



COMMUNITY DEVELOPMENT AGENCY

## PLANNING DIVISION

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

**Recommendation:** Adopt Mitigated Negative Declaration  
Approve with conditions

**Hearing Date:** July 27, 2020

Application No(s): P1589

Agenda Item: 1

Last Date for Action: 60 days after adoption of a Negative Declaration

Owner(s): Daniel Weissman

Assessor's Parcel No(s): 046-161-11

Property Address: 455 Panoramic Highway,  
Mill Valley

Project Planner: Sabrina Cardoza

Signature:

*Sabrina Cardoza*

Countywide Plan Designation: PR (Planned Residential, 1 unit per 1-10 acres)

Community Plan Area: Tamalpais Area Community Plan

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

Environmental Determination: Mitigated Negative Declaration

### PROJECT SUMMARY

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

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

The subject property is a roughly boot-shaped lot with the upper northern and lower southeastern property lines located along Panoramic Highway. The applicant proposes to provide access to

the existing and new lots via the existing entry driveway at 455 Panoramic Highway located along the upper portion of the site.

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

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

## **PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

Lot Area: 8.29 acres

Adjacent Land Uses: Single-family residences and Mount Tamalpais State Park

Topography and Slope: Steep topography with an average slope of 45 percent

Existing Vegetation: Dense mature native and non-native vegetation

Environmental Hazards: Very high fire risk

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

## **BACKGROUND**

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

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

Environmental review was initiated for the project due to site topography and potential environmental issues resulting from the creation of the three new single-family lots.

## **ENVIRONMENTAL REVIEW**

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

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

## **KEY ISSUES**

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

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

## **RECOMMENDATION**

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

Attachments:

1. Recommended resolution
2. CEQA resolution

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