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

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March 26, 2018

Subject: Weissman Land Division (p1589) 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 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
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.

Dipsea Ranch Subdivision (Weissman) – P1589
• **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 Woods 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 Ettlinger, Aquatic Biologist, Marin Municipal Water District
Additional Members of the Muir Woods Park Community

Beth Beaullieu  5 Kent Way, Mill Valley

Tyrone Cashman  5 Kent Way, Mill Valley

Constance G. Galesnut  10 Kent Way, Mill Valley

Paul C. Goldsmith  10 Kent Way, Mill Valley

Carl Duisberg  Carl Duisberg  348 Panoramic

Laura Lindskoog  X Lindskoog  348 Panoramic

Peter Wijsman  370 Panoramic Hwy, Mill Valley

Lorraine Barback  60 Palm Way, Mill Valley

David Geiger  60 Palm Way, Mill Valley

Regina Crepa  332 Panoramic Hwy, Mill Valley

Adrian Freuss  86 Palm Way, Mill Valley

Kathie Velazquez  86 Palm Way, Mill Valley

Michelle McAuley  2 Kent Way, Mill Valley

Mike F  2 Kent Way, Mill Valley

Sara Durray  764 Panoramic Mill Valley

Gena Kareas  764 Panoramic Mill Valley
Additional Members of the Muir Woods Park Community

Dan B. U. 446 Panoramic, Mill Valley
Laura Craven 446 Panoramic Hwy, Mill Valley
Steve Sheffler 40 Brighton Blvd Mill Valley
Teresa Harrison 44 Brighton Blvd MV
Joseph Leskey 2 Fern Ln, MV CA
Jan Youse 24 Bashiun Blvd MV CA
Fayette Giannoni 444 Madera Way
Mimi Rubin 671 Edgewood Ave, Mill Valley
Bundy Anderson 45 Madera Way MV, CA
Judie A. Main 595 Edgewood, M.V.
Woodward Pau 45 MADERA WAY MV
Carl D. Duchen 777 Edgewood Ave, MV
Thomas Arnotson 159 Madera Way MV
Giannoni

Dzikiewski 179 Madera Way MV
Additional Members of the Muir Woods Park Community

M. Lewis
Michele Lewis
70 Palm Way, M.V. 94941

Michael & Kelly Covacaud
25 Palm Way MV, CA 94941

S. Burgess
Sara Burgess
354 Panoramic Hwy
Mill Valley, CA 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 P. 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

² Steven Pohl is Respondent's RMO. He knew a permit was required for over
March 28, 2014

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 65100–65700. (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

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 any part of 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, 135)

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 flagger control, shall be maintained in all directions. At all other times all 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 (UU) 811-2-44 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 inquiry identification number pursuant to GC Section 416.2.
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 AC.
6. Contact John Sernad at (415) 472-2030 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

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: dwessman@gmail.com (dwessman@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 of California**  
**The Natural Resources Agency**  
**DEPARTMENT OF FISH AND WILDLIFE**  
**Biogeographic Data Branch**  
**California Natural Diversity Database**

**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>Federally proposed (Delisting)</td>
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**Coho salmon - south of Punta Gorda**  
*Oncorhynchus kisutch*

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**Steelhead - northern California DPS**  
*Oncorhynchus mykiss*

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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

X 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
   _____________________ 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)
23.09.200.

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) 473-6528.

Issued by: Berenice Davidson
Title: Senior Engineer

Received by: ____________________________
Title: ____________________________
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
Partner
Firebrick, Inc.
415.314.7579 | bwright@firebk.com
44 Tehama Street | San Francisco | CA | 94105 USA
www.firebk.com

firebrick
CONSULTING
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,

[Signature]

Robert M. Wright

Thank you for the consideration.

Sincerely,

Bernard Ayling
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
Lonnie Barbach, Ph.D.
60 Palm Way
Mill Valley
California 94941
(415) 383-0755

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 (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.

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,

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.

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 it’s 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 it’s 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 it's 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,
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
From: david@flanth.com  
Sent: Saturday, April 21, 2018 11:57 AM  
To: Havel, Curtis  
Cc: B Ayling  
Subject: Weissman Land Division P1589

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

[Signature]

Michele McCabe

Cc Tam Design Review Board
Supervisor Dennis Rodoni
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 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
Havel, Curtis

From: Jerry Cahill <jcahill@calfox.com>
Sent: Thursday, April 26, 2018 1:43 PM
To: Havel, Curtis; Doron@Spirebuilt.com; Rodoni, Dennis
Subject: Weisman Development Project on Mount Tam

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 permitting laws. We are asking the County not to over look this decept 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

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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
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 remodels 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.\(^1\) 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).

17. The 2016-17 season yielded 96” of rain.

18. The property already has about 11 landslide areas and has become unstable in those places where there have been roads, cuts and trails built.

19. 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 in the neighboring property. This is because of water quality impacts that begin at the headwaters and have already been documented.

20. 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 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 $95,000 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)
Creeks and unpermitted road plus property boundary

Other adjacent lot owned by Weissman.
Bottom right of page adjacent to highlighted parcel APN 046-221-02 is State Park
Aerial of property with creeks from Marinmap.org

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
July 17, 2018

Dear Curtis Havel

Re: Weissman project

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

[Signature]

Lorraine Barden, Ph.D.

60 Palm Way

Mill Valley, CA 94941

415-383-0755
Sihakom, Sabrina

From: Beverly Anderson <beverlyanderson333@gmail.com>
Sent: Wednesday, August 01, 2018 12:56 PM
To: Sihakom, Sabrina
Subject: Weissman project

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.