this kind would be less than significant, especially given the small amount of habitat that may have been present. The wetland is too small to support habitat for special-status aquatic species. Based on the timing of the work, impacts on nesting birds were unlikely.

There is no definitive evidence that a wetland existed at the site of the Fire Road prior to the grading, or, if it did exist, that it was disturbed during the grading work. Based on LSA’s survey in the year after the grading took place, and the Initial Study biologist’s observations of the site in 2019, the grading of the Fire Road has not had lasting adverse impacts on any wetland. There is no observed ongoing disturbance, such as erosion and sedimentation, affecting the existing wetland feature on the upslope side of the Fire Road or the Redwood Creek tributary downslope from the Fire Road (see Master Response 4). Since there is no baseline for comparison, quantifying impacts of the grading work, such as the area of wetland disturbed, if any; or the amount of sediment deposited in the tributary stream, if any, is not feasible. The evaluation of Fire Road grading impacts remains the same as presented in the Initial Study. The commenters have not provided substantial evidence to support a fair argument that the Project had, or continues to have, significant impacts on wetland and downstream resources; therefore, the conclusion remains less than significant.

Master Response 4: Potential Impacts of Fire Road Grading on Hydrology and Water Quality

The Initial Study considered the Applicant’s past action of grading, culvert installation, and placement of fill associated with the grading of the Fire Road in 2014 to determine whether the impacts of these past actions would change the significance conclusions assessed for the proposed Project. A detailed description of the grading work, drainage improvements and ongoing maintenance implemented as part of grading the Fire Road is provided in Initial Study Section II, Project Description, page 12. Initial Study Section IV.10, Hydrology and Water Quality, beginning on page 97, presents an assessment of the potential impacts of the proposed Project on water resources-related issues, including potential impacts on water quality, altered drainage patterns, and erosion and sedimentation from the Fire Road grading. As presented in Section IV.10 of the Initial Study, the Project would not result in a significant impact related to water quality, altered drainage patterns, hydromodification, erosion and sedimentation, or flooding. This conclusion is not altered as a result of the past action of grading, culvert installation, and placement of fill associated with the Fire Road. Further changes to the Fire Road are not proposed as part of this Project, nor are they required as mitigation or to correct any identified ongoing impact, as described in detail below.

This Master Response responds to numerous comments that claim that the grading of the Fire Road changed drainage patterns, filled stream channels and wetlands, caused sedimentation of Redwood Creek downstream, and that the soil imported for the grading
work may have been contaminated, thereby presenting an ongoing threat to the environment. This Master Response provides additional details of the Fire Road grading work performed in 2014, the regulatory oversight and actions that occurred during and following construction activities, and potential impacts of the Fire Road grading relating to water quality, altered drainage patterns, and the placement of fill. The details provided below further support the conclusion reached in the Initial Study that the grading of the Fire Road did not result in a significant impact to hydrology and water quality. Master Response 3 responds to comments regarding potential impacts of the Fire Road on biological resources.

Fire Road Grading Activities

As described in the Initial Study (page 12), the grading of the Fire Road included placement of approximately 1,200 cubic yards of fill in 2014 to raise and broaden the roadway as well as the replacement of an existing culvert located under the Fire Road driveway apron and installation of a culvert under the Fire Road to improve drainage from upslope areas. Initial Study Figures 7 and 8, and Figures MR4-2 through 11, below, provide detailed drawings and photos documenting the pre- and post-grading topography, drainage features, and drainage improvements implemented as part of the Fire Road grading.

Regulatory Response

A Notice of Violation was issued on March 26, 2014, by Marin County Department of Public Works (DPW) for undertaking the grading work without a grading permit. Regional Water Quality Control Board (RWQCB) staff inspected the site following the Notice of Violation and determined that fill was not placed in Waters of the State (discussed in detail below), and that because the grading work involved less than one acre, no permit was required from the RWQCB. The primary concern of RWQCB and County staff at the time was the lack of implementation of Best Management Practices (BMPs) for reducing the mobilization and transport of pollutants associated with construction activities in stormwater runoff and for controlling erosion and sedimentation of disturbed soils.8 Following inspections by County and RWQCB staff during the time the grading was ongoing in March, the Applicant installed erosion control features, including straw mulch and netting, a tarp over the road surface, and a silt fence (Initial Study Figure 8 and Figure MR4-10, below).

No Evidence of Soil Contamination

Based on information provided to the County by the Applicant and the Applicant’s contractor, the soil used as fill material to raise and widen the Fire Road came from

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8 County correspondence between Bernice Davidson, DPW, County of Marin, and Xavier Fernandez, Senior Environmental Scientist, SF Bay Regional Water Quality Control Board, on May 24, 2018.
residential construction projects within Marin County, in Tiburon and Ross. Fill sourced from excavations on residential parcels have a very low probability of contamination. Use of uncontaminated fill for construction is common, plentiful, inexpensive, and easy to source. Contaminated soils, by comparison, are highly regulated and are usually taken directly from a remediation site to a licensed disposal facility. For these reasons, the County does not require testing of imported fill in processing a grading permit, unless there is reason to believe that the soil may be contaminated. County inspectors did not note any signs of contamination, such as odors or discoloration, during site inspections in March 2014 during and immediately following placement of the fill and RWQCB staff did not express concerns about contamination during site visits. Vegetation that has reestablished on the fill shows no signs of distress typical of contaminated soil. While several commenters expressed concern that the imported soil may have been contaminated, none have provided any evidence of this. All information in the record supports the conclusion that the soil was not contaminated.

No Substantial Alteration of Drainage Patterns

Several commenters claim that the Fire Road grading work altered drainage patterns, resulting in erosion and sedimentation of Redwood Creek. In particular, several commenters state that, prior to the grading work, drainage from Panoramic Highway above the Fire Road driveway entered the Project site at or near the driveway and flowed overland before entering the unnamed tributary to Redwood Creek downslope. Commenters state that the grading work involved installation of a culvert beneath the Fire Road driveway and diversion of drainage from above into a road ditch below the driveway, and from there, onto the Applicant’s property and into Redwood Creek. Commenters claim that this caused erosion of the road ditch and creation of a gully where the ditch emptied onto the Applicant’s property.

Prior to the 2014 Fire Road grading work, County inspectors visited the site on November 15, 2013 in response to a complaint received in connection with vegetation clearing of the Fire Road. No major grading activity and no import of fill had occurred at the time of inspection. The County inspector determined that a grading permit was not required for the work performed to date, and no violation was issued in connection with the vegetation clearing. As documented by County inspectors, existing conditions prior to work on the Fire Road included a stormwater drainage ditch along the margin of Panoramic Highway that conveyed stormwater runoff from upgradient, past the Fire Road site via a culvert under the Fire Road driveway apron, and continuing in a roadside ditch.

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9 Personal communication (telephone), Dan Sicilar, Sicilar Environmental Consulting, with Berenice Davidson, Marin County Department of Public Works, February 13, 2020.
10 Ibid.
11 County correspondence regarding the Weissman unpermitted grading record between Jason Wong, Senior Civil Engineer, Tamara Taylor, Environmental Planning, and Berenice Davidson, DPW, Marin County, dated January 31, 2020.
below the driveway. The ditch drained off the road a short distance below the Fire Road driveway (Figure MR4-7). Biological survey work undertaken by LSA Associates in 2015, the year after grading,\textsuperscript{12} documented the presence of a well-defined gully where the road ditch emptied onto the Project site, establishing that it was already a well-developed erosional feature. The Fire Road grading included the replacement of the culvert beneath the driveway and improvements to the road ditch along Panoramic Highway below the driveway, including installation of rock lining in a portion of the ditch. This work appears to have been undertaken to correct the condition observed by the County in November, 2013, when the inspector documented the limited function of the culvert due to filling with sediment (Figure MR4-2). All evidence in the record supports the conclusion that construction of the Fire Road did not result in substantially altered drainage patterns or redirected stormwater flow and did not cause erosion on-site or downgradient as compared to conditions prior to the Fire Road improvements. Commenters have provided no evidence to support their claims that the grading of the Fire Road caused such impacts.

**No Evidence that Streams or Wetlands were Filled**

Several commenters claim that the Fire Road grading filled a stream channel and wetlands, which they claim were present at the site, and that the grading work was therefore subject to permitting under federal and State law. As discussed in Master Response 3, however, prior to the Fire Road grading and placement of fill in March of 2014, there is no conclusive evidence that a wetland or other surface water feature existed at the site of the grading activity or in any area where fill was placed to broaden and raise the Fire Road. The Redwood Creek tributary that the site drains to does not extend as high as the location of the Fire Road. Channel features, including a defined bed and bank, begin approximately 50 feet downslope.\textsuperscript{13} Recent and historic maps and air photos do not show a stream, spring, or other wetland feature at this location.\textsuperscript{14} The National Wetland Inventory Map shows a riverine feature encompassing the unnamed tributary, but it terminates below the area affected by the Fire Road grading, as shown in Figure MR4-1. Following work on the Fire Road, including installation of the culvert, the Fire Road and the area immediately upgradient continue to drain to the downgradient tributary, as occurred prior to the Fire Road improvement.

In 2015, LSA observed a small wetland feature on the upslope side of the Fire Road, which they identified as a result of upgradient seepage becoming impounded in a small localized area behind the now raised Fire Road.\textsuperscript{15} LSA later identified the location of an undersized septic leach field immediately upslope, and stated that this is the most likely source of the

\textsuperscript{12} LSA Associates, 2015.

\textsuperscript{13} Ibid.

\textsuperscript{14} USGS 1:62,500 Topo Map, Tamalpais Quad (1897); USGS 1:24:000 Topo Map, San Rafael Quad (1993); MarinMap GIS dataset from U.S. Fish and Wildlife Service National Wetland Inventory (NWI), January 31, 2020; Ziegler Civil Engineers, 2018, Historical Aerial Photographs 1946/1968.

\textsuperscript{15} LSA Associates, 2015.
seepage associated with the wetland feature developing in the present location.\textsuperscript{16} Photographs taken by County inspectors in November of 2013 (Figures MR4-8 and MR4-9) do not clearly show whether or not a wetland, or any other surface water feature existed in the vicinity of the Fire Road grading work prior to the placement of fill in March 2014.

As noted above, RWQCB staff determined during their inspection in March 2014 that fill was not placed in Waters of the State, confirming the observation of Marin County staff. At that time, both the CDFW and the ACE were contacted by County staff. Both agencies determined that they did not have jurisdiction of the site of the Fire Road construction activities\textsuperscript{17} and therefore the work did not require permits from these agencies (such as a Lake and Streambed Alteration Agreement or Clean Water Act 404 permit). In other words, the resource agencies with technical jurisdiction over stream and wetland features determined that no fill or grading occurred within the bed or bank of ephemeral or intermittent streams or wetlands, or otherwise affected surface waters subject to their jurisdiction. In conclusion, all evidence in the record supports the conclusion in the Initial Study that grading of the Fire Road did not result in the placement of fill in wetlands, streams, or other surface waters. None of the comments contains any substantial evidence to the contrary.

Erosion, Sedimentation, and Water Quality During and After Construction On- and Off-Site

Several commenters claim that the Fire Road grading work caused erosion of fill material, resulting in sedimentation of Redwood Creek, and adversely affecting water quality and aquatic habitat. The Initial Study, Section IV.10, Hydrology and Water Quality, concludes that the placement of fill during the Fire Road grading may have resulted in temporary and localized erosion and a short-term increase in sediment concentrations within downgradient receiving waters, but that these effects were short-term, not substantial, and therefore did not rise to the level of significance. Further examination of County and other records from the time of the grading work supports these conclusions.

Most or all of the Fire Road grading work took place during March of 2014. One commenter claims that the work began on February 27, 2014 (see comment W-29), but provides no evidence of this other than an undated photograph showing heavy equipment at the site and an area of bare soil. In any event, contemporaneous County staff communications indicate that the majority of the grading work took place between site inspections that occurred on March 8, when County staff observed only minor grading had occurred, and March 25. County records and photographs taken during a site inspection by staff from the Department of Public Works and the Stormwater Pollution Prevention Program on


\textsuperscript{17} Email correspondence between Bernice Davidson, DPW, County of Marin, and Xavier Fernandez, Senior Environmental Scientist, SF Bay Regional Water Quality Control Board, on May 24, 2018. Email correspondence between Bernice Davidson, DPW, County of Marin, and Dan Sicular, Sicular Environmental Consulting, on February 6, 2020.
March 25 show that, as of that date, the work had been completed, and adequate erosion control features were already in place (Figure MR4-10).18

As can be seen from the photos taken by County staff during inspections in late March, by this time no unprotected soil piles were evident, disturbed vegetation had been stabilized, erosion control features were in place, and there was no evidence of erosion downslope. A silt fence that had been installed at the toe of the slope separated disturbed areas from the vegetated, relatively undisturbed area downslope. The vegetated slope itself is an important observation: in the absence of channelized flow, a vegetated slope provides an effective buffer that captures eroded sediment before it can enter a stream channel. Rainfall records from the nearest representative weather station19 for March 2014 document that no rain fell between March 8, when County staff observed that only minor grading work had occurred, and March 25, when the work had been completed and erosion control features were in place. The rainfall record shows that the last week in February and the first week of March were a wet period, but, per County staff’s observations, only minor grading was conducted before March 8. All of the evidence, including County staff’s contemporaneous communications and photographs, and the fact that no rain fell during the period when most of the grading work was completed, supports the impact conclusion presented in the Initial Study that no significant erosion or sedimentation of Redwood Creek or other downgradient receiving surface waters occurred as a result of the Fire Road grading. None of the commenters have provided any substantial evidence that significant erosion or sedimentation occurred, and therefore, the only conclusion supported by evidence in the record is that it did not.

Initial Study Conclusions of No Significant Impact are Confirmed

As discussed in Initial Study Section IV.10, Hydrology and Water Quality, and further described above, the work associated with the Fire Road has not substantially altered drainage patterns or redirected stormwater flows, has not resulted in additional impervious surfaces, and has not contributed to an increase in surface runoff such that hydromodification related impacts (i.e., erosion and sedimentation) have occurred on- or off-site. As described in detail in Section IV.10 under checklist topic a (Initial Study page 101) and checklist topic c.i (Initial Study page 107), erosion control features installed in 2014 remain effective in minimizing erosion and sedimentation associated with the Fire Road and vegetation has become established on the fill, stabilizing slopes and exposed soils such that there is no residual or ongoing significant impact relating to erosion, sedimentation, or degradation of water quality. Additionally, installation of a properly sized culvert under the Fire Road driveway apron, and rock lining within the Panoramic Highway stormwater ditch downgradient of the Fire Road driveway, likely has reduced ongoing

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18 Email correspondence between Bernice Davidson, DPW, County of Marin, and Raul Rojas and Bob Beaumont, Marin County, on March 25, 2014.

erosion of the road ditch, as compared to pre-construction conditions. As such, no mitigation is required or proposed. RWQCB and County staff determined in 2018 that removing the fill associated with the Fire Road would have no water quality benefit; removing the fill would remove the vegetation that is currently stabilizing the site, thereby opening the site to potential erosion and subsequent sediment discharges to downgradient receiving waters.20

The comments that claim that the Fire Road grading impacted water quality and hydrology are unsubstantiated. None of the commenters provides any substantial evidence to support their claim that significant impacts occurred during or after the Fire Road grading. The only conclusion supported by evidence in the record is the one reached in the Initial Study: that the Project, including consideration of effects of the Fire Road grading, did not and would not cause a significant impact on hydrology and water quality.

20 County correspondence between Bernice Davidson, DPW, County of Marin, and Xavier Fernandez, Senior Environmental Scientist, SF Bay Regional Water Quality Control Board, on May 24, 2018.
Figure MR4-1 - National Wetlands Inventory Map

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.
Figure MR4-2: County inspection photo of Fire Road driveway, November 15, 2013

Figure MR4-3: County inspection photo of road ditch and Fire Road driveway, November 15, 2013
Figure MR4-4: County inspection photo of culvert at Fire Road driveway, November 15, 2013

Figure MR4-5: County inspection photo of road ditch below Fire Road driveway, November 15, 2013
Figure MR4-6: County inspection photo of road ditch below Fire Road driveway, November 15, 2013

Figure MR4-7: County inspection photo of road ditch draining onto Project site, November 15, 2013
Figure MR4-8 County inspection photo of Fire Road and gate, November 15, 2013

Figure MR4-9: County inspection photo of Fire Road, November 15, 2013
Figure MR4-10: County inspection photo of Fire Road after completion of grading work, March 25, 2014

Figure MR4-11: County photo of posting of Notice of Violation, March 28, 2014
Master Response 5: Potential Future Subdivision of the Project Site and Development of an Adjoining Parcel

This Master Response responds to several comments stating that proposed lot 3, which would be 5.12 acres if the Project is approved, could be further subdivided, and that this potential future subdivision should be considered part of the Project and analyzed in the Initial Study. Several comments also point out that the Applicant owns an adjoining parcel (APN 046-221-07) and state that development of this parcel should be considered a part of the Project and analyzed in the Initial Study.

As described in Initial Study Section II, Project Description, the Project involves approval of a tentative parcel map allowing subdivision of an existing 8.26-acre parcel into three lots. The approval would include delineation of building envelopes within each of the proposed new lots, to which future development would be restricted, consistent with the zoning. Because of the site zoning, future development would be subject to Design Review and the issuance of building permits, as described on pages 9-11 of the Initial Study.

Potential Future Subdivision of Proposed Lot 3

The Project, if approved, would not change the zoning of the Project site. The site zoning is RMP 0.5 (Residential, Multiple Planned District - 1 unit per 2 acres). This zoning would support future subdivision of proposed lot 3 into two lots. While this is a possibility, no current application has been made to accomplish it. Future subdivision would be subject to the same process that the current Project is subject to, including environmental review pursuant to CEQA for a land division; Design Review would be required for future development. Approval of the Project would not facilitate future subdivision in any way: the Project would not, for example, extend utilities to areas of proposed lot 3 outside the proposed building envelope, and the zoning would not change. While grading of the Fire Road in 2014 did improve access to portions of proposed lot 3, there was already a network of roads in place prior to the Fire Road Grading, and the existing gated entrance from Panoramic Highway was already in place. The grading did not substantially improve access, and did not affect the process that would be required to further subdivide this lot. The Fire Road grading therefore did not substantially increase the physical or regulatory ease of further subdividing proposed lot 3.

As there is no proposal to further subdivide the Project site, and the Project itself, including grading of the Fire Road, would not substantially facilitate further subdivision, this outcome is not a reasonably foreseeable consequence of Project approval, and therefore is not considered part of the Project reviewed in the Initial Study.

Potential Future Development of Adjoining Lot

The zoning of the adjoining lot owned by the Applicant is R1-B4 (single-family residential, minimum 6,000 square foot lot). The parcel is unimproved. A primary residence and an
accessory dwelling unit are principally permitted under the zoning. Design review is required under certain circumstances. There is currently no application on file for development of this parcel. Approval of the Project would neither enable nor facilitate its development, as it would not extend utilities to this parcel, provide access, or change its zoning. Development of the adjoining parcel is not a reasonably foreseeable consequence of Project approval, and therefore it is not considered part of the Project reviewed in the Initial Study.

Master Response 6: Consistency of the Project with Tamalpais Area Community Plan Policies and the TACP EIR

This Master Response responds to several comments claiming that the Project is inconsistent with policies contained in the Tamalpais Area Community Plan (TACP) and that it is subject to mitigation measures contained in the Environmental Impact Report prepared for the TACP.

The TACP was adopted by the Marin County Board of Supervisors on September 21, 1992. The TACP supports and reinforces the Marin Countywide Plan and is a reflection of the community's goals, objectives, policies, and implementation programs at the time the TACP was written. The purpose of community plans in general is to provide the Planning Commission and Board of Supervisors with a framework for making planning decisions in a designated area. The current Countywide Plan was adopted in 2007, and supersedes the TACP where the two documents overlap, such as land use designations and policies for protection of sensitive resources including streams, wetlands, and scenic ridgelines.

As the TACP was a Project under CEQA, environmental review was conducted on the TACP. The TACP Environmental Impact Report (EIR) evaluated potential environmental impacts resulting from implementation of the TACP. The TACP EIR was programmatic, and did not examine impacts at the level of individual parcels. Where impacts were identified and mitigation measures specified, those measures were incorporated into the final, adopted version of the TACP. The proposed Project is subject to the goals, policies and programs in the adopted TACP; however, given that mitigation measures were incorporated into the final version of the TACP, and also given the age of the analysis (nearly 30 years) and the fact that the TACP has been partially superseded by the current Countywide Plan (which was also the subject of an EIR), the TACP EIR has little relevance to this Project.

As discussed in Initial Study Section IV.11, Land Use and Planning, while the Initial Study provides an analysis of the Project’s consistency with relevant TACP and Countywide Plan polices, it does not determine policy consistency. The County decision-makers make the formal policy consistency determinations. Policy inconsistencies may not necessarily indicate significant environmental effects. The State CEQA Guidelines §15358(b) states that “effects analyzed under CEQA must be related to a physical change [in the
environment].” Therefore, only those policy inconsistencies that would lead to a significant effect on the physical environment are considered significant impacts pursuant to CEQA. The Initial Study identifies no potential policy inconsistencies that would result in a significant impact to the environment. None of the comments contains evidence that the Project would conflict with TACP or Countywide Plan goals, policies, or programs, resulting in a significant adverse effect on the environment. Other policy issues not pertaining to physical changes will be addressed as part of the County’s review of the merits of the Project.

**Master Response 7: Potential Impacts from Proposed Septic System Development**

This Master Response addresses several comments that raise concerns regarding the proposed installation of septic system leachfields on the steeper hillslopes that flank the proposed building envelopes on the Project site. These concerns focus primarily on the potential for increased slope instability and surface water degradation of Redwood Creek.

The impact analysis of septic system suitability for the Project, as presented in Initial Study Section IV.7, Geology and Soils, topic e, relied on the subsurface exploration, percolation testing and sewage disposal system feasibility analysis and design conducted by Questa Engineering Corporation (Questa). Questa presented its findings in an onsite sewage disposal systems report, dated January 8, 2018. As required by the County, Questa also conducted a Cumulative Impact Assessment in conformance with procedures and evaluation criteria contained in Marin County Alternative Septic System Regulations, Section 807 - Cumulative Impact Assessment. The Cumulative Impact Assessment was approved by the County on November 18, 2019. The Initial Study also relied on the assessment of Project site geotechnical conditions conducted by Herzog Geotechnical Engineers (Herzog), which included investigation of the underlying geology and slope stability and provided geotechnical design recommendations. Herzog prepared a supplemental geotechnical update letter prepared in May 2018.

22 Questa Engineering Corporation (Questa), 2019. Letter to Gwen Baert, Senior REHS and Rebecca Ng, Director Environmental Health Services. County of Marin re: 455 Panoramic Highway, Mill Valley. November 1, 2019.
23 Marin County Environmental Health Services (MCEHS), 2019. Interdepartmental Transmittal from Gwendolyn Baert, Senior REHS to Sabrina Silhakom, Planner regarding Dipsea Ranch Land Division Weisman Project ID P1589, APN 046-161-11, 455 Panoramic Highway, Mill Valley. November 18, 2019.
concludes that proposed septic system development would not result in a significant impact. The discussion below provides additional detail supporting this conclusion.

Slopes and Underlying Geologic Materials

Several commenters mischaracterize the geologic conditions underlying the steeper slopes at the Project site and suggest that only shallow soils cover non-porous bedrock. Slopes at the site range from 5 to 50 percent. The proposed septic leachfield systems would be placed below the proposed building envelopes on hillsides with average slopes of 40 percent. The southern slope, which would contain the leachfield for lot 3, extends downslope to Redwood Creek, while the eastern slope containing the leachfield for lot 2 extends downslope towards the east-southeast property line and Panoramic Highway. Geotechnical soil borings performed throughout the site\(^{26}\) show that the geologic materials are composed of gravelly-clay-silt colluvium overlying bedrock that consists of highly weathered, non-metamorphosed sandstone and shale, consistent with typical Cretaceous rocks of the Franciscan Assemblage. Exploratory test pits excavated to assess soil conditions for the septic leachfield designs encountered sandy loam topsoil overlying fractured and soft weathered bedrock to maximum depths of 84 inches.\(^{27}\) The results of the percolation tests, which were performed at each leachfield site, are indicative of the geologic materials identified through subsurface exploration on the Project site. All the percolation test results were favorable, ranging from 8.6 minutes per inch (MPI) (lot 1) to 46.8 MPI (lot 2) with an overall average of 22 MPI. These percolation rates are within Marin County standards (1 to 120 MPI) and are in accordance with the regulations for design, construction and repair of alternative sewage disposal systems.\(^{28}\)

Based on the geotechnical exploratory borings, test pits and percolation tests, the Project site slopes are covered by colluvial soils overlying highly fractured and weathered sandstone bedrock to a depth of at least 7 feet. Percolation rates through these colluvial and weathered bedrock soils are considered good and within County standards for alternative septic system leachfields. This runs contrary to comments that suggest that Project site slopes are covered with shallow soils and impervious bedrock and are otherwise unsuitable for septic leachfields.

Practicality of Placing Leachfield Systems on Steeper Slopes

Several comments express concern that the proposed placement of leachfields on the steeper hillside slopes at the Project site could cause slope and/or septic system failure leading to water quality degradation in Redwood Creek. Questa’s septic system feasibility analysis and design addressed the challenges of placing leachfields on steep hillsides by

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\(^{26}\) Herzog, 2015.

\(^{27}\) Questa, 2018.

recommending alternative septic systems where conventional septic/leachfield systems would not be appropriate for the site conditions. Similar to the alternative septic system design for the existing residence (lot 1), the septic/leachfield systems proposed for lots 2 and 3, would consist of a septic tank, a sand filter treatment system and a pressure-dosed leachfield. The septic tank and sand filters on lots 2 and 3 would be located near the building envelope on the more gradual slopes of the spur ridge and the associated leachfields would be located further away, below the building envelopes on the steeper slopes. Unlike conventional septic/leach systems that release water into the leachfields continuously and at uncontrolled rates, pressure dosing systems, such as those proposed for the Project site, periodically deliver a determined volume of effluent to the leachfield at a set frequency and rate, allowing for a period of resting and re-aeration in the soils between doses. Typically, doses are set to ensure that the saturated hydraulic conductivity of a particular soil type is not exceeded thus avoiding saturated soil conditions that could lead to slope failure.

While the leachfields proposed by Questa would be located on steep hillsides, Questa found no signs of slope instability such as scarps, seepage, hummocky terrain, or cracking of soil within the proposed leachfield or sand filter area. The leachfields are located on a convex slope where there is no concentration of drainage waters, as typically occurs in swales. No landslides are mapped in or near the proposed leachfield area. Based on the topography and the sandstone underlying the site, Questa concluded that the proposed leachfield system, if properly operated, would not create slope instability and would not create a public health hazard or jeopardize the proposed building site or contiguous properties.

Questa applied standard investigatory methods, including exploratory excavations and percolation testing, in conformance with County regulations to assess Project site conditions and, based on its findings, recommended a septic and leachfield design that could effectively operate under the existing soil and slope conditions to reduce the potential for septic system failure and potential slope instability.

Cumulative Analysis

As discussed in the Initial Study (page 83), Questa performed a Cumulative Impact Assessment, in conformance with the Marin County Alternative Septic Systems Regulations, Section 807, taking into account all existing and proposed septic systems within the Project site. The assessment consisted of a groundwater mounding and a nitrate loading analysis. The results of the analysis show a 2- to 5-inch rise in groundwater level at the downslope edge of each leachfield, which is within the required minimum water table clearance of 24-inches. The mounding analysis for the existing leachfield on proposed lot 1 shows a 2-inch rise in the water table at a point 100 feet downslope and adjacent to the existing leachfield easement for the residence at 469 Panoramic Highway. Questa concluded that the 2-inch rise in groundwater is within evaluation criteria and of

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29 Questa, 2018.
no consequence to the functioning of either existing septic system. The nitrate loading analysis shows a projected groundwater value of 4 mg-N/L, which is within the 10 mg-N/L criterion. Questa concluded that cumulative wastewater loading impacts were within regulatory limits and are of no significance.\textsuperscript{30}

Conclusion

Based on the proposed septic design and cumulative analysis, both of which were reviewed and found adequate both by the Initial Study preparers and Marin County Environmental Health Services, the Initial Study concludes that the proposed Project would not result in a significant impact from development and use of the proposed septic systems. None of the comments presents any new facts, analysis, or other substantial evidence to the contrary. Therefore, the only conclusion supported by substantial evidence in the record is the one reached in the Initial Study.

Master Response 8: Stream Classification

This Master Response responds to numerous comments that claim that the Initial Study has incorrectly classified on-site streams and drainages as ephemeral in a manner inconsistent with regulatory stream classifications, that description of the Project’s environmental setting related to streams and wetlands is inconsistent with historic and current maps, and that additional regulatory protections would apply to the Project if streams and drainages were classified as either intermittent or perennial. Numerous comments also claim that the Applicant, in past attempts to seek clarification from the County regarding stream types on the property (as documented in email correspondence by one commenter; see comment W-135), has proposed insufficient protections to onsite aquatic resources. This Master Response provides additional details regarding hydrologic classifications of streams and the accuracy of setting information described in the Initial Study, the regulatory requirements related to the protection of aquatic resources as applied to varying stream types, and potential impacts of the Project relating to erosion, sedimentation, contamination, and water quality degradation of on-site streams and wetlands or downstream waterways. The details provided below further support the conclusion reached in the Initial Study, that implementation of the proposed Project would not result in significant impacts to on- or off-site aquatic features, including on-site streams, drainages, and wetlands.

The potential future development of newly created lots within the Project site is described in detail in the Initial Study (page 9). Initial Study Figure 6 depicts the “building envelopes” within which residences could be built; if the Project is approved, no development could occur outside of these building envelopes without further approval. The building envelope areas and other areas where construction could occur (e.g., staging areas, driveway, and septic areas) drain to two unnamed streams that are tributary to Redwood Creek (Initial Study page15). The two unnamed streams flow along the western and eastern edges of

\textsuperscript{30} Questa, 2019.
the Project site and meet just south of the property boundary (Initial Study Figure 4-1). All surface runoff, as well as shallow subsurface flows from the Project site and surrounding sub-watershed area, flow via the unnamed streams downstream approximately 0.8 miles to the confluence with Redwood Creek (Initial Study page 98). The Project site also supports two wetland features. A small area of wetland vegetation occurs along the western drainage that appears to be associated with a small landslide and a second wetland associated with a seep is located along the northern edge of the fire road (Initial Study page 59) where grading activities took place in 2014 (see Master Response 4).

The streams and wetlands on the Project site support sensitive aquatic habitat and the streams are bordered with established riparian vegetation (Initial Study page 58 and Master Response 1). Additionally, Redwood Creek supports special-status salmon and steelhead species (Initial Study page 15 and Master Response 2). Salmon and steelhead habitat, currently undergoing enhancement efforts within the watershed, occurs within reaches of Redwood Creek at the valley floor downgradient and well downstream of the confluence with the unnamed streams on the Project site (Initial Study page 105).

Stream classification terminology used to describe existing conditions throughout the Initial Study (e.g., “ephemeral stream”) is consistent with stream classifications used in regulatory plans by resource agencies that have technical jurisdiction over water resources and aquatic habitat, including the RWQCB and CDFW; and is also consistent with terminology used by the US Geological Survey (USGS) for the National Hydrography Dataset (NHD). The Marin Countywide Plan (CWP) states that “ephemeral channels are important for maintaining healthy watersheds. Perennial and intermittent streams provide more permanent aquatic habitat and serve as fish migration, spawning, and rearing habitat.” The CWP stream locations and classifications are based on the USGS NHD32. The USGS defines an ephemeral stream as “a stream or part of a stream that flows only in direct response to precipitation; it receives little or no water from springs, melting snow, or other sources; its channel is at all times above the water table.” The USGS defines an intermittent stream as “a stream that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow” and a perennial stream as “a stream that normally has water in its channel at all times.” The USGS classifies the drainage on the eastern portion of the Project site as ephemeral. The upper portion of the unnamed drainage on the western side of the Project site is classified as ephemeral where in closest proximity to potential future development on the newly created lots; the drainage then is classified as intermittent as it flows south towards the southern portion of the property. As described in the Initial Study (page 101), the Hydrologist who prepared

31 MarinMap GIS dataset from USGS National Hydrography Dataset (NHD) and National Wetland Inventory (NWI).
Section IV.10, Hydrology and Water Quality, conducted a site visit on March 14, 2019. Observations of the onsite streams and drainages were consistent with USGS stream classifications.

A detailed description of the surface water features described above is provided in Initial Study Section IV.4, Biological Resources, (page 42), which includes descriptions of special status plants and animals supported by the stream, as well as in Section IV.10, Hydrology and Water Quality (page 98). Initial Study Figure 4-1 depicts all streams and wetlands relevant to the Project site and does not distinguish between ephemeral, intermittent, or perennial classifications; all existing conditions related to streams, surface water features, and wetlands are described in the Initial Study and impacts to all of these features, regardless of hydrologic classification, are assessed for impacts from implementation of the Project (Initial Study Section IV.4 and Section IV.10).

Regarding County policies, the Project site is located within the Marin Countywide Plan’s City-Centered Corridor and portions of the site are within defined SCAs (Initial Study page 3). Within the City-Centered Corridor, parcels greater than 2 acres in size have a minimum 100-foot development setback for ephemeral streams that support riparian vegetation for a length of 100 feet or more, intermittent streams, and perennial streams. Because the streams occurring on the Project site support riparian vegetation for lengths greater than 100 feet, and because the Project site is located within the City-Centered Corridor, future development within proposed lots 1 and 3, which would be greater than 2 acres, would be subject to the SCA 100-foot development setback. Proposed lot 2, which would be less than 2 acres, is not within 100 feet of any stream or wetland (Initial Study Figure 4-1). Wetlands are further protected under CWP Policy BIO-3.1, and also subject to a 100-foot development setback, as well as regulatory requirements of the ACE, RWQCB, and CDFW (Initial Study page 59).

The 100-foot development setback is the most protective of the SCA defined setback requirements; smaller setbacks of 20-foot and 50-foot can apply to parcels under 2 acres in size. Consistent with CWP Policy BIO-4.1, aquatic resources, including ephemeral, intermittent and perennial streams as well as wetland features, would be protected through the establishment of the defined SCAs (Initial Study Figure 4-1), which provide a 100-ft buffer within which no development or disturbance may occur. (Setbacks apply to future development, not existing improvements.) The SCA includes the creek itself and is measured from the top of the creek bank. The SCAs protect stream and streamside habitats from the impacts of new development by providing habitat for aquatic species, absorption of water, and distribution of flood waters (Initial Study page 61).

Altering the classification of a stream or drainage from ephemeral to intermittent would not alter the analysis of impacts or the associated impact conclusions presented in Initial Study Sections IV.4, Biological Resources, and or IV.10, Hydrology and Water Quality. A detailed assessment of impacts relating to the alteration of drainage patterns and surface water runoff volumes and flow rate is provided in Section IV.10 under checklist item c). As described, a hydrologic study was completed for the 37-acre sub-watershed that contains...
the Project site which also considered potential changes to surface flows downgradient in the larger Redwood Creek watershed due to the presence of special-status salmonids and associated habitat. The hydrologic study assessed potential impacts from increased runoff and altered drainage patterns associated with implementation of the Project and the model results were incorporated into the engineering design for a proposed stormwater management system. The model analysis results presented in the hydrologic study, and incorporated into the impact analyses presented in the IS/MND following independent peer review by the Initial Study consultant team, demonstrate that the proposed Project would not increase peak discharge rates and stormwater volumes discharged from the Project site and that the proposed stormwater management system would mimic the pre-Project hydrology of the Project site (see Master Response 11). As such, the proposed Project would not result in hydromodification-related or water quality impacts, either on-site or downstream within the Redwood Creek watershed.

The proposed stormwater system is designed to meet or exceed the minimum standards required by and to be consistent with the goals and policies of State and federal water quality requirements, the CWP, Marin County Zoning, Marin County Development Code, the Tamalpais Area Community Plan, the Redwood Creek Watershed Assessment and “Vision for the Future,” and the Recovery Plan proposed for the steelhead and Coho salmon of Redwood Creek (Initial Study page 111). Under the CWP, and consistent with CDFW classifications, the wetlands and riparian woodlands occurring on the Project site are designated as sensitive natural communities and are subject to the protections of the designated SCAs and associated 100-foot development setback buffer areas. The Project would not involve work within the riparian woodlands or wetland areas or within the 100-foot development setbacks (Initial Study page 58). As described in detail in Initial Study Sections IV.4, Biological Resources and IV.10, Hydrology and Water Quality, the established SCAs would protect aquatic resources and aquatic species on- and off-site and would ensure erosion, sedimentation, contamination, or water quality degradation of on-site streams and wetlands or downstream waterways is minimized and/or avoided during Project construction and operation. With incorporation of specified mitigation measures, impacts would be less than significant.

In conclusion, all evidence in the record supports the finding in the Initial Study that implementation of the proposed Project would not result in significant impacts to on- or off-site aquatic features, including on-site streams, drainages, and wetlands. None of the comments contains any substantial evidence to the contrary. Altering the classification of ephemeral streams located on the Project site and/or requiring setbacks greater than 100 foot, even if it were justified by site conditions, would not alter the analysis or impact conclusions presented in the Initial Study.
Master Response 9: Calls for Deed Restrictions to Prevent Further Development

This Master Response responds to several comments that state that a deed restriction, conservation easement, or some other legal instrument should be imposed to prevent any additional development within the Project site outside the proposed building envelopes.

The Project site currently consists of one legal lot of record and approval of the Project would divide the existing lot into three lots, ranging in size from just under one acre to just over five acres, as shown in Initial Study Table 1. As discussed in Master Response 5, future land division and development of proposed lot 3 (5.18 acres) is possible as the RMP 0.5 zoning district has a maximum density of 1 unit per 2 acres. However, the proposed Tentative Parcel Map includes building envelopes that would contain future development. Any development outside the established building envelopes or future subdivision would require a new application for a revised Tentative Parcel Map, and, if approved, Design Review. These changes would require additional project-specific CEQA review prior to granting these approvals. The Initial Study assumes that future development would occur within the building envelopes established on the Tentative Parcel Map, as this is the only development that would be allowed if the Project is approved. While a deed restriction could be utilized to prevent future subdivision of Lot 3, the Initial Study does not identify any potentially significant impacts that would require mitigation of this kind. For example, Initial Study Section IV.11, Land Use and Planning, concludes that the Project would not physically divide an established community; cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; result in substantial alteration of the character or functioning of the community, or present planned use of an area; or conflict with applicable Countywide Plan designation or zoning standards. As no significant impact is identified, there is no nexus under CEQA to require a deed restriction to prevent future subdivision.

Master Response 10: Adequacy of the Initial Study and a Mitigated Negative Declaration

This Master Response responds to several comments that allege that the Initial Study is inadequate, incomplete, or misleading, and that state that an Environmental Impact Report (EIR) should be prepared for the Project in lieu of a Mitigated Negative Declaration. This Master Response refutes the claims of inadequacy and states why an EIR is not required.

The Initial Study is a disclosure document prepared pursuant to the CEQA Guidelines, Marin County Environmental Review Guidelines, and the current standards of practice for initial studies. It accurately describes the Project and provides an independent, objective, and thorough analysis of the potential for the Project to result in significant environmental effects. Conclusions are based on substantial evidence. The Applicant’s commissioned studies, which are used as source materials in some of the impact analyses, have been
peer reviewed by the Initial Study preparers. The consultant preparing the Initial Study is under contract with Marin County, and has no financial or other ties to the Applicant and no interest in the Project, other than the contractual obligation to prepare an objective environmental review of it. There are no known factual inaccuracies and there is no attempt to mislead the reader in the Initial Study. None of the commenters identify any demonstrable inaccuracies, errors, or omissions in the Initial Study. Consideration of new information presented in the comments and from independent research conducted for this response to comments document support the significance conclusions reached in the Initial Study.

The Initial Study identifies several potential significant impacts of the Project. For each of these impacts, however, the Initial Study identifies feasible mitigation measures to reduce impacts to a less-than-significant level. The basis for concluding that the stated mitigation measures are effective in this regard are given for each identified significant impact. None of the comments provides substantial evidence that the identified mitigation measures would be inadequate. The Project Applicant has agreed to incorporate all mitigation measures into the Project. Mitigation monitoring responsibilities and procedures are provided for each stated measure in the Initial Study. Therefore, the conclusions reached in the Initial Study that all potentially significant impacts can and would be reduced to less than significant is supported by evidence in the record. None of the comments provides any substantial evidence to support a different conclusion.

An EIR is required for a project only if an Initial Study identifies significant impacts that cannot be reduced to less than significant. That is not the case with this Project. Therefore, a Mitigated Negative Declaration is the appropriate outcome of the Initial Study, and an EIR is not required.

Master Response 11: Rainfall Data and Stormwater System Design

This Master Response responds to numerous comments that claim that the Initial Study assessment of flood and water quality related impacts on- and off-site is based on rainfall data that underestimates potential rainfall amounts, and that underestimating potential rainfall could lead to impacts due to insufficient capacity of the proposed stormwater management system. This Master Response provides additional details regarding rainfall data relevant to the Project site considered in the Initial Study and the use of rainfall data in engineering studies that provide the basis for design of the proposed stormwater management system. Additionally, details are provided regarding the consistency of the proposed stormwater management system with regulatory requirements and required design criteria for storm duration and frequency and the associated representative rainfall data utilized. The details provided below further support the conclusion reached in the Initial Study that implementation of the proposed Project would not result in significant impacts related to on- or off-site flooding, erosion, sedimentation, contamination, and water quality degradation of on-site streams and wetlands or downstream waterways and
that stormwater conveyance infrastructure is adequately sized and in compliance with applicable regulatory standards.

Site Specific Hydrologic and Hydraulic Assessment

As described in the Initial Study (page 105), the Applicant’s civil engineer, a California registered Professional Engineer, completed a hydrologic and hydraulic study (hydrologic study) for the proposed Project. The hydrologic study assessed potential impacts from increased runoff and altered drainage patterns associated with implementation of the Project and the model results were incorporated into the engineering design for the proposed stormwater management system. The hydrologic study also considered potential changes to surface flows downgradient in the larger Redwood Creek watershed due to the presence of special-status salmonids and associated habitat. The preparer of Initial Study Section IV.10, Hydrology and Water Quality, peer-reviewed the hydrologic study for accuracy and to verify that methodologies and assumptions employed were defensible and appropriate and that the results were valid.

Where applicable, the results and findings of the hydrologic study are incorporated into the Initial Study analysis of the Project’s potential environmental impacts. A detailed assessment of impacts relating to the alteration of drainage patterns and surface water runoff volumes and flow rate is provided in Initial Study Section IV.10 under checklist item c) (Initial Study page 102). The model analysis results presented in the hydrologic study, and incorporated into the impact analyses presented in the Initial Study, demonstrate that the proposed Project would not increase peak discharge rates and stormwater volumes discharged from the Project site and that the proposed stormwater management system would mimic the pre-Project hydrology of the Project site (Initial Study page 105). As such, the proposed Project would not result in hydromodification-related or water quality impacts such as flooding, erosion, and sedimentation on-site or downstream within the Redwood Creek watershed.

Representative Rainfall Data Used in the Hydrologic Study Model Analysis

Accurate hydrologic modelling requires rainfall characteristics that are representative of the study area (Initial Study page 105). The hydrologic study included a detailed review of the hydrologic characteristics of the Project site and associated sub-watershed area, including site specific rainfall characteristics relevant to the design of the proposed stormwater conveyance and management systems. As described in hydrologic study Section 2.5, Hydrologic Setting, Watershed, Watershed Sub-area and Climate, the mean


annual precipitation at the Project site is 34 inches. The annual mean rainfall data is consistent with precipitation data for the site published on MarinMap as well as site specific data available via NOAA.\textsuperscript{36} Hydrologic study section 2.12, Site Specific Climate and Storm Data, further discusses that annual rainfall is highly variable and can far exceed the annual mean of 34 inches and that annual rainfall data from the Mount Tamalpais climate data recording station, which records precipitation data representative of the Project Site, indicates that annual rainfall totals have ranged from 12.8 inches (2013) to greater than 100 inches (1983) over a greater than 100-year period of record. The characterization of site-specific rainfall in the hydrologic study is consistent with rainfall data recorded at the Muir Woods climate station,\textsuperscript{37} which has recorded an annual mean of 37 inches with rainfall totals ranging from a low of 16.8 inches in 1976 to a high of 69 inches in 1983 for a similar period of record.

Rainfall data submitted as part of various comments summarizing rainfall from the Lake Lagunitas climate monitoring station, showing annual average rainfall of 52 inches, ranging from a low of 19 inches to a high of 112 inches for a similar period of record is not representative of rainfall characteristics at the Project site based on location. Lake Lagunitas is located approximately 4 miles north-east of the Project site on the northern side of the ridgeline of Mount Tamalpais. The Mount Tamalpais climate monitoring station is located approximately 2 miles west of the Project site, on the same side of the ridgeline as the Project site. The Muir Woods climate monitoring station is located less than 0.5 miles south-east of the Project site, within the Redwood Creek watershed. The Mount Tamalpais station and the Muir Woods station are thus more representative of the Project site.

Storm frequency, intensity, and duration data for a 100-year period of record from the Mount Tamalpais climate monitoring station, the station most representative of the Project site, were used as part of the model analysis for determining stormwater system infrastructure design,\textsuperscript{38} including sizing of individual components (such as culverts, bioswales, and cisterns). To correlate the model to site-specific conditions and ensure the accuracy of design parameters, the preparer of the hydrologic study conducted field measurements of runoff to verify model results. The model results correlated well with measured field conditions (see hydrologic study Section 5.2, Hydrology Model Correlation and Verification). The storm data, hydrologic analysis, and the hydraulic calculations performed are described in detail in the hydrologic study and accompanying appendices.\textsuperscript{39} Field verification of modeling results represents substantial evidence of the applicability of the modeling to site conditions, and provides a high level of confidence in the use of modeling results for stormwater system design.

\textsuperscript{36} Ziegler Civil Engineering, 2018a.
\textsuperscript{37} Western Regional Climate Center, 2020. Period of Record General Climate Summary – Precipitation, Station: (046027) Muir Woods, from year 1940 to 2012. Table updated on Oct 31, 2012. Accessed online on 03/02/20 at https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6027
\textsuperscript{38} Ziegler Civil Engineering, 2018a.
\textsuperscript{39} Ibid.
Stormwater System Design Criteria

For stormwater control and mitigation, the storm duration and intensity for stormwater system design is defined in the Phase II Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for small Municipal Separate Storm Sewer Systems (MS4) and has been adopted by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) as the minimum design standard (Initial Study page 105 and Table 10-1). MCSTOPPP requires consideration of a design storm intensity of 0.2 inches/hour for applicable projects in Marin, independent of site specific annual mean rainfall totals, to calculate a conservative treatment volume for stormwater runoff from a project site. A storm of this intensity is associated with peak potential stormwater pollution and pollutant transport. As assessed in detail in Initial Study Section IV.10, Hydrology and Water Quality, topic c, the proposed Project design for stormwater management is consistent with MCSTOPPP requirements.

In addition to the MCSTOPPP minimum design standard, due to the size of the Project, MS4 criteria for hydromodification (Provision E.12 of the MS4 Permit, Initial Study page 99) also applies to the design of the stormwater system (Initial Study Table 10-1). The hydromodification standard requires that post-Project peak runoff flow rates do not exceed those for pre-Project conditions. Stormwater components must be sized sufficiently to capture the 85th percentile storm volume\(^{40}\) from a 2-year 24-hour storm. This represents a very high standard for stormwater management. To design a system consistent with the hydromodification standard, the model analysis included consideration of the rainfall depths and associated runoff from the 2 year 1-hour storm (0.64 inches), the 2 year 24-hour storm (3.38 inches), and the 100 year 24-hour storm (8.73 inches) to determine peak runoff rates and total volume generated during design storms.\(^{41}\) The hydrology of the sub-watershed area was modelled in the pre- and post-Project condition for the design storms, consistent with regulatory requirements and utilizing representative rainfall data, to ensure that the stormwater management system was designed and sized appropriately for the proposed and foreseeable level of development at the Project site (Initial Study page 105).

Conclusion

Hydrologic study results show that the proposed Project would not increase peak discharge rates and would not increase stormwater volumes discharged from the Project site (Initial Study page 106). The proposed stormwater management system would mimic the pre-Project hydrology of the Project site and would slightly decrease overall the peak discharge rate for the sub-watershed area (Initial Study Table 10-2). The proposed Project

\(^{40}\) Percentile analysis is based on representative rainfall data for the Project site assessed and determines a data value for a specified percentage. For example, if the 85th percentile rainfall depth is analyzed and a value of 1.00 inches is determined, 85 percent of all rainfall events produce 1.00 inch or less of precipitation. The analysis includes 24-hour periods with measurable rainfall and excludes all other 24-hour periods.

\(^{41}\) NOAA and the National Weather Service, as well as Marin County, maintain rainfall statistics and data sets for storm events. Adapting rainfall data to derive design storm characteristics for the hydrologic model is based on statistical analysis of the 100+ year record of historical rainfall data representative of the site (Section 4.4, Ziegler Civil Engineering, 2018a).
is consistent with applicable regulatory stormwater standards for development and would not result in flooding or hydromodification-related impacts on-site or downstream. The proposed design elements for stormwater capture, treatment, storage, conveyance and drainage routing are sized appropriately for calculated peak discharges associated with the required design storms and incorporate representative rainfall data for the Project site as well as regulatory requirements that specify design storm parameters independent of site specific rainfall characteristics. Additionally, the stormwater system has been designed, based on engineering and model analysis, to ensure hillside, channel, and culvert stability for the 100-year/24-hour design storm.

In conclusion, all evidence in the record supports the conclusion in the Initial Study that implementation of the proposed Project would not result in significant impacts on- or off-site related to altered drainage patterns, hydromodification, erosion and sedimentation, water quality, or flooding. None of the comments contains any substantial evidence to the contrary.
3. Comment Letters and Individual Responses
January 29, 2020

Tammy Taylor
Marin County
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Subject: Weissman ( Dipsea Ranch) Land Division Mitigated Negative Declaration
SCH#: 2019129035

Dear Tammy Taylor:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 1/28/2020, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

Check the CEQA database for submitted comments for use in preparing your final environmental document: [https://ceqnet.opr.ca.gov/2019129035/2](https://ceqnet.opr.ca.gov/2019129035/2). Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

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

Sincerely,

[Signature]

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency
Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Weissman (Dipsea Ranch) Land Division Mitigated Negative Declaration

Lead Agency: Marin County Community Development Agency
Mailing Address: 3501 Civic Center Drive, Room 308
City: San Rafael Zip: 94903 County: Marin

Project Location: County: Marin City/Nearest Community: Tamalpais/Mill Valley

Longitude/Latitude (degrees, minutes and seconds): 37° 53' 55" N / 122° 33' 45" W Total Acres: 8.29

Assessor's Parcel No.: 046-161-11
Within 2 Miles: State Hwy #: Panoramic Highway Waterways:
Airports: __________ Railways: ________ Schools: 

Document Type:
CEQA: □ NOP □ Early Cons □ Neg Dec □ Mit Neg Dec
□ Supplement/Subsequent EIR
□ Draft EIR □ Draft EIR (Prior SCH No.)
□ Final Document
□ Final EIR □ Final EIR (Prior SCH No.)
□ Joint Document
□ NEPA: □ NOI □ Other: ________
□ EA □ Draft EIS □ Other: ________
□ FONSI

Local Action Type:
□ General Plan Update □ Specific Plan □ Rezone
□ General Plan Amendment □ Master Plan □ Prezone
□ General Plan Element □ Planned Unit Development □ Use Permit
□ Community Plan □ Site Plan □ Land Division/Subdivision (etc.)

Development Type:
☑ Residential: Units 3 Acres 0-5 ac
☑ Office: Sq.ft. Acres Employees
☑ Commercial: Sq.ft. Acres Employees
☑ Industrial: Sq.ft. Acres Employees
☑ Educational:
☑ Recreational:
☑ Water Facilities: Type MGD

Project Issues Discussed in Document:
□ Aesthetic/Visual
□ Agricultural Land
☑ Air Quality
□ Archeological/Historical
☑ Biological Resources
☑ Coastal Zone
□ Drainage/Absorption
□ Economic Jobs
□ Fiscal
□ Flood Plain/Flooding
□ Geologic/Seismic
□ Minerals
☑ Noise
□ Population/Housing Balance
□ Public Services/Facilities
□ Recreation/Parks
□ Schools/Universities
□ Septic Systems
□ Sewer Capacity
□ Soil Erosion/Compaction/Grading
□ Solid Waste
□ Traffic/Circulation
□ Toxic/Hazardous
□ Transportation: Type
□ Mining: Mineral
□ Power: Type
□ Waste Treatment: Type MGD
□ Hazardous Waste: Type
□ Other:

Present Land Use/Zoning/General Plan Designation:
RMP-05 (Residential, Multi-family Planned Zoning District, 1 unit/2 acres), PR Planned Residential

Project Description: (please use a separate page if necessary)
The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. Residential development currently exists at the property and access to the site is proposed to be provided via the existing entry driveway at 455 Panoramic Highway. The project includes a proposal to install two new on-site sewage disposal systems to serve Lots 2 and 3. Water service would be provided by the Marin Municipal Water District (MMWD). The project also includes the incorporation of a storm water management plan that utilizes a system of storm drains, cisterns and bioswales to address runoff.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2008
Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

<table>
<thead>
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<th>Agency Name</th>
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<td>Colorado River Board</td>
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<td>Public Utilities Commission</td>
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<td>Regional WQCB #2</td>
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<td>Resources Agency</td>
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<td>Tahoe Regional Planning Agency</td>
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<td>Other: U.S. Army Corps of Engineers</td>
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<td>Other: National Marine Fisheries Service</td>
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Local Public Review Period (to be filled in by lead agency)

Starting Date December 12, 2019

Ending Date January 13, 2020

Lead Agency (Complete if applicable):

Consulting Firm: Sicular Environmental Consulting & N

Applicant: Dan Weissman

Address: _____________________________

City/State/Zip: _____________________________

Contact: Dan Sicular

Phone: ____________________

Signature of Lead Agency Representative: ____________________ Date: 12/18/2017

Letter A. State Clearinghouse – Governor’s Office of Planning and Research

A-1 This letter from the State Clearinghouse acknowledges that Marin County has fulfilled the circulation requirements for the Initial Study/Draft Mitigated Negative Declaration.

A-2 The Notice of Completion (NOC) is the transmittal that was sent by the County to the Clearinghouse.

A-3 The second page of the NOC includes the County’s recommendations for distribution to State agencies. The final decision on which State agencies receive the document, however, is made by the State Clearinghouse. In addition to distribution by the State Clearinghouse, the County also distributed notification of availability of the Initial Study to local agencies, individuals, and organizations known or thought to have an interest in the Project. The County’s distribution list is included in this document as Appendix A.
RE: Weissman (Dipsea Ranch) Land division Update Public comment period

Dear Tammy,

In case you were not aware, the County has given respondents only 30 days during the height of the holiday season to publicly comment on a Mitigated Negative Declaration (Dipsea) Land Division on the Weissman Project at 455 Panoramic Hwy, Mill Valley 94941, affecting State Parks, GGNRA and containing Redwood Creek (endangered coho salmon) headwaters, etc. We are concerned that this particular selected time period will impact our ability to properly review the project.

We are, therefore, asking for an immediate extension to at least 45-60 days so as not to impact the holidays.

Thank you for your consideration.

Sincerely,

Laura Chariton

watermarin.org (501) C3
446 Panoramic Hwy. Mill Valley, CA 94941
415 234-9007 cell 415 855-5630

Weissman (Dipsea Ranch) Land Division Update -------- Original Message --------
From: Marin County Subscriptions <camarin@public.govdelivery.com>
To: watermarin@comcast.net
Date: December 12, 2019 at 11:20 AM
Subject: Weissman (Dipsea Ranch) Land Division Update

Greetings Subscribers,

Please know that a Notice of Availability has been released for a Mitigated Negative Declaration on the Weissman (Dipsea Ranch) Land Division Project. For more information about the Mitigated Negative Declaration or to access and review the document, please visit the environmental project webpage, via this link.

Please know that the comment period commences today, December 11, 2019, and ends on Monday, January 13, 2020 at 4:00 p.m. Commenters are advised to mail written comments to the attention of Tammy Taylor,
Letter B. Laura Chariton

B-1 Marin County Community Development Agency, the Lead Agency for the Project, extended the close of the public comment period from January 13 to January 28, 2020.
To whom is involved in this reddecision,

Please note that issues regarding this property have already been decided as a result of much heated debate and hard won community participation. I live directly across Panoramic Hwy from this property. These decisions should not be amended nor overturned! Here is what was decided to refresh your memories:

the "decision" at end of meeting May 2018::

7. Board Decisions and Findings;

A) Motion to approve project with the following conditions:
1. Fire road, if it remains, shall be used for fire access only.
2. A deed restriction be placed on the 5 acre parcel to assure that it will not be subdivided in the future.
3. AM motions, LL seconds, 4-0 Unanimous Approval

B) Merit comments:
1. County staff should conduct a thorough environmental review of the potential impact on the Redwood Creek watershed, especially with regard to proposed septic systems.
2. Staff should ascertain whether the applicability of Development Code 22.16.030 F2 (Development near ridgelines) to future building on the lots should impact approval of this subdivision. It appears that developing improvements within the building envelopes shown in the application which comply with this provision will be a challenge.

I oppose any changes to these decisions.

Sincerely,
Lonnie Barbach, Ph.D.
60 Palm Way
Mill Valley, CA 94941
Letter C. Lonnie Barbach

C-1 The commenter is referring to the advisory decisions and comments on the Project by the Tamalpais Design Review Board on May 2, 2018, which are reproduced from the minutes of that meeting in the following comments.

C-2 While the minutes purport to “approve the Project with the following conditions,” the Tamalpais Design Review Board does not have the authority to approve or deny the Project that is the subject of the Initial Study, that is, the proposed land division of the Dipsea Ranch property, as described in Section II, Project Description in the Initial Study. That authority rests with the County Planning Commission and, if their decision is appealed, with the Board of Supervisors.

The Project does not propose to develop the Fire Road or alter it or use it beyond its current condition and use.

C-3 The Tamalpais Design Review Board does not have the authority to place a deed restriction on a legal parcel. The Project proposes to divide the existing 8-acre parcel into three parcels. The Project analyzes potential future development of the three parcels, consistent with the site zoning and other regulations. Please see Master Response 9.

C-4 Please see the response to comment C-2, above.

C-5 The Initial Study is consistent with and fulfills this recommendation. CEQA requires the County to conduct environmental review for projects that are subject to its discretionary approval. For potential impacts on the Redwood Creek watershed, please see Master Response 2. For potential impacts of proposed septic system development, please see Master Response 7.

C-6 As noted on page 3 of the Initial Study, The Project site is not within a Ridge and Upland Greenbelt Area, as designated in the Marin Countywide Plan. Consistency of the Project with County policies to protect designated Ridge and Upland Greenbelt areas from incompatible development are discussed in Initial Study Section IV.1, Aesthetics, and Section IV.11, Land Use and Planning. The Initial Study finds no inconsistency with these policies or potential impact on visual quality of or views of designated Ridge and Upland Greenbelt areas. If the Project is approved, future development of the newly created lots will be the subject of further approvals by the County, including Design Review. Consistency of future proposed developments with the cited Development Code section (now changed to Section 22.16.030.D.2 -Development Near Ridgelines) would occur at that time.

C-7 Please see the response to comment C-2.
In view of the previous decision regarding the project in question, the decision has long ago been made after much deliberation, community feedback, etc. in May of 2018. The stipulations in the Board’s unanimous decision at that time were clear and specific. We expect that decision to be carried out as stipulated in all its details. We expect the rules to be followed and abided by and see no reason to revisit the Board’s findings. I protest this latest attempt by the Weissmans to find a way to circumvent the position, needs and valid concerns of the surrounding community, as well as revisiting the decisions the Board made in 2018. Sincerely, David Geisinger. 60 Palm Way
Letter D. David Geisinger

D-1 Please see the responses to comments C-1 and C-2.
Where do you look to see what has changed in this revision.

Jerry Cahill  
Email: jcahill@calfox.com  
Direct tel 415-464-3664  
Mobile 415-264-0647
Letter E. Jerry Cahill

E-1 The comment is unclear, but appears not to address the environmental analysis in the Initial Study. The Initial Study released on December 10, 2019, is the only one that the Marin County Community Development Agency has released for the Project, so there is no “revision.”
Dear Ms. Taylor,

Thank you for submitting the 455 Panoramic Highway - P1589 & P2314 plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline. Attached is general information regarding PG&E facilities for your reference. **If you do not hear from us, within 45 days, you can assume we have no comments at this time.**

This email and attachment does not constitute PG&E’s consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Thank you,

Plan Review Team
6111 Bollinger Canyon Rd., 3rd Floor
Mail Code BR1Y3A
San Ramon, CA  94583
pgeplanreview@pge.com

**This is a notification email only. Please do not reply to this message.**
December 17, 2019

Tammy Taylor
Marin County
Environmental Planning

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Taylor,

Thank you for submitting 455 Panoramic Highway - P1589 & P2314 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E’s facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E’s facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E’s fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E’s consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management
There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: [https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf](https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf)

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E’s easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E’s Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch...
7. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.
11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.
Attachment 2 – Electric Facilities

It is PG&E’s policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E’s rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E’s transmission easement shall be designated on subdivision/parcel maps as “RESTRICTED USE AREA – NO BUILDING.”

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E’s review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E’s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E’s fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E’s easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E’s overhead electric lines, please be advised it is the contractor’s responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E’s towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E’s towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.
Letter F. Pacific Gas and Electric (PG&E)

F-1 To date, no additional comments have been received from PG&E regarding the potential for the Project to interfere with PG&E’s facilities. The Initial Study, Section IV.19, Utilities and Service Systems, examines the potential for the proposed Project to affect existing utilities, including gas and electric lines, and concludes that such impacts would be less than significant.

F-2 Please see the response to comment F-1.

F-3 The attachments to PG&E’s letter provide important safety information regarding construction near PG&E’s gas and electrical facilities. They do not specifically address the Project or the Initial Study.

F-4 The comment provides information on applying for PG&E gas and electrical service, and does not specifically address the Project or the Initial Study.

F-5 Please see the response to comment F-4.

F-6 Please see the response to comment F-4.

F-7 Please see the response to comment F-4.

F-8 Please see the response to comment F-3.
Dear envplanning and Sabrina Sihakom,

I have reviewed your recommendation for a Mitigated Negative Declaration regarding the Weissman land division.

1. This issue has been going on for some years, with several Community Boards having hosted the applicant with previous planning personnel in attendance. Though I understand these boards' findings are not binding on your decision, you seem to have not considered any of their conclusions and findings. Please consider that the overwhelming majority of local residents and neighbors object to and disagree with a Mitigated Negative Declaration.

2. Although a lot of time has passed, no amount of time will remove the damage already done to the area impacted by Weissman’s ill advised, illegal actions and bad faith declarations. Only having Weissman undo the damage will work. The neighbors and others affected by this potential development have not forgotten how they were treated and how they will be affected by future building.

3. Without reciting all the information in your files and as an example you can see today (and whenever it rains), the water flow diverted by the illegal road is creating erosion along the side of Panoramic Highway.

4. In an age where powerful and wealthy people seem to be able to do whatever they want regardless of the laws and requirements that apply to the rest of us, I urge you to reconsider this finding and to require the applicant to restore the property to its’ condition before he illegally built the road and dumped fill that adversely affects Redwood Creek.

Thank you for the consideration.

Bernard Ayling
50 Palm Way
Mill Valley, CA 94941

copy sent to Sabrina Sihakom via Marin County server
Letter G. Bernard Ayling

G-1 The commenter’s reference to “Community Boards” appears to refer to the Tamalpais Design Review Board. The commenter is correct that the Design Review Board’s decision regarding Project approval and Project conditions is not binding; please see the response to comment C-2.

G-2 Marin County is obligated under the California Environmental Quality Act (CEQA) to undertake environmental review of projects subject to the County’s discretionary approval. If a project is found not to have the potential for significant environmental impacts, or to have impacts that can all be mitigated by specified measures agreed to by the Applicant, then a Mitigated Negative Declaration is the appropriate mechanism for CEQA compliance. Such is the case with the current Project.

G-3 This comment is unclear, but may be addressing the unpermitted work on the Fire Road. Please see Master Responses 3 and 4.

G-4 Please see Master Response 4.

G-5 This comment addresses the merits of the Project, not the environmental analysis.

G-6 The Initial Study finds that the Project, including the Fire Road, would not have an impact on Redwood Creek’s hydrology, water quality, or biological resources. Please see Master Responses 3 and 4.
Louette Colombano would like information about:

I am still opposed to this project even though it has been downsized. I don’t feel it is in the best interest of our neighborhood to build another development. It is located adjacent to the Dipsea trail, Mount Tam State Park, and Muir Woods National Park; an extremely environmentally sensitive location and one of the most visited tourist destinations, arguably, in the world.

This area is already at over capacity for vehicular traffic and subject to frequent road closures due to accidents, fallen trees, and slides. Tam junction, Shorleine Highway, and parts of Panoramic are gridlocked every weekend and all summer long. Some residents can’t even get out of their own driveways. Those are the only roads in and out and there is no way to widen or add roadways. Each new home will add numerous vehicles to the area for deliveries, housekeepers, gardeners, etc. it’s just getting too crowded up here.

Then there’s the sewer issue. Most of southern Marin’s sewer agencies have failed miserably. Storm runoff has polluted the bay and watersheds, adding more hookups will only exacerbate that. Besides, two of the sewer treatment plants are predicted to be underwater at some point as the sea is rising more and more. See IJ article: https://www.marinij.com/2017/04/17/marin‐ij‐editorial‐growing‐local‐public‐awareness‐about‐sea‐level‐rise/

Also, there’s the fire issue. Evacuation is already unimaginable and the idea of adding more homes on or near already overburdened roads is bad planning. I find the traffic survey that was submitted to be flawed and unrealistic.

Please, let’s not let developers build oversized homes that may end up as Air BnB’s used as unlicensed hotels. There are already a few up here that have caused problems.

Let’s keep this area the bucolic neighborhood that it deserves to be,

Respectfully, Louette Colombano
62 Monte Cimas Avenue.
Mill Valley, CA
Letter H. Louette Colombano

H-1 This comment addresses the merits of the Project, not the environmental analysis.

H-2 The Project site and the surrounding area are described and mapped in the Initial Study Project Description commencing on page 2. As described, the Project site is within the City-Centered Corridor, as mapped in the Marin County Countywide Plan. The City-Centered Corridor is primarily designated for urban development and for protection of environmental resources. The Project site and surrounding parcels are designated PR-Planned Residential in the Countywide Plan, and zoned RMP 0.5 (Residential, Multiple Planned District. - 1 unit per 2 acres). As stated in the Project Description, a portion of the Dipsea Trail passes about 350 feet from the southern property boundary.

It is noted that the Dipsea Trail passes through both urbanized areas and open space. Initial Study Section IV.1, Aesthetics, specifically examines potential impacts of the Project on scenic vistas from the Dipsea Trail, and finds that such impacts would be less than significant. The Project site is not adjacent to either Mount Tamalpais State Park or Muir Woods National Monument, but rather is within a developed residential neighborhood. Section IV.16 of the Initial Study considers potential impacts of the Project on recreation and recreational facilities and finds no significant impacts of this kind. The Project site is not visible from Muir Woods National Monument and is not prominent in views from Mount Tamalpais State Park. Regarding habitat value and biological sensitivity of the Project site, please see Master Response 1. Regarding potential impacts on the Redwood Creek watershed, please see Master Response 2.

H-3 Initial Study Section IV.17, Transportation, considers impacts of the Project on transportation and traffic, and finds that, due to the small number of additional vehicle trips that would be generated by the Project during construction and operation, the Project would have only a less-than-significant impact of this kind. See Initial Study pages 142-144. Existing crowding, traffic, and limited parking are existing, baseline conditions, and not caused by the Project. The Project, primarily due to its small size, would not substantially worsen these existing problems.

H-4 As described in the Project Description on page 11, the Project site is not currently served with a sanitary sewer connection, and the Project would not include a sanitary sewer connection. The existing residence is served by an on-site sewage treatment system (i.e., septic system). The Project would include development of additional septic systems for the proposed new lots. Potential impacts of proposed septic systems are discussed in Initial Study Section IV.7, Geology and Soils, pages 82-83, and Section IV.10, Hydrology and Water Quality, page 108. The Initial Study finds that development and use of proposed
Dipsea Ranch Land Division

Marin County Community Development Agency

Initial Study/Mitigated Negative Declaration: Response to Comments  March, 2020

Septic systems would not result in a significant impact. Please see also Master Response 7.

H-5 As noted in the Project Description (page 3) and discussed in depth in Section IV.20, Wildfire, of the Initial Study, the Project site is within the designated Wildland-Urban Interface (WUI), and is mapped as a very high fire hazard severity zone. As such, future development within the Project site is subject to additional regulation, including requirements for vegetation management and fire-resistant building materials and methods. In Section IV.20, the Initial Study examines four potential impacts associated with wildfire, and finds that each would be less than significant.

While evacuation routes from the vicinity of the Project site are limited, this is an existing condition, not an impact that would be caused by the Project. The Project would enable the future addition of up to four residential housing units to the area (two principal residences and two accessory units). This small number of units would not substantially contribute to nor exacerbate the existing condition of limited evacuation routes. The proposed Project includes improvements to the driveway and driveway intersection with Panoramic Highway. Initial Study Section IV.17, Transportation, topic d, examines these proposed improvements and finds that they would result in adequate emergency access to the proposed new lots.

The commenter does not say in what way they consider the traffic study to be flawed and unrealistic. The Applicant’s Traffic Impact Study\(^{42}\) provides a description of the roadways serving the Project site, includes a trip generation estimate, and provides an analysis of the adequacy of the site distances from and to the Project site driveway, taking into account the proposed driveway improvements. In Section IV.17, Transportation, the Initial Study independently estimates trip generation and analyzes site distances and roadway safety impacts associated with the proposed driveway improvements. The Initial Study finds that the Project’s impacts on transportation systems, including intersection level of service, as well as impacts on roadway safety associated with vehicles entering and leaving the Project site via the proposed improved driveway, would both be less than significant.

H-6 This comment addresses the merits of the Project, not the environmental analysis.

H-7 This comment addresses the merits of the Project, not the environmental analysis.

\(^{42}\) TJKM, 2018. Traffic Impact Study for Residential Development located at 455 Panoramic Highway, Marin County, California. November 9, 2018
This is MOST disconcerting. The whole community fought this the last time his proposal came up. And for very good reasons. The environmental impact, alone is extraordinary. He made a road illegally and without permission which has affected the environment significantly in a very sensitive area. He was supposed to have rectified the damage done, but has done nothing. Here are the problems we noted at our meeting that curtailed the project last time around.

With regard to the Initial Study/MND I see several issues that have been incorrectly addressed and omissions that should be included:

1. **Ephemeral Creek** - The illegal road was constructed at the top of the creek identified by the USGS as an Intermittent Stream. These are streams fed by springs that feed Redwood Creek throughout the year even after rain has stopped. These are critical for the Coho salmon’s survival. By calling it an Ephemeral Stream (i.e. one that only runs during and immediately after rain) it does not deserve as much protection as required in the County’s Stream Protection ordinance. The application should recognize the whole canyon as an Intermittent Stream fed by the spring identified on the applicants drawings.

2. **Subdivision of the 5-acre Parcel** - He is only proposing three parcels at this time. The future subdivision of the 5-acre parcel is a foreseeable event and should be addressed in this application. These parcels impact the dipsea trail and bring houses into an area that city dwellers go to to get back to nature.

   After 10 years he (or the next owner of the 5-acre parcel) could come back again and ‘have the right’ to subdivide the property again if it’s not addressed in this application. He should either make accommodations to have a fourth parcel on the top of the property and go through the environmental review OR forego the opportunity to later subdivide the parcel.

3. **Accessory Dwelling Units** - The location of any future Accessory Dwelling Units should be defined and analyzed at this time including access. This is critical so he doesn’t try to build them at the bottom of the hill accessed from below. This part of Panoramic is at a blind curve and extremely dangerous. In addition, there is already insufficient parking in this area to accommodate current residents and people who come to use the dipsea on a weekend basis.

4. **Panoramic Storm Ditch** - Weissman, as part of his unpermitted road construction, dug a ditch along the fence in an attempt to redirect much of the storm water further down his property. This should be corrected and the original flow of water should be restored.

5. **Endangered Coho Salmon** - No mention of the endangered Coho salmon in the Redwood Creek and how run off during construction and post construction could impact and how to mitigate.
All of these need to be addressed. Mr Weissman has a habit of less than honorable actions. He shows lack of respect for the precious environment he owns a magnificent part of, acts first and seeks permission later if caught, and misrepresents issues already fought over. Please do not rubber stamp this. The whole community was up in arms about it the first time.

Thank you
Lonnie Barbach
60 Palm Way, Mill Valley
Letter I. Lonnie Barbach

I-1 This comment does not address the environmental analysis of the Project.

I-2 Environmental impacts are the subject of the Initial Study. The Initial Study finds that, with specified mitigation measures which the Applicant has already agreed to, the Project would have only less-than-significant impacts. This includes past grading of the Fire Road; please see Master Responses 3 and 4.

I-3 Please see Master Responses 3 and 4.

I-4 This comment introduces the following comments. Please see responses to the following comments.

I-5 For comments related to stream classification (i.e., intermittent vs ephemeral) refer to Master Response 8. For comments related to the Fire Road grading, please refer to Master Response 4.

I-6 Please see Master Response 5.

I-7 Please see the response to comment H-2.

I-8 Please see Master Responses 5 and 9.

I-9 As noted on page 9 of the Project Description, the Initial Study assumes that if the Project is approved, all future development would be within the defined building envelopes, as depicted in Figure 6. Any proposed development outside of the defined building envelopes would be subject to additional permitting and environmental review.

I-10 Please see Master Response 4.

I-11 Please see Master Response 2.

I-12 This comment does not address the environmental analysis of the Project.
TO WHOM IT MAY CONCERN:

We are submitting our comments about the proposed development right across the street from our home. We live at 440 Panoramic Highway in Mill Valley and have owned this property since 1974. Due to the amount of traffic that is already using Panoramic Highway going to Muir Beach, Pelican Inn, Muir Woods, Muir Beach Overlook, Stinson Beach, Gravity Car Trail, the Fire Department, Mountain Home Inn, Muir Woods Community Center, German Club, as well as numerous hiking trails on Mt. Tam off of Panoramic Highway, this is an extremely bad idea in an already very congested area and many things have absolutely NOT been taken into consideration. Much more traffic, adding to fire evacuation danger, construction noise, sewer issues, etc. are just a few of the problems this will create.

If any of the people making these decisions is familiar with our area, it should be documented how hard it is to get back down the mountain via Shoreline Highway, due to backed up traffic. We never go anywhere on a weekend because it is nearly impossible to get down the hill. This area is specifically vulnerable during the peak tourist season, that also coincides with the high fire danger season. How do you propose that people get off of Mt. Tam with a 2-1/2 mile two-lane road in bumper to bumper traffic during a major forest fire with MORE houses being built? This question should be answered by the decision-makers.

This gorgeous area of Marin County, Panoramic Highway and its surroundings, is so overrun with people at this point that the wildlife can no longer even cohabit here. They are suffering greatly by being so fenced in among all the houses, as well as trying to cross roads that are overrun with speeding vehicles. We see very few birds flying around anymore. All further development should be stopped due to the environmental issues that are involved in all types of building projects, especially new ones.

There are several documentaries about the 86 people who burned to death in the Paradise Fire because they could not GET OUT. Have the planners who are approving this development seen any of these programs? We have experienced first-hand a major forest fire evacuation and it is extreme panic for everyone. Adding more houses in this vulnerable area is just not good.

Obviously, the Dipsea Ranch is being developed to make MONEY with no regard for the safety of the residents who already reside at the top of Mt. Tam. You can well imagine how we have seen the changes in our area and the mega houses that have been built in the 45+ years we have owned our property. From what we can recall, there was a moratorium on new building permits on the top of Mt. Tam back in the 1970s when we purchased our property. In those days, everything was not controlled yet by people driven by greed coming to Marin County and trying to push their development ideas onto the locals, who are enjoying this gorgeous piece of God's country. Dan Weissman can sell his prime piece of property for an incredible amount of money, since the only
obvious reason he is doing this is to line his pockets. Plus, he wants to obliterate all the Acacia trees that have been growing in Mill Valley for decades and decades since he considers them "non-native". We cannot cut everything down because it is not native to this area--few Marin County residents are "native" to this area. With all the traffic up here, we need these trees to absorb carbon dioxide from all the cars. We wish he would move somewhere else (New York or Los Angeles) and do his developing. From what we understand, he owns many trailer parks across the USA, so he has plenty of money already. Why destroy our lovely area? There is not enough water as it is during drought years and now adding a development on Panoramic Highway? This absurd idea equals the ridiculousness of a parking lot for Muir Woods at the top of Panoramic Highway proposed a few years ago. Thankfully, that plan was shelved.

We haven't even discussed the septic tank issue. What is the plan for that? Adding any more septic tanks or leach lines to this already overcrowded and congested area is irresponsible. Isn't it possible during heavy rains that these leach lines could eventually drain off into the creek below, further endangering the salmon and trout inhabiting that area? Also, isn't Muir Woods below this planned development? Is this really what we need in one of the most pristine parts of the Bay Area? Could you please think this through before granting approval of this project? Maybe the planners can come up with some answers with how we are supposed to get off the mountain during a major forest fire. As you well know, it is not a matter of IF but WHEN it will happen.

We appreciate your consideration and thank you for the opportunity to make our comments. We, however, do not have a lot of hope with stopping this project and it is a sad commentary on what Marin County has become....MONEY, MONEY AND MORE MONEY. How sad that the character of what was once Mill Valley that we remember, a small sleepy town across the Golden Gate Bridge where you could peacefully hike or ride a bike, has turned into this. Our beautiful Mt. Tam should be enjoyed--not destroyed. ENOUGH IS ENOUGH. This letter needs to be read at your next meeting.

Wolfgang & Kathleen Schmidt
Letter J. Wolfgang and Kathleen Schmidt

J-1 Please see the response to comment H-3.

J-2 This comment is introductory, and raises several issues that are elaborated in later comments. Please the responses to the following comments.

J-3 This comment describes the commenters’ experience of existing traffic conditions in the area, and does not address the Project’s potential impacts.

J-4 While evacuation routes from the vicinity of the Project site are limited, this is an existing condition, not an impact that would be caused by the Project. The Project would enable the future addition of up to four residential housing units to the area (two principal residences and two accessory dwelling units). This small number of units would not substantially contribute to nor exacerbate the existing condition of limited evacuation routes.

J-5 This comment describes the commenters’ perception of the impacts of past development on wildlife in the vicinity of the Project site, and does not address the impact analysis in the Initial Study. The Initial Study, Section IV.4, finds that, with mitigation, the Project would have a less-than-significant impact on wildlife. Please see also Master Response 1.

J-6 Please see the response to comment J-4.

J-7 This comment does not address the Initial Study nor the Project’s potential environmental impacts.

J-8 As noted in Initial Study Section IV.11, Land Use and Planning (pages 116-118) and in Section IV.4, Biological Resources, the Countywide Plan and the Tamalpais Area Community Plan (Tam Plan or TACP) both contain policies protecting native trees and other plants and encouraging control and removal of invasive species. Consistent with these policies, the Initial Study includes Mitigation Measure BIO-4: Invasive Plants, to limit the introduction and spread of invasive plants during Project construction. As discussed in Initial Study Section IV.14, the Project would not displace people or existing housing.

J-9 This comment does not address the Initial Study nor the Project’s potential environmental impacts.

J-10 As stated in Initial Study Section IV.19, Utilities and Service Systems, on page 152, the Project site is within the Marin Municipal Water District. The District has stated that it would provide hook-ups to future residences within the Project site (Marin County, 2018), indicating that sufficient water supply infrastructure is
available. The Project would therefore not result in the need for new or expanded regional water treatment or distribution facilities.

J-11 This comment does not address the Initial Study nor the Project’s potential environmental impacts.

J-12 Please see Master Response 7.

J-13 Please see the response to comment J-4.

J-14 This comment does not address the Initial Study nor the Project’s potential environmental impacts.
January 15, 2020

Ms. Sabrina Sihakom, Planner
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Subject: Dipsea Ranch Land Division, Initial Study/Mitigated Negative Declaration,
SCH #2019129035, Marin County

Dear Ms. Sihakom:

The California Department of Fish and Wildlife (CDFW) received a Notice of Completion of an Initial Study/Mitigated Negative Declaration (IS/MND) from the Marin County Community Development Agency (CDA) for the Dipsea Ranch Land Division (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE
CDFW is a Trustee Agency pursuant to CEQA Section 15386 and has authority to comment on projects that could impact fish, plant or wildlife resources. CDFW is also considered a Responsible Agency under CEQA Section 15381 if a project requires discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act
CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if take\(^1\) of any species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA Incidental Take Permit (ITP) is warranted (pursuant to Fish and Game Code Section 2080 et seq.). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at [https://www.wildlife.ca.gov/Conservation/CESA](https://www.wildlife.ca.gov/Conservation/CESA).

\(^1\) Fish and Game Code §86: “Take” means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Conserving California’s Wildlife Since 1870
Lake and Streambed Alteration
CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors
CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: Daniel Weissman, property owner

Objective: The Project would subdivide a single 8.29-acre parcel into three parcels of 2.22, 0.89, and 5.18 acres. An existing single-family home will remain on-site and two new residences with two associated accessory dwelling units will be built on two of the new parcels. The Project will construct road improvements and new road segments leading to the new buildings. Associated water and sewer lines will be constructed. Two existing buildings, a four-car garage and a detached accessory building, may or may not remain on-site.

Location: The Project is located at 455 Panoramic Highway, unincorporated Mill Valley, Marin County. The Project site occurs near Latitude 37° 53’ 59" N, Longitude 122° 33’ 52.36" W, Assessor's Parcel Number 046-161-11.

Environmental Setting: The Project occurs in a lightly developed residential area within the wildland urban interface. The residential area is bordered by the City of Mill Valley to the east, Mount Tamalpais State Park and John Muir National Monument to the west, and various open space or lightly developed areas to the north and south. Two ephemeral streams, tributaries to Redwood Creek, flow on the eastern and western edges of the Project site. Portions of the Project site are dominated by a mix of non-native invasive grasslands, ornamental shrubs and trees, and native trees and shrubs. Three non-native trees are proposed for removal. Special-status species with the potential to occur in or near the Project area include: northern spotted owl (Strix occidentalis caurina), congested-headed hayfield tarplant (Hemizonia congesta ssp. congesta), nesting birds, roosting bats, western pond turtle (Actinemys marmorata), Central
California Coast Evolutionarily Significant Unit Coho salmon (*Oncorhynchus kisutch*), and Central California Coast Distinct Population Segment steelhead (*Oncorhynchus mykiss irideus*).

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations below to assist CDA in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

**Northern Spotted Owl**

The IS/MND identifies northern spotted owl (NSO) as a potential sensitive species in the Project area and states that NSO is unlikely to be present within the Project area; no Mitigation Measures or pre-construction surveys for NSO are proposed (page 48). NSO is a threatened species pursuant to CESA and the federal Endangered Species Act and is known to occur in the vicinity of the Project, as disclosed in the IS/MND (page 50). While the Project does not propose to remove NSO habitat, noise and activities at the Project site could potentially disturb NSO during nesting season and interrupt breeding or lead to nest failure. Population levels and vital rates for NSO continue to decline, so any reduction in successful nesting is a potentially significant impact.

CDFW recommends including the Mitigation Measure BIO-5 to reduce potential impacts to NSO to less-than-significant:

Mitigation Measure BIO-5: Northern Spotted Owl. If Project activities will occur during the NSO nesting season (February 1 to July 31), then a CDFW-approved Qualified Biologist shall conduct surveys for NSO following the United States Fish and Wildlife Service’s (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (Revised) January 9, 2012. Surveys shall be conducted in accordance with section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If NSO are detected during surveys, Project activities within 0.25 miles of a nest site shall be avoided until the end of the breeding season or until a Qualified Biologist determines the nest is no longer active. A Qualified Biologist should be familiar with NSO ecology, have proven success identifying NSO aurally and visually, and have at least two seasons of experience surveying for NSO using the USFWS protocol.

If Project-generated sound will not exceed ambient nest conditions by over 20 decibels and total combined sound (ambient and Project-generated) during Project activities does not exceed 90 decibels, then noise impacts would likely be less-than-significant and surveys may not be necessary (USFWS 2006). Pre-Project sound conditions should be accurately measured and documented to justify a no-survey outcome.

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**Bats**

The IS/MND identifies that common and special-status bats may occur on the Project site (page 55), and that pruning and tree removal could result in significant impacts to roosting bats (page 56). The proposed Mitigation Measure BIO-2 appears to adequately reduce potential impacts to tree-roosting bats to less-than-significant. However, additional impacts to roosting bats could occur if buildings are demolished on-site. Bats may roost in roofs, attics, sheds, or other building spaces throughout the year. Building demolition could result in death or disturbance to bats if they are roosting within the building, a potentially significant impact. Bats are especially vulnerable during the spring/summer when maternity colonies are raising their pups, and during the winter when resources are less available and bats may hibernate. Disturbance to bats during these periods could result in death to pups or adults.

CDFW recommends adding the following to Mitigation Measure BIO-2: Special-Status and Common Bats, to reduce potential impacts to bats to less-than-significant:

**Mitigation Measure BIO-2: Special-Status and Common Bats.** Buildings shall be surveyed for bats by a Qualified Bat Biologist within 15 days prior to any building demolition. Demolition plans shall cease if bats are found roosting within the buildings until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between March 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by the Qualified Biologist up to two weeks prior to building demolition.

**Special-Status Plants**

The IS/MND identifies 23 special-status plants that occur in the vicinity of the Project area, but rules out the presence of all but one species, congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), due to lack of habitat (page 44). The IS/MND also states that "the site was surveyed on September 22, 2015 during its [congested-headed hayfield tarplant] reported blooming period and this plant was not detected" (page 45). Acceptable botanical surveys must be systematic, floristic surveys, and should occur multiple times within the blooming period of potential special-status plants on-site. Based on the IS/MND, it is unclear what level of botanical survey was conducted, and therefore difficult to conclude that special-status plants are absent. In addition, this survey is outdated as it was conducted five years ago. Potentially significant impacts to special-status plants, such as crushing and burying, are more likely to occur without sufficient survey information.

CDFW recommends including the Mitigation Measure BIO-6 to reduce potential impacts to special-status plants to less-than-significant:

**Mitigation Measure BIO-6: Special Status Plant Surveys.** A Qualified Biologist shall conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site the season prior to the start of construction. Surveys should be conducted following Protocols for Surveying and Evaluating Impacts to Special-
Status Native Plant Populations and Sensitive Natural Communities, prepared by CDFW, dated March 20, 2018. If special-status plants are found during surveys, the IS/MND should outline how the Project would be re-designed to avoid impacts to special-status plants to the greatest extent feasible. If impacts to special-status plants cannot be avoided completely during construction, the IS/MND should outline adequate compensatory mitigation.

A Qualified Biologist in this context should be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.

Nesting Birds
The IS/MND identifies the legal protections for nesting bird species provided by Fish and Game Code and the federal Migratory Bird Treaty Act (page 44). The IS/MND notes, “potential impacts on nesting birds could result from destruction of eggs or occupied nests, mortality of young, and abandonment of nests with eggs or young birds prior to fledging. Such potential impacts on protected nesting birds could be significant” (page 56). To reduce these potential impacts to less-than-significant, the IS/MND states that the Project will adhere to Marin County Development Code Section 22.20.040 (F), which establishes nesting bird protection measures (page 56). CDFW agrees with the proposed protection measures, but recommends identifying a specific window prior to construction activities within which nesting bird surveys will occur. If pre-construction surveys are completed too early (e.g., greater than seven days prior to Project activities), then birds could establish nests after surveys have been completed but before Project activities begin, allowing for significant impacts to nesting birds. CDFW recommends identifying nesting bird protections as Mitigation Measure BIO-7 to ensure implementation of the protection measures:

Mitigation Measure BIO-7: Nesting Bird Surveys. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season of protected raptors and migratory birds, February 1 to August 15, a focused survey for active nests of such birds shall be conducted by a Qualified Biologist within 7 days prior to the beginning of Project-related activities. If an active nest is found, Permittee shall consult with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in Project-related work of 7 days or longer occurs, another focused survey shall be required before Project work can be reinitiated.

Mitigation Measure BIO-1: Special-Status Wildlife and Habitat
The IS/MND proposes Mitigation Measure BIO-1 to avoid potentially significant impacts to sensitive habitat and special-status species (page 59). The first bullet under BIO-1 describes a worker awareness training for “all supervisory field staff.” Educating workers to accurately recognize the special-status species and sensitive habitats that may occur on-site is key to preventing significant impacts to them, such as crushing, burying, disturbing, or otherwise injuring them during Project activities. CDFW recommends providing this training to all on-the-ground workers that may come across sensitive habitats or special-status species in order to reduce impacts to less-than-significant. Therefore, CDFW recommends striking the word “supervisory” from the first bullet point of Mitigation Measure BIO-1.

https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants
Editorial Comments
On page 9, the IS/MND assumes that the existing single-family home “would remain in newly created lot 1, and that the new residences would be built on newly-created lots 2 and 3.” The IS/MND does not state whether the additional two existing buildings (detached garage and accessory dwelling unit) will remain or be demolished. The IS/MND should clarify whether demolition will occur and include any additional biological impacts and mitigation measures related to demolition (e.g., noise disturbance or removal of habitat).

On page 2 of the IS/MND, second paragraph of the Introduction and Summary section, a sentence describing the access to the future residences remains unfinished: “The Applicant proposes to provide access to the new lots via the existing entry driveway at 455 Panoramic Highway, which would be improved and.”

ENVIRONMENTAL DATA
CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data. The completed form can be submitted online or emailed to CNDDB at the following email address: cnddb@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals

FILING FEES
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION
CDFW appreciates the opportunity to comment on the IS/MND to assist the CDA in identifying and mitigating Project impacts on biological resources.

If you have any questions, please contact Ms. Amanda Culpepper, Environmental Scientist, at (707) 428-2075 or amanda.culpepper@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH #2019129035)
Letter K. Gregg Erickson, California Department of Fish and Wildlife

K-1 This comment provides information on CDFW’s role in reviewing the Initial Study and does not require response.

K-2 As discussed in Section IV.4, Biological Resources, with specified mitigation and adherence to Marin County Development Code requirements, the Project would not impact species protected under the California Endangered Species Act. Therefore, no Incidental Take Permit is required.

K-3 The Project does not include the alteration of any watercourse subject to the jurisdiction of CDFW. A Lake and Streambed Alteration Notification is not required.

K-4 As discussed in Initial Study Section IV.4, Biological Resources, migratory birds and raptors would be protected in accordance with Marin County Code of Ordinances, §22.20.040 (F) Nesting Bird Protection Measures. With adherence to these requirements, nesting birds and birds of prey would not be impacted.

K-5 CDFW’s summary of the Project site is consistent with the Initial Study’s Project Description and Section IV.4, Biological Resources.

K-6 This comment introduces those that follow and does not require a response.

K-7 Please see the discussion of potential impacts to northern spotted owl in Master Response 2.

K-8 While the Project would only enable subdivision of an existing parcel and would not permit demolition of existing buildings, Mitigation Measure BIO-2: Special-status and Common Bats has been clarified to include additional information in the event of future building demolition, to require pre-demolition bat surveys (additions to the text of the Initial Study are shown as underline). This minor change to a previously specified mitigation measure does not change the conclusion that, with mitigation, the Project would have a less-than-significant impact on special-status and common bats.

Mitigation Measure BIO-2: Special-status and Common Bats

Implement the following protection measures for special-status and common bat species during construction within each of the three proposed lots:

- Complete presence/negative finding bat surveys prior to removal or pruning of any trees over 6 inches in diameter at breast height. If during future development buildings are proposed for removal, buildings shall be surveyed for bats within 15 days prior to any
building demolition. Surveys shall be completed by a qualified biologist. Because each individual bat species may use different roosts seasonally and from night to day, surveys must be conducted by a qualified biologist at the appropriate times.

- If trees planned for pruning or removal are identified as active roost sites, appropriate avoidance measures shall be developed by a qualified biologist. This may include seasonal limitations on work when roosts are unoccupied and/or establishment of buffer areas around occupied roosts.

- If bats are found roosting within the buildings, work shall cease until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between Marsh 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by a qualified biologist up to two weeks prior to building demolition.

- For all trees previously identified as active roost sites (during Project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall be followed by bole removal on day two. This approach would allow bats, if present, an opportunity to move out of the area prior to completing removal of the trees. No trees supporting special-status bats shall be removed without prior consultation with CDFW.

- If work is postponed or interrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.

- Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.

K-9 Biological surveys of the Project site have been completed by two separate consulting firms to observe site conditions and botanical species present and to evaluate the potential for presence of special-status plants. As referenced in the Initial Study (page 44), LSA biologists completed site visits in May, April, and September 2015 to determine the presence of special-status communities and plants. Habitats surrounding the property with potential to provide habitat for special-status plants were also evaluated. The 2015 biological assessment also included a background literature review to determine the potential presence of special-status plants. Based on the existing site conditions, LSA determined that the Project site supported potential habitat for only one special-status plant species, congested-headed hayfield tarplant (*Hemizonia congesta* spp. *congesta*). The site was surveyed for congested-headed hayfield tarplant in September 2015 during the plant’s blooming period and it was not detected. Based on lack of suitable habitat and observed site conditions, no special-status species were found to be present on the site by LSA.
A follow-up field survey and background review were completed in May 2019 by Prunuske Chatham Inc. to evaluate current Project site conditions and to confirm the original findings of LSA in 2015. During the updated review, current records of special-status plants were reviewed. PCI completed a field assessment of the Project site during the spring (May) blooming period and found no potential for special-status plant occurrence due to current site conditions and existing community composition.

In summary, two independent biologists concluded the Project site does not support habitat for special-status plants, supporting the conclusion reached in the Initial Study that the Project would not impact special-status plants. No mitigation is required.

K-10 As outlined in the discussion of Special-status and Nesting Birds in Initial Study Section IV.4, Biological Resources, nesting birds would be protected in accordance with Marin County Development Code §22.20.040 (F), Nesting Bird Protection Measures. Under this Ordinance, pre-construction nesting bird surveys must be conducted if construction is to occur between February 1 and August 15. Development Code §22.20.040(F)(2) requires construction to begin within seven days of a nesting survey. If the commencement of construction is delayed, the nesting survey must be repeated. With adherence to the required Development Code provisions, the Project would not impact Special-status and nesting birds, and no mitigation is necessary.

K-11 In response to the comment, Mitigation Measure BIO-1: Special-status Wildlife and Habitat, has been clarified to include all field staff that may come across sensitive habitats or special-status species in the worker awareness training. This minor change to a previously specified mitigation measure does not change the conclusion that, with mitigation, the Project would have a less-than-significant impact on special-status wildlife and habitat:

**Mitigation Measure BIO-1: Special-status Wildlife and Habitat**

Implement the following protection measures for special-status wildlife and habitat during construction within each of the three proposed lots:

- Conduct a worker awareness training for all supervisory field staff that may come across sensitive habitats or special-status species. The training shall include the following information: a photograph and description of each special-status species or sensitive resource known from the area; a description of its ecology and habitat needs; potentially confusing resources (e.g., similar species or habitats); an explanation of the measures being taken to avoid adverse impacts; reporting and necessary actions if sensitive resources are encountered; and workers’ responsibility under the applicable environmental regulation.
• The Project limits should be clearly marked on the final design drawings and work confined within those boundaries.

• Foot and vehicle traffic should be restricted to the designated work and staging areas.

• For any fencing needs, install fencing that reduces the risk of death or injury to wildlife and does not impede movement. See *Fencing with Wildlife in Mind* by Colorado Division of Wildlife for specific guidelines on fencing installation and types (Hanophy, 2009).

K-12 The Project includes only subdivision of the Project site and does not include demolition of the existing buildings. The Applicant has not submitted an application for building demolition and has not expressed an intent to demolish the existing buildings. If in the future the Applicant or a future owner intends to demolish existing buildings, this will require a demolition permit. Demolition is subject to the requirements of Marin County Development Code §22.20.040, Outdoor Construction. See also the response to comment K-8. With these Development Code provisions, there would be no additional impacts associated with potential future demolition, and additional mitigation measures are not required.

K-13 The “and” at the end of the sentence is a typographical error and should be removed. The sentence should read: “The Applicant proposes to provide access to the new lots via the existing entry driveway at 455 Panoramic Highway, which would be improved.”

K-14 The County is aware of the data-reporting requirements and filing fee requirements cited by the commenter.
To Whom it May Concern,

I am a neighbor of the Dipsea Ranch project and will be impacted by its construction in terms of temporary construction noise and increased traffic. I am a member of the Tamalpais Area Design Review Board but write this letter as a community member, not as a Board representative.

Below are my comments on the Mitigated Negative Declaration (Neg Dec) for the Weissman development project. I would be grateful for your review and reconsideration of the findings listed below.

Comments on the Environmental Impact Checklist

1) Aesthetics, a, c & d

The draft report states the project, as proposed, will have a less than significant impact on a scenic vista, quality of public views and the creation of glare. I strongly disagree. The project site is visible from along the all-important Dipsea trail as well as the Sun Trail. A building constructed to the maximum allowable size of 7,000 sf would certainly have a serious negative impact on the scenic vistas of the trail. Glare from future buildings will be visible all of the way from the hills above Muir Beach, as they will no doubt have large planes of glass facing west, toward the ocean. These comments would be better marked as "Less than severe impact with mitigation incorporated." While it is true that any new home will need to come before the Design Review Board, it should be noted in the Neg Dec that the visual impact upon the scenic vista and view from the trails below the property should be taken into consideration in any specific siting and sizing of the built property. By including this in the Neg Dec, it will be easier for the Design Review Board to enforce size limitations and view corridors on the property in the future, when it is eventually developed.

4) Biological Resources c) Disturbance of Wetlands - Bottom of page 59: Grading of the Fire Road

This paragraph reads:

*It is assumed that impacts associated with site grading and fill placement may have resulted in disturbance to the wetland, such as hydrologic alteration, removal of wetland vegetation, or filling directly into the wetland. Based on present conditions, however, the wetland appears to be functionally intact. The grading of the Fire Road therefore appears not to have had lasting impacts on the wetland, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on wetlands.*

I strongly disagree with the premise of this paragraph. The wetland is bordered by the road. It is therefore clear that the road did in fact reduce the size of the wetland. I feel strongly that the applicant should be required to preform some sort of compensatory measure for this destruction of habitat. The Neg Dec should require some reconstruction of wetland area, or some measure to ensure that the future of this remaining wetland remains in tact. The reduction in size of the wetland by the applicant in 2014 is a tragic event that should be penalized and compensated for.

20) Wildfire, a,b,c & d)

It is impossible to believe that these items are not all checked as "Less than severe impact with mitigation incorporated". This is an extremely high fire area, located at the top of a steep, overgrown canyon that is owned by the state and is therefore impossible for residents to maintain. Adding homes to this area, along with gas and electrical utilities, will definitely increase the wildfire risk and impact on the area. There should indeed be mitigations included in the approval of this project that would require regular landscape maintenance, special fire-wise landscape plant choices, undergrounding of utilities, fire resistance measures exceeding the minimum levels required by building codes, etc., in order to minimize the additional dangers this project generates for the existing neighborhood and its residents.
The accuracy of this report is important for the future development of the parcel and should be as stringent and accurate as possible. I sincerely hope that you reconsider the above mentioned aspects and revise the Neg Dec accordingly.

Sincerely,
Andrea Montalbano
40 Brighton Blvd.
Mill Valley 94941
Member - Tamalpais Area Design Review Board
Letter L. Andrea Montalbano

L-1 Construction noise is analyzed in Initial Study Section IV.13, Noise. Mitigation Measure NOISE-1 is specified to ensure that construction noise would have a less-than-significant impact on neighbors of the Project site. Potential impacts of construction-related traffic are examined in Initial Study Section IV.17, Transportation, on page 143, and found to be less than significant. The commenter has not provided any evidence that they would be impacted by construction noise or traffic generated by the Project.

L-2 The potential for the Project to impact scenic vistas from the Dipsea Trail is specifically examined in the Initial Study, in Section IV.1, Aesthetics, on pages 21-23. See also Figure 1-2 on page 22. The Initial Study concludes that the impact would be less than significant. As noted in this same discussion, the Project site is not visible, or only fleetingly visible, from more distant vantage points along Muir Woods Road and the Shoreline Highway. Muir Beach is approximately 2.5 miles distant from the Project site. As shown in Figure L-1, existing houses of the Muir Park neighborhood are visible along the distant ridgeline to the east from Shoreline Highway near Muir Beach. The Project site is either not visible, or is only partially visible from this location, given the intervening topography, particularly the ridge along which Ridge Road runs. Even if the Project site were visible from some locations along this stretch of Shoreline Highway, new houses constructed within the Project site would not be distinguishable from existing houses, and the distance would render any impact of glare insubstantial, and therefore less than significant. Therefore, future development of the Project site would not adversely impact scenic vistas or result in a significant new source of glare at locations near Muir Beach. Because no significant impact is identified, there is neither the need for, nor the authority to impose, mitigation measures. The requirement for Design Review is noted in the Initial Study Project Description, on pages 9, 11, and 15. If Design Review triggers additional environmental review, then aesthetic impacts of the proposed development will be reexamined at that time. Through the Design Review process, the future residences will be required to comply with requirements contained in Marin County Code Chapter 22.42. and with the Single-family Residential Design Guidelines. This includes ensuring that the development proposes appropriate design, height, and massing that are compatible with the surroundings; that the proposed site layout and design will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties. Additional concerns addressed during Design Review include appropriate circulation and pedestrian access, the retention of healthy native vegetation, and landscaping consistent with fire safety requirements.

L-3 Please see Master Responses 3 and 4.
L-4 As noted in the Project Description (page 3) and discussed in depth in Section IV.20, Wildfire, of the Initial Study, the Project site is within the designated WUI, and is mapped as a very high fire hazard severity zone. As such, future development within the Project site is subject to additional regulation, including requirements for vegetation management and fire-resistant building materials and methods. In Section IV.20, the Initial Study examines four potential impacts associated with wildfire, and finds that each would be less than significant. There is therefore no need for, nor authority to impose, additional mitigation. The commenter provides no evidence that a significant impact would occur.

L-5 Please see Master Response 10.

Figure L-1: View toward Project Site from Shoreline Highway near Muir Beach, Feb. 27, 2020
Hi there,

Please see below public comment which includes concerns regarding wild fire, flooding, and traffic.

Thank you,
Sabrina Cardoza

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PLANNER
County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415-473-3607 T
415-473-7880 F

Please note my name (formerly Sabrina Sihakom) and email has changed to: Sabrina Cardoza, scardoza@marincounty.org

From: gogorobinson@hotmail.com <gogorobinson@hotmail.com>
Sent: Sunday, January 12, 2020 11:15 AM
To: Cardoza, Sabrina <scardoza@marincounty.org>
Subject: Weissman (Dipsea Ranch) Land Division (P1589)

Gordon E. Robinson would like information about:

I only have one concern regarding this project but think it is a serious one. I’ve known this area all my life and lived on Mote Cimas Ave (across from project) for 19 years. Over the past 19 years the Panoramic traffic (and over all Mill Valley traffic) has grown dramatically and at the same time so has the danger of wild fire. The limited roads heading down from Panoramic are always needing repair and when this causes closures one way routing major backups occur quickly. Additionally the increasing severity and frequency of flooding in the Tam Junction area adds to these issues. While I think good work being done to reduce fire risk, it still remains a serious risk and it seems very possible that if a major evacuation were called it may not be possible to get residents to safe areas in time. It seems foolish to add any new population anywhere in Mill Valley, let alone up on Panoramic until the issue of evacuation is addressed and truly understood. If something happened on a busy day with heavy tourist traffic and flooding below (which will be seen more and more in the summer as well as winter) it could get very high ratings on CNN. Residents may not even get off their streets onto the few options that currently exist.
Letter M. Gordon E. Robinson

M-1 While evacuation routes from the vicinity of the Project site are limited, this is an existing condition, not an impact that would be caused by the Project. The Project would enable the future addition of up to four residential housing units to the area (two principal residences and two accessory units). This small number of units would not substantially contribute to nor exacerbate the existing condition of limited evacuation routes.
January 15, 2020

Marin County Community Development Agency
Attn.: Tammy Taylor, Environmental Planner
3501 Civic Center Dr., Suite 308
San Rafael, CA 94903
envplanning@marincounty.org

Re.: Weissman (Dipsea Ranch) Land Division
Project IDs: P1589 & P2314

Subj.: Comments to Initial Study & Mitigated Negative Declaration

Dear Tammy Taylor:

The Initial Study & Mitigated Negative Declaration has errors and is missing information that should be evaluated and incorporated into the environmental study for the project.

A. **Intermittent Stream** – The stream located directly south of the “Non-Permitted 2014 Road” (see Figure 4-1) has been incorrectly identified as an “Ephemeral Stream” both in the environmental studies and on the applicant’s subdivision application. This is an Intermittent Stream (i.e. has running water intermittently throughout the year) and as such should be protected by the County’s Stream Protection Ordinance. There are several indications this creek is Intermittent (and not Ephemeral):

   a) The United States Geological Society mapped these as Intermittent Creek (as shown on the applicant’s Figure 4-1)
   b) In 2018, water was documented running down this ravine in April after seven days of no precipitation (emailed to Planning Department Jocelyn Drake)
   c) The steep ravines in Zone 4 of Rice’s mapping of the area are an indication of active creeks and/or springs.
   d) The wetlands identified on Figure 4-1 are fed by naturally occurring springs which feed the Intermittent Creek.

The “Non-Permitted 2014 Road” was constructed directly on top of an area that should be protected as these naturally occurring, spring-feed creeks feed the Redwood Creek watershed that supports endangered Coho Salmon.

I see no reason why the “Non-Permitted 2014 Road” should be removed and possibly cause additional environmental damage. However, in lieu of removing the “Non-Permitted 2014 Road” constructed road, I would like to see assurances in the form of mitigation measures (covenants recorded on the subdivision map) that this environmentally critical area is left undisturbed, no material can be removed or disturbed,
and nothing can be added in the future to this area. This “Non-Permitted 2014 Road” should only be used for emergency personnel and never be used as a location for ingress/egress from the property as that could cause additional environmental impacts to the Redwood Creek watershed.

**B. Consistency with Tamalpais Area Community Plan EIR** – There is no mention in the Mitigated Negative Declaration of the project’s consistency with the Tamalpais Area Community Plan’s EIR which specifically identifies this parcel’s unique development potential.

The 1991 EIR (LU 31.1a) calls specifically for this land area (APN: 46-161-10; previous APN before previous subdivision) to remain open in appearance. While the current plan indicates all building areas are on the top of the parcel, the applicant’s plan provides for a 5-acre parcel which, per the existing zoning, could be subdivided in the future. If this parcel were to be divided the only plausible development site would be at the bottom of the parcel and this would contradict the TACP EIR’s goals. This should be mitigated by either: a) precluding future subdivision of the 5-acre parcel, or b) subdivide the entire parcel now to cluster four (4) buildable lots on the top of the parcel to ensure permanent consistency with the TACP EIR.

**C. Drainage Ditch along Panoramic Highway** – As part of the “Non-Permitted 2014 Road” construction, the applicant constructed an approximate 120’ long drainage ditch along the fence line on Panoramic Highway to redirect the flow of water away from the wetlands area and further down the property. This unpermitted ditch has affected the natural flow of storm water and should be considered as part of the applicant’s environmental application. The poor maintenance of this ditch has contributed to run off washing away dirt and causing erosion of the embankment.
The only acceptable way to mitigate this alternation is to fill the drainage ditch and restore the natural flow onto the applicant’s property immediately below the “Non-Permitted 2014 Road” into the riparian wetlands. This will require removing and realigning the culvert pipe to property directly the water away from the drainage ditch and onto the applicant’s property. (See image below).

D. **Septic System Location** – Placing the septic system leach field (Parcel 3) on the hillside is a potential environmental disaster waiting to happen. By the applicants own report, he is proposing to pump wastewater into hillsides with an average of 40% slope. The applicant’s septic system engineer references “Geology for Planning in Central and Southeastern Marin County (Smith and Rice 1976)” which identifies the proposed area for the leach field as Zone 3 where, according to the report: “…the steepness of the slopes reaches the limits of underlying geological materials...”.

![Natural Flow](image1.png)

![Culvert & Un-Permitted Trench](image2.png)

![Proposed Location of Leach Field](image3.png)
A leach field in this location is a horrible idea when another, environmentally safe option exists. Modifying the soil by installing trenches will destabilize the hillside. Furthermore, pumping wastewater into the ground increase the likelihood of a slide. A slide or ground movement, with the amount of vegetation in the area, could go undetected for weeks, months or years. A failure of a septic system in this area could drain directly into the Intermittent Creek and have significant, negative environmental impact to the Redwood Creek Watershed and the endangered Coho salmon.

There is ample room at the top of the property to place a conventional septic system. This is the appropriate place to locate the applicant’s septic system.

Thank you for ensuring these issues are addressed in the environmental evaluation of the project and appropriate mitigation measures are adopted.

Sincerely,

ERIK HALTERMAN
(Sent via email)

Erik Halterman
40 Palm Way, Mill Valley
Letter N. Erik Halterman

N-1 For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to the grading of the Fire Road, please see Master Response 4.

N-2 The Project does not include removal or further changes to the Fire Road. The Initial Study considers whether the 2014 Fire Road grading caused significant impacts to site biological resources, hydrology, and other resources, and concludes that there were no significant impacts associated with construction, and that there are no continuing impacts. There is therefore no need for, nor authority to impose, additional mitigation, such as the covenants and restrictions suggested by the commenter. Please see also Master Responses 3, 4, and 9.

N-3 Please see Master Responses 5 and 6.

N-4 Please see Master Response 4.

N-5 Please see Master Response 7.
January 22, 2020

Marin County Community Development Agency
Attn: Tammy Taylor, Environmental Planner
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
envplanning@marincounty.org

Re: Weissman (Dipsea Ranch) Land Division
    Project IDs: P1589 & P2314
Subj: Weissman Land Division Mitigated Negative Declaration

Dear Tammy Taylor,

Thank you for sending the “Notice of the Extended Comment Period.” We are responding here to vital concerns remaining in spite of the Mitigated Negative Declaration. Kindly consider the following points in relation to the Weissman (Dipsea Ranch) Land Division.

The original proposal to introduce numerous new dwelling units in a small, highly sensitive environmental area was on the edge of pristine State and National park lands. The objections of many residents have successfully scaled down the scope of that project. However, real environmental threats remain.

Whereas Weissman has modified the project to be a land division proposal with a “mitigated negative impact,” inherent hazards impact Redwood Creek. Those hazards arise from (1) the “Non-Permitted 2014 Road” (2) the injection septic system, and more importantly, and (3) the potential future development of the lower 5-acre parcel.

1. The “Non-permitted 2014 Road” was constructed at the top of the creek identified by the USGS as an Intermittent Stream. Such streams are fed by springs and wetlands that feed Redwood Creek throughout the year, even after rain has stopped. The water sources are critical for survival of Coho salmon. Reference to it in the applicant’s drawings as an Ephemeral Stream (i.e., one that runs only during and immediately after a rainfall) does not provide it the level of protection afforded to an Intermittent Stream according to the County’s Stream Protection ordinance. In addition, safeguards should be provided so that the illegal fireroad will not be further developed, or for that matter, removed. Doing so would only further interfere with the spring runoff that emerges above and send unwanted silt into the creek below.

2. Injection septic system – Questa Engineering’s introduction of sewage disposal areas farther down the hillside below Parcel 3 pose further threats. Effluent pumping into the ground with shallow drainage is itself a major concern. The intricate sewage disposal system, including routing through bioswales to deliver to cisterns and avoid the indicated wetland is a fragile system at best. Steep hillside terrain of the undeveloped lower parcel makes it prone to...
spurious drainage and runoffs from heavy rains or potential tremors. Disruption of the indicated leach fields would unleash contaminated soil and wastewater down the hillside towards Redwood Creek.

3. Development of the 5-acre Subdivision Parcel – While Weissman is proposing only three upper parcels at this time, the future subdivision of the lower 5-acre parcel is a potential threat that must be addressed in this application. Weissman or the next owner of that 5-acre parcel could eventually declare the right to subdivide the property if not prevented here. Development and construction would again jeopardize Redwood Creek and it’s Coho population. Weissmann could be given the option to undergo environmental review of the lower parcel now and clear future development, or forego the opportunity to later subdivide the parcel.

In brief, we believe that no further disruption or destruction of this vibrant wetlands should be allowed. While the property owner has the right to build on the allowable upper 3 parcels, the large 5-acre parcel below should remain protected as it has always been. Building should NOT be permitted in that bottom 5-acre parcel since it will directly affect the sensitive watershed below.

Finally, let us not forget the considerable financial resources that have promoted restoration and the restocking of Redwood Creek from Muir Woods to Muir Beach. That protection should not be forsaken by this careless proposal. If the concerns presented here are insufficient to substantiate further review of this environmentally challenging project, we strongly suggest that the County enlists the expertise of individuals in allied organizations that have worked so diligently to save and restore Redwood Creek.

Paul and Constance Goldsmith
10 Kent Way, Mill Valley
Letter O. Paul and Constance Goldsmith

O-1 Please see Master Responses 2, 3, 4, 5, 7, and 10.

O-2 For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to hydrologic impacts of grading the Fire Road, please see Master Response 4.

O-3 Please see Master Response 7.

O-4 Please see Master Response 5.

O-5 Please see Master Response 9. The Project does not include any further modification to the Fire Road.

O-6 Regarding the sensitivity and biological value of Redwood Creek, please see Master Response 2.
Dear Ms. Taylor:  I will not recount my fervent objections to the proposed Weissman Land Division Land Mitigated Negative Declaration Proposal, since a number of my fellow community members and neighbors have done so in great and factual detail.  In my view the illegal road constructed by the Weissmans should be eliminated and the land should be restored to its original state.  I can see no reason why there has been no consequence and no penalty to the Weissmans for this illegal and environmentally destructive and self-serving maneuver; it implicitly condones further breaches of this sort. The road should be forever precluded from being an ingress or egress to the property above it. The possibility of building more houses on the Weissman’s property should be statutorily limited to the few proposed houses at the top of the property, out of sight from Panoramic Highway, as was addressed in previous meetings with the members of the community and county planners.  We hope that you will take the objections and cogent arguments to this ill-considered mitigated negative declaration proposal as persuasive, and deny the Weissman’s attempts to continue their environmental assaults on the land we all hold dear on Mt. Tamalpais.  Sincerely,  David Geisinger. (60 Palm Way, Mill Valley)
Letter P. David Geisinger

P-1  Regarding impacts of the Fire Road grading, please see Master Responses 3 and 4. Regarding restrictions on future development, please see Master Response 9.

P-2  Please see Master Responses 5 and 9.

P-3  This comment addresses the merits of the Project, not the Initial Study.
January 27, 2020

Tammy Taylor, Environmental Planning
envplanning@marincounty.org
Marin County Community Development Agency
3501 Civic Center Dr., Suite 308
San Rafael, CA 94903

CC: Rachel Reid, Environmental Planning Manager
CC: Sabrina Sihakom, Project Planner

Subject: Comments on APN 46-161-11
Mitigated Negative Declaration for the Dipsea Ranch Land Division

Dear Ms. Taylor:

The Sierra Club Marin Group Executive Committee, representing our 6000 members, appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for Dipsea Ranch Subdivision of 455 Panoramic Highway, owned by Daniel Weissman. Our members have actively participated in both the community meetings and the well attended Design Review Board meeting in 2018.

The Initial Study falls short of a reasonable assessment of such an environmentally significant property which is adjacent to and in sight of public parklands of international significance. We are in support the comment letter submitted from Watershed Alliance of Marin (WAM) that is based on decades of empirical and scientific knowledge. Much of our letter is based upon WAM’s research.

We are opposed to the subdivision of 455 Panoramic Hwy APN 46-161-11 because of the significant impacts of the Project on cultural, ecological and community assets and environmental values of habitat, wildlife, water quality, vistas and overall watershed health. The Initial Study falls short of a reasonable assessment of such an environmentally significant property above public parklands of international significance. The 1600 linear feet of mostly blue line perennial and intermittent creeks on and surrounding the property are considered important Redwood Creek headwaters and are well documented, appearing on the very first subdivision maps for the property going back over 100 years.

The 1.86 acre lower connecting parcel, also owned by Weissman, while not currently being considered for development, is adjacent to the Mount Tamalpais State Park and its miles of open space cascading into Muir Woods National Monument and the Golden Gate Recreation Area. This area is considered internationally significant as a biodiversity “hotspot” recognized by UNESCO and millions of visitors that come from all over the world to see these impressive redwoods. Visitors and residents alike often park next to the “subject property” and walk down to the Monument along the famous and historic 120-year-old Dipsea trail, site of the annual Dipsea race, the oldest trail race in America.
The two combined 10-acre, 36% grade, properties are connected to the headwaters of both the Redwood Creek and the Arroyo Corte Madera del Presidio Watersheds. The location of this unique creekside property is vital to the water quality and quantity of both streams (see Attachment 1).

The Applicant’s project description is inadequate and therefore does not provide sufficient information to reach clear findings of less than significant impacts. For this Project to have reasonable inquiry for a subdivision or development requires a full Environmental Impact Report (EIR). Extant policies in the Tamalpais Community Plan (TACP), the 2007 Countywide Plan, and numerous watershed studies along with current restoration work carried on throughout the Redwood Creek Watershed by multiple agencies and tribes have been ignored in the MND.

Several governmental agencies and non-profits¹ have invested millions of dollars and thousands of volunteer hours for restoration work in the watershed and their interests in the subject property must be acknowledged. Work within the Redwood Creek Watershed is being implemented by several agencies whose dedication to returning our salmon² and protecting our wildlife is a top priority. We have concerns that proper outreach to these agencies was either not done or not taken into consideration and that their Coho, Steelhead, Red-legged frog and Northern Spotted Owl recovery plans will be adversely impacted by this development.

The Tamalpais community majority, living in homes averaging 3500 square feet, are against the Project because oversized 7000 square foot homes, placed on ridges, will have vast impacts of noise and light pollution on immediate neighbors. It will also increase the impacts on what is already happening and will continue to happen: downstream flooding, lessening of downstream water quality, loss of wildlife corridors and wildlife, and loss of scenic beauty and bucolic vistas. We question the merits of the Project’s viability in the face of global and local species extinction and climate change.

This specific property in the Tamalpais Community Area Plan was intended to become part of the Parks and open space. Since the one subdivision .89 parcel fails to meet the zoning requirements, we hope that the applicant will work with the community to give something back to the land, create a conservation easement in perpetuity, and work to restore the damage done to the land as recommended in the TACP (see Attachment 2).

¹ Federated Indians of Graton Rancheria, Marin Municipal Water District, One Tam, Sierra Club Bay Chapter and Marin Group, Golden Gate National Recreation Area, National Parks Conservancy, Muir Woods National Monument, Watershed Alliance of Marin, Muir Woods Park Community Association, Muir Beach Community Service District, and Marin County Watersheds, Marin County Stormwater Pollution Prevention Program, NOAA Fisheries, California Department of Fish and Wildlife, US Fish and Wildlife Service, Dipsea Foundation, Marin Audubon and many more.

2530 San Pablo Ave., Suite I, Berkeley, CA 94702 sierraclub.org/san-francisco-bay/marin
House and property are in the center of the photo and the home is on the far ridge (dark beige). The new homes would be obvious from several views from public parklands.

We are also concerned about the unpermitted damage done to a rare vernal wetland by the building of a massive 1200 cubic yard “fire road” without BMPs being implemented. There were 120 truckloads of potentially dangerous, unknown source fill used, with the work being done in the middle of the rainy season of 2014, that shows a disregard for County ordinances and good environmental property management by this property owner. This work would have required a Section 404 Permit under the Clean Water Act\(^3\) for the engineering, which we believe would have been denied. Because of these violations, there should be, at least, compensatory mitigation required at 2:1 and restoration of the wetlands, as well as removal of the so-called “fire road” that the fire department has not deemed as safe for their trucks.

Work begun during rain without BMPs. Berm building continuation 3/20/14

\(^3\) [https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404](https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404)
We find a substantial number of errors omissions and misrepresentations in the MND (see Appendix 1), including the requisitioned Hydrology and Land Use report, the maps, and the failure to study cumulative impacts of the existing and proposed septic systems where a full EIR must be mandatory. The jurisdictional TACP EIR adopted by the county clearly defines many of these issues that the Plan hopes to mitigate, but in this case, we find these impacts potentially immittigable. We need to know that the Project truly can achieve mitigation benchmarks for approval because the MND has not made the case.

These policies (TACP) included the evaluation of environmental constraints, restricting development to the most geologically stable area(s) of a site, minimizing grading; streamside setbacks; maintaining water courses in a natural type state, limiting increased runoff, avoiding downstream flooding, preserving native trees, discouraging planting of invasive plant species, requiring analysis of presence of sensitive species, requiring drought and fire resistant landscaping, and rezoning to preserve valuable habitat. (1992 Tamalpais Area Community Plan EIR).

Over 120 neighbors attended the Tamalpais Community design review meeting in 2018 which was videotaped. The clear majority recognized the significance of the Project lands, adjacency to the State Park, with the evidence of springs and flowing creeks throughout the property. The vast majority wanted the land to be preserved in perpetuity and the Tamalpais Community Plan supports this (see Attachment 3).

The wildlife value of this parcel, given its locale, is impressive. Data on wildlife in the project area has been collected over a period of 28 years from local residents with species well identified. Some of those animals are rare and have only been seen recently such as the Ring-tailed Cat. For the full list, please see Appendix 2.

Given the number of errors and inconsistencies in the project reports and given the impressive wildlife value, watershed value, and location value of this parcel, it is incumbent on the County to require a full EIR be compiled before any more work is done at this location. Past permit violations should also be required to have full restoration done before any further work is done.

We believe there is enough evidence that the subdivision skirts so many policies and environmental regulations and land management goals of restoration planned and completed in this watershed that it should be rejected outright as undevelopable, saving the property owner any further time and cost, and considered for conservation purchase as indicated in the TACP.

Sincerely,

Judy Schriebman, Chair, Sierra Club Marin Group
CC: Christine Lehnertz, Director, GGNRA National Parks Conservancy
    Amy Meyer, co-founder GGNRA
    Laura Joss, Superintendent of GGNRA
    Supervisor Dennis Rodoni
    Supervisor Kate Sears
    Laura Chariton, WAM
    Sharon Ferrell, One Tam
    Kristin Shannon, Mount Tam Task Force
    Danita Rodriguez, District State Park Superintendent
    Alan Carleton, Chair, Sierra Club Federal Parks Committee
Appendix 1: List of MND deficiencies

UNRESOLVED ISSUES in the INITIAL STUDY and MND. The Applicant’s project description is inadequate and therefore does not provide sufficient information to reach clear findings of less than significant impacts.

TACP REQUIREMENTS AND ZONING

1. The subdivision acreage of .89 acres is a substandard sized lot for that area zoned RMP - .05 (Residential, Multiple Planned District-unit per 2 acres) minimum and is not supported as a valid size for that area in the TACP (see Attachment 4).

2. Houses on Ridge lines are also not allowed but that is the Project plan.

3. The average size of home in Muir Woods Park is around 3500 square feet and this information was not provided in the MND. This is critical to identifying compatibility with the neighborhood. A complete assessment is necessary. The Project claims two homes 7000 square feet and 4250 sq. feet and the potential for 3 ADU’s of unspecified size.

4. Imperviousness increases are significant with the addition of garages, driveways hardscaping and ADU’s. The MND fails to identify the actual amount of increased impervious surfaces if built out.

| Total Project Site Area (acres) | 8.29 Acres |
| Total New and Replaced Impervious Surface Area | 13,500 sf = 0.31 Acres |
| Total Pre-Project Impervious Surface Area | 11,664 sf = 0.27 Acres |
| Total Post-Project Impervious Surface Area | 25,164 sf = 0.58 Acres |

SEPTIC SYSTEMS

5. Both septic systems’ treatment leach fields are directly above riparian areas on steep slopes above perennial/intermittent blue line streams on the edge of and within the designated minimum Stream Conservation Areas. Should they fail, they will contribute known pollutants right into the streams. Septic systems failing are the #1 cause of pollution to the Redwood Creek watershed. (Redwood Creek Watershed Assessment 2010) ¹

6. The septic easement 469 Panoramic on the Project property was not included in the Questa Cumulative impact survey and it falls within the SCA already in violation of Environmental Health Standards.

¹ https://www.nps.gov/goga/getinvolved/upload/RCWA_FINAL.pdf Page ES-6

Several important issues with relevance to watershed planning are associated with human habitation within the watershed, including: the siting, leakage and failures of septic systems, water use, runoff and soil erosion, congestion on area roads, and introduction of non-native plants and animals. All houses within the watershed, excepting those in Muir Woods National Monument, currently operate on septic systems, and problems with overloaded or poorly sited septic fields are noted within community plans. Further development, including redevelopment to larger residences, is expected to exacerbate these problems. Similarly, increasing development, home sizes, paving of roads and driveways, and removal of native vegetation are also expected to increase water runoff and the potential for soil erosion and water pollution. Water quality monitoring conducted by NPS has occasionally found Redwood Creek bacteria levels to exceed state standards for human contact and elevated nitrogen levels. Problems with traffic congestion, particularly park visitors and people traveling through on Highway 1, are also exacerbated by full-time residents within the watershed due to the area’s narrow and winding road system.
7. Questa’s study did not take into account all the Septic systems on the property and geographic locale that would impact the creeks – a total of at least 5 systems.

8. If there are projections of two homes added and one likely expanded with three ADU’s possible, it is unspecified how the current additions of only two septic systems will be able to handle those three ADU’s. The cumulative impacts of adding 5 new homes septic hook-ups with only 2 added systems on the plans is a large issue that we did not find an answer to in the MND.

9. The property that would be 2.22 acres contains two septic system leach fields and piping that crosses the creek, in a landslide area. Another system is planned above and to the north of it without consideration for two septic systems so close together on a very steep slope. All of these septic systems, as well as the potential ADU’s, need a cumulative impact assessment. Further, the tributary that extends up toward the potential ADU’s, need a cumulative impact assessment. Further, the tributary that extends up toward the main house should be located on Figure 4-1 and it is just not shown there. This would change the amount of buildable land and ability to put in septic.

10. How large will the three ADU’s be and how will they be served by separate or combined septic systems? This needs to be identified.

Arrows point to existence of perennials creeks 1910 assessors map.

WETLANDS AND CREEKS (HYDROLOGY)

11. The Marin County Wide Plan is very clear on creek and wetland setbacks that 100 feet is a minimum. Given the slope and proximity to the creek and run-off calculations, the setbacks listed are not large enough to address these other issues.

12. The property crosses the combined ridgetop of the two watersheds but that information is not found or discussed in the Hydrology report. Impacts to both watersheds need to be considered.

13. Misleading statement in the Hydrology report that there was not a comprehensive plan to restore the Watershed, when there are several plans extant and several entities that have been working on restoration for 20 years.

14. Wetland areas on the property that are identified on the National Wetland Inventory2 and are shown in their mapping must be properly identified and protected. There can be no speculation as to their

2 MarinMap GIS data from National Wetlands Inventory
existence or a downgraded state as implied by the applicant and his consultants. These streams appear on 1910 assessor’s maps. We are requesting that these wetlands be afforded all protections under the federal government whether degraded or not. We believe that this will require wetland mitigation of 2:1 due to past property owner actions whether or not the Project goes forward.

15. Damage to hydrologic function, floodplain integrity via hyporeic feed to the creek subsurface flows and surface soil disturbance is of concern in the implementation of this Project. We are not certain that the proposed mitigation measures will result in less than significant impacts to the creek, floodplain and sensitive species and contend they are inadequate. Please refer to National Marine Fisheries Fact Sheet.\(^3\)

16. Hydrology report misrepresents the status of the streams refuted by the National Wetlands Inventory and derivative EcoAtlas, Regional Water Board data sets.

17. Recent unpermitted work on top of watercourses and wetlands needs to be addressed and remediated as a condition before further work is allowed.

18. The property straddles two watersheds and the Arroyo Corte Madera del Presidio (Mill Valley watershed is not mentioned, a serious flaw in the Hydrology report.

19. Figure 5 does not accurately reflect the streams or their classification (again see National Wetland Inventory footnote link).

20. Correspondence from the applicant trying to downgrade the streams was sent to the County.

21. Misrepresentation of watercourse status as ephemerals when they are listed as intermittent and perennial streams that are headwaters for Redwood Creek (Coho Salmon Habitat)

22. The property owner has not demonstrated responsible land management and has built and excavated without permits by bringing in 1200 cubic yards of unknown source fill onto a wetland.

23. Riparian Corridors have unpermitted trail building. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival downstream.

24. Unmaintained and unpermitted work in the County Right of Way by previous owner and current owner has resulted in flooding of neighboring properties.

25. The “fire road” has damaged the hydrology of the wetland, cutting it off from the larger area below and has essentially created an mitigable dam and watercourse alteration violation.

STORMWATER DESIGN AND CALCULATIONS

26. The inaccurate annual rainfall totals, in addition to the 100-year flood projections, can lead to local increased flooding of adjacent properties and parklands.

27. Based on the Hydrology Study, added imperviousness from .31 acres to a total of .58 acre for 25,200 feet of coverage appears to not cover the proposed ADU’s. If the additional square feet of ADUs are not included in this design calculation it must be redone and the stormwater designs enlarged.

28. High Probability that Construction BMPs will not be followed and potential for toxic spill materials is also high based on previous unpermitted work. High Probability that there will be little to no oversight by the applicant or hired company based on previous issues with the “fire road.” This will require extra vigilant monitoring during construction by the county or an independent project manager for the life of the project. Enforcement actions and violations charges should be substantial enough to be encourage compliance.

29. Future predicted extreme storm events will likely far exceed the capacity of the designed stormwater system. Flooding has already occurred across the street from the property from failure to maintain or install permitted culverts in the public right of way.

30. Increase in stormwater runoff from impermeable surfaces will decrease infiltration affecting year-round creek flows as well as increasing runoff and erosion of steep slopes.

31. Serious underestimation—by one half or more—of rainfall totals. Relying on those specific amounts on this ridgeline property is inadequate and may cause future episodes of dangerous flooding,

sedimentation to creeks, erosion and landslides. Rainfall total averages are closer to 60 inches per year. The past two seasons have had 90 inches and 75 inches, respectively. Climate change scenarios are showing increasing intensity of rain events for Marin. Higher figures should be used as the conservative estimate.

32. Any extra sediment from excavations, landslides, polluted runoff, toxic material spills, unknown toxicity of fill dirt, etc., in the watershed can have seriously detrimental effects on the downstream habitat and cause mortalities to special status federally listed species of red-legged frogs, steelhead and Coho salmon.

33. Adverse downstream impacts to water quality and flow regimes are likely due to this project during construction and afterwards.

34. The hillside stability is in question as there are 13 known historic slide areas that were not addressed.

35. Many areas that have trail and road cuts are already showing slumps and unstable soils.

36. The totality of new septic function and stormwater drainage may be based on inaccurate runoff predictions (discussed above).

FIRE THREAT, SAFETY AND WILDLAND URBAN INTERFACE

37. Adding construction traffic impacts and additional residents to a community that is already considered one of the most dangerous WUI fire zones for fire events poses a serious public safety issue to the County and its residents.

38. There is no evacuation plan for the tens of thousands of users and residents of the Redwood Creek Watershed, Muir Beach and Muir Woods Park Community.

39. Large public grant funds were used exclusively on the property for vegetation management to prevent fires. These actions have not been sustained so that invasive pyrophitic species of plants have taken over much of the property.

40. Narrow, steep and windy streets in the community make fire risk challenging to fire departments and to managing and developing effective escape routes.

CLIMATE CHANGE

41. Climate change is impacting storm events and drought on the subject property causing more weather extremes, including fiercer storms from atmospheric rivers. The area has suffered drought impacts recently as well affecting biodiversity, fire risk, plant and animal survival, surface and ground water supply. Additional impacts from construction and habitation may hasten species extinction already at risk due to past human activity.

AESTHETICS

42. Aesthetics and views are not sufficiently addressed. Homes will be placed on ridges affecting sightlines.

43. Neighboring properties will lose sense of bucolic surroundings. Where there were once two majestic one-hundred-foot-tall Doug Firs, these were replaced with a paved road expansion, road paint delineations, a huge retaining wall, hardscaping and two signs: Stop and Right Turn Only. Property work has turned a once beautiful road into an urban freeway setting.

44. The property’s development will impact the Historic Dipsea Trail vistas, wildlife corridor and use.

NOISE AND LIGHT POLLUTION

45. Noise and light pollution are not sufficiently addressed and will affect both neighbors and wildlife.

46. Impacts to the night sky that the community enjoys and are vital to the health of native wildlife have not been addressed. Dark Sky BMP principals should be embedded and followed.

BIOLOGICAL IMPACTS
47. Impacts from development and urbanization have been significant as outlined in the 2010 Redwood Creek Watershed Assessment and NOAA National Marine Fisheries Service Coho Recovery plan.

48. The Project subdivision is the opposite of what the intent of the TACP and of the community – to conserve and protect significant properties next to parks and that would otherwise lead to habitat fragmentation.

49. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival.

50. The Federal National Marine Fisheries Service NOAA recommendations have not been included in the assessment of the property though their “action items” include all of Redwood Creek Watershed.

- Encourage willing landowners to restore historical floodplains or off-channel habitats through conservation easements, etc.
- Existing areas with floodplains or off channel habitats should be protected from future urban development of any kind.
- Promote restoration projects designed to create or restore alcove, backchannel, ephemeral tributary, or seasonal pond habitats.
- Target habitat restoration and enhancement that will function between winter base flow and flood stage.
- Purchase land/conservation easements to encourage the re-establishment and/or enhancement of natural riparian communities.

51. Redwood Creek watershed and Project property are part of a world-renowned biodiversity hotspot. (see appendix for empirical evidence across the street)

52. Wildlife corridors will be blocked and unprotected, leading to extirpation of endangered species like Northern Spotted Owls from construction process and new homes, vehicles, noise in an area adversely impacting multiple historic riparian and wildlife corridors.

53. The property lies in documented Northern Spotted Owl (an endangered species) habitat. Marin County, including the Redwood Creek watershed, may support the highest known densities of northern spotted owls (NSO) in the western United States (Stralberg et al. 2008). According to the U.S. Fish and Wildlife Service, “Disturbance may reach the level of take [under the Endangered Species Act] when at least one of the following conditions is met:

- Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB).
- Project-generated sound, when added to existing ambient conditions, exceeds 90 dB.
- Human activities occur within a visual line-of-sight distance of 40 m or less from a nest.

- NSO are particularly vulnerable to sounds and lights and therefore, the use of the property and continuing construction impacts represents a significant impact that cannot be mitigated because many of the construction sounds exceed the limits of 20-25 decibels disturbance threshold. A backhoe, grader, and cement truck are 84-85 decibels.
- There is no mention of the impact from increased light pollution to NSO and other wildlife from construction as well as the impacts of light and noise pollution once the Project is completed. Since new homes will have a second story, the canopy of light that will project outward, along with sounds, will be a constant significant increase and is therefore immittigable.

54. Several large, mature heritage and protected trees have already been removed from the property (Sargent Cypress and Douglass Fir).

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HABITAT VALUES

55. This property is significant for its habitat values and should be preserved and rezoned to preserve valuable habitat. Almost every animal found in the parks area including endangered Northern Spotted Owls is found on this property.

56. Best management practices of the property have not been demonstrated over the course of the applicant’s ownership. Enforcement and regular monitoring for compliance will be required if this Project is to move forward.

57. Biological report wholly insufficient, lacking comprehensive study and local data.

58. See Biology page 19 for animals in the area.

59. There are many invasive plants on the property that have been allowed to proliferate under the applicant obliterating vegetation management work done previously.

60. Large native trees have been removed.

CULTURAL RESOURCES

61. It is highly likely cultural resources have not been vetted properly since we cannot find a report, and a full EIR is needed to inform Project impacts. (Tribal Notification SB 18, AB 52 and CEQA code § 21080.3.1. (a)

62. Noise, light, water and air pollution increases will occur and not been mitigated sufficiently. There are sensitive receptors to light, sound and fumes next door and therefore, the Project which likely will go on for several years is immitigable.

SURROUNDING COMMUNITY CHARACTER

63. The Project is out of context with the surrounding land use and community.

64. The Project homes are twice the size of the average size homes in the Muir Woods Park area.

65. The buildings will be on top of the ridge, which violates the TACP.

66. The property owner has misrepresented the Fire Department; Fire Chief Jason Weber has refuted his claim.

INTENT OF THE TACP

67. The majority of the community and the TACP believe the lands should be preserved and the MND does not contain an opportunity for the community to be heard and consider options. This was expressed at the Tam Design Review committee where over 120 residents participated and most expressed they were against the land being divided up and thought it should be put into conservation.

68. Project pictures do not show the existing car garage that likely has a residential unit on it.

69. The previous owner of the property did ½ million dollar’s worth of unpermitted remodeling on the property. There needs to be an investigation of the garage to see if there is a living space there. The Project would violate several TACP policies that are immitigable.

70. But another parcel of about 1.86 acres is owned by the same applicant and is immediately adjacent to Mt. Tam State Parks.⁶

71. There are multiple conflicts with the Project listed below and several aspects of the TACP policies are not fulfilled by this Project:

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⁶ The neighborhood's narrow, twisting streets on steep slopes lack sufficient width for emergency vehicle access, existing resident parking, and cannot safely accommodate a large increase in residential traffic trips. The neighborhood's steep slopes and geologically unstable building sites could pose serious landslide and safety hazards if developed improperly. Drainage systems often affect adjacent parcels, requiring neighbors to work together to jointly maintain improvements. (TACP)
- LU1.1 a LU1.4 b Ridgeline protections prohibit construction within 100 feet of the ridge.
- LU1.1b Design dwellings so the rooftop is below the ridgeline.
- LU 2 Establish densities with environmental constraints.
- LU2.1e Design review shall be required as a condition of tentative map approval.
- LU3.2b Development shall be consistent with the community plan.
- LU 4.1a Meet with property owners to encourage lot mergers.
- LU8 Preserve archeological and cultural resources.
- LU 8.1 and LU8.2 Encourage protection of resources.
- LU 11.1a, 2b Implement existing Countywide Plan policies for stream setbacks to protect stream corridors and banks.
- LU11.2a Identify damaged reaches of streams and target for restoration or stabilization in conjunction with permits for new construction or alteration.
- LU 11.2b Retain unimproved water courses so that they are natural appearing. Discourage underground drainage.
- LU13.2b Protect acquisition of undeveloped lands with open space significance.
- LU 13.2c The Design Review process will be sued to identify the vegetation and wildlife habitat of a site.
- LU 14.1a-1d Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space District, Acquisition of parcels with local open space significance should be pursued. Portions of sites that contain open space resources shall be considered for preservation by clustering development.
- LU14.1d Identify parcels in this area which may be appropriate for acquisition as open space.
- LU 15 To protect wildlife trails through private property for access to water and food sources.
- LU 15.1a Any identified wildlife trails should be protected as part of Design Review approval.
- LU 16.1a May require the submission of geotechnical a hydrologic report to assess risk.
- LU.15.1 Wildlife Corridors: Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.
- LU15.1a Programs: The County and TDRB, as part of Design Review, if appropriate, will request that an applicant provide information on the value of the Project site as a wildlife trail or corridor. Any identified wildlife trails or corridors should be protected as part of a Design Review approval.

**IMPORTANT WATERSHED BASED STUDIES NOT INCLUDED IN MND**

1. Redwood Creek Watershed Assessment; 2011, Stillwater Sciences 7 covers the entire watershed.

2. Pacific Watershed Associates – 2002 Erosion Control Study for Redwood Creek Watershed. The Project area of 8.29 acres is about 1/4 of the sub-watershed Camino Del Canon. With the other park adjacent property, it is about 1/3 of the sub-watershed that is part of the Redwood Creek watershed. Because the Redwood Creek Watershed is only about 7.5 square miles with steep walls draining down quickly, any uphill, upstream impacts and development can be significant. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival. This precipitated a comprehensive study by Pacific Watershed Associates in 2002 requisitioned by several agencies including State and National Parks, Marin County, Muir Beach CSD and Marin Municipal Water District of all the major erosion sites in the entire watershed. 8 This property and almost all of Panoramic Hwy were part of this study.

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7 [https://www.nps.gov/goga/getinvolved/upload/RCWA_FINAL.pdf](https://www.nps.gov/goga/getinvolved/upload/RCWA_FINAL.pdf) Page ES-6
Appendix 2: List of Known Species in the Project Area

Many of these species listed come from reliable sightings at 446 Panoramic Highway, which is part of the wildlife corridor of the project area. There is no way a short, even the most expert, biological survey can possibly match the long term viewing of credible witnesses.

Fifty-five to Sixty species of birds:
Great Horned Owls, Endangered Northern Spotted Owls (hunt training), Red shouldered Hawk (nest), Merlin, Sharp-Shinned Hawk, Turkey Vulture, Varied Thrush, Robin, Oak Titmouse, Brown Creeper, Winter Wren, Bewick’s Wren, Dark–Eyed Junco (nest), House Finch (nest), Purple Finch (nest), Anna’s Hummingbird (nest), Allen’s Hummingbird (nest), Rufous Hummingbird, Violet Green Swallow (nest), Tree Swallow, Band Tailed Pigeon, California Quail (nest), Chestnut Backed Chickadee (nest), Lesser Goldfinch, American Goldfinch, Downy Woodpecker (nest), Acorn Woodpecker, Hairy Woodpecker (nest), Red Breasted Sapsucker, Nutall’s Woodpecker, Northern Flicker, Red-Naped Sapsucker, Western Wood Peewee, Willow fly- catcher, Pygmy Nuthatch, Gold-Crowned Sparrow, White Crowned Sparrow, Cedar Waxwings, Crow (nest), Raven, Stellar Jay (nest), Scrub Jay (nest), Spotted Towhee (nest), California Brown Towhee (nest), Wilsons Warbler (nest), Townsend Warbler (nest), Pine Siskin, Swainson’s hawk, Black Phoebe, Bushtit, Brown Creeper, Swainson’s Thrush, Hermit Thrush, Black-Headed Grosbeak (nest), Western Tanager, Fox Sparrow. There are several other species that have not been positively identified in the Sparrow, Fly and Gnat Catcher, and Finch families.

Species of birds identified flying over or in the immediate area:
Western Bluebirds (nesting), Bald Eagle, Golden Eagle, Northern Harrier, Red Shouldered Hawk, Osprey, American Kestrel, Pileated Woodpecker, Ruby Crowned Kinglet.

Mammals:
Gray Fox, Ring-Tailed Cat (3 documented sightings Oct. 2019), Dusky Footed Wood Rat (8 nests at 446 Panoramic Hwy. main food source for the NSO), Bobcat, Red Squirrels, Grey Squirrels, Marin Chipmunk, Coyote, Black Tail Deer, Opossum, Striped Skunk, Raccoon, Deer Mouse, Gray Fox, Vole, Mole, Gopher, three unidentified species of bats (4 bat houses on the home).

Amphibians:
Pacific giant salamander, California Slender Salamander, California Newt

Reptiles:
Garter Snake, Green Grass Snake, Alligator Lizard, Gopher Snake, Western Diamond Back Rattlesnake, Western Fence Lizard

Butterflies and Moths:
Endangered Monarch Butterfly, California Sister Butterfly, Pale Swallowtail, Anise Swallowtail, numerous unidentified Hairstreaks, Crescent and Fritillary, Buckeye, Red Admiral, California Tortoiseshell, Lorquin’s Admiral, numerous Skippers and Duskywings.

Butterflies and Moths sighting in recent years:
5 kinds of butterflies including Monarchs, Red Admiral, Painted Lady and California Tortoiseshell have rested Eucalyptus trees across the street. A massive multi-day Painted Lady migration coming from Muir Woods area has flown over 455 and 446 Panoramic the past 3 years.
Property’s proximity to State Parks and connecting parcel owned by Weissman.

Marinmap.org - Property owned by applicant separating Project from Mt. Tam State Park Turquoise. Property for subdivision in Yellow.
Attachment 2
Tamalpais Community Plan excerpts

SUBJECT PROPERTY IN THE TACP RECOMMENDED FOR CONSERVATION
The Project property is listed in the TACP.9
Tamalpais Community Plan, 1992, Page III-29
Muir Woods Park (Figure 12)

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development.

Page III-53 LU14.1d Planning staff should work with the State Parks, National Park Service and representatives from the Muir Woods Park neighborhood to identify parcels in this area which may be appropriate for acquisition as open space.

Tamalpais Community Plan, 1992, Page III-69 and Page III-70
LU31.1b The County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mount Tamalpais State Park, Muir Woods National Monument and the lands of MMWD. Some of these areas are shown in Figure 12. In the event acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park.

Attachment 3
Tamalpais Community Plan excerpts

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development. Tam Plan. 1992.

LU14.1d Planning staff should work with the State Parks, National Park Service, and representatives from the Muir Woods Park neighborhood to identify parcels in this area which may be appropriate for acquisition as open space.

ISSUE: Protection and Enhancement of Existing Open Space Areas

Objective LU.31:
To protect the significant local and regional open space values of the Muir Woods Park area. Many desired open space areas may be able to be pursued through clustering of development off of important open space lands and visual resource areas, and securing these lands through conservation easements.

LU31.1b The County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mount Tamalpais State Park, Muir Woods National Monument and the lands of MMWD. Some of these areas are shown in Figure 12. In the event acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park and water district lands. The County Planning Department should identify and map the parcels contiguous to park lands.

TACP LU31.1a APN 46-161-10 totals ten acres on the south side of Panoramic with an average slope exceeding 40 percent. Given septic tank regulations a maximum of five units is possible. The community desires this site to remain open in appearance. The most buildable part of the site is on the ridge which is contrary to community policy for development. The steep slopes and the particular drainage pattern of the area below the ridge will make it difficult to get many dwellings on the site.
Environmental Constraints of the Property: Stream conservation area, septic systems, creeks and wetland conservation area (damaged) Lot 2 (substandard)
Letter Q. Judy Schriebman, Sierra Club Marin Group

Q-1 This comment is introductory and requires no response.

Q-2 The potential for the Project to impact scenic vistas, including from nearby parklands, is considered in Initial Study Section IV.1, Aesthetics, and found to be less than significant. The Watershed Alliance of Marin letter referred to in the comment is Letter W.

Q-3 The commenter’s opposition to the Project is noted. Impacts of the proposed Project on the issue areas recited by the commenter are all examined in the Initial Study and found to be less than significant, or less than significant with the imposition of specified mitigation measures.

Q-4 Please see Master Responses 2 and 8.

Q-5 Please see Master Response 5.

Q-6 Regarding the biological significance and sensitivity of the Redwood Creek watershed, please see Master Response 2. The Initial Study considers potential impacts of the Project on scenic views from The Dipsea Trail (Section IV.1, Aesthetics) and on recreation (Section IV.16, Recreation), and finds that the Project would not have a significant impact on either. Nothing in the comment provides any evidence that the Project would have a significant impact on recreational use of the Dipsea Trail or Muir Woods National Monument.

Q-7 As described in the Initial Study, all surface runoff, as well as shallow subsurface flows from the Project site and surrounding sub-watershed area, drains to the two unnamed tributaries on the Project site and then downstream approximately 0.8 miles to the confluence with Redwood Creek and then to the Pacific Ocean at Muir Beach, 4 miles farther downstream (Initial Study, p.98). Although a portion of the northern most section of the Project site is located within the boundaries of the Arroyo Corte Madera del Presidio watershed, no part of the Project site drains to Arroyo Corte Madera del Presidio Creek, Old Mill Creek or to other surface waters in Arroyo Corte Madera del Presidio watershed. While a small portion of the Project site near the main driveway may have historically drained east towards Mill Valley and into Arroyo Corte Madera del Presidio watershed, Panoramic Highway has hydrologically isolated all portions of the Project site from that watershed under existing conditions. Under existing conditions, as described in Initial Study Section IV.10, Hydrology and Water Quality, and in the hydrologic and hydraulic study prepared for the proposed Project (Section 4.3, Ziegler Civil Engineering, 2018a), the watershed boundaries have changed as a result of the construction of Panoramic Highway; Panoramic Highway intercepts flows from the driveway portion of the Project site that drains toward Arroyo Corte Madera del Presidio. Flows intercepted by Panoramic Highway are concentrated
in the roadside ditch bounding the southern roadside edge and conveyed downslope past the Fire Road entrance and into the unnamed drainage tributary to Redwood Creek (see Master Response 4 for additional discussion of drainage patterns associated with the Fire Road). Proposed changes to the main driveway entrance to the Project site are assessed in the Initial Study, including in Section IV.10. Any prior conditions related to runoff from the main driveway entrance or past modifications of the main driveway, are not part of the Project.

Q-8 The commenter does not say in what way the Project Description is "inadequate." Merely saying that it is inadequate without providing any examples or evidence of its inadequacy does not make it so. On the contrary, Initial Study Section II, Project Description provides a complete, accurate, and finite description of the proposed Project, and is fully in compliance with the CEQA statute and Guidelines.

Q-9 Please see Master Response 10.

Q-10 Consistency of the proposed Project with the Countywide Plan and Tamalpais Area Community Plan are examined in Initial Study Section IV.11, Land Use and Planning. Please see also Master Response 6. Regarding potential impacts on the Redwood Creek watershed, please see Master Response 2.

Q-11 The Project site is a privately held legal lot of record. There is no record that any of the named agencies or organizations has a legal or financial interest in the Project site. The Initial Study examines the potential for the Project to impact water quality, aquatic habitat, and aquatic resources downstream in Redwood Creek, including salmon and steelhead, and finds that the Project would not have a significant impact on these resources; see Master Response 2. Regarding distribution of the Initial Study, please see the response to comments A-2 and A-3.

As discussed in Initial Study Section IV.18, Tribal Cultural Resources, the County contacted interested Native American Tribes regarding any concerns or information about cultural resources that could be affected by the Project. The County complied with all notification and circulation requirements for an initial study/mitigated negative declaration. The period for public comment was extended for two weeks beyond the mandatory 30 days. No other comments, other than those contained in this document, were received.

Q-12 The Initial Study considers the potential for the Project to result in significant effects regarding noise (Section IV.13, Noise) and light pollution (Section IV.1, Aesthetics, topic d), and concludes that such effects, including effects on nearby neighbors, would be less than significant. Regarding the size of any future houses, please see the response to comment Q-27.
Q-13 Regarding potential impacts on downstream water quality and habitat, please see Master Response 2. The potential for the Project to cause or exacerbate flooding is considered in Initial Study Section IV.10, Hydrology and Water Quality, topics c.ii and c.iv, and found to be less than significant. The commenter provides no evidence of the potential for the Project to cause flooding.

Q-14 The Initial Study (Section IV.1, Aesthetics) considers the potential for the Project to result in significant effects on scenic vistas and scenic quality, and finds that such impacts would be less than significant. The commenter provides no evidence of a potential impact on scenic resources or scenic vistas.

Q-15 The Initial Study examines the Project’s impacts on the climate, and finds that such impacts would be less than significant (Section IV.8, Greenhouse Gas Emissions). The Initial Study also examines the potential for the Project to impact special-status species (Section IV.4, Biological Resources) and finds that, with mitigation, such impacts would be less than significant. The commenter provides no evidence to the contrary. In Section IV.21, Mandatory Findings of Significance, the Initial Study considers whether the Project would cause or contribute to extinction of any plant or animal species, and finds that it would not. Again, the commenter provides no evidence to the contrary.

Q-16 Figure 12 in the Tamalpais Area Community Plan (TACP) appears to include the subject property; however, it is unclear if it is being identified as an Open Space Opportunity Area. Further, according to the Marin County Assessor’s Office, the Project site was developed in 1981 and therefore was not undeveloped open space in 1992 when the TACP was adopted. The commenter’s suggestion that the Applicant create a conservation easement is not a legal or regulatory requirement, nor is it necessary to mitigate any of the significant impacts identified for the Project in the Initial Study; please see Master Response 9. Regarding the consistency of the proposed .89-acre parcel with site zoning, please see the response to comment Q-25.

Q-17 The commenter does not provide the location from which this photo was taken, or whether it is from a public viewpoint. Given the angle from which it was taken, it appears to be from private property on Ridge Ave. Generally, impacts on private views are not considered significant under CEQA. The photo shows the typical character of the Project site, as described in the Initial Study Project Description and in Section IV.1, Aesthetics. As shown in this photo (as is also shown in Figures 1-2 and 1-3 in the Initial Study) the area around the Project site is characterized by low-density residential development in a hilly, wooded setting. Several existing large houses and other buildings are visible in the photo, including the existing residence and garage within the Project site and neighboring houses. This photograph does not provide evidence that the addition of two residences to the Project site would have an adverse effect on public views, damage scenic resources, or substantially degrade the scenic character.
or quality of the Project site, and so does not provide evidence that the Project would cause a significant impact of this kind.

Q-18 Please see Master Responses 3 and 4. The Initial Study does not rely on unsubstantiated representations of the Fire Department’s considerations of the Fire Road in reaching significance conclusions. Initial Study Section IV.17, Transportation, topic d, considers whether the Project would result in inadequate emergency access, and concludes that the proposed improvements to the existing driveway used to access the existing residence would be adequate to provide emergency access.

Q-19 Regarding alleged errors, omissions and misrepresentations detailed in Appendix 1 to this comment letter, please see the responses to comments Q-25 through Q-99. As shown in those responses, the commenter provides no evidence to support these allegations. Regarding cumulative impacts of the proposed septic systems, please see Master Response 7. All potentially significant impacts of the Project identified in the Initial Study are shown to be mitigable to less than significant with specified mitigation measures, and an EIR is therefore not required; please see Master Response 10. Regarding the TACP EIR, please see Master Response 6.

Q-20 Please see Master Response 6.

Q-21 There is no response needed to the portion of the comment that addresses the merits of the Project. Surface waters on the Project site, including the two streams that run through the property, are described in Initial Study Section IV.10, Hydrology and Water Quality; see also Master Response 8. No springs have been identified on the Project site. Please see Master Response 4. The Project site is not adjacent to any parkland. As described in the Project Description, the Project site is zoned for low-density residential development, not open space.

Q-22 Please see Master Response 1.

Q-23 Please see Master Response 10.

Q-24 As demonstrated in the preceding responses, the commenter has not provided any evidence of significant impacts of the Project.

Q-25 The RMP-0.5 zoning district has an established density of 1 unit per 2 acres. However, the RMP-0.5 zoning district does not establish a minimum lot size, rather it establishes a density standard. The Project site is currently one 8.29-acre parcel, which could support a maximum density of 4 units. The proposed Project could result in the future development of three single-family residences (including the existing residence), which is below the allowed maximum density for the Project site. At 0.89 acres, Lot 2 could not be further subdivided under existing zoning regulations.
Q-26 The TACP identifies undeveloped ridges and upland greenbelts as important scenic resources. TACP Goal 5 states that new development in the Planning Area’s hillside, ridge, and shoreline areas will be regulated to protect the natural beauty of the area. TACP Policy LU 1.1 states that land use decisions should take into consideration the protection and preservation of the area’s hillsides, ridgelines, and other unique habitats. There are no policies in the TACP that prohibit ridgeline development.

As discussed in Initial Study Section IV.1, Aesthetics, the Marin Countywide Plan primarily provides for the protection of scenic resources through the application of the Ridge and Upland Greenbelt (RUG) designation. The Countywide Plan both maps designated RUG areas and includes policies that restrict development near or on these ridgelines, requiring development to be in the least visually prominent areas possible. Figure 1-1 in the Initial Study shows designated RUG areas in proximity to the Project site and determines that the Project site is not designated as RUG. There is designated RUG adjacent to the Project site to the south. The Project is therefore consistent with ridgeline protection policies contained in the Countywide Plan. See Initial Study Section IV.1, Aesthetics, Section IV.11, Land Use and Planning, and Master Response 6 for additional discussion on ridgeline development and the Project’s potential for conflicts with TACP policies.

Q-27 The Project does not propose development within the Project site. Future development would require Design Review. Neighborhood compatibility would be determined through the Design Review process and would include review of the average home sizes in the Project area. The Initial Study identifies the maximum adjusted floor area permitted for development of a new residence proposed on a vacant lot. On lots that exceed a 25% average slope and requiring Design Review, the maximum adjusted floor area permitted is limited to the lesser of 7,000 square feet or the adjusted floor area ratio as shown in Appendix B of the Tamalpais Area Community Plan. ADUs and their sizes are regulated by state law.

Q-28 Please see response to comment Q-54.

Q-29 Please see Master Response 7.

Q-29a Please see Master Response 7.

Q-30 The existing leachfield easement for the residential septic system at 469 Panoramic Highway (APN 046-151-37), which is currently located on proposed lot 1 of the Project site, is an existing feature and is part of the CEQA baseline condition for the Proposed Project. Regarding cumulative septic system impacts, please see Master Response 7.
Q-31 There is one septic system and leachfield serving the existing residence on the Project site, which is designed to support a 5-bedroom house at 525 gallons per day. Lot 1 also contains a leachfield easement that supports an existing 1-bedroom, pressure-dosed sand trench leachfield. The Applicant’s septic analysis identified the existing systems and provided design details for two alternative pressure dosed systems on lots 2 and 3, for a total of 4 systems. Given the geologic materials, septic /leachfield design and proposed capacity, the potential for the leachfields to adversely impact Redwood Creek is considered less than significant, as discussed further in Master Response 7.

Q-32 The septic/leachfield system for the existing residence and the two proposed systems for proposed lots 2 and 3 are all designed to serve 5 bedroom homes with a conservative estimate of 500 gpd for the long-term wastewater flow for each system (Questa, 2019). Any future development of ADUs would be subject to County permitting, including requirements to demonstrate adequate septic system capacity.

Q-33 Please see the responses to comment W-74.

Q-34 There is no current application for development of ADUs on the Project site. The Project would allow for construction of one residence and one ADU on each of the proposed three lots, consistent with the zoning of the site; an ADU is already allowable for the existing parcel. Please see the response to comment Q-32.

Q-35 Please see Master Response 8.

Q-36 Please see Master Response 8.

Q-37 Please see the response to comment Q-7.

Q-38 Information that may be contained in the Applicant’s commissioned Hydrology Report regarding restoration efforts in the Redwood Creek watershed are not relied upon in the Initial Study to support any impact conclusions, as they do not contribute to the consideration of Project impacts. This comment is therefore not relevant.

Q-39 For comments related to historic maps showing surface water features on the Project site and data related to surface water feature classifications incorporated into the analysis of impacts, including consistency with the USGS National Hydrography Dataset (NHD) and National Wetland Inventory (NWI) please refer to Master Response 8. For comments related to placement of fill

during past actions and the location of surface water features, please refer to Master Responses 3 and 4.

Q-40 Initial Study Section IV.10, Hydrology and Water Quality, presents a detailed assessment of potential impacts to surface water features, wetlands, groundwater, and drainage courses, including floodplain, riparian, and other sensitive aquatic features, from implementation of the Project. The assessment of impacts includes detailed analysis of water quality impacts from soil disturbance, pre- and post-Project hydrologic conditions, including creek flows, and alterations to groundwater dynamics from impervious surfaces. As detailed in Section IV.10, impacts to water resources would be less than significant. Additionally, Initial Study Section IV.4, Biological Resources, presents a detailed analysis of potential impacts to aquatic habitat on- and off-site from implementation of the Project. Please see also Master Responses 3 and 4. Regarding consistency of the Project with efforts to restore the salmonid fishery in Redwood Creek, please see the response to comment Q-74.

Q-41 For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to the Fire Road grading, please see Master Response 4.

Q-42 Please see the response to comment Q-7.

Q-43 Initial Study Figure 5 (page 8 of the Initial Study) summarizes the Project location and the size of the associated property parcel in the context of surrounding parcel sizes. Figure 5 is not intended to represent surface water features associated with the Project site or stream classifications. Figure 4-1 (Initial Study page 41) summarizes surface water features relevant to the proposed Project. For additional discussion, please refer to Master Response 8, and the response to comment Q-39.

Q-44 Please see Master Response 8.

Q-45 Please see Master Response 8.

Q-46 Please see Master Response 4.

Q-47 Water quality impacts associated with implementation of the Project are comprehensively assessed in Initial Study Section IV.10, Hydrology and Water Quality. No work is proposed within the SCA 100-foot setback development buffer areas. Impacts of existing riparian trails, including use and maintenance, are not assessed in the Initial Study, as they are a baseline condition, not part of the proposed Project.

Q-48 Please see the response to comment Q-7.
Q-49  Please see Master Response 4.

Q-50  Please see Master Response 11.

Q-51  The stated figures for impervious areas include the potential for future development of the site. As there is no development proposal at this time, the estimated amount of impervious surface was based on allowable development within the building envelopes identified on the Tentative Parcel Map. Compliance with Marin County stormwater standards and requirements would be verified through both the Design Review and building permit process. Potential increases in impervious surfaces would be addressed at the time a development application is submitted.

Q-52  Stormwater and other pollution prevention requirements are enforced through the application for and inspections pursuant to a building permit, grading permit, or other County permits. The County is responsible for ensuring compliance with these requirements and for taking enforcement action when necessary. The County’s oversight and enforcement authorities and responsibilities are deemed sufficient to ensure that regulatory requirements and permit conditions are implemented. In its environmental reviews, Marin County assumes a project’s compliance with applicable laws and regulations.

Q-53  Please see Master Response 11. See also the response to comment Q-7.

Q-54  Initial Study Section IV.10, Hydrology and Water Quality, presents a detailed assessment of potential impacts related to proposed increases in impervious surfaces. As discussed in detail in the Initial Study (page 103), loss of watershed stormwater storage from the addition of impervious surfaces can be a primary impact of development because it can decrease rainfall infiltration into soils and increase runoff flow rates and volumes. Increased runoff can erode slopes and surface water channels as well as the transport of sediment and other pollutants downgradient. Additionally, increased peak stormwater discharges can overwhelm stormwater conveyance systems and cause flooding on-site or downgradient. The addition of 0.31 acre of impervious surfaces would not reduce local groundwater recharge or subsurface flows, would not result in substantially altered drainage patterns, and because post-Project hydrology would not be altered from the pre-Project condition, would not increase the potential for erosion on steep slopes. Consequently, the Initial Study concludes that impacts related to the addition of impervious surfaces would be less than significant.

Q-55  Please see Master Response 11.

Q-56  Initial Study Section IV.10, Hydrology and Water Quality, presents a detailed assessment of potential impacts related to water quality (Topic a, Initial Study page 98) both during and following construction of the proposed Project. Compliance with the requirements of the Construction General Permit (CGP) and
associated Storm Water Pollution Prevention Plan (SWPPP), and the construction and post-construction requirements of MCSTOPPP, including application of Bay Area Stormwater Management Agencies Association (BASMAA) design guidelines, as well as implementation of associated BMPs and pollutant source controls, would prevent the discharge of pollutants to surface waters and groundwater and minimize or eliminate the potential for degradation of surface water quality, including aquatic habitat on-site or downgradient in the Redwood Creek watershed, or groundwater quality as a result of Project implementation; impacts would be less than significant (Initial Study page 100). Regarding potential for fill to contain contaminants, please refer to Master Response 4.

Q-57 Regarding potential impacts to water quality during and following construction, please see the response to comment Q-56: Impacts related to surface water hydrology, including as a result of hydromodification and altered drainage patterns associated with implementation of the Project, are comprehensively assessed in Initial Study Section IV.10, Hydrology and Water Quality, Topic c, (Initial Study page 102); post-Project hydrology would not be altered from the pre-Project condition and flow regimes on-site and downgradient would not be adversely affected.

Q-58 Initial Study Section IV.7, Geology and Soils, topic a.iv, adequately addresses hillslope stability and landslides; see pages 78-80. The Initial Study concludes that, based on review of the available studies and published landslide mapping, impacts associated with slope failure and landslides would be less than significant.

Q-59 Existing slumps, old landslides, and unstable slopes on the Project site and the impact of these features on the proposed Project are discussed in the Initial Study (pages 78-80).

Q-60 The cumulative septic impact assessment commissioned by the Applicant, in conformance with the Marin County Alternative Septic Systems Regulations, Section 807, used in its water balance analysis the total average annual precipitation of 37.59 inches based on the average monthly precipitation for Mill Valley as obtained from the Department of Water Resources/National Weather Service44 (Questa, 2018). That stated average was considered an appropriate annual rainfall total for the purposes of the analysis. No other runoff data was applied to calculations regarding septic function. Regarding stormwater system design, please see Master Response 11.

44 Questa Engineering Corporation (Questa), 2019. Letter to Gwen Baert and Rebecca Ng, Marin County Environmental Health Services Division from Paul Pospisil regarding 455 Panoramic Highway, Mill Valley. November 1, 2019
Q-61 Please see the response to comment H-5. Because construction traffic would be of limited duration and quantity, as described in Initial Study Section IV.17, Transportation, it would not be expected to substantially worsen the existing situation of limited evacuation routes from the area of the Project site.

Q-62 The commenter describes an existing condition, not one that would be caused by the proposed Project. Please see the response to comment H-5.

Q-63 Past fuels management on the Project site is not part of the proposed Project and was therefore not considered in the Initial Study. The Initial Study identifies a significant impact of the Project regarding presence and potential spread of invasive plant species (Section IV.4, Biological Resources, topic e), and specifies mitigation measures to manage invasive plants (Mitigation Measure BIO-4). The discussion of this impact also notes that the Project is subject to the requirements of the Marin County Fire Code, which requires developments within the WUI to prepare and implement a Vegetation Management Plan (VMP) consistent with Marin County Fire Standard 220. The VMP must include a fire hazard risk assessment, plan for creation and maintenance of defensible space, and specify the species and spacing of landscape plants. Standard 220 includes a list of prohibited, highly flammable plants that includes many common invasive species. Adherence to the requirements for a VMP, together with the measures specified in Mitigation Measure BIO-4, would reduce to less than significant the impacts associated with presence, potential spread, and fire risk of invasive plant species, as stated in the Initial Study.

Q-64 Please see the response to comment H-5.

Q-65 Please see the response to comment Q-15. See also Master Response 1.

Q-66 Please see response to comment Q-14.

Q-67 Past actions (other than grading of the Fire Road) are not considered a part of the Project. Impacts on native trees associated with future development are considered in Initial Study Section IV.4, Biological Resources, item e (page 63). Mitigation Measure BIO-3 is specified to provide additional protections to native trees. With this mitigation measure, the impact on native trees is found to be less than significant.

Regarding the portion of the comment that alleges that the Project would alter the character of the neighborhood, affecting its “bucolic surroundings,” it is noted that the Project would be consistent with the current site zoning; that the Project site is already developed, and that there is very limited visibility of the Project site from public vantage points in the surrounding areas. Therefore, the Project would not be expected to alter the character of the neighborhood. This issue will, however, be further examined during Design Review if the Project is approved and a future application is made for site development.
Q-68 Please see the response to comment Q-6. See also Master Responses 1 and 2.

Q-69 Please see the response to comment Q-12.

Q-70 The effects of light pollution from future development, including effects on the night sky, are considered in Initial Study Section IV.1, Aesthetics, item d (page 26), and found to be less than significant. Outdoor lighting will be further examined during Design Review, if the Project is approved and a future application is made for site development. The commenter does not provide any substantive evidence that the Project could result in impacts to the night sky. Regarding potential impacts of the Project on wildlife, please see Master Response 1. Because future development would be restricted to those areas of the Project site that are already developed, additional lights would not be expected to have a substantial impact on wildlife.

Q-71 The comment describes current (or past) conditions in the area, not the impacts of the Project.

Q-72 The proposed subdivision and potential future residential development of the Project site are consistent with the existing zoning, which in turn is consistent with the Countywide Plan’s land use designation for the Project site. Regarding habitat fragmentation, please see the discussion in Initial Study Section IV.4, Biological Resources, topic d (page 60), which concludes that the Project would not result in habitat fragmentation or impairment of the movement of fish or wildlife. Please see also Master Responses 1 and 6. The Project is not adjacent to any park.

Q-73 The comment appears to describe past actions, not the potential effects of the proposed Project. Regarding the potential for the Project to impact downstream resources, please see Master Response 2.

Q-74 Regarding the potential for the Project to impact downstream fisheries, please see Master Response 2. Through the establishment of the proposed SCAs, the proposed Project is consistent with the relevant NOAA Fisheries recommendations for action items associated with the recovery plan for Central California Coho salmon. The SCAs ensure no development occurs within 100 feet of the unnamed drainages on the Project site, protecting stream channels, riparian vegetation, and associated aquatic habitat, from future development. For additional discussion of SCAs and the protection of natural water features relevant to the proposed Project, please see Master Response 8.

Q-75 Please see Master Responses 1 and 2. Appendix 2 to this comment letter is designated comment Q-96. Please see the response to that comment.

Q-76 Regarding the potential for the Project to impair the movement of wildlife or to result in habitat fragmentation, please see the response to comment Q-72.
Regarding potential impacts on northern spotted owl, please see Master Response 1.

Q-77  Please see Master Response 1.

Q-78  Please see the response to comment Q-67.

Q-79  Please see Master Response 1. The commenter provides no evidence that northern spotted owl are found within the Project site.

Q-80  Existing laws and regulations enacted to protect the environment, additional mitigation measures specified in the Initial Study, and the County’s and other agencies’ permitting, oversight, and enforcement responsibilities, are considered sufficient to ensure that future actions associated with the Project, if it is approved, would not result in a significant impact on the environment.

Q-81  It is unclear, but the commenter may be referring to the Applicant’s biological resources report, prepared by LSA (LSA, 2018). The Biological Resources section of the Initial Study (Section IV.4) fully meets or exceeds the requirements of CEQA, and the standards of practice for an initial study. The preparers of the Initial Study section drew from the Applicant’s studies, but confirmed their findings through independent database searches, site reconnaissance, and literature review.

Q-82  Please see the response to comment Q-63.

Q-83  Please see the response to comment Q-67.

Q-84  As discussed in Initial Study Section IV.18, Tribal Cultural Resources, the County contacted interested Native American Tribes regarding any concerns or information about Tribal cultural resources that could be affected by the Project, in compliance with the requirements of AB 52. Two Tribes were contacted and neither responded. As there is no information regarding, nor evidence of, Tribal cultural resources within or nearby the Project site, the Initial Study concludes that the Project would not have an impact on such resources. The analysis in Initial Study Section IV.5, Cultural Resources, is based on an Archeological Resources Study for the Project site conducted by the Anthropological Studies Center at Sonoma State University, and commissioned by the Applicant, as described on Initial Study pages 69-70. Because they may contain sensitive information, archeological studies are usually kept confidential by the County, as is the case with this one. The study was used as the basis for the cultural resources impact analysis in Initial Study Section IV.5, which finds that the Project would have a less than significant impact on cultural resources. The commenter provides no evidence that the Project would have a significant impact on cultural resources or Tribal cultural resources.
Q-85 The Initial Study considers the potential for Project construction and operation to result in significant effects regarding noise (Section IV.13, Noise), and light pollution (Section IV.1, Aesthetics) and concludes that such effects, including effects on nearby neighbors, would be less than significant. Air quality impacts (Section IV.3, Air Quality) would be less than significant with mitigation. The commenter has provided no evidence to support their assertion that these impacts would be significant and unavoidable.

Q-86 As noted in the response to comment Q-72, The proposed subdivision and potential future low-density residential development of the Project site are consistent with the existing zoning, which in turn is consistent with the Countywide Plan’s land use designation for the site. Please see also the response to comment Q-67.

Q-87 Please see the response to comment Q-27.

Q-88 Please see the response to comment Q-26.

Q-89 Please see the response to comment Q-18.

Q-90 This comment addresses the merits of the Project, not the environmental analysis.

Q-91 The photos included in the Project Description in the Initial Study (Figures 3 and 4) adequately characterize the Project Site. Figure Q-1 shows the existing garage. Current use of this structure is not relevant to the environmental analysis.
Q-92 Past work on the property, including remodeling of the existing garage, is not part of the Project. Regarding consistency with TACP policies, please see Master Response 6.

Q-93 Please see Master Response 5.

Q-93a This comment describes existing conditions in the neighborhood within which the Project site is located, and does not comment on the environmental analysis of the Project. As described in Initial Study Section IV.17, Transportation, the Project would not result in a large increase in vehicle trips. As also described in that section (topic d), with the proposed improvements to the existing site driveway and intersection with Panoramic Highway, there would be adequate emergency access to the Project site. Potential impacts related to slope stability are examined in Initial Study Section IV.7, Geology and Soils, and found to be less than significant. Potential impacts of proposed drainage systems are examined in Initial Study Section IV.10, Hydrology and Water Quality, and found to be less than significant.

Q-94 Please see Master Response 6. While the commenter alleges that the Project would conflict with several TACP policies, the comment does not identify how the Project may conflict with the policies, and provides no substantial evidence of such a conflict.

Q-95 The information presented in the Initial Study is consistent with information relevant to the Project site and the proposed Project contained in the 2011 Redwood Creek Watershed Assessment conducted by Stillwater Sciences and the 2002 Erosion Control Study for Redwood Creek Watershed conducted by Pacific Watershed Associates, both referenced in this comment. Information in these studies related to the Redwood Creek watershed, erosion and sedimentation risks, hydrology and drainage patterns, aquatic habitat, as well as the policies, goals, and recommendations for natural resource management made by various regulatory agencies (including Marin County, National Park Service, CDFW, NOAA Fisheries) is consistent with information presented in Initial Study Section IV.4, Biological Resources, and IV.10, Hydrology and Water Quality. While not exhaustive, the analysis of impacts presented in the Initial Study is comprehensive and supported by evidence; Specific inclusion of the submitted references would not alter the analysis or conclusions presented in the Initial Study.

Q-96 Please see Master Response 1.

Q-97 Please see Master Response 5.

Q-98 Please see Master Response 6.

Q-98a Please see Master Response 6. Parcel 046-161-10 no longer exists.

Q-99 Please see the response to comment W-74.
Bernard Ayling  
50 Palm Way  
Mill Valley, CA 94941

January 13th, 2020

Marin County Community Development Agency  
Attn: Tammy Taylor, Environmental Planner  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
envplanning@marincounty.org

re: Weissman (Dipsea Ranch) Land Division  
Project IDs: P1589 & P2314

Dear Tammy Taylor,

I have read the proposed Mitigated Negative Declaration regarding this project and find some of the wording misleading and factually incorrect. Consequently, the findings must be called into question.

One of the main errors is the mischaracterization of the intermittent stream feeding Redwood Creek as an ephemeral stream. This alone disqualifies the subsequent minimal impact findings in the MND. With all the work currently being done to Redwood Creek, along with future work scheduled, it would behoove the county to reconsider this categorization. Looking at the map in the applicant’s documents, it would appear that this area is indeed one of the two highest elevation sources for Redwood Creek.

To the extent that the wetland area identified in the applicant’s pictures is above the illegally constructed road, it follows that the addition of the road material has had an impact on Redwood Creek. A finding that there would be minimal impact is questionable.

From the MND:  
The Project site supports two drainages along the western and southeastern edges (LSA, 2017). These drainages converge just south of the property and flow directly to Redwood Creek  
As described above, there are two drainages within the Project site, but outside the area of proposed development.

Without the illegal grading of the road and the addition of material, these drainages would be on the property. The ditch the applicant built alongside Panoramic to divert the wetland runoff from his property has contributed to more erosion at the edge of the highway that did not exist previous to the modification.  
To state that this presents minimal impact when the mitigation measures are in place is disingenuous. Reading through the mitigation measures proposed, there is little other than equipping project managers with photos identifying the wildlife to be affected and properly showing project boundaries. A reasonable person can not consider these true mitigation measures, as they mitigate nothing.
Additionally, it seems any concerns that septic systems for these 7000 sq ft houses and their accompanying accessory dwelling units discount the impact they will have on this stream bed. The slopes here are very steep, the actual flow distances very short and the rock not very porous. This has to result in leach fields that are not very effective.

In summary, the applicant has contrived through building an illegal road with added material, to divert the intermittent stream on his property outside the boundaries of his property and to then encourage a finding that this therefore has no significant downstream impact, especially to Coho habitat and other wildlife.

I urge you to reject these conclusions. The applicant should be made to restore the area to the previous conditions before receiving any further consideration in this matter.

Failing that requirement, at minimum provisions for an absolute explicit prohibition on any building or modification of the ground in the vicinity of that road should be written into any approval of this land division in the form of a written agreement to that effect, incorporated in a legally binding manner for the applicant or any subsequent buyer of that 5 acre parcel.

Sincerely,

Bernard Ayling
50 Palm Way
Mill Valley, CA 94941
Letter R. Bernard Ayling

R-1  Please see Master Response 10.
R-2  Please see Master Response 8.
R-3  Please see Master Response 4.
R-4  Please see Master Responses 1, 3 and 4.
R-5  Please see Master Response 7.
R-6  Please see Master Responses 4 and 10.
R-7  Please see the Master Responses referred to in the previous responses. As the Fire Road has been found not to be causing ongoing impacts, there is no basis for requiring its removal, unless DPW declines to issue a grading permit covering the work already completed.
R-8  Please see Master Response 9.
January 14, 2020

Marin County Community Development Agency
3501 Civic Center Dr., Suite 308
San Rafael, CA 94903

Re.: Weissman (Dipsea Ranch) Land Division Project IDs: P1589 & P2314

Subj.: Weissman Land Division Mitigated Negative Declaration

Attn.: Tammy Taylor, Environmental Planner

Thank you for sending Notice of the Extended Comment Period.

We find it troublesome that after the several meetings in 2016 and 2017 that this incomplete and ill-considered project is again on the table. Worse it seems incorrect that it can be awarded a ‘negative declaration’ for environmental impact. As others have surely highlighted the EIR has misrepresentations, errors and is missing information that should be evaluated and incorporated into the environmental study for the project. Historically, we understand that no less than 6 Federal agencies have looked at the Redwood Creek watershed over the decades. The lower elevations of this property and the area where some construction may occur is a critical region affecting this watershed which has received so much attention.

We recall that it had been agreed/approved (in 2017 by the Tam Valley Design Review Board in a meeting where the Planning Department participated) that additional homes could be built on the top portion of the property, where the impact could be contained and minimal. However, this current proposal to subdivide and
potentially make the down-sloping wetlands a development area for housing was not agreed to, cannot be justified by an extensive but erroneous "Mitigated Negative Declaration" and would be a profound mistake. There are several virtually perennial ("intermittent") springs/leaks that drain from that slope and flow into the creek below, which is perennial, flowing throughout the year into the Redwood Creek drainage below. (That is the Redwood Creek on which several million dollars have been spent in resurrecting the wetlands and drainage near Muir Beach and the extensive protection efforts by the National Park to protect the creek further up.) Admittedly much damage has been done to the area over the decades, but there is now a concerted effort to resurrect and save what is left. The proposed "Dipsea Ranch" project (were anything to ever be constructed on that vulnerable downslope) would very likely threaten these recent, heroic conservation efforts.

Weismann has already constructed a non-permitted road that effectively created a dam, new erosion and displacement of some of the water running off this wetlands slope. It is probable that removal of that illegal road may cause even more damage, but there certainly should be a moratorium that disallows any future access to the property via that travesty of a 'road' that should never have happened. Another issue is that on that slope the soil layer over the underlying rock is shallow and quite problematic for any septic system proposed. Re-engineering the slope should not be permitted and construction on that slope will be a significant introductory eyesore to anyone coming around that bend in "windy gap" and wishing to access the Mt Tamalpais park area.

We believe strongly that no further meddling and destruction of this wetlands should be allowed. The property owner has the right to build on the allowable portions, while the rest of the property should remain a protected easement as it has always been. It is NOT an
area that should be considered for building. Any activity there will directly affect the sensitive watershed below. Last year we understand the National Park Service and other entities spent enormous funds to capture and raise the Coho Salmon spawn (the alevins and fry) to protect them and reintroduce them to the creek so the they could survive. Those survivors will eventually return to the same creek to spawn themselves after their time at sea. Please do not allow this unnecessary construction/destruction to be allowed.

If our concerns are insufficient to halt further consideration of this willful and speculative adventurism, we strongly suggest that the County enlist the support of competent individuals in the various organizations that have worked so hard to save and restore Redwood Creek.

Sincerely,  Carl Duisberg and Laura Lindskog

348 Panoramic Highway  MV

[Signatures]

Carl Duisberg

Laura Lindskog
Letter S. Carl Duisberg and Laura Lindskog

S-1 Regarding the commenter’s allegations of inadequacy of the environmental review, please see Master Response 10. Regarding potential impacts of the proposed Project on the Redwood Creek watershed, please see Master Response 2.

S-2 Please see responses to comments C-1 and C-2.

S-3 The comment mischaracterizes the proposed Project. The proposed Project, as described in the Initial Study, Section II, Project Description, would limit development to the upper part of the Project site; see Figure 6 in the Project Description. As discussed in Initial Study Section IV.4, Biological Resources, and Section IV.10, Hydrology and Water Quality, the Project would not have adverse impacts on wetlands or streams, either within the Project site or downstream. Please see also Master Responses 1 and 2.

S-4 The Project does not include further changes to the Fire Road, beyond the work completed in 2014. Access to the proposed development envelopes would be via the existing driveway used to access the existing residence and outbuildings on the Project site. This driveway and its intersection with Panoramic Highway would be improved, as described in Initial Study Section II, Project Description. Regarding a “moratorium” on future use of the Fire Road, please see Master Response 9.

S-5 The Initial Study, Section IV.7, Geology and Soils, examines the proposed septic systems and finds that they would not cause a significant impact. Please see also Master Response 7.

S-6 Septic system installation, and in addition installation of drainage features, would not be expected to cause a significant visual impact. While some disturbance to the hillslope on which these would be constructed may be visible from portions of Panoramic Highway and the Dipsea Trail, this disturbance would be of short duration and, because of the distance from public vantage points to this slope, would not be visually prominent (see Figure 1-2 in Initial Study Section IV.1, Aesthetics). Following construction, vegetation would reestablish over the buried septic and drainage facilities. Therefore, impacts would be less than significant, and no mitigation is required.

S-7 As noted in the response to comment S-3, the Project would not disturb or otherwise impact wetlands and would not have adverse impacts on Redwood Creek downstream. There is currently no conservation easement on the Project site; the Project site is zoned and designated in the Countywide Plan for low-density residential development, not open space.
S-8 The Initial Study concludes that the Project would not adversely affect Redwood Creek’s salmonid fishery. Please see Master Response 2.

S-9 This comment does not address the environmental review.
Dear Tammy Taylor,

Please find attached my Comments to the Initial Study & Mitigated Negative Declaration document. Also copied into the text:

Marin County Community Development Agency
Attn.: Tammy Taylor, Environmental Planner
3501 Civic center Drive, Suite 308
San Rafael, CA 94903

envplanning@marincounty.org

Re.: Weissman (Dipsea Ranch) Land Division
Project IDS: P1589 & P2314

Subj.: Comments to Initial Study & Mitigated Negative Declaration

Dear Tammy Taylor:

During the last community meeting for public comment, held in our Muir Woods Park Community Center on the Dipsea Ranch issue (2018?), I publicly requested of County Planner, Curtis Havel, that the County invite an expert from the California Department of Fish and Wildlife to do a site visit and an official assessment of the nature of the wetlands, the springs and the intermittent stream that the Weissman’s private environmental firm has denominated merely “an ephemeral stream.” He remained silent. Later in a phone call to his office I asked again if the County would do it, but he declined, saying that before the process is finished the paperwork will be reviewed by the CDFW.

It seemed, and continues to seem, strange to me that the final on-site assessment of the ecological nature of a stream in a biologically sensitive area should devolve upon the judgment of a private environmental firm that is paid by the landowner who is specifically intending to exploit the stream in question.
Mr. Weissman owns several acres of land with special biological significance. There are springs on his property and the springs are the water sources of what the USGS calls a “blueline stream” that is a direct tributary to the biologically fragile Redwood Creek. It is the type of stream that the CDFW requires you notify them about if you are planning to change its stream bed.

Mr. Weissman decided in 2014 to bring in many cubic yards of rock and gravel which now covers some the wetland on his land, springs which are the source of the blueline stream that is an important tributary to the Redwood Creek that forms the lifeline of the Muir Woods Valley.

He did this without permit from the County, so I imagine he did it without required notification to the CDFW.

The California Department of Fish and Wildlife posts on its website this notice:

“Lake and Streambed Alteration Program
Fish and game Code section 1602 requires any person, state or local government agency, or public agency to notify CDFW prior to beginning any activity that may do one or more of the following:
• Divert or obstruct the natural flow of any river, stream, or lake;
• Change the bed, channel, or bank of any river, stream or lake;
• Use material from any river, stream, or lake; or
• Deposit or dispose of material into any river, stream or lake.
Please note that ‘any river, steam, or lake’ includes those that are dry for periods of time as well as those that flow year around. If you are not certain a particular activity requires notification, CDFW recommends you notify.”

It seems that the “un-permitted’ road construction that the Weissman group did 3 of these 4 things. I’ve underlined the most significant sentence.

The notice continues: “CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.”

There are two dimensions to assessing what actions “may substantially affect fish and wildlife resources”: (1) How big the up-stream streambed disturbance is, and, (2) How fragile and biologically valuable the fish and wildlife resources that may be affected there and downstream are.

In regard to the second, it is important to look and think more widely than the Weissman property, at the truly extraordinary place on the earth Mr. Weissman, and we his neighbors, have the privilege to live in. There is a certain noblesse oblige that those of us who have the
extraordinary privilege to live on this mountain-side have. We feel a natural obligation to take the greatest of care of the nearly miraculous place where we live.

Basically, it is not a place in which you try “to cut corners” on environmental protection. We should not try to dodge the responsibility that comes to us from our privilege to be able to own a piece of land as wonderful as his. We should be glad for and cooperate with all the protective laws that the state and the county have worked to put in place. We should honor every stream and river that nature has left to us from the last hundreds of thousands of years of geobiological activity.

- Let us step back and see the full context in which the springs and stream on his land are embedded.

The U.S. National Parks Service has published on their website a description of the watershed in which Dan Weissman’s land and springs and tributary stream have developed over eons, the Redwood Creek watershed.

* * *

“The Redwood Creek watershed extends from the peaks of Mt. Tamalpais, Marin County’s tallest mountain, to the Pacific Ocean and is nestled in one of the nation’s most densely populated regions. The watershed encompasses an area of less than 9 square miles, yet it harbors an incredibly diverse ecosystem and rich assemblages of plant and animal species. Within this small watershed are found grasslands, coastal chaparral, mixed hardwood and old-growth redwood forests, seasonal wetlands, and riparian woodlands that extend in an unbroken mosaic from the mountain’s ridge tops to the sea. This watershed is also home to some of the west coast’s most imperiled species, such as coho salmon (Oncorhynchus kisutch), steelhead (O. mykiss), northern spotted owl (Strix occidentalis caurina), and the California red-legged frog (Rana aurora draytonii).

“An indication of its ecological value, the watershed is included in one of 25 global biodiversity “hot spots” recognized by The Nature Conservancy and targeted by the global conservation community as key to preserving the world’s ecosystems. It is also within the Golden Gate Biosphere Reserve, one of 411 reserves designated by the United Nations Educational, Scientific, and Cultural Organization’s (UNESCO) Man and the Biosphere Program to provide a global network representing the world’s major ecosystem types.”

* * *

A number of us close neighbors living just the other side of Panoramic Highway from the “blueline stream” in question, who have for many years (20, 30, 40 or more years, in each case) lived near this stream and have accepted our responsibility to be alert to protect it and this extraordinary Redwood Creek/Muir Woods watershed for which it is a tributary, for all future generations—we are deeply concerned.

• Because any intermittent stream in the State is explicitly included in the CDFW requirement by Fish and Game Code section 1602-
And because this unique, tiny watershed provides water to the several threatened species in this one valley, in a catch basin roughly 8.5 square miles in size-

And because the "unpermitted road," with its many cubic yards of fill has diverted the pure water away from the applicant’s land where it had flowed through the pure landscape directly to Redwood Creek, to a new ditch along Panoramic Highway where the tributary water is then contaminated with bitumen, petroleum wastes from the exhaust pipes of the heavy traffic, and other highway pollutants before it flows back directly down into the biologically fragile Redwood Creek-

Because the water that flows from the applicant’s land goes immediately into Redwood Creek and its fragile ecosystem and is part of the small amount of water available that maintains the viability of three threatened species and hundreds of others-

All this makes it that a mischaracterization of a "bluestream" tributary, that in many parts of California might not be significant, in this particular case is of the highest significance.

In this unique and fragile ecosystem, containing three threatened aquatic species, a catchment area of only 8.5 square miles, in a State subject to frequent drought intensified by climate change, a manipulation of stream-flow of the order that the Weissman project has engaged in rise to the level of possibly “substantially adversely affect fish and wildlife resources.”

In a previous letter to Supervisor Rodoni on this issue I wrote:

“You may recall that during the recent drought, due to the Creek’s low water flow from its watershed, the endangered Coho salmon and steelhead in the Redwood Creek suffered to the point that heroic measures were required to keep their population alive until the good rains returned. Six agencies joined together to do this: Golden Gate National Recreation Area (GGNRA), the Golden Gate National Parks Conservancy, The California Department of Fish and Wildlife (CDFW), the Army Corps of Engineers, Mount Tamalpais State Park, and the National Marine Fisheries Service. They coordinated their efforts for three years and finally, in 2016 when the Creek had sufficient water again, they had succeeded in saving the salmon. During part of that time they had to temporarily move the entire populations to a place with a richer water resource.

Redwood Creek is unusual among the world’s important creeks and rivers in that the rains and aquifers that feed it come from an extremely small watershed. In such a tiny ecosystem, every spring and rivulet that feeds the creek is vital.”

Thank you for your careful consideration of all these factors.

Best regards,

Dr. Tyrone Cashman
Beth Beaulieu
5 Kent Way,
Mill Valley, CA 94941

P.S. Before the County approves this Initial Study and Mitigated Negative Declaration for the Dipsea Ranch Land Division, we suggest that, after a site visit by the CDFW, it could be appropriate
for the Weissmans to enter into a Lake and Streambed Alteration (LSA) Agreement with the California Department of Fish and Wildlife, as Fish and Game Code section 1602 requires.
Letter T. Dr. Tyrone Cashman and Beth Beaulieu

T-1 The commenter appears to be referring to the Tamalpais Design Review Board meeting of May 2, 2018. The assessment of the potential for the Project to impact biological resources, including streams and wetlands, was conducted by consultants to the County, not the Applicant. The biological studies commissioned by the Applicant were used as a source of information, but were independently and objectively reviewed and verified by the County’s consultant. The California Department of Fish and Wildlife submitted comments on the Initial Study/Draft Mitigated Negative Declaration; see comment letter K and the responses to that letter.

T-2 Regarding habitat value within the Project site, please see Master Response 1. Regarding the presence and classification of surface water features within the Project site, please see Master Responses 4 and 8.

T-3 Please see Master Response 4.

T-4 As noted in Master Response 4, the 2014 grading of the Fire Road did not alter a streambed, and so did not require a Fish and Game Code Section 1600 Lake and Streambed Alteration Notification. The Project does not propose any alteration of a watercourse.

T-5 The Initial Study, Section IV.4, Biological Resources, finds that, with mitigation, the Project would not have a significant impact on biological resources, including in the Redwood Creek watershed downstream of the Project site. Please see also Master Responses 1 and 2.

T-6 As noted in Master Response 4, there are no known springs within the Project site. As noted in Master Response 8, neither are there blueline (i.e., perennial) streams within the Project site. Regarding the potential for the Project to impact sensitive biological resources, please see the previous response and Master Response 2.

T-7 This comment does not address the environmental analysis. As noted in the previous response, there are no blueline streams within the Project site. Please see Master Response 8.

T-8 Please see Master Response 8.

T-9 Please see Master Response 2.

T-10 Please see Master Response 4.

T-11 Impacts related to water quality and surface water hydrology in Redwood Creek, including as a result of hydromodification and altered drainage patterns
associated with implementation of the Project, are comprehensively assessed in Initial Study Section IV.10, Hydrology and Water Quality. Post-Project hydrology would not be altered from the pre-Project condition and flow regimes on-site and downgradient would not be adversely affected.

T-12: Please see the response to comment T-11. For comments related to the potential for the Project to impact special-status species and sensitive resources in Redwood Creek, please see Master Responses 2 and 8.

T-13 Please see Master Response 2.

T-14 Please see the response to comment T-4
From: mmccabe812@aol.com  
Sent: Tuesday, January 28, 2020 2:53 PM  
To: EnvPlanning  
Cc: Rodoni, Dennis  
Subject: Weissmann Land Division. Project IDs: P1589 & P2314

Michele Egan McCabe  
2 Kent Way  
Mill Valley, CA  94941

Marin County Community Development Agency  
Attention: Tammy Taylor, Environmental Planner  
3501 Civic Center Drive, Soom 308  
San Rafael, CA  94903

Dear Ms. Taylor:

I'm writing today with regard to the Weissman property at 455 Panoramic Highway in Mill Valley (Project ID: P1589 & P2314).

I've been making calls, attending meetings and submitting comments about the development of these parcels since March 2014. That's when I watched with horror as hundreds of tons of dirt was delivered by huge commercial dump trucks and emptied onto the wetlands on the lower portion of the Weissman property across from Kent Way. With each load emptied onto the property an intermittent steam, the spring that fed it and the creatures that lived there were obliterated. My frantic phone calls to the County went unanswered for days thus allowing the destruction to continue. Then, when the roadway impeded the flow of the intermittent stream, the Weissman's constructed a ditch along their chain link fence that diverted the flow of water off of their property, along the roadway and then back onto their property directly across from 370 Panoramic creating a muddy rivulet that is dumped into the Redwood Creek Watershed. Fast forward, six years, and the Weissman's continue to propose further degradation of this unique sliver of the ecosystem.

As I understand it, the Weissman's current request for a "Land Division Mitigated Negative Declaration" does not provide for any environmental repairs to the damage already done over the past six years. That means there will be no remedies to the devastation caused by the construction of the illegal roadway. No remedies to the muddy diversion ditch along Panoramic Highway. No assurances that the illegal road be limited to emergency use only AND a possibility that there could still be construction of dwellings on the 5 acre subdivided lot. In addition, it appears the proposed subdivision plan will involve the installation of a septic system, not at the top of the hill where the houses are supposed to be built, but one which involves pumping the wastewater down slope toward the illegal road and into the soil where the sewage water will then leach into the Redwood Creek watershed. Unbelievable.

I strongly request that the County consider these issues during the environmental evaluation and that some of this environmental damage be corrected and further damage, as proposed in the Weissman's development plans be prohibited.

I feel that as environmental safeguards continue to be attacked across our Country that even in this small corner of Marin County we should be stewards of the land rather than turning a blind eye to the erosion of the unique, Redwood Creek ecosystem that we all share.

Thank you for your consideration and for extending the comment period,

Sincerely,

Michele Egan McCabe
Letter U. Michelle Egan McCabe

U-1 Please see Master Responses 3 and 4.

U-2 Please see Master Responses 3, 4, 5, and 9.

U-3 Please see Master Response 7.

U-4 The Initial Study finds that, with mitigation, the Project would not result in significant impacts to the environment. The County decision-makers will consider adopting the draft Mitigated Negative Declaration, based on the findings and conclusions of the Initial Study. If adopted, the decision-makers will consider whether to approve the Project. If approved, all specified mitigation measures will be incorporated into the Project as conditions of approval.

U-5 Please see Master Response 2.
January 28, 2020

Via Email

Sabrina Sihakom, Planner
Tammy Taylor, Environmental Planner
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
ssiham@mariigmatic.org
envplanning@mariigmatic.org

Re: Comments on Mitigated Negative Declaration for the Dipsea Ranch Land Division (455 Panoramic Highway; APN 046-161-11; tentative map and grading permit)

Dear Ms. Sihakom and Taylor:

We submit these comments regarding the above-referenced Dipsea Ranch Land Division (“Project”) on behalf of the Watershed Alliance of Marin (“WAM”), a public benefit non-profit corporation organized in 2014 that promotes informed watershed stewardship in Marin County, with a specific focus on restoring and protecting imperiled fish and wildlife including Central California Coastal steelhead trout and coho salmon, species protected under the Endangered Species Act that inhabit Redwood Creek downslope from this Project. We incorporate by reference the detailed comments on this Project that are being submitted directly by WAM (“WAM Comments”).

The Initial Study prepared for this Project is deficient because it understates or overlooks potentially significant Project impacts. Accordingly, the County may not approve the Initial Study and Mitigated Negative Declaration that were signed prematurely on December 4, 2019. Based on this Project’s potential for causing significant environmental impacts, an Environmental Impact Report (“EIR”) must be prepared, as discussed below.

LEGAL BACKGROUND

The California Environmental Quality Act, Public Resources Code section 21000 et seq. (“CEQA”), is California’s primary statutory mandate for environmental protection. It requires public agencies like the County to “first identify the [significant] environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives.” Sierra Club v. State Board of Forestry (1994) 7 Cal.4th 1215, 1233. Its most important substantive imperative requires “public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can
substantially lessen such effects.” Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41; Public Resources Code §§ 21002, 21002.1. CEQA’s mandate for detailed environmental review “ensures that members of the [governmental decision-making body] will fully consider the information necessary to render decisions that intelligently take into account the environmental consequences” of their proposed action. Mountain Lion Foundation v. Fish and Game Commission (1997) 16 Cal.4th 105, 133; Public Resources Code §§ 21080.5(d)(2)(D), 21091(d)(2); CEQA Guidelines [14 C.C.R. (”Guidelines”) § 15088. The CEQA process thus “protects not only the environment but also informed self-government.” Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.

All California “public agencies” and “local agencies” must comply with CEQA when they approve discretionary projects. Public Resources Code § 21080(a). The California Secretary for Resources has promulgated Guidelines, which appear in Title 14, section 15000 et seq. of the California Code of Regulations, to assist agencies in the proper interpretation and implementation of CEQA. The County is both a “public agency” and a “local agency” subject to CEQA. Public Resources Code §§ 21062, 21063; Guidelines §§ 15368, 15379.

A proposed governmental action requires environmental review under CEQA if (1) the agency is contemplating an “approval” of an action as defined by Guidelines section 15352, (2) the subject matter of the contemplated approval constitutes a “project” under Public Resources Code section 21065 and Guidelines section 15378(a), and (3) the project to be approved does not fall within a statutory exemption under Public Resources Code section 21080(b) – as recognized in Guidelines sections 15260-15285 – or a categorical exemption, pursuant to Public Resources Code section 21084(a) and Guidelines sections 15061(b)(2), 15300-15333 and 15354. The County has agreed, and confirmed by preparing its draft Mitigated Negative Declaration, that the Project is a discretionary “project” subject to CEQA.

When an agency determines that a project is subject to CEQA, as the County did here, it prepares an “initial study” to determine the level of environmental review that is required for CEQA compliance. Guidelines § 15063. This initial study must describe the project, the environmental setting, the project’s effects, ways to mitigate those effects, and the project’s consistency “with existing zoning, plans, and other applicable land use controls.” Guidelines § 15063(d)(1)-(5). The agency must also informally consult with “all responsible agencies and all trustee agencies responsible for resources affected by the project.” Guidelines § 15063(g); Public Resources Code § 21080.3(a). Additionally, the agency must address and “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.” Guidelines § 15125(d). Here, several plans are pertinent, and the Project conflicts with several of their applicable policies.

If the agency concludes that a mitigated negative declaration, rather than an EIR, is the appropriate environmental document, then the initial study must document the agency’s reasoning in reaching that conclusion. Guidelines § 15063(c)(5) (purpose of an initial study is to “[p]rovide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant
effect on the environment”).

A lead agency may adopt a mitigated negative declaration when an “initial study identifies potentially significant effects on the environment, but (1) revisions in the project . . . made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid . . . or mitigate the effects to a point where clearly no significant effects on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.” Guidelines § 15369.5 (emphases added). By contrast, “the high objectives of [CEQA] require[] the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have [a] significant environmental impact.” No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75; Communities for a Better Environment v. South Coast Air Quality Management Dist. (2010) 48 Cal.4th 310, 319-320.

Informed public comments, as WAM has provided here, that provide substantial evidence that a project may have a significant effect on the environment are sufficient to require preparation of an EIR. The Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 927-930. Indeed, even “[r]elevant personal observations of area residents on non-technical subjects may qualify as substantial evidence for a fair argument.” Id. at 928 (citing cases).

The Guidelines use “[e]ffects’ and ‘impacts’ . . . synonymous[ly].” Effects are both “[d]irect or primary” – “caused by the project” and occurring “at the same time and place” – and “[i]ndirect or secondary” – “caused by the project” but occurring “later in time or farther removed in distance.” Guidelines §§ 15358, 15358(a)(1).

“Cumulative Impacts’ refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Guidelines § 15355. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” Guidelines § 15355(b). “An EIR must be prepared if the cumulative impact may be significant or the project’s incremental effect, though individually limited, is cumulatively considerable. ‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Guidelines § 15064(h)(1).

“[T]he lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.” Keep Our Mountains Quiet v. County of Santa Clara (2015) 236 Cal.App.4th 714, 729 (quoting Guidelines § 15064(g)). Thus, if the initial study or proposed mitigated negative declaration and public comment thereon indicate that
there is substantial evidence that one or more significant environmental impacts may occur, then the lead agency must prepare an EIR to analyze those effects and study feasible alternatives and mitigations to reduce or avoid those effects while still achieving most of the basic objectives. Public Resources Code §§ 21002, 21002.1, 21061; Guidelines §§ 15080-15096, 15120-15132, 15160-15170.

Here, the informed public comment summarized below as well as the County’s own, albeit deficient, Initial Study show that the Project may have a significant effect on the environment. Therefore an EIR must be prepared.

FACTUAL BACKGROUND

According to the Initial Study, the proposed Project would be built upslope from Redwood Creek, which provides documented habitat for Central California Coastal coho salmon (*Oncorhynchus kisutch*), a species federally and state listed as endangered, and Central California Coastal steelhead (*Oncorhynchus mykiss irideus*), a species federally listed as threatened. Initial Study 15, 52-53. According to the same document, the “average slope [on the Project site] is 36.76 percent,” a gradient which is considered “steep” under the Countywide General Plan. Initial Study 3. “Two ephemeral streams, both tributary to Redwood Creek, flow along the western and eastern edges of the Project site, and meet just south of the Project boundary.” *Id.* Thus, soil erosion anywhere on the site will introduce sediment into these tributaries of Redwood Creek, and over time, ultimately into Redwood Creek itself, degrading its salmonid habitat.

The Project applicant’s proposed development of this site will involve substantial cutting (1,709 cubic yards) and filling (1,565 cubic yards) of soil. Initial Study 12. Because the quantity of material to be removed exceeds by about 145 cubic yards the quantity to be used on site for fill, the Project will generate excess soil that must be placed somewhere. *Id.* But the Initial Study fails to specify where this excess material will be placed. This is not an insignificant quantity of soil, and its placement will have consequences somewhere. Those consequences must be disclosed and examined, not ignored.

According to the Initial Study, in 2014 the Project applicant deposited “about 1,200 cubic yards of fill” on the Project site—roughly 240 standard 5 cubic yard dump truck loads—without a grading permit. *Id.* The County admits that this massive unpermitted “grading may have resulted in some delivery of sediment to the stream system.” Initial Study 65. Although the Initial Study claims (at pages 2 and 12) that the impacts of this unpermitted grading are addressed as part of this Project in the Initial Study, in fact they are not. Indeed, the most important impact—sedimentation of Redwood Creek and its ephemeral tributaries—is never quantified, let alone analyzed. Instead, the Initial Study dodges the issue by pretending that the impact may be dismissed with the meaningless words “may” and “some.” But this is not an inconsequential issue that may be casually swept under the rug. Instead, as WAM documents in its separately filed comments and photographs, contemporaneous heavy rainfall transported much of this unconsolidated fill downslope, and very
probably into the adjacent streams, and thence into Redwood Creek.

The County’s attempt to downplay this significant Project impact on Redwood Creek may not be so casually brushed aside. CEQA demands specificity and certainty, not generalities and speculation. *Kings County Farm Bureau Federation v. City of Hanford* (1990) 221 Cal.App.3d 692, 736 (an EIR must contain “facts and analysis” rather than mere conclusory words); *Sierra Club v. County of Fresno* (2018) 6 Cal 5th 502, 519 (an EIR must explain the “nature and magnitude of the impact”). Because the Initial Study fails to do so, it is inadequate.

The site’s steep slopes are unstable and prone to erosion. According to the Initial Study, “[t]here are areas of slope instability on the Project site, namely the old landslide in the eastern portion and slump failure along the southern slopes adjacent to the drainages and roads.” Initial Study 79. Although according to the same document these unstable areas “are not . . . expected to adversely impact slope stability conditions within the building envelopes of the proposed lots,” in fact, the “fire roads” which are proposed to be used for “vegetation management” do overlap these unstable areas. The Initial Study acknowledges that “[t]he area where the unpermitted grading for the Fire Road occurred overlies an old landslide identified by previous regional mapping and confirmed by [geologist] Herzog’s geotechnical investigation” in 2015. *Id.* Hence, the Project as a whole does pose a potential for slope failure and erosion, which in turn poses a potential for sedimentation of the adjacent ephemeral streams that flow into Redwood Creek below the Project site, and thus of Redwood Creek itself.

Even if it were true, as the Initial Study implies without actual documentation, that the unpermitted grading done in 2014 has not in the few years since then again deposited sediment into the ephemeral streams and Redwood Creek, that happenstance does not mean that it will not do so in the future. Such impacts may be triggered by high rainfall events of greater duration and magnitude than have been experienced since 2014. It is well known that slope failure and soil erosion are magnified exponentially when soils have become saturated following lengthy rains. As the Countywide Plan explains, “[l]andslides on steep slopes can be triggered by earthquakes or heavy rainfall.” Marin Countywide Plan (last updated 2014) at EH 2.6-2. Moreover, as noted the County has acknowledged that it must treat the unpermitted grading done in 2014 as if it were part of the Project. Initial Study 2 (the unpermitted 2014 grading “work is being analyzed as part of the Project”), 12 (“the County has chosen to consider the impacts of the [unpermitted 2014] Fire Road grading” in the Initial Study). But as shown, the Initial Study does not in fact provide the required “facts and analysis” revealing the actual “nature and magnitude” of the resulting sedimentation of the affected ephemeral streams and Redwood Creek. *Kings County, supra.* 221 Cal.App.3d at 736; *County of Fresno, supra,* 6 Cal.5th at 519. Accordingly, the incompletely reported erosion and sedimentation impacts of that grading are cause alone for preparation of an EIR.

It is likewise well known that erosion and sedimentation are a primary cause of the steep drop in salmonid populations along the California coast over the past several decades, leading to their listing under the Endangered Species Act. As the Countywide Plan observes, “[e]phemeral channels are
important for maintaining healthy watersheds. Perennial and intermittent streams provide more permanent aquatic habitat and serve as fish migration, spawning, and rearing habitat.” *Id.* at BIO 2.4-4. The Countywide Plan warns that “[s]ediment is a major concern countywide, as it can damage aquatic habitat . . . by filling in channels and floodplains. Sediment sources include construction [and] road building. . . .” *Id.* at WR 2.5-2. Sediment fills the interstices in spawning gravels, thereby destroying the large gravel and cobble structure required for successful spawning activity, and preventing access to oxygen by the salmonid eggs that are deposited and the alevins that emerge. It also fills pools and reduces water depth, thereby increasing water temperature above tolerable ranges, eliminating effective cover and exposing fish to greater predation.

And, the Project proposes two new septic systems and associated leach fields. Initial Study 11. Septic system failure can result from a variety of causes, harming downslope water quality and aquatic habitat in Redwood Creek. This is a foreseeable impact, as the Countywide Plan warns: “in rural areas, septic systems. . . contribute to nutrient and pathogen contamination.” Countywide Plan at WR 2.5-2. Yet the Initial Study never addresses this potential impact.

All of these impacts would have a “substantial adverse effect, either directly or through habitat modifications,” on the salmonids residing in Redwood Creek. CEQA Guidelines, Appendix G, section IV(a). Therefore these impacts pose a potentially significant effect on the environment, and require preparation of an EIR.

Many other potentially significant impacts are documented in the separate comments submitted directly by Watershed Alliance of Marin, including loss of terrestrial wildlife habitat and migration corridors, potential loss of Native American cultural resources, and conflicts with land use policies designed to reduce rather than exacerbate wildfire hazards in Wildland-Urban Interface fire hazard zones. Each of those impacts must be thoroughly examined in an EIR.

BECAUSE THE PROJECT MAY CAUSE SIGNIFICANT EFFECTS, AN EIR IS REQUIRED

The County may not lawfully adopt the Initial Study and Mitigated Negative Declaration and approve the Project because both the Initial Study itself, as well as informed public comments, show that the Project has already caused, and will cause again if construction is allowed, significant impacts on the environment. These impacts include erosion and sedimentation from the Project’s geological and hydrologic hazards including the site’s steep and unstable slopes, leading to significant cumulative watershed impacts on the water quality and salmon habitat of Redwood Creek.

The Initial Study fails to address the Project’s inconsistency with the Countywide Plan’s watershed protections, despite indisputable evidence that the Project is located in an area with a documented history of unstable slopes and active landslides, and potential for further instability. *See, e.g.,*
Countywide Plan Goals WR-1.4 ("[l]imit development and grazing on steep slopes and ridgelines in order to protect downslope areas from erosion and to ensure that runoff is dispersed adequately to allow for effective infiltration") and EH-2.1 ("[r]equire development to avoid or minimize potential hazards from . . . unstable ground conditions").

Additionally, the County has failed to evaluate and adopt adequate mitigation measures to avoid and reduce to insignificance the Project’s potentially significant watershed impacts.

CONCLUSION

For each of the foregoing reasons, an EIR must be prepared for this Project.

Please include these comments in the public record for this Project.

Thank you for your attention.

Respectfully submitted,

[Signature]

Stephan C. Volker
Attorney for Watershed Alliance of Marin

cc: Rachel Reid, Marin County Environmental Planning Manager
Letter V. Stephan Volker, Attorney, on behalf of Watershed Alliance of Marin

V-1 The Watershed Alliance of Marin comments referred to in this comment are included as comment letter W. Please see responses to the comments contained in that letter.

V-2 Please see Master Response 10.

V-3 Marin County is well aware of the environmental review requirements of CEQA and the uses of an initial study. Contrary to the statement made in the comment, the comments of the Watershed Alliance of Marin (contained in comment letter W and summarized in the remainder of this comment letter) do not provide substantial evidence that the Project would result in one or more significant impacts to the environment, beyond those identified in the Initial Study. All the significant impacts identified in the Initial Study can be mitigated to less than significant with the measures specified in the Initial Study. Therefore, a Mitigated Negative Declaration is the appropriate means of CEQA compliance for the Project, and an EIR is not required. Please see also Master Response 10.

V-4 Please see Master Response 10.

V-5 Initial Study Section IV.10, Hydrology and Water Quality, topic a, presents a detailed assessment of potential impacts related to water quality, including from soil erosion and sedimentation on- and off-site, both during and following construction of the proposed Project. As described in detail in Section IV.10, required compliance with the prescriptions set forth by the Construction General Permit and associated Stormwater Pollution Prevention Plan, and the construction and post-construction requirements of Marin County Stormwater Pollution Prevention Program, including application of Bay Area Stormwater Management Agencies Association design guidelines, as well as implementation of associated Best Management Practices and pollutant source controls, would prevent the discharge of pollutants to surface waters and groundwater and minimize or eliminate the potential for degradation of surface water quality, including aquatic habitat on-site or downgradient in the Redwood Creek watershed, or groundwater quality as a result of Project implementation, including from soil disturbance, erosion, and sedimentation; impacts would be less than significant (Initial Study page 100). Regarding erosion and sedimentation from disturbed soils relating to the Fire Road, please see Master Response 4.

V-6 Impacts of handling surplus soil from Project construction are disclosed and analyzed in the Initial Study. For illustrative purposes, the estimated 144 cubic yards of surplus soil would make a square pile 30 feet on a side and 4 feet, 4 inches high. This amount of soil would fit in 15 standard 10 cubic yard dump truck
loads. It is assumed in the Initial Study that the surplus soil would be removed from the Project site. The construction air emissions and construction traffic calculations used in the Initial Study use this assumption. As discussed in Initial Study Section IV.3, Air Quality, topic b, the Project would result in less-than-significant construction emissions. As discussed in Initial Study Section IV.17, Transportation, topic a, page 143, Project construction would not result in a substantial increase in traffic on local roadways and intersections, and the impact of construction traffic would be less than significant.

V-7 Please see Master Response 4.

V-8 The conclusions in the Initial Study are supported by substantial evidence, presented both in the Initial Study itself and in these responses. Please see, specifically, Master Response 4.

V-9 Please see response to comment Q-58. The threshold of significance applied under CEQA determines whether the proposed Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides or unstable geologic units. While there may be areas of slope instability, existing landslides and slumps, or historic landslides on the Project site, the impact analysis focuses on whether those conditions would be exacerbated by changes caused by the proposed Project and the potential for changed conditions to result in loss, injury, or death. Using this threshold of significance, the analysis presented in the Initial Study concludes that there would be no significant impact.

V-10 Please see Master Response 4. An EIR is not required. See Master Response 10.

V-11 Impacts related to erosion and sedimentation, including the potential to impact aquatic habitat, are examined in the Initial Study, Section IV.4, Biological Resources and Section IV.10, Hydrology and Water Quality, and found to be less than significant. These conclusions are further examined and confirmed in Master Responses 3 and 4, which focus on the effects of the 2014 grading of the Fire Road. The commenter provides no evidence that the Project has resulted in, or would result in, erosion, sedimentation, and resulting impairment of aquatic habitat.

V-12 Please see Master Response 7.

V-13 Please see the preceding responses. The Initial Study concludes that the Project would not result in a substantial adverse effect, either directly or through habitat modification, on Redwood Creek’s salmonid fishery. This conclusion is supported by further review and analysis presented in Master Responses 3 and 4. The commenter has provided no evidence that it would, and has only raised the possibility that it could impact the fishery. This possibility has been thoroughly
examined in the Initial Study and in these responses, and found, based on substantial evidence, not to rise to the level of significance under CEQA.

V-14 Please see Master Response 1 regarding potential impacts to terrestrial wildlife habitat and migration corridors. As discussed in the responses to the comments contained in comment letter W, the issues raised by the Watershed Alliance of Marin were examined in the Initial Study and found not to result in significant impacts that cannot be mitigated. These conclusions are further examined and supported in the responses to the comments in letter W and other comments. Neither this commenter, nor other commenters, have provided substantial evidence that contradicts or calls into question these conclusions.

V-15 Regarding the potential for the Project to impact archaeological resources or Tribal cultural resources, please see the response to comment Q-84. Regulatory requirements that pertain to the Project because of its location in the Wildland-Urban Interface, and the potential for the Project to result in impacts associated with wildfire, are discussed in Initial Study Section IV.20, Wildfire. Such impacts are found to be less than significant. The commenter has provided no evidence to support a conclusion of a significant impact for these issue areas.

V-16 Regarding potential impacts of the Project related to erosion and sedimentation, please see the response to comment V-11 and Master Response 4. Because substantial evidence and detailed analysis contained in the Initial Study and in the responses to comments in this document demonstrate that the Project would not cause erosion and sedimentation that would result in a significant impact, the Project would not be inconsistent with the Countywide Plan’s watershed protection policies, including those cited by the commenter. As also discussed in Master Response 10, no evidence has been provided, either by this commenter or by others, that the Project would result in a significant impact that cannot be mitigated with measures already specified in the Initial Study and agreed to by the Applicant. A Mitigated Negative Declaration is therefore the appropriate outcome of the environmental review, as discussed in Master Response 10.

V-17 Please see the previous response, and also Master Response 2.

V-18 As detailed in the foregoing responses and as further discussed in Master Response 10, an EIR is not required for this Project.
January 28, 2020

Attention:
Tammy Taylor, Environmental Planner
envplanning@marincounty.org
Marin County Community Development Agency
3501 Civic Center Drive Suite 308
San Rafael, CA 94903

CC: Rachel Reid, Environmental Planning Manager
CC: Sabrina Sihakom, Planner ssihakom@marincounty.org

Subject: Comments to Mitigated Negative Declaration for the Dipsea Ranch Land Division (Project)

Dear Ms. Taylor;

The Watershed Alliance of Marin (WAM) appreciates the opportunity to comment on the Mitigated Negative Declaration for 455 Panoramic Highway, owned by Daniel Weissman. WAM is a public benefit 501c3. We are opposed to the subdivision of 455 Panoramic Hwy APN 46-161-11 because of the significant impacts of the project on cultural, ecological, community assets and environmental values of habitat, wildlife, water quality, vistas and overall watershed health. We are providing empirical, policy and scientific evidence regarding the Project.

This property is part of Redwood Creek Watershed and Golden Gate National Recreation Area (GGNRA) biosphere that United Nations Educational and Scientific and Cultural Organization (UNESCO) recognized as having international significance for biodiversity.¹

PROPERTY DESCRIPTION

The project area of 8.29 acres is about 1/4 of the sub-watershed Camino Del Canon. With the other two properties, it is about 1/3 of the sub-watershed that is part of the Redwood Creek watershed. Because the Redwood Creek Watershed is only about 7.5 square miles with steep walls draining down quickly, any uphill, upstream impacts and development can be significant. Small changes from any construction, trails and road building have had significant adverse impacts on water quality and sediment affecting Coho Salmon and Steelhead survival. This precipitated a comprehensive study by Pacific Watershed Associates in 2002 requisitioned by several agencies including State and National Parks, Marin County and Marin Municipal

¹ https://nmsfarallones.blob.core.windows.net/farallones-prod/media/archive/manage/pdf/GGBfactsheet_092116.pdf
UNESCO Golden Gate Biosphere
Water District of all the major erosion sites in the entire watershed. This property and Panoramic Hwy were part of this study.

Adjacent to Mt. Tam State and National Parks, hoards of tourists and construction will increase the fire risk for everyone exponentially. Any extra sediment from excavations, landslides, polluted runoff, toxic material spills, unknown fill dirt that has no BMP etc. in the watershed can have seriously detrimental effects on the downstream habitat and cause mortalities to special status federally listed species of red-legged frogs, steelhead and Coho salmon. Water does not stay on the land it falls upon and downstream adverse downstream impacts to water quality and flow regimes are likely. Parts of the property have been degraded by trail building, excavation and invasive plant infestations.

Creeks on and surrounding the property are blue line perennial and intermittent creeks that are considered a Redwood Creek headwaters traversing State and Federal Parks before emptying into the sea. The property is upstream of a Federal Register Endangered Species Habitat for Evolutionarily Significant Coho salmon and threatened steelhead. In several statements made within the plans and in the MIND reference is only made to ephemerals and we know their to be documented perennials and intermittent streams appearing on the assessor’s maps going back 110 years (Map 1) and federal database maps that describe a more robust headwater stream system that the applicant has tried to refute.

The property contains upper Redwood Creek’s Camino del Canon reach and its approximately 1600 linear feet of Redwood Creek headwaters. Four hundred feet of boundary are shared with Mt. Tamalpais State Park. This rationale for considering the two lands of Weissman, as a whole, is supported by the 1992 Tamalpais Community Plan (TACP), which identifies 10 acres almost all undeveloped and having a significant impact on the environment. Can impacts be made insignificant on these issues? The facts and owner’s management history do not support any form of BMPs or consideration of neighboring properties.

The applicant’s project description is inadequate and, therefore, does not provide sufficient information to reach clear findings of less-than-significant impacts.

The National Wetlands Inventory, EnviroAtlas and 1910 assessors map provides the legal description of the stream status and location.

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4a The neighborhood's narrow, twisting streets on steep slopes lack sufficient width for emergency vehicle access, existing resident parking, and cannot safely accommodate a large increase in residential traffic trips. The neighborhood's steep slopes and geologically unstable building sites could pose serious landslide and safety hazards if developed improperly. Drainage systems often affect adjacent parcels, requiring neighbors to work together to jointly maintain improvements.

4b

4c

7a See letter from Dan Weissman to Suzanne Thorsen February 27, 2013 Page 62
Photo 2. Shows location of Homes and Septics and ADU’s
The determination of a Mitigated Negative Declaration is inadequate, unsubstantiated and arbitrary. For this project to have consideration, it requires a full Environmental Impact Report (EIR). Extant policies in the Tamalpais Community Plan (TACP), the 2007 Countywide Plan support that this property development would have a significant impact on the environment.

There needs to be clarification because the property appears to have been subdivided since the Tamalpais Community Area Plan was certified in 1992, when the property was recommended to be acquired as open space. The TACP lists the property as 10 acres on 46-161-10, now 8.29 acres on APN 46-161-11 and another Mt. Tamalpais State Park adjacent lot 1.86 acres 45% grade on AP 46-221-07. (Map 2)

Creeks on and surrounding the property are blue line perennial and intermittent creeks that are considered a Redwood Creek headwaters traversing State and Federal Parks before emptying into the sea. The property is upstream of a Federal Register Endangered Species Habitat for Evolutionarily Significant Coho salmon and threatened steelhead. In several places in the MIND reference is only made to ephemerals and we know their to be documented perennials and intermittent streams appearing on the assessor’s maps going back 110 years (Map 1) and federal database maps – The National Wetlands Inventory, EnviroAtlas.

The threshold question of insignificance, in most categories, or ability to be mitigated is not supported by the facts or by numerous claims made throughout the Mitigated Negative Declaration (MND) in the requisitioned reports and studies. Those include items listed from the Initial Study especially Scores of significant issues brought up in the MIND cannot be mitigated and are misrepresented. For example, not assessing geological, water quality, stormwater and hydrologic impacts from all of the existing and future septic systems including the neighbors easements when all are above critical watercourses to endangered and threatened species.
Also, instead of removing the unpermitted dam berm that has impeded the natural flow of significant amounts of water (itself a violation of watercourse law), the applicant is getting an opportunity to post facto permit a project that has fill dirt from an unknown source, potentially toxic, in an area impacting endangered and threatened species downstream and where the “berm” has not been deemed structurally sound enough to be used by the fire department. On consulting with Chief Jason Weber, he said the “Fire Department does not operate that way” (paraphrase) despite claims by the applicant. The signs put up by the applicant were not sanctioned by the Fire Department and it is incumbent upon the applicant to provide documentation to that effect, and for the county to require this.

We are requesting that the MIND on the Project property further identified as Assessor's Parcel 046-161-11 be changed from a Mitigated Negative Declaration to a full EIR because of its proximity and impacts to the surface and subsurface water, special status species, wildlife and natural and cultural resources, California State Parks, the Golden Gate National Recreation Area, Muir Woods National Monument and tribal (Coast Miwok) lands. Project impacts to these public lands can be significant as we witnessed increased sediment in the tributary after the fire road berm was put in. In March 2014, we submitted water samples to be tested and found that to be true.
The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. The new residential lots would range in size as follows and increase the Maximum Adjusted FAR to, 18,250 square feet not including garages, paved driveways, decks, patios and hardscaping:

<table>
<thead>
<tr>
<th>Proposed Lot Number</th>
<th>Proposed Lot Area</th>
<th>FAR sq.ft.**</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.22</td>
<td>7,000</td>
</tr>
<tr>
<td>2</td>
<td>0.89</td>
<td>4,250</td>
</tr>
<tr>
<td>3</td>
<td>5.18</td>
<td>7,000</td>
</tr>
</tbody>
</table>

** Adjusted floor area includes all areas that meet the requirements of Section A.2 above. Please see Program LU1.4d for a more detailed description. How large can the three ADU’s be and how will they be served by septic? .89 violates RMP .05 zoning. Imperviousness will increase to .58 acres or 25,200 feet of coverage.
There are several significant errors, misrepresentations and omissions within the Mitigated Negative Declaration (MND). The biological and hydrological significance of headwater stream health contained within or next to this property cannot be underestimated, which is what the application and MND has shown.

Was the MND document supplied to the Federated Indians of Graton Rancheria mandatory under the California Senate Bill 18 and 52, National Park Service, Golden Gate National Recreation Area, the Dipsea Foundation, or to California State Parks which has contributed significant financial resources over the years in maintaining fire clearance and trail maintenance on or near the subject property? All these entities will be impacted by the project because of how the property owners have historically managed that property at their proposed development, including the “Fire Road” project, treatment of wildlife, stormwater and water quality and supply. Have all been included who would respond to the Dipsea Ranch Project for those most impacted and purposed with natural resource protection? Providing and receiving important information is imperative when determining environmental impacts to their jurisdictions and natural resources.

The TACP recognized that conservation was important for the express purpose of protecting the parklands we all enjoy in this policy.

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development (emphasis ours).

Planning staff should work with the State Parks, National Park Service and representatives from the Muir Woods Park neighborhood to identify parcels in this area which may be appropriate for acquisition as open space.
The Redwood Creek Watershed, is internationally recognized and contains a world biosphere class old
growth redwood forest and several other biomes including redwood and Douglass fir, mixed hardwood, oak
woodlands, coastal prairie and native grasslands. It is a home to many rare and endangered species and where
millions of taxpayer dollars and tens of thousands of volunteer hours have been spent restoring habitat for
Evolutionarily Significant Units of California Central Coast Coho, Steelhead, Red-legged frogs and Northern
Spotted Owls.

The property owned by Weissman is but one property away from Mt. Tamalpais State Park that is 25,000
acres and wraps around Muir Woods and is overlaid with the Golden Gate National Recreation Area.

SANCTIONING VIOLATIONS
We are particularly averse to allowing the “Fire Road” on a wetland to be mitigated. It was begun in the rain
on February 27, 2014, on top of a wetland and ephemeral creek flowing into a Coho and Steelhead creek and
without any BMPs. A large driveway culvert pipe was installed diverting water along the outside of the
original channel along the dirt road bed and eroding materials directly into Redwood Creek. Source fill dirt
for the berm is unknown and 120-240 truck trips and heavy equipment used, violating the Clean Water Act
laws. It took the community three weeks, a petition, several complaint letters, phone calls to DPW and
eventually public testimony to the Board of Supervisors meeting. Not until after completion of the project
was the work stopped. It was not recommended or sanctioned by the Fire Department head, Jason Weber, as
claimed by the applicant. The applicant after the fact asked for a letter from the Fire Department, who may
likely have been unaware of the violation. It would have required a Section 404 Permit under the Clean
Water Act for the engineering and would have been denied. Because of these violations, there should be, at
least, compensatory mitigation required 2:1, removal of the road berm and no ability to “grandfather” this
violation into a project. There was a gravel, tire width road there prior to the “berm.” Correspondence, Video
February 28, 2014, and Documentation available.

Photo 2. Fire Road excavation project on wetland February 27, in Rain 2014 1200 Cubic Yards of Fill.

DESIGN AND ASSESSMENT BASIS LEVEL ERRORS AND OMISSIONS
The Hydrology report is filled with significant errors and misrepresentations that are dangerous to wildlife
survival, the neighbors safety and peace and health and park recreation. It underestimates rain totals and does
not acknowledge the extensive watershed wide restoration work. Creek mapping sources such as the EPA
Enviroatlas, EcoAtlas.org, National Wetlands Inventory and ESRI are more factually representative. An
independent hydrologist must conduct a thorough investigation during the rainy season to determine the

9 https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404
accuracy of the stream classifications on the maps since they are always changing at the County and we have evidence of the applicant trying to downgrade the streams associated with his property (attached).

WATERSHED WIDE RESTORATION EFFORTS BY MULTIPLE AGENCIES UNDER ONE TAM AND PARKS CONSERVANCY

The statement that “no plan exists to systematically reverse and mitigate the effects of land use on a watershed scale in the Redwood Creek Watershed or any other watershed in Marin County” (Page 17 Hydrology Report) is patently false and uninformed. All stakeholder agencies in the Redwood Creek Watershed: MMWD, GGNRA, NPS Muir Woods National Monument, One Tam, National Parks Conservancy, California Department of Fish and Wildlife, National Marine Fisheries Service (NOAA), US Fish and Wildlife, and Marin County; have Programs to restore the Redwood Creek Watershed that have been underway for almost 20 years and more recently consolidated under One Tam. The work projects are outlined in a multitude of documents.

By downgrading the property’s stream significance by the applicant, it goes against the restorations and nullifies the actions of hundreds of civil servants, tax dollars spent and dedicated volunteer efforts. Marin County Department of Public Works also has several highly educated and informed expert staff that should have been advisory to this Project. They include: Roger Leventhal, Chris Choo Senior Engineer, Liz Lewis Senior Watershed Engineer, and Rob Carson, Stormwater Manager for MCSTOPPP and there is a monthly Agency coordination meeting with all relevant agency for oversight and recommendations on a project.

PROJECT MAY UNDO SIGNIFICANT RESTORATION EFFORTS DOWNSTREAM

Extensive restoration is currently underway for Coho salmon, steelhead, red-legged frog and Northern Spotted Owls habitat in the Redwood Creek Watershed in Muir Woods. MMWD and other entities have implemented their sediment control program based on the Redwood Creek Watershed Erosion Study from Pacific Watershed Associates. Close monitoring is occurring on all special status species. Other salmonid and habitat recovery actions can be found in both National Marine Fisheries Service Coho Recovery Plan for California Central Coast (2012)\(^\text{10}\) (NOAA CCC) specific to the Redwood Creek Watershed, California Department of Fish and Wildlife Coho Recovery Strategy (2004) and the NOAA Steelhead Recovery Plan 2014.\(^\text{11}\) There are several comprehensive manuals such as the California Salmonid Habitat Stream Restoration Manual put out by the Circuit Rider with a Grant from CDFW. Marin County has on staff an Urban Streams Coordinator, Sarah Phillips, through the Marin Resource Conservation District who has come out to this area to advise neighboring properties on how to restore the creek.

The NOAA CCC Recovery Plan (Page 45) lists that Urban Development in the Redwood Creek Watershed has the highest threat to survival of Coho Salmon.

Major issues that relate directly to the Project are listed below from Stillwater Sciences’ Redwood Creek Watershed Assessment from 2011:

Several important issues with relevance to watershed planning are associated with human habitation within the watershed, including: the siting, leakage and failures of septic systems, water use, runoff and soil erosion, congestion on area roads, and introduction of non-native plants and animals. All houses

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within the watershed, excepting those in Muir Woods National Monument, currently operate on septic systems, and problems with overloaded or poorly sited septic fields are noted within community plans. Further development, including redevelopment to larger residences, is expected to exacerbate these problems. Similarly, increasing development, home sizes, paving of roads and driveways, and removal of native vegetation, are also expected to increase water runoff and the potential for soil erosion and water pollution. Water quality monitoring conducted by NPS has occasionally found Redwood Creek bacteria levels to exceed state standards for human contact and elevated nitrogen levels. Problems with traffic congestion, particularly park visitors and people travelling through on Highway 1, are also exacerbated by full-time residents within the watershed due to the area’s narrow and winding road system.


Not addressing the other affected jurisdictional parklands and open space creates more issues for them and for the community in the future. The Tamalpais Community Plan (TACP), in this case, favors lot consolidation or acquisition and transfer to open space any adjacent property. A land subdivision should require intent letters be sent to all affected parties.

More importantly, a watershed functions as a whole, so disturbance in any given area can adversely affect property, downstream wildlife and water quality. Since wildlife do not recognize property boundaries, traveling extensively between Muir Woods and the Muir Woods Park community. Below on Page 19 are lists of wildlife on an adjacent property as well as on the subject property witnessed over a 28-year period.

SUBJECTIVE ASSERTIONS RATHER THAN OBJECTIVE INFORMED CONCLUSIONS THROUGHOUT THE INITIAL STUDY.

The word “appears” is used 31 times in the Mitigated Negative Declaration and to describe potentially significant impacts. This is a subjective “guess” and generally unsubstantiated by facts or evidence. The definition of “appear” is: 2. seem; gives the impression of being. This is not the intent of CEQA. Using the word “appears” so many times argues for a full EIR under CEQA because the Mitigated Negative Declaration has not met the basic CEQA standard of inquiry and remains the subjective determination of one individual. Five times the word “unlikely” is used, nineteen times the word “likely” is used – all without substantiation by facts. Words like “should” invite abuse of mitigation requirements. Of concern is the conclusion from Page 55: “Development of the project site should include wildlife friendly practices such as appropriate fencing to reduce potential impacts on wildlife.” Using “should” instead of shall or must, provides no enforcement for necessary protections or mitigations.

Other concerning assumptions are:

“Therefore, this Initial Study assumes that future residential development following Project approval, if such approval is forthcoming, would be within the mapped building envelopes.

“The emissions modeling, therefore assumes that Project construction would employ the Basic Construction Mitigation Measures.

“The modeling assumed that one single-family residence and one ADU would be constructed on each of the two lots...

“2014 Grading of the Fire Road: It is assumed that impacts associated with site grading and fill placement may have resulted in disturbance to the wetland, such as hydrologic alteration, removal of wetland vegetation, or filling directly into the wetland. Based on present conditions, however, the wetland appears to be functionally intact. The grading of the Fire Road therefore appears not to have had lasting impacts on the wetland, and consideration.”

Almost every conclusion has this nonspecific kind of language. It is questionable whether any planner has even been to the site to confirm or deny the statements made by the applicant.
A FULL ENVIRONMENTAL IMPACT REVIEW IS NECESSARY

A mitigated negative declaration (MND) is a negative declaration (ND) that incorporates revisions (mitigation measures) in the proposed project that will avoid or mitigate impacts to a point where clearly no significant impacts on the environment would occur.

Based on my review of the application and the County’s proposed Negative Declaration, as well as evidence from other sources, it is my opinion that an EIR is required for the following reasons:

- The proposed Negative Declaration is based on incorrect assumptions and does not appear to have considered all of the information in the record in determining the potential for significant impact.

The applicant is also forcing the community to accept a sacrosanct rule to not build on ridgelines and violation of the TACP and having a substandard lot. This is just one of many examples that the Initial Study (IS) attributes the ability mitigate to every potentially environmental threat without proof.

21. MANDATORY FINDINGS OF SIGNIFICANCE Pursuant to Section 15065 of the State EIR Guideline:
   a) this project will and is currently increasing the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels. Protection of wildlife habitat has diminished and the project will increase known stressors, extirpate wildlife and diminish survival rates from erosion, increased fire risk and toxic spills.

   A violation of the federal Clean Water Act law was made by applicant’s dumping fill from an unknown source on top of a wetland and in the rainy season. To assume the “function” was not damaged by the massive road does not acknowledge the known connectivity of groundwater, hyporheic action, and wetland functions. There has been no proof given that the wetland was not damaged and remains clogged today and drainage not maintained so it is still releasing sediment and eroding the parking along the fence area that was required to have BMPs or that it did not extend under and below the road berm. In any case, it would need to be mitigated under the laws and require full environmental review by relevant agencies. Many in the community have called for the removal of these 1200 cubic yards of fill and to restore the wetland that is the headwaters of an intermittent creek tributary to Redwood Creek.

   A CEQA with a full EIR must investigate fully the Redwood Creek Watershed and Arroyo Corte Madera del Presidio and neighboring parcels potentially impacted by the Project, because Redwood Creek is internationally recognized as significant for its biodiversity. This “double headwaters” property contains wildlife corridors and streams and to ignore giving full attention to the cumulative impacts would violate the CWP of Marin County for stream and wetland setbacks, wildlife corridor protections, proper biological assessment and protection of public open spaces.

EXCEPTIONAL PROPERTY IN THE TACP RECOMMENDED FOR CONSERVATION

The Project property is listed in the TACP.

12 TACP LU31.1a APN 46-161-10 totals ten acres on the south side of Panoramic with an average slope exceeding 40 percent. Given septic tank regulations a maximum of five units is possible. The community desires this site to remain open in appearance. The most buildable part of the site is on the ridge which is contrary to community policy for development. The steep slopes and the particular drainage pattern of the area below the ridge will make it difficult to get many dwellings on the site.
COMMUNITYWIDE SUPPORT FOR THE PROJECT DOES NOT EXIST.

Over 120 neighbors showed up to the design review meeting in 2018 that was videotaped. The vast majority recognized the significance of the project lands, adjacency to the State Park with the evidence of springs and flowing creeks throughout the property. The vast majority wanted the land to be preserved in perpetuity and the Tamalpais Community Plan supports this.

Because of its location and wildlife impacts this project would have an immitigable and significant impact on the community, environment, wildlife habitat and corridors, public parklands, views, natural resources and the surrounding community.

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TACP *Muir Woods Park (Figure 12)*

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development. Tam Plan. 1992.

**LU14.1d** Planning staff should work with the State Parks, National Park Service and representatives from the Muir Woods Park neighborhood to identify parcels in this area which may be appropriate for acquisition as open space.

**ISSUE: Protection and Enhancement of Existing Open Space Areas**

**Objective LU.31:**

To protect the significant local and regional open space values of the Muir Woods Park area. Many desired open space areas may be able to be pursued through clustering of development off of important open space lands and visual resource areas, and securing these lands through conservation easements.

**LU31.1b** The County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mount Tamalpais State Park, Muir Woods National Monument and the lands of MMWD. Some of these areas are shown in Figure 12. In the event acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park and water district lands. The County Planning Department should identify and map the parcels contiguous to park lands.
We find a plethora of errors and misrepresentations in the MIND, requisitioned Hydrology and Land Use report, maps, failure to study cumulative impacts of septic systems and where a full EIR must be mandatory. The jurisdictional TACP EIR clearly defines these issues the Plan hopes to mitigate but in this case, we find immitigable. We need to know that the project truly can achieve mitigation benchmarks for approval because the MIND has not made the case.

These policies [TACP] included the evaluation of environmental constraints, restricting development to the most geologically stable area(s) of a site, minimizing grading; streamside setbacks; maintaining water courses in a natural type state, limiting increased runoff, avoiding downstream flooding, preserving native trees, discouraging planting of invasive plant species, requiring analysis of presence of sensitive species, requiring drought and fire resistant landscaping, and rezoning to preserve valuable habitat. (1992 Tamalpais Area Community Plan EIR)
Map 4. Shows existing and projected location of septic systems and that much of the subject property is a Stream Conservation and Wetland Conservation Area

UNRESOLVED ISSUES in the INITIAL STUDY and MND

TACP REQUIREMENTS AND ZONING
1. The subdivision acreage of .89 acres is a substandard sized lot for that area zoned RMP -.05 (Residential, Multiple Planned District-unit per 2 acres) minimum and is not supported as a valid size for that area in the TACP (see Attachment 4)
2. Houses on Ridge lines are also not allowed but that is the Project plan
3. The average size of home in Muir Woods Park is around 3500 square feet and this information was not provided in the MIND. This is critical to identifying compatibility with the neighborhood. A complete assessment is necessary. The Project claims two homes 7000 square feet and 4250 sq. feet and the potential for 3 ADU’s of unspecified size
4. Imperviousness increases are significant with the addition of garages, driveways hardscaping and ADU’s. The MIND fails to identify the actual amount of increased impervious surfaces if built out.

SEPTIC SYSTEMS
5. Both septic systems’ treatment leach fields are directly above riparian areas on steep slopes above perennial/intermittent blue line streams on the edge of and within the designated minimum Stream Conservation Areas. Should they fail, they will contribute known pollutants right into the...
streams. Septic systems failing are the #1 cause of pollution to the Redwood Creek watershed. (Redwood Creek Watershed Assessment 2010)[1]

6. The septic easement 469 Panoramic on the Project property was not included in the Questa Cumulative impact survey and it falls within the SCA already in violation of Environmental Health Standards.
7. Questa’s study did not take into account all the Septic systems on the property and geographic locale that would impact the creeks – a total of at least 5 systems.
8. If there are projections of two homes added and one likely expanded with three ADU’s possible, it is unspecified how the current additions of only two septic systems will be able to handle those three ADU’s. The cumulative impacts of adding 5 new homes septic hook-ups with only 2 added systems on the plans is a large issue that we did not find an answer in the MIND.
9. The property that would be 2.22 acres contains two septic system leach fields and piping that crosses the creek, where a landslide is shown, and another system is planned above and to the north of it without consideration for two septic systems so close together on a very steep slope. All of these septic systems, as well as the potential ADU’s, need a cumulative impact assessment. Further, the tributary that extends up toward the main house should be located on Figure 4-1 and it is just not shown there. This would change the amount of buildable land and ability to put in septic.
10. How large will the three ADU’s be and how will they be served by separate or combined septic systems? This needs to be identified.

Arrows point to existence of perennials creeks 1910 assessors map.

WETLANDS AND CREEKS (HYDROLOGY)

11. The Marin CWP is very clear on creek and wetland setbacks that 100 feet is a minimum. Given the slope and proximity to the creek and run-off calculations, the setbacks listed are not large enough to address these other issues.
12. The property crosses the combined ridgetop of the two watersheds but that information is not found or discussed in the Hydrology report. Impacts to both watersheds need to be considered.
13. Misleading statement in the Hydrology report that there was not a comprehensive plan to restore the Watershed, when there are several plans extant and several entities that have been working on restoration for 20 years. Refer to narrative and stats on Page 31.
14. Wetland areas on the property that are identified on the National Wetland Inventory[2] and are shown in their mapping must be properly identified and protected. There can be no speculation as to their existence or a downgraded state as implied by the applicant and his consultants. These streams appear on 1910 assessor’s maps. We are requesting that these wetlands be afforded all protections under the federal government whether degraded or not. We believe that this will require wetland mitigation of 2:1 due to past property owner actions whether or not the Project goes forward.
15. Damage to hydrologic function, floodplain integrity via hyporheic feed to the creek subsurface flows and surface soil disturbance is of concern in the implementation of this Project. We are not certain that the proposed mitigation measures will result in less than significant impacts to the creek, floodplain and sensitive species and contend they are inadequate. Please refer to the National Marine Fisheries Fact Sheet.
16. Hydrology report misrepresents the status of the streams refuted by the National Wetlands Inventory and derivative EcoAtlas, Regional Water Board data sets.
17. Recent unpermitted work on top of watercourses and wetlands needs to be addressed and remediated as a condition before further work is allowed.
18. The property straddles two watersheds and the Arroyo Corte Madera del Presidio (Mill Valley watershed is not mentioned, a serious flaw in the Hydrology report.
19. Figure 5 does not accurately reflect the streams or their classification (again see National Wetland Inventory footnote link).
20. Correspondence from the applicant trying to downgrade the streams was sent to the County.
21. Misrepresentation of watercourse status as ephemerals when they are listed as intermittent and perennial streams that are the headwaters for Redwood Creek (Coho Salmon Habitat)
22. The property owner has not demonstrated responsible land management and has built and excavated without permits by bring in 1200 cubic yards of unknown source fill onto a wetland.
23. Riparian Corridors have unpermitted trail building. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival downstream.
24. Unmaintained and unpermitted work in the County Right of Way by previous owner and current owner has resulted in flooding of neighboring properties.
25. The “fire road” has damaged the hydrology of the wetland, cutting it off from the larger area below and has essentially created an immitigable dam and watercourse alteration violation.

STORMWATER DESIGN AND CALCULATIONS
26. The inaccurate annual rainfall totals, in addition to the 100-year flood projections, can lead to local increased flooding of adjacent properties and parklands. Needs to be redone with accurate rainfall totals.
27. Based on the Hydrology Study, added imperviousness from .31 acres to a total of .58 acre for 25,200 feet of coverage appears to not cover the proposed ADU’s. If the additional square feet of ADUs are not included in this design calculation it must be redone and the stormwater designs enlarged.
28. High Probability that Construction BMPs will not be followed and potential for toxic spill materials is also high based on previous unpermitted work. High Probability that there will be little to no oversight by the applicant or hired company based on previous issues with the “fire road.” This will require extra vigilant monitoring during construction by the county or an independent project manager for the life of the project. Enforcement actions and violations charges should be substantial enough to encourage compliance.
29. Future predicted extreme storm events will likely far exceed the capacity of the designed stormwater system. Flooding has already occurred across the street from the property from failure to maintain or install permitted culverts in the public right of way.
30. Increase in stormwater runoff from impermeable surfaces will decrease infiltration affecting year-round creek flows as well as increasing runoff and erosion of steep slopes.
31. Serious underestimation--by one half or more--of rainfall totals. Relying on those specific amounts on this ridgeline property is inadequate and may cause future episodes of dangerous flooding, sedimentation to creeks, erosion and landslides. Rainfall total averages are closer to 60 inches per year. The past two seasons have had 90 inches and 75 inches, respectively. Climate change scenarios are showing increasing intensity of rain events for Marin. Higher figures should be used as a conservative estimate.
32. Any extra sediment from excavations, landslides, polluted runoff, toxic material spills, unknown toxicity of fill dirt, etc.in the watershed can have seriously detrimental effects on the
downstream habitat and cause mortalities to special status federally listed species of red-legged frogs, steelhead and Coho salmon.

33. Adverse downstream impacts to water quality and flow regimes are likely due to this project during construction and afterwards.

GEOLGY

34. The hillside stability is in question as there are 13 known historic slide areas that were not addressed. 1. Geology and Soils – the Soils report by Herzog revealed 13 historic slide areas including active slumping where cuts and trails in the steep riparian hillsides has occurred. 35. Many areas that have trail and road cuts are already showing slumps and unstable soils. 36. The totality of new septic function and stormwater drainage may be based on inaccurate runoff predictions (discussed above).

FIRE THREAT, SAFETY AND WILDLAND URBAN INTERFACE

37. Adding construction traffic impacts and additional residents to a community that is already considered one of the most dangerous WUI fire zones for fire events poses a serious public safety issue to the County and its residents.

38. There is no evacuation plan for the tens of thousands of users and residents of the Redwood Creek Watershed, Muir Beach and Muir Woods Park Community.

39. Large public grant funds were used exclusively on the property for vegetation management to prevent fires. These actions have not been sustained so that invasive pyrophytic species of plants have taken over much of the property.

40. Narrow, steep and windy streets in the community make fire risk challenging to fire departments and to managing and developing effective escape routes.

1. Hazards and Hazardous Materials – The Muir Woods park community and Muir Beach community have had three fires in the past 12 months. Those were caused by tourists and P.G.E. transformer poles. There is no evacuation plan for our community, Muir Woods National Monument, State Parks, GGNRA or Muir Beach.

CLIMATE CHANGE

41. Climate change is impacting storm events and drought on the subject property causing more weather extremes, including fiercer storms from atmospheric rivers. The area has suffered drought impacts recently as well affecting biodiversity, fire risk, plant and animal survival, surface and groundwater supply. Additional impacts from construction and habitation may hasten species extinction already at risk due to past human activity. The Fire road cost serious GHG emissions and removal should occur.

AESTHETICS

42. Aesthetics and views are not sufficiently addressed. Homes will be placed on ridges affecting sightlines.

43. Neighboring properties will lose sense of bucolic surroundings. Where there were once two majestic one-hundred-foot-tall Doug Firs, these were replaced with a paved road expansion, road paint delineations, a huge retaining wall, hardscaping and two signs: Stop and Right Turn Only. Property work has turned a once beautiful road into an urban freeway setting.

44. The property’s development will impact the Historic Dipsea Trail vistas, wildlife corridor and use.

AIR POLLUTION

45. Heavy machinery for construction will cause inimittable air pollution and there are direct neighbors who are sensitive receptors and will be impacted.
46. By having more homes, vehicles, more gas powered equipment will be used emitting fumes.  
47. Cars will accelerate across the street to get into the road right across from our driveway increasing gas fumes - plus the neighbor is a sensitive receptor and has a workshop garage immediately across from the 455 driveway.

**NOISE AND LIGHT POLLUTION (Significant)**

48. Noise and light pollution are not sufficiently addressed and will affect both neighbors and wildlife.

Impacts to the night sky that the community enjoys and are vital to the health of native wildlife have not been addressed. Dark Sky BMP principals should be embedded and followed.

**BIOLOGICAL IMPACTS (Significant)**

49. Impacts from development and urbanization have been significant as outlined in the 2010 Redwood Creek Watershed Assessment and NOAA National Marine Fisheries Service Coho Recovery plan.

We have evidence that the project would result in significant or potentially significant environmental impacts related to:

Biological Resources – There are significant wildlife corridors that connect wildlife from Muir Woods, State Parks as witnessed by experts who are neighbors immediately across the street. At 446 Panoramic Hwy for the past 28 years, the property owners have documented sightings of animals that have migrated from across the street from the subject property. Without on site assessment during peak migration and breeding seasons as well as a comprehensive assessment. A large number of terrestrial animals come from the Weissman property and cross Panoramic Hwy. This documentation should establish the significance of wildlife corridors that are most often the riparian zones, of which there are many on the subject property, giving the animals cover.

Because so many animals are in decline, particularly birds, it is incumbent for the County to protect and identify those animals. The MND falls short of that.


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**14 Tamalpais Community Plan, Page III-53 Objective LU.15:**

To protect wildlife trails (right-of-way) which provide access for wildlife through private property for access to water and food sources.

**Policies:**

LU.15.1 Wildlife Corridors

Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.

**Programs:**

LU15.1a The County and TDRB, as part of Design Review, if appropriate, will request that an applicant provide information on the value of the project
50d. The Project subdivision is the opposite of what the intent of the TACP and of the community – to conserve and protect significant properties next to parks and that would otherwise lead to habitat fragmentation.

51. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival.

52. The Federal National Marine Fisheries Service NOAA recommendations[^4] have not been included in the assessment of the property though their “action items” include all of Redwood Creek Watershed.

- Encourage willing landowners to restore historical floodplains or off-channel habitats through conservation easements, etc.
- Existing areas with floodplains or off channel habitats should be protected from future urban development of any kind.

Promote restoration projects designed to create or restore alcove, backchannel, ephemeral tributary, or seasonal pond habitats.

- Target habitat restoration and enhancement that will function between winter base flow and flood stage.
- Purchase land/conservation easements to encourage the re-establishment and/or enhancement of natural riparian communities.

53. Redwood Creek watershed and Project property are part of a world-renowned biodiversity hotspot. (see appendix for empirical evidence across the street)

54. Wildlife corridors will be blocked and unprotected, leading to extirpation of endangered species like Northern Spotted Owls from construction process and new homes, vehicles, noise in an area adversely impacting multiple historic riparian and wildlife corridors.

55. The property lies in documented Northern Spotted Owl (an endangered species) habitat. Marin County, including the Redwood Creek watershed, may support the highest known densities of northern spotted owls (NSO) in the western United States (Stralberg et al. 2008).[^5] According to the U.S. Fish and Wildlife Service, “Disturbance may reach the level of take [under the Endangered Species Act] when at least one of the following conditions are met:

- Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB).
- Project-generated sound, when added to existing ambient conditions, exceeds 90 dB.
- Human activities occur within a visual line-of-sight distance of 40 m or less from a nest.

NSO are particularly vulnerable to sounds and lights and therefore, the use of the property and continuing construction impacts represents a significant impact that cannot be mitigated because many of the construction sounds exceed the limits of 20-25 decibels disturbance threshold. A backhoe, grader, and cement truck are 84-85 decibels. There is no mention of the impact from increased light pollution to NSO and other wildlife from construction as well as the impacts of light and noise pollution once the Project is completed. Since new homes will have a second story, the canopy of light that will project outward, along with sounds, will be a constant significant increase and is therefore immitigable.

56. Several large, mature heritage and protected trees have already been removed from the property (Sargent Cypress and Douglas Fir)1. The arborists report is inadequate considering the number of trees impacted by the project and on the property. We are noting that the presence of willows indicate creek on the property and high surface groundwater, and there is no mention of...
the mature Sargent Cypress that was removed. The report contained a significant error that was later corrected. There is not adequate mapping of all the existing vegetation, leaving to chance, any protections going forward. Of particular concern was the failure to discuss the riparian trees.

HABITAT VALUES

57. This property is significant for its habitat values and should be preserved and rezoned to preserve valuable habitat. Almost every animal found in the parks area including endangered Northern Spotted Owls is found on this property.

57. Best management practices of the property have not been demonstrated over the course of the applicant’s ownership. Enforcement and regular monitoring for compliance will be required if this Project is to move forward.

59. Biological report wholly insufficient, lacking comprehensive study and local data.

60. See Biology page 19 for animals in the area.

61. There are many invasive plants on the property that have been allowed to proliferate under the applicant obliterating vegetation management work done previously.

62. Large native trees have been removed.

CULTURAL RESOURCES

63. We did not find a report about inquiry into the cultural resources as suggested. Please provide a cultural resource report.

64. It is highly likely cultural resources have not been vetted properly since we cannot find a report, and a full EIR is needed to inform Project impacts. (Tribal Notification SB 18, AB 52 and CEQA code § 21080.3.1. (a)

65. Noise, light, water and air pollution increases will occur and not been mitigated sufficiently. There are sensitive receptors to light, sound and fumes next door and therefore, the Project which likely will go on for several years is immittigable.

Cultural Resources – Proper assessment of cultural resources have not been completed. An assumption about concern by the tribes who were contacted only once a year and a half ago. The statement “Therefore, the County has no information from either tribe about the presence or potential presence of tribal cultural resources at or in the vicinity of the Project site…. Based on the lack of response from the Tribes…the Project is not expected to cause a substantial adverse change in the significance of a tribal cultural resource, and the impact would therefore be less than significant.” is an incomplete and disrespectful assumption. It is probable that this property contained cultural significance for Native Americans in the area, because of its water sources, wildlife and vistas and with the widely accepted knowledge that most of the trails in the area were made by Native Americans.

Appendix N was added in December 28, 2018

CEQA Guidelines Added question to Infill Environmental Checklist regarding consultation with California Native American Tribes.

The assertion made by the planner that Public Resource Code 5020.1 and 5024.1 does not identify cultural tribal resources, those being covered by AB 52 and SB 18. Nor does section 5 refer to these statutes being fulfilled. So they apparently were not fulfilled which sends the message that the CEQA MND is inadequate.

A property of the size and significance of the Dipsea Ranch should have a separate study that addresses the following under CEQA § 21074. (a) “Tribal cultural resources” are either of the following: (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources. (B) Included in a local register of historical resources as defined
in subdivision (k) of Section 5020.1. (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).


Did the County fulfill their obligations under Senate Bill 18 and Assembly Bill 52? The evidence does not support that they did. The Cultural Resource segment under CEQA is, therefore, not fulfilled and dismissed without proper assessment or a follow up letter to indicate the project status moving forward. There is no reference to either SB18 to AB52 by the planner in the MIND.

http://opr.ca.gov/docs/OPR_AB_52_Presentation_Discussion_Draft.pdf We found no Cultural Resource report in the file though the applicant apparently requested a study we find no evidence of that either and that is critical to this property.

SURROUNDING COMMUNITY CHARACTER
66. The Project is out of context with the surrounding land use and community.
67. The Project homes are twice the size of the average size homes in the Muir Woods Park area.
68. The buildings will be on top of the ridge, which violates the TACP.
69. The property owner has misrepresented the Fire Department; Fire Chief Jason Weber has refuted his claim.

INTENT OF THE TACP
70. The majority of the community and the TACP believe the lands should be preserved and the MIND does not contain an opportunity for the community to be heard and consider options. This was expressed at the Tam Design Review committee where over 120 residents participated and most expressed they were against the land being divided up and thought it should be put into conservation.
71. Project pictures do not show the existing car garage that likely has a residential unit on it.
72. The previous owner of the property did $½ million dollar’s worth of unpermitted remodeling on the property. There needs to be an investigation of the garage to see if there is a living space there. The Project would violate several TACP policies that are immittigable.
73. But another parcel of about 1.86 acres is owned by the same applicant and is immediately adjacent to Mt. Tam State Parks.[6]
74. There are multiple conflicts with the Project listed below and several aspects of the TACP policies are not fulfilled by this Project:

● LU1.1 a LU1.4 b Ridgeline protections prohibit construction within 100 feet of the ridge
● LU1.1b Design dwellings so the rooftop is below the ridgeline
LU 2 – Establish densities with environmental constraints
LU2.1e Design review shall be required as a condition of tentative map approval.
LU3.2b Development shall be consistent with the community plan.
LU 4.1a Meet with property owners to encourage lot mergers.
LU8 Preserve archeological and cultural resources
LU 8.1 and LU8.2 Encourage protection of resources
LU 11.1a, 2b Implement existing Countywide Plan policies for stream setbacks to protect stream corridors and banks.
LU11.2a Identify damaged reaches of streams and target for restoration or stabilization in conjunction with permits for new construction or alteration
LU 11.2b Retain unimproved water courses so that they are natural appearing. Discourage underground drainage.
LU13.2b Protect acquisition of undeveloped lands with open space significance
LU 13.2c The Design Review process will be used to identify the vegetation and wildlife habitat of a site.
LU 14.1a-1d Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space District. Acquisition of parcels with local open space significance should be pursued. Portions of sites that contain open space resources shall be considered for preservation by clustering development.
LU14.1d Identify parcels in this area which may be appropriate for acquisition as open space.
LU 15 To protect wildlife trails through private property for access to water and food sources
LU 15.1a Any identified wildlife trails should be protected as part of Design Review approval
LU 16.1a May require the submission of geotechnical and hydrologic reports to assess risk.
LU 16.1a May require the submission of geotechnical and hydrologic reports to assess risk.

IMPORTANT WATERSHED BASED STUDIES NOT INCLUDED IN MND
2. Pacific Watershed Associates – 2002 Erosion Control Study for Redwood Creek Watershed. The Project area of 8.29 acres is about 1/4 of the sub-watershed Camino Del Canon. With the other park adjacent property, it is about 1/3 of the sub-watershed that is part of the Redwood Creek watershed. Because the Redwood Creek Watershed is only about 7.5 square miles with steep walls draining down quickly, any uphill, upstream impacts and development can be significant. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival. This precipitated a comprehensive study by Pacific Watershed Associates in 2002 requisitioned by several agencies including State and National Parks, Marin County, Muir Beach CSD and Marin Municipal Water
This property and almost all of Panoramic Hwy were part of this study.

Appendix 2: List of Known Species in the Project Area

Many of these species listed come from reliable sightings at 446 Panoramic Highway, which is part of the wildlife corridor of the project area. There is no way a short, even the most expert, biological survey can possibly match the long term viewing of credible witnesses.

Fifty-five to Sixty species of birds:
Great Horned Owls, Endangered Northern Spotted Owls (hunt training) Red shouldered hawk (nest), Merlin, Sharp-shined hawk, Turkey Vulture, Varied Thrush, Robin, Oak Titmouse, Brown Creeper, Winter Wren, Bewick’s Wren, Dark-eyed Junco (nest), House finch (nest) purple finch (nest), Anna’s hummingbird (nest), Allen’s hummingbird (nest), Rufous hummingbird, Violet Green Swallow(nest) Tree Swallow, Band tailed pigeons, California Quail (nest), Chestnut backed Chickadee(nest), Lesser Goldfinch, American Goldfinch, Downy Woodpecker (nest), Acorn Woodpecker, Hairy Woodpecker (nest), Red Breasted Sapsucker, Nutall’s Woodpecker, Northern Flicker, Red-Naped Sapsucker, Western Wood Peewee, Willow fly-catcher, Pygmy Nuthatch, Gold-Crowned Sparrow, White Crowned Sparrow, Cedar Waxwings, Crow (nest), Raven, Stellar Jay (nest), Scrub jay (nest), Spotted Towhee (nest), California Brown Towhee (nest), Wilson's Warbler (nest), Townsend Warbler (nest), Pine Siskin, Swainson’s hawk, Black Phoebe, Bushtit, Brown Creeper, Swainson’s thrush, Hermit Thrush, Black-headed Grosbeak (nest), Western Tanager, Fox Sparrow. There are several other species that have not been positively identified in the sparrow, fly and gnatcatcher and finch families.

Species of birds identified flying over or in the immediate area:
Western Bluebirds (nesting), Bald Eagle, Golden Eagle, Northern Harrier, Red Shouldered Hawk, Osprey, American Kestrel, Pileated Woodpecker, Ruby Crowned Kinglet.

Mammals:
Gray fox, ring-tailed cat (3 documented sightings Oct. 2019), dusky footed woodrat (8 nests at 446 Panoramic Hwy. main food source for the endangered Northern Spotted Owl), bobcats, red squirrel, grey squirrel, Marin chipmunk, coyote, black tail deer, opossum, striped skunk, raccoon, deer mouse, gray fox, vole, mole, gopher, three unidentified species of bats (4 bat houses on the home).

Amphibians:
Pacific giant salamander, California Slender salamander, California Newt

Reptiles:
Garter snake, green grass snake, alligator lizard, gopher snake, Western Diamondback rattlesnake, western fence lizard

Butterflies and moths:
Endangered Monarch butterfly, California Sister butterfly, Pale Swallowtail, Anise Swallowtail, numerous unidentified hairstreaks crescent and fritillary, Buckeye, Red Admiral, California Tortoiseshell, Lorquin’s Admiral, numerous Skippers and Duskywings.

Butterflies and moths sighting in recent years:
5 kinds of butterflies including Monarchs, Red Admiral, Painted lady and California Tortoiseshell found resting in Eucalyptus trees across the street. A massive multi-day Painted Lady migration coming from Muir Woods area have flown over 455 and 446 Panoramic the past 3 years.

Several important issues with relevance to watershed planning are associated with human habitation within the watershed, including: the siting, leakage and failures of septic systems, water use, runoff and soil erosion, congestion on area roads, and introduction of non-native plants and animals. All houses within the watershed, excepting those in Muir Woods National Monument, currently operate on septic systems, and problems with overloaded or poorly sited septic fields are noted within community plans. Further development, including redevelopment to larger residences, is expected to exacerbate these problems. Similarly, increasing development, home sizes, paving of roads and driveways, and removal of native vegetation are also expected to increase water runoff and the potential for soil erosion and water pollution. Water quality monitoring conducted by NPS has occasionally found Redwood Creek bacteria levels to exceed state standards for human contact and elevated nitrogen levels. Problems with traffic congestion, particularly park visitors and people traveling through on Highway 1, are also exacerbated by full-time residents within the watershed due to the area’s narrow and winding road system.


[6] The neighborhood's narrow, twisting streets on steep slopes lack sufficient width for emergency vehicle access, existing resident parking, and cannot safely accommodate a large increase in residential traffic trips. The neighborhood's steep slopes and geologically unstable building sites could pose serious landslide and safety hazards if developed improperly. Drainage systems often affect adjacent parcels, requiring neighbors to work together to jointly maintain improvements. (TACP)


The project would violate several TACP policies and are immittigable.
/media/files/departments/cd/planning/currentplanning/publications/communityandareaplanstamalpais_area_community_plan_appendices.pdf

- Ridgeline protections LU1.1 a LU1.4 b Prohibit construction within 100 feet of the ridge
- LU1.1b Design dwellings so the rooftop is below the ridgeline
- LU 2 – Establish densities with environmental constraints
- LU2.1e Design review shall be required as a condition of tentative map approval.
- LU3.2b Development shall be consistent with the community plan.
- LU 4.1a Meet with property owners to encourage lot mergers.
- LU8 Preserve archeological and cultural resources
- LU 8.1 and LU8.2 Encourage protection of resources
- LU 11.1a, LU11.2a Implement existing Countywide Plan policies for stream setbacks to protect stream corridors and banks.
- LU11.2b Identify damaged reaches of streams and target for restoration or stabilization in conjunction with permits for new construction or alteration
- LU 11.2b Retain unimproved water courses so that they are natural appearing. Discourage underground drainage.
- LU13.2b Protect acquisition of undeveloped lands with open space significance
- LU 13.2c The Design Review process will be used to identify the vegetation and wildlife habitat of a site.
- LU 14.1a-1d Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space District. Acquisition of parcels with local open space significance should be pursued. Portions of sites that contain open space resources shall be considered for preservation by clustering development.
- LU14.1d Identify parcels in this area which may be appropriate for acquisition as open space.
- LU 15 To protect wildlife trails through private property for access to water and food sources
- LU 15.1a Any identified wildlife trails should be protected as part of Design Review approval
- LU 16.1a May require the submission of geotechnical and hydrologic reports to assess risk.

The rainfall totals indicated in the Hydrology Report for 455 Panoramic Hwy. that they are between 26 to 36 inches per year are erroneous. All records show at least twice that as average rainfalls. 75 inches fell in 2018-2019 and 90 inches season 2017-2018. Backed up by our 28-year history and evidence from living across the street from the project, this is a dangerous misrepresentation made by the Hydrology report. This leads to insufficient calculations used for all design, stormwater, foundation and septic work as insufficient. The recent historic figures are available from OneRain, NOAA and MMWD.

"As a result of orographic lift, mean annual precipitation in the Redwood Creek watershed ranges from 26 inches at the Pacific Ocean to 36 inches on the high flanks of Mount Tamalpais. The mean annual precipitation according to Marin Map at the job site is 34 inches. This is consistent with the site specific data available from NOAA. Within the project area the 2 year 1-hour storm is calculated through historical data and probabilities at 0.64 inches of rainfall. The 2 year-24 hour and 100 year-24 hour storms are calculated to be 3.38 inches and 8.73 inches respectively (NOAA). The area is most influenced by the Pacific maritime climate dominated by "wet winters and dry summers" (SCS -TR55 Manual). This is important as it dictates the distribution of rainfall within a storm event and determines the peak runoff and total volume generated during a storm.” (Hydrology and Land Use Report Dipsea Ranch Tentative Map, Ziegler Civil Engineering, © 2018  Page 20).
MAP 5. Project site: Shows all recognized tributaries from National Wetlands Inventory.
Map 6. The Red Line shows that a large segment of the property flows north into the Arroyo Corte Madera del Presidio watershed, a fact that is not even mentioned in the Hydrology Report. The Southern section flows into the Redwood Creek watershed. Right now, these stormwaters are not being properly managed and we did not find this addressed in the Hydrology Report. Watercourse designations from Environmental Protection Agency showing property blue line creek designations, and stormwater drainage directions (Blue Arrows) Location of Road Berm.

Figure 4.1 (from MND augmented to reflect septic fields in orange and does not include two more on North Corner and on Neighbors property just above orange straight line).

Overlay of issues on Figure 4.1 - Neighbors septic system setback was built in the SCA and their pipes may cross the creek. The streams, because they are blue line, are all intermittent (seasonal) or perennial because they flow most of the year. We have plenty of evidence for that. On the map there is a missing tributary near the main house (existing).

How would the Accessory Dwelling Units dispose of their Waste? Will there be more septic systems added?

We do not find that the “reports” submitted adequately address the current and prescient environmental issues resulting from ill-informed “urban uses” and basic landowner’s responsible land management.
PROPERTY CONSTRAINTS

In describing the property, this culturally significant and historic property in the Muir Woods Park Community contains significant ecologic, hydro-geologic features including three headwater tributaries of Camino del Canyon Redwood Creek subwatershed, containing steep headwaters with multiple historic and active landslides, a wetland, and riparian zones and is a significant portion of the Redwood Creek Watershed. Mistakenly the description of 2 Redwood Creek tributaries is that they are ephemerals when they are documented as blue-line perennials and intermittent streams. (Laura Chariton, MA Riparian Policy and Environmental Restoration). Attempts have been made to downgrade the significance of the Stream Conservation Area and the intended protections. (See Appendix) Fortunately, the County and EcoAtlas.org, National Wetlands Inventory has covered this and they are listed as blue line perennial streams. We have correspondence with the County from the Applicant in an attempt to downgrade the stream from a class 1 or 2 (perennial/intermittent) to a 3 or 4.

The property drains into two different watersheds: Redwood Creek and Arroyo Corte Madera del Presidio (ACMdP) apparently not identified in the Hydrology Report. Neighboring properties have already been flooded by unpermitted, unmaintained culverts and drainage ditches by the applicant within the County Right of Way drainage. After several years and tens of thousands of dollars of flood damage at 446 Panoramic, the County made Weissman and others redo and permit part of this driveway entrance. However, the road ditch is still not maintained. The Weissmans have shown disregard for their neighbor’s safety, property, and for wildlife.

This property should be rezoned Ridge and Upland Greenbelt because it is topographically and physically a part of it and one-half of the main stream on the Southwest side is in the Greenbelt. The .89 acre division as well as the house project situated on top of the ridge do not meet the criteria of the TACP.

There seems no justification given the current science for bifurcating zoning on top of the function, topography, habitat and water within a stream. As important, are that riparian areas are known wildlife corridors where most nesting birds, dusky footed woodrats, animals finding water and traveling in a safer locale away from anthropogenic influences.

The intent of the TACP was not fulfilled in this regard and is only overcome by the CountyWide Plan-defined Stream Conservation Areas, within which development is a restricted 100 feet minimum setback from top of bank. The designated Stream Conservation Area does not show that the area is extremely steep, where geo-hydrologists would recommend an even greater setback. Given that most interpretations of setbacks are a minimum line on a map, the real significance to riparian zones, wildlife corridors and water quality health do not get addressed. Several other regions including Napa and Santa Cruz’s riparian setback policies were extolled as model ordinances by the EPA because they include slope in identifying the riparian setback area to be protected.

Applying today’s standards, the zoning would have been reconsidered. The Project site is within the City-Centered Corridor but should have been zoned Inland Rural Corridor as defined in the Marin Countywide Plan (CWP). However, the CWP designates the land use within the Project site as PR-Planned Residential, which has an allowable density of one unit per 1-10 acres. Figure 17 of the TACP specifically lists this property as SF-1 – Single Family Rural. It has been that for decades now, and the requested subdivision represents a densification never intended as indicated by the adopted 1992 TACP.

In addition, this zoning was done long before we had endangered listed special status species in that watershed and whose populations were going to crash in 20 years changing the intent. But the reality is that many special status species in this locale are in an extinction spiral further justifies the down zoning of the property – the opposite of what is being requested.

The PR designation is a Rural/Residential land use category established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

115 YEAR OLD DIPSEA RACE AND TRAIL HAS HISTORIC DESIGNATION

Immediately below the subject property, the historic Dipsea Trail has 3 annual footraces and supported by the Dipsea Foundation garnering the top runners from around the world. The MND does not mention this historic fact. This subdivision will alter historic wildlife and riparian corridors, increase fire danger to the existing community, cause increased pollution, change views from public parks and Dipsea trail (both the GGNRA and Mt. Tam State Park and create months to years of noise pollution that will adversely impact federally listed endangered Northern Spotted Owl in the area, impact native species of endangered Coho Salmon downstream and create density of population that ultimately increases all hazards in the known most fire prone areas in the County of Marin.

ERRORS AND OMISSIONS

Because this property is on the ridge it captures the majority of rainfall as it comes off the Pacific Ocean it is also incredibly windy much of the time. This known meteorological phenomenon aspect to the property’s topography should be taken into account in the planning. Unfortunately, this error alone has become a basis for undersizing all stormwater and septic engineering and causing a likely spill of effluent, septic failure and surface stormwater flooding to adjacent properties, as has already occurred. In February 9, 2014 – 24” of rain fell in a 72-hour period, January 1 2005/6 another deluge occurred and Dec. 1995 14” of rain fell in one day with hurricane force winds, trees down and catastrophic damage on the ridgelines.

FIRE ROAD EXCAVATIONSThe fill has never been determined to be safe from toxic chemicals. This project was eventually red tagged as a violation by the County but only after a petition was signed by the neighbors. It was also promoted as a fire road – but lacking any engineering would not support a fire truck according to Jason Weber, Marin county Fire Chief. Having created a dam, they had to punch a hole in the dam and a drain was punched into this 200-foot long berm on a wetland in order to provide drainage, but the alteration to topography had consequences to the ground and surface water flows.

VEGETATION MANAGEMENT GOES UNSUPERVISED

A mature known heritage native sargent cypress tree was cut down on the upper portion of the property where the subdivision is to occur. (Photos) Invasive plants have taken over.

DAMAGED RIPARIAN ZONES WITH TRAILS AND INAPPROPRIATE VEGETATION REMOVAL

The property owner excavated trails all over the property next to Redwood creek and after being reported to MCSTOPPP yet again, was required to put erosion control materials. The geo-tech engineering map indicates many historic landslides and these trails created more landslides and significant slumping. The property contains about 13 historic landslides.
The TACP seeks to protect areas that are a wildlife trail or corridor. Any identified wildlife trails or corridors should be protected. LU13 Maintain diversity of vegetation types and wildlife habitats on hillsides and ridges. LU13.1a Work to establish a management and maintenance program for open space lands. LU13.2b Protect acquisition of undeveloped lands with open space significance.

LU14 To ensure the long term protection remaining undeveloped lands that have been identified as having significant open space values. LU14.1a Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space district. LU14.1b Acquisition of parcels with local open space significance should be pursued. LU14.1c Portions of sites which contain open space resources shall be considered for preservation by clustering development. LU14.1d Identify parcels in this area.

LU15 To protect wildlife trails through private property for access to water and food sources. LU15.1a Any identified wildlife trails should be protected as part of a Design Review approval.  

16 LU.15.1 Wildlife Corridors
Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.
We have data collection from over 28 years on 446 Panoramic Hwy where the following wildlife have been identified. Many of the animals come from the Weissman property. Some of those animals are rare and have only been seen recently such as the Ring-tailed Cat.

**Fifty-five to Sixty species of birds** identified on the 446 Panoramic property: Great Horned Owls, Endangered Northern Spotted Owls (hunt training) Red shouldered hawk (nest), Merlin, Sharp-shinned hawk, Turkey Vulture, Varied Thrush, Robin, Oak Titmouse, Brown Creeper, Winter Wren, Bewick’s Wren, Dark-eyed Junco (nest), House finch (nest) purple finch (nest), Anna’s hummingbird (nest), Allen’s hummingbird (nest), Rufous hummingbird, Violet Green Swallow (nest) Tree Swallow, Band tailed pigeons, California Quail (nest), Chestnut backed Chickadee (nest), Lesser Goldfinch, American Goldfinch, Downy Woodpecker (nest), Acorn Woodpecker, Hairy Woodpecker (nest), Red Breasted Sapsucker, Nutall’s Woodpecker, Northern Flicker, Red Naped Sapsucker, Western Wood Peewee, Willow fly-catcher, Pygmy Nuthatch, Gold Crowned Sparrow, White Crowned Sparrow, Cedar Waxwings, Crow (nest), Raven, Stellar Jay (nest), Scrub jay (nest), Spotted Towhee (nest), California Brown Towhee (nest), Wilson's Warbler (nest), Townsend Warbler (nest), Pine Siskin, Swainson’s hawk, Black Phoebe, Bushtit, Brown Creeper, Swainson’s thrush, Hermit Thrush, Black headed-Grosbeak (nest), Western Tanager, Fox Sparrow... There are several other species that have not been positively identified in the sparrow, fly and gnat catcher and finch families.

**Species of birds identified flying over** or in the immediate area: Western Bluebirds (nesting) Bald Eagle, Golden Eagle, Northern Harrier, Red Shouldered Hawk, Osprey, American Kestrel, Pileated Woodpecker, Ruby Crowned Kinglet

**Mammals** seen on the property at 446 Panoramic Hwy: gray fox, ring-tailed cat (3 documented sightings Oct. 2019), dusky footed woodrat (8 nests at 446 Panoramic Hwy. main food source for the NSO), bobcats, red squirrels, grey squirrels, Marin chipmunk, coyote, black tail deer, opossum, striped skunk, raccoon, deer mouse, gray fox, vole, mole, gopher, three unidentified species of bats and 4 bat houses on the home.

**Amphibians:** Pacific giant salamander, California Slender salamander, California Newt

**Reptiles:** Garter snake, green grass snake, alligator lizard, gopher snake, Western Diamondback rattlesnake, western fence lizard

**Butterflies and moths:** Endangered Monarch butterfly, California Sister butterfly, Pale Swallowtail, Anise Swallowtail, numerous unidentified hairstreaks crescent and fritillary, Buckeye, Red Admiral, California Tortoiseshell, Lorquin’s Admiral, numerous Skippers and Duskywings.

Some years recently: 5 kinds of butterflies including Monarchs, Red Admiral, Painted lady and California Tortoise shell have rested Eucalyptus trees across the street.

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**LU15.1a** The County and TDRB, as part of Design Review, if appropriate, will request that an applicant provide information on the value of the project site as a wildlife trail or corridor. Any identified wildlife trails or corridors should be protected as part of a Design Review approval.
A massive multi-day Painted Lady migration coming from Muir Woods area flies right over 455 and 446 Panoramic the past 3 years.

Map 8. Priority area for Restoration includes entire watershed. NOAA NMFS Central Coast Coho Recovery Strategy 2012
Map 9. 1992 Tamalpais Community Plan – This map indicates that this property was intended for RE–Zoning listed to Single Family Rural Future Land Use Category.

Muir Woods Park

The Muir Woods Park neighborhood lies along the northeastern ridge of the watershed, in unincorporated Marin County (Figure ES-1). Land use and zoning for the neighborhood are described in the Tamalpais Area Community Plan (Marin County 1992). The neighborhood is zoned single-family-rural and open space...The Tamalpais Area Community Plan states that “the County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mt. Tamalpais State Park, Muir Woods National Monument and the lands of MMWD… In the event that acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park or water district lands” (Marin County 1992). Water to the area is provided by MMWD. National Park Service Redwood Creek Watershed Assessment 2011 Stillwater Science. http://www.npshistory.com/publications/goga/rcwa-2011.pdf Page 2-4.

Because the Hydrology and Land Use and Stormwater report by Ziegler significantly underestimates by at least one half the amount of rainfall at the project site. This will lead to more flooding on adjacent properties, particularly those in the ACMdP watershed across Panoramic Hwy. (See LTD engineer letter on street drainage). Flooding has occurred repeatedly from unmaintained drainage ditches. In 2014, 446 Panoramic severely flooded, had a landslide and a tree loss. In 1995 the same property lost five 100 foot plus trees, had a landslide and lost a carport, personal items and a vehicle. Most often water is diverted from 455 Panoramic onto 446 Panoramic property. Undersized stormwater management will also increase land instability where there are already 13 documented historic and known slides on the property (Herzog
geologic survey). The following statement is a dangerous mischaracterization of the rainfall totals. Here is the dangerous and erroneous basis for the design of all stormwater treatment.

Within the hydrologic model a synthetic rainfall distribution curve is used to model the required storms and their effect. The curve is based on the storm type. Storms dominated by the Pacific maritime climate can be characterized as lower intensity but with higher overall volume than would occur in high intensity short duration storms such as summer thunderstorms. That is not to say that they don’t produce substantial runoff or peak flows at various times.

Section 2.6 Hydrologic Design Criteria for Stormwater Systems and Restoration
Stormwater management requires analysis using several criteria. Flood control and stormwater conveyance structures are sized according to the parameters outlined in the Marin County Development Standards. Stormwater treatment and runoff mitigation measures are designed according to thresholds which are derived from the Clean Water Act, and are implemented through State and Local codes.

The following table summarizes the standards and criteria, and their basis, used in developing the model for the proposed project. The results of the analysis were used in an iterative process to design and size the necessary stormwater features of the project.

The project’s community of Muir Woods Park received 75 inches of rain in 2018-2019 season and 90 inches of rain in 2017-2018 Season

2018-2019 Rain Totals from Mt. Tam State Park. One Rain Marin County
The estimates by the hydrology report of 26”-36” per year is dangerously inaccurate and any design of any septic or stormwater systems – at these levels will put neighbors and downstream Redwood Creek at risk. Designing a system that is based on 100 year event that isn’t every hundred years because the numbers are off. Rainfall totals have exceeded three times the specified amounts on Page 35 of the MIND.

This record is over 100 years at Lake Lagunitas that shares similar rainfall totals to 455 Panoramic Hwy.
Extreme rain totals included: -24” 3 day storms 2014, 14” one day storms December 12, 1995, 10” 1 day storms 2005/6 New Years day.
In 2017 – We had over 95” of rain. In 2018-19 we had over 75 inches of rain.

All of the calculations made by Ziegler that don’t incorporate our actual totals will put the environment and neighbors in jeopardy. The headquarters of Watershed Alliance of Marin were flooded in February 9, 2014 after 24 inches of rain fell in 72 hours and most of the water came across the street from the subject property that is also in the ACMdP watershed.
Further there are letters dated January 15, 2015 from LTD engineering acknowledging the substandard drainage coming from the 455 Panoramic property onto 446 Panoramic Hwy. and requesting a road engineering project by 446 to prevent that water from coming onto their lands and further implicating trees they own as causing the issues. Multiple photos over several years of tree debris show many tree leaves clogging drains, including Redwoods and Cypress along the road and owned by several adjacent properties.
Road Berm began on February 27, 2014 in the pouring rain; no BMPs.

Downcutting of diverted water on Panoramic shoulder reaching creek eventually further down.
Cultural resources:
No archaeological report has been “prepared to investigate the site further for archeological resources. And yet the MIND states: “No significant archeological resources have been identified within the project area” and they provide no evidence of that. It is incumbent under the law that valid research be provided to protect Native American Cultural Resources? Was the tribe apprised of this project? This is a primary reason for a full EIR on cultural resources. Is it just as likely as unlikely that this region contains some cultural resources of the Coast Miwok?
Because of the general concealment of the applicant’s projects and unpermitted work on the property there will be little accountability and oversight potential for egregious acts going forward, including non-notification of cultural resources being found. The County must protect these resources from the applicant and to protect the rights of Native Americans.

Further inaccuracies and false assessments include:
Refute reference the property having numerous historic fire. There have controlled burns by the fire department occurred between 1998 and 2008. Removal of invasive plants as mentioned previously occurred with a few (at least) Fire Safe Grants, more than once on the entire lower area towards the Dipsea Trail and above the riparian areas. Where it was the project applicant’s responsibility to maintain that work, they did not – exponentially increasing the threats to the community.

Other inaccuracies in the report include: “Multiple large wildfires have occurred in the vicinity of the project area. Many modern fires occurred adjacent to or possibly within the project area.” The last large fire in this Muir Woods Park community occurred in 1929 and was over a mile away to the Northeast from this property. That fire is the last modern fire that occurred in that area other than the 1/4 acre one caused by a brand new P.G. & E. transformer at Dias Ridge in June of 2019. Fire records are available in the Redwood Creek Watershed Assessment:

We have the written accounts of the property owners because we live across the street from the subject property. They had lived there since 1920. We would like the “report” to at least list in detail the claims of several modern fires in the area before making such assertions.

Generally, and the reason that redwood forests can live thousands of years is that they are primarily fire resistant, are massive water pumps and keep forest soils, plants and surrounding trees, moist and healthy.

The MIND has an emphasis on infill being a benefit though in a highly hazardous Wildland Urban Interface fire area and with large traffic loads and no evacuation plans by any agencies. The attempt to sell the Project as needed housing for wealthy and urbanization intentionally misses any potential for preservation and restoration or community intent and most import, safety.

The property owners have repeatedly demonstrated an unwillingness to address simple environmental and vegetation management by just keeping their street drainages cleared from flooding other’s properties, maintaining their built culverts and maintaining FireSafe Marin public grant funds of hundred thousand plus of dollars on their property preventing stands of invasive species from taking over most of their acreage, cutting down heritage native trees. So while the report states the “Tentative Map proposes to manage the site for both the built and natural environment, consistent with the goals of the CWP and to balance the needs for housing with the needs of the ecosystem,” the opposite is and has been true for the length of time the current owners have been there. Ecological health has not been achieved and instead damage continues to occur. The following statement includes the subject property and adjacent properties owned by the applicant.

“State Parks began broom eradication on about 100 acres at the Three Sisters site below Panoramic Way, near the Muir Woods Park neighborhood, in 1994. The site extends to the Sun Trail above Muir Woods. The use of controlled burning (completed annually for a 3-year period) was successful at this location because it was a large site with good road access, allowing the fire to burn hot enough to kill the broom (Stillwater Sciences 2005c). Maintenance, however, will be required in perpetuity to prevent reinfestation, which was noted to be significant at the site in 2005 (Stillwater Sciences 2005c). Another successful invasive species control project in the watershed was conducted by Mt. Tamalpais State Park west of Panoramic Highway near Muir Woods Road. This project eliminated a
10-acre stand of French and Scotch broom through a series of prescribed burns, conducted since 1994, with follow-up spot application of herbicides. These operations cost approximately $95,000. (Redwood Creek Watershed Assessment Final Report) P. 2-118

Sincerely,

Laura Chariton, MA Riparian Policy and Restoration
President, Watershed Alliance of Marin

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1859</td>
<td>Mt. Tamalpais</td>
<td>Burned for 3 months.</td>
</tr>
<tr>
<td>1881</td>
<td>Mill Valley through NE portion of Redwood Creek watershed</td>
<td>65,000-acre wildland fire. Accidentally spread from a brush pile fire in Mill Valley.</td>
</tr>
<tr>
<td>1891</td>
<td>From Ross over to the extreme northern portions of the watershed</td>
<td>12,000 acres of Mt. Tamalpais burned. Fire started near Ross.</td>
</tr>
<tr>
<td>1913</td>
<td>Mt. Tamalpais Summit, Blithedale and Cascade canyons, most of Fern Canyon</td>
<td>2,600 acres burned. Fire started near West Point Inn, probably ignited by railroad sparks.</td>
</tr>
<tr>
<td>1919</td>
<td>From Pipeline Reservoir to Muir Woods</td>
<td>Undocumented extent.</td>
</tr>
<tr>
<td>1929</td>
<td>Mill Valley to Fern and Cascade canyons</td>
<td>&quot;Great Tamalpais Fire&quot; burned 2,500 acres.</td>
</tr>
<tr>
<td>1931</td>
<td>Muir Woods</td>
<td>Illegal campfire charred redwoods in Cathedral Grove.</td>
</tr>
<tr>
<td>1932</td>
<td>Panoramic Highway to Muir Woods</td>
<td>60 acres (24 ha) burned, including 2 (0.8 ha) ac within the Muir Woods boundaries</td>
</tr>
<tr>
<td>1959</td>
<td>Kent Canyon</td>
<td>50 acres burned near logging operations on Brazil Ranch.</td>
</tr>
<tr>
<td>1985</td>
<td>One-quarter mile from Muir Woods southeast boundary</td>
<td>150 acres burned.</td>
</tr>
</tbody>
</table>

Source: MMWD 1985

The GGNRA’s Fire Management Plan (FMP) identifies ten goals (GGNRA 2005), which include public safety as well as protection of private property and structures, and protection of natural resources.

Furthermore, in the conclusion by the Environmental Planner who uses the term “appears” repeatedly making several arbitrary and capricious determinations on a host of potentially significant environmental impacts is far from what the CEQA creators intended. “Appears” is not a legitimate assessment of the science or facts leading to determination.

The studies submitted are cursory and shallow for a property representing cultural, biological, aesthetic, etc. significance to the community, biodiversity, park users and watershed health.

We are again asking for a total EIR review of the project because of known and quantifiable of the intent of CEQA to determine the true environmental impacts on the property.

Sincerely,

Laura Chariton, President, Watershed Alliance of Marin
Looking up Redwood Creek from Dipsea Trail from lot adjacent to Mt. Tam State Park.
(looking Southeast) May 2013 Steep hillsides stripped of Native Baccharis and nesting habitat during peak nesting season that had been surgically protected in the Fire Safe Marin Grant. Also removal of Riparian Vegetation in Stream Conservation Area and also on neighbor’s property.

May 6, 2013 Water flowing in Redwood Creek tributary a perennial stream with Juncus Patens
Road erosion from non-functioning installation of large culvert under lower driveway going to “fire road.”

Sediment and erosion entering Redwood Creek tributary from unpermitted diversion culvert under the road at “Fire Road.” Location 2012 and water diverted away from Wetland.

December 2, 2102 Beginning of diverted from wetland downcut that brought lots of erosion sediment into Redwood Creek. A stone lined drain was required.
Wetland area that was below the Fire Road Berm. See old road at the top. December 2 2012.
Clogged inboard ditch that floods our property and where road entrance is going to be added. January 17, 2019

Broad view of property, connecting to State Parks, view from Dias Ridge Main is low house in the middle on the ridge below the trees.
Entryway will be removed, street widened – There have been several traffic and bicycle accidents here because it’s a blind curve. There were 2 Doug Fir trees and another large tree at this locale. The entire front will be gone and a retaining wall and paved. Also the Red Eucalyptus in front will be removed. This will affect surrounding
Septic system area visible from Panoramic Hwy for .89 Acre Parcel

Fake Fire road that the Fire Department won’t use and that is complete overgrown now.
Redwood Creek

Location: Marin County
Watershed Area: 9.0 Square Miles
Potential Habitat: 6.8 Stream Miles
Vegetation: 31% Coniferous, 32% Shrubland, 18% Riparian or Montane Forest, 12% Grassland
Erodability: Low to Moderate
Ownership Patterns: 8% Private, 92% Public
Dominant Land Uses: Recreational
Housing Density: Low
TMDL Pollutants: None

Redwood Creek Coho Salmon: Nearly Extirpated
Recovery Goals:
- Conduct monitoring to track population response to recovery action implementation

Redwood Creek CCC Coho Salmon Spawning Adult Estimates

Historical

- 2010: 78
- 2011: 41
- 2012: 12
- 2013: 34
- 2014: 3
- 2015: 42
- 2016: 91
- 2017: 11
- 2018: 24
- 2019: 0
- 2020: 21
- 2021: 3
- 2022: No Data
- 2023: 30
- 2024: 60
- 2025: 91
- 2026: 122
- 2027: 151
- 2028: 181
- 2029: 211
- 2030: 242
- 2031: 272

Redwood Creek Adult Spawner Targets

Downlisting to Threatened: 136
Recovery: 272

STEELHEAD: YES
CHINOOK SALMON: NO
Redwood Creek

Current Instream, Watershed and Population Conditions

Potential Habitat: 6.8 miles
Recovery Target: 272 Spawning Adult Coho Salmon

Estuary/Lagoon
Habitat Complexity
Hydrology
Passage & Migration
Riparian Vegetation
Sediment
Stream Temperature
Velocity Shear
Water Quality
Visibility
Landscape Patterns

- Poor
- Fair
- Good
- Very Good

Preventing Extinction & Improving Conditions

Priority 1: Immediate Restoration Actions

- Develop a plan to re-establish abundance, while minimizing departure from the genetic profile that historically existed in the population
- Evaluate supplementation strategies utilizing the existing population, or locally adapted nearby populations within the Coastal Diversity Stratum.

Priority 2 & 3: Long-Term Restoration Actions

- Provide incentives to water rights holders willing to convert some or all of their water right to instream use via petition change of use and §1707
- Promote off-channel storage to reduce impacts of water diversion
- Promote conjunctive use of water with water projects whenever possible
- Fence riparian areas from grazing (using fencing standards that allow other wildlife to access the stream)
- Decommission, upgrade, or re-locate riparian roads to upstroke locations
- Evaluate and reduce nutrient and pathogen loading from upstream areas to minimize oxygen demand

Photo Courtesy from left to right: Josh Paller, NMFS, Grindale River Watershed Council, Campbell Timberland, BLM, Aquatic and Morgan Bred, SWPSG

Recovery Partners

MARIN RESOURCE
CONSERVATION DISTRICT

50
Redwood Creek

Future Threats

Potential Habitat: 6.8 miles
Recovery Target: 272 Spawning Adult Coho Salmon

Reducing Future Threats

Priority 1: Immediate Threat Abatement Actions

- Restore habitat complexity in modified channel areas
- Implement relevant high priority treatmenta from the PWA assessment, and make new recommendations for treatment. Encourage decommissioning where feasible.
- Support efforts to remove levees on the Banducci property to create backwater and alcove habitat.

Priority 2 & 3: Long-Term Threat Abatement Actions

- Recreational trails should be set back from the creek and built to reduce erosion and minimize stream crossings
- Eliminate horse access to creeks for watering or as fords
- Remove levees along Big Lagoon and Pacific Way. Address issues with culverts, road network, and development within the Big Lagoon Area
- Work with NFS and State Parks on emergency drought operations and contingency plans
- Work with water managers on regulated streams and other diverters to assure adequate and proper consideration is given to fish needs
- Adequately screen water diversions to prevent juvenile salmonid mortalities

Conservation Highlights

- Estuary and floodplain restoration activities
- Agricultural Best Management Practices have been developed and implemented in the watershed
- Acquisition of key areas for the conservation of habitat
- Annual juvenile abundance surveys conducted by National Park Service provides important population data on coho salmon in the Redwood Creek watershed

A volunteer planting riparian vegetation along Redwood Creek. Photo provided by KURIS Information Systems; and is used with permissions.
Figure 2-3. Locations of continuous-monitoring stream gauges.
(Source: EDS 2004)
Pacific Watershed Associates – Sediment Delivery sites assessed in Redwood Creek Watershed Erosion Control Study. Requisitioned by NPS, Mt. Tamalpais State Parks, Muir Beach CSD, MMWD (multiple stakeholders)
<table>
<thead>
<tr>
<th>Action Step</th>
<th>Channel Modification</th>
<th>Prevent additional channel modification or debris removal to address flood control or bank stabilization issues.</th>
<th>3</th>
<th>Marin County, Marin RCD, NPS, State Parks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Step</td>
<td>Channel Modification</td>
<td>Thoroughly investigate the ultimate cause of channel instability prior to engaging in site-specific channel modifications and maintenance; identify and target remediation of watershed issues to reduce overall priority.</td>
<td>3</td>
<td>Marin County, Marin RCD, NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Channel Modification</td>
<td>Promote bio-engineering solutions, as appropriate (e.g., except where critical infrastructure is located) for bank hardening projects.</td>
<td>3</td>
<td>Marin County</td>
</tr>
<tr>
<td>Action Step</td>
<td>Channel Modification</td>
<td>Restore habitat complexity in modified channel areas.</td>
<td>2</td>
<td>Marin County, Marin RCD, NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Estuary</td>
<td>Enhance and restore estuary function by improving complex habitat features.</td>
<td>2</td>
<td>Marin County, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Estuary</td>
<td>Conduct restoration efforts on big cahoon to benefit coho salmon during all life stages and seasons.</td>
<td>2</td>
<td>Marin County, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Estuary</td>
<td>Where appropriate, remove structures and/or modify practices which impair or reduce the historical fish and/or aquatic functions that could be expected and where benefits to estuarine salmon and/or the estuarine environment are predicted.</td>
<td>2</td>
<td>NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Estuary</td>
<td>Support efforts of NPS to restore functional floodplain and lagoo habitats in the lower portion of the watershed.</td>
<td>2</td>
<td>Marin County, Marin RCD, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Fire/Fuel Management</td>
<td>Identify historical fire frequency, intensities and durations and manage fuel loads in a manner consistent with historical parameters.</td>
<td>2</td>
<td>Marin County, NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Fire/Fuel Management</td>
<td>Conduct fire load monitoring and compare the results to estimated historical fuel loads.</td>
<td>2</td>
<td>Marin County, NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Fire/Fuel Management</td>
<td>Avoid use of aerial fire retardants and foams within 50 feet of riparian areas throughout the current range of coho salmon.</td>
<td>2</td>
<td>NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Fire/Fuel Management</td>
<td>Immediately implement appropriate sediment control measures following completion of the suppression while maintaining and equipment are on site.</td>
<td>2</td>
<td>NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Introduce wetting basins to restore historical riparian or stream channel habitats through conservation easements, etc.</td>
<td>2</td>
<td>Marin County, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Reintroduce riparian or wetlands to habitats an enhance habitat quality.</td>
<td>2</td>
<td>Marin County, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Purposely select conservation easements to encourage the re-establishment and enhancement of natural riparian communities.</td>
<td>2</td>
<td>NPS, State Parks</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Evaluate, develop solutions and implement immediate needs to address problems resulting from channelization.</td>
<td>2</td>
<td>Marin County, Marin RCD, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Determine reach/sections requiring potential winter rearing habitat and floodplain areas.</td>
<td>2</td>
<td>Marin County, Marin RCD, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Target habitat restoration and enhancement that will function between winter base flow and flood stage.</td>
<td>2</td>
<td>Marin County, Marin RCD, NPS</td>
</tr>
<tr>
<td>Action Step</td>
<td>Floodplain Connectivity</td>
<td>Promote restoration projects designed to create or restore above, backwater, ephemeral tributary, or seasonal pond habitats.</td>
<td>2</td>
<td>Marin County, Marin RCD, NPS</td>
</tr>
</tbody>
</table>
From: dweissman@gmail.com
To: Thorsen, Suzanne
Subject: Re: Marin SCA Ordinance
Date: Wednesday, February 27, 2013 9:48:10 AM

Yes, I would like to know how the County has classified the ephemeral stream running through our property. My guess, based upon the map info on your website, is that I will need to appeal this to reflect the true classification.

My two parcels are: 046-161-11 and 046-221-07.

Thanks again for taking the time.

Regards,
Dan

On Feb 27, 2013, at 8:50 AM, "Thorsen, Suzanne" <SThorsen@marincounty.org> wrote:
> Hi Dan,
>>
> Thanks again for contacting me with your questions about the Stream Conservation Area Ordinance.
>>
> Attached you will find the SCA policies of the 2007 Countywide Plan.
>>
> I just want to confirm, based upon our conversation, your main interest at this point is in knowing the stream classification for the stream that crosses your property, as well as how you would go about contesting that, correct? Let me know if you have any other questions and I will be glad to get back to you on those as well.
>>
> I have your address (455 Panoramic) - do you happen to know your parcel numbers (APN)? I will look into the more detailed responses to your questions when I am back in the office.
>>
> Kind Regards,
>>
> Suzanne
>
> > From: dweissman@gmail.com [dweissman@gmail.com]
> > Sent: Wednesday, February 27, 2013 8:24 AM
> > To: Thorsen, Suzanne
> > Subject: Nice chatting today...
> >>
> > Regards,
> >>
> Daniel Weissman
> > 455 Panoramic Hwy
> > 357 Panoramic Hwy
> > Mill Valley, CA 94941
> > 415.888.8551 cell
> >>
> Thanks!
> >>
> Email Disclaimer: http://marincounty.org/nav/misc/EmailDisclaimer.cfm
>>>
><SCA Policy 2007 CWP.pdf>
Letter W. Laura Chariton, Watershed Alliance of Marin

W-1 The commenter’s opposition to the Project is noted. As discussed in more detail in the following responses, the Initial Study finds that the Project, with incorporation of specified mitigation measures, would not have a significant impact on the environment, including the environmental resources mentioned in this comment.

W-2 The Initial Study considers the potential for the Project to impact the Redwood Creek watershed downstream of the Project site, and finds potential impacts to be less than significant. Please see Master Response 2. The Project site is not within nor adjacent to the Golden Gate National Recreation Area.

W-3 The Initial Study examines the potential for the Project to impact water quality and biological resources in the Redwood Creek watershed and finds the potential for such impacts to be less than significant. Please see Master Response 2. The Project site consists of a single parcel; the “other two properties” are not identified by the commenter, but no other parcel, other than APN 046-161-11 is included in the Project site.

W-4 A described in Initial Study Section II, Project Description, the Project site is not adjacent to State or National parks. Potential impacts of the Project on wildfire, including the potential to increase wildfire risk, are examined in Initial Study Section IV.20, Wildfire, and found to be less than significant. The comment provides no evidence to support a conclusion that the Project would result in increased wildfire risk.

W-4a This comment describes an existing condition, not potential impacts of the Project. As described in Initial Study Section IV.17, Transportation, the Project would not result in a substantial increase in vehicle traffic, and traffic impacts would be less than significant. The Project would not be expected to impact street parking. Impacts on parking are not considered significant under CEQA.

W-4b The potential for the Project to cause or be affected by unstable slopes is examined in in Initial Study Section IV.7, Geology and Soils, and found to be less than significant.

W-4c This comment does not address the Project nor the Initial Study.

W-5 Please see Master Response 2.

W-6 The Initial Study examines the potential for the Project to impact water quality and aquatic habitat in Redwood Creek, and finds the potential to be less than significant. Please see Master Response 2. Existing conditions within the Project site are not a consequence of the Project, and are not considered in the Initial
Study, with the exception of the Fire Road grading that took place in 2014; please see Master Responses 3 and 4.

W-7 Please see Master Responses 2 and 8.

W-7a The referenced letter is included as comment W-135. Please see the response to that comment.

W-8 The Initial Study identifies two unnamed, ephemeral streams within the Project site that are tributary to Redwood Creek. The Project site does not share a boundary with Mt. Tamalpais State Park.

W-9 Please see Master Responses 5 and 6. This comment provides no evidence that the Project would result in a significant impact on the environment.

W-10 The commenter does not say in what way the Project Description is “inadequate.” On the contrary, the Project Description provides a complete, accurate, and finite description of the proposed Project, and is fully in compliance with the CEQA statute and Guidelines; please see Master Response 10. Regarding stream classification, please see Master Response 8.

W-11 The purpose of providing this photograph is unclear. The Project site is depicted in the Initial Study; see Figures 3, 4, 8, 1-2, and 1-3.

W-12 The purpose of providing this annotated photograph is unclear. A map of the Project site, showing the location of existing buildings and septic systems, is included in the Initial Study, Figure 2.

W-13 Please see Master Response 8.

W-14 Please see Master Responses 6 and 10. This comment does not provide substantial evidence that the Project could result in a significant impact.

W-15 As stated in the Initial Study Section II, Project Description, the Project site consists of one assessor’s parcel, APN # 046-161-11. Please see also Master Responses 5 and 6.

W-16 Please see Master Responses 2 and 8.

W-17 The Initial Study examines all environmental topics required by CEQA and finds, based on substantial evidence cited in the Initial Study, that the Project, as mitigated, would not result in a significant environmental impact. Geological impacts, including potential impacts from septic system development, are examined in Section IV.7, Geology and Soils, and hydrologic and water quality impacts, including stormwater impacts, are examined in Section IV.10, Hydrology and Water Quality. Please see also Master Responses 2, 7 and 10. The commenter does not provide any evidence of misleading statements or
misrepresentations, and no substantial evidence that the Project would result in a significant impact, including potential impacts to watercourses and biological resources downstream.

W-18 The Initial Study examines whether the unpermitted construction of the Fire Road in 2014 had, and continues to have, an impact on hydrology and water quality and finds that it did not and does not. Please see Master Response 4. The Initial Study does not rely on statements by the Fire Department or the Applicant regarding the use or potential use of the Fire Road to support any impact conclusions.

W-19 The Project site’s proximity to sensitive resources is not in itself substantial evidence that those resources will be adversely affected by the Project. The Initial Study examines the potential for the Project to impact sensitive resources, including biological resources (Section IV.4), hydrology and water quality (Section IV.10), and cultural and Tribal cultural resources (Sections IV.5 and IV.18). Based on substantial evidence, the Initial Study finds that the Project, with mitigation, would have only less than significant impacts. Please see also Master Responses 2 and 10.

W-20 There is no evidence that water quality was adversely affected by grading of the Fire Road in 2014, as discussed in Initial Study Section IV.10, Hydrology and Water Quality, and as further discussed in Master Response 4. The commenter presents no evidence of impacts to water quality.

W-21 The parcel outlined in blue on the map is not part of the Project. Please see Master Response 5.

W-22 The figures shown in the table in this comment accurately reflect the proposed Project, as discussed in Initial Study Section II, Project Description. Regarding potential future development of accessory dwelling units (ADUs), and whether they would be served by septic systems, ADUs are regulated by State law and Chapter 22.56 of the Marin County Development Code. Pursuant to Development Code Section 22.32.120 D. 2, the maximum floor area of an accessory dwelling unit shall not exceed 1,200 square feet. Additionally, pursuant to Section 22.56.050, adequate on-site sewage disposal must be available in compliance with County and State regulations. At this time, no development is proposed. One ADU for each of the proposed new lots would be principally permitted by the Project site zoning. During the Design Review and building permit process any future ADUs would be required to provide adequate onsite sanitary service. Regarding minimum lot size, please see the response to comment Q-25.

W-23 Please see the response to comments W-17 and W-19, and Master Responses 8 and 10.
W-24 Regarding the required Tribal consultation pursuant to AB 52, please see the response to comment Q-84. The Initial Study was distributed to potentially interested State agencies by the State Clearinghouse; please see comment letter A and the response to comment A-3. In addition, Marin County distributed the Initial Study to other potentially interested agencies and organizations. Please see Appendix A, Distribution List.

W-24a Please see the response to comment Q-84.

W-25 With the exception of the grading of the Fire Road, which occurred in 2014, the Initial Study does not examine the Project Applicant’s past management of their property. Regarding the impacts of Fire Road grading on hydrology and water quality, please see Master Response 4. For impacts on biological resources, please see Master Response 3.

W-25a The County regrets the death of the fawn. Please see the response to comment 25. See also Master Response 1.

W-26 This comment does not address the Project, nor the Initial Study.

W-26a The Project site was never obtained for open space use. The Project site is zoned and designated in the Countywide Plan for low-density residential development, not open space. Please see Master Response 6 regarding consistency of the Project with the TACP.

W-27 Please see the response to comment W-19.

W-28 Please see the response to comment W-19.

W-29 Please see Master Responses 3 and 4.

W-30 Please see Master Responses 8 and 11. For comments relating to rainfall data associated with the Project site and used as part of the basis for design for the proposed stormwater system, please see Master Response 11. For comments related to the classification of surface water features associated with the Project site, please see Master Response 8.

W-31 The statement referred to in the comment is not relied upon to reach any impact conclusion in the Initial Study. The comment does not address the Project’s potential impacts nor the Initial Study analysis. Salmon and steelhead habitat restoration efforts are discussed in the Initial Study, page 105. Impacts resulting from conflicts with applicable environmental plans and policies are assessed in Initial Study Section IV.11, Land Use and Planning, and found to be less than significant; please see also Master Response 6 regarding TACP policies.
W-32 Please see Master Response 8. Whatever the classification of the streams within the Project site, they have the capacity to transport sediment. The Initial Study examines the potential for erosion and sedimentation to affect streams within the Project site and downstream, and finds this potential to be less than significant.

W-33 Please see Master Response 2. Please see also the response to comment W-19. The commenter provides no evidence that the Project would impact the sensitive resources listed in the comment.

W-34 “Appears” is used in the Initial Study when there is insufficient evidence to make a definitive statement. Most instances of “appears” in the Initial Study are in discussions of possible impacts of the 2014 grading of the Fire Road. CEQA requires that an environmental review employ the best available data. This was done in the Initial Study. Additional information on the Fire Road grading, all of which supports the conclusions in the Initial Study that the Fire Road grading had, and continues to have, only less-than-significant impacts, is presented in Master Responses 3 and 4.

W-35 As stated in the Initial Study, any proposed future development outside of the mapped building envelopes would require additional environmental review. This is therefore a reasonable assumption in the Initial Study.

W-36 As noted in the Initial Study, on page 32, the Bay Area Air Quality Management District’s Basic Construction Mitigation Measures are also required by Marin County Code §22.20.040 (B). In its environmental review documents, Marin County assumes adherence of a Project to applicable laws and regulations.

W-37 The assumption is reasonable, as it reflects the number of units allowable under the Project site’s zoning.

W-38 Please see Master Responses 3 and 4.

W-39 All conclusions in the Initial Study are based on substantial evidence, and reflect the independent judgement of the Initial Study preparers, based on consideration of all information in the record. All preparers of the Initial Study visited the Project site, both in the company of County planners, in August 2018, and separately during 2019.

W-40 The commenter is incorrect in stating that an EIR is necessary. Please see Master Response 10.

W-41 Regarding the Project’s consistency with County polices for protection of scenic ridgelines, please see the response to comment Q-26. Regarding minimum lot size, please see the response to comment Q-25.
W-42 Regarding potential impacts of Fire Road grading on hydrology, water quality, and biological resources, please see Master Responses 3 and 4. Regarding potential impacts of the Project on the Redwood Creek watershed, please see Master Response 2. Regarding wildlife habitat within the Project site, please see Master Response 1. An EIR is not required for this Project, as further discussed in Master Response 10.

W-43 Please see the response to comment W-26a.

W-43a Please see the response to comment W-26a.

W-44 Please see the response to comment W-26a. There are no identified springs within the Project site. Regarding stream classification, please see Master Response 8.

W-45 The commenter provides no substantial evidence to support assertions of significant impacts. The Initial Study examines each of these topics and concludes, based on substantial evidence in the record, that impacts would be less than significant, with incorporation of specified mitigation measures to which the Applicant has already agreed. Please see Master Response 10.

W-46 Please see the response to comment W-26a.

W-47 The commenter provides no evidence to support their assertion of errors and misrepresentations in the Initial Study. On the contrary, the Initial Study is factual, objective, and contains no known errors or misrepresentations. Regarding cumulative impacts of septic systems, please see Master Response 7. See also Master Response 10 regarding the adequacy of the Initial Study and the appropriateness of a Mitigated Negative Declaration for the Project.

W-48 Initial Study Section IV.11, Land Use and Planning, examines the consistency of the proposed Project with relevant TACP polices, and finds no inconsistency. Please see also Master Response 6.

W-49 Please see the response to comment W-74.

W-50 The items contained in comment W-50 repeat comments Q-25 through Q-68. Please see the responses to those comments.

W-51 Initial Study Section IV.3, Air Quality, topics b and c, examine impacts of construction emissions, including toxic air emissions, on nearby sensitive receptors, and finds that, with mitigation, these impacts would be less than significant. The commenter provides no evidence to support their contention that significant impacts of this kind would occur.
W-52 Air emissions associated with Project operation (i.e., occupation and use of the new residences that could be constructed, if the Project were approved) are examined in Initial Study Section IV.3, Air Quality, topics b and c, and found to be less than significant. The commenter provides no evidence to support their contention that significant impacts of this kind would occur.

W-53 Please see response to comment W-52.

W-54 The potential for the Project to result in new sources of light and glare is examined in Initial Study Section IV.1, Aesthetics, topic d, which concludes that such impacts would be less than significant. Potential noise impacts of Project construction and operation are examined in Initial Study Section IV.13, Noise, topic a, and found to be less than significant. Impacts of noise and light on wildlife would also be expected to be less than significant, as the area in which development would occur under the Project is already developed and inhabited. Please see Master Response 1. The commenter provides no evidence that impacts related to noise or light could be significant.

W-55 As discussed in Initial Study Section IV.4, Biological Resources, topic d, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Observations by neighbors of wildlife crossing the street, cited by the commenter, does not constitute substantial evidence that a wildlife corridor would be adversely affected by the Project. Please see Master Response 1.

W-56 The items contained in comment W-56 repeat comments Q-72 through Q-77. Please see the responses to those comments.

W-57 Past removal of trees is not an impact of the Project. As noted in Initial Study Section IV.4, Biological Resources, topics b and e, the Project would not have a significant impact on riparian habitat, and, with mitigation, would not significantly impact native trees. The commenter’s concern regarding impacts on trees is not supported by evidence.

W-58 The items contained in comment W-58 repeat comments Q-79 through Q-83. Please see the responses to those comments.

W-59 Please see the response to comment Q-84.

W-60 Please see the response to comment Q-84.

W-61 Please see the responses to comments W-51, W-52, and W-54. See also Initial Study Section IV.13, Noise, which concludes that, with mitigation, the Project would result in only less-than-significant noise impacts; and Initial Study Section IV.10, Hydrology and Water Quality, which concludes that water quality impacts
would also be less than significant. The comment provides no evidence to support a conclusion that impacts related to noise, light, water, and air pollution would be significant.

W-62 Please see the response to comment Q-84. The County has fulfilled its responsibilities for Tribal consultation pursuant to AB 52. Potentially interested Tribes were offered the opportunity to consult on potential impacts of the Project, but declined the offer. The commenter provides no evidence that the Project would have a significant impact on cultural resources or Tribal cultural resources.

W-63 The items contained in comment W-63 repeat comments Q-86 through Q-96. Please see the responses to those comments.

W-64 This comment describes existing conditions in the vicinity of the Project site, and does not comment on potential impacts of the Project nor analysis or conclusions in the Initial Study. The issues raised in the comment are all addressed in the Initial Study and related impacts are found to be less than significant.

W-65 Please see the responses to comments Q-39, Q-40, and Q-74.

W-66 Please see the response to comment Q-77.

W-67 Please see the response to comment Q-93a.

W-68 Please see the response to comment Q-95.

W-69 Please see the response to comment Q-95.

W-70 Please see Master Response 6.

W-71 Please see Master Response 11.

W-72 Please see Master Response 8.

W-73 Please see the response to comment Q-7 regarding watershed boundaries. For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to the Fire Road grading, please see Master Responses 3 and 4.

W-74 The augmented version of Initial Study Figure 4-1 referred to in this comment is included in this comment letter and designated comment W-49 (it also appears in comment Q-99). The location of septic systems associated with adjacent properties, including those located on the Project site and operated or maintained through an easement, are an existing condition, not part of the Project. Changes to these septic systems are not proposed as part of the Project and, as such, impacts are not evaluated in the Initial Study regarding the location or use of existing septic systems. Regarding potential impacts from proposed septic...
system development, including cumulative impacts of multiple existing and planned septic systems, please see Master Response 7. For comments relating to stream classification, consistency of analysis with USGS NHD and NWI datasets, review of historic maps of surface water features relevant to the Project site, and surface water feature locations, please see Master Response 8. Existing structures, including those within the mapped SCA, are an existing condition. The Project proposes no new development within an SCA or WCA. There is no “missing tributary” in the location indicated on the map in comment W-49. The area indicated was observed by the Initial Study preparers during a site visit on March 14, 2019, and consists of a swale below the existing residence, as shown in the detailed topographic map in Initial Study Figure 2.

W-75 The potential for future development of Accessory Development Units (ADUs) is assumed in the Initial Study, since ADUs are permitted under the Project site’s zoning and by State law. However, construction and occupation of ADUs would be subject to future permitting. Where septic systems are used, building permits for ADUs, like all dwellings, are issued only with demonstration of adequate septic capacity. Both of the proposed new systems are sized for 5-bedroom residences. Each would be sufficient, for example, for a 4-bedroom home with 1-bedroom ADU. Any required capacity beyond this would be subject to further permitting. Please see also Master Response 7.

W-76 The commenter does not state what reports they are referring to. The Initial Study examines potential impacts of the proposed Project, not past development or land management in the area of the Project site.

W-77 The Project site contains no identified cultural or Tribal cultural resources, as discussed in Initial Study Section IV.5, Cultural Resources and Section IV.18, Tribal Cultural Resources. As discussed on Initial Study page 70, the Archaeological Resources Study conducted for the Project concludes that the Project site has a low potential for presence of as-yet undiscovered archaeological or historical resources.

W-78 Please see Master Response 8.

W-79 Please see the response to comment Q-7.

W-80 The Project evaluated in the Initial Study does not include past actions of the Applicant, other than the 2014 grading of the Fire Road.

W-80a The referenced complaint letter is not found in this comment letter. It is noted that the date given for the complaint letter is 2010. Therefore, the subject of the complaint would not be a part of the Project.

W-81 The Project site is not within the County’s designated Ridge and Upland Greenbelt area, as discussed in Initial Study Section IV.1, Aesthetics, and shown
in Figure 1-1; see also the response to comment Q-26. Regarding TACP policies, please see Master Response 6.

W-82 This comment does not address potential Project impacts nor the Initial Study analysis.

W-83 Please see Master Response 1.

W-84 The County’s established SCA and WCA setbacks are considered sufficient to protect these sensitive resources. The commenter provides no evidence that the established buffers are insufficient for this Project.

W-85 As discussed in Initial Study section IV.11, Land Use and Planning, the Project is consistent with the Project site’s current zoning and Countywide Plan land use designation. Land use designations established in the 2007 Countywide Plan supersede those of the 1992 TACP.

W-86 At the time the current zoning was adopted for the Project site most or all of the threatened and endangered species known to occur in the vicinity of the Project site were already listed. Please see Master Response 1.

W-87 This comment reiterates the description of the Project site’s zoning, without commenting on the potential environmental effects of the Project or the analysis contained in the Initial Study.

W-88 The proximity of the historic Dipsea Trail is noted in Initial Study Section IV.5, Cultural Resources (page 70). The Project would not adversely affect the Dipsea Trail, as discussed in Section IV.5 and also in Section IV.1, Aesthetics.

W-89 Regarding northern spotted owl, please see Master Response 1. Regarding coho salmon, please see Master Response 2. Impacts related to wildfire hazard are evaluated in Initial Study Section IV.20, Wildfire, and found to be less than significant. The commenter provides no evidence that the Project would significantly impact any of these resources.

W-90 Please see Master Response 11.

W-91 Please see Master Response 4.

W-92 Past removal of trees within the Project site is not a part of the Project reviewed in the Initial Study. The Initial Study, Section IV.4, Biological Resources, identifies the potential spread of invasive plants as a significant impact. Mitigation Measure BIO-4 is included to mitigate this impact to less than significant.

W-93 Past activities at the Project site are not part of the Project reviewed in the Initial Study.
W-94 Please see the responses to comments Q-58 and V-9.

W-95 Please see Master Responses 1 and 6.

W-96 Please see Master Response 1.

W-97 The current Project does not include Design Review. Design Review will be triggered if the Project is approved and an application to develop the newly created lots is submitted. Please see Master Response 1.

W-98 Please see Master Response 1.

W-99 Please see Master Response 2.

W-100 Land use designations from the 1992 TACP are superseded by the 2007 Countywide Plan. Current zoning is consistent with the current land use designation, as discussed in Initial Study Section IV.11, Land Use and Planning, topic d.

W-101 Please see Master Response 11.

W-102 This photograph, which is not date-stamped, shows heavy equipment, apparently on the Fire Road, but no soil disturbance is evident. It does not provide substantial evidence that the grading of the Fire Road caused a significant impact. Please see Master Responses 3 and 4.

W-103 Please see Master Response 4.

W-104 This undated aerial photo, which appears to depict conditions and events prior to the grading of the Fire Road, does not address potential Project impacts or the Initial Study analysis.

W-105 Please see the response to comments Q-84, W-62, and W-77.

W-106 As noted in the response to comment W-77, there are no identified archeological, historical, or Tribal cultural resources within the Project site, and the site is considered to have low sensitivity for the potential occurrence of these resources. The County of Marin assumes compliance with applicable laws and regulations in determining the potential for a project to have significant impacts on the environment.

W-107 The Initial Study does not, and need not, review the history of wildfire in the area of the Project site. The Initial Study, Section IV.20, Wildfire, accurately identifies the Project site as within the mapped Wildland-Urban Interface, with a designated “very high” fire severity risk. Past land management actions within the Project site, including vegetation management, are not part of the Project.
W-108 Please see the previous response. The quote regarding “multiple severe wildfires” is not from the Initial Study. The source of this quote is not identified by the commenter. This comment does not provide substantial evidence of a Project impact related to wildfire. Such impacts are examined in Initial Study Section IV.20, Wildfire, and found to be less than significant based on substantial evidence in the record.

W-109 Please see the previous response.

W-110 This comment does not address potential Project impacts or the environmental analysis in the Initial Study.

W-111 Please see the response to comment H-5.

W-112 The quote regarding the tentative map is not from the Initial Study. The source of this quote is not stated by the commenter and is not identified. This comment does not provide substantial evidence of a Project impact. Please see the response to comment Q-63.

W-113 The fire history provided in this comment does not address nor affect the impact analysis in the Initial Study. Please see the response to comment W-107.

W-114 The Project site is not within the Golden Gate National Recreation Area and is not subject to its Fire Management Plan. Regarding consistency of the Project with applicable fire management plans and policies, please see Initial Study Section IV.20, Wildfire.

W-115 Please see the response to comment W-34.

W-116 The “studies” referred to in this comment are not identified. The Initial Study uses the best available information in determining the potential for the Project to result in significant impacts to the environment. This includes studies commissioned by the Applicant, as well as site reconnaissance and independent research conducted by the consultant team preparing the Initial Study. All of the Applicant’s studies used in the analysis were peer reviewed by the consultant team and found to be accurate and suitable for the environmental review.

W-117 Please see Master Response 10.

W-118 A similar photograph to this one occurs in the Initial Study as Figure 1-2. The reason for including this photograph in the comment letter is not expressed by the commenter. Past tree removal is not considered a part of the Project.

W-119 The reason for including this photograph in the comment letter is not expressed by the commenter. Past tree removal is not considered a part of the Project.
W-120 Neither the time, the location, nor the purpose this photo are expressed by the commenter.

W-121 The actions described in the caption of this photo were not part of the Project.

W-122 Neither the location nor the purpose of including this photo are expressed by the commenter.

W-123 Please see Master Response 4.

W-124 No wetland indicator species can be identified in this photograph. While surface water is visible, its source is not identified. It is not evident from this photo whether this location was affected by the 2014 Fire Road grading. Please see Master Responses 3 and 4.

W-125 Proposed improvements to the main driveway, which currently is used to access the existing residence, and which would also be used for accessing the proposed new lots, are described in Initial Study Section II, Project Description (page 11) and analyzed as part of the Project in the Initial Study. Maintenance of County road drainage is the responsibility of the County, not the individual landowners. The flooding described by the commenter appears to be an existing condition, and therefore is not evaluated as part of the Project.

W-126 The caption for this photo does not match the photo. This appears to be another photo of the road ditch. Please see the previous response.

W-127 Please see Master Response 1.

W-128 Please see Master Response 1.

W-129 Please see Master Response 1.

W-130 Proposed improvements to the main driveway, which currently is used to access the existing residence, and which would also be used for accessing the proposed new lots, are described in Initial Study Section II, Project Description (page 11) and analyzed as part of the Project in the Initial Study. No significant impacts associated with driveway improvements are identified. The accident history on this section of Panoramic Highway, and potential safety impacts associated with the proposed driveway improvements are reviewed in Initial Study Section IV.17, Transportation, topic c (pages 146-147). Safety impacts are found to be less than significant. The commenter provides no evidence that would support a conclusion of significance. Past tree removal is not a part of the Project evaluated in the Initial Study.

W-131 This Assessor’s Parcel Map appears to show properties neighboring the Project site. The figure has no caption, so the reason for its inclusion is unknown.
W-132 This photo appears to show a portion of the Project site that is planned to be used for a septic leachfield for proposed lot 2. No reason is given in the caption for its inclusion.

W-133 This photo shows the gated entrance to the Fire Road. As shown in the photo, the Fire Road is not completely overgrown. Whether the Fire Department would use the road is not relevant to the environmental analysis of the Project contained in the Initial Study. The Project includes no additional work on the Fire Road.

W-134 This comment contains information on the Redwood Creek watershed. On the sensitivity of the Redwood Creek watershed and the potential for the Project to impact it, please see Master Response 2.

W-135 Please see Master Response 8.
4. Changes to the Initial Study

Two changes are made to the Initial Study in response to the comments received. These changes only amplify, clarify, or correct the text and do not alter conclusions regarding impacts or mitigation measures. No recirculation is required for these minor modifications, per State CEQA Guidelines section 15073.5(c)(4).

Page 57, Mitigation Measure BIO-2 is revised as follows:

**Mitigation Measure BIO-1: Special-status Wildlife and Habitat**

Implement the following protection measures for special-status wildlife and habitat during construction within each of the three proposed lots:

- Conduct a worker awareness training for all supervisory field staff that may come across sensitive habitats or special-status species. The training shall include the following information: a photograph and description of each special-status species or sensitive resource known from the area; a description of its ecology and habitat needs; potentially confusing resources (e.g., similar species or habitats); an explanation of the measures being taken to avoid adverse impacts; reporting and necessary actions if sensitive resources are encountered; and workers’ responsibility under the applicable environmental regulation.

- The Project limits should be clearly marked on the final design drawings and work confined within those boundaries.

- Foot and vehicle traffic should be restricted to the designated work and staging areas.

- For any fencing needs, install fencing that reduces the risk of death or injury to wildlife and does not impede movement. See *Fencing with Wildlife in Mind* by Colorado Division of Wildlife for specific guidelines on fencing installation and types (Hanophy, 2009).

Pages 57-58, Mitigation Measure BIO-2 is revised as follows:

**Mitigation Measure BIO-2: Special-status and Common Bats**

Implement the following protection measures for special-status and common bat species during construction within each of the three proposed lots:

- Complete presence/negative finding bat surveys prior to removal or pruning of any trees over 6 inches in diameter at breast height. If during future development buildings are proposed for removal, buildings shall be surveyed for bats within 15 days prior to any building demolition. Surveys shall be completed by a qualified biologist. Because each individual bat species may use different
roosts seasonally and from night to day, surveys must be conducted by a qualified biologist at the appropriate times.

- If trees planned for pruning or removal are identified as active roost sites, appropriate avoidance measures shall be developed by a qualified biologist. This may include seasonal limitations on work when roosts are unoccupied and/or establishment of buffer areas around occupied roosts.

- If bats are found roosting within the buildings, work shall cease until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between Marsh 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by a qualified biologist up to two weeks prior to building demolition.

- For all trees previously identified as active roost sites (during Project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall be followed by bole removal on day two. This approach would allow bats, if present, an opportunity to move out of the area prior to completing removal of the trees. No trees supporting special-status bats shall be removed without prior consultation with CDFW.

- If work is postponed orinterrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.

- Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.
5. Appendices
Appendix A: Initial Study Distribution List
INTER-OFFICE MEMORANDUM
DEPARTMENT OF PUBLIC WORKS

Date: April 14, 2017

To: Jocelyn Drake, CDA- Planning
    Rachel Reid, Environmental Planning

From: Berenice Davidson, DPW- Principal Engineer

Re: Status of 455 Panoramic Highway Notice of Violation 14-002 in response to Muir Woods Park Community Petition dated April 6, 2017

In response to the subject petition requesting that the Community Development Agency deny the subject subdivision application, the Department of Public Works provides the following historical and background information.

The Department of Public Works issued a notice of violation for grading work without a valid grading permit on March 26, 2014 to the property owners, Daniel and Shira Weissman, at 455 Panoramic Highway in Mill Valley. The property owners were notified to stop all work immediately, except for the installation of erosion and sediment control measures for the disturbed areas and to apply for a grading permit. The property owner/contractor did stop all work and implemented satisfactory erosion and sediment control measures. The site was inspected by the San Francisco Bay Regional Water Quality Control Board and found to be stabilized as well. The property owner indicated that he would be submitting a subdivision application. Rather than processing a grading permit where possibly a larger scope of work was planned, or even so as to legalize the existing scope of work, the Department of Public Works agreed to delay further action on the grading permit violation until a subdivision application was approved or denied, with the provision that the subject grading violation would not be deemed to be "vested." The non-permitted grading work will be made part of the Dipsea Ranch Subdivision Application P1589 environmental review record and consideration. The vegetation is now well established and any further work would create new site disturbances.

The culvert located in the Panoramic Highway's right of way mentioned on the letter titled Dipsea Ranch Subdivision (Weissman) –P1589 dated April 6, 2017, is an existing culvert prior to the notice of violation action.

C: Raul Rojas, DPW- Director
    Brian Washington, County Counsel
TO: Curtis Havel, Senior Planner  
Evelyn Garcia, Planner

FROM: Debbi La Rue, Planner

DATE: March 26, 2018

RE: Dipsea Ranch Land Division (Weissman)  
455 Panoramic Highway, Mill Valley  
Assessor’s Parcel 046-161-11  
Project ID P1589

APPLICANT: Dan Weissman  
455 Panoramic Highway  
Mill Valley, CA 94941

CONTACT: Dan Weissman  
415-888-8551  
dweissman@gmail.com

The applicant proposes the subdivision of a single parcel with an existing residence into three single-family lots. Projects calling for lot creation with proposed dwellings are subject to the Development Code 22.22.090 (Inclusionary Housing – Lot Creation), which specifies the inclusionary requirements to be:

"[Twenty] percent of the total number of dwelling units or lots within a subdivision shall be developed as, or dedicated to, affordable housing... Where the inclusionary housing calculation results in any decimal fraction less than or equal to 0.50, the project applicant shall pay an in-lieu fee proportional to the decimal fraction."

In accordance with Marin County Code section 22.22.090(A)(1), lots with residences constructed prior to July 13, 2006, “shall be deducted from the total number of lots in the proposed subdivision for the purpose of applying the inclusionary requirement." The proposed subdivision is therefore required to pay an in-lieu fee proportional to the decimal 0.40. As the in-lieu fee rate for the 2017-2018 fiscal year is $300,655, the project is subject to an in-lieu fee currently estimated to be $120,262.

The in-lieu fee is adjusted annually on the first day of the County fiscal year (July 1) based on the higher of either the Consumer Price Index (CPI) for Shelter or the Construction Cost Index (CCI) published by the Engineering News-Record. The fee rates estimated above are accurate through the current fiscal year (June 30, 2018), after which fee rates will likely be adjusted to account for inflation. The applicant will pay whatever fee rate is current at the time of subdivision map recordation.
PLANNING APPLICATION REVIEW
DEPARTMENT OF PUBLIC WORKS
Inter-office Memorandum – 3rd Transmittal

DATE: 7/12/2018
DUE: 7/2/2018

TO: Curtis Havel, Evelyn Garcia
FROM: Tyler Bylow
APPROVED: [Signature]
RE: Dipsea Ranch Land Division (Weissman) Project ID: P1589
APN: 046-161-11
ADDRESS: 455 Panoramic Highway, Mill Valley

Department of Public Works Land Use Division has reviewed this application for content and:

X Find it COMPLETE
Find it INCOMPLETE, please submit items listed below
Find it NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM

Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:
Traffic
Flood Control
Other:

Environmental Incompleteness Items:

1. Stormwater Control Plan
   a. In conformance with submittal checklist item 11, provide a Stormwater Control Plan (SCP) as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County’s website for post-construction stormwater management requirements, publications and resources at: https://www.marincounty.org/-/media/files/departments/pw/mcstoppp/development/basmaa-postconstruction-manual.pdf?la=en. This subdivision will result in a larger plan of development and therefore will be classified as a regulated project. Regulated projects must be designed according to the criteria in Chapter 3 and 4 of the manual. Follow the instructions in this manual and use the template: "Stormwater Control Plan for a Regulated Project" (Appendix D). The submitted Stormwater Control Plan doesn’t follow the requirements in the BASMAA manual and therefore must follow the numeric sizing criteria for stormwater retention and treatment as outlined in the Phase II Small MS4 General Permit. Under section E.12.e.c.1.a the sizing of the proposed cisterns should be determined using the formula and volume capture coefficients in Urban Runoff Quality Management, WEF Manual of Practice No.23/ASCE Manual of Practice No. 87 (1998) pages 175-178 (that is, approximately the 85th percentile 24-hour storm runoff event). Demonstrate compliance on the Drainage Plan BASMAA Sheet and indicate the value of the 85th percentile 24-hour storm runoff event value used.

2. In section 5.3- Peak Runoff Calculations of the hydrology and land use report, an appendix for overall hydrographs and basic rainfall curves is referenced. Please provide a copy of the appendix

L:\Land Development\Staff Files\Tyler Bylow\Planning Referrals\2017\Mill Valley\455 Panoramic Highway\Dipsea Ranch Land Division 455 Panoramic Highway Project ID P1589 revised (3rd).doc
and any other supporting documentations demonstrating how the peak runoff rate values are being derived. The submitted graphs are inadequate because they only account for the 2 year 24 hour storm. Provide the overall hydrographs and basic rainfall curves and other supporting documents to demonstrate how the peak runoff rate values for the 100 year 24 hour storm are being calculated.

3. The AASHTO Design of Highways and Streets specifies that the sight triangle for safe departure for a roadway with a posted speed limit of 30 mph is 330 feet. Demonstrate that the required corner sight distance is available for motorists entering Panoramic Highway or provide an exception request per Marin County Code §24.15 with the necessary findings in §24.15.020; specifically, that a lesser corner sight distance will not create a safety hazard. The submitted documents do not demonstrate compliance with corner sight distance requirements under AASHTO Design of Highways and Streets. Provide an exemption request outlined in Marin County Code §24.15 along with the necessary findings in §24.15.020.

-END-
DATE: November 18, 2019
TO: Sabrina Sihakom, Planner
FROM: Gwendolyn Baert, Senior REHS
RE: Dispea Ranch Land Division
     Weissman Project ID P1589
AP#: 046-161-11
ADDRESS: 455 Panoramic Hwy, Mill Valley

TYPE OF DOCUMENT

X LAND DIVISION

USE PERMIT
VARIANCE
MASTER PLAN
COASTAL PERMIT
LOT LINE ADJ.
OTHER

THIS APPLICATION HAS BEEN REVIEWED FOR THE FOLLOWING ITEMS:

WATER  X  SEWAGE  SOLID WASTE
POOLS  HOUSING  FOOD ESTABLISHMENT

THIS APPLICATION IS FOUND TO BE:

X FIND IT COMPLETE.

FIND IT INCOMPLETE UNTIL THE ITEMS LISTED BELOW HAVE BEEN SUBMITTED.
FIND IT ACCEPTABLE AS PRESENTED, WITH THE FOLLOWING CONDITIONS.
RECOMMEND DENIAL FOR THE REASONS LISTED BELOW.

The applicant has submitted the cumulative impact assessment and it has been reviewed by EHS. The predicated groundwater rise is between 2-5 inches of the downslope edge of the leach fields, which is acceptable.

The catchment basins/bioreten tion units and other drainage improvements have been shown to be minimally 25 FT from existing and proposed septic systems.

Parcel 1 will have a sewage disposal easement granted to it, prior to recordation of the Final Map.
Tamalpais Design Review Board Meeting Minutes
Regular Meeting: May 2nd, 2018: 7:00 PM

Meeting Location: Muir Woods Park Clubhouse; 40 Ridge Avenue, Mill Valley

I) Call to Order: 7:06 PM – Doron Dreksler (Chair)
Board Members Present: Doron Dreksler (DD), Andrea Montalbano (AM), Logan Link (LL), Alan Jones (AJ)

II) Approval of meeting minutes – April 18, 2018
AJ motions, LL Seconds, Unanimous approval.

III) Correspondence and Announcements: None.

IV) Public Comment on Items not on the agenda: None.

V) Agenda Item: Weissman (Dipsea Ranch) Land Division (P1589) 455 Panoramic Highway Mill Valley, CA 94941 Parcel Number: 046-161-11 Applicant: Dan Weissman Planner: Curtis Havel

PROJECT SUMMARY: The project applicant, Dan Weissman, has submitted a revised project in response to the April 3, 2017 status letter from the Marin County Community Development Agency. The project was reduced in scope from 13 lots to 3 lots, no longer includes a proposal to extend the sewer line, and has limited access to the site to one point along Panoramic Highway. The revised project is described in more detail below, and in the attached project description from the project applicant. The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. The new residential lots would range in size as follows:

- **Proposed Lot Number:** Proposed Lot Area:
  - 1 2.22
  - 2 0.89
  - 3 5.18

Residential development currently exists at the property and access to the site is proposed to be provided via the existing entry driveway at 455 Panoramic Highway. The project includes a proposal to install two new on-site sewage disposal systems to serve Lots 2 and 3. Water service would be provided by the Marin Municipal Water District (MMWD). The project also includes the incorporation of a storm water management plan that utilizes a system of storm drains, cisterns and bioswales to address runoff. Zoning: RMP-0.5 (Residential, Multi-family Planned District, 1 unit per 2 acres)

Countywide Plan Designation: PR (Planned Residential)
Community Plan: Tamalpais Area Community Plan

1. **Curtis Havel, (CH) Planner, explains the process:**
   A) The Planning department is currently looking at the project for completeness
   B) Once complete, the project will be reviewed in an “Initial Study” (under California Environmental Quality Act) and will be investigated under 14 areas of topical review.
   1) It may qualify for a Mitigated Negative Declaration (where impacts to the environment can be offset)
   2) If the impacts can’t be mitigated, then the project requires a full Environmental Impact Report
   3) Once either of those reports are complete, the report is circulated publicly for review and then presented to either the Deputy Administrator or the Board of Supervisors for a public hearing.

2. **Proposed Design presented by the project applicant, Dan Weissman. (DW)**
A) Was told by the County that the site is zoned for 4 homes plus 4 affordable housing units.
B) Has decided to reduce the number of units to three and remove the sewer line from the project, plan for no development below the top of the hill, remove only two non-native trees. He hopes it is acceptable to the neighborhood.

3) Civil Engineer; Jamie Ziegler (JZ) and Architect Jim Malott (JM) present project and answers questions. There was overlap of the Public and Board questions at this time.
A) Member of Public (MoP) asks; Is the separate parcel at the south end still part of this project? Answer; No.
B) DD asks; Why have a shared driveway? Answer; Mainly to appease the neighbors. The existing driveway will be modified to meet the County requirements of a shared, private driveway.
C) DD asks; Are there sections and details? How does the driveway relate to the land? Answer; There are drawings in the package. The driveway follows the contours of the land.
D) MoP asks; Is the largest parcel further subdividable? CH answers; Any further subdivision would require a process just like this one.
E) MoP asks if the applicant would be open to putting a conservation easement on the land. CH answers; This could be a topic of conversation later on but is not being discussed now.
F) MoP asks if it is a change in zoning that is allowing for one of the parcels to be less than 2 acres? CH answers; The subdivision looks at the “mother parcel” as a whole to make sure the total number of lots/units does not exceed the 2 acre per unit minimum, so as long as the total number is under 4, it does not require a zoning change or variance.
G) MoP asks if CC&R’s would be applicable to impose on the project in order to control development in the future. CH answers; Zoning trumps CC&R’s. They are not applicable in this situation.
H) MoP asks if the use of a shared driveway is safe, considering the curve of the road at that location. JZ answers that the driveway will meet County requirements for sight lines, etc.
I) MoP asks if a fourth unit plus 3 additional affordable homes would be allowed in the future CH answers; There is one house already existing, so there are really only two lots being created. There will be no affordable units because an in-lieu fee will be paid instead by the applicant (approx $100K).
J) AM asks if each parcel can add an ADU by right, for a total of 6 units. CH answers; Yes.

4) Board questions and comment period opens;
A) DD asks How did you decide where to locate the septic systems? JZ explains that the septic system of the existing house is located on the new parcel and will have an easement for it. The other two lots will contain their own septic systems within their lot lines. Maximum number of bedrooms and home square foot areas are detailed in the report.
B) DD asks Is there any plan to deal with the existing, illegal fire road? CH answers; The road will be looked at throughout the process of the Initial Study. It is an open question that needs to be reviewed and approved or denied.
C) DD asks; Have you calculated the slopes of the sites? JZ answers that there is a very clear map in the submittal package looking at this. He displays a color coded map showing slopes greater than and less than 15%.
D) AJ states that per the Development code section 22.16, development so close to a ridge, within the outlined area of building envelope as shown on the plans, will be difficult to achieve. CH answers that it is not in questions right now because no buildings are proposed. The meeting is to review the lot subdivision only.
E) AM asks; Does the fire department presently have access to that road? Does it have a key? DW answers; No they don't have a key but if they needed access they could easily break the lock. DW presents a letter from 2014 from the Fire Chief stating he encourages increasing access for fire department to hard to reach sites. DW states this is included as part of the submittal package. (Post-meeting note—this letter cannot be found within the information on line provided by the County and should be uploaded for public review and record keeping.)
F) AM asks; Does the Planning department look only at the Board's comments for the judgment on community character? CH answers; The Planning department reviews the Board's comments but also looks at the issues independently.
G) AM asks; What is the limit of the number of units for a private driveway? Do the ADU's figure in this? CH answers; The Dept of Public Works would have the answer to how many units are allowed on a private shared driveway but no, the ADU's do not add to the load.

H) DD, I don't see any shared guest parking area here. CH answers; That will be considered later when buildings are proposed during Design Review.

5. Public Questions and Comments;
A) MoP asks; Where can I find the link to the project on the County's website? CH answers with URL.

B) MoP states that the statement in the hydrology report that the water at the uphill side of the "fire road" is not from a septic tank, it flows from a stream at the panoramic trailhead at Ridge Avenue, is visible on the property below the road, goes back under ground and comes out again on the Dipse trail. He feels strongly that the hydrology report needs to be revisited and redone by someone with more local knowledge of the area.

C) MoP states that his property is located across Panoramic Highway from the applicant's driveway entrance and that in the past his property has been flooded by water coming from the driveway. He is concerned with a lack of detail on the topo map—that it is too small a scale to be properly understood. Clarified information would be necessary for proper assessment of the grading and drainage of the new driveway.

D) MoP asks how far into the hillside does the driveway cut into create a shoulder? JZ answers; There is acceleration and deceleration taper, a slight widening of the road. These are required by CalTrans. There is a small bio-swell and uphill cistern for collection of drainage from the driveway proposed. The design will meet current storm water regulations.

E) MoP (Laura Chariton) states there are several inaccurate statements that she found in the reports that all have a big impact on the design of the project as a whole. One is that the declared median rainfall is only 2/3 of the actual, and the project description lists the lot as infill but it is actually adjacent to an undeveloped parcel. She has summarized all of the inaccurate statements in the reports and submitted them in a letter to the Planning department.

F) MoP asks; what will happen with the separate 2 acre parcel to the south? He then states that a lot of good will would be extended to the applicant if a conservation easement is accepted on that parcel.

G) MoP states that with the potential for future subdivision and possible ADU's what will happen with the fire road across form Kent Way? He spoke to the head of the Throckmorton fire department, who told him that the fire department does not have the authority to use or encourage use of this road to fight a fire. The MoP also states that this road is on the worst possible slope.

H) MoP (Jean Sublett) states that she moved here 50 years ago and that "The houses contain our bodies but the space between the buildings contains our souls." She states that the people who live here are stewards of this beautiful place and need to protect it from harm.

I) MoP states that he too came here 50 years ago and points out that the Redwood Creek watershed is very small and is aware of a tributary to Redwood Creek that is not shown on the maps—the top of which was covered up by the "fire road." He then asks CH if he can promise that the County will do a fair, impartial and thorough investigation into the study of the proposed project.

J) MoP states that Redwood Creek crosses her property. She hopes that any damage that has been done to the stream is considered and remedied when the County reviews this proposal along with the impact of septic systems, pollution, potential slides, etc.

K) MoP states that she lives across from the "fire road" and has definitely noticed that since its construction there has been environmental degradation. She used to hear frogs, but doesn't anymore. She can see that the drainage of Panoramic Highway has been altered and she wants that area restored to its natural condition.

L) MoP states that by creating a separate lot the responsibility for fire prevention is transferred to the new parcels but that doesn't help fire prevention. He wants to see more actual fire prevention occurring on that hillside, like clearing fire-prone, invasive plant species.

M) MoP states that the neighborhood wants a promise that the lower parcel (owned by DW but not part of this project) will not be developed, and some way to mitigate the "fire road so that it can't be used in the future to access a development. DW responds that he wants to reserve the rights on that parcel and states that the road, as built, is not adequate for vehicle access.
N) MoP asks what is the applicant's objection to restoring the fire road to its previous condition? CH states that the County will advise the applicant the best way to mitigate the negative effects of the road. Until it is fully analyzed by the County, any changes could cause more damage than good, so nothing should be done until the County reviews it in detail.
O) MoP asks: Why is there a future "force sewer main" shown on the civil drawings? (This question is not answered.)
P) MoP states that a deed restriction should be placed on the lower portion of the parcel to protect it from future development.
Q) MoP states that on the west side of Panoramic Highway there are about ten additional acres that are vulnerable to fire yet are completely inaccessible. He would like to see better fire access to this area, such as the "fire road" that exists.
R) MoP states that with climate change come more wind events, heavy rainfalls, droughts, land slides and power failures. Even though this lot in the past was zoned for 4 units it should be reconsidered in light of what we know about the future impacts of climate change. The driveway will be wider with more paved area, creating more runoff. This all needs to be taken into account.

6. Board Discussion:
A) If this were design review, the building envelopes, as proposed, would have a very difficult, if not impossible time meeting the Development standards for both the Development Code and the Tam Plan because of the proximity to the ridgeline. Although the Tam Plan calls this a ridge, it also allows for exceptions for building close to a ridge in certain situations.
B) The project is about balance. The Chair received about 25 letters and 30 phone calls and really appreciates the input of the public. The proposed locations for buildings make sense.
C) The resubmitted proposal was respectful to the community, and decisions made down the line are going to be very important to the community, particularly what happens with the large 5+ acre parcel. The should be a deed restriction on that parcel.
D) It appears everyone is accepting the fire road as a given, but there are questions that only experts can answer, such as:
   a) Is this the right place for a road?
   b) Was the road built appropriately for fire vehicle access or is it a potential disaster if used?
   c) At the same time the importance of fire fighting access must be weighed against its impact on the headwaters of Redwood Creek. Would it be possible to have vehicle access on a bridge, over a repaired stream?
E) The existing chain link fence around the road access is an eyesore and must be removed and replaced with a fence and gate in keeping with the rustic character of the neighborhood.
F) Similarly, the proposed driveway entrance should be presented before the Board for review. The drawings in the submittal packet are not adequate for proper understanding of what this will actually look like.
G) The future use of the road should be restricted to fire fighting vehicle access only and a deed restriction should be put in place so that this road can never be used to access the residences or any future ADU's.

7. Board Decisions and Findings:
A) Motion to approve project with the following conditions:
   1. Fire road, if it remains, shall be used for fire access only.
   2. A deed restriction be placed on the 5 acre parcel to assure that it will not be subdivided in the future.
   3. AM motions, LL seconds, 4-0 Unanimous Approval
B) Merit comments:
   1. County staff should conduct a thorough environmental review of the potential impact on the Redwood Creek watershed, especially with regard to proposed septic systems.
   2. Staff should ascertain whether the applicability of Development Code 22.16.030 F2 (Development near ridgelines) to future building on the lots should impact approval of this
subdivision. It appears that developing improvements within the building envelopes shown in the application which comply with this provision will be a challenge.

VI) Meeting Adjourned 9:40 PM

VII) Public in Attendance; The sign in list was not retrieved but the meeting was well attended by at least 50 members of the community.
Tam Design Review Board

c/o Doron Dreksler, 433 Wellesley Ave., Mill Valley, CA 94941

AGENDA - Public Hearing - May 2, 2018 - 7:00 PM

Call to order: 7PM

- Approval of minutes of April 18, 2018
- Correspondence
- Public comment on items not on the agenda

1. Weissman (Dipsea Ranch) Land Division (P1589)
   455 Panoramic Highway Mill Valley, CA 94941  Parcel Number: 046-161-11
   Applicant: Dan Weissman  Planner: Evelyn Garcia

PROJECT SUMMARY:
The project applicant, Dan Weissman, has submitted a revised project in response to the
April 3, 2017 status letter from the Marin County Community Development Agency. The
project was reduced in scope from 13 lots to 3 lots, no longer includes a proposal to
extend the sewer line, and has limited access to the site to one point along Panoramic
Highway. The revised project is described in more detail below, and in the attached
project description from the project applicant.

The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-
family residential lots. The new residential lots would range in size as follows:

<table>
<thead>
<tr>
<th>Proposed Lot Number</th>
<th>Proposed Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.22</td>
</tr>
<tr>
<td>2</td>
<td>0.89</td>
</tr>
<tr>
<td>3</td>
<td>5.18</td>
</tr>
</tbody>
</table>

Residential development currently exists at the property and access to the site is
proposed to be provided via the existing entry driveway at 455 Panoramic Highway. The
project includes a proposal to install two new on-site sewage disposal systems to serve
Lots 2 and 3. Water service would be provided by the Marin Municipal Water District
(MMWD). The project also includes the incorporation of a storm water management plan
that utilizes a system of storm drains, cisterns and bioswales to address runoff.

Zoning: RMP-0.5 (Residential, Multi-family Planned District, 1 unit per 2 acres)
Countywide Plan Designation: PR (Planned Residential)
Community Plan: Tamalpais Area Community Plan

2. Preview without action, plans that may appear on future agendas

MEETING LOCATION:  Muir Woods Park Clubhouse  40 Ridge Ave, Mill Valley, CA 94941

TDRB serve as an advisory and resource body and liaison to the Board of Supervisors,
Community Development Agency, Planning Commission and Community
http://www.marincounty.org/depts/cd/divisions/planning/projects
ATTACHMENT 11
Dipsea Ranch (Weissman) Land Division (Tentative Map) Public Correspondence other than those received for the initial study/Mitigated Negative Declaration, as listed in order of dated received as of the publishing of the staff report.

Each correspondence as of the publishing of the report has been labeled as “11.A, 11.B, 11.C [...]” in the order as listed below.

A. Email from Bernard Ayling, dated March 12, 2018
B. Email from Doug Canepa, dated March 29, 2018
C. Email from Bernard Ayling, dated March 28, 2018
D. Letter from Erik Halterman dated, March 28, 2018
E. Email from Robert Wright dated March 28, 2018
F. Email from Teresa Harrison, dated March 29, 2018
G. Letter and from Lonnie Barbach, dated April 3, 2018 and April 19, 2018
H. Email from Bernard Ayling, dated April 6, 2018
I. Email from Arthur Carpenter, dated April 16, 2018
J. Email from David Geisinger, dated April 21, 2018
K. Letter from Michele McCabe, dated April 25, 2018
L. Email from Constance Goldsmith, dated April 26, 2018
M. Email from Jerry Cahill, dated April 26, 2018
N. Email from Ty Cashman, dated April 27, 2018
O. Email from Sara Burgess, dated April 29, 2018
P. Email from Kathie Velazquez, dated April 30, 2018
Q. Letter from Laura Chariton and Douglas Ullman, dated May 2, 2018
R. Letter from Lonnie Barbach, dated July 17, 2018
S. Email from Beverly Anderson, dated August 1, 2018
T. Email from Gordon Robinson, dated January 12, 2020
Bernard Ayling would like information about:
Bernard Ayling
50 Palm Way
Mill Valley, CA 94941
(805) 797 8041

March 11th, 2018

Curtis Havel
Planning
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Weissman Land Division P 1589

Dear Mr. Havel,

I live across Panoramic Highway from this proposed development and have been active and concerned since it was first proposed.

The application for the Dipsea Ranch subdivision is “INCOMPLETE”. Jocelyn Drake (Planning) and Jason Wong (Public Works) assured the community the illegally constructed road on the applicants’ property would be addressed as part of this application. The applicant continues to refer to the illegal road as an “Existing Road”. The County should not accept the application until removal of this illegal road is addressed in the application.

While it is tempting to be relieved at the lower scale of the current proposal, Mr. Weissman has a history of being deceptive in his statements regarding this proposal and therefore I see no reason to take his latest version at face value.

1. The illegal road constructed in 2014 remains illegal, regardless of Mr. Weissman’s deceptive characterization of it as an “existing road.” The citation he was issued for this illegal work remains active. This condition has not been remedied and must be remedied before any approval of the modified project.
2. Weissman’s characterization of the stream he covered up with his illegal road as ephemeral is inaccurate. It is an intermittent stream feeding Redwood Creek.
3. I have not seen any sign of the road having been used by local or federal agencies, Mr. Weissman’s assertion to the contrary in the latest version of the application notwithstanding. The gates appear locked, with no sign of any activity whatsoever.

His plan as it stands leaves the door open for further development of the larger lot and repurposing the illegal road as ingress/egress for that lot, with the problems that would represent for the neighborhood and traffic on Panoramic. Any resolution of this situation needs to incorporate removal of the road and restoration of the site to the condition as it was before the illegal work was performed, as well as incorporating written terminology precluding reconstruction of said road in case of any development or sale in the future.
Bernard Ayling  
50 Palm Way  
Mill Valley, CA 94941  
(805) 797 8041  

March 11th, 2018  

Curtis Havel  
Planning  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  

Re: Weissman Land Division P 1589  

Dear Mr. Havel,  

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The application for the Dipsea Ranch subdivision is “INCOMPLETE”. Jocelyn Drake (Planning) and Jason Wong (Public Works) assured the community the illegally constructed road on the applicants’ property would be addressed as part of this application. The applicant continues to refer to the illegal road as an “Existing Road”. The County should not accept the application until removal of this illegal road is addressed in the application.  

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His plan as it stands leaves the door open for further development of the larger lot and repurposing the illegal road as ingress/egress for that lot, with the problems that would represent for the neighborhood and traffic on Panoramic. Any resolution of this situation needs to incorporate removal of the road and restoration of the site to the condition as it
March 26, 2018

Subject: Weissman Land Division (p.1589) 2nd Plan

Dear Curtis Havel & Evelyn Garcia

I want to be consistent with my comments and concerns. I spoke up and vehemently opposed this applicant’s first proposal. I want to suggest that this first 24 dwelling, mega-mansion, community be damned so-called development proposal was a nonstarter. The applicant didn’t rework it. He got real. He has now done what he should have done from the beginning. Read the TACP

I recognize the property owner has rights. Just as the community has rights. If these rights conflict as in this case, the TACP, Tamalpais Area community plan of 1992 provides direction and answers. Many folks put countless hours creating this plan. Emotion was left out. The wise and thoughtful plan details the objectives and guidelines for planning issues such as this. The proposal in front of us now, when evaluated through the lens of TACP policies and regulations is spot on. I can’t object to what is being proposed.

However, and it’s a big however, the community must have assurances there will be no further development on any of the three proposed lots beyond what is being put forth now. No sub divisions or accessory dwellings. A condition of no future developments must be put on any approval. In addition, the lot above the dipsea trail,357 Panoramic, which the applicant owns and had plans to develop, must be kept as open space and never developed.

The TACP should drive the debate. Anything below the top of the property and not accessed from the existing driveway should never be allowed. The language is clear in the Tamalpais Area Community Plan. Cluster the homes, avoid steep grades, don’t destroy the open appearance, don’t disturb the drainage patterns and watershed. Stay in character of the existing community. Any home built should be of the same character as other existing homes. 6000 square foot dwellings are not.
Go ahead and grant the applicant approval but not without these conditions. This plan honors and respects the TACP and the applicant’s rights. Anything beyond dishonors the plan and violates the rights of the community. Protecting this treasured location is the goal. Conditions must come with an approval.

The other issue with the property that one can’t ignore or pass off as unimportant is the construction of an illegal road off Kent Way and the unlawful depositing of infill by the applicant. I view this as a flagrant disregard for the neighborhood, the property, and rule of law. The applicant obnoxiously did what he wanted and hoped he wouldn’t get caught. He should be held accountable. The applicant should be forced to return the area to its original condition. In the absence of that the county should hold it as a bargaining tool. The applicant agrees to the conditions, donates or sells 357 Panoramic to the park or open space and the county declares the illegal road and infill a non-issue that can be left alone.

Regards

Doug Canepa

332 Panoramic Hwy, Mill Valley
Hi Curtis,

Several days ago I sent you a letter regarding the Weissman plan update, with some of my concerns.

Realizing that you came on to this issue after the fact and may not have seen all the evidence we have to support our position, I am attaching some documents for your review.

Though you may have these in a file regarding the previous application, I would like to ask you how these may affect the modified application. My understanding is that today is the 30 day on the completeness of the new application. Again, Weissman refers to the "existing" road with no mention of its illegality in his modified application. How does this affect the completeness of his application?

Thanks for taking the time on this Curtis.

Kind regards,

Bernie Ayling
50 Palm Way
Mill Valley, CA 94941
(805) 797 8041
INTER-OFFICE MEMORANDUM
DEPARTMENT OF PUBLIC WORKS

Date: April 14, 2017

To: Jocelyn Drake, CDA- Planning
    Rachel Reid, Environmental Planning

From: Berenice Davidson, DPW- Principal Engineer

Re: Status of 455 Panoramic Highway Notice of Violation 14-002 in response to Muir Woods Park Community Petition dated April 6, 2017

In response to the subject petition requesting that the Community Development Agency deny the subject subdivision application, the Department of Public Works provides the following historical and background information.

The Department of Public Works issued a notice of violation for grading work without a valid grading permit on March 26, 2014 to the property owners, Daniel and Shira Weissman, at 455 Panoramic Highway in Mill Valley. The property owners were notified to stop all work immediately, except for the installation of erosion and sediment control measures for the disturbed areas and to apply for a grading permit. The property owner/contractor did stop all work and implemented satisfactory erosion and sediment control measures. The site was inspected by the San Francisco Bay Regional Water Quality Control Board and found to be stabilized as well. The property owner indicated that he would be submitting a subdivision application. Rather than processing a grading permit where possibly a larger scope of work was planned, or even so as to legalize the existing scope of work, the Department of Public Works agreed to delay further action on the grading permit violation until a subdivision application was approved or denied, with the proviso that the subject grading violation would not be deemed to be "vested." The non-permitted grading work will be made part of the Dipsea Ranch Subdivision Application P1589 environmental review record and consideration. The vegetation is now well established and any further work would create new site disturbances.

The culvert located in the Panoramic Highway's right of way mentioned on the letter titled Dipsea Ranch Subdivision (Weissman) –P1589 dated April 6, 2017, is an existing culvert prior to the notice of violation action.

C: Raul Rojas, DPW- Director
    Brian Washington, County Counsel
April 6, 2017

Marin County Community Development
Attn.: Jocelyn Drake
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re.: Dipsea Ranch Subdivision (Weissman) – P1589
    Parcel Numbers: 046-221-07 and 046-161-11

Subj.: Public Works Violation & Code Enforcement

Dear Jocelyn Drake:

In February 2014, the applicants for the Dipsea Ranch Subdivision project constructed an illegal gravel embankment at the proposed entrance to the project off Panoramic Highway. The embankment was constructed directly adjacent to a tributary to the Redwood Creek watershed (per the United States Department of Fish & Wildlife inventory; see attached map) which is critical habitat for the endangered Coho salmon and threatened Steelhead trout.

On March 26, 2014; the County issued the applicant a Notice of Violation (attached) stating the illegally constructed embankment required environmental review and rescinded the applicant’s encroachment permit. The applicant proposes to address this violation as part of his application. However, the gravel fill used for the embankment has materially changed several characteristics of the site. Until the property is restored to its pre-violation condition, it will be impossible to accurately complete the necessary environmental review of the property.

- **Hydrology** – The natural flow of water off the hillside and down the drainage culvert has been changed because of the new embankment. Naturally occurring springs in the area have been buried and/or altered. Water has been redirected away from the entrance to the project by a culvert formed along Panoramic. The hydrological report provided by the applicant (Zeigler Civil Engineering, Inc.) was completed in 2016 after the illegal embankment was constructed. This report should be disregarded and the applicant should resubmit after the wetlands have been restored.

- **Riparian Habitat** – Riparian habitat feeding the Redwood Creek has been destroyed by the illegal embankment. Riparian habitat is critical to the Redwood Creek watershed ecosystem. The Redwood Creek’s Coho salmon are listed as endangered and the loss of riparian habitat will further compromise the Redwood Creek watershed. Enclosed is a summary from NOAA on the quality of the Redwood Creek watershed and it specifically lists riparian habitat as in poor condition. The Redwood Creek watershed cannot afford to lose additional riparian habitat and the habitat that was destroyed should be restored immediately.
• **Topography & Slopes** — The infill of an estimated 1,200\(^1\) cubic yards of rock and fill has significantly heightened the topography at the location of the new entrance to the project. All drawings and analysis should be based on the natural grade prior to the construction of the illegal embankment.

• **Stream Conservation Area (SCA)** — The Marin Countywide Plan requires a 100’ setback from the jurisdictional wetlands (Countywide Plan: BIO 3-1 Protect Wetlands). The 100’ setback would include riparian habitat including those destroyed by the applicant when he constructed the illegal embankment. Until the illegal embankment is removed and the riparian habitat has had a chance to reestablish itself, it is not possible for the applicant to accurately depict the correct Stream Conservation Area on his plans.

---

We are hereby requesting the County deny the current application until the three-year-old violation has been abated and the wetlands restored. The County Code, includes language to deny the Dipsea Ranch Subdivision while this violation exists.

**1.05.120 - Permits—Denial—Related violation.**

*Applications for permits pursuant to provisions of the Marin County Code may be denied or conditionally approved if any related violation of the Marin County Code or state law is found to exist on the same property....*

There are four reasons the illegal embankment should be removed immediately and the riparian habitat restored:

1. The illegal embankment has materially changed the characteristics of the site. The environmental studies and drawings required for the Dipsea Ranch Subdivision application should be based on the pre-damaged site conditions. *Any environmental studies completed for the Dipsea Ranch Subdivision while the illegal embankment remains will be incomplete, inaccurate and invalid.*

2. The riparian habitat covered by and altered by the illegal embankment is critical for the health of the Redwood Creek watershed which supports federally protected wildlife. Coho salmon are listed as “Endangered” and Steelhead Trout are listed as “Threatened” by the California Department of Fish and Wildlife. (See attached)

3. The Muir Wood’s Park Community has the right to have the County remove nuisances and violations in a timely manner. The nuisance was created over three years ago. There is no guarantee that the Dipsea Ranch subdivision will ever be approved. Even if it is, any construction will likely not happen for another 18-24 months. The County should not “work on the violator’s time frame” and allow a violation to persist for up to five years.

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\(^1\) Estimate from Berenice Davidson, Senior Civil Engineer, Marin County from legal proceeding by California Contractor’s Licensing Board against All Terrain, Inc. Dipsea Ranch Subdivision (Weissman) – P1589
4. Most importantly, the applicant was aware of the existence of the jurisdictional wetlands on his property prior to constructing the illegal embankment. In early 2013, the applicant was trying to have the wetlands on his property reclassified a year before he constructed the illegal embankment (see attached email). Violations of the municipal code without regard to the environment should not be tolerated by Marin County.

Marin County should not reward the construction of the illegal embankment in clear violation of the Code and without environmental review, by allowing the Dipsea Ranch subdivision application to proceed.

Sincerely,

Members of the Muir Woods Park Community

Erik Halterman 40 Palm Way, Mill Valley

Sara Halterman 40 Palm Way, Mill Valley

Andrea Montalbano 40 Brighton Blvd, Mill Valley

Bernie Ayling 50 Palm Way, Mill Valley

Linda Ayling 50 Palm Way, Mill Valley

CC.: Dennis Rodoni, Board of Supervisors  
Brian Washington, Marin County Counsel  
Jason Wong, Public Works  
Raul M. Rojas, Director of Public Works  
Berenice Davidson, Public Works  
Scott Wilson, Regional Manager CA Fish and Wildlife Service, Bay-Delta Region Regulatory Division, U.S. Army Corps of Engineers, 1455 Market Street, 16th Floor  
Max Perrey, Chair, Sierra Club, Marin Group  
Eric Ettinger, Aquatic Biologist, Marin Municipal Water District
Additional Members of the Muir Woods Park Community

Beth Beaulieu 5 Kent Way, Mill Valley

Tyrene Cashman 5 Kent Way, Mill Valley

Constance C. Gooden 10 Kent Way, Mill Valley

Pamela Goldsmith 10 Kent Way, Mill Valley

Carl Duisberg Carl Duisberg 348 Panoramic

Laura Lindskog 348 Panoramic

Peter Wijsman 370 Panoramic Hwy, Mill Valley

Zonnie Barefoot 60 Panoramic, Mill Valley

David Geitzler 60 Panoramic, Mill Valley

Doug Crepe 332 Panoramic Hwy, Mill Valley

Adrian Freuss 86 Palm Way, Mill Valley

Kathie Velasquez 86 Palm Way, Mill Valley

Michelle McAuley 2 Kent Way, Mill Valley

Mike F. 2 Kent Way, Mill Valley

Sandra Murray 764 Panoramic, Mill Valley

Gena Kavanas 764 Panoramic, Mill Valley
Additional Members of the Muir Woods Park Community

Dan E. Chen 446 Panoramic Mill Valley
Laura Chilton 446 Panoramic Hwy Mill Valley
Steve Shkoller 40 Brighton Blvd Mill Valley
Teresa Harrison 44 Brighton Blvd MV
Zephah Lesky 2 Fern Ln MV CA
Gwen Yarnell 24 Brighton Blvd MV CA
Gayle Giummo 444 Madera Way
Mark Rubin 671 Edgewood Ave Mill Valley
Barry Andruson 45 Madera Way MV CA
Jocelle A. Bent 595 Edgewood MV
Woodward Page 45 SAS Madera Way MV
Curtie detections 777 Edgewood Ave MV
Thomas Amstenson Madera Way MV
Gianinni
Dzikielaki 179 Madera Way MV

Dipsea Ranch Subdivision (Weissman) – P.1589  Page 5 of 14
Additional Members of the Muir Woods Park Community

M. Quiroz
Michele Quiroz
70 Palm Way, MV, 94941

Michael & Kelly Conacand
25 Palm Way, MV, CA, 94941

S. Burgess
Sara Burgess
354 Panoramic Hwy,
Mill Valley, 94941

Scott Summit
354 Panoramic Hwy,
Mill Valley, CA, 94941
BEFORE THE
REGISTRAR OF CONTRACTORS
CONTRACTORS' STATE LICENSE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Citation Against:

All TERRAIN, INC
Contractor License No. 827896

Citation No. 22014 1847
OAH No. 2015050134

Respondent

PROPOSED DECISION

Administrative Law Judge Mary Margaret Anderson, Office of Administrative
Hearings, State of California, heard this matter on September 30, 2015, in Oakland,
California.

Brett A. Kingsbury, Deputy Attorney General, represented Complainant Stephen D.
Sands, Registrar of Contractors, Contractors' State License Board.

Steven Pohl, RMO, and Donald Schacht, Officer, represented Respondent All
Terrain, Inc.

The record closed on September 30, 2015.

FACTUAL FINDINGS

Basis for citation

4. Pursuant to Marin County Code section 23.08.025, subdivision (1), a grading
permit is required for the movement of "over two hundred fifty cubic yards of earth."

5. Berenice Davidson is a Senior Civil Engineer with the County of Marin's
Department of Public Works, and was a completely credible hearing witness. On March 26,
2014, Davidson visited the Project site and noticed a large mound of dirt on the property.
She estimated that the amount of dirt at 1,200 cubic yards, greatly exceeding the 250 cubic
yards that triggers the requirement of a grading permit. Davidson could not locate anyone on
site, and therefore posted a Notice of Violation on the property.²

6. Steven Pohl is Respondent's RMO. He knew a permit was required for over
March 26, 2014

DEPARTMENT OF PUBLIC WORKS

CERTIFIED MAIL

Dan Weissman
455 Panoramic Hwy.
Mill Valley, CA 94941

RE: 455 Panoramic Highway, Mill Valley -- Encroachment Permit 14-013 for Driveway Approach RESCINDED

Dear Mr. Weissman,

As we discussed, the grading permit requires environmental review per California Environment Quality Act. Below is a link to the 2014 CEQA statutes and guidelines for your information:


This email serves as notification that encroachment permit 14-013 for your driveway approach has been rescinded. The driveway approach is part of the scope of work, CEQA defines this as segmenting or piecemealing a project and it's strictly prohibited. See section below.

Per Section 15378: Project (a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65400-65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
TO: Dan Weissman  
455 Panoramic Hwy  
Mill Valley, CA 94941

Issue Date: January 22, 2014

In compliance with your request of January 22, 2014, and subject to all the terms, conditions and restrictions written or printed as General Provisions and Special Conditions on this form and referenced attachments, PERMISSION IS HEREBY GRANTED TO:

Construct Standard Asphalt Concrete driveway approach.

At: 455 Panoramic Hwy - Mill Valley

All work shall be done in accordance with attached condition(s): (General Provisions, 136)

and the following Special Condition(s):

1. A 15 inch minimum diameter corrugated steel, reinforced concrete or County approved plastic culvert is required.
2. Material shall not be placed within nine feet of the center of the pavement, or left in the right-of-way overnight. Leave no open trenches after working hours.
3. During working hours one traffic lane, under adequate traffic control, shall be maintained in all directions. At all other times traffic lanes shall be kept open. All traffic control shall be per the Manual on Uniform Traffic Control Devices (MUTCD) standards.
4. Contractor shall call Underground Service Alert (USA) 811 at least 72 hours prior to any trenching work to have underground utilities marked. This permit is not valid unless applicant has been provided an initial Inquiries Identification number pursuant to GC Section 216.2.
5. The use of "cut-back" asphalt will not be permitted as temporary trench paving. It is required to utilize trench plates or hot mix AG.
6. Contact John Semerad at (415) 473-7330 48 hours prior to starting work and for final inspection.

This permit shall be considered void unless the work herein contemplated shall have been completed before March 15, 2014.

ROBERT BEAUMONT  
MARIN COUNTY ROAD COMMISSIONER

[Signature]

Deputy
Yes, I would like to know how the County has classified the ephemeral stream running through our property. My guess, based upon the map info on your website, is that I will need to appeal this to reflect the true classification.

My two parcels are: 046-161-11 and 046-221-07.

Thanks again for taking the time.

Regards,
Dan

On Feb 27, 2013, at 8:50 AM, "Thorsen, Suzanne" <SThorsen@marincounty.org> wrote:

> Hi Dan,
> > Thanks again for contacting me with your questions about the Stream Conservation Area Ordinance.
> > Attached you will find the SCA policies of the 2007 Countywide Plan.
> > I just want to confirm, based upon our conversation, your main interest at this point is in knowing the stream classification for the stream that crosses your property, as well as how you would go about contesting that, correct? Let me know if you have any other questions and I will be glad to get back to you on those as well.
> > I have your address (455 Panoramic) - do you happen to know your parcel numbers (APN)? I will look into the more detailed responses to your questions when I am back in the office.
> > Kind Regards,
> > Suzanne
> 
> From: dweissman@gmail.com (dweissman@gmail.com)
> Sent: Wednesday, February 27, 2013 8:24 AM
> To: Thorsen, Suzanne
> Subject: Nice chatting today...
> 
> Regards,
> 
> Daniel Weissman
> 455 Panoramic Hwy
> 357 Panoramic Hwy
> Mill Valley, CA 94941
> 415.888.8551 cell
> 
> Thanks!
> 
> Email Disclaimer: http://marincounty.org/nav/misc/EmailDisclaimer.cfm
> 
> <SCA Policy 2007 CWP.pdf>
STATE & FEDERALLY LISTED ENDANGERED & THREATENED ANIMALS OF CALIFORNIA

April 2017

This is a list of animals found within California or off the coast of the State that have been classified as Endangered or Threatened by the California Fish & Game Commission (state list) or by the U.S. Secretary of the Interior or the U.S. Secretary of Commerce (federal list). The federal agencies responsible for listing are the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS).

The official California listing of Endangered and Threatened animals is contained in the California Code of Regulations, Title 14, Section 670.5. The official federal listing of Endangered and Threatened animals is published in the Federal Register, 50 CFR 17.11. The California Endangered Species Act of 1970 created the categories of "Endangered" and "Threatened." The California Endangered Species Act of 1984 created the categories of "Endangered" and "Threatened." On January 1, 1985, all animal species designated as "Rare" were reclassified as "Threatened."

Also included on this list are animal "Candidates" for state listing and animals "Proposed" for federal listing; federal "Candidates" are currently not included. A state Candidate species is one that the Fish and Game Commission (FGC) has formally declared a candidate species. A federal Proposed species is one that has had a published proposed rule to list in the Federal Register.

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<td>State listed as Endangered</td>
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<tr>
<td>State listed as Threatened</td>
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<tr>
<td>Federally proposed (Delisting)</td>
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</table>

**Coho salmon - south of Punta Gorda**

*Oncorhynchus kisutch*

- **Designation:** SE
- **Date:** 3-30-05
- **Status:** FT
- **Date:** 8-29-05

**Steelhead - northern California DPS**

*Oncorhynchus mykiss*

- **Designation:** FT
- **Date:** 2-6-06
- **Status:** FT
- **Date:** 8-07-00
NOTICE OF VIOLATION

COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS

MARIN COUNTY CODE §23.08

TO: Daniel & Shira Weissman
455 Panoramic Highway
Mill Valley, California 94941

Date: March 26, 2014

☐ 1. All work being done without a valid Grading Permit shall cease until a valid permit has been issued by this office.

☐ 2. All work being done not in accordance with conditions of existing permit shall cease until the Department of Public Works gives written authority to proceed.

☐ 3. All work being done not in accordance with conditions of existing permit shall be corrected within ______ days of the date of this notice.

The location and description of violation are as follows:

Grading over 250 cubic yard of earth at 455 Panoramic Highway, Mill Valley, without a Grading Permit. This is in violation of, but not limited to, Marin County Code (MCC) §23.08.250.

It shall be the duty of the Sheriff of the County and of the officers of the County herein or otherwise charged by law with the enforcement of the Marin County Code to enforce this Code Section and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this Code Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars or by imprisonment in the County jail of the County for a term not exceeding six months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this Code Section is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Inquiries regarding the Notice of Violation should be directed to the undersigned at Marin County Department of Public Works, P.O. Box 4186, San Rafael, CA 94913-4186, or at (415) 473-6626.

Issued by: Berenice Davidson
Title: Senior Engineer

Received by: __________________________ Title: __________________________
### Redwood Creek

**Potential Habitat:** 6.8 miles  
**Recovery Target:** 273 Spawning Adult Coho Salmon

#### Current Instream, Watershed and Population Conditions

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<th>Category</th>
<th>Status</th>
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<tr>
<td>Visibility</td>
<td>Poor</td>
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<tr>
<td>Landscape Patterns</td>
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</tbody>
</table>

#### Preventing Extinction & Improving Conditions

**Priority 1:** Immediate Restoration Actions  
**Priority 2 & 3:** Long-Term Restoration Actions
March 28, 2018

Marin County Planning Department
Attn.: Curtis Havel & Evelyn Garcia
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re.: Dipsea Ranch Subdivision Map (P-1589)

Subj: Response to Subdivision Map (02 28 18)

Dear Curtis Havel & Evelyn Garcia

I reviewed the latest Weissman subdivision map application and find it a major improvement over the original Dipsea Ranch Master Plan.

I appreciate the applicant elected to create only two additional home sites even though the zoning would allow for three. The building areas for the new parcels on the top of his property is consistent with the clustering concept outlined in the Tamalpais Area Community Plan (TACP). The applicant could easily fit four home sites on the top of the property but has elected instead to create a large 5.2 acre parcel perched at the southern promontory.

I would support the proposed subdivision if the development remains limited to the three (or four), clustered home sites on the top of the applicant’s property. I have two concerns:

1. After approval of this application, it is conceivable the 5.2 acre parcel could be subdivided again with a two acre parcel at the bottom of the hill and accessed directly off Panoramic across from Kent Way.
2. An accessory dwelling unit could be constructed on the bottom of the 5.2 acre parcel accessed off Panoramic directly across from Kent Way.

Either of these scenarios are contrary to the clustering concept in the TACP, would have significant environmental impacts on the Redwood Creek watershed, and would create adverse traffic issues on Panoramic Highway.

The County should condition any approval by either: a) Placing a restriction against constructing any improvements (exclusive of septic systems & drainage) below the 900’ elevation, and/or b) having the applicant create a fourth parcel to encompass the ‘Creek Protection Zone’ and extend up along Panoramic on the eastern boundary of his property and declare this permanent ‘Common Area Open Space’ (still owned by the applicant). This would ensure the property would remain consistent with the TACP and have limited environmental impact.

If the community were assured that no future development could occur below the top of the property, I would support the subdivision of the property.

Sincerely,

(Sent via email)

Erik Halterman
40 Palm Way, Mill Valley
Hi Curtis,

I am a property owner at 15 Madera Way and a board member of Muir Woods Community Park Association.

I understand Dan Weissman has finally submitted an update to his plan. You may not be aware, but there was considerable public opposition to his original plan for his proposed “McMansion” development, so it is good to see that he scaled back his plan to more closely adhere to the TACP guidelines, the proper stewardship of this land and the wishes of the community.

However, I still have a specific concern about the illegal road he built and wanted to make sure this issue was properly raised. Attached is my formal letter for consideration.

Please feel free to call if you have any questions.

Thank you.

Bob
Robert M. Wright  
15 Madera Way  
Mill Valley, CA 94941

3.8.2018

Mr. Curtis Havel  
Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

Re: Weissman Land Division P 1589

Dear Mr. Havel,

Though the updated Weissman plan has been significantly scaled back from his original plan to more closely adhere to the TACP, one glaring issue remains and has not been properly addressed in this plan.

The application should still be considered incomplete, because it fails to address the ILLEGAL ROAD that he constructed off Panoramic and across from Kent Way. It is my understanding there is still an active citation that has been issued to Dan for this illegal work. And the condition of the property has never been restored and has covered up a stream feeding redwood creek. Contrary to Dan's reframing of the illegal road, the gates are locked and the road has never been used by police and fire authorities. The bottom line, this construction was done under the radar and NEVER went through any type of environmental or planning approval or guidelines. Let alone take into consideration the impact this illegal road would have on the traffic conditions impacting the community - which is already under stress from the added traffic to Muir Woods.

The community was ASSURED by Jocelyn Drake and Jason Wong that this illegal road would be addressed as part of his application. Dan continues to refer to this illegal road as an “existing road”, which is a mischaracterization. The county should NOT accept the updated application until removal of this illegal road is addressed in the application.
The updated plan leaves open the possibility for further development of the larger lot and using the illegal road as the entrance to this lot. Any updated plan needs to incorporate removal of the road and restoration of the site to the condition as it was before the illegal work was performed. It should also include written language precluding reconstruction of the road in case of any development or sale in the future.

Unfortunately, Dan has a history of being deceptive with his intentions and language, so it's especially important to pin down and address these issues in a specific way in any updated plan.

Please take these comments and concerns under consideration.

Thank you,

Robert M. Wright

Thank you for the consideration.

Sincerely,

Bernard Ayling
Havel, Curtis

From: Teresa Harrison <harrisonteresah@gmail.com>
Sent: Thursday, March 29, 2018 6:46 AM
To: Havel, Curtis
Subject: Weissman plan

I live at 44 Brighton Blvd., MV. I would like to join in Bernard Ayling's and my other neighbors' comments about the Weissman project. I am concerned about the illegal road that Mr. Weissman installed, and am surprised that he has not been required to remove it. To use that road as part of his land use simply encourages violations of county laws.

Teresa Harrison
April 3, 2018

Marin County Planning Department

Attn: Curtis Havel and Evelyn Garcia

3501 Civic Center Dr., Suite 308
San Rafael, CA 94903

Re: Dipsea Ranch Subdivision Map (P-1589_)
Subject: Response to subdivision May (o2- 28 18)

While the latest Weissman subdivision map application is far better than the original Dipsea Ranch Master Plan, there is one item outstanding which, if not immediately remedied, would be cause for rejecting the application.

The road across from Kent Way was constructed illegally with no approval or environmental guidelines taken into consideration. The Weissmans were cited with a violation for the damage this illegal road did to the wetlands almost 4 years ago now, but were never required to remove it and restore the land to its original condition so the stream feeding the redwood creek can be reestablished. In this current plan, Weissman refers to this road now as “fire access” and “existing road”. It should not be considered either. Weissman should be required to return this area to its original state and this should be a requirement
before approving this new proposed plan. If this is not done, the plan should be rejected. Otherwise, it appears that the Weissmans have no incentive to return the land to its original condition. And potentially, to use this road — to justify further development projects which would only worsen traffic conditions already under stress from Muir Woods and other tourist traffic to Mt Tam. The community was ASSURED by Jocelyn Drake and Jason Wong that this illegal road would be addressed as part any future application.

Otherwise, I have no other objections to the current plan.

Thank you so much,

[Signature]

Lonnie Barbach, Ph.D.
I wanted to make sure you received this. Thank you. See you on the second.

Re: Dipsea Ranch Subdivision Map (P-1589_

Subject: Response to subdivision May (02- 28 18)

While the latest Weissman subdivision map application is far better than the original Dipsea Ranch Master Plan, there is one item outstanding which, if not immediately remedied, would be cause for rejecting the application.

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Otherwise, I have no other objections to the current plan.
Thank you so much,
Lonnie Barbach, Ph.D.
60 Palm Way
Mill Valley, CA 94941
415-383-0755
Hi Curtis,

Attached are a couple of photos I took on April 3rd of the intermittent stream at the bottom of the Weissman property.

Weissman incorrectly states this is an ephemeral stream, when it is actually an intermittent stream. We also have photos and video from last summer showing running water at this location.

There is clearly running water visible even though we have had no rain for about three weeks. The water is coming under the wooden bridge from the Panoramic side of the property where Weissman tried to bury the spring with his illegal road.

Thanks for your consideration Curtis.

Kind regards,

Bernie Ayling
50 Palm Way
Mill Valley, CA 94941
(805) 797 8041
Dear Curtis,

I am a resident of Mt Tam not far from the Weissmann project. I have lived up here for 25 years. I live up here for the nature of the place as do some of my neighbors. Over the years a have seen housing projects take up a little bit here and a little bit there. Slowly but surely it may end up looking like Tiburon or Belvedere. Maybe that is fine in your world view but not in mine. You have a chance to change the future of mt tam on your hands.

Just remember that the only people who are remembered in the future are the ones who actually made a stand, like William Kent and John Muir who decided to save something for the future.

I ask you to think about this seriously. Life is not just about making money. John Muir once said, "if there is money to be made it will be made". This is true forever unless we stop over development in it tracts.

Mt Tam deserves our love and throwing more cement on it will be on your legacy.

thank you, Tripp Carpenter
Dear Mr. Havel: I live across the road from Mr. Weissman's property on the West side of Panoramic Hwy, at 60 Palm Way. I am writing you to express my urgent concern about Mr. Weissman's plan and intention to develop aspects of his property without attending to the matter of the illegal road he built off the Panoramic Hwy., a road which completely obliterated an intermittent stream that has always flowed there. The road, as I've noted, was installed without proper notification or certification. After it was built he erected a fence--locked with a chain and lock--and put a sign on it saying it was a fire road. It is NOT a fire road, and this was confirmed by the fire chief. This subterfuge is unfortunately characteristic of Mr. Weissman's behavior and reflects an attitude that he is above the law and can get away with illegalities and do so with impunity. We in the community nearby are deeply concerned that this road will at some later date be used as an ingress/egress road for his further development on the land, and we insist that this road be eliminated in its entirety and the area be restored to its original state with the intermittent streambed restored as well. We are deeply dismayed and puzzled that to date there apparently has been no attention by the proper authorities in penalizing Mr. Weissman for the illegal act he committed. We demand that the rule of law be followed and would like to know why this has not been done. The road was installed a long while ago and apparently no action has been taken though it has been repetitively been brought to your, and other authorities' attention. We look forward to hearing what you plan on doing about this serious breach at the meeting on May 2nd. Thank you for your consideration.

Sincerely,

David Geisinger
Dear Mr. Havel:

I'm writing regarding the proposed land division requested by Dan & Shira Weissman at 455 Panoramic Highway (Weissmann Land Division P-1589). I understand that the new proposal calls for building 2 new homes on the upper portion (ridge top) of the 10 acre parcel which will only be accessed by the existing driveway at 455 Panoramic. While I am relieved that, for now, the Weissman's have abandoned their plan to create a subdivision with 13,600 square foot homes on the southern portion of their property, I still have questions about their latest development plan.

1. As provided in the Tamalpais Area Community Plan (TACP), the “primary land use goal for the Tamalpais Planning Area is the conservation of the semi-rural, small town residential and commercial character and scale of the community, and its close relationship with the natural beauty of its setting.”

As the Weissman’s original proposal sought to construct multiple 6000 square foot homes, I am concerned that the proposed two homes on the ridge at 455 Panoramic will also be that size. Two years ago, I looked up the square footage of every home in the Muir Woods Park Community (using Zillow) as well as Sequoia Valley Road to the homes on Walsh Drive. I found only one home close to 6000 square feet just below the Mountain Home Inn. In addition to the size of the proposed homes, I’m concerned about their height. I’m hoping that there are design guidelines in place that protect the ridgelines and limit the stark visual impact of a tall home that will be visible from 4 Corners. At a previous Tam Design Review Board meeting regarding the Weissman project, a Board member raised the issue of the visual impact of the proposed homes from Frank Valley Road as well as the impact solar panel placement might have on vistas.

2. Will the new homes include accessory dwelling units (in-law or granny units)? If so, has that been incorporated into the traffic study? If the accessory dwelling is used as a residential rental unit, how many more cars will be using the driveway at 455 Panoramic and what will be the estimated daily vehicle trips? The addition of accessory rental units would, I imagine, add more car trips if nannies, housekeepers, and/or gardeners are engaged.

If an accessory dwelling is constructed, could they be used as a VRBO or AirBnB rentals thereby adding many more car trips on the dangerous ingress/egress to 455 Panoramic?

3. It is unclear from the Weissman’s newest land use proposal what their plans are for the illegal road constructed on the southern portion of the property across from Kent Way. Separate from my concern that the illegal roadway has not been removed and the waterway and wetlands restored, until remedied there is the possibility that the illegal road will be turned into a permanent paved roadway/driveway to access the proposed new homes.
4. The Weissmans have submitted many reports regarding the proposed development of the hilltop and I’m grateful that the information is available to the public. However, I do not understand much of the technical information and maps. For example, I have a question about the placement of the proposed leach fields and containment basins. To my untrained eyes, it looks like the runoff is designed to go downslope south and east toward the creek which flows into the Redwood Creek watershed. Aren’t there regulations that prohibit potential damage to sensitive waterways?

5. Finally, the Muir Woods Park Community has been developed within what is now considered the Wildland Urban Interface (WUI). The lots were drawn early in the last century. Needless to say, population growth, traffic increases, climate change and increased fuel loads have dramatically changed our neighborhood. I’ve read that climate and fire specialists are encouraging planners to reconsider housing density and hillside building in WUI areas. While the Weissmans’ property is currently zoned for 2 new homes, that zoning predates the concerns raised within the WUI. In short, I question whether it is in the best interests of the community and environment to build more dwellings in this risky topography. We are so vulnerable to fire on Mt. Tam.

Thank you for your consideration.

Sincerely

Michele McCabe

Cc Tam Design Review Board
Supervisor Dennis Rodoni
Havel, Curtis

Constance Goldsmith <goldsmithconstance70@gmail.com>
Thursday, April 26, 2018 11:10 AM
Havel, Curtis
Re: Weissman (Dipsea Ranch) Land Division (P1589) - County of Marin Project Plan #2

April 26, 2018

Curtis Havel, Planning Commission
3501 Civic Center Drive, Suite 308, San Rafael CA 94903

Re: Weissman (Dipsea Ranch) Land Division (P1589) - County of Marin

Project Plan #2

Dear Sir:

I am a long time resident of Kent Way directly across Panoramic Highway from the site of this proposed development.

While recognizing the reduced scale of the current proposal, a number of issues of great concern remain.

- REMOVE THE ILLEGAL ROAD: The illegal roadbed that enters the property across from Kent Way should be removed. The illegal road was built over an intermittent stream feeding Redwood Creek which fosters Coho Salmon. The applicant appears to be in violation regarding this issue which must be addressed in any revised plan. This illegal road it ought to be removed. The existing roadbed also shunts downslope runoff flow onto the shoulder of Panoramic Highway. This runoff erodes the shoulder of Panoramic Highway, and creates a dangerous and unsafe condition for vehicles needing to pull off or park there.

- PROHIBIT DEVELOPMENT OF THE LOWER PARCEL: We need assurances that there will be no further development of Parcel 3 measuring 5.18 acres in size. That is, there will be no building on the large lower lot above the Dipsea Trail.

- NO FUTURE SUBDIVISION: There must be a clear statement that the lower 5.18 acre lot cannot be further subdivided, with more dwellings being built there. This provision would protect Redwood Creek and the historic Dipsea Trail.

- DESCRIBE BUILDING SIZES: The sizes of the proposed construction units needs to be described. They must keep within the TACP guidelines and be similar in size and character to the surrounding homes. The allowance or non-allowance of in-law units must also be clearly addressed to reveal the potential use if any as Airbnb rentals.
Thank you for the consideration in this concerning matter.

Sincerely,
Constance Goldsmith
10 Kent Way
Mill Valley CA 94941

Support Zero Breast Cancer
Supervisor Rodoni,
Mr. Dreksler – Tam Design Review Board
Mr. Havel - Marin County Planning

I wish to express my concerns about the proposed Weisman Development Project at 455 Panoramic Highway. The project is failing to protect the open lands below the house sites on the ridge. As a 22 year Dipsea Race participant and a regular hiker on MT Tam, I urge you to require conservation easements below the homes so that in future years we do not find swimming pools, roads, retaining walls, and landscaping covering this wild area. To approve without deed and building restrictions on use would destroy one of the great landscapes of Marin County.

I assume we are now dealing with leach fields and no sanitary sewer. Where will the leach fields be located. Again, not on the lower slopes. And I assume restoration of the illegal road on the property would be a mandatory requirement.

Jerry Cahill
30 Magdalena Court
Mill Valley, CA 94941
Direct tel 415-464-3664
Fax 415-464-3678
Dear Mr. Havel:

We live at 5 Kent Way, directly across from the illegal road that Dan Weissman built off Panoramic Hwy without giving notice to us direct neighbors. As I understand it he neither submitted his proposed road to a review by environmental guidelines nor sought approval from the planning authorities.

What is most disturbing to us who, as neighbors, accept responsibility to protect this ancient ecosystem we have the honor to live in, is that the tons of rock and gravel he dumped there are now blocking water sources that are tributary to Redwood Creek. Redwood Creek is one of the most precious environmental heritages we have in the Western United States since it is the stream that shapes the valley and feeds the ancient Redwood trees of our National Monument Muir Woods. Redwood Creek, in addition, is one of the last, if not the last, living and functioning salmon streams on the central and southern coast of California.

You may recall that during the recent drought, due to the Creek’s low water flow from its watershed, the salmon suffered to the point that heroic measures were required to keep their population alive until the good rains returned. Six agencies joined together to do this: Golden Gate National Recreation Area (GGNRA), the Golden Gate National Parks Conservancy, The California Department of Fish and Wildlife (CDFW), the Army Corps of Engineers, Mount Tamalpais State Park, and the National Marine Fisheries Service. They coordinated their efforts for three years and finally, in 2016 when the Creek had sufficient water again, they had succeeded in saving the salmon.

Redwood Creek is unusual among the world’s important creeks and rivers in that the rains and aquifers that feed it come from an extremely small watershed. In such a tiny ecosystem, every spring and rivulet that feeds the creek is vital.

In view of this unique environmental situation we believe that Mr. Weissman should be required to remove the tons of rock and gravel that he illegally poured on these tributary water sources and allow the natural flow again. We feel it would be a travesty if he were allowed to leave an illegal road dumped across this delicate ecosystem, which he refers to merely as “an existing road.”
Sincerely,

Tyrone Cashman

5 Kent Way

Mill Valley, CA 94941
Curtis Havel
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Dear Mr. Havel:

We would like to add our voice to the community of Mount Tamalpais who have already expressed their concerns about the Weismann project and the illegal road that was constructed across from Kent Road.

Our family lives across the road at 354 Panoramic Hwy. Four years ago, we watched from our garden as bulldozers carved into the hillside and trucks arrived with mountains of gravel. We asked around as to what was happening, since we had no notification and there had be no signage indicating such a building project would take place. It was unimaginable that anyone would have the gall to openly damage sensitive environment and watershed without planning permission, although that is indeed what took place. It was further unimaginable that the County would not require Mr. Weismann to restore the habitat immediately. Now four years later, the latest Weismann plan has been proposed, actually claiming this illegal road as an existing road.

This illegal action demonstrates a wilful violation of unambiguous and well-established laws, indicating that Mr. Weismann’s has no intention of respecting laws and the community then, or into the future. If we decide that construction laws and damage to sensitive ecosystems no longer represent the priorities of the city and community, then we invite more such behavior, as more developers will eagerly take advantage of unenforced construction and permiting laws. We are asking the County not to over look this declept and require that Weissmen make the land whole before he can proceed with any further plan.

Please do not let this slip by and dismiss the collective concern of a community.

Kind regards,

Sara Burgess, Scott Summit and Dashiell Summit
354 Panoramic Hwy
Mill Valley CA 94941

--

Sara Burgess

www.saraburgessstudio.com
www.instagram.com/saraburgessstudio
Dear Supervisor Rodoni,

As members of the immediate community that will be and have been affected by the impact of the illegible road and potential Weismann subdivision and building project, we want to add our whole-hearted support to that of our other passionate, committed, concerned, and knowledgeable neighbors who oppose consideration of any new future proposal being approved until the matter of the illegal road across from Kent Way is dealt with by the county.

That others, perhaps with less resources, have had to comply with local restrictions and permits, and for some unknown reason the Weismann tagged road construction has not been dealt with over several years is disturbing. Many of our far more astute neighbors, who are professionals in this field, have poured over the regulations and have discussed them chapter and verse in other letters both this year and during the previous proposal submitted. Yet they seemed to have been overlooked and/or ignored, without explanation, to our knowledge.

Erosion and displacement have been evidenced. Blockage of culverts have caused many hours of work for some home owners.
Traffic, which uses the illegal road as a turn-around, often causes many near misses with traffic of cars and bicyclists careening down Panoramic Highway.

We plan to be at the meeting on May 2 alongside our neighbors who share concern of this proposal as well as the potential impact the sale of the lower 10 acre parcel might create.

Sincerely,

Kathie Sommer Velázquez
Adrian E Preuss
86 Palm Way
Mill Valley, CA 94941
May 2, 2018
Curtis Havel, Planner
Marin County Planning
Civic Center Drive
San Rafael, CA 94903

RE: 455 Panoramic Hwy. , Dipsea Ranch Subdivision Tentative Map APN 046-161-11, is an 8.29 acre parcel.

Dear Curtis,

Thank you for the opportunity to comment on the above referenced property.

Plan Review:

1. Schematic Site Plan 1:50: What does "Building Envelope" area mean? What size structures are being proposed? 7,000 SF?
2. Schematic Site Plan 1:50: Why is P2 0.89 acres which does not meet minimum zoning requirement. Is this a variance request? (Minimum zoning is 1 parcel per 2 acre).
3. Schematic Site Plan 1:50: Key colors are too similar and do not match plan colors. Use higher contrast color palette. 1:50 Graphical scale is wrong.
4. Schematic Site Plan Aerial 1:50: Key colors are too similar and do not match plan colors.
5. Constraints Map Slope Exhibit: Key colors are too similar, use higher contrast color palette
6. Tentative Map: What are heights of retaining wall in Panoramic ROW at east driveway taper?
7. Tentative Map: Why is P2 0.30 FAR? For newly created 0.89 acre Parcel 2 MCC 22.30.060 0.30 FAR does not apply

"22.30.060 - Tamalpais Planning Area Community Standards.
For lots within the Tamalpais Community Plan Area, the following maximum adjusted Floor Area Ratio standards shall apply to: (1) new residential construction proposed on vacant lots; (2) substantial remodeled proposed on properties with a slope of 25% or greater; or (3) substantial remodels proposed on properties that do not comply with the minimum lot area requirements. For purposes of this section, substantial additions to an existing structure are additions that add 25% or more of floor area to an existing structure.

A. Maximum adjusted Floor Area Ratio standards. Maximum adjusted Floor Area Ratio shall not exceed 30 percent (0.30) of lot area, unless modified through discretionary review pursuant to floor area guidelines contained in
Appendix B of the Tamalpais Community Plan. The maximum adjusted floor area is the gross enclosed floor area, specifically including:

1. Unconditioned, unimproved basements and unexcavated crawl spaces that potentially could be converted to living space with minimum dimensions of seven feet by seven feet and a minimum ceiling height of 7.5 feet;
2. Cathedral ceiling space that potentially could be converted to living space with minimum dimensions 7.5 feet by ten feet and a minimum ceiling height of 7.5 feet;
3. Accessory dwelling units;
4. The combined total of all detached accessory structures totaling 120 square feet or more, excluding garage space;
5. Window boxes or bays less than 18 inches above finished floor, or which extend more than three feet from the face of a building;
6. Garage space exceeding 400 square feet on a lot 6,000 square feet or less;
7. Garage space exceeding 480 square feet on a lot larger than 6,000 square feet; and
8. Covered areas (other than carports or garages, porches and entryways) that potentially could be enclosed and converted to living space. These areas shall be measured to the exterior face of surrounding walls, columns, or posts.

B. Maximum adjusted floor area permitted. For development of a new residence proposed on a vacant lot that: (1) exceeds a 25% average slope; and (2) requires Design Review, the maximum adjusted floor area permitted shall be limited to the lesser of 7,000 square feet or the adjusted floor area ratio as shown in Appendix B of the Tamalpais Area Community Plan."

8. Tentative Map Zoning Exhibit: What is existing zoning? Is this seeking a rezoning? Parcel 2 does not meet 2 acre minimum Zoning or 1.5 acre master plan zoning
9. "Affordable" Housing Plan: 446 Panoramic private driveway is mislabeled "Chanticleer Way"
10. Arborist Tree Map - Urban Forestry associates Sheet – tree removal on ridgeline is problematic for remaining trees from wind load increase
11. Proposed septic systems Sheet: How many bedrooms is this based on? Septic Setbacks from streams unclear
12. Constraints Map: Existing and Proposed contours unclear. Provide scale drawing at greater scale. 1:50 is too dense to read
13. Utility Plan: Why are "future sewer force mains" shown. Sewer is not part of this application. What size pipe is proposed for extension of storm water drainage along Panoramic Driveway entrance? Provide scale drawing at greater scale. 1:50 is too dense to read
15. Sub Watershed Hydrology: What information does this provide? Provide a symbol legend and 
Key, or label each element.
16. Site Plan: Plan Not to Scale? Provide scale drawing at greater scale. 1:50 is too dense to read, 
especially at driveway entrance and driveway frontage along Panoramic
17. Driveway Intersection Plan 1 of 2: Shows Grading in Public Right of Way. There is a 2-foot 
drop in approximately 10' across the proposed taper sheeting towards Panoramic Hwy. How 
does the applicant propose to prevent water sheeting across the road as has occurred 
frequently in the past. See complaint letters to Marin County dated 2014. Label all retaining 
walls and hardscape improvements.
18. C1 Survey (existing) - no comment
19. Scale on Map Page 5 is incorrect. It should read 200 feet – not 300 feet.
20. General: What height are the proposed structures? What is their relationship to the ridgeline?

Narrative Document Review of Dipsea Ranch Tentative Map and Subdivision

There are numerous geographic, environmental, hydrologic, aesthetic, traffic, extreme storm events 
resulting in flooding and landslides, an extremely high wind area and other hazards and constraints 
to the property. Though of great significance, those are not addressed in the proposal. For the 
safety and protection of all, these hazards that all long time community members are aware of and 
have experienced, must not be minimized. We request that the TACP recommend a full EIR. But, 
before this application moves any further, we are first asking the county to be as strict as possible to 
the TACP and deny this property owner’s subdivision and require him to mitigate the damage 
caused by the unpermitted road at Kent Way. (see attached photo)

At the least owner should be held accountable for having degraded [the] upper watershed and 
commit to restoration before being allowed to do any subdividing of his land — a long term 
commitment, given the infestations of broom, acacia, jubata grass, etc. (Nona Denis, 5/2/18)

Also, there are numerous errors within the documents. There are too many foundational inaccuracies 
in the proposal and therefore we are only able to address a limited number here.

1. The site is not on the list of parcels with subdivision potential from 1992 Tamalpais Area 
Community Plan (TACP) Appendix H. (H-1 page 85 of the pdf) Since this is discretionary 
we are asking that this environmentally sensitive area not be subdivided.
2. This project is incompatible with the Objective and Policies expressed in 2) Issue: 
Residential Densities and Re-zoning (Tamplan: Landusedoc III-43, pdf page 63&64), which 
seeks Objective LU2: "To establish residential densities which are compatible with the 
environmental constraints of the area and sensitive to adjacent land uses."
Policies LU2.1 and LU2.2, deal with environmental constraints on ‘underdeveloped 
properties located in areas of relatively high visibility, environmental hazards, sensitive 
environmental resources..." With re- zoning we do not believe this has been addressed.
LU2.e To rezone properties in the Tamalpais Area to a zoning district which will ensure that 
proposed development adequately addresses access and visual impacts.
3. Much of the property is surrounded by the Redwood Creek headwaters and contains orders 
1, 2 & 3 of federally recognized headwater creeks. (See National Wetlands Inventory) The 
2010 Redwood Creek Watershed Assessment by Stillwater Sciences contains a 
comprehensive survey of the watershed and its significance. Internationally recognized, the
GGNRA Redwood Creek area is part of UNESCO as Man and Biosphere (MAB) Preserve for biodiversity. It is an approximately 9 square mile watershed visited by millions of people from around the globe. Over 15 million dollars has recently been spent on restoration for species and visitor improvements with a similar amount of projects in the pipeline. Though most of the watershed are public lands: Muir Woods National Monument, Mt. Tamalpais State Park, Marin Municipal Water District, Golden Gate National Recreation Area there are two communities within the watershed: Muir Woods Park and Muir Beach.

4. In addition to the public lands, the 2012 Federal and 2004 State Coho and steelhead recovery plans specific to this watershed indicate the watershed’s significance. It is also why in both documents, the limiting factors to salmon species recovery is development, pollution and sediment. This is important because the project and past projects on this property have a likelihood of being detrimental to water quality and thus endangered species - necessitating that a full EIR be conducted to protect the resources.

5. Other highlights in the broad spectrum of land use functions within the watershed include biology, evolution, biodiversity, recreation, enjoyment and exploration, regeneration, education, aesthetics, spirituality and human and wildlife health.

6. Yet, the plans attempt to minimize creeks on the property by calling them drainage ditches or degrade their order and importance. Other diminishments of important system functions (hydrologic, biologic and habitat) occur within the overall plan. A simple assessment of the naturally evolved hydrology and geomorphology prove that the “drainage ditch” definition is incorrect. Another problem is noted with “indeterminate wetland.” There are often found ephemeral and vernal wetlands found on properties of this size, just as there are springs. Again and based on the geomorphology, that is the place where logically, obligate wetland plants are found.

   It appears that attempts to eradicate vital wetland plans have occurred. (photos available)

7. There does not have to be surface flow to establish the existence of a creek or its order, particularly one that is considered during the height of a 4-year drought. The term of drainage ditch is not applicable or referred to by hydrologists unless it has been specially routed out to divert water away from an area. This is truly not the case here, instead it is a geomorphically formed creek bed.

8. The .89 acre parcel is less than half of the 2 acre subdivision requirement for the property and seems unjustifiably small given the size of the overall property. Should any of the few mostly Monterey pine trees (some suffering from pitch canker) separating that proposed home from the neighbors be removed or die, the community and neighbors will be exposed to a behemoth home on a ridgeline and that is expressly discouraged in the TACP. Therefore we believe that this element of the project should be removed. What is the justification for the placement of this intense development on the ridge top?

9. “As such, the property, surrounded by development on all sides, is an urban infill location.” (applicant statement)

Because the proximity of the public Mount Tamalpais State Parks is one property from the subject property and that parcel owned by the applicant, and it is undeveloped, this is, therefore, a false statement. (See map below) Next to it is parcel APN 046-221-02 with an average slope of 52% and zoned Open Area is the State Park land where it comes up to

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1 Oxford Dictionary: “A narrow channel dug in the ground, typically used for drainage
Panoramic Hwy and contains the historic Dipsea trail - So, it is not wholly an "infill" project as explained in the application.

- Therefore, statements about the impact to the surrounding community and park view resources being several parcels away are incorrect. This development will be seen from several locations including Diaz Ridge of the GGNRA.

10. There is no depiction of the visual impact of the proposed structures that may be larger than 7000 square feet or the visual impact on the surrounding community.

11. Similarly the new proposed road access is essentially road widening and that would adversely impact neighbors and their property values with a stop sign and enormous 100 foot plus driveway addition (essentially road widening" resulting in a new street entrance and an ugly retaining wall where there used to be ground vegetation and 100 foot tall trees.

12. The project will diminish the financial value of the surrounding properties for views and will also result in severely diminished habitat and ecosystem services value. People don't move to this area to look at concrete and retaining walls and stop signs. Furthermore, it will diminish our enjoyment of our property.

13. There will be loss of stormwater percolation and permeability critical to healthy year round creek flows, just from the size of the construction project that will be located above two or more water-courses. This will alter the hydrology. Lacking proper calculations in mitigation storm water flows can become a hazard to the downstream endangered species, carrying increased erosion and sediment, as well as impact neighboring residents.

14. The property's stormwater run-off has already not retained its stormwater onsite or in the appropriate road drainage ditches and has overflowed into another watershed contributing to damage on neighboring property on more than one occasion.

15. The current plans may lead to increased flooding and landslides on neighboring property given the recent history.

16. The mostly undersized stormwater retention features will put the community and environment at risk. An error of the rainfall totals by almost one half, have produced an erroneous basis for stormwater mitigation calculations encompassing the project. The area also received peak storm events with 10-20" of rain in a short period of time. The rainfall average for our area is 50 to 60 inches per year, not 34 inches per year. (See marinwater.org). The 2016-17 season yielded 96" of rain.

17. The property already has about 11 landslide areas and has become unstable in those places where there have been roads, cuts and trails built.

18. Without a full EIR, several significant environmental impacts to one of the most important endangered coho salmon populations & red – legged frogs, Steelhead, over 40 species of birds including Northern Spotted Owls. Those birds are seen on the neighboring property. This is because of water quality impacts that begin at the headwaters and have already been documented.

19. There is no visual representation of what the extended driveway will look like and its impacts on the neighboring properties, drainage and the environment. Therefore there is no way to assess the project's impact on the immediate community. The application should be considered incomplete.

20. Removal of any more trees on the ridgeline where several have been removed from that property area in the recent past, will increase wind loads on the existing neighboring trees –
making them more vulnerable. Trees exist in forests and influence each others strength and those characteristics are considered the bio-mechanics of trees.

21. Ever increasing bicycles already come flying down Panoramic Hwy at this access driveway location, it is treated it as a raceway, despite numerous blind corners. The increase in traffic from this development does not help but hurts the situation.

22. In order to accommodate the project, attempts have been made by the applicant to curtail the uses of neighboring legacy properties.

23. Increased noise, water and air pollution will occur during and after construction. Air and water pollution will be from construction equipment that often leaks, construction lack of best management practices and idling vehicles. After construction it will be from increased traffic in the area and light and noise pollution. The safety of the neighbors will also be impacted as widening the road will increase speeding. Those impacts need to be fully assessed.

24. Several hazards that already exist in our neighborhood will be exacerbated by further development. Traffic, wildfires, earthquakes, landslides.

25. The documents contain several misrepresentations of hydrology that will be refuted by experts.

26. There have been over 40 species of birds documented on the adjacent property and that use the subject property that will be affected. A comprehensive bird study on the large mostly riparian areas that are known to contain habitat for most birds should be comprehensively studied.

27. On December 12, 1995 we sustained hurricane force winds (106 mph was clocked on Mt. Tam), the community was without power and water for 5 days and dozens of large trees came down on that and nearby properties. We received 14 inches of rain in a single day. In February of 2014 we received over 20 inches of rain in a 72 hour period and the drainages built by the previous neighbor and county right of way drainage ditch at 455 Panoramic Hwy. flooded onto 446 Panoramic Hwy, just across from the proposed new driveway and street alteration. It is only a matter of time before we have another event like those. By moving a widened road closer to our property we will feel vulnerable every time it pours.

28. The removal of numerous trees will also have an significant adverse affect on the remaining neighborhood ridgeline trees that become more vulnerable to increased wind loads with those tree removals.

29. In approximately 2009 the County applied approximately $95,0000 of Fire Safe funds solely to the applicant subject's properties. They had removed invasive plants and left behind native plants. Since that time, the current owner has neglected to maintain that work that was done and instead, has allowed rampant return of invasive black acacia, pampas grass and broom. But that was not the state they bought it in.

30. There was no directive or mandate from the Fire Department to build an unpermitted and un-engineered road. “In 2014, in conjunction with a County-mandated encroachment permit to improve the fire access entrance across from Kent Way, the applicant placed fill dirt at the entrance to accommodate fuel reduction equipment and emergency vehicles.” Marin County Chief Jason Weber, when questioned about this supposed sanction of the unpermitted road simply stated, “we don't operate that way.” The property owner had been served a violation that remains unaddressed to this day. Over approximately 1000 cubic yards (according to some estimates) of fill of unknown origin was dumped on top of a wetland and ephemeral
stream in the middle of winter. Presentation to the Board of Supervisors by several neighbors finally got that project the stop work order.

31. Essentially, this property is a knob and ridge with very steep drop-offs into watercourses that flow through state and federal parklands and contains endangered species. Numerous large trees have been removed in the past 15 years changing the wind loads and habitat and impacting trees on other neighbor's properties.

32. The proposed homes will be bigger than the majority of the surrounding homes and the trajectory of the neighborhood towards larger rather than smaller, which is common sense approach to addressing climate change issues.

33. Further and most importantly, under issues, 2. Specific Area Issues, e. Muir Woods Park, ISSUE: Protection of Open Space Areas (III-70, page 90 of the pdf), this proposed subdivision directly contravenes Objective LU.31 and Programs LU31.1a and LU31.1b. It must be noted that this exact parcel of land proposed for development is directly mentioned in LU31.1a.

34. The property was extensively remodeled by the previous owner Bruce Jeffress from 2003 to 2010, who converted the attached shed garage into the living room, replaced all the windows in the home, built a breezeway to the master suite, remodeled the kitchen and bathrooms extensively. He also added a 5 car garage. There is also was a cabin guest suite with a bathroom.

LU16.1 The County shall regulate new or altered development and vegetation removal to ensure that site preparation and construction do not contribute to erosion or slope failure, with resulting loss of life or property, loss of soils, sedimentation in streams, damage to downslope properties, downstream flooding, or siltation of wetlands. Development shall be located in the most accessible, least environmentally sensitive, and most geologically-stable area or areas of a development site, as balanced by considerations of open space and visual resource values.

Programs:

LU16.1a As part of project Design Review, the County may require the submission of geotechnical and hydrologic reports to assess the risk associated with proposed development relative to the site's natural hazards

The 455 property's development would have adverse view impacts to those recreating, visiting the parks, hiking and running the area, and to the historic Dipsea trail races (the oldest foot race in America). Any development on this property will be visible for miles, but the proposal submittal will change the Dipsea trail and views that are the gateway to Mount Tamalpais, forever. It can already be seen from Diaz ridge and the GGNRA. And it will negatively affect the neighbors across the street. The headwater streams on the property already have impacts for recovering endangered and threatened species of birds and salmonids especially if the excavation extent of this project moves forward. This is recorded and known by several federal and state agencies.

Sincerely,

Laura Chariton & Douglas Ullman
Unpermitted road fill in 2014 February and March, winter.
Map of streams from the National Wetlands Inventory (California Wetlands website)
139 YEARS OF RAINFALL TOTALS 1879 THROUGH 2017. MARIN MUNICIPAL WATER DISTRICT STATS FROM LAKE LAGUNITAS.
455/357 Panoramic, Community Redwood Creek, GGNRA and proximity of Mt. Tam State Park to property.

CC:
Community of Muir Woods Park
Tam Design Review Board
Sierra Club Marin Group
Watershed Alliance of Marin
Nona Denis, Marin Conservation League
Rhonda Kutter
Dear Curtis Havel

Re: Weissman project

July 17, 2018

Upon the first application Weissman made, County Planner Jocelyn Drake assured us that the illegal road that the Weissman’s built would undergo environmental review before they were allowed any further development. This road was built without permission and was considered illegal by the planning commission. The Weissman’s later claimed it was a fire road (although the fire department had no key to the gate) and they received no permits to build it.

Finally, Weissman has misrepresented the stream that the road was built over as an ephemeral stream. It is not. It is an intermittent stream – and building over it is not only illegal, but a serious incursion on the land that you, as part of the county planning commission, were put in charge of safe-keeping.

The county’s website identifies the stream as a USGS Blue Stream which means it should be protected. Multiple neighbors have documented water flowing out of the area directly below the illegal road during the winter and following several days without rain.

Furthermore, the area has riparian vegetation which makes it wetlands and should be protected as part of the County’s Stream Conservation Area. The Coho Salmon in the Redwood Creek watershed are an endangered species and as such, deserve special consideration.

The community was promised by Jocelyn Drake, who was heading this project at the planning department at the time, that the illegality of the road would be included as part of any further applications made by Weissman.

Now is the moment this road needs to be stopped. Weissman has had no regard for this sensitive wetland. Please put a halt to this illegal incursion on this precious land.

The community was promised an environmental review. If this is done, you will see how building a road here will cause irreversible damage.

As the community organizes, I’m writing to you to handle this properly – and as promised. Have a community hearing if you need further substantiation and information and order an environmental review to before any determination is made regarding this illegal and so-called “fire road.”

Thank you so much

Lonnie Barbach, Ph.D.

60 Palm Way

Mill Valley, CA 94941

415-383-0755
August, 1, 2018

Sabrina Sihakom,

This letter is about the Weissman project and how it could affect our community as a whole. The building of the illegal road of piled up earth and its prison-like fence is contrary to most people ideal of what we are about. Haphazardly cutting off a main artery to the Redwood Creek is another example of disrespect for the land.

This is not just a community of artists, poets and “liberal old timers” but laborers professional men and women and of families with children who explore the many paths and nooks of the mountain. It is a community of homes and properties that have been passed on from generation to generation. I have live here for 40 years and have not seen anyone who has defiled a portion of our land in such a manner and who may continue to do so.

When one moves into a foreign country with plans of permanence one learns the language. Hopefully when moving to a neighborhood one seeks to attain knowledge of the community. If one is to make major changes that would affect all for generations it would be expected that one communicates this to the neighborhood.

At this time in history when our most treasured lands and parks are no longer secure we are all frightened.

Beverly Anderson
45 Madera Way
Mill Valley, CA 94941
Gordon E. Robinson would like information about:
I only have one concern regarding this project but think it is a serious one. I've known this are all my life and lived on
Mote Climas Ave (across from project) for 19 years. Over the past 19 years the Panoramic traffic (and over all Mill Valley
traffic) has grown dramatically and at the same time so has the danger of wild fire. The limited roads heading down from
Panoramic are always needing repair and when this causes closures one way routing major backups occur quickly.
Additionally the increasing severity and frequency of flooding in the Tam Junction area adds to these issues. While I
think good work being done to reduce fire risk, it still remains a serious risk and it seems very possible that if a major
evacuation were called it may not be possible to get residents to safe areas in time. It seems foolish to add any new
population anywhere in Mill Valley, let alone up on Panoramic until the issue of evacuation is addressed and truly
understood. If something happened on a busy day with heavy tourist traffic and flooding below (which will be seen more
and more in the summer as well as winter) it could get very high ratings on CNN. Residents may not even get off their
streets onto the few options that currently exist.
### DRAINAGE MANAGEMENT AREA RUNOFF VOLUME SUMMARY

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### DRAINAGE MANAGEMENT AREA RUNOFF VOLUME SUMMARY PARCEL AREA 1/2

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<td>1.0</td>
<td>1.0</td>
<td>1000.0</td>
</tr>
<tr>
<td>2.500</td>
<td>GRADEWAY A.C.</td>
<td>1.0</td>
<td>2.5</td>
<td>2500.0</td>
</tr>
<tr>
<td>5.000</td>
<td>GRADEWAY A.C.</td>
<td>1.0</td>
<td>5.0</td>
<td>5000.0</td>
</tr>
<tr>
<td>10.000</td>
<td>GRADEWAY A.C.</td>
<td>1.0</td>
<td>10.0</td>
<td>10000.0</td>
</tr>
</tbody>
</table>

### DRAINAGE MANAGEMENT AREA RUNOFF VOLUME SUMMARY TOTAL AREA

<table>
<thead>
<tr>
<th>DMA AREA (SF)</th>
<th>SURFACE TYPE</th>
<th>RUNOFF FACTOR</th>
<th>RUNOFF FACTOR AREA</th>
<th>MONITORED DEVIATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000</td>
<td>GRADEWAY A.C.</td>
<td>1.0</td>
<td>1.0</td>
<td>1000.0</td>
</tr>
<tr>
<td>2.500</td>
<td>GRADEWAY A.C.</td>
<td>1.0</td>
<td>2.5</td>
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<tr>
<td>5.000</td>
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<td>5000.0</td>
</tr>
<tr>
<td>10.000</td>
<td>GRADEWAY A.C.</td>
<td>1.0</td>
<td>10.0</td>
<td>10000.0</td>
</tr>
</tbody>
</table>

**Note:** Self-treating area will be routed around by monitoring areas as directed by BMSAM. The final design of these features will be implemented in the final improvement plan phase of the project.
CONSTRUCTION NOTES
1. All construction shall be performed in a manner which does not cause any damage to the existing structure or surroundings, unless such damage is necessary for the construction of the improvements. The contractor shall take all necessary precautions to prevent damage to the existing structure or surroundings during the construction of the improvements.

2. All construction shall be performed in accordance with all applicable codes, ordinances, and regulations. The contractor shall obtain all necessary permits and approvals from the appropriate authorities before commencing the construction of the improvements.

3. All construction shall be performed in a safe and prudent manner. The contractor shall take all necessary precautions to ensure the safety of all persons and property during the construction of the improvements.

4. The contractor shall comply with all environmental regulations and requirements. The contractor shall take all necessary precautions to minimize the impact of the construction of the improvements on the environment.

5. All construction shall be performed in accordance with the plans and specifications. The contractor shall use materials and labor of the best quality and in the quantities specified in the plans and specifications.

6. All construction shall be performed in a workmanlike manner. The contractor shall use labor of the best quality and in the quantities specified in the plans and specifications.

EROSION / SEDIMENT CONTROL NOTES
1. All disturbed areas after construction shall be stabilized and protected in accordance with the plans and specifications.

2. All sediment basins shall be designed and constructed in accordance with the plans and specifications.

3. All erosion control measures shall be installed and maintained in accordance with the plans and specifications.

4. All erosion control measures shall be designed and constructed in accordance with the plans and specifications.

5. All erosion control measures shall be designed and constructed in accordance with the plans and specifications.

6. All erosion control measures shall be designed and constructed in accordance with the plans and specifications.

SOIL RESTORATION DETAIL WORK CHECK
1. All soil restoration work shall be performed in accordance with the plans and specifications.

2. All soil restoration work shall be performed in accordance with the plans and specifications.

3. All soil restoration work shall be performed in accordance with the plans and specifications.

4. All soil restoration work shall be performed in accordance with the plans and specifications.

5. All soil restoration work shall be performed in accordance with the plans and specifications.

6. All soil restoration work shall be performed in accordance with the plans and specifications.

REVEGETATION / SEDIMENT CONTROL NOTES
1. All revegetation work shall be performed in accordance with the plans and specifications.

2. All revegetation work shall be performed in accordance with the plans and specifications.

3. All revegetation work shall be performed in accordance with the plans and specifications.

4. All revegetation work shall be performed in accordance with the plans and specifications.

5. All revegetation work shall be performed in accordance with the plans and specifications.

6. All revegetation work shall be performed in accordance with the plans and specifications.

ADDITIONAL POLLUTION PREVENTION NOTES
1. All construction shall be performed in a manner which does not cause any pollution to the environment.

2. All construction shall be performed in a manner which does not cause any pollution to the environment.

3. All construction shall be performed in a manner which does not cause any pollution to the environment.

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23. All construction shall be performed in a manner which does not cause any pollution to the environment.

24. All construction shall be performed in a manner which does not cause any pollution to the environment.

25. All construction shall be performed in a manner which does not cause any pollution to the environment.
### Marin County Creekside Native Plant Matrix

**Note:** The final planting plan will be determined at the construction document phase of project. The selection of the plants selected will be determined by site analysis of habitat, streamside species, and site suitability. For site analysis will be determined by reference to the state of native plant information. The following table lists the recommended plant species for creekside plantings. These recommendations are based on the identification of species that are adapted to the local environment, are native to California, and have been successful in similar habitats. The table includes information on plant characteristics, such as height, width, and bloom time, to help guide the selection process. The table also includes notes on plant care, such as pruning and watering requirements, to help ensure the success of the planting project. The final plan will be designed by a professional landscape architect and approved by the project manager before implementation. The table is subject to change based on further research and field observations.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Habit</th>
<th>Bloom Time</th>
<th>Height</th>
<th>Width</th>
<th>Pruning</th>
<th>Watering</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asters</td>
<td>Aster asperulus</td>
<td>Perennial</td>
<td>Spring</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>California Poppies</td>
<td>Eschscholzia californica</td>
<td>Annual</td>
<td>Spring</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>None</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Honeysuckle</td>
<td>Lonicera species</td>
<td>Vine</td>
<td>Spring</td>
<td>6 ft</td>
<td>10 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Requires support.</td>
</tr>
<tr>
<td>Lupine</td>
<td>Lupinus species</td>
<td>Perennial</td>
<td>Spring</td>
<td>1-3 ft</td>
<td>1-3 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Marigold</td>
<td>Tagetes species</td>
<td>Annual</td>
<td>Summer</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>None</td>
<td>Moderate</td>
<td>Easy to grow.</td>
</tr>
<tr>
<td>Monkey Flower</td>
<td>Mimulus species</td>
<td>Perennial</td>
<td>Spring</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Purple Sage</td>
<td>Salvia leucophylla</td>
<td>Perennial</td>
<td>Winter</td>
<td>4 ft</td>
<td>4 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
<td>Shrub</td>
<td>Spring</td>
<td>6 ft</td>
<td>6 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Requires support.</td>
</tr>
<tr>
<td>Scotch Thistle</td>
<td>Cirsium arvense</td>
<td>Annual</td>
<td>Summer</td>
<td>3 ft</td>
<td>3 ft</td>
<td>None</td>
<td>Moderate</td>
<td>Invasive.</td>
</tr>
<tr>
<td>Spiderwort</td>
<td>Sanicula species</td>
<td>Perennial</td>
<td>Spring</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Sulphur Barrenwort</td>
<td>Erigeron species</td>
<td>Annual</td>
<td>Spring</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>None</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Violets</td>
<td>Viola species</td>
<td>Perennial</td>
<td>Spring</td>
<td>1-2 ft</td>
<td>1-2 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
</tbody>
</table>

**Fire Resistant Plant List**

**Note:** The fire-resistant plant list includes species that are adapted to fire-prone environments, are native to California, and have been successful in similar habitats. The list includes information on plant characteristics, such as height, width, and bloom time, to help guide the selection process. The list also includes notes on plant care, such as pruning and watering requirements, to help ensure the success of the planting project. The final plan will be designed by a professional landscape architect and approved by the project manager before implementation. The list is subject to change based on further research and field observations.

<table>
<thead>
<tr>
<th>Common Name</th>
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<tr>
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<td>Eschscholzia californica</td>
<td>Annual</td>
<td>Summer</td>
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<td>None</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Honeysuckle</td>
<td>Lonicera species</td>
<td>Vine</td>
<td>Spring</td>
<td>6 ft</td>
<td>10 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Requires support.</td>
</tr>
<tr>
<td>Lupine</td>
<td>Lupinus species</td>
<td>Perennial</td>
<td>Spring</td>
<td>1-3 ft</td>
<td>1-3 ft</td>
<td>Prune</td>
<td>Moderate</td>
<td>Native.</td>
</tr>
<tr>
<td>Marigold</td>
<td>Tagetes species</td>
<td>Annual</td>
<td>Summer</td>
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<td>None</td>
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<tr>
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</table>