

RESOLUTION NO. 2020-111
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ADOPTING THE DIPSEA RANCH (WEISSMAN) LAND DIVISION (TENTATIVE MAP)
MITIGATED NEGATIVE DECLARATION
455 PANORAMIC HIGHWAY, MILL VALLEY
ASSESSOR'S PARCEL: 046-161-11

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:

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

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 2 and 3; 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 2 and 3.

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 substantial evidence that the project as revised may have a significant effect on the environment.

3. **WHEREAS**, the Marin County Environmental Planning Manager 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 Mitigated Negative Declaration of Environmental Impact was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County's Environmental Impact Review Guidelines.

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, consider the project and voted unanimously to approve the project and adopt the Mitigated Negative Declaration pursuant to the noticing and hearing requirements and standards included in State CEQA Guidelines sections 15073 and 15074. The Mitigated Negative Declaration/Initial Study is a disclosure document prepared pursuant to the State CEQA Guidelines (see, for example, State CEQA Guidelines §15003(i)), Marin County Environmental Review Guidelines (§IV(D)(8)), and the current standards of practice for initial studies. It completely and accurately describes the Project, per the requirements of State CEQA Guidelines §15063(a)(1) and §15063(d)(1) and (2) and provides an independent, objective, and thorough analysis of the potential for the Project to result in significant environmental effects, per State CEQA Guidelines §15063(d)(3), (4), and (5) and §15064. Conclusions are based on substantial evidence, as required by State CEQA Guidelines §15064(f).

8. **WHEREAS**, on August 5, 2020, the appellant filed a timely appeal of the Planning Commission decision to approve the project and adopt the Mitigated Negative Declaration.

9. **WHEREAS**, the bases of appeal are not sufficient to overturn the Marin County Planning Commission's adoption of the Mitigated Negative Declaration. The Mitigated Negative Declaration, Response to Comments and subsequent Response to Comments Memorandum documents elaborate extensively on the issues raised by the appellant and the corresponding responses in accordance with the requirements of CEQA. Pursuant to State CEQA Guidelines Section 15384, the appellant did not provide any substantial evidence that would constitute a fair argument, based on substantial evidence in the record, of a potentially significant environmental impact resulting from the project. The appellant's assertions amount to argument, speculation, and unsubstantiated opinion, which does not constitute substantial evidence that contradicts the analysis and findings in the Mitigated Negative Declaration, Response to Comments or subsequent Memorandum documents. Therefore, an environmental impact report is not required, as all of the potential environmental impacts have been either mitigated to a level of less than significant or have been found to be less than significant pursuant to CEQA.

SECTION II: ACTION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Board of Supervisors hereby adopts 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 Board of Supervisors of the County of Marin, State of California, on the 6th day of October 2020, by the following vote to wit:

AYES: SUPERVISORS Dennis Rodoni, Judy Arnold, Damon Connolly, Katie Rice
NOES: SUPERVISOR Kathrin Sears
ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK