M E M O R A N D U M

TO: Marin County Planning Commission
FROM: Sabrina Cardoza, Planner
DATE: July 27, 2020
RE: Planning Commission Hearing of July 27, 2020, Agenda Item 5
Dipsea Ranch (Weissman) Land Division (Tentative Map) and Mitigated Negative Declaration
455 Panoramic Highway, Mill Valley
Assessor Parcel 046-161-11
Project ID P1589

The purpose of this memorandum is to provide additional correspondence received following the publishing of the staff report and the distribution of the supplemental memorandum dated July 24, 2020. They are listed in order of when they were received and are attached in that order.

1. Emails from Doug Canepa dated July 24, 2020
2. Email from Laura Chariton dated July 25, 2020
3. Email from Seamus Brammel dated July 25, 2020
4. Email from Judy Schriebman dated July 25, 2020
5. Email from Laura Chariton dated July 26, 2020
6. Email from Michele Egan McCabe July 26, 2020
7. Second email from Laura Chariton dated July 26, 2020
8. Email from Scott Summit dated July 27, 2020
9. Email from Christine Voss dated July 27, 2020
10. Email from Eli Cohen dated July 27, 2020
Dear planners

I want to be consistent with my comments. I was vehemently opposed to the original 24 mega mansion community be damned original development plan. I believed and suggested at that time to let the TACP, Tamalpais Area provide the direction and answers to development.

This second proposal of two new lots along with the original lot, making three total at the top of the hill, make perfect sense. It takes the TACP plan to heart. The land owners rights are protected. The greater community around this property rights are protected. We all must live with and honor the guidance of the TACP.

The county must honor the plan as well. Approval of this Weissman/ dipsea proposal should only be granted with conditions. The DRB spelled out the conditions. It must be stipulated in approval of this proposal that the 5 acre lot can never be developed or sub-divided. The illegal road can never be developed or used. This is spelled out in the TACP, 1991 EIR(LU 31.1a), DRB and by the surrounding community. The county must protect the rights of the community. Conditions must come with any approval. Please respect and protect this unique piece of property.

Regards
Doug Canepa
332 Panoramic Hwy

Sent from my iPhone
Doug
Could you please include a clarification to my letter. I said “The 5 acre lot can never be developed or sub-divided”. I meant can’t be developed or sub-divided beyond one new residence at the top of the hill.

Thank you
Doug Canepa

Clarification

Sent from my iPhone
Doug

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[Original email content not included]
Subject: Weissman land development/dipsea ranch plan

Dear planners

I want to be consistent with my comments. I was vehemently opposed to the original 24 mega mansion community be damned original development plan. I believed and suggested at that time to let the TACP, Tamalpais Area provide the direction and answers to development.

This second proposal of two new lots along with the original lot, making three total at the top of the hill, make perfect sense. It takes the TACP plan to heart. The land owners rights are protected. The greater community around this property rights are protected. We all must live with and honor the guidance of the TACP.

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Regards
Doug Canepa
332 Panoramic Hwy

Sent from my iPhone
Doug
Email Disclaimer: https://www.marincounty.org/main/disclaimers
Dear Planning Commissioners and Planning Staff,

We live directly across the street from the Dipsea Ranch project (Weissman) and entrance to 455 Panoramic Hwy. in Mill Valley. We are requesting continuance of the public hearing for improper notification. It is 2 days before the public hearing.

Under Marin County Code, the applicant was required to post a notice of public hearing in a conspicuous place on the property. (Attached Photos Taken morning of 7/23/20) There was never any posting. Furthermore, there are some neighbors in our community that never received notice and others who received notice only a few days ago. We are also not assured that the County contacted all parties in the 600 foot radius or those that subscribed or commented previously as required for this public hearing subdivision. We are also concerned that information that should have gone out and stipulations of the Tam Design Review Board and input from the community were ignored.

- **118.020 - Notice of Hearing or Administrative Action.**

  B. Method of notice distribution for public hearing actions. Notice of a hearing action required by this Title for a permit, permit amendment, appeal, or amendment shall be given as follows, as required by State law including Government Code Sections 65090, 65091, and 65092:

  d. All owners of real property within 600 feet of the property which is the subject of the public hearing action, as shown on the County’s latest equalized assessment roll, if the zoning for such property requires a minimum lot area of 20,000 square feet or greater, or a maximum density of two units per acre or lower.

  Site notice. Written notice that an application has been submitted shall be posted in at least one location on or adjacent to the property which is the subject of the permit at least ten days prior to the public hearing or administrative decision date. The notice shall include contact information for the staff who is assigned to process the application, applicable information that is available online, and a general description, in text or by diagram, of the proposed project and the location of the real property that is the subject of the application.
Sincerely,

Laura Chariton & Douglas Ullman

446 Panoramic Hwy.
Mill Valley, CA 94941
415 234-9007
cell 415 855-5630
For PC in case you didn’t receive this separately.

Regards,
-Tom Lai

Sent from my mobile device. Please pardon typos.

Begin forwarded message:

From: seamus bramell <gypsyjim@att.net>
Date: July 25, 2020 at 12:42:03 PM PDT
To: "Lai, Thomas" <TLai@marincounty.org>
Subject: Dipsea Ranch Project

The question of whether the project should go ahead given the fact that the subject property is at the headwaters of Redwood Creek is of the utmost concern. I have photos of the stream exiting directly below the unpermitted road on the property. The project may in all truthfulness become the subject of a lengthy lawsuit with your name being the center figure in the proceedings. At question is the fact that this stream drains directly into the Redwood Drainage which is the subject of current study by virtue of excessive siltation. Currently the illegal; road is atop the spring waterway with no mitigation for passage.

Thanking you for your reconsideration,

Jim Bramell
Dear Planning Commissioners and Planning Staff,

We heard through the community grapevine that the Dipsea Ranch Project will be brought before the Planning Commission on this Monday July 27. The Marin Group Sierra Club commented extensively on the MND on this project and received NO official notice from the county about this project being heard on Monday. If notices were sent to the Berkeley office, those offices have been closed since the COVID-19 shelter in place. Our email remained open and no email notification was received.

Lack of proper public notice is a violation of state law. This matter should not be heard on July 27 but should be continued to another date and only after following appropriate, lawful and adequate notice to neighbors and commentators.

Attached please find a copy of our letter on the MND sent in Jan. 2020.

Yours,

Judy Schriebman, Chair Marin Group Sierra Club

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Judy Schriebman
Pronouns: she, her, hers
Chair Marin Group ExCom
415-472-3345 H
415-302-7592 C
January 27, 2020

Tammy Taylor, Environmental Planning
tenplanning@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.
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

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\(^3\) 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.

<table>
<thead>
<tr>
<th>Total Project Site Area (acres)</th>
<th>8.29 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total New and Replaced Impervious Surface Area</td>
<td>13,500 sf = 0.31 Acres</td>
</tr>
<tr>
<td>Total Pre-Project Impervious Surface Area</td>
<td>11,664 sf = 0.27 Acres</td>
</tr>
<tr>
<td>Total Post-Project Impervious Surface Area</td>
<td>25,164 sf = 0.58 Acres</td>
</tr>
</tbody>
</table>

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](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 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.

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Arrows point to existence of perennial 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 Inventory and are shown in their mapping must be properly identified and protected. There can be no speculation as to their

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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 immittigable 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.

GEOLOGY

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\(^4\) 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.

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).\(^5\) 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 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).
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 immittigable.

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 ¾ 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.
70. But another parcel of about 1.86 acres is owned by the same applicant and is immediately adjacent to Mt. Tam State Parks.
71. There are multiple conflicts with the Project listed below and several aspects of the TACP policies are not fulfilled by this Project:

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.

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.
Attachments
Attachment 1

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. 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.

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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)
RE: Dipsea Ranch Land Division and Mitigated Neg Dec

Dear Planning Commissioners and Staff,

We are requesting continuance of the Planning Commission public hearing regarding the Dipsea Ranch subdivision tentative map and CEQA Mitigated Negative Declaration.

This project needs to be continued for the following reasons: Commenters such as Sierra Club and Watershed Alliance of Marin (WAM) and the Sierra Club were not noticed regarding the public hearing on July 27, 2020. WAM’s office is directly across the street from this project and commented on the project extensively. We have received no information regarding the public hearing though we signed up several times within the past several years. Given that well over 100 neighbors protested the project early on and over 50 for the second Tam Design Review board meeting, one would hope that the notice would be maximized and include postings.

The property owner of Dipsea Ranch did not post the public hearing notice on the subject property as required by law (see attached photos).

Based on County Code regarding properties over 20,000 sq feet and densities of 1 unit per 2 acres, property owners to be noticed are those within 600 feet and that fulfillment has not been made clear by planners to date.

Without proper notification there is not due process under the law for the community and concerned groups.

We are also not assured that the County contacted all parties in the 600 foot radius or those that subscribed or commented previously as required for this public hearing subdivision. We would like to see the mailing list. Tam Design Review Board and input from the community and commenters were ignored.

- **118.020 - Notice of Hearing or Administrative Action.**

**B. Method of notice distribution for public hearing actions.** Notice of a hearing action required by this Title for a permit, permit amendment, appeal, or amendment shall be given as follows, as required by State law including Government Code Sections 65090, 65091, and 65092:

d. All owners of real property within 600 feet of the property which is the subject of the
public hearing action, as shown on the County's latest equalized assessment roll, if the zoning for such property requires a minimum lot area of 20,000 square feet or greater, or a maximum density of two units per acre or lower.

**Site notice.** Written notice that an application has been submitted shall be posted in at least one location on or adjacent to the property which is the subject of the permit at least ten days prior to the public hearing or administrative decision date. The notice shall include contact information for the staff who is assigned to process the application, applicable information that is available online, and a general description, in text or by diagram, of the proposed project and the location of the real property that is the subject of the application.

e.
Additional Notice.
The Director may provide any additional notice as the Director determines is necessary or desirable, such as posting notices in public locations within a community.

Public Hearings
CA Codes (gov:65090-65096)

**GOVERNMENT CODE**
**SECTION 65090-65096**

The Calif Supreme Court case Horne v. County of Ventura: [https://law.justia.com/cases/california/supreme-court/3d/24/605.html](https://law.justia.com/cases/california/supreme-court/3d/24/605.html) is important because it clearly lays out the requirement of due process in an agency public hearing as a quasi judicial body, ruling on property rights, in the case CEQA rights and the standing to assert them. CEQA is self executing, ie, citizens can bring actions to enforce the law.

The California Supreme Court addressed the sufficiency of notice in Horn v. County of Ventura (1979) 24 Cal. 3d 605. There, the petitioner found out, by chance, that the Board of Supervisors had approved a tentative map for his neighbor’s proposed subdivision. The Supreme Court concluded that notice of the approval of the subdivision failed due process where the relevant environmental documents were posted only at central public buildings and the notice was mailed only to those persons who specifically requested it. (Horn v. County of Ventura 24 Cal. 3d at 614.) [https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2013/2013-Annual-Conference-City-Attorneys-Track/9-2013-Annunal-Adam-U-Lindgren-Common-Issues-in-Qu](https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2013/2013-Annual-Conference-City-Attorneys-Track/9-2013-Annunal-Adam-U-Lindgren-Common-Issues-in-Qu)

Sincerely,

Laura Chariton, President
watermarin.org (501) C3
446 Panoramic Hwy. Mill Valley, CA 94941

415 234-9007 cell 415 855-5630
To Whom It May Concern:

It is with dismay and frustration that I address the issue, once again, of the development plans proposed at 455 Panoramic Highway.

For over six years I have made phone calls, written letters, sent emails and attended meetings regarding this property, primarily addressing the illegal construction of a road on what you are now referring to as Assessor’s Parcel 046-161-11, proposed Lot number 3 (5.18 acres). The plan under consideration at the July 27th Planning Commission Hearing totally disregards the recommendations of the Tam Design Review Board and members of the community.

The Tam Design Review Board, after a community meeting of residents of the Muir Woods Park Community, recommended to the Planning Department that Mr. Weissman’s subdivision plans be permitted with two stipulations

1) That there would be a deed restriction on Lot Number 3, the 5.18 acre parcel that would ensure the lot is never subdivided. I think that neighbors and the TDRB were concerned that Mr. Weissman or a future property owner would build an Accessory Dwelling Unit on the lower parcel which would only be accessible by using the illegal fire road thereby turning it into a driveway.

2) That there be an additional deed restriction that stipulated that the fire road as it currently exists, never be used as anything other than a fire or emergency vehicle access road.

Neither of these provisions were incorporated into the proposal to be considered on July 27th.

In a perfect world, Mr. Weissman would be required to undo the harm he caused in March 2014 when he illegally constructed the fire road. His disregard for the environment he is fortunate enough to own has been discouraging. The flow of the stream has been altered and the small wetland area has been compromised. (I used to see great blue herons dining in that wetland area)

The approval of the subdivision map at the July 27th Planning Commission hearing will assure that the concerns of the community and the recommendations of the Tam Design Review Board are ignored. And finally, approval of the proposed subdivision map without the above mentioned stipulations all but assures a future request for subdivision of that parcel and/or construction of an Accessory Dwelling Unit that will need to use the illegal road for access. The stream and wetlands will be further degraded. I also join in the concerns raised by Erik Halterman, Bernie Ayling and Laura Chariton of the Watershed Alliance of Marin in their written comments submitted in connection with this hearing.

Thank you
From: LAURA CHARITON
To: Crawford, Brian; Cardoza, Sabrina; PlanningCommission; Tejirian, Jeremy; Lai, Thomas
Cc: Mosher, Ana Hilda; Kutter, Rhonda
Subject: Dipsea Ranch EIR Traffic Study needed
Date: Sunday, July 26, 2020 10:44:55 PM

Dear Planning Commissioners and Staff,

We are requesting an EIR for all the previous environmental issues we addressed earlier as well as to provide a thorough traffic safety assessment that is lacking in the Mitigated Negative Declaration because conditions have not been addressed and conditions have changed.

The corner and section where the 455 Panoramic Hwy. Dipsea Ranch property entrance is is dangerous and on a double blind curve. We know of three recent accidents here. One was July 22, 2019 and another was September 30, 2017, a cyclist accident occurred earlier. There may be more accidents. A thorough EIR and accident reports would likely reveal other accidents on this dangerous corner where people in cars and on bikes routinely speed.

Attached are photos of recent accidents that I am aware of in the 455 Panoramic (Dipsea Ranch) driveway. It would be important for public safety to have the relevant accident reports for the area. One accident was on July 22, 2019 and another was on September 30, 2017. Both involved the 455 Panoramic Driveway.

In the accident September 30, 2017 the driver lost control on the turn as did the other one and bounced off the entryway retaining wall of 455 Panoramic crossed the road and hit our Eucalyptus tree and damaged our fence and a pole at 446 Panoramic Hwy. His bumper and parts of his car were left behind. If not for the fence, he might not have made it.

Since the reservation system of Muir Woods in 2017 and the Covid-19 pandemic the traffic on Panoramic has increased significantly. While people cannot engage in many other social activities, outdoor recreation has increased exponentially and Panoramic Hwy. is the main artery to the Marin parks coming from the City and other locales. Any traffic studies that were conducted prior to these two events and are no longer relevant to the new conditions. Hundreds upon hundreds of cyclists are using Panoramic Hwy. in addition, they speed downhill on the center line almost exclusively.

Both sides of the street are violated by drivers and cyclists consistently...crossing the double yellow line while going downhill and cutting the curves in front of 455 driveway and breaching 446 white line marker on the blind curve. We see the majority of drivers and cyclists doing this.

The proposed project entryway is in the middle of the double blind curve where there is no room for pedestrians and the opposite side of the street from the subject property is a steep gravelly slope on the 442 Panoramic frontage guarded by a 6 foot fence that is within the County right of way and was un-permitted, fines paid, and then accepted by the County. What had been a walking berm was taken
away by a previous property owner.

I have slipped or fallen into the street here more than twice and consider this area very dangerous and with no room for pedestrians. Pedestrian foot traffic has also increased dramatically since Muir Woods reservation system and Covid-19 and there have been many close calls of being hit on this curve. Drivers routinely cross over the line that is our property.

The road and its conditions have become much more dangerous for all users. Many residents hardly ever leave on the weekends anymore; that sentiment echoed throughout our community.

We hear sirens of emergency vehicles regularly and especially on weekends. Massive numbers of cyclists come barreling down Panoramic at this turn hugging the center line and where there are multiple blind driveways and streets for two miles. 455 Panoramic has the most constricted and unsafe section of Panoramic Hwy. where speeding and crossing over street lines is a usual occurrence. This is a very dangerous place to add cars and driveways.

This vital information and new conditions need to be thoroughly studied in a full EIR.

Sincerely,

Laura Chariton & Douglas Ullman

watermarin.org  (501) C3
446 Panoramic Hwy. Mill Valley, CA 94941

415 234-9007 cell 415 855-5630
Dear Sabrina,

In approving the Dipsea Ranch project, the DRB disregards the recommendations of the DRB and sets a damaging precedent within the community.

Accepting the Dipsea Ranch development messages to a community that has overwhelmingly unified in opposition that the Planning Department no longer enforces the standards set by our community nor respects consensus. That dismissing codes and conventions will forever forward be met with tacit approval. Dan Weissman cleared a road with blatant disregard for the sensitive environment surrounding it, and all community development processes. He asked for forgiveness - not permission - in unambiguous violation of the established laws. We the community all abide by these rules - most often at our expense - because we value the process that has been put in place to protect the environment, community, and aesthetic of the region.

Dan Weissman extensively bulldozed and filled land on watershed to create his illegal road. Without this road the plan would lack access. He has not been held accountable nor restored the extensive damage done, nor has he been required to return the landscape to original condition. The community has repeatedly noted that the creation of this access road violated all laws, although this recently appears to have been overlooked by your department. The plan as drafted serves for him as a 'camel's nose', inviting him to further divide parcels and create more development within this sensitive watershed ecosystem. Furthermore, a vital salmon spawning region and National Park lie directly downstream from the extensive and disruptive development planned to dominate its watershed. And as precedent shows, if unchecked, he is eager and willing to circumvent all laws as needed to maximize his profit at the community expense.

We and many who live in the mountain would often prefer to dismiss all planning conventions and move forward with our own extensive, renegade construction projects at will, disregarding due process. We choose not to, however, and instead abide by the norms as established by law and consensus, since the nature of the Mill Valley and Mt Tam communities take precedent over our individual gains.

Please review this application's full history, the overwhelming and unified local opposition, and the prior DRB recommendations regarding the protections that it provides this sensitive habitat.

Respectfully,

Scott Summit, Sara Burgess and Dashiell Summit
354 Panoramic Highway
Mill Valley, CA
94941

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Scott Summit
ETHREAL MATTER, INC
415-546-6919
www.summitid.com
LinkedIn

* please note - the summitid@pacbell.net email is no longer in use.
Hello, we can't be on the hearing call today to share our thoughts on Dan Weissman's Dipsea Ranch project so I thought I would email you our thoughts on the project.

We own our home and live at 442 Panoramic Hwy, right across the street from the Weissman's property. We've known Dan and his family for six years and they are a wonderful family, and very much a part of the Mill Valley community. They are very kind and respectful neighbors and we feel lucky to have them across the street from us.

We are 100% in support of the Weissman's project and encourage you to approve the resolutions.

The project proposed seems extremely reasonable to us and we see no issues with it affecting our neighborhood in a negative way.

Please feel free to reach out further if you have any questions.

Sincerely,

Christine & Jeff Vose
Dear Marin County Planning Commission,

My name is Eli Cohen and I am a resident of Mill Valley and have resided in the Bay Area for the majority of my life. I have followed the Dipsea Ranch project as I frequently hike from my home to the Mountain Home Inn and the top of Tam, and always pass the site on my way to the beach. I found the initial reaction from neighbors to be extremely regrettable. The project is situated on 9 acres in the middle of an infill neighborhood and was cut back in the middle of a housing crisis. While I found that to be a better use of the land, I support the application as designed now with 3 parcels, one of which is already improved with the owners residence.

The public comments demanding deed restrictions should be ignored as they represent the worst of the NIMBYism that has continually held back this state and the Bay Area in particular. This site consists of 9 infill acres, surrounded by other housing. This is not open space and the reaction to it illustrates why we have heartbreaking scenes of people sleeping in tents throughout the Bay Area.

The staff memo did a nice job of outlining the law and facts here and a deed restriction appears to violate the Housing Crisis Act of 2019. I urge you to reject the limousine liberalism shown by these neighbors and approve the project as designed and recommended by CDA staff.

Feel free to contact me with any further questions.

Best,

Eli Cohen

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Mill Valley, CA, 94941
dryc@gmail.com
(415) 786-7217