

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

DIPSEA RANCH LAND DIVISION PROJECT INITIAL STUDY/DRAFT MITIGATED NEGATIVE DECLARATION

COMMENTS ON THE INITIAL STUDY AND RESPONSES TO COMMENTS

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1. Introduction

This document contains copies of comment letters on the Dipsea Ranch Land Division Initial Study/Draft Mitigated Negative Declaration (Initial Study) received during the public review period, and the responses to those comments. The letters are included in Section 3, Comment Letters and Individual Responses. Each written comment letter is designated with a letter (A through W) in the upper right-hand corner of the first page of the letter. Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Only comments on the scope of the Project and on the Initial Study analysis and conclusions are responded to: comments expressing the commenter's support for or opposition to the Project, and comments addressing other issues not within the scope of the Project, are not responded to.

Section 2 of this document presents several "Master Responses." Each Master Response addresses an issue or topic raised by several commenters, providing a unified and comprehensive response. Master Responses are cross-referenced in the individual responses.

Changes to the text of the initial study prompted by comments are indicated by ~~strike-throughs~~ for deletions and underline for additions. Changes are compiled in Section 4.

Comments were received from the following individuals and organizations:

Letter Designation	Commenter's Name and Affiliation (if any)
A	State Clearinghouse – Governor's Office of Planning and Research
B	Laura Chariton
C	Lonnie Barbach
D	David Geisinger
E	Jerry Cahill
F	Pacific Gas and Electric (PG&E)
G	Bernard Ayling
H	Louette Colombano
I	Lonnie Barbach
J	Wolfgang and Kathleen Schmidt
K	Gregg Erickson, California Department of Fish and Wildlife
L	Andrea Montalbano
M	Gordon Robinson
N	Erik Halterman
O	Paul and Constance Goldsmith
P	David Geisinger
Q	Judy Schriebman, Sierra Club Marin Group

Letter	
Designation	Commenter's Name and Affiliation (if any)
R	Bernard Ayling
S	Carl Duisberg and Laura Lindskog
T	Dr. Tyrone Cashman and Beth Beaulieu
U	Michele Egan McCabe
V	Stephan Volker, Attorney, on behalf of Watershed Alliance of Marin
W	Laura Chariton, Watershed Alliance of Marin

2. Master Responses

Master Response 1: Habitat Values of the Project Site

Several Commenters expressed concerns about the sensitive nature of the Project site, the potential for wildlife species (including rare, threatened, and endangered species) to be present, and the potential impacts of future development on wildlife corridors. They note that the area supports a diverse assemblage of birds, reptiles, amphibians, mammals, and invertebrate species, and that wildlife move across the Project site. Initial Study Section IV.4, Biological Resources evaluates potential impacts on special-status species, natural vegetation communities, and wildlife movement corridors. As presented in Section IV.4, the Project would not result in a significant impact related to special-status species, natural vegetation communities or wildlife movement corridors. This Master Response provides additional clarification on the biological communities present within the Project site and potential Project impacts; however, the impact conclusion reached in the Initial Study, that the Project would have only less-than-significant impacts on wildlife, remains the same. Master Response 2 provides more detailed information on sensitive biological resources in the Redwood Creek watershed.

Plant Communities

As described in the Existing Conditions discussion in Initial Study Section IV.4, Biological Resources, the proposed building envelopes are located on the northern portion of the Project site on the ridgetop where the existing single-family residence, garage, and outbuilding, surrounded by ornamental landscaping and decking, are located. There is a large, flat, undeveloped, ruderal terrace where development would occur. This upper terrace supports non-native annual grassland. Along the edges of the terrace (along the existing driveway and the edge of existing buildings) and just downslope, there are plantings of a few native trees and shrubs (e.g., coast live oak, coast redwood, ceanothus) and abundant ornamental shrubs and trees (e.g., cotoneaster, Monterey cypress, Monterey pine, incense cedar). Invasive species are prevalent as well and patches of English ivy and Himalayan blackberry occur in the understory.

Beyond the building envelopes and septic disposal areas to the west, south, and southeast, the Project site supports scattered trees of native Douglas fir and coast redwood and non-native Monterey cypress and Monterey pine. Understory composition varies across the Project site, but non-native plants are pervasive, especially within the lower elevations. Invasive thickets of pampas grass, cotoneaster, cape ivy, pride of Madeira, French broom, and smaller acacias are widespread. In the more densely wooded areas, along the drainages, native understory shrubs include coyote brush, California blackberry, and poison oak with the occasional wild cucumber and sword fern. No development is proposed in areas that support native vegetation. As shown in Initial Study Figure 4-1, the drainages are protected by a 100-foot Stream Conservation Area (SCA) buffers and no development would occur within them. There is a small wetland seep along

the northern edge of the lower Fire Road protected by a 100-foot Wetland Conservation Area (WCA) (see Master Response 3). More detailed descriptions of plant communities present within the Project site are included in Section IV.4, Biological Resources in the Initial Study.

As described in Section IV.4, Biological Resources, proposed lot 3 would support the construction of new single-family residence on the upper terrace; the downslope septic disposal area is dominated by non-native trees and invasive understory species. It is assumed that no new development would occur in proposed lot 1, as this is the location of the existing residence. The development envelope for proposed lot 2 and the proposed area for septic system development for this lot support non-native annual grassland and ornamental plantings. No development is proposed in areas supporting naturally occurring native vegetation along the drainages and wetlands. No native trees are proposed for removal. No removal or disturbance of naturally occurring native vegetation is proposed or anticipated, based on the existing conditions within the areas of the proposed development envelopes, septic systems, stormwater system, and driveway improvements.

None of the comments provide any new information that would change the conclusion in the Initial Study regarding potential impacts on native plant communities. Commenters have not provided substantial evidence to support a fair argument that the Project may have significant impacts on native plant communities. The only conclusion supported by evidence is a conclusion of less than significant.

Wildlife Communities and Movement Corridors

In response to comments on the wildlife diversity within the Project area, the following includes additional clarification on wildlife usage of the Project site. As described in the Existing Conditions discussion in Section IV.4, Biological Resources, development of the Project site would be concentrated in an area that supports existing buildings, ornamental planting, and a terrace of non-native annual grassland. In general, habitats surrounding developed areas provide habitat and foraging opportunities for many of the more common and urban wildlife species. Within the Project site, ornamental trees and shrubs, particularly flowering trees, provide a supplemental food source for wildlife species in the form of fruit and habitat for prey species. They also serve as suitable nesting habitat for generalist bird species. Omnivorous disturbance-adapted species, such as skunks, raccoons, and non-native opossums, are abundant in habitat of this type. Invertebrates may be attracted to a variety of ornamental flowers. Wildlife species with the greatest potential for occurrence within the building envelopes are birds. The abundant planted native and ornamental trees and shrubs are likely to support nesting habitat for more common bird species. Bats may forage over the site and roost in mature trees. These conditions would not change with the proposed subdivision; wildlife is expected to continue to utilize the Project site.

As described in the Initial Study in the discussion of Special-status and Nesting Birds (pages 56-57), nesting birds are protected from construction impacts by Marin County Development Code §22.20.040 (F), which establishes nesting bird protection measures. There is potential for bats to be present in tree cavities and they would be protected as outlined in Mitigation Measure BIO-2. During construction, there may be disturbance to common wildlife utilizing the building envelope areas, but the impact would be temporary. With the exception of nesting birds and bats, the building envelopes do not support habitat for special-status wildlife species or native plant communities.

The high wildlife use areas on the Project site are along the drainages and more densely vegetated areas beyond the building envelopes. The Project site is dominated by non-native plant species, especially dense thickets of acacia and broom, and, in general, these areas support less diverse wildlife than native habitats. However, the drainages support mature native Douglas fir and non-native pine and cypress. These wooded drainages provide cover, foraging opportunities, and nesting habitat for native wildlife. The woodlands extend beyond the property boundary and provide wildlife with opportunities to move through the lower elevations of the Project site and drainages. Breeding birds, special-status species, such as California giant salamander and bats, and other common wildlife may occupy these areas (see Master Response 2). The wooded areas fall almost entirely within the SCAs (Initial Study Figure 4-1). Wildlife utilizing these areas would be protected from future site development through the establishment of these buffer areas. No habitat changes are proposed along the drainages. The seasonal wetland along the lower Fire Road also provides habitat for common wildlife. No additional development is proposed in this location and wetland resources are protected by the WCA buffer, depicted in Initial Study Figure 4-1.

In response to comments expressing concern that the Project could impact wildlife corridors and wildlife movement within the Project area, the following provides additional clarification of this topic. As described in the Initial Study, page 60, the Project would not result in any negative long-term impacts on wildlife movement and use of nursery sites. Further development would be concentrated in the northern portion of the Project site on the ridgetop that currently supports the existing single-family residence, outbuildings, ornamental landscaping, and non-native annual grassland. Wildlife movement through the building envelopes is currently constrained by the existing residential development, perimeter deer fencing (between the existing residential development and downslope drainages/undeveloped areas on the Project site), and vehicular traffic surrounding the site along Panoramic Highway. The proposed building envelopes already experience a high level of human use. Wildlife residing near the Project site and frequenting the building envelopes are likely habituated to human presence given the level of existing site development, on-going residential use, and proximity to other residential development.

As described on page 60 in Section IV.4, Biological Resources, wildlife use of the site, including migration corridors, would not be changed as a result of development within the building envelopes. Wildlife migrating through the site along the drainages and species residing in these locations (e.g., drainages, wetlands, or other more densely vegetated

areas on the Project site) would be protected from construction impacts through establishment of the SCA and WCA buffer areas and distance of the construction areas from occupied habitat. Construction would be of relatively short duration. Following construction, residential use would be similar to existing use of the Project site, which is concentrated in the most developed, least sensitive area.

None of the comments provide any new information that would change the conclusions on wildlife movement and migration corridors in the Initial Study. The impacts remain less than significant. Commenters have not provided substantial evidence to support a fair argument that the Project may have significant impacts wildlife migration and use. The only conclusion supported by evidence is a conclusion of less than significant.

Master Response 2: Potential Impacts on Redwood Creek Watershed Biological Resources

Several commenters express concerns about the sensitive location of the Project site and the potential impacts on sensitive biological resources within the Redwood Creek watershed. They note that the watershed supports special-status wildlife species. Initial Study Section IV.4, Biological Resources, Tables 4-1 and 4-2, provides an evaluation of the Project's potential impacts on special-status species. As discussed in Section IV.4, the Project would not result in a significant impact on special-status species occupying the Redwood Creek watershed. This Master Response provides additional clarification on current watershed conditions, sensitive wildlife species presence within the watershed and the Project site, and potential Project impacts for resources in the watershed. However, the Initial Study's conclusion of a less-than-significant impact remains the same.

Watershed Condition

The Project site is located at the watershed divide between the Redwood Creek and Mill Valley watersheds and within close proximity to an extensive network of protected lands. The Redwood Creek watershed encompasses approximately 9 square miles, including portions of Mount Tamalpais, and drains to the Pacific Ocean at Muir Beach. The Project site is located in the upper elevations of the Redwood Creek watershed along its eastern edge. Lands directly to the east drain to Mill Valley. Two ephemeral drainages (see Master Response 8) on the Project site drain into the Redwood Creek watershed. The watershed provides habitat for a number of special-status species and protected aquatic resources, including federally and State protected steelhead, coho salmon, western pond turtle, California red-legged frog, California giant salamander, northern spotted owl, California red-legged frog, and several plant species. These resources are described below.

The Project site provides limited habitat for special-status species residing in the Redwood Creek watershed. As outlined in Table 4-2 in the Initial Study, special-status animal species presence was evaluated for the Project. The following is a breakdown of the

sensitive resources addressed by commenters. Special-status bats and breeding birds are addressed in Master Response 1.

Steelhead and Coho Salmon

The Initial Study discusses the presence of steelhead and coho salmon within the Redwood Creek watershed (Initial Study, page 52 and Table 4-2). These fish occur in downstream stream reaches, but the Project site does not support perennial streams and no habitat for salmonids is present. The Project site is located above the limits of anadromy at nearly 1,000 feet in elevation. As noted in the Initial Study, the Project would protect downstream fisheries resources through the establishment of SCAs, implementation of the proposed stormwater management plan and septic system designs, and implementation of standard construction Best Management Practices (BMPs); see Master Responses 7 and 11. The impact conclusion of less than significant for fisheries resources remains the same as presented in the Initial Study.

Special-status Herpetofauna

Commenters note the presence of California red-legged frog and California giant salamander in the watershed, including the area of the Project site. The presence of special-status herpetofauna is evaluated in Initial Study Table 4-2. Additional species (e.g., foothill yellow-legged frog and western pond turtle) are also evaluated and suitable habitat is determined not to be present within the Project site, based on existing habitat conditions and current sighting information. In the case of California red-legged frog, this species requires somewhat perennial water sources, such as ponds and streams, for breeding, foraging, and aestivation. Suitable breeding habitat is not present within the Project site or in nearby areas. The forested drainages may provide temporary upland refugia if nearby breeding sites exist, but the likelihood of occurrence is low. Suitable habitat for special-status California giant salamander is not present within the building envelopes; however, suitable non-breeding habitat may be present in the forested areas along the drainages. Breeding in the drainages is unlikely given their ephemeral nature. The Project would protect special-status herpetofauna and their habitat through the establishment of SCAs, implementation of the proposed stormwater management system, proposed septic system design, standard construction BMPs, and implementation of Mitigation Measure BIO-1 Special-status Wildlife and Habitat. The impact conclusion of less than significant for herpetofauna resources remains the same as presented in the Initial Study.

Northern Spotted Owl

Marin County populations of northern spotted owl are closely monitored. Local populations have been monitored by Point Blue Conservation Science since 1997.¹ Monitoring has occurred on forests managed by Marin County Open Space District and Marin Municipal

¹ Point Blue Conservation Science. 2020. Marin County Spotted Owls.
https://www.pointblue.org/science_blog/marin-county-spotted-owls/

Water District. The National Park Service also closely tracks owl populations on federal lands.² Due to the sensitivity of this species, northern spotted owl nesting locations are typically kept confidential. However, the California Department of Fish and Wildlife (CDFW) maintains a database (CNDDDB) of reported nesting and activity centers for professionals. This database, background reports, Project site conditions, and surrounding land use composition were evaluated for the Initial Study to determine the potential for this species to be present within the Project site. As discussed in the Initial Study (page 55 and Table 4-2) the Project biologists determined that suitable northern spotted owl breeding habitat is not present within the Project site, and there is a very low likelihood of their occurrence outside of nesting given the Project site's current habitat composition (see Master Response 1) and surrounding land uses (e.g., presence of non-native trees, open habitat, residential setting).

According to the CNDDDB, the Project site is located 0.45 mile to the north of the nearest activity center³ for northern spotted owl. This activity center is located south of Muir Woods Road in an intact wooded drainage in Muir Woods National Monument. The nearest reported pair sightings are located 0.34 mile and 0.36 mile to south of the Project site in 2010 and 2011, respectively. There is a historic observation of an individual on Panoramic Highway at the edge of the Project site, but this sighting is from 1974.

The Project site is buffered from the recent activity center and adult pair sightings by residential development along Ridge Road and open grassland and scrub habitat to the south. There is a fragmented woodland located to the south of the Project site, but this wooded area is isolated from surrounding intact habitats that are likely to support northern spotted owl. Overall, habitat conditions both within the Project site and on adjacent privately held lands are not likely to support nesting northern spotted owl. Owls may forage, migrate, and temporarily roost in nearby forested areas, but nesting is unlikely.

Any future development within the Project site will be subject to Marin County Development Code §22.20.040 (F), Outdoor Construction Activities, Nesting Bird Protection Measures. These measures include pre-construction nesting surveys by a qualified biologist if construction is planned during the nesting season. If the biologist identifies a spotted owl nest within 500 yards of the proposed construction area, Project construction activities will be subject to the requirements of Development Code §22.20.040 (G), Outdoor Construction Activities, Northern Spotted Owl. These include seasonal limitations, disturbance-free buffer zones, and preconstruction surveys. These

² Ellis TD. 2018. Monitoring northern spotted owls on federal lands in Marin County, California: 2017 report. Natural Resource Report. NPS/SFAN/NRR—2018/1677. National Park Service. Fort Collins, Colorado

³ "Activity Center: Spotted owls have been characterized as central-place foragers, where individuals forage over a wide area and subsequently return to a nest or roost location that is often centrally-located within the home range" (Rosenberg and McKelvey 1999). Activity centers are a location or point within the core use area that represent this central location. Nest sites are typically used to identify activity centers, or in cases where nests have not been identified, breeding season roost sites or areas of concentrated nighttime detections may be used to identify activity centers" (U.S. Fish and Wildlife Service 2011)." Text from California Department of Fish and Wildlife. 2020. Spotted Owl Observations Database FAQs. Accessed at: <https://wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-FAQ>

measures are designed to reduce potential temporary construction impacts on northern spotted owl. The impact conclusion of less than significant for northern spotted owl remains the same as presented in the Initial Study.

Ringtail

Commenters note the presence of ringtail in the vicinity of the Project site. The ringtail is a CDFW fully protected species. Sightings for this species are not tracked in the CNNDDB despite its formal listing status; observations for this species are limited to anecdotal sightings and local observations. Based on the background document review and a lack of reported sighting, ringtail was not specifically identified as a special-status species in Table 4-2 of the Initial Study, but was considered under review of general wildlife impacts under Mitigation Measure BIO: 1 Special-status Wildlife and Habitat. To further address the comments pertaining to ringtail, this Master Response provides additional clarification on the potential for the Project to impact this species.

This species is known to occur in Marin County,⁴ where they are an uncommon permanent resident. They occupy riparian, forest, and scrub habitats and nest in tree hollows, logs, and other cavities. If local populations are present, suitable habitat may be present in the undeveloped areas within the Project site, including the wooded areas and drainages. No development is proposed in areas supporting naturally occurring native vegetation along the drainages. Wildlife, such as ringtail, migrating through the site along the drainages and residing in these locations would be protected from construction impacts through the SCA buffer areas and distance of the building envelopes from occupied habitat; see Master Response 1. Future development of the Project site would not impede use of the site drainages by ringtail or other wildlife species. The impact conclusion of less than significant for wildlife resources remains the same as presented in the Initial Study.

Summary and Conclusion

The Project would protect core habitat areas on the site through the establishment of the SCAs and WCAs. Both drainages and the seasonal wetland fall within these conservation areas. The conservation areas provide protection of aquatic resources and special-status species habitat by establishing a 100-foot buffer from the creek and wetland areas. The proposed stormwater management system (see Master Response 11), septic system (see Master Response 7), implementation of a construction Stormwater Pollution Prevention Plan (see Initial Study Section IV.10, Hydrology and Water Quality, topic c.i and Master Response 11) would ensure no sedimentation or contamination from the Project site. The Project would not result in significant impacts to sensitive aquatic or terrestrial species or their habitats within the Redwood Creek watershed.

None of the comments provide any new information that would change the Initial Study's conclusions regarding the potential for the Project to impact sensitive resources in the

⁴ Zeiner, D.C., et al. 1990. California's Wildlife, Volume III Mammals. State of California, The Resources Agency, Department of Fish and Game, Sacramento, CA.

Redwood Creek watershed. The impacts remain less than significant. Commenters have not provided substantial evidence to support a fair argument that the Project may have significant impacts on biological resources in the watershed. The only conclusion supported by evidence is a conclusion of less than significant.

Master Response 3: Potential Impacts of the Fire Road Grading on Biological Resources

Several commenters expressed concerns about biological resource impacts associated with the unpermitted grading work that took place on the Project site in 2014. Initial Study Section IV.4, Biological Resources evaluates potential impacts of the 2014 grading of the Fire Road on biological resources. As presented in Section IV.4, the Project would not result in a significant impact from the 2014 Fire Road grading. This Master Response provides additional clarification on the known site conditions and potential resource impacts. However, the impact conclusion of less than significant remains the same as presented in the Initial Study.

As described in the Initial Study, in 2014, the Applicant improved a section of the Fire Road near the lower gate in order to increase access for vegetation management and firefighting crews. The Fire Road, which existed prior to the grading, provides access to the lower part of the Project site via a gated entrance from Panoramic Highway, which also existed prior to the work in 2014. The improvement work was done without authorization from regulatory agencies, though the County later determined that a Grading Permit was required. The work involved placement of fill to raise and broaden the roadway. Based on a comparison of topographic surveys performed pre- and post-work, earthwork resulted in about 1,200 cubic yards of fill along the existing road. The work was completed during February and March. A small amount of grading work may have been completed during periods of rain in February, but the majority of the site work was completed during a dry period in March (based on a review of rainfall data and County inspections), as further described in Master Response 4. On March 26, 2014, a Notice of Violation was posted on the site and the owners were notified to stop all grading work and to stabilize the entire area. Erosion control features, including straw mulch, netting, and a silt fence, had already been installed on that date. The site was inspected by Marin County Department of Public Works (DPW) and the San Francisco Bay Regional Water Quality Control (RWQCB) and both agencies found the site to be stabilized, with satisfactory erosion control measures in place.

As described in the Existing Conditions discussion in Initial Study Section IV.4, Biological Resources, a biological assessment of the Project site was completed by LSA Associates in 2015⁵. This report references an earlier site reconnaissance report from 2009, but that report has not been located, and the 2015 report does not discuss changes in habitat conditions between the 2009 and 2015 survey periods. The LSA report notes that the area

⁵ LSA Associates, Inc., 2015. Reconnaissance-level Biological Assessment, 455 Panoramic Highway, Mill Valley, CA. Prepared for Daniel Weissman. October 9, 2015.

adjacent to the Fire Road contained plant species characteristic of wetlands and the wetland may be caused by septic leakage from the adjacent property. In October 2017, LSA conducted fieldwork for a formal wetland delineation of the area around the Fire Road.⁶ LSA delineated a small 180 square foot wetland on the uphill side of the Fire Road. The delineation was subsequently verified by the US Army Corps of Engineers (ACE).⁷ LSA found that the wetland supported hydrophytic vegetation (e.g., rabbit's-foot grass, Pacific rush, tall flatsedge), contained hydric soils (redox concentrations and dark topsoil), and had physical conditions to support hydrology. The adjacent upland sample point lacked wetland indicators.

While the site conditions prior to the unpermitted grading work were not formally documented, the Project site was assessed in the year following and, based on these observations, a small wetland area was likely present prior to work, though there is no documentation of the extent, hydrology, or biological features of a wetland at this location. Wetland impacts associated with grading and fill placement were not documented either, but may have included hydrologic alteration, removal of wetland vegetation, and/or filling directly into the wetland. Wetland vegetation removal, if it did occur, was likely to have been limited in extent, as a wetland area was observed in 2015, the feature that was delineated in 2017 is small (180 square feet), and areas immediately adjacent are currently dominated by upland plants and lack hydric soil indicators based on soil sampling in 2017.

Based on the timing of the work, there may have been some erosion and downslope movement of sediment in the immediate area surrounding the grading work. Based on photos of the Fire Road area in 2013 and 2014 (see Initial Study Figure 8 and figures in Master Response 4), areas downslope from the grading work were well-vegetated and not disturbed. These vegetated buffers likely protected the tributary stream and downstream resources from being affected from the work.

Lacking photographic or documentary evidence, the existence, size, and condition of any wetland feature, and the impacts of Fire Road grading on any wetlands and on downstream resources, are all speculative. There is evidence that any erosion and sedimentation impacts that may have occurred while the work took place did not continue, as erosion control measures, inspected and found to be adequate by the County and the RWQCB, were promptly installed.

Prior to grading work, the small wetland area, if it existed, may have supported habitat for native wildlife, specifically Sierran tree frog, a common amphibian species, and small invertebrate species; however, no evidence, such as a biological survey or photographs, has come to light that depicts or describes any wetland feature or its habitat value, if it did in fact exist. If tree frogs and other small wildlife were present during site grading, they

⁶ LSA Associates, Inc., 2018. Request for Verification of Preliminary Jurisdictional Delineation, 455 Panoramic Highway, Mill Valley, Marin County, California. Dated January 3, 2018.

⁷ U.S. Army Corps of Engineers (ACE), 2018. Letter to Mr. David Muth, LSA, Inc. Subject: File No. 2014-00097. Dated November 8, 2018.

could have been displaced, harmed, or killed. Because these are common wildlife species without regulatory protection, however, any impact of this kind would be less than significant, especially given the small amount of habitat that may have been present. The wetland is too small to support habitat for special-status aquatic species. Based on the timing of the work, impacts on nesting birds were unlikely.

There is no definitive evidence that a wetland existed at the site of the Fire Road prior to the grading, or, if it did exist, that it was disturbed during the grading work. Based on LSA's survey in the year after the grading took place, and the Initial Study biologist's observations of the site in 2019, the grading of the Fire Road has not had lasting adverse impacts on any wetland. There is no observed ongoing disturbance, such as erosion and sedimentation, affecting the existing wetland feature on the upslope side of the Fire Road or the Redwood Creek tributary downslope from the Fire Road (see Master Response 4). Since there is no baseline for comparison, quantifying impacts of the grading work, such as the area of wetland disturbed, if any; or the amount of sediment deposited in the tributary stream, if any, is not feasible. The evaluation of Fire Road grading impacts remains the same as presented in the Initial Study. The commenters have not provided substantial evidence to support a fair argument that the Project had, or continues to have, significant impacts on wetland and downstream resources; therefore, the conclusion remains less than significant.

Master Response 4: Potential Impacts of Fire Road Grading on Hydrology and Water Quality

The Initial Study considered the Applicant's past action of grading, culvert installation, and placement of fill associated with the grading of the Fire Road in 2014 to determine whether the impacts of these past actions would change the significance conclusions assessed for the proposed Project. A detailed description of the grading work, drainage improvements and ongoing maintenance implemented as part of grading the Fire Road is provided in Initial Study Section II, Project Description, page 12. Initial Study Section IV.10, Hydrology and Water Quality, beginning on page 97, presents an assessment of the potential impacts of the proposed Project on water resources-related issues, including potential impacts on water quality, altered drainage patterns, and erosion and sedimentation from the Fire Road grading. As presented in Section IV.10 of the Initial Study, the Project would not result in a significant impact related to water quality, altered drainage patterns, hydromodification, erosion and sedimentation, or flooding. This conclusion is not altered as a result of the past action of grading, culvert installation, and placement of fill associated with the Fire Road. Further changes to the Fire Road are not proposed as part of this Project, nor are they required as mitigation or to correct any identified ongoing impact, as described in detail below.

This Master Response responds to numerous comments that claim that the grading of the Fire Road changed drainage patterns, filled stream channels and wetlands, caused sedimentation of Redwood Creek downstream, and that the soil imported for the grading

work may have been contaminated, thereby presenting an ongoing threat to the environment. This Master Response provides additional details of the Fire Road grading work performed in 2014, the regulatory oversight and actions that occurred during and following construction activities, and potential impacts of the Fire Road grading relating to water quality, altered drainage patterns, and the placement of fill. The details provided below further support the conclusion reached in the Initial Study that the grading of the Fire Road did not result in a significant impact to hydrology and water quality. Master Response 3 responds to comments regarding potential impacts of the Fire Road on biological resources.

Fire Road Grading Activities

As described in the Initial Study (page 12), the grading of the Fire Road included placement of approximately 1,200 cubic yards of fill in 2014 to raise and broaden the roadway as well as the replacement of an existing culvert located under the Fire Road driveway apron and installation of a culvert under the Fire Road to improve drainage from upslope areas. Initial Study Figures 7 and 8, and Figures MR4-2 through 11, below, provide detailed drawings and photos documenting the pre- and post-grading topography, drainage features, and drainage improvements implemented as part of the Fire Road grading.

Regulatory Response

A Notice of Violation was issued on March 26, 2014, by Marin County Department of Public Works (DPW) for undertaking the grading work without a grading permit. Regional Water Quality Control Board (RWQCB) staff inspected the site following the Notice of Violation and determined that fill was not placed in Waters of the State (discussed in detail below), and that because the grading work involved less than one acre, no permit was required from the RWQCB. The primary concern of RWQCB and County staff at the time was the lack of implementation of Best Management Practices (BMPs) for reducing the mobilization and transport of pollutants associated with construction activities in stormwater runoff and for controlling erosion and sedimentation of disturbed soils.⁸ Following inspections by County and RWQCB staff during the time the grading was ongoing in March, the Applicant installed erosion control features, including straw mulch and netting, a tarp over the road surface, and a silt fence (Initial Study Figure 8 and Figure MR4-10, below).

No Evidence of Soil Contamination

Based on information provided to the County by the Applicant and the Applicant's contractor, the soil used as fill material to raise and widen the Fire Road came from

⁸ County correspondence between Bernice Davidson, DPW, County of Marin, and Xavier Fernandez, Senior Environmental Scientist, SF Bay Regional Water Quality Control Board, on May 24, 2018.

residential construction projects within Marin County, in Tiburon and Ross.⁹ Fill sourced from excavations on residential parcels have a very low probability of contamination. Use of uncontaminated fill for construction is common, plentiful, inexpensive, and easy to source. Contaminated soils, by comparison, are highly regulated and are usually taken directly from a remediation site to a licensed disposal facility. For these reasons, the County does not require testing of imported fill in processing a grading permit, unless there is reason to believe that the soil may be contaminated. County inspectors did not note any signs of contamination, such as odors or discoloration, during site inspections in March 2014 during and immediately following placement of the fill and RWQCB staff did not express concerns about contamination during site visits.¹⁰ Vegetation that has reestablished on the fill shows no signs of distress typical of contaminated soil. While several commenters expressed concern that the imported soil may have been contaminated, none have provided any evidence of this. All information in the record supports the conclusion that the soil was not contaminated.

No Substantial Alteration of Drainage Patterns

Several commenters claim that the Fire Road grading work altered drainage patterns, resulting in erosion and sedimentation of Redwood Creek. In particular, several commenters state that, prior to the grading work, drainage from Panoramic Highway above the Fire Road driveway entered the Project site at or near the driveway and flowed overland before entering the unnamed tributary to Redwood Creek downslope. Commenters state that the grading work involved installation of a culvert beneath the Fire Road driveway and diversion of drainage from above into a road ditch below the driveway, and from there, onto the Applicant's property and into Redwood Creek. Commenters claim that this caused erosion of the road ditch and creation of a gully where the ditch emptied onto the Applicant's property.

Prior to the 2014 Fire Road grading work, County inspectors visited the site on November 15, 2013 in response to a complaint received in connection with vegetation clearing of the Fire Road. No major grading activity and no import of fill had occurred at the time of inspection. The County inspector determined that a grading permit was not required for the work performed to date, and no violation was issued in connection with the vegetation clearing.¹¹ The County inspector took photographs of the site, thus documenting conditions just several months before the grading of the Fire Road took place (Figures MR4-2 through MR4-9). As documented by County inspectors, existing conditions prior to work on the Fire Road included a stormwater drainage ditch along the margin of Panoramic Highway that conveyed stormwater runoff from upgradient, past the Fire Road site via a culvert under the Fire Road driveway apron, and continuing in a roadside ditch

⁹ Personal communication (telephone), Dan Sicular, Sicular Environmental Consulting, with Berenice Davidson, Marin County Department of Public Works, February 13, 2020.

¹⁰ Ibid.

¹¹ County correspondence regarding the Weissman unpermitted grading record between Jason Wong, Senior Civil Engineer, Tamara Taylor, Environmental Planning, and Berenice Davidson, DPW, Marin County, dated January 31, 2020.

below the driveway. The ditch drained off the road a short distance below the Fire Road driveway (Figure MR4-7). Biological survey work undertaken by LSA Associates in 2015, the year after grading,¹² documented the presence of a well-defined gully where the road ditch emptied onto the Project site, establishing that it was already a well-developed erosional feature. The Fire Road grading included the replacement of the culvert beneath the driveway and improvements to the road ditch along Panoramic Highway below the driveway, including installation of rock lining in a portion of the ditch. This work appears to have been undertaken to correct the condition observed by the County in November, 2013, when the inspector document the limited function of the culvert due to filling with sediment (Figure MR4-2). All evidence in the record supports the conclusion that construction of the Fire Road did not result in substantially altered drainage patterns or redirected stormwater flow and did not cause erosion on-site or downgradient as compared to conditions prior to the Fire Road improvements. Commenters have provided no evidence to support their claims that the grading of the Fire Road caused such impacts.

No Evidence that Streams or Wetlands were Filled

Several commenters claim that the Fire Road grading filled a stream channel and wetlands, which they claim were present at the site, and that the grading work was therefore subject to permitting under federal and State law. As discussed in Master Response 3, however, prior to the Fire Road grading and placement of fill in March of 2014, there is no conclusive evidence that a wetland or other surface water feature existed at the site of the grading activity or in any area where fill was placed to broaden and raise the Fire Road. The Redwood Creek tributary that the site drains to does not extend as high as the location of the Fire Road. Channel features, including a defined bed and bank, begin approximately 50 feet downslope.¹³ Recent and historic maps and air photos do not show a stream, spring, or other wetland feature at this location.¹⁴ The National Wetland Inventory Map shows a riverine feature encompassing the unnamed tributary, but it terminates below the area affected by the Fire Road grading, as shown in Figure MR4-1. Following work on the Fire Road, including installation of the culvert, the Fire Road and the area immediately upgradient continue to drain to the downgradient tributary, as occurred prior to the Fire Road improvement.

In 2015, LSA observed a small wetland feature on the upslope side of the Fire Road, which they identified as a result of upgradient seepage becoming impounded in a small localized area behind the now raised Fire Road.¹⁵ LSA later identified the location of an undersized septic leach field immediately upslope, and stated that this is the most likely source of the

¹² LSA Associates, 2015.

¹³ Ibid.

¹⁴ USGS 1:62,500 Topo Map, Tamalpais Quad (1897); USGS 1:24,000 Topo Map, San Rafael Quad (1993); MarinMap GIS dataset from U.S. Fish and Wildlife Service National Wetland Inventory (NWI), January 31, 2020; Ziegler Civil Engineers, 2018, Historical Aerial Photographs 1946/1968.

¹⁵ LSA Associates, 2015.

seepage associated with the wetland feature developing in the present location.¹⁶ Photographs taken by County inspectors in November of 2013 (Figures MR4-8 and MR4-9) do not clearly show whether or not a wetland, or any other surface water feature existed in the vicinity of the Fire Road grading work prior to the placement of fill in March 2014.

As noted above, RWQCB staff determined during their inspection in March 2014 that fill was not placed in Waters of the State, confirming the observation of Marin County staff. At that time, both the CDFW and the ACE were contacted by County staff. Both agencies determined that they did not have jurisdiction of the site of the Fire Road construction activities¹⁷ and therefore the work did not require permits from these agencies (such as a Lake and Streambed Alteration Agreement or Clean Water Act 404 permit). In other words, the resource agencies with technical jurisdiction over stream and wetland features determined that no fill or grading occurred within the bed or bank of ephemeral or intermittent streams or wetlands, or otherwise affected surface waters subject to their jurisdiction. In conclusion, all evidence in the record supports the conclusion in the Initial Study that grading of the Fire Road did not result in the placement of fill in wetlands, streams, or other surface waters. None of the comments contains any substantial evidence to the contrary.

Erosion, Sedimentation, and Water Quality During and After Construction On- and Off-Site

Several commenters claim that the Fire Road grading work caused erosion of fill material, resulting in sedimentation of Redwood Creek, and adversely affecting water quality and aquatic habitat. The Initial Study, Section IV.10, Hydrology and Water Quality, concludes that the placement of fill during the Fire Road grading may have resulted in temporary and localized erosion and a short-term increase in sediment concentrations within downgradient receiving waters, but that these effects were short-term, not substantial, and therefore did not rise to the level of significance. Further examination of County and other records from the time of the grading work supports these conclusions.

Most or all of the Fire Road grading work took place during March of 2014. One commenter claims that the work began on February 27, 2014 (see comment W-29), but provides no evidence of this other than an undated photograph showing heavy equipment at the site and an area of bare soil. In any event, contemporaneous County staff communications indicate that the majority of the grading work took place between site inspections that occurred on March 8, when County staff observed only minor grading had occurred, and March 25. County records and photographs taken during a site inspection by staff from the Department of Public Works and the Stormwater Pollution Prevention Program on

¹⁶ LSA Associates, 2017. Results of Stream Conservation Area Assessment, 455 Panoramic Highway, Mill Valley, Marin County, California. Dated October 4, 2017.

¹⁷ Email correspondence between Bernice Davidson, DPW, County of Marin, and Xavier Fernandez, Senior Environmental Scientist, SF Bay Regional Water Quality Control Board, on May 24, 2018. Email correspondence between Bernice Davidson, DPW, County of Marin, and Dan Sicular, Sicular Environmental Consulting, on February 6, 2020.

March 25 show that, as of that date, the work had been completed, and adequate erosion control features were already in place (Figure MR4-10).¹⁸

As can be seen from the photos taken by County staff during inspections in late March, by this time no unprotected soil piles were evident, disturbed vegetation had been stabilized, erosion control features were in place, and there was no evidence of erosion downslope. A silt fence that had been installed at the toe of the slope separated disturbed areas from the vegetated, relatively undisturbed area downslope. The vegetated slope itself is an important observation: in the absence of channelized flow, a vegetated slope provides an effective buffer that captures eroded sediment before it can enter a stream channel. Rainfall records from the nearest representative weather station¹⁹ for March 2014 document that no rain fell between March 8, when County staff observed that only minor grading work had been occurred, and March 25, when the work had been completed and erosion control features were in place. The rainfall record shows that the last week in February and the first week of March were a wet period, but, per County staff's observations, only minor grading was conducted before March 8. All of the evidence, including County staff's contemporaneous communications and photographs, and the fact that no rain fell during the period when most of the grading work was completed, supports the impact conclusion presented in the Initial Study that no significant erosion or sedimentation of Redwood Creek or other downgradient receiving surface waters occurred as a result of the Fire Road grading. None of the commenters have provided any substantial evidence that significant erosion or sedimentation occurred, and therefore, the only conclusion supported by evidence in the record is that it did not.

Initial Study Conclusions of No Significant Impact are Confirmed

As discussed in Initial Study Section IV.10, Hydrology and Water Quality, and further described above, the work associated with the Fire Road has not substantially altered drainage patterns or redirected stormwater flows, has not resulted in additional impervious surfaces, and has not contributed to an increase in surface runoff such that hydromodification related impacts (i.e., erosion and sedimentation) have occurred on- or off-site. As described in detail in Section IV.10 under checklist topic a (Initial Study page 101) and checklist topic c.i (Initial Study page 107), erosion control features installed in 2014 remain effective in minimizing erosion and sedimentation associated with the Fire Road and vegetation has become established on the fill, stabilizing slopes and exposed soils such that there is no residual or ongoing significant impact relating to erosion, sedimentation, or degradation of water quality. Additionally, installation of a properly sized culvert under the Fire Road driveway apron, and rock lining within the Panoramic Highway stormwater ditch downgradient of the Fire Road driveway, likely has reduced ongoing

¹⁸ Email correspondence between Bernice Davidson, DPW, County of Marin, and Raul Rojas and Bob Beaumont, Marin County, on March 25, 2014.

¹⁹ MUIR WOODS, CA US USC00046027. NOAA National Environmental Satellite, Data, and Information Service. Rainfall data for March, 2014. Generated on 02/05/2020.

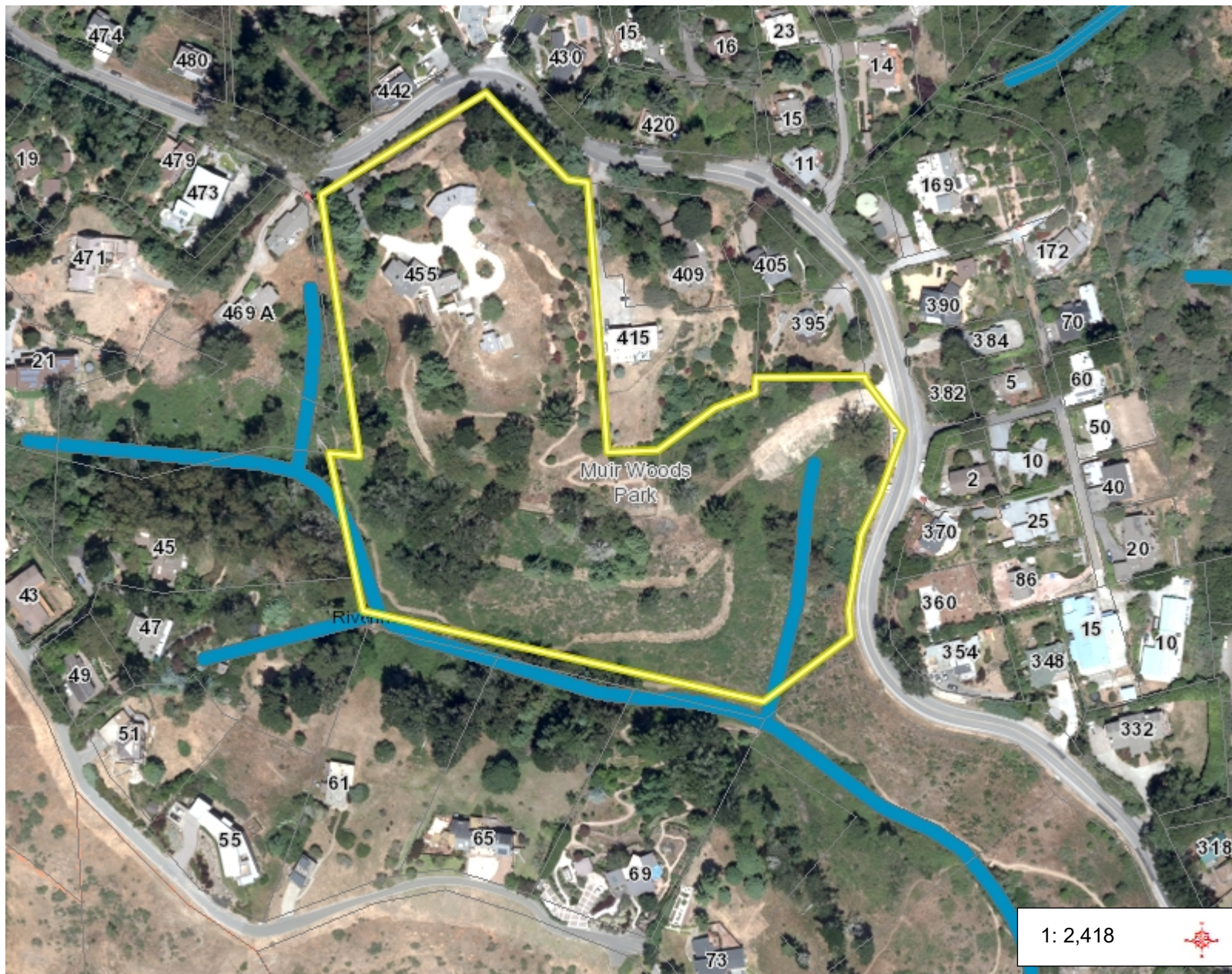
erosion of the road ditch, as compared to pre-construction conditions. As such, no mitigation is required or proposed. RWQCB and County staff determined in 2018 that removing the fill associated with the Fire Road would have no water quality benefit; removing the fill would remove the vegetation that is currently stabilizing the site, thereby opening the site to potential erosion and subsequent sediment discharges to downgradient receiving waters.²⁰

The comments that claim that the Fire Road grading impacted water quality and hydrology are unsubstantiated. None of the commenters provides any substantial evidence to support their claim that significant impacts occurred during or after the Fire Road grading. The only conclusion supported by evidence in the record is the one reached in the Initial Study: that the Project, including consideration of effects of the Fire Road grading, did not and would not cause a significant impact on hydrology and water quality.

²⁰ County correspondence between Bernice Davidson, DPW, County of Marin, and Xavier Fernandez, Senior Environmental Scientist, SF Bay Regional Water Quality Control Board, on May 24, 2018.



Figure MR4-1 - National Wetlands Inventory Map



Legend

Parcel Note

- easement
- centerline

Address

- Parcel
- Condominium Common Area
- Mobile Home Pad
- City
- Community
- Marin County Legal Boundary
- Other Bay Area County

Wetland (NWI)

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Other
- Lake
- Riverine

2014 Marin 6 inch

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1: 2,418



403.0 0 201.49 403.0 Feet

NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Aerial imagery is from 2014. Map creation date: March 5, 2020



Figure MR4-2: County inspection photo of Fire Road driveway, November 15, 2013



Figure MR4-3: County inspection photo of road ditch and Fire Road driveway, November 15, 2013



Figure MR4-4: County inspection photo of culvert at Fire Road driveway, November 15, 2013



Figure MR4-5: County inspection photo of road ditch below Fire Road driveway, November 15, 2013



Figure MR4-6: County inspection photo of road ditch below Fire Road driveway, November 15, 2013



Figure MR4-7: County inspection photo of road ditch draining onto Project site, November 15, 2013



Figure MR4-8 County inspection photo of Fire Road and gate, November 15, 2013



Figure MR4-9: County inspection photo of Fire Road, November 15, 2013



Figure MR4-10: County inspection photo of Fire Road after completion of grading work, March 25, 2014



Figure MR4-11: County photo of posting of Notice of Violation, March 28, 2014

Master Response 5: Potential Future Subdivision of the Project Site and Development of an Adjoining Parcel

This Master Response responds to several comments stating that proposed lot 3, which would be 5.12 acres if the Project is approved, could be further subdivided, and that this potential future subdivision should be considered part of the Project and analyzed in the Initial Study. Several comments also point out that the Applicant owns an adjoining parcel (APN 046-221-07) and state that development of this parcel should be considered a part of the Project and analyzed in the Initial Study.

As described in Initial Study Section II, Project Description, the Project involves approval of a tentative parcel map allowing subdivision of an existing 8.26-acre parcel into three lots. The approval would include delineation of building envelopes within each of the proposed new lots, to which future development would be restricted, consistent with the zoning. Because of the site zoning, future development would be subject to Design Review and the issuance of building permits, as described on pages 9-11 of the Initial Study.

Potential Future Subdivision of Proposed Lot 3

The Project, if approved, would not change the zoning of the Project site. The site zoning is RMP 0.5 (Residential, Multiple Planned District - 1 unit per 2 acres). This zoning would support future subdivision of proposed lot 3 into two lots. While this is a possibility, no current application has been made to accomplish it. Future subdivision would be subject to the same process that the current Project is subject to, including environmental review pursuant to CEQA for a land division; Design Review would be required for future development. Approval of the Project would not facilitate future subdivision in any way: the Project would not, for example, extend utilities to areas of proposed lot 3 outside the proposed building envelope, and the zoning would not change. While grading of the Fire Road in 2014 did improve access to portions of proposed lot 3, there was already a network of roads in place prior to the Fire Road Grading, and the existing gated entrance from Panoramic Highway was already in place. The grading did not substantially improve access, and did not affect the process that would be required to further subdivide this lot. The Fire Road grading therefore did not substantially increase the physical or regulatory ease of further subdividing proposed lot 3.

As there is no proposal to further subdivide the Project site, and the Project itself, including grading of the Fire Road, would not substantially facilitate further subdivision, this outcome is not a reasonably foreseeable consequence of Project approval, and therefore is not considered part of the Project reviewed in the Initial Study.

Potential Future Development of Adjoining Lot

The zoning of the adjoining lot owned by the Applicant is R1-B4 (single-family residential, minimum 6,000 square foot lot). The parcel is unimproved. A primary residence and an

accessory dwelling unit are principally permitted under the zoning. Design review is required under certain circumstances. There is currently no application on file for development of this parcel. Approval of the Project would neither enable nor facilitate its development, as it would not extend utilities to this parcel, provide access, or change its zoning. Development of the adjoining parcel is not a reasonably foreseeable consequence of Project approval, and therefore it is not considered part of the Project reviewed in the Initial Study.

Master Response 6: Consistency of the Project with Tamalpais Area Community Plan Policies and the TACP EIR

This Master Response responds to several comments claiming that the Project is inconsistent with policies contained in the Tamalpais Area Community Plan (TACP) and that it is subject to mitigation measures contained in the Environmental Impact Report prepared for the TACP.

The TACP was adopted by the Marin County Board of Supervisors on September 21, 1992. The TACP supports and reinforces the Marin Countywide Plan and is a reflection of the community's goals, objectives, policies, and implementation programs at the time the TACP was written. The purpose of community plans in general is to provide the Planning Commission and Board of Supervisors with a framework for making planning decisions in a designated area. The current Countywide Plan was adopted in 2007, and supersedes the TACP where the two documents overlap, such as land use designations and policies for protection of sensitive resources including streams, wetlands, and scenic ridgelines.

As the TACP was a Project under CEQA, environmental review was conducted on the TACP. The TACP Environmental Impact Report (EIR) evaluated potential environmental impacts resulting from implementation of the TACP. The TACP EIR was programmatic, and did not examine impacts at the level of individual parcels. Where impacts were identified and mitigation measures specified, those measures were incorporated into the final, adopted version of the TACP. The proposed Project is subject to the goals, policies and programs in the adopted TACP; however, given that mitigation measures were incorporated into the final version of the TACP, and also given the age of the analysis (nearly 30 years) and the fact that the TACP has been partially superseded by the current Countywide Plan (which was also the subject of an EIR), the TACP EIR has little relevance to this Project.

As discussed in Initial Study Section IV.11, Land Use and Planning, while the Initial Study provides an analysis of the Project's consistency with relevant TACP and Countywide Plan policies, it does not determine policy consistency. The County decision-makers make the formal policy consistency determinations. Policy inconsistencies may not necessarily indicate significant environmental effects. The State CEQA Guidelines §15358(b) states that "effects analyzed under CEQA must be related to a physical change [in the

environment].” Therefore, only those policy inconsistencies that would lead to a significant effect on the physical environment are considered significant impacts pursuant to CEQA. The Initial Study identifies no potential policy inconsistencies that would result in a significant impact to the environment. None of the comments contains evidence that the Project would conflict with TACP or Countywide Plan goals, policies, or programs, resulting in a significant adverse effect on the environment. Other policy issues not pertaining to physical changes will be addressed as part of the County’s review of the merits of the Project.

Master Response 7: Potential Impacts from Proposed Septic System Development

This Master Response addresses several comments that raise concerns regarding the proposed installation of septic system leachfields on the steeper hillslopes that flank the proposed building envelopes on the Project site. These concerns focus primarily on the potential for increased slope instability and surface water degradation of Redwood Creek.

The impact analysis of septic system suitability for the Project, as presented in Initial Study Section IV.7, Geology and Soils, topic e, relied on the subsurface exploration, percolation testing and sewage disposal system feasibility analysis and design conducted by Questa Engineering Corporation (Questa). Questa presented its findings in an onsite sewage disposal systems report, dated January 8, 2018.²¹ As required by the County, Questa also conducted a Cumulative Impact Assessment in conformance with procedures and evaluation criteria contained in Marin County Alternative Septic System Regulations, Section 807 - Cumulative Impact Assessment.²² The Cumulative Impact Assessment was approved by the County on November 18, 2019.²³ The Initial Study also relied on the assessment of Project site geotechnical conditions conducted by Herzog Geotechnical Engineers (Herzog), which included investigation of the underlying geology and slope stability and provided geotechnical design recommendations.²⁴ Herzog prepared a supplemental geotechnical update letter prepared in May 2018.²⁵ The Initial Study

²¹ Questa Engineering Corporation (Questa), 2018. Onsite Sewage Disposal Report for a Minor Subdivision (Dipsea Ranch Tentative Map). Questa Engineering Corporation. Prepared for Daniel Weissman, January 8, 2018.

²² Questa Engineering Corporation (Questa), 2019. Letter to Gwen Baert, Senior REHS and Rebecca Ng, Director Environmental Health Services. County of Marin re: 455 Panoramic Highway, Mill Valley. November 1, 2019.

²³ Marin County Environmental Health Services (MCEHS), 2019. Interdepartmental Transmittal from Gwendolyn Baert, Senior REHS to Sabrina Sihakom, Planner regarding Dipsea Ranch Land Division Weisman Project ID P1589, APN 046-161-11, 455 Panoramic Highway, Mill Valley. November 18, 2019.

²⁴ Herzog Geotechnical Consulting Engineers (Herzog), 2015. Preliminary Geotechnical Investigation, 455 Panoramic Highway (APN 46-161-11 & 46-221-07) Mill Valley California. Project No. 2147-02-15, November 3, 2015. Prepared for Daniel Weissman.

²⁵ Herzog Geotechnical Consulting Engineers (Herzog), 2018. Report Update - Preliminary Geotechnical Investigation, 455 Panoramic Highway (APN 46-161-11 & 46-221-07) Mill Valley California. Project No. 2147-02-15, May 1, 2018.

concludes that proposed septic system development would not result in a significant impact. The discussion below provides additional detail supporting this conclusion.

Slopes and Underlying Geologic Materials

Several commenters mischaracterize the geologic conditions underlying the steeper slopes at the Project site and suggest that only shallow soils cover non-porous bedrock. Slopes at the site range from 5 to 50 percent. The proposed septic leachfield systems would be placed below the proposed building envelopes on hillsides with average slopes of 40 percent. The southern slope, which would contain the leachfield for lot 3, extends downslope to Redwood Creek, while the eastern slope containing the leachfield for lot 2 extends downslope towards the east-southeast property line and Panoramic Highway. Geotechnical soil borings performed throughout the site²⁶ show that the geologic materials are composed of gravelly-clay-silt colluvium overlying bedrock that consists of highly weathered, non-metamorphosed sandstone and shale, consistent with typical Cretaceous rocks of the Franciscan Assemblage. Exploratory test pits excavated to assess soil conditions for the septic leachfield designs encountered sandy loam topsoil overlying fractured and soft weathered bedrock to maximum depths of 84 inches.²⁷ The results of the percolation tests, which were performed at each leachfield site, are indicative of the geologic materials identified through subsurface exploration on the Project site. All the percolation test results were favorable, ranging from 8.6 minutes per inch (MPI) (lot 1) to 46.8 MPI (lot 2) with an overall average of 22 MPI. These percolation rates are within Marin County standards (1 to 120 MPI) and are in accordance with the regulations for design, construction and repair of alternative sewage disposal systems.²⁸

Based on the geotechnical exploratory borings, test pits and percolation tests, the Project site slopes are covered by colluvial soils overlying highly fractured and weathered sandstone bedrock to a depth of at least 7 feet. Percolation rates through these colluvial and weathered bedrock soils are considered good and within County standards for alternative septic system leachfields. This runs contrary to comments that suggest that Project site slopes are covered with shallow soils and impervious bedrock and are otherwise unsuitable for septic leachfields.

Practicality of Placing Leachfield Systems on Steeper Slopes

Several comments express concern that the proposed placement of leachfields on the steeper hillside slopes at the Project site could cause slope and/or septic system failure leading to water quality degradation in Redwood Creek. Questa's septic system feasibility analysis and design addressed the challenges of placing leachfields on steep hillsides by

²⁶ Herzog, 2015.

²⁷ Questa, 2018.

²⁸ County of Marin, 2016. Marin County Regulations for Design Construction and Repair of Individual Sewage Disposal Systems. (Pursuant to Marin County Code Chapter 18.06) General Provision 308. Community Development Agency, Environmental Health Services. Adopted May 6, 2008, Corrected January 13, 2016.

recommending alternative septic systems where conventional septic/leachfield systems would not be appropriate for the site conditions. Similar to the alternative septic system design for the existing residence (lot 1), the septic/leachfield systems proposed for lots 2 and 3, would consist of a septic tank, a sand filter treatment system and a pressure-dosed leachfield. The septic tank and sand filters on lots 2 and 3 would be located near the building envelope on the more gradual slopes of the spur ridge and the associated leachfields would be located further away, below the building envelopes on the steeper slopes. Unlike conventional septic/leach systems that release water into the leachfields continuously and at uncontrolled rates, pressure dosing systems, such as those proposed for the Project site, periodically deliver a determined volume of effluent to the leachfield at a set frequency and rate, allowing for a period of resting and re-aeration in the soils between doses. Typically, doses are set to ensure that the saturated hydraulic conductivity of a particular soil type is not exceeded thus avoiding saturated soil conditions that could lead to slope failure.

While the leachfields proposed by Questa would be located on steep hillsides, Questa found no signs of slope instability such as scarps, seepage, hummocky terrain, or cracking of soil within the proposed leachfield or sand filter area. The leachfields are located on a convex slope where there is no concentration of drainage waters, as typically occurs in swales. No landslides are mapped in or near the proposed leachfield area. Based on the topography and the sandstone underlying the site, Questa concluded that the proposed leachfield system, if properly operated, would not create slope instability and would not create a public health hazard or jeopardize the proposed building site or contiguous properties.²⁹

Questa applied standard investigatory methods, including exploratory excavations and percolation testing, in conformance with County regulations to assess Project site conditions and, based on its findings, recommended a septic and leachfield design that could effectively operate under the existing soil and slope conditions to reduce the potential for septic system failure and potential slope instability.

Cumulative Analysis

As discussed in the Initial Study (page 83), Questa performed a Cumulative Impact Assessment, in conformance with the Marin County Alternative Septic Systems Regulations, Section 807, taking into account all existing and proposed septic systems within the Project site. The assessment consisted of a groundwater mounding and a nitrate loading analysis. The results of the analysis show a 2- to 5-inch rise in groundwater level at the downslope edge of each leachfield, which is within the required minimum water table clearance of 24-inches. The mounding analysis for the existing leachfield on proposed lot 1 shows a 2-inch rise in the water table at a point 100 feet downslope and adjacent to the existing leachfield easement for the residence at 469 Panoramic Highway. Questa concluded that the 2-inch rise in groundwater is within evaluation criteria and of

²⁹ Questa, 2018.

no consequence to the functioning of either existing septic system. The nitrate loading analysis shows a projected groundwater value of 4 mg-N/L, which is within the 10 mg-N/L criterion. Questa concluded that cumulative wastewater loading impacts were within regulatory limits and are of no significance.³⁰

Conclusion

Based on the proposed septic design and cumulative analysis, both of which were reviewed and found adequate both by the Initial Study preparers and Marin County Environmental Health Services, the Initial Study concludes that the proposed Project would not result in a significant impact from development and use of the proposed septic systems. None of the comments presents any new facts, analysis, or other substantial evidence to the contrary. Therefore, the only conclusion supported by substantial evidence in the record is the one reached in the Initial Study.

Master Response 8: Stream Classification

This Master Response responds to numerous comments that claim that the Initial Study has incorrectly classified on-site streams and drainages as ephemeral in a manner inconsistent with regulatory stream classifications, that description of the Project's environmental setting related to streams and wetlands is inconsistent with historic and current maps, and that additional regulatory protections would apply to the Project if streams and drainages were classified as either intermittent or perennial. Numerous comments also claim that the Applicant, in past attempts to seek clarification from the County regarding stream types on the property (as documented in email correspondence by one commenter; see comment W-135), has proposed insufficient protections to onsite aquatic resources. This Master Response provides additional details regarding hydrologic classifications of streams and the accuracy of setting information described in the Initial Study, the regulatory requirements related to the protection of aquatic resources as applied to varying stream types, and potential impacts of the Project relating to erosion, sedimentation, contamination, and water quality degradation of on-site streams and wetlands or downstream waterways. The details provided below further support the conclusion reached in the Initial Study, that implementation of the proposed Project would not result in significant impacts to on- or off-site aquatic features, including on-site streams, drainages, and wetlands.

The potential future development of newly created lots within the Project site is described in detail in the Initial Study (page 9). Initial Study Figure 6 depicts the "building envelopes" within which residences could be built; if the Project is approved, no development could occur outside of these building envelopes without further approval. The building envelope areas and other areas where construction could occur (e.g., staging areas, driveway, and septic areas) drain to two unnamed streams that are tributary to Redwood Creek (Initial Study page 15). The two unnamed streams flow along the western and eastern edges of

³⁰ Questa, 2019.

the Project site and meet just south of the property boundary (Initial Study Figure 4-1). All surface runoff, as well as shallow subsurface flows from the Project site and surrounding sub-watershed area, flow via the unnamed streams downstream approximately 0.8 miles to the confluence with Redwood Creek (Initial Study page 98). The Project site also supports two wetland features. A small area of wetland vegetation occurs along the western drainage that appears to be associated with a small landslide and a second wetland associated with a seep is located along the northern edge of the fire road (Initial Study page 59) where grading activities took place in 2014 (see Master Response 4).

The streams and wetlands on the Project site support sensitive aquatic habitat and the streams are bordered with established riparian vegetation (Initial Study page 58 and Master Response 1). Additionally, Redwood Creek supports special-status salmon and steelhead species (Initial Study page 15 and Master Response 2). Salmon and steelhead habitat, currently undergoing enhancement efforts within the watershed, occurs within reaches of Redwood Creek at the valley floor downgradient and well downstream of the confluence with the unnamed streams on the Project site (Initial Study page 105).

Stream classification terminology used to describe existing conditions throughout the Initial Study (e.g., “ephemeral stream”) is consistent with stream classifications used in regulatory plans by resource agencies that have technical jurisdiction over water resources and aquatic habitat, including the RWQCB and CDFW; and is also consistent with terminology used by the US Geological Survey (USGS) for the National Hydrography Dataset (NHD).³¹ The Marin Countywide Plan (CWP) states that “ephemeral channels are important for maintaining healthy watersheds. Perennial and intermittent streams provide more permanent aquatic habitat and serve as fish migration, spawning, and rearing habitat.” The CWP stream locations and classifications are based on the USGS NHD.³² The USGS defines³³ an ephemeral stream as “a stream or part of a stream that flows only in direct response to precipitation; it receives little or no water from springs, melting snow, or other sources; its channel is at all times above the water table.” The USGS defines an intermittent stream as “a stream that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow” and a perennial stream as “a stream that normally has water in its channel at all times.” The USGS classifies the drainage on the eastern portion of the Project site as ephemeral. The upper portion of the unnamed drainage on the western side of the Project site is classified as ephemeral where in closest proximity to potential future development on the newly created lots; the drainage then is classified as intermittent as it flows south towards the southern portion of the property. As described in the Initial Study (page 101), the Hydrologist who prepared

³¹ MarinMap GIS dataset from USGS National Hydrography Dataset (NHD) and National Wetland Inventory (NWI).

³² Marin County, 2013, Stream Conservation Area Ordinance Frequently Asked Questions. Accessed online on 2/28/20 at https://www.marincounty.org/~media/files/departments/cd/planning/sca/sca_frequently_asked_questions_05132013.pdf

³³ USGS Glossary of hydrologic terms previously defined in published USGS reports. Accessed online on 2/28/20 at: https://water.usgs.gov/water-basics_glossary.html

Section IV.10, Hydrology and Water Quality, conducted a site visit on March 14, 2019. Observations of the onsite streams and drainages were consistent with USGS stream classifications.

A detailed description of the surface water features described above is provided in Initial Study Section IV.4, Biological Resources, (page 42), which includes descriptions of special status plants and animals supported by the stream, as well as in Section IV.10, Hydrology and Water Quality (page 98). Initial Study Figure 4-1 depicts all streams and wetlands relevant to the Project site and does not distinguish between ephemeral, intermittent, or perennial classifications; all existing conditions related to streams, surface water features, and wetlands are described in the Initial Study and impacts to all of these features, regardless of hydrologic classification, are assessed for impacts from implementation of the Project (Initial Study Section IV.4 and Section IV.10).

Regarding County policies, the Project site is located within the Marin Countywide Plan's City-Centered Corridor and portions of the site are within defined SCAs (Initial Study page 3). Within the City-Centered Corridor, parcels greater than 2 acres in size have a minimum 100-foot development setback for ephemeral streams that support riparian vegetation for a length of 100 feet or more, intermittent streams, and perennial streams. Because the streams occurring on the Project site support riparian vegetation for lengths greater than 100 feet, and because the Project site is located within the City-Centered Corridor, future development within proposed lots 1 and 3, which would be greater than 2 acres, would be subject to the SCA 100-foot development setback. Proposed lot 2, which would be less than 2 acres, is not within 100 feet of any stream or wetland (Initial Study Figure 4-1). Wetlands are further protected under CWP Policy BIO-3.1, and also subject to a 100-foot development setback, as well as regulatory requirements of the ACE, RWQCB, and CDFW (Initial Study page 59).

The 100-foot development setback is the most protective of the SCA defined setback requirements; smaller setbacks of 20-foot and 50-foot can apply to parcels under 2 acres in size. Consistent with CWP Policy BIO-4.1, aquatic resources, including ephemeral, intermittent and perennial streams as well as wetland features, would be protected through the establishment of the defined SCAs (Initial Study Figure 4-1), which provide a 100-ft buffer within which no development or disturbance may occur. (Setbacks apply to future development, not existing improvements.) The SCA includes the creek itself and is measured from the top of the creek bank. The SCAs protect stream and streamside habitats from the impacts of new development by providing habitat for aquatic species, absorption of water, and distribution of flood waters (Initial Study page 61).

Altering the classification of a stream or drainage from ephemeral to intermittent would not alter the analysis of impacts or the associated impact conclusions presented in Initial Study Sections IV.4, Biological Resources, and or IV.10, Hydrology and Water Quality. A detailed assessment of impacts relating to the alteration of drainage patterns and surface water runoff volumes and flow rate is provided in Section IV.10 under checklist item c). As described, a hydrologic study was completed for the 37-acre sub-watershed that contains

the Project site which also considered potential changes to surface flows downgradient in the larger Redwood Creek watershed due to the presence of special-status salmonids and associated habitat. The hydrologic study assessed potential impacts from increased runoff and altered drainage patterns associated with implementation of the Project and the model results were incorporated into the engineering design for a proposed stormwater management system. The model analysis results presented in the hydrologic study, and incorporated into the impact analyses presented in the IS/MND following independent peer review by the Initial Study consultant team, demonstrate that the proposed Project would not increase peak discharge rates and stormwater volumes discharged from the Project site and that the proposed stormwater management system would mimic the pre-Project hydrology of the Project site (see Master Response 11). As such, the proposed Project would not result in hydromodification-related or water quality impacts, either on-site or downstream within the Redwood Creek watershed.

The proposed stormwater system is designed to meet or exceed the minimum standards required by and to be consistent with the goals and policies of State and federal water quality requirements, the CWP, Marin County Zoning, Marin County Development Code, the Tamalpais Area Community Plan, the Redwood Creek Watershed Assessment and "Vision for the Future," and the Recovery Plan proposed for the steelhead and Coho salmon of Redwood Creek (Initial Study page 111). Under the CWP, and consistent with CDFW classifications, the wetlands and riparian woodlands occurring on the Project site are designated as sensitive natural communities and are subject to the protections of the designated SCAs and associated 100-foot development setback buffer areas. The Project would not involve work within the riparian woodlands or wetland areas or within the 100-foot development setbacks (Initial Study page 58). As described in detail in Initial Study Sections IV.4, Biological Resources and IV.10, Hydrology and Water Quality, the established SCAs would protect aquatic resources and aquatic species on- and off-site and would ensure erosion, sedimentation, contamination, or water quality degradation of on-site streams and wetlands or downstream waterways is minimized and/or avoided during Project construction and operation. With incorporation of specified mitigation measures, impacts would be less than significant.

In conclusion, all evidence in the record supports the finding in the Initial Study that implementation of the proposed Project would not result in significant impacts to on- or off-site aquatic features, including on-site streams, drainages, and wetlands. None of the comments contains any substantial evidence to the contrary. Altering the classification of ephemeral streams located on the Project site and or requiring setbacks greater than 100 foot, even if it were justified by site conditions, would not alter the analysis or impact conclusions presented in the Initial Study.

Master Response 9: Calls for Deed Restrictions to Prevent Further Development

This Master Response responds to several comments that state that a deed restriction, conservation easement, or some other legal instrument should be imposed to prevent any additional development within the Project site outside the proposed building envelopes.

The Project site currently consists of one legal lot of record and approval of the Project would divide the existing lot into three lots, ranging in size from just under one acre to just over five acres, as shown in Initial Study Table 1. As discussed in Master Response 5, future land division and development of proposed lot 3 (5.18 acres) is possible as the RMP 0.5 zoning district has a maximum density of 1 unit per 2 acres. However, the proposed Tentative Parcel Map includes building envelopes that would contain future development. Any development outside the established building envelopes or future subdivision would require a new application for a revised Tentative Parcel Map, and, if approved, Design Review. These changes would require additional project-specific CEQA review prior to granting these approvals. The Initial Study assumes that future development would occur within the building enveloped established on the Tentative Parcel Map, as this is the only development that would be allowed if the Project is approved. While a deed restriction could be utilized to prevent future subdivision of Lot 3, the Initial Study does not identify any potentially significant impacts that would require mitigation of this kind. For example, Initial Study Section IV.11, Land Use and Planning, concludes that the Project would not physically divide an established community; cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; result in substantial alteration of the character or functioning of the community, or present planned use of an area; or conflict with applicable Countywide Plan designation or zoning standards. As no significant impact is identified, there is no nexus under CEQA to require a deed restriction to prevent future subdivision.

Master Response 10: Adequacy of the Initial Study and a Mitigated Negative Declaration

This Master Response responds to several comments that allege that the Initial Study is inadequate, incomplete, or misleading, and that state that an Environmental Impact Report (EIR) should be prepared for the Project in lieu of a Mitigated Negative Declaration. This Master Response refutes the claims of inadequacy and states why an EIR is not required.

The Initial Study is a disclosure document prepared pursuant to the CEQA Guidelines, Marin County Environmental Review Guidelines, and the current standards of practice for initial studies. It accurately describes the Project and provides an independent, objective, and thorough analysis of the potential for the Project to result in significant environmental effects. Conclusions are based on substantial evidence. The Applicant's commissioned studies, which are used as source materials in some of the impact analyses, have been

peer reviewed by the Initial Study preparers. The consultant preparing the Initial Study is under contract with Marin County, and has no financial or other ties to the Applicant and no interest in the Project, other than the contractual obligation to prepare an objective environmental review of it. There are no known factual inaccuracies and there is no attempt to mislead the reader in the Initial Study. None of the commenters identify any demonstrable inaccuracies, errors, or omissions in the Initial Study. Consideration of new information presented in the comments and from independent research conducted for this response to comments document support the significance conclusions reached in the Initial Study.

The Initial Study identifies several potential significant impacts of the Project. For each of these impacts, however, the Initial Study identifies feasible mitigation measures to reduce impacts to a less-than-significant level. The basis for concluding that the stated mitigation measures are effective in this regard are given for each identified significant impact. None of the comments provides substantial evidence that the identified mitigation measures would be inadequate. The Project Applicant has agreed to incorporate all mitigation measures into the Project. Mitigation monitoring responsibilities and procedures are provided for each stated measure in the Initial Study. Therefore, the conclusions reached in the Initial Study that all potentially significant impacts can and would be reduced to less than significant is supported by evidence in the record. None of the comments provides any substantial evidence to support a different conclusion.

An EIR is required for a project only if an Initial Study identifies significant impacts that cannot be reduced to less than significant. That is not the case with this Project. Therefore, a Mitigated Negative Declaration is the appropriate outcome of the Initial Study, and an EIR is not required.

Master Response 11: Rainfall Data and Stormwater System Design

This Master Response responds to numerous comments that claim that the Initial Study assessment of flood and water quality related impacts on- and off-site is based on rainfall data that underestimates potential rainfall amounts, and that underestimating potential rainfall could lead to impacts due to insufficient capacity of the proposed stormwater management system. This Master Response provides additional details regarding rainfall data relevant to the Project site considered in the Initial Study and the use of rainfall data in engineering studies that provide the basis for design of the proposed stormwater management system. Additionally, details are provided regarding the consistency of the proposed stormwater management system with regulatory requirements and required design criteria for storm duration and frequency and the associated representative rainfall data utilized. The details provided below further support the conclusion reached in the Initial Study that implementation of the proposed Project would not result in significant impacts related to on- or off-site flooding, erosion, sedimentation, contamination, and water quality degradation of on-site streams and wetlands or downstream waterways and

that stormwater conveyance infrastructure is adequately sized and in compliance with applicable regulatory standards.

Site Specific Hydrologic and Hydraulic Assessment

As described in the Initial Study (page 105), the Applicant's civil engineer, a California registered Professional Engineer, completed a hydrologic and hydraulic study (hydrologic study) for the proposed Project.³⁴ The hydrologic study assessed potential impacts from increased runoff and altered drainage patterns associated with implementation of the Project and the model results were incorporated into the engineering design for the proposed stormwater management system. The hydrologic study also considered potential changes to surface flows downgradient in the larger Redwood Creek watershed due to the presence of special-status salmonids and associated habitat. The preparer of Initial Study Section IV.10, Hydrology and Water Quality, peer-reviewed the hydrologic study for accuracy and to verify that methodologies and assumptions employed were defensible and appropriate and that the results were valid.³⁵

Where applicable, the results and findings of the hydrologic study are incorporated into the Initial Study analysis of the Project's potential environmental impacts. A detailed assessment of impacts relating to the alteration of drainage patterns and surface water runoff volumes and flow rate is provided in Initial Study Section IV.10 under checklist item c) (Initial Study page 102). The model analysis results presented in the hydrologic study, and incorporated into the impact analyses presented in the Initial Study, demonstrate that the proposed Project would not increase peak discharge rates and stormwater volumes discharged from the Project site and that the proposed stormwater management system would mimic the pre-Project hydrology of the Project site (Initial Study page 105). As such, the proposed Project would not result in hydromodification-related or water quality impacts such as flooding, erosion, and sedimentation on-site or downstream within the Redwood Creek watershed.

Representative Rainfall Data Used in the Hydrologic Study Model Analysis

Accurate hydrologic modelling requires rainfall characteristics that are representative of the study area (Initial Study page 105). The hydrologic study included a detailed review of the hydrologic characteristics of the Project site and associated sub-watershed area, including site specific rainfall characteristics relevant to the design of the proposed stormwater conveyance and management systems. As described in hydrologic study Section 2.5, Hydrologic Setting, Watershed, Watershed Sub-area and Climate, the mean

³⁴ Ziegler Civil Engineering, 2018a. Hydrology and Land Use Report (Dipsea Ranch Tentative Map). 455 Panoramic Way, (AP# 046-161-11) Mill Valley, California. Prepared on behalf of Daniel Weissman for the Marin County Community Development Agency. Revised September 4, 2018.

³⁵ Sutro Science, LLC., 2019. Peer Review of Applicant's Geotechnical, Hydrology and Onsite Sewage Disposal Reports, Dipsea Ranch Land Division Initial Study, Marin County, California. Prepared for Sicular Environmental Consulting. April 1, 2019.

annual precipitation at the Project site is 34 inches. The annual mean rainfall data is consistent with precipitation data for the site published on MarinMap as well as site specific data available via NOAA.³⁶ Hydrologic study section 2.12, Site Specific Climate and Storm Data, further discusses that annual rainfall is highly variable and can far exceed the annual mean of 34 inches and that annual rainfall data from the Mount Tamalpais climate data recording station, which records precipitation data representative of the Project Site, indicates that annual rainfall totals have ranged from 12.8 inches (2013) to greater than 100 inches (1983) over a greater than 100-year period of record. The characterization of site-specific rainfall in the hydrologic study is consistent with rainfall data recorded at the Muir Woods climate station,³⁷ which has recorded an annual mean of 37 inches with rainfall totals ranging from a low of 16.8 inches in 1976 to a high of 69 inches in 1983 for a similar period of record.

Rainfall data submitted as part of various comments summarizing rainfall from the Lake Lagunitas climate monitoring station, showing annual average rainfall of 52 inches, ranging from a low of 19 inches to a high of 112 inches for a similar period of record is not representative of rainfall characteristics at the Project site based on location. Lake Lagunitas is located approximately 4 miles north-east of the Project site on the northern side of the ridgeline of Mount Tamalpais. The Mount Tamalpais climate monitoring station is located approximately 2 miles west of the Project site, on the same side of the ridgeline as the Project site. The Muir Woods climate monitoring station is located less than 0.5 miles south-east of the Project site, within the Redwood Creek watershed. The Mount Tamalpais station and the Muir Woods station are thus more representative of the Project site.

Storm frequency, intensity, and duration data for a 100-year period of record from the Mount Tamalpais climate monitoring station, the station most representative of the Project site, were used as part of the model analysis for determining stormwater system infrastructure design,³⁸ including sizing of individual components (such as culverts, bioswales, and cisterns). To correlate the model to site-specific conditions and ensure the accuracy of design parameters, the preparer of the hydrologic study conducted field measurements of runoff to verify model results. The model results correlated well with measured field conditions (see hydrologic study Section 5.2, Hydrology Model Correlation and Verification). The storm data, hydrologic analysis, and the hydraulic calculations performed are described in detail in the hydrologic study and accompanying appendices.³⁹ Field verification of modeling results represents substantial evidence of the applicability of the modeling to site conditions, and provides a high level of confidence in the use of modeling results for stormwater system design.

³⁶ Ziegler Civil Engineering, 2018a.

³⁷ Western Regional Climate Center, 2020. Period of Record General Climate Summary – Precipitation, Station: (046027) Muir Woods, from year 1940 to 2012. Table updated on Oct 31, 2012. Accessed online on 03/02/20 at <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6027>

³⁸ Ziegler Civil Engineering, 2018a.

³⁹ Ibid.

Stormwater System Design Criteria

For stormwater control and mitigation, the storm duration and intensity for stormwater system design is defined in the Phase II Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for small Municipal Separate Storm Sewer Systems (MS4) and has been adopted by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) as the minimum design standard (Initial Study page 105 and Table 10-1). MCSTOPPP requires consideration of a design storm intensity of 0.2 inches/hour for applicable projects in Marin, independent of site specific annual mean rainfall totals, to calculate a conservative treatment volume for stormwater runoff from a project site. A storm of this intensity is associated with peak potential stormwater pollution and pollutant transport. As assessed in detail in Initial Study Section IV.10, Hydrology and Water Quality, topic c, the proposed Project design for stormwater management is consistent with MCSTOPPP requirements.

In addition to the MCSTOPPP minimum design standard, due to the size of the Project, MS4 criteria for hydromodification (Provision E.12 of the MS4 Permit, Initial Study page 99) also applies to the design of the stormwater system (Initial Study Table 10-1). The hydromodification standard requires that post-Project peak runoff flow rates do not exceed those for pre-Project conditions. Stormwater components must be sized sufficiently to capture the 85th percentile storm volume⁴⁰ from a 2-year 24-hour storm. This represents a very high standard for stormwater management. To design a system consistent with the hydromodification standard, the model analysis included consideration of the rainfall depths and associated runoff from the 2 year 1-hour storm (0.64 inches), the 2 year 24-hour storm (3.38 inches), and the 100 year 24-hour storm (8.73 inches) to determine peak runoff rates and total volume generated during design storms.⁴¹ The hydrology of the sub-watershed area was modelled in the pre- and post-Project condition for the design storms, consistent with regulatory requirements and utilizing representative rainfall data, to ensure that the stormwater management system was designed and sized appropriately for the proposed and foreseeable level of development at the Project site (Initial Study page 105).

Conclusion

Hydrologic study results show that the proposed Project would not increase peak discharge rates and would not increase stormwater volumes discharged from the Project site (Initial Study page 106). The proposed stormwater management system would mimic the pre-Project hydrology of the Project site and would slightly decrease overall the peak discharge rate for the sub-watershed area (Initial Study Table 10-2). The proposed Project

⁴⁰ Percentile analysis is based on representative rainfall data for the Project site assessed and determines a data value for a specified percentage. For example, if the 85th percentile rainfall depth is analyzed and a value of 1.00 inches is determined, 85 percent of all rainfall events produce 1.00 inch or less of precipitation. The analysis includes 24-hour periods with measurable rainfall and excludes all other 24-hour periods.

⁴¹ NOAA and the National Weather Service, as well as Marin County, maintain rainfall statistics and data sets for storm events. Adapting rainfall data to derive design storm characteristics for the hydrologic model is based on statistical analysis of the 100+ year record of historical rainfall data representative of the site (Section 4.4, Ziegler Civil Engineering, 2018a).

is consistent with applicable regulatory stormwater standards for development and would not result in flooding or hydromodification-related impacts on-site or downstream. The proposed design elements for stormwater capture, treatment, storage, conveyance and drainage routing are sized appropriately for calculated peak discharges associated with the required design storms and incorporate representative rainfall data for the Project site as well as regulatory requirements that specify design storm parameters independent of site specific rainfall characteristics. Additionally, the stormwater system has been designed, based on engineering and model analysis, to ensure hillside, channel, and culvert stability for the 100-year/24-hour design storm.

In conclusion, all evidence in the record supports the conclusion in the Initial Study that implementation of the proposed Project would not result in significant impacts on- or off-site related to altered drainage patterns, hydromodification, erosion and sedimentation, water quality, or flooding. None of the comments contains any substantial evidence to the contrary.

3. Comment Letters and Individual Responses



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

A

January 29, 2020

FEB 4 2020 AM 9:52 Planning

Tammy Taylor
Marin County
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Subject: Weissman (Dipsea Ranch) Land Division Mitigated Negative Declaration
SCH#: 2019129035

Dear Tammy Taylor:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 1/28/2020, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

1 Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019129035/2> . Should you need more information or clarification of the comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

2019 SCH# 9129035

Project Title: Weissman (Dipsea Ranch) Land Division Mitigated Negative Declaration

Lead Agency: Marin County Community Development Agency

Contact Person: Tammy Taylor, Environmental Planning

Mailing Address: 3501 Civic Center Drive, Room 308

Phone: (415) 473-6269

City: San Rafael

Zip: 94903

County: Marin

Project Location: County: Marin

City/Nearest Community: Tamalpais/Mill Valley

Cross Streets: Panoramic Highway and Kent Way

Zip Code: 94941

Longitude/Latitude (degrees, minutes and seconds): 37 ° 53 ' 55 " N / 122 ° 33 ' 45 " W Total Acres: 8.29

Assessor's Parcel No.: 046-161-11

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: Panoramic Highway

Waterways: _____

Airports: _____

Railways: _____

Schools: _____

Document Type:

CEQA: ☐ NOP

☐ Early Cons

☐ Neg Dec

☒ Mit Neg Dec

☐ Draft EIR

☐ Supplement/Subsequent EIR

(Prior SCH No.) _____

Other: _____

NEPA: ☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

Other: ☐ Joint Document

☐ Final Document

☐ Other: _____

Local Action Type:

☐ General Plan Update

☐ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Rezone

☐ Prezone

☐ Use Permit

☒ Land Division (Subdivision, etc.)

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☐ Other: _____

Development Type:

☒ Residential: Units 3 Acres 0-5 acres

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☐ Commercial: Sq.ft. _____

Acres _____

Employees _____

☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Educational: _____

☐ Recreational: _____

☐ Water Facilities: Type _____

MGD _____

☐ Transportation: Type _____

☐ Mining: Mineral _____

☐ Power: Type _____

MW _____

☐ Waste Treatment: Type _____

MGD _____

☐ Hazardous Waste: Type _____

☐ Other: _____

Project Issues Discussed in Document:

☐ Aesthetic/Visual

☒ Agricultural Land

☒ Air Quality

☐ Archeological/Historical

☒ Biological Resources

☐ Coastal Zone

☐ Drainage/Absorption

☐ Economic/Jobs

☐ Fiscal

☐ Flood Plain/Flooding

☐ Forest Land/Fire Hazard

☐ Geologic/Seismic

☐ Minerals

☒ Noise

☐ Population/Housing Balance

☐ Public Services/Facilities

☐ Recreation/Parks

☐ Schools/Universities

☐ Septic Systems

☐ Sewer Capacity

☐ Soil Erosion/Compaction/Grading

☐ Solid Waste

☐ Toxic/Hazardous

☐ Traffic/Circulation

☐ Vegetation

☐ Water Quality

☐ Water Supply/Groundwater

☐ Wetland/Riparian

☐ Growth Inducement

☐ Land Use

☐ Cumulative Effects

☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

RMP-.05 (Residential, Multi-family Planned Zoning District, 1 unit/2 acres), PR Planned Residential

Project Description: (please use a separate page if necessary)

The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. Residential development currently exists at the property and access to the site is proposed to be provided via the existing entry driveway at 455 Panoramic Highway. The project includes a proposal to install two new on-site sewage disposal systems to serve Lots 2 and 3. Water service would be provided by the Marin Municipal Water District (MMWD). The project also includes the incorporation of a storm water management plan that utilizes a system of storm drains, cisterns and bioswales to address runoff.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".

If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input checked="" type="checkbox"/> Caltrans District #4	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Central Valley Flood Protection Board	<input checked="" type="checkbox"/> Regional WQCB #2
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input checked="" type="checkbox"/> Fish & Game Region #3	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	<input checked="" type="checkbox"/> Other: U.S. Army Corps of Engineers
<input type="checkbox"/> Housing & Community Development	<input checked="" type="checkbox"/> Other: National Marine Fisheries Service
<input type="checkbox"/> Integrated Waste Management Board	
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date December 12, 2019

Ending Date January 13, 2020

Lead Agency (Complete if applicable):

Consulting Firm: Sicular Environmental Consulting & No

Applicant: Dan Weissman

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Contact: Dan Sicular

Phone: _____

Phone: _____

Signature of Lead Agency Representative: 

Date: 12/10/2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Letter A. State Clearinghouse – Governor’s Office of Planning and Research

- A-1 This letter from the State Clearinghouse acknowledges that Marin County has fulfilled the circulation requirements for the Initial Study/Draft Mitigated Negative Declaration.
- A-2 The Notice of Completion (NOC) is the transmittal that was sent by the County to the Clearinghouse.
- A-3 The second page of the NOC includes the County’s recommendations for distribution to State agencies. The final decision on which State agencies receive the document, however, is made by the State Clearinghouse. In addition to distribution by the State Clearinghouse, the County also distributed notification of availability of the Initial Study to local agencies, individuals, and organizations known or thought to have an interest in the Project. The County’s distribution list is included in this document as Appendix A.

Taylor, Tammy

From: LAURA CHARITON <laurachariton@comcast.net>
Sent: Friday, December 13, 2019 9:32 AM
To: Taylor, Tammy; Crawford, Brian
Cc: Nona Dennis; Rodoni, Dennis; kristinshannon@gmail.com; Kutter, Rhonda; Judy Schriebman; Amy Meyer; Alan Carlton; Susan Stompe; Mia Monroe; Joyce Britt; nik@bertulis.com
Subject: Extension on Weissman (Dipsea Ranch) Land Division Update

RE: Weissman (Dipsea Ranch) Land division Update Public comment period

Dear Tammy,

In case you were not aware, the County has given respondents only 30 days during the height of the holiday season to publicly comment on a Mitigated Negative Declaration (Dipsea) Land Division on the Weissman Project at 455 Panoramic Hwy, Mill Valley 94941, affecting State Parks, GGNRA and containing Redwood Creek (endangered coho salmon) headwaters, etc. We are concerned that this particular selected time period will impact our ability to properly review the project.

We are, therefore, asking for an immediate extension to at least 45-60 days so as not to impact the holidays.

Thank you for your consideration.

Sincerely,

Laura Chariton

watermarin.org (501) C3

446 Panoramic Hwy. Mill Valley, CA 94941
 415 234-9007 cell 415 855-5630

Weissman (Dipsea Ranch) Land Division Update ----- Original Message -----

From: Marin County Subscriptions <camarin@public.govdelivery.com>

To: watermarin@comcast.net

Date: December 12, 2019 at 11:20 AM

Subject: Weissman (Dipsea Ranch) Land Division Update

Greetings Subscribers,

Please know that a Notice of Availability has been released for a Mitigated Negative Declaration on the Weissman (Dipsea Ranch) Land Division Project. For more information about the Mitigated Negative Declaration or to access and review the document, please visit the environmental project webpage, via this [link](#).

Please know that the comment period commences today, December 11, 2019, and ends on **Monday, January 13, 2020 at 4:00 p.m.** Commenters are advised to mail written comments to the attention of Tammy Taylor,

Letter B. Laura Chariton

- B-1 Marin County Community Development Agency, the Lead Agency for the Project, extended the close of the public comment period from January 13 to January 28, 2020.

Taylor, Tammy

From: Dr Lonniebarbach <drbarbach@lonniebarbach.com>
Sent: Saturday, December 14, 2019 4:17 PM
To: EnvPlanning
Subject: Weissman project opposition

To whom is involved in this redecision,

1 Please note that issues regarding this property have already been decided as a result of much heated debate and hard won community participation. I live directly across Panoramic Hwy from this property. These decisions should not be amended nor overturned! Here is what was decided to refresh your memories:

the "decision" at end of meeting May 2018::

"

7. Board Decisions and Findings;

2 A) Motion to approve project with the following conditions:

1. Fire road, if it remains, shall be used for fire access only.

3 2. A deed restriction be placed on the 5 acre parcel to assure that it will not be subdivided in the future.

4 3. AM motions, LL seconds, 4-0 Unanimous Apprpoval

B) Merit comments:

5 1. County staff should conduct a thorough environmental review of the potential impact on the Redwood Creek watershed, especially with regard to proposed septic systems.

6 2. Staff should ascertain whether the applicability of Development Code 22.16.030 F2 (Development near ridgelines) to future building on the lots should impact approval of this subdivision. It appears that developing improvements within the building envelopes shown in the application which comply with this provision will be a challenge. ""

7 I oppose any changes to these decisions.

Sincerely,

Lonnie Barbach, Ph.D.

60 Palm Way

Mill Valley, CA 94941

Letter C. Lonnie Barbach

C-1 The commenter is referring to the advisory decisions and comments on the Project by the Tamalpais Design Review Board on May 2, 2018, which are reproduced from the minutes of that meeting in the following comments.

C-2 While the minutes purport to “approve the Project with the following conditions,” the Tamalpais Design Review Board does not have the authority to approve or deny the Project that is the subject of the Initial Study, that is, the proposed land division of the Dipsea Ranch property, as described in Section II, Project Description in the Initial Study. That authority rests with the County Planning Commission and, if their decision is appealed, with the Board of Supervisors.

The Project does not propose to develop the Fire Road or alter it or use it beyond its current condition and use.

C-3 The Tamalpais Design Review Board does not have the authority to place a deed restriction on a legal parcel. The Project proposes to divide the existing 8-acre parcel into three parcels. The Project analyzes potential future development of the three parcels, consistent with the site zoning and other regulations. Please see Master Response 9.

C-4 Please see the response to comment C-2, above.

C-5 The Initial Study is consistent with and fulfills this recommendation. CEQA requires the County to conduct environmental review for projects that are subject to its discretionary approval. For potential impacts on the Redwood Creek watershed, please see Master Response 2. For potential impacts of proposed septic system development, please see Master Response 7.

C-6 As noted on page 3 of the Initial Study, The Project site is not within a Ridge and Upland Greenbelt Area, as designated in the Marin Countywide Plan. Consistency of the Project with County policies to protect designated Ridge and Upland Greenbelt areas from incompatible development are discussed in Initial Study Section IV.1, Aesthetics, and Section IV.11, Land Use and Planning. The Initial Study finds no inconsistency with these policies or potential impact on visual quality of or views of designated Ridge and Upland Greenbelt areas. If the Project is approved, future development of the newly created lots will be the subject of further approvals by the County, including Design Review. Consistency of future proposed developments with the cited Development Code section (now changed to Section 22.16.030.D.2 -Development Near Ridgelines) would occur at that time.

C-7 Please see the response to comment C-2.

Taylor, Tammy

From: David Flanth <david@flanth.com>
Sent: Sunday, December 15, 2019 9:50 PM
To: EnvPlanning
Subject: Dipsea Land Review Project

1 [In view of the previous decision regarding the project in question, the decision has long ago been made after much deliberation, community feedback, etc. in May of 2018. The stipulations in the Board's unanimous decision at that time were clear and specific. We expect that decision to be carried out as stipulated in all its details. We expect the rules to be followed and abided by and see no reason to revisit the Board's findings. I protest this latest attempt by the Weissmans to find a way to circumvent the position, needs and valid concerns of the surrounding community, as well as revisiting the decisions the Board made in 2018. Sincerely, David Geisinger. 60 Palm Way

Letter D. David Geisinger

D-1 Please see the responses to comments C-1 and C-2.

Taylor, Tammy

From: Jerry Cahill <jcahill@calfox.com>
Sent: Tuesday, December 17, 2019 5:49 PM
To: EnvPlanning
Subject: Dipsea Ranch updated EIR

1 I Where do you look to see what has changed in this revision.

Jerry Cahill

Email: jcahill@calfox.com

Direct tel 415-464-3664

Mobile 415-264-0647

Letter E. Jerry Cahill

- E-1 The comment is unclear, but appears not to address the environmental analysis in the Initial Study. The Initial Study released on December 10, 2019, is the only one that the Marin County Community Development Agency has released for the Project, so there is no “revision.”

Taylor, Tammy

From: PGE Plan Review <PGEPlanReview@pge.com>
Sent: Tuesday, December 17, 2019 11:58 AM
To: EnvPlanning
Subject: 455 Panoramic Highway - P1589 & P2314
Attachments: Initial_Response_Letter_12.17.19.pdf

Dear Ms. Taylor,

Thank you for submitting the 455 Panoramic Highway - P1589 & P2314 plans. The PG&E Plan Review Team is currently reviewing the information provided. Should we find the possibility this project may interfere with our facilities, we will respond to you with project specific comments on or prior to the provided deadline.

Attached is general information regarding PG&E facilities for your reference. **If you do not hear from us, within 45 days, you can assume we have no comments at this time.**

This email and attachment does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Thank you,

Plan Review Team
6111 Bollinger Canyon Rd., 3rd Floor
Mail Code BR1Y3A
San Ramon, CA 94583
pgeplanreview@pge.com

*****This is a notification email only. Please do not reply to this message.***



December 17, 2019

Tammy Taylor
Marin County
Environmental Planning

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Taylor,

2 Thank you for submitting 455 Panoramic Highway - P1589 & P2314 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

3 Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

4 1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

5 2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

6 3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

7 Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



8
cont.

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



8
cont.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Letter F. Pacific Gas and Electric (PG&E)

- F-1 To date, no additional comments have been received from PG&E regarding the potential for the Project to interfere with PG&E's facilities. The Initial Study, Section IV.19, Utilities and Service Systems, examines the potential for the proposed Project to affect existing utilities, including gas and electric lines, and concludes that such impacts would be less than significant.
- F-2 Please see the response to comment F-1.
- F-3 The attachments to PG&E's letter provide important safety information regarding construction near PG&E's gas and electrical facilities. They do not specifically address the Project or the Initial Study.
- F-4 The comment provides information on applying for PG&E gas and electrical service, and does not specifically address the Project or the Initial Study.
- F-5 Please see the response to comment F-4.
- F-6 Please see the response to comment F-4.
- F-7 Please see the response to comment F-4.
- F-8 Please see the response to comment F-3.

Taylor, Tammy

From: B Ayling <bvayling@gmail.com>
Sent: Wednesday, December 18, 2019 11:52 AM
To: EnvPlanning
Subject: Weissman Land division P 1589

Dear envplanning and Sabrina Sihakom,

I have reviewed your recommendation for a Mitigated Negative Declaration regarding the Weissman land division.

- 1 [This issue has been going on for some years, with several Community Boards having hosted the applicant with previous
 2 [planning personnel in attendance. Though I understand these boards' findings are not binding on your decision, you
 3 [seem to have not considered any of their conclusions and findings. Please consider that the overwhelming majority of
 4 [local residents and neighbors object to and disagree with a Mitigated Negative Declaration.
- 5 [Although a lot of time has passed, no amount of time will remove the damage already done to the area impacted by
 6 [Weissman's ill advised, illegal actions and bad faith declarations. Only having Weissman undo the damage will work.
 The neighbors and others affected by this potential development have not forgotten how they were treated and how
 they will be affected by future building.
- 4 [Without reciting all the information in your files and as an example you can see today (and whenever it rains), the water
 flow diverted by the illegal road is creating erosion along the side of Panoramic Highway.
- 5 [In an age where powerful and wealthy people seem to be able to do whatever they want regardless of the laws and
 6 [requirements that apply to the rest of us, I urge you to reconsider this finding and to require the applicant to restore the
 property to its' condition before he illegally built the road and dumped fill that adversely affects Redwood Creek.

Thank you for the consideration.

Bernard Ayling
 50 Palm Way
 Mill Valley, CA 94941

copy sent to Sabrina Sihakom via Marin County server

Letter G. Bernard Ayling

- G-1 The commenter's reference to "Community Boards" appears to refer to the Tamalpais Design Review Board. The commenter is correct that the Design Review Board's decision regarding Project approval and Project conditions is not binding; please see the response to comment C-2.
- G-2 Marin County is obligated under the California Environmental Quality Act (CEQA) to undertake environmental review of projects subject to the County's discretionary approval. If a project is found not to have the potential for significant environmental impacts, or to have impacts that can all be mitigated by specified measures agreed to by the Applicant, then a Mitigated Negative Declaration is the appropriate mechanism for CEQA compliance. Such is the case with the current Project.
- G-3 This comment is unclear, but may be addressing the unpermitted work on the Fire Road. Please see Master Responses 3 and 4.
- G-4 Please see Master Response 4.
- G-5 This comment addresses the merits of the Project, not the environmental analysis.
- G-6 The Initial Study finds that the Project, including the Fire Road, would not have an impact on Redwood Creek's hydrology, water quality, or biological resources. Please see Master Responses 3 and 4.

From: louette@colombano.com
Sent: Sunday, December 22, 2019 10:32 AM
To: EnvPlanning
Subject: Dipsea Ranch

Louette Colombano would like information about:

1 I am still opposed to this project even though it has been downsized. I don't feel it is in the best interest of our
2 neighborhood to build another development.. It is located adjacent to the Dipsea trail, Mount Tam State Park, and Muir
3 Woods National Park; an extremely environmentally sensitive location and one of the most visited tourist destinations,
4 arguably, in the world.

5 This area is already at over capacity for vehicular traffic and subject to frequent road closures due to accidents, fallen
6 trees, and slides. Tam junction, Shorleine Highway, and parts of Panoramic are gridlocked every weekend and all
7 summer long. Some residents can't even get out of there own driveways. Those are the only roads in and out and there
8 is no way to widen or add roadways. Each new home will add numerous vehicles to the area for deliveries,
9 housekeepers, gardeners, etc. it's just getting to crowded up here.

10 Then the there's the sewer issue. Most of southern Marin's sewer agencies have failed miserably. Storm runoff has
11 polluted the bay and watersheds, adding more hookups will only exacerbate that. Besides, two of the sewer treatment
12 plants are predicted to be underwater at some point as the sea is rising more and more. See IJ article :
13 <https://www.marinij.com/2017/04/17/marin-ij-editorial-growing-local-public-awareness-about-sea-level-rise/>

14 Also, there's the fire issue. Evacuation is already unimaginable and the idea of adding more homes on or near already
15 overburdened roads is bad planning. I find the traffic survey that was submitted to be flawed and unrealistic.

16 Please, let's not let developers build oversized homes that may end up as Air BnB's used as unlicensed hotels. There are
17 already a few up here that have caused problems.

18 Let's keep this area the bucolic neighborhood that it deserves to be,

Respectfully, Louette Colombano
62 Monte Cimas Avenue.
Mill Valley, CA

Letter H. Louette Colombano

H-1 This comment addresses the merits of the Project, not the environmental analysis.

H-2 The Project site and the surrounding area are described and mapped in the Initial Study Project Description commencing on page 2. As described, the Project site is within the City-Centered Corridor, as mapped in the Marin County Countywide Plan. The City-Centered Corridor is primarily designated for urban development and for protection of environmental resources. The Project site and surrounding parcels are designated PR-Planned Residential in the Countywide Plan, and zoned RMP 0.5 (Residential, Multiple Planned District. - 1 unit per 2 acres). As stated in the Project Description, a portion of the Dipsea Trail passes about 350 feet from the southern property boundary.

It is noted that the Dipsea Trail passes through both urbanized areas and open space. Initial Study Section IV.1, Aesthetics, specifically examines potential impacts of the Project on scenic vistas from the Dipsea Trail, and finds that such impacts would be less than significant. The Project site is not adjacent to either Mount Tamalpais State Park or Muir Woods National Monument, but rather is within a developed residential neighborhood. Section IV.16 of the Initial Study considers potential impacts of the Project on recreation and recreational facilities and finds no significant impacts of this kind. The Project site is not visible from Muir Woods National Monument and is not prominent in views from Mount Tamalpais State Park. Regarding habitat value and biological sensitivity of the Project site, please see Master Response 1. Regarding potential impacts on the Redwood Creek watershed, please see Master Response 2.

H-3 Initial Study Section IV.17, Transportation, considers impacts of the Project on transportation and traffic, and finds that, due to the small number of additional vehicle trips that would be generated by the Project during construction and operation, the Project would have only a less-than-significant impact of this kind. See Initial Study pages 142-144. Existing crowding, traffic, and limited parking are existing, baseline conditions, and not caused by the Project. The Project, primarily due to its small size, would not substantially worsen these existing problems.

H-4 As described in the Project Description on page 11, the Project site is not currently served with a sanitary sewer connection, and the Project would not include a sanitary sewer connection. The existing residence is served by an on-site sewage treatment system (i.e., septic system). The Project would include development of additional septic systems for the proposed new lots. Potential impacts of proposed septic systems are discussed in Initial Study Section IV.7, Geology and Soils, pages 82-83, and Section IV.10, Hydrology and Water Quality, page 108. The Initial Study finds that development and use of proposed

septic systems would not result in a significant impact. Please see also Master Response 7.

- H-5 As noted in the Project Description (page 3) and discussed in depth in Section IV.20, Wildfire, of the Initial Study, the Project site is within the designated Wildland-Urban Interface (WUI), and is mapped as a very high fire hazard severity zone. As such, future development within the Project site is subject to additional regulation, including requirements for vegetation management and fire-resistant building materials and methods. In Section IV.20, the Initial Study examines four potential impacts associated with wildfire, and finds that each would be less than significant.

While evacuation routes from the vicinity of the Project site are limited, this is an existing condition, not an impact that would be caused by the Project. The Project would enable the future addition of up to four residential housing units to the area (two principal residences and two accessory units). This small number of units would not substantially contribute to nor exacerbate the existing condition of limited evacuation routes. The proposed Project includes improvements to the driveway and driveway intersection with Panoramic Highway. Initial Study Section IV.17, Transportation, topic d, examines these proposed improvements and finds that they would result in adequate emergency access to the proposed new lots.

The commenter does not say in what way they consider the traffic study to be flawed and unrealistic. The Applicant's Traffic Impact Study⁴² provides a description of the roadways serving the Project site, includes a trip generation estimate, and provides an analysis of the adequacy of the site distances from and to the Project site driveway, taking into account the proposed driveway improvements. In Section IV.17, Transportation, the Initial Study independently estimates trip generation and analyzes site distances and roadway safety impacts associated with the proposed driveway improvements. The Initial Study finds that the Project's impacts on transportation systems, including intersection level of service, as well as impacts on roadway safety associated with vehicles entering and leaving the Project site via the proposed improved driveway, would both be less than significant.

- H-6 This comment addresses the merits of the Project, not the environmental analysis.
- H-7 This comment addresses the merits of the Project, not the environmental analysis.

⁴² TJKM, 2018. Traffic Impact Study for Residential Development located at 455 Panoramic Highway, Marin County, California. November 9, 2018

From: Dr Lonniebarbach <drbarbach@lonniebarbach.com>
Sent: Sunday, January 05, 2020 5:53 PM
To: EnvPlanning
Subject: The Weissman project on Panoramic

1 This is MOST disconcerting. The whole community fought this the last time his proposal came up. And for
2 very good reasons. The environmental impact, alone is extraordinary. He made a road illegally and without
3 permission which has affected the environment significant'y in a very sensitive area. He was supposed to have
rectified the damage done, but has done nothing. Here are the problems we noted at our meeting that
curtailed the project last time around.

4 With regard to the Initial Study/MND I see several issues that have been incorrectly addressed and
omissions that should be included:

5 **1. Ephemeral Creek** - The illegal road was constructed at the top of the creek identified by the USGS as
an Intermittent Stream. These are streams fed by springs that feed Redwood Creek throughout the year
even after rain has stopped. These are critical for the Coho salmon's survival. By calling it an Ephemeral
Stream (i.e. one that only runs during and immediately after rain) it does not deserve as much protection
as required in the County's Stream Protection ordinance. The application should recognize the whole
canyon as an Intermittent Stream fed by the spring identified on the applicants drawings.

6 **2. Subdivision of the 5-acre Parcel** - He is only proposing three parcels at this time. The future
7 subdivision of the 5-acre parcel is a foreseeable event and should be addressed in this application.
These parcels impact the dipsea trail and bring houses into an area that city dwellers go to to get back to
nature.
8 After 10 years he (or the next owner of the 5-acre parcel) could come back again and 'have the right' to
subdivide the property again if it's not addressed in this application. He should either make
accommodations to have a fourth parcel on the top of the property and go through the environmental
review OR forego the opportunity to later subdivide the parcel.

9 **3. Accessory Dwelling Units** - The location of any future Accessory Dwelling Units should be defined and
analyzed at this time including access. This is critical so he doesn't try to build them at the bottom of the
hill accessed from below. This part of Panoramic is at a blind curve and extremely dangerous. In addition,
there is already insufficient parking in this area to accommodate current residents and people who come
to use the dipsea on a weekend basis.

10 **4. Panoramic Storm Ditch** - Weissman, as part of his unpermitted road construction, dug a ditch along
the fence in an attempt to redirect much of the storm water further down his property. This should be
corrected and the original flow of water should be restored.

11 **5. Endangered Coho Salmon** - No mention of the endangered Coho salmon in the Redwood Creek and
how run off during construction and post construction could impact and how to mitigate.

12 [All of these need to be addressed. Mr Weissman has a habit of less than honorable actions. He shows lack of respect for the precious environment he owns a magnificent part of, acts first and seeks permission later if caught, and misrepresents issues already fought over. Please do not rubber stamp this. The whole community was up in arms about it the first time.

Thank you

Lonnie Barbach

60 Palm Way, Mill Valley

Letter I. Lonnie Barbach

- I-1 This comment does not address the environmental analysis of the Project.
- I-2 Environmental impacts are the subject of the Initial Study. The Initial Study finds that, with specified mitigation measures which the Applicant has already agreed to, the Project would have only less-than-significant impacts. This includes past grading of the Fire Road; please see Master Responses 3 and 4.
- I-3 Please see Master Responses 3 and 4.
- I-4 This comment introduces the following comments. Please see responses to the following comments.
- I-5 For comments related to stream classification (i.e., intermittent vs ephemeral) refer to Master Response 8. For comments related to the Fire Road grading, please refer to Master Response 4.
- I-6 Please see Master Response 5.
- I-7 Please see the response to comment H-2.
- I-8 Please see Master Responses 5 and 9.
- I-9 As noted on page 9 of the Project Description, the Initial Study assumes that if the Project is approved, all future development would be within the defined building envelopes, as depicted in Figure 6. Any proposed development outside of the defined building envelopes would be subject to additional permitting and environmental review.
- I-10 Please see Master Response 4.
- I-11 Please see Master Response 2.
- I-12 This comment does not address the environmental analysis of the Project.

From: Little Elk Cabins - Kathleen Schmidt <elkcabin@msn.com>
Sent: Tuesday, January 14, 2020 3:37 PM
To: EnvPlanning
Subject: Dipsea Ranch Development on Panoramic Hwy. Mill Valley

TO WHOM IT MAY CONCERN:

1 We are submitting our comments about the proposed development right across the street from our home. We live at 440 Panoramic Highway in Mill Valley and have owned this property since 1974. Due to the amount of traffic that is already using Panoramic Highway going to Muir Beach, Pelican Inn, Muir Woods, Muir Beach Overlook, Stinson Beach, Gravity Car Trail, the Fire Department, Mountain Home Inn, Muir Woods Community Center, German Club, as well as numerous hiking trails on Mt. Tam off of Panoramic Highway, this is an extremely bad idea in an already very congested area and many things have absolutely NOT been taken into consideration. Much more traffic, adding 2 to fire evacuation danger, construction noise, sewer issues, etc. are just a few of the problems this will create.

3 If any of the people making these decisions is familiar with our area, it should be documented how hard it is to get back down the mountain via Shoreline Highway, due to backed up traffic. We never go anywhere on a weekend because it is nearly impossible to get down the hill. This area is 4 specifically vulnerable during the peak tourist season, that also coincides with the high fire danger season. How do you propose that people get off of Mt. Tam with a 2-1/2 mile two-lane road in bumper to bumper traffic during a major forest fire with MORE houses being built? This question should be answered by the decision-makers.

5 This gorgeous area of Marin county, Panoramic Highway and it's surroundings, is so overrun with people at this point that the wildlife can no longer even cohabit here. They are suffering greatly by being so fenced in among all the houses, as well as trying to cross roads that are overrun with speeding vehicles. We see very few birds flying around anymore. All further development should be stopped due to the environmental issues that are involved in all types of building projects, especially new ones.

6 There are several documentaries about the 86 people who burned to death in the Paradise Fire because they could not GET OUT. Have the planners who are approving this development seen any of these programs? We have experienced first-hand a major forest fire evacuation and it is extreme panic for everyone. Adding more houses in this vulnerable area is just not good.

7 Obviously, the Dipsea Ranch is being developed to make MONEY with no regard for the safety of the residents who already reside at the top of Mt. Tam. You can well imagine how we have seen the changes in our area and the mega houses that have been built in the 45+ years we have owned our property. From what we can recall, there was a moratorium on new building permits on the top of Mt. Tam back in the 1970s when we purchased our property. In those days, everything was not controlled yet by people driven by greed coming to Marin County and trying to push their development ideas onto the locals, who are enjoying this gorgeous piece of God's country. Dan Weissman can sell his prime piece of property for an incredible amount of money, since the only

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cont. Y
obvious reason he is doing this is to line his pockets. Plus, he wants to obliterate all the Acacia trees
8 that have been growing in Mill Valley for decades and decades since he considers them "non-
native". We cannot cut everything down because it is not native to this area--few Marin County
9 residents are "native" to this area. With all the traffic up here, we need these trees to absorb carbon
dioxide from all the cars. We wish he would move somewhere else (New York or Los Angeles) and
10 do his developing. From what we understand, he owns many trailer parks across the USA, so he has
plenty of money already. Why destroy our lovely area? There is not enough water as it is during
11 drought years and now adding a development on Panoramic Highway? This absurd idea equals the
ridiculousness of a parking lot for Muir Woods at the top of Panoramic Highway proposed a few years
ago. Thankfully, that plan was shelved.

12 We haven't even discussed the septic tank issue. What is the plan for that? Adding any more septic
tanks or leach lines to this already overcrowded and congested area is irresponsible. Isn't it possible
during heavy rains that these leach lines could eventually drain off into the creek below, further
endangering the salmon and trout inhabiting that area? Also, isn't Muir Woods below this planned
development? Is this really what we need in one of the most pristine parts of the Bay Area? Could
13 you please think this through before granting approval of this project? Maybe the planners can come
up with some answers with how we are supposed to get off the mountain during a major forest
fire. As you well know, it is not a matter of IF but WHEN it will happen.

14 We appreciate your consideration and thank you for the opportunity to make our comments. We,
however, do not have a lot of hope with stopping this project and it is a sad commentary on what
Marin County has become....MONEY, MONEY AND MORE MONEY. How sad that the character of
what was once Mill Valley that we remember, a small sleepy town across the Golden Gate Bridge
where you could peacefully hike or ride a bike, has turned into this. Our beautiful Mt. Tam should be
enjoyed--not destroyed. ENOUGH IS ENOUGH. This letter needs to be read at your next
meeting.

Wolfgang & Kathleen Schmidt

Letter J. Wolfgang and Kathleen Schmidt

- J-1 Please see the response to comment H-3.
- J-2 This comment is introductory, and raises several issues that are elaborated in later comments. Please the responses to the following comments.
- J-3 This comment describes the commenters' experience of existing traffic conditions in the area, and does not address the Project's potential impacts.
- J-4 While evacuation routes from the vicinity of the Project site are limited, this is an existing condition, not an impact that would be caused by the Project. The Project would enable the future addition of up to four residential housing units to the area (two principal residences and two accessory dwelling units). This small number of units would not substantially contribute to nor exacerbate the existing condition of limited evacuation routes.
- J-5 This comment describes the commenters' perception of the impacts of past development on wildlife in the vicinity of the Project site, and does not address the impact analysis in the Initial Study. The Initial Study, Section IV.4, finds that, with mitigation, the Project would have a less-than-significant impact on wildlife. Please see also Master Response 1.
- J-6 Please see the response to comment J-4.
- J-7 This comment does not address the Initial Study nor the Project's potential environmental impacts.
- J-8 As noted in Initial Study Section IV.11, Land Use and Planning (pages 116-118) and in Section IV.4, Biological Resources, the Countywide Plan and the Tamalpais Area Community Plan (Tam Plan or TACP) both contain policies protecting native trees and other plants and encouraging control and removal of invasive species. Consistent with these policies, the Initial Study includes Mitigation Measure BIO-4: Invasive Plants, to limit the introduction and spread of invasive plants during Project construction. As discussed in Initial Study Section IV.14, the Project would not displace people or existing housing.
- J-9 This comment does not address the Initial Study nor the Project's potential environmental impacts.
- J-10 As stated in Initial Study Section IV.19, Utilities and Service Systems, on page 152, the Project site is within the Marin Municipal Water District. The District has stated that it would provide hook-ups to future residences within the Project site (Marin County, 2018), indicating that sufficient water supply infrastructure is

available. The Project would therefore not result in the need for new or expanded regional water treatment or distribution facilities.

- J-11 This comment does not address the Initial Study nor the Project's potential environmental impacts.
- J-12 Please see Master Response 7.
- J-13 Please see the response to comment J-4.
- J-14 This comment does not address the Initial Study nor the Project's potential environmental impacts.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



K

January 15, 2020

Ms. Sabrina Sihakom, Planner
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Subject: Dipsea Ranch Land Division, Initial Study/Mitigated Negative Declaration,
SCH #2019129035, Marin County

Dear Ms. Sihakom:

The California Department of Fish and Wildlife (CDFW) received a Notice of Completion of an Initial Study/Mitigated Negative Declaration (IS/MND) from the Marin County Community Development Agency (CDA) for the Dipsea Ranch Land Division (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is a Trustee Agency pursuant to CEQA Section 15386 and has authority to comment on projects that could impact fish, plant or wildlife resources. CDFW is also considered a Responsible Agency under CEQA Section 15381 if a project requires discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if take¹ of any species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA Incidental Take Permit (ITP) is warranted (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

¹ Fish and Game Code §86: "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Lake and Streambed Alteration

3 CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

4 CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: Daniel Weissman, property owner

Objective: The Project would subdivide a single 8.29-acre parcel into three parcels of 2.22, 0.89, and 5.18 acres. An existing single-family home will remain on-site and two new residences with two associated accessory dwelling units will be built on two of the new parcels. The Project will construct road improvements and new road segments leading to the new buildings. Associated water and sewer lines will be constructed. Two existing buildings, a four-car garage and a detached accessory building, may or may not remain on-site.

5 **Location:** The Project is located at 455 Panoramic Highway, unincorporated Mill Valley, Marin County. The Project site occurs near Latitude 37° 53' 59" N, Longitude 122° 33' 52.36" W, Assessor's Parcel Number 046-161-11.

Environmental Setting: The Project occurs in a lightly developed residential area within the wildland urban interface. The residential area is bordered by the City of Mill Valley to the east, Mount Tamalpais State Park and John Muir National Monument to the west, and various open space or lightly developed areas to the north and south. Two ephemeral streams, tributaries to Redwood Creek, flow on the eastern and western edges of the Project site. Portions of the Project site are dominated by a mix of non-native invasive grasslands, ornamental shrubs and trees, and native trees and shrubs. Three non-native trees are proposed for removal. Special-status species with the potential to occur in or near the Project area include: northern spotted owl (*Strix occidentalis caurina*), congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), nesting birds, roosting bats, western pond turtle (*Actinemys marmorata*), Central

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cont.

California Coast Evolutionarily Significant Unit Coho salmon (*Oncorhynchus kisutch*), and Central California Coast Distinct Population Segment steelhead (*Oncorhynchus mykiss irideus*).

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COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist CDA in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Northern Spotted Owl

The IS/MND identifies northern spotted owl (NSO) as a potential sensitive species in the Project area and states that NSO is unlikely to be present within the Project area; no Mitigation Measures or pre-construction surveys for NSO are proposed (page 48). NSO is a threatened species pursuant to CESA and the federal Endangered Species Act and is known to occur in the vicinity of the Project, as disclosed in the IS/MND (page 50). While the Project does not propose to remove NSO habitat, noise and activities at the Project site could potentially disturb NSO during nesting season and interrupt breeding or lead to nest failure. Population levels and vital rates for NSO continue to decline², so any reduction in successful nesting is a potentially significant impact.

CDFW recommends including the Mitigation Measure BIO-5 to reduce potential impacts to NSO to less-than-significant:

7

Mitigation Measure BIO-5: Northern Spotted Owl. If Project activities will occur during the NSO nesting season (February 1 to July 31), then a CDFW-approved Qualified Biologist shall conduct surveys for NSO following the United States Fish and Wildlife Service's (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (Revised) January 9, 2012³. Surveys shall be conducted in accordance with section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If NSO are detected during surveys, Project activities within 0.25 miles of a nest site shall be avoided until the end of the breeding season or until a Qualified Biologist determines the nest is no longer active. A Qualified Biologist should be familiar with NSO ecology, have proven success identifying NSO aurally and visually, and have at least two seasons of experience surveying for NSO using the USFWS protocol.

If Project-generated sound will not exceed ambient nest conditions by over 20 decibels and total combined sound (ambient and Project-generated) during Project activities does not exceed 90 decibels, then noise impacts would likely be less-than-significant and surveys may not be necessary (USFWS 2006⁴). Pre-Project sound conditions should be accurately measured and documented to justify a no-survey outcome.

² California Department of Fish and Wildlife. 2016. Report to the Fish and Game Commission: A Status Review of the Northern Spotted Owl (*Strix occidentalis caurina*) in California.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=116307&inline>

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&inline>

⁴ United States Fish and Wildlife Service. 2006. Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

Bats

8 The IS/MND identifies that common and special-status bats may occur on the Project site (page 55), and that pruning and tree removal could result in significant impacts to roosting bats (page 56). The proposed Mitigation Measure BIO-2 appears to adequately reduce potential impacts to tree-roosting bats to less-than-significant. However, additional impacts to roosting bats could occur if buildings are demolished on-site. Bats may roost in roofs, attics, sheds, or other building spaces throughout the year. Building demolition could result in death or disturbance to bats if they are roosting within the building, a potentially significant impact. Bats are especially vulnerable during the spring/summer when maternity colonies are raising their pups, and during the winter when resources are less available and bats may hibernate. Disturbance to bats during these periods could result in death to pups or adults.

CDFW recommends adding the following to Mitigation Measure BIO-2: Special-Status and Common Bats, to reduce potential impacts to bats to less-than-significant:

Mitigation Measure BIO-2: Special-Status and Common Bats. Buildings shall be surveyed for bats by a Qualified Bat Biologist within 15 days prior to any building demolition. Demolition plans shall cease if bats are found roosting within the buildings until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between March 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by the Qualified Biologist up to two weeks prior to building demolition.

Special-Status Plants

9 The IS/MND identifies 23 special-status plants that occur in the vicinity of the Project area, but rules out the presence of all but one species, congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), due to lack of habitat (page 44). The IS/MND also states that "the site was surveyed on September 22, 2015 during its [congested-headed hayfield tarplant] reported blooming period and this plant was not detected" (page 45). Acceptable botanical surveys must be systematic, floristic surveys, and should occur multiple times within the blooming period of potential special-status plants on-site. Based on the IS/MND, it is unclear what level of botanical survey was conducted, and therefore difficult to conclude that special-status plants are absent. In addition, this survey is outdated as it was conducted five years ago. Potentially significant impacts to special-status plants, such as crushing and burying, are more likely to occur without sufficient survey information.

CDFW recommends including the Mitigation Measure BIO-6 to reduce potential impacts to special-status plants to less-than-significant:

Mitigation Measure BIO-6: Special Status Plant Surveys. A Qualified Biologist shall conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site the season prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-*

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cont.

Status Native Plant Populations and Sensitive Natural Communities, prepared by CDFW, dated March 20, 2018⁵. If special-status plants are found during surveys, the IS/MND should outline how the Project would be re-designed to avoid impacts to special-status plants to the greatest extent feasible. If impacts to special-status plants cannot be avoided completely during construction, the IS/MND should outline adequate compensatory mitigation.

A Qualified Biologist in this context should be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.

Nesting Birds

10

The IS/MND identifies the legal protections for nesting bird species provided by Fish and Game Code and the federal Migratory Bird Treaty Act (page 44). The IS/MND notes, "potential impacts on nesting birds could result from destruction of eggs or occupied nests, mortality of young, and abandonment of nests with eggs or young birds prior to fledging. Such potential impacts on protected nesting birds could be significant" (page 56). To reduce these potential impacts to less-than-significant, the IS/MND states that the Project will adhere to Marin County Development Code Section 22.20.040 (F), which establishes nesting bird protection measures (page 56). CDFW agrees with the proposed protection measures, but recommends identifying a specific window prior to construction activities within which nesting bird surveys will occur. If pre-construction surveys are completed too early (e.g., greater than seven days prior to Project activities), then birds could establish nests after surveys have been completed but before Project activities begin, allowing for significant impacts to nesting birds. CDFW recommends identifying nesting bird protections as Mitigation Measure BIO-7 to ensure implementation of the protection measures:

Mitigation Measure BIO-7: Nesting Bird Surveys. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season of protected raptors and migratory birds, February 1 to August 15, a focused survey for active nests of such birds shall be conducted by a Qualified Biologist within 7 days prior to the beginning of Project-related activities. If an active nest is found, Permittee shall consult with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in Project-related work of 7 days or longer occurs, another focused survey shall be required before Project work can be reinitiated.

11

Mitigation Measure BIO-1: Special-Status Wildlife and Habitat

The IS/MND proposes Mitigation Measure BIO-1 to avoid potentially significant impacts to sensitive habitat and special-status species (page 59). The first bullet under BIO-1 describes a worker awareness training for "all supervisory field staff." Educating workers to accurately recognize the special-status species and sensitive habitats that may occur on-site is key to preventing significant impacts to them, such as crushing, burying, disturbing, or otherwise injuring them during Project activities. CDFW recommends providing this training to all on-the-ground workers that may come across sensitive habitats or special-status species in order to reduce impacts to less-than-significant. Therefore, CDFW recommends striking the word "supervisory" from the first bullet point of Mitigation Measure BIO-1.

⁵ <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

Editorial Comments

12 On page 9, the IS/MND assumes that the existing single-family home "would remain in newly created lot 1, and that the new residences would be built on newly-created lots 2 and 3." The IS/MND does not state whether the additional two existing buildings (detached garage and accessory dwelling unit) will remain or be demolished. The IS/MND should clarify whether demolition will occur and include any additional biological impacts and mitigation measures related to demolition (e.g., noise disturbance or removal of habitat).

13 On page 2 of the IS/MND, second paragraph of the Introduction and Summary section, a sentence describing the access to the future residences remains unfinished: "The Applicant proposes to provide access to the new lots via the existing entry driveway at 455 Panoramic Highway, which would be improved and."

ENVIRONMENTAL DATA

14 CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or emailed to CNDDDB at the following email address: cnddb@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the CDA in identifying and mitigating Project impacts on biological resources.

If you have any questions, please contact Ms. Amanda Culpepper, Environmental Scientist, at (707) 428-2075 or amanda.culpepper@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH #2019129035)

Letter K. Gregg Erickson, California Department of Fish and Wildlife

- K-1 This comment provides information on CDFW's role in reviewing the Initial Study and does not require response.
- K-2 As discussed in Section IV.4, Biological Resources, with specified mitigation and adherence to Marin County Development Code requirements, the Project would not impact species protected under the California Endangered Species Act. Therefore, no Incidental Take Permit is required.
- K-3 The Project does not include the alteration of any watercourse subject to the jurisdiction of CDFW. A Lake and Streambed Alteration Notification is not required.
- K-4 As discussed in Initial Study Section IV.4, Biological Resources, migratory birds and raptors would be protected in accordance with Marin County Code of Ordinances, §22.20.040 (F) Nesting Bird Protection Measures. With adherence to these requirements, nesting birds and birds of prey would not be impacted.
- K-5 CDFW's summary of the Project site is consistent with the Initial Study's Project Description and Section IV.4, Biological Resources.
- K-6 This comment introduces those that follow and does not require a response.
- K-7 Please see the discussion of potential impacts to northern spotted owl in Master Response 2.
- K-8 While the Project would only enable subdivision of an existing parcel and would not permit demolition of existing buildings, Mitigation Measure BIO-2: Special-status and Common Bats has been clarified to include additional information in the event of future building demolition, to require pre-demolition bat surveys (additions to the text of the Initial Study are shown as underline). This minor change to a previously specified mitigation measure does not change the conclusion that, with mitigation, the Project would have a less-than-significant impact on special-status and common bats.

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

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

- Complete presence/negative finding bat surveys prior to removal or pruning of any trees over 6 inches in diameter at breast height. If during future development buildings are proposed for removal, buildings shall be surveyed for bats within 15 days prior to any

building demolition. Surveys shall be completed by a qualified biologist. Because each individual bat species may use different roosts seasonally and from night to day, surveys must be conducted by a qualified biologist at the appropriate times.

- If trees planned for pruning or removal are identified as active roost sites, appropriate avoidance measures shall be developed by a qualified biologist. This may include seasonal limitations on work when roosts are unoccupied and/or establishment of buffer areas around occupied roosts.
- If bats are found roosting within the buildings, work shall cease until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between March 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by a qualified biologist up to two weeks prior to building demolition.
- For all trees previously identified as active roost sites (during Project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall be followed by bole removal on day two. This approach would allow bats, if present, an opportunity to move out of the area prior to completing removal of the trees. No trees supporting special-status bats shall be removed without prior consultation with CDFW.
- If work is postponed or interrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.
- Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.

K-9 Biological surveys of the Project site have been completed by two separate consulting firms to observe site conditions and botanical species present and to evaluate the potential for presence of special-status plants. As referenced in the Initial Study (page 44), LSA biologists completed site visits in May, April, and September 2015 to determine the presence of special-status communities and plants. Habitats surrounding the property with potential to provide habitat for special-status plants were also evaluated. The 2015 biological assessment also included a background literature review to determine the potential presence of special-status plants. Based on the existing site conditions, LSA determined that the Project site supported potential habitat for only one special-status plant species, congested-headed hayfield tarplant (*Hemizonia congesta* spp. *congesta*). The site was surveyed for congested-headed hayfield tarplant in September 2015 during the plant's blooming period and it was not detected. Based on lack of suitable habitat and observed site conditions, no special-status species were found to be present on the site by LSA.

A follow-up field survey and background review were completed in May 2019 by Prunuske Chatham Inc. to evaluate current Project site conditions and to confirm the original findings of LSA in 2015. During the updated review, current records of special-status plants were reviewed. PCI completed a field assessment of the Project site during the spring (May) blooming period and found no potential for special-status plant occurrence due to current site conditions and existing community composition.

In summary, two independent biologists concluded the Project site does not support habitat for special-status plants, supporting the conclusion reached in the Initial Study that the Project would not impact special-status plants. No mitigation is required.

- K- 10 As outlined in the discussion of Special-status and Nesting Birds in Initial Study Section IV.4, Biological Resources, nesting birds would be protected in accordance with Marin County Development Code §22.20.040 (F), Nesting Bird Protection Measures. Under this Ordinance, pre-construction nesting bird surveys must be conducted if construction is to occur between February 1 and August 15. Development Code §22.20.040(F)(2) requires construction to begin within seven days of a nesting survey. If the commencement of construction is delayed, the nesting survey must be repeated. With adherence to the required Development Code provisions, the Project would not impact Special-status and nesting birds, and no mitigation is necessary.
- K-11 In response to the comment, Mitigation Measure BIO-1: Special-status Wildlife and Habitat, has been clarified to include all field staff that may come across sensitive habitats or special-status species in the worker awareness training. This minor change to a previously specified mitigation measure does not change the conclusion that, with mitigation, the Project would have a less-than-significant impact on special-status wildlife and habitat:

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

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

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

- The Project limits should be clearly marked on the final design drawings and work confined within those boundaries.
- Foot and vehicle traffic should be restricted to the designated work and staging areas.
- For any fencing needs, install fencing that reduces the risk of death or injury to wildlife and does not impede movement. See *Fencing with Wildlife in Mind* by Colorado Division of Wildlife for specific guidelines on fencing installation and types (Hanophy, 2009).

- K-12 The Project includes only subdivision of the Project site and does not include demolition of the existing buildings. The Applicant has not submitted an application for building demolition and has not expressed an intent to demolish the existing buildings. If in the future the Applicant or a future owner intends to demolish existing buildings, this will require a demolition permit. Demolition is subject to the requirements of Marin County Development Code §22.20.040, Outdoor Construction. See also the response to comment K-8. With these Development Code provisions, there would be no additional impacts associated with potential future demolition, and additional mitigation measures are not required.
- K-13 The “and” at the end of the sentence is a typographical error and should be removed. The sentence should read: “The Applicant proposes to provide access to the new lots via the existing entry driveway at 455 Panoramic Highway, which would be improved.”
- K-14 The County is aware of the data-reporting requirements and filing fee requirements cited by the commenter.

From: Andrea Montalbano <moopsy1@gmail.com>
Sent: Sunday, January 19, 2020 2:33 PM
To: EnvPlanning; Cardoza, Sabrina; Cardoza, Sabrina; Taylor, Tammy
Subject: Weissman Dipsea Ranch Subdivision Mitigated Negative Declaration

To Whom it May Concern,

I am a neighbor of the Dipsea Ranch project and will be impacted by its construction in terms of temporary construction noise and increased traffic. I am a member of the Tamalpais Area Design Review Board but write this letter as a community member, not as a Board representative.

Below are my comments on the Mitigated Negative Declaration (Neg Dec) for the Weissman development project. I would be grateful for your review and reconsideration of the findings listed below.

Comments on the Environmental Impact Checklist

1) Aesthetics, a, c & d

The draft report states the project, as proposed, will have a less than significant impact on a scenic vista, quality of public views and the creation of glare. I strongly disagree. The project site is visible from along the all-important Dipsea trail as well as the Sun Trail. A building constructed to the maximum allowable size of 7,000 sf would certainly have a serious negative impact on the scenic vistas of the trail. Glare from future buildings will be visible all of the way from the hills above Muir Beach, as they will no doubt have large planes of glass facing west, toward the ocean.

These comments would be better marked as "Less than severe impact with mitigation incorporated." While it is true that any new home will need to come before the Design Review Board, it should be noted in the Neg Dec that the visual impact upon the scenic vista and view from the trails below the property should be taken into consideration in any specific siting and sizing of the built property. By including this in the Neg Dec, it will be easier for the Design Review Board to enforce size limitations and view corridors on the property in the future, when it is eventually developed.

4 - Biological Resources c) Disturbance of Wetlands - Bottom of page 59: Grading of the Fire Road

This paragraph reads;

It is assumed that impacts associated with site grading and fill placement may have resulted in disturbance to the wetland, such as hydrologic alteration, removal of wetland vegetation, or filling directly into the wetland. Based on present conditions, however, the wetland appears to be functionally intact. The grading of the Fire Road therefore appears not to have had lasting impacts on the wetland, and consideration of the effects of the Fire Road grading does not alter the conclusion that the Project would not have a significant impact on wetlands.

I strongly disagree with the premise of this paragraph. The wetland is bordered by the road. It is therefore clear that the road did in fact reduce the size of the wetland. I feel strongly that the applicant should be required to preform some sort of compensatory measure for this destruction of habitat. The Neg Dec should require some reconstruction of wetland area, or some measure to ensure that the future of this remaining wetland remains in tact. The reduction in size of the wetland by the applicant in 2014 is a tragic event that should be penalized and compensated for.

20 Wildfire, a,b,c & d)

It is impossible to believe that these items are not all checked as "Less than severe impact with mitigation incorporated". This is an extremely high fire area, located at the top of a steep, overgrown canyon that is owned by the state and is therefore impossible for residents to maintain. Adding homes to this area, along with gas and electrical utilities, will definitely increase the wildfire risk and impact on the area. There should indeed be mitigations included in the approval of this project that would require regular landscape maintenance, special fire-wise landscape plant choices, undergrounding of utilities, fire resistance measures exceeding the minimum levels required by building codes, etc., in order to minimize the additional dangers this project generates for the existing neighborhood and its residents.

5 [The accuracy of this report is important for the future development of the parcel and should be as stringent and accurate as possible. I sincerely hope that you reconsider the above mentioned aspects and revise the Neg Dec accordingly.

Sincerely,
Andrea Montalbano
40 Brighton Blvd.
Mill Valley 94941
Member - Tamalpais Area Design Review Board

Letter L. Andrea Montalbano

- L-1 Construction noise is analyzed in Initial Study Section IV.13, Noise. Mitigation Measure NOISE-1 is specified to ensure that construction noise would have a less-than-significant impact on neighbors of the Project site. Potential impacts of construction-related traffic are examined in Initial Study Section IV.17, Transportation, on page 143, and found to be less than significant. The commenter has not provided any evidence that they would be impacted by construction noise or traffic generated by the Project.
- L-2 The potential for the Project to impact scenic vistas from the Dipsea Trail is specifically examined in the Initial Study, in Section IV.1, Aesthetics, on pages 21-23. See also Figure 1-2 on page 22. The Initial Study concludes that the impact would be less than significant. As noted in this same discussion, the Project site is not visible, or only fleetingly visible, from more distant vantage points along Muir Woods Road and the Shoreline Highway. Muir Beach is approximately 2.5 miles distant from the Project site. As shown in Figure L-1, existing houses of the Muir Park neighborhood are visible along the distant ridgeline to the east from Shoreline Highway near Muir Beach. The Project site is either not visible, or is only partially visible from this location, given the intervening topography, particularly the ridge along which Ridge Road runs. Even if the Project site were visible from some locations along this stretch of Shoreline Highway, new houses constructed within the Project site would not be distinguishable from existing houses, and the distance would render any impact of glare insubstantial, and therefore less than significant. Therefore, future development of the Project site would not adversely impact scenic vistas or result in a significant new source of glare at locations near Muir Beach. Because no significant impact is identified, there is neither the need for, nor the authority to impose, mitigation measures. The requirement for Design Review is noted in the Initial Study Project Description, on pages 9, 11, and 15. If Design Review triggers additional environmental review, then aesthetic impacts of the proposed development will be reexamined at that time. Through the Design Review process, the future residences will be required to comply with requirements contained in Marin County Code Chapter 22.42. and with the Single-family Residential Design Guidelines. This includes ensuring that the development proposes appropriate design, height, and massing that are compatible with the surroundings; that the proposed site layout and design will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties. Additional concerns addressed during Design Review include appropriate circulation and pedestrian access, the retention of healthy native vegetation, and landscaping consistent with fire safety requirements.
- L-3 Please see Master Responses 3 and 4.

- L-4 As noted in the Project Description (page 3) and discussed in depth in Section IV.20, Wildfire, of the Initial Study, the Project site is within the designated WUI, and is mapped as a very high fire hazard severity zone. As such, future development within the Project site is subject to additional regulation, including requirements for vegetation management and fire-resistant building materials and methods. In Section IV.20, the Initial Study examines four potential impacts associated with wildfire, and finds that each would be less than significant. There is therefore no need for, nor authority to impose, additional mitigation. The commenter provides no evidence that a significant impact would occur.
- L-5 Please see Master Response 10.



Figure L-1: View toward Project Site from Shoreline Highway near Muir Beach, Feb. 27, 2020

Taylor, Tammy

From: Cardoza, Sabrina
Sent: Wednesday, January 22, 2020 8:35 AM
To: EnvPlanning
Subject: FW: Weissman (Dipsea Ranch) Land Division (P1589)

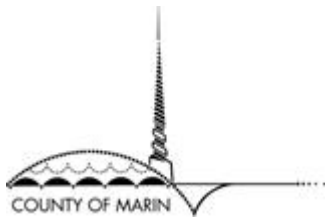
Hi there,
 Please see below public comment which includes concerns regarding wild fire, flooding, and traffic.

Thank you,
 Sabrina Cardoza

PLANNER

County of Marin
 Community Development Agency
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903
 415-473-3607 T
 415-473-7880 F

Please note my name (formerly Sabrina Sihakom) and email has changed to: Sabrina Cardoza, scardoza@marincounty.org



From: gogorobinson@hotmail.com <gogorobinson@hotmail.com>
Sent: Sunday, January 12, 2020 11:15 AM
To: Cardoza, Sabrina <scardoza@marincounty.org>
Subject: Weissman (Dipsea Ranch) Land Division (P1589)

Gordon E. Robinson would like information about:

I only have one concern regarding this project but think it is a serious one. I've known this area all my life and lived on Mote Cimas Ave (across from project) for 19 years. Over the past 19 years the Panoramic traffic (and over all Mill Valley traffic) has grown dramatically and at the same time so has the danger of wild fire. The limited roads heading down from Panoramic are always needing repair and when this causes closures one way routing major backups occur quickly. Additionally the increasing severity and frequency of flooding in the Tam Junction area adds to these issues. While I think good work being done to reduce fire risk, it still remains a serious risk and it seems very possible that if a major evacuation were called it may not be possible to get residents to safe areas in time. It seems foolish to add any new population anywhere in Mill Valley, let alone up on Panoramic until the issue of evacuation is addressed and truly understood. If something happened on a busy day with heavy tourist traffic and flooding below (which will be seen more and more in the summer as well as winter) it could get very high ratings on CNN. Residents may not even get off their streets onto the few options that currently exist.

Letter M. Gordon E. Robinson

- M-1 While evacuation routes from the vicinity of the Project site are limited, this is an existing condition, not an impact that would be caused by the Project. The Project would enable the future addition of up to four residential housing units to the area (two principal residences and two accessory units). This small number of units would not substantially contribute to nor exacerbate the existing condition of limited evacuation routes.

January 15, 2020

Marin County Community Development Agency
 Attn.: Tammy Taylor, Environmental Planner
 3501 Civic Center Dr., Suite 308
 San Rafael, CA 94903
envplanning@marincounty.org

Re.: Weissman (Dipsea Ranch) Land Division
 Project IDs: P1589 & P2314

Subj.: Comments to Initial Study & Mitigated Negative Declaration

Dear Tammy Taylor:

The Initial Study & Mitigated Negative Declaration has errors and is missing information that should be evaluated and incorporated into the environmental study for the project.

A. Intermittent Stream – The stream located directly south of the “*Non-Permitted 2014 Road*” (see Figure 4-1) has been incorrectly identified as an “Ephemeral Stream” both in the environmental studies and on the applicant’s subdivision application. This is an Intermittent Stream (i.e. has running water intermittently throughout the year) and as such should be protected by the County’s Stream Protection Ordinance. There are several indications this creek is Intermittent (and not Ephemeral):

- a) The United States Geological Society mapped these as Intermittent Creek (as shown on the applicant’s Figure 4-1)
- b) In 2018, water was documented running down this ravine in April after seven days of no precipitation (emailed to Planning Department Jocelyn Drake)
- c) The steep ravines in Zone 4 of Rice’s mapping of the area are an indication of active creeks and/or springs.
- d) The wetlands identified on Figure 4-1 are fed by naturally occurring springs which feed the Intermittent Creek.

The “*Non-Permitted 2014 Road*” was constructed directly on top of an area that should be protected as these naturally occurring, spring-feed creeks feed the Redwood Creek watershed that supports endangered Coho Salmon.

I see no reason why the “*Non-Permitted 2014 Road*” should be removed and possibly cause additional environmental damage. However, in lieu of removing the “*Non-Permitted 2014 Road*” constructed road, I would like to see assurances in the form of mitigation measures (covenants recorded on the subdivision map) that this environmentally critical area is left undisturbed, no material can be removed or disturbed,

and nothing can be added in the future to this area. This *“Non-Permitted 2014 Road”* should only be used for emergency personnel and never be used as a location for ingress/egress from the property as that could cause additional environmental impacts to the Redwood Creek watershed.

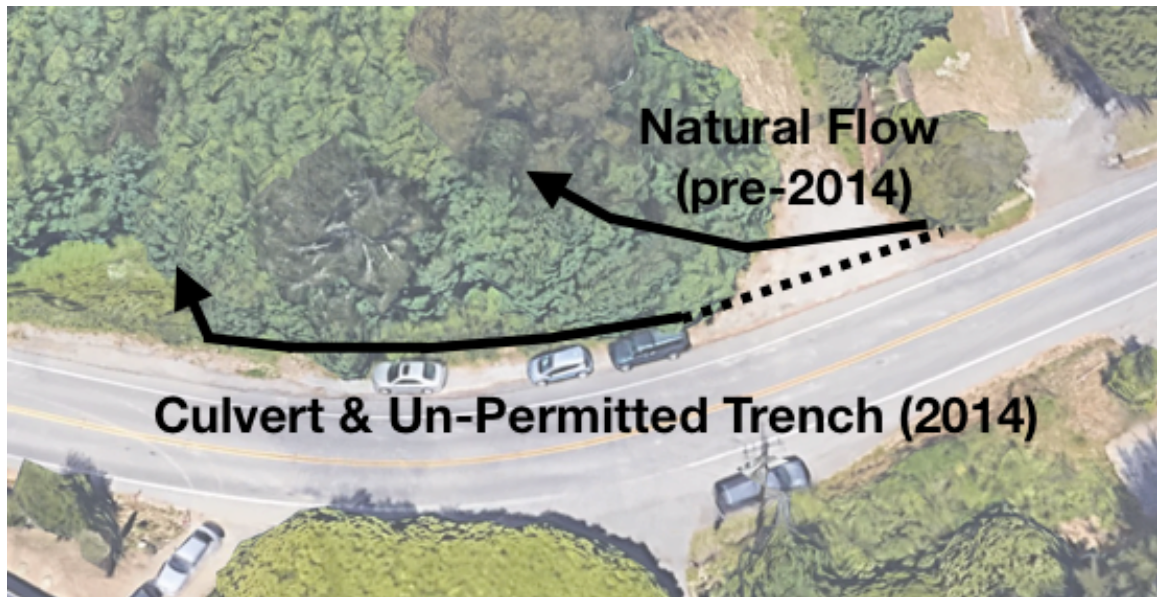
- B. Consistency with Tamalpais Area Community Plan EIR** – There is no mention in the Mitigated Negative Declaration of the project’s consistency with the Tamalpais Area Community Plan’s EIR which specifically identifies this parcel’s unique development potential.

The 1991 EIR (LU 31.1a) calls specifically for this land area (APN: 46-161-10; previous APN before previous subdivision) to remain open in appearance. While the current plan indicates all building areas are on the top of the parcel, the applicant’s plan provides for a 5-acre parcel which, per the existing zoning, could be subdivided in the future. If this parcel were to be divided the only plausible development site would be at the bottom of the parcel and this would contradict the TACP EIR’s goals. This should be mitigated by either: a) precluding future subdivision of the 5-acre parcel, or b) subdivide the entire parcel now to cluster four (4) buildable lots on the top of the parcel to ensure permanent consistency with the TACP EIR.

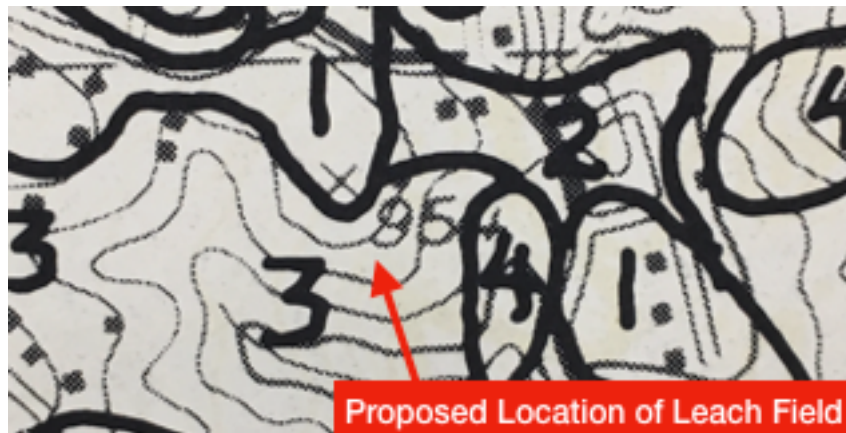
- C. Drainage Ditch along Panoramic Highway** – As part of the *“Non-Permitted 2014 Road”* construction, the applicant constructed an approximate 120’ long drainage ditch along the fence line on Panoramic Highway to redirect the flow of water away from the wetlands area and further down the property. This unpermitted ditch has affected the natural flow of storm water and should be considered as part of the applicant’s environmental application. The poor maintenance of this ditch has contributed to run off washing away dirt and causing erosion of the embankment.



The only acceptable way to mitigate this alternation is to fill the drainage ditch and restore the natural flow onto the applicant's property immediately below the "Non-Permitted 2014 Road" into the riparian wetlands. This will require removing and realigning the culvert pipe to property directly the water away from the drainage ditch and onto the applicant's property. (See image below).



- D. Septic System Location** – Placing the septic system leach field (Parcel 3) on the hillside is a potential environmental disaster waiting to happen. By the applicants own report, he is proposing to pump wastewater into hillsides with an average of 40% slope. The applicant's septic system engineer references "*Geology for Planning in Central and Southeastern Marin County (Smith and Rice 1976)*" which identifies the proposed area for the leach field as Zone 3 where, according to the report: "...the steepness of the slopes reaches the limits of underlying geological materials..."



Zone 3 - Areas where the steepness of the slopes approaches the stability limits of the underlying geological materials. Some landslide deposits that appear to have relatively more stable positions than those classified within zone 4 are also shown here.

A leach field in this location is a horrible idea when another, environmentally safe option exists. Modifying the soil by installing trenches will destabilize the hillside. Furthermore, pumping wastewater into the ground increase the likelihood of a slide. A slide or ground movement, with the amount of vegetation in the area, could go undetected for weeks, months or years. A failure of a septic system in this area could drain directly into the Intermittent Creek and have significant, negative environmental impact to the Redwood Creek Watershed and the endangered Coho salmon.

There is ample room at the top of the property to place a conventional septic system. This is the appropriate place to locate the applicant's septic system.

=====
Thank you for ensuring these issues are addressed in the environmental evaluation of the project and appropriate mitigation measures are adopted.

Sincerely,

ERIK HALTERMAN

(Sent via email)

Erik Halterman
40 Palm Way, Mill Valley

Letter N. Erik Halterman

- N-1 For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to the grading of the Fire Road, please see Master Response 4.
- N-2 The Project does not include removal or further changes to the Fire Road. The Initial Study considers whether the 2014 Fire Road grading caused significant impacts to site biological resources, hydrology, and other resources, and concludes that there were no significant impacts associated with construction, and that there are no continuing impacts. There is therefore no need for, nor authority to impose, additional mitigation, such as the covenants and restrictions suggested by the commenter. Please see also Master Responses 3, 4, and 9.
- N-3 Please see Master Responses 5 and 6.
- N-4 Please see Master Response 4.
- N-5 Please see Master Response 7.

January 22, 2020

Marin County Community Development Agency
 Attn: Tammy Taylor, Environmental Planner
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903
envplanning@marincounty.org

Re: Weissman (Dipsea Ranch) Land Division
 Project IDs: P1589 & P2314
 Subj: Weissman Land Division Mitigated Negative Declaration

Dear Tammy Taylor,

Thank you for sending the “Notice of the Extended Comment Period.” We are responding here to vital concerns remaining in spite of the Mitigated Negative Declaration. Kindly consider the following points in relation to the Weissman (Dipsea Ranch) Land Division.

The original proposal to introduce numerous new dwelling units in a small, highly sensitive environmental area was on the edge of pristine State and National park lands. The objections of many residents have successfully scaled down the scope of that project. However, real environmental threats remain.

Whereas Weissman has modified the project to be a land division proposal with a “mitigated negative impact,” inherent hazards impact Redwood Creek. Those hazards arise from **(1)** the “Non-Permitted 2014 Road” **(2)** the injection septic system, and more importantly, and **(3)** the potential future development of the lower 5-acre parcel.

1. The “Non-permitted 2014 Road” was constructed at the top of the creek identified by the USGS as an Intermittent Stream. Such streams are fed by springs and wetlands that feed Redwood Creek throughout the year, even after rain has stopped. The water sources are critical for survival of Coho salmon. Reference to it in the applicant’s drawings as an *Ephemeral Stream* (i.e., one that runs only during and immediately after a rainfall) does not provide it the level of protection afforded to an Intermittent Stream according to the County’s Stream Protection ordinance. In addition, safeguards should be provided so that the illegal fireroad will not be further developed, or for that matter, removed. Doing so would only further interfere with the spring runoff that emerges above and send unwanted silt into the creek below.

2. Injection septic system – Questa Engineering’s introduction of sewage disposal areas farther down the hillside below Parcel 3 pose further threats. Effluent pumping into the ground with shallow drainage is itself a major concern. The intricate sewage disposal system, including routing through bioswales to deliver to cisterns and avoid the indicated wetland is a fragile system at best. Steep hillside terrain of the undeveloped lower parcel makes it prone to

3
cont. | spurious drainage and runoffs from heavy rains or potential tremors. Disruption of the indicated leach fields would unleash contaminated soil and wastewater down the hillside towards Redwood Creek.

4 | **3. Development of the 5-acre Subdivision Parcel** – While Weissman is proposing only three upper parcels at this time, the future subdivision of the lower 5-acre parcel is a potential threat that must be addressed in this application. Weissman or the next owner of that 5-acre parcel could eventually declare the right to subdivide the property if not prevented here. Development and construction would again jeopardize Redwood Creek and it's Coho population. Weissmann could be given the option to undergo environmental review of the lower parcel now and clear future development, or forego the opportunity to later subdivide the parcel.

5 | In brief, we believe that no further disruption or destruction of this vibrant wetlands should be allowed. While the property owner has the right to build on the allowable upper 3 parcels, the large 5-acre parcel below should remain protected as it has always been. Building should NOT be permitted in that bottom 5-acre parcel since it will directly affect the sensitive watershed below.

6 | Finally, let us not forget the considerable financial resources that have promoted restoration and the restocking of Redwood Creek from Muir Woods to Muir Beach. That protection should not be forsaken by this careless proposal. If the concerns presented here are insufficient to substantiate further review of this environmentally challenging project, we strongly suggest that the County enlists the expertise of individuals in allied organizations that have worked so diligently to save and restore Redwood Creek.

Paul and Constance Goldsmith
10 Kent Way, Mill Valley

Letter O. Paul and Constance Goldsmith

- O-1 Please see Master Responses 2, 3, 4, 5, 7, and 10.
- O-2 For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to hydrologic impacts of grading the Fire Road, please see Master Response 4.
- O-3 Please see Master Response 7.
- O-4 Please see Master Response 5.
- O-5 Please see Master Response 9. The Project does not include any further modification to the Fire Road.
- O-6 Regarding the sensitivity and biological value of Redwood Creek, please see Master Response 2.

Taylor, Tammy

From: David Flanth <david@flanth.com>
Sent: Monday, January 27, 2020 9:50 PM
To: EnvPlanning
Subject: Weissman Land Division Project IDS: P1589 and P2314

1 Dear Ms. Taylor: I will not recount my fervent objections to the proposed Weissman Land Division Land
Mitigated Negative Declaration Proposal, since a number of my fellow community members and neighbors
have done so in great and factual detail. In my view the illegal road constructed by the Weissmans should be
eliminated and the land should be restored to its original state. I can see no reason why there has been no
consequence and no penalty to the Weissmans for this illegal and environmentally destructive and self-
serving maneuver; it implicitly condones further breaches of this sort. The road should be forever precluded
2 from being an ingress or egress to the property above it. The possibility of building more houses on the
Weissman's property should be statutorily limited to the few proposed houses at the top of the property, out of
sight from Panoramic Highway, as was addressed in previous meetings with the members of the community
and county planners. We hope that you will take the objections and cogent arguments to this ill-considered
3 mitigated negative declaration proposal as persuasive, and deny the Weissman's attempts to continue their
environmental assaults on the land we all hold dear on Mt. Tamalpais. Sincerely, David Geisinger. (60 Palm
Way, Mill Valley)

Letter P. David Geisinger

- P-1 Regarding impacts of the Fire Road grading, please see Master Responses 3 and 4. Regarding restrictions on future development, please see Master Response 9.
- P-2 Please see Master Responses 5 and 9.
- P-3 This comment addresses the merits of the Project, not the Initial Study.



MARIN COUNTY GROUP

Protecting the Marin environment since 1968
scmaringroup@gmail.com

Q

January 27, 2020

Tammy Taylor, Environmental Planning
envplanning@marincounty.org
Marin County Community Development Agency
3501 Civic Center Dr., Suite 308
San Rafael, CA 94903

CC: Rachel Reid, Environmental Planning Manager
CC: Sabrina Sihakom, Project Planner

Subject: Comments on APN 46-161-11
Mitigated Negative Declaration for the Dipsea Ranch Land Division

Dear Ms. Taylor:

1 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.

2 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.

3 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
4 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.

5 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
6 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.



MARIN COUNTY GROUP

Protecting the Marin environment since 1968

scmaringroup@gmail.com

- 7 | 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).
- 8 | 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
- 9 | Tamalpais Community Plan (TACP), the 2007 Countywide Plan, and numerous watershed studies along
- 10 | with current restoration work carried on throughout the Redwood Creek Watershed by multiple agencies and tribes have been ignored in the MND.
- 11 | 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.
- 12 | 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
- 13 | continue to happen: downstream flooding, lessening of downstream water quality, loss of wildlife
- 14 | corridors and wildlife, and loss of scenic beauty and bucolic vistas. We question the merits of the
- 15 | Project's viability in the face of global and local species extinction and climate change.
- 16 | 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.

² <https://www.fisheries.noaa.gov/resource/document/recovery-plan-evolutionarily-significant-unit-central-california-coast-coho> Volume II pages 600-636



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17



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.

18

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 Act³ for the engineering, which we believe would have been denied. Because of these violations, there should be, at least, compensatory mitigation required at 2:1 and restoration of the wetlands, as well as removal of the so-called "fire road" that the fire department has not deemed as safe for their trucks.



Work begun during rain without BMPs.



Berm building continuation 3/20/14

³ <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>



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19 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 immitigable. We need to know that the Project truly can achieve mitigation benchmarks for approval because the MND has not made the case.

20 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).

21 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).

22 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.

23 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.

24 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



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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

- 25 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)
- 26 2. Houses on Ridge lines are also not allowed but that is the Project plan
- 27 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.

28	Total Project Site Area (acres)	8.29 Acres
	Total New and Replaced Impervious Surface Area	13,500 sf = 0.31 Acres
	Total Pre-Project Impervious Surface Area	11,664 sf = 0.27 Acres
	Total Post-Project Impervious Surface Area	25,164 sf = 0.58 Acres

SEPTIC SYSTEMS

- 29 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
- 30 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.

29a ¹ https://www.nps.gov/goga/getinvolved/upload/RCWA_FINAL.pdf Page ES-6
Several important issues with relevance to watershed planning are associated with human habitation within the watershed, including: the siting, leakage and failures of septic systems, water use, runoff and soil erosion, congestion on area roads, and introduction of non-native plants and animals. All houses within the watershed, excepting those in Muir Woods National Monument, currently operate on septic systems, and problems with overloaded or poorly sited septic fields are noted within community plans. Further development, including redevelopment to larger residences, is expected to exacerbate these problems. Similarly, increasing development, home sizes, paving of roads and driveways, and removal of native vegetation are also expected to increase water runoff and the potential for soil erosion and water pollution. Water quality monitoring conducted by NPS has occasionally found Redwood Creek bacteria levels to exceed state standards for human contact and elevated nitrogen levels. Problems with traffic congestion, particularly park visitors and people traveling through on Highway 1, are also exacerbated by full-time residents within the watershed due to the area's narrow and winding road system.

- 39
cont.
- 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.
- 40
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
- 41
16. Hydrology report misrepresents the status of the streams refuted by the National Wetlands Inventory and derivative EcoAtlas, Regional Water Board data sets.
- 42
17. Recent unpermitted work on top of watercourses and wetlands needs to be addressed and remediated as a condition before further work is allowed.
- 43
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.
- 44
19. Figure 5 does not accurately reflect the streams or their classification (again see National Wetland Inventory footnote link).
- 45
20. Correspondence from the applicant trying to downgrade the streams was sent to the County.
- 46
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)
- 47
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.
- 48
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.
- 49
24. Unmaintained and unpermitted work in the County Right of Way by previous owner and current owner has resulted in flooding of neighboring properties.
25. The "fire road" has damaged the hydrology of the wetland, cutting it off from the larger area below and has essentially created an immitigable dam and watercourse alteration violation.

STORMWATER DESIGN AND CALCULATIONS

- 50
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.
- 51
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.
- 52
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.
- 53
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.
- 54
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.
- 55
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,

³ http://www.westcoast.fisheries.noaa.gov/publications/habitat/fact_sheets/stormwater_fact_sheet.pdf

- 55
cont.
- 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.
- 56
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.
- 57
33. Adverse downstream impacts to water quality and flow regimes are likely due to this project during construction and afterwards.

GEOLOGY

- 58
34. The hillside stability is in question as there are 13 known historic slide areas that were not addressed.
- 59
35. Many areas that have trail and road cuts are already showing slumps and unstable soils.
- 60
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

- 61
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.
- 62
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.
- 63
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.
- 64
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

- 65
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

- 66
42. Aesthetics and views are not sufficiently addressed. Homes will be placed on ridges affecting sightlines.
- 67
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.
- 68
44. The property's development will impact the Historic Dipsea Trail vistas, wildlife corridor and use.

NOISE AND LIGHT POLLUTION

- 69
45. Noise and light pollution are not sufficiently addressed and will affect both neighbors and wildlife.
- 70
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

- 71 | 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.
- 72 | 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
- 73 | 49. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival.
- 74 | 50. The Federal National Marine Fisheries Service NOAA recommendations⁴ 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.
- 75 | 51. Redwood Creek watershed and Project property are part of a world-renowned biodiversity hotspot. (see appendix for empirical evidence across the street)
- 76 | 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.
- 77 | 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 immitigable.
- 78 | 54. Several large, mature heritage and protected trees have already been removed from the property (Sargent Cypress and Douglass Fir).

⁴ <https://www.fisheries.noaa.gov/resource/document/recovery-plan-evolutionarily-significant-unit-central-california-coast-coho> Volume II pages 600-636

⁵ <http://www.fws.gov/arcata/es/birds/MM/documents/MAMU-NSO%20Harassment%20Guidance%20NW%20CA%202006Jul31.pdf>

U.S. Fish and Wildlife document July 26, 2006: *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* Executive Summary

HABITAT VALUES

- 79 | 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.
- 80 | 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.
- 81 | 57. Biological report wholly insufficient, lacking comprehensive study and local data.
- 82 | 58. See Biology page 19 for animals in the area.
- 83 | 59. There are many invasive plants on the property that have been allowed to proliferate under the applicant obliterating vegetation management work done previously.
- 83 | 60. Large native trees have been removed.

CULTURAL RESOURCES

- 84 | 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))
- 85 | 62. Noise, light, water and air pollution increases will occur and not been mitigated sufficiently. There are sensitive receptors to light, sound and fumes next door and therefore, the Project which likely will go on for several years is immitigable.

SURROUNDING COMMUNITY CHARACTER

- 86 | 63. The Project is out of context with the surrounding land use and community.
- 87 | 64. The Project homes are twice the size of the average size homes in the Muir Woods Park area.
- 88 | 65. The buildings will be on top of the ridge, which violates the TACP.
- 89 | 66. The property owner has misrepresented the Fire Department; Fire Chief Jason Weber has refuted his claim.

INTENT OF THE TACP

- 90 | 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.
- 91 | 68. Project pictures do not show the existing car garage that likely has a residential unit on it.
- 92 | 69. The previous owner of the property did ½ million dollar's worth of unpermitted remodeling on the property. There needs to be an investigation of the garage to see if there is a living space there. The Project would violate several TACP policies that are immitigable.
- 93 | 70. But another parcel of about 1.86 acres is owned by the same applicant and is immediately adjacent to Mt. Tam State Parks.⁶
- 94 | 71. There are multiple conflicts with the Project listed below and several aspects of the TACP policies are not fulfilled by this Project:

93a | 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)

/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/tamalpais_area_community_plan_appendices.pdf

- LU1.1 a LU1.4 b Ridgeline protections prohibit construction within 100 feet of the ridge.
- LU1.1b Design dwellings so the rooftop is below the ridgeline.
- LU 2 Establish densities with environmental constraints.
- LU2.1e Design review shall be required as a condition of tentative map approval.
- LU3.2b Development shall be consistent with the community plan.
- LU 4.1a Meet with property owners to encourage lot mergers.
- LU8 Preserve archeological and cultural resources.
- LU 8.1 and LU8.2 Encourage protection of resources.
- LU 11.1a, 2b Implement existing Countywide Plan policies for stream setbacks to protect stream corridors and banks.
- LU11.2a Identify damaged reaches of streams and target for restoration or stabilization in conjunction with permits for new construction or alteration.
- LU 11.2b Retain unimproved water courses so that they are natural appearing. Discourage underground drainage.
- LU13.2b Protect acquisition of undeveloped lands with open space significance.
- LU 13.2c The Design Review process will be used to identify the vegetation and wildlife habitat of a site.
- LU 14.1a-1d Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space District, Acquisition of parcels with local open space significance should be pursued. Portions of sites that contain open space resources shall be considered for preservation by clustering development.
- LU14.1d Identify parcels in this area which may be appropriate for acquisition as open space.
- LU 15 To protect wildlife trails through private property for access to water and food sources.
- LU 15.1a Any identified wildlife trails should be protected as part of Design Review approval.
- LU 16.1a May require the submission of geotechnical and hydrologic 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 Sciences⁷ 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 Page ES-6

⁸ <http://www.muirbeachcsd.com/mbcsd12-v2/wp-content/uploads/2017/02/20020301-Redwood-Creek-Watershed-Assessment.pdf>

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, Nuttall'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:

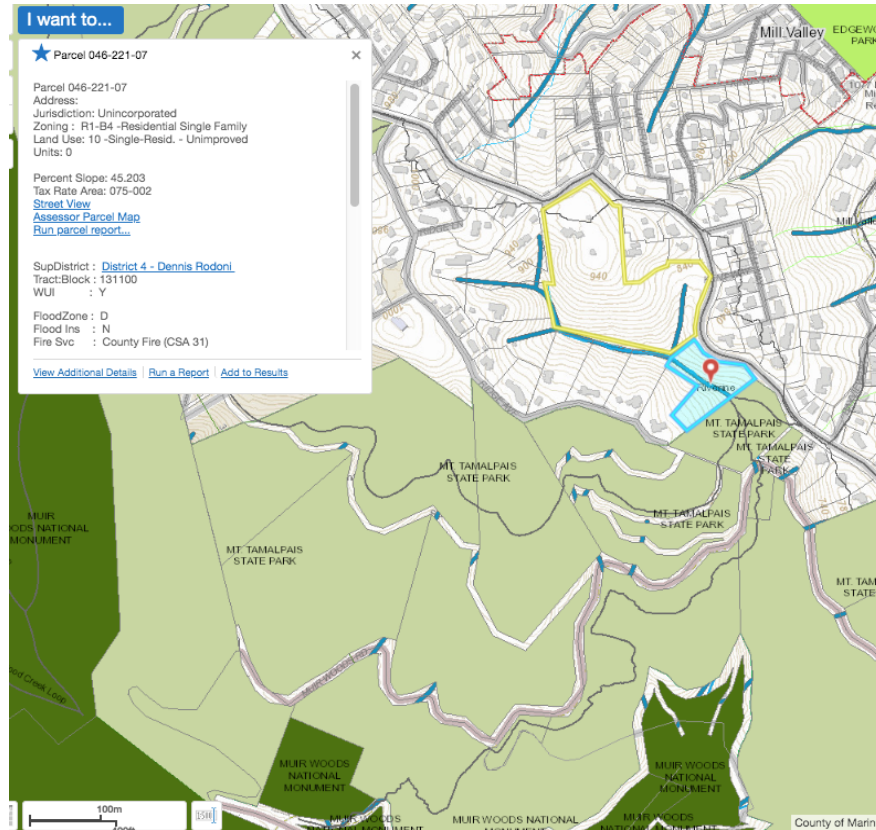
Endangered Monarch Butterfly, California Sister Butterfly, Pale Swallowtail, Anise Swallowtail, numerous unidentified Hairstreaks, Crescent and Fritillary, Buckeye, Red Admiral, California Tortoiseshell, Lorquin's Admiral, numerous Skippers and Duskywings.

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



97

Property's proximity to State Parks and connecting parcel owned by Weissman.



*Marinmap.org - Property owned by applicant separating Project from Mt. Tam State Park Turquoise.
Property for subdivision in Yellow.*

Attachment 2

Tamalpais Community Plan excerpts

SUBJECT PROPERTY IN THE TACP RECOMMENDED FOR CONSERVATION

The Project property is listed in the TACP.⁹

Tamalpais Community Plan, 1992, Page III-29

Muir Woods Park (Figure 12)

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development.

Page III-53 LU14.1d Planning staff should work with the State Parks, National Park Service and representatives from the Muir Woods Park neighborhood to identify parcels in this area which may be appropriate for acquisition as open space.

Tamalpais Community Plan, 1992, Page III-69 and Page III-70

LU31.1b The County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mount Tamalpais State Park, Muir Woods National Monument and the lands of MMWD. Some of these areas are shown in Figure 12. In the event acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park

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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.

98a

⁹ 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.

Attachment 4

99

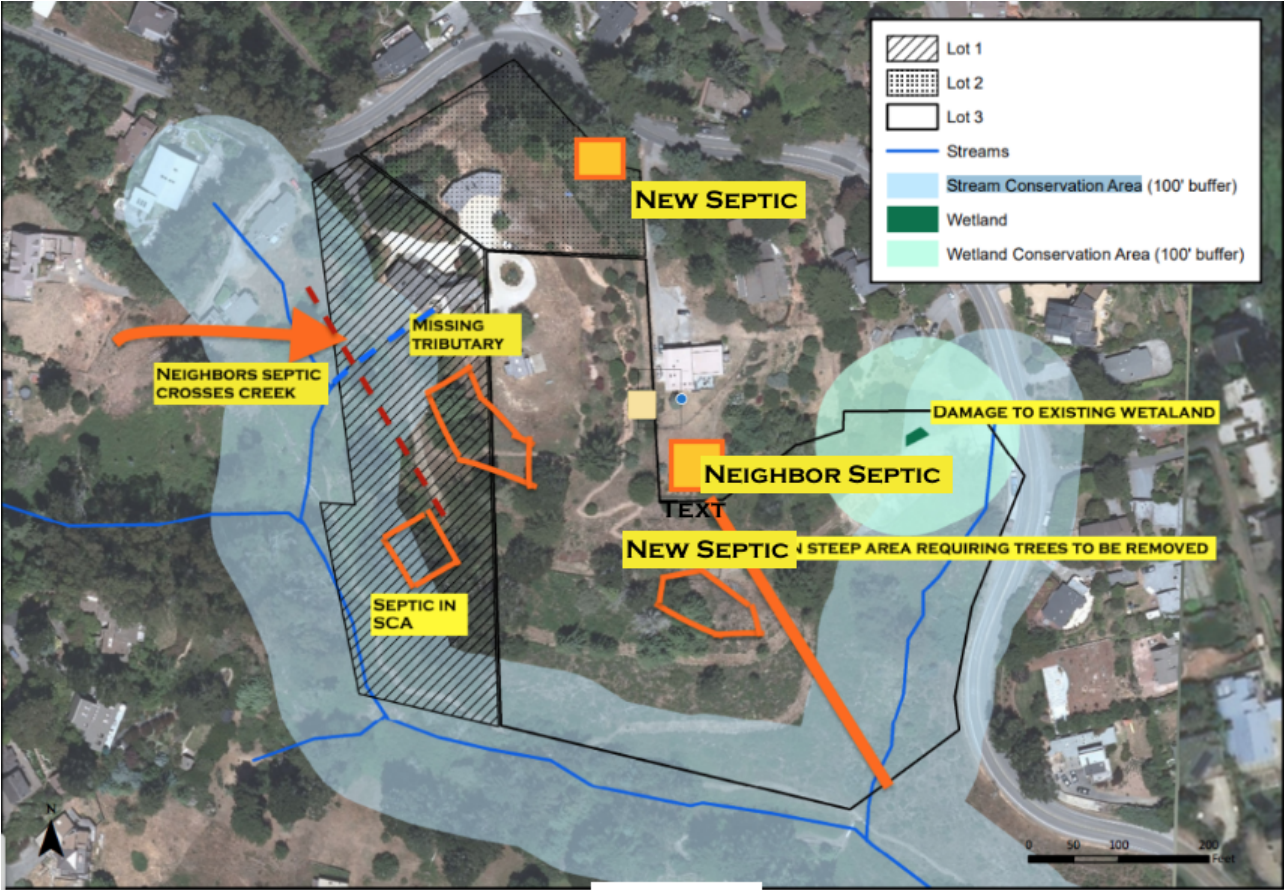


FIGURE 4.1

Environmental Constraints of the Property: Stream conservation area, septic systems, creeks and wetland conservation area (damaged) Lot 2 (substandard)

Letter Q. Judy Schriebman, Sierra Club Marin Group

- Q-1 This comment is introductory and requires no response.
- Q-2 The potential for the Project to impact scenic vistas, including from nearby parklands, is considered in Initial Study Section IV.1, Aesthetics, and found to be less than significant. The Watershed Alliance of Marin letter referred to in the comment is Letter W.
- Q-3 The commenter's opposition to the Project is noted. Impacts of the proposed Project on the issue areas recited by the commenter are all examined in the Initial Study and found to be less than significant, or less than significant with the imposition of specified mitigation measures.
- Q-4 Please see Master Responses 2 and 8.
- Q-5 Please see Master Response 5.
- Q-6 Regarding the biological significance and sensitivity of the Redwood Creek watershed, please see Master Response 2. The Initial Study considers potential impacts of the Project on scenic views from The Dipsea Trail (Section IV.1, Aesthetics) and on recreation (Section IV.16, Recreation), and finds that the Project would not have a significant impact on either. Nothing in the comment provides any evidence that the Project would have a significant impact on recreational use of the Dipsea Trail or Muir Woods National Monument.
- Q-7 As described in the Initial Study, all surface runoff, as well as shallow subsurface flows from the Project site and surrounding sub-watershed area, drains to the two unnamed tributaries on the Project site and then downstream approximately 0.8 miles to the confluence with Redwood Creek and then to the Pacific Ocean at Muir Beach, 4 miles farther downstream (Initial Study, p.98). Although a portion of the northern most section of the Project site is located within the boundaries of the Arroyo Corte Madera del Presidio watershed, no part of the Project site drains to Arroyo Corte Madera del Presidio Creek, Old Mill Creek or to other surface waters in Arroyo Corte Madera del Presidio watershed. While a small portion of the Project site near the main driveway may have historically drained east towards Mill Valley and into Arroyo Corte Madera del Presidio watershed, Panoramic Highway has hydrologically isolated all portions of the Project site from that watershed under existing conditions. Under existing conditions, as described in Initial Study Section IV.10, Hydrology and Water Quality, and in the hydrologic and hydraulic study prepared for the proposed Project (Section 4.3, Ziegler Civil Engineering, 2018a), the watershed boundaries have changed as a result of the construction of Panoramic Highway; Panoramic Highway intercepts flows from the driveway portion of the Project site that drains toward Arroyo Corte Madera del Presidio. Flows intercepted by Panoramic Highway are concentrated

in the roadside ditch bounding the southern roadside edge and conveyed downslope past the Fire Road entrance and into the unnamed drainage tributary to Redwood Creek (see Master Response 4 for additional discussion of drainage patterns associated with the Fire Road). Proposed changes to the main driveway entrance to the Project site are assessed in the Initial Study, including in Section IV.10. Any prior conditions related to runoff from the main driveway entrance or past modifications of the main driveway, are not part of the Project.

Q-8 The commenter does not say in what way the Project Description is “inadequate.” Merely saying that it is inadequate without providing any examples or evidence of its inadequacy does not make it so. On the contrary, Initial Study Section II, Project Description provides a complete, accurate, and finite description of the proposed Project, and is fully in compliance with the CEQA statute and Guidelines.

Q-9 Please see Master Response 10.

Q-10 Consistency of the proposed Project with the Countywide Plan and Tamalpais Area Community Plan are examined in Initial Study Section IV.11, Land Use and Planning. Please see also Master Response 6. Regarding potential impacts on the Redwood Creek watershed, please see Master Response 2.

Q-11 The Project site is a privately held legal lot of record. There is no record that any of the named agencies or organizations has a legal or financial interest in the Project site. The Initial Study examines the potential for the Project to impact water quality, aquatic habitat, and aquatic resources downstream in Redwood Creek, including salmon and steelhead, and finds that the Project would not have a significant impact on these resources; see Master Response 2. Regarding distribution of the Initial Study, please see the response to comments A-2 and A-3.

As discussed in Initial Study Section IV.18, Tribal Cultural Resources, the County contacted interested Native American Tribes regarding any concerns or information about cultural resources that could be affected by the Project. The County complied with all notification and circulation requirements for an initial study/mitigated negative declaration. The period for public comment was extended for two weeks beyond the mandatory 30 days. No other comments, other than those contained in this document, were received.

Q-12 The Initial Study considers the potential for the Project to result in significant effects regarding noise (Section IV.13, Noise) and light pollution (Section IV.1, Aesthetics, topic d), and concludes that such effects, including effects on nearby neighbors, would be less than significant. Regarding the size of any future houses, please see the response to comment Q-27.

- Q-13 Regarding potential impacts on downstream water quality and habitat, please see Master Response 2. The potential for the Project to cause or exacerbate flooding is considered in Initial Study Section IV.10, Hydrology and Water Quality, topics c.ii and c.iv, and found to be less than significant. The commenter provides no evidence of the potential for the Project to cause flooding.
- Q-14 The Initial Study (Section IV.1, Aesthetics) considers the potential for the Project to result in significant effects on scenic vistas and scenic quality, and finds that such impacts would be less than significant. The commenter provides no evidence of a potential impact on scenic resources or scenic vistas.
- Q-15 The Initial Study examines the Project's impacts on the climate, and finds that such impacts would be less than significant (Section IV.8, Greenhouse Gas Emissions). The Initial Study also examines the potential for the Project to impact special-status species (Section IV.4, Biological Resources) and finds that, with mitigation, such impacts would be less than significant. The commenter provides no evidence to the contrary. In Section IV.21, Mandatory Findings of Significance, the Initial Study considers whether the Project would cause or contribute to extinction of any plant or animal species, and finds that it would not. Again, the commenter provides no evidence to the contrary.
- Q-16 Figure 12 in the Tamalpais Area Community Plan (TACP) appears to include the subject property; however, it is unclear if it is being identified as an Open Space Opportunity Area. Further, according to the Marin County Assessor's Office, the Project site was developed in 1981 and therefore was not undeveloped open space in 1992 when the TACP was adopted. The commenter's suggestion that the Applicant create a conservation easement is not a legal or regulatory requirement, nor is it necessary to mitigate any of the significant impacts identified for the Project in the Initial Study; please see Master Response 9. Regarding the consistency of the proposed .89-acre parcel with site zoning, please see the response to comment Q-25.
- Q-17 The commenter does not provide the location from which this photo was taken, or whether it is from a public viewpoint. Given the angle from which it was taken, it appears to be from private property on Ridge Ave. Generally, impacts on private views are not considered significant under CEQA. The photo shows the typical character of the Project site, as described in the Initial Study Project Description and in Section IV.1, Aesthetics. As shown in this photo (as is also shown in Figures 1-2 and 1-3 in the Initial Study) the area around the Project site is characterized by low-density residential development in a hilly, wooded setting. Several existing large houses and other buildings are visible in the photo, including the existing residence and garage within the Project site and neighboring houses. This photograph does not provide evidence that the addition of two residences to the Project site would have an adverse effect on public views, damage scenic resources, or substantially degrade the scenic character

or quality of the Project site, and so does not provide evidence that the Project would cause a significant impact of this kind.

- Q-18 Please see Master Responses 3 and 4. The Initial Study does not rely on unsubstantiated representations of the Fire Department's considerations of the Fire Road in reaching significance conclusions. Initial Study Section IV.17, Transportation, topic d, considers whether the Project would result in inadequate emergency access, and concludes that the proposed improvements to the existing driveway used to access the existing residence would be adequate to provide emergency access.
- Q-19 Regarding alleged errors, omissions and misrepresentations detailed in Appendix 1 to this comment letter, please see the responses to comments Q-25 through Q-99. As shown in those responses, the commenter provides no evidence to support these allegations. Regarding cumulative impacts of the proposed septic systems, please see Master Response 7. All potentially significant impacts of the Project identified in the Initial Study are shown to be mitigable to less than significant with specified mitigation measures, and an EIR is therefore not required; please see Master Response 10. Regarding the TACP EIR, please see Master Response 6.
- Q-20 Please see Master Response 6.
- Q-21 There is no response needed to the portion of the comment that addresses the merits of the Project. Surface waters on the Project site, including the two streams that run through the property, are described in Initial Study Section IV.10, Hydrology and Water Quality; see also Master Response 8. No springs have been identified on the Project site. Please see Master Response 4. The Project site is not adjacent to any parkland. As described in the Project Description, the Project site is zoned for low-density residential development, not open space.
- Q-22 Please see Master Response 1.
- Q-23 Please see Master Response 10.
- Q-24 As demonstrated in the preceding responses, the commenter has not provided any evidence of significant impacts of the Project.
- Q-25 The RMP-0.5 zoning district has an established density of 1 unit per 2 acres. However, the RMP-0.5 zoning district does not establish a minimum lot size, rather it establishes a density standard. The Project site is currently one 8.29-acre parcel, which could support a maximum density of 4 units. The proposed Project could result in the future development of three single-family residences (including the existing residence), which is below the allowed maximum density for the Project site. At 0.89 acres, Lot 2 could not be further subdivided under existing zoning regulations.

- Q-26 The TACP identifies undeveloped ridges and upland greenbelts as important scenic resources. TACP Goal 5 states that new development in the Planning Area's hillside, ridge, and shoreline areas will be regulated to protect the natural beauty of the area. TACP Policy LU 1.1 states that land use decisions should take into consideration the protection and preservation of the area's hillsides, ridgelines, and other unique habitats. There are no policies in the TACP that prohibit ridgeline development.

As discussed in Initial Study Section IV.1, Aesthetics, the Marin Countywide Plan primarily provides for the protection of scenic resources through the application of the Ridge and Upland Greenbelt (RUG) designation. The Countywide Plan both maps designated RUG areas and includes policies that restrict development near or on these ridgelines, requiring development to be in the least visually prominent areas possible. Figure 1-1 in the Initial Study shows designated RUG areas in proximity to the Project site and determines that the Project site is not designated as RUG. There is designated RUG adjacent to the Project site to the south. The Project is therefore consistent with ridgeline protection policies contained in the Countywide Plan. See Initial Study Section IV.1, Aesthetics, Section IV.11, Land Use and Planning, and Master Response 6 for additional discussion on ridgeline development and the Project's potential for conflicts with TACP policies.

- Q-27 The Project does not propose development within the Project site. Future development would require Design Review. Neighborhood compatibility would be determined through the Design Review process and would include review of the average home sizes in the Project area. The Initial Study identifies the maximum adjusted floor area permitted for development of a new residence proposed on a vacant lot. On lots that exceed a 25% average slope and requiring Design Review, the maximum adjusted floor area permitted is limited to the lesser of 7,000 square feet or the adjusted floor area ratio as shown in Appendix B of the Tamalpais Area Community Plan. ADUs and their sizes are regulated by state law.

- Q-28 Please see response to comment Q-54.

- Q-29 Please see Master Response 7.

- Q-29a Please see Master Response 7.

- Q-30 The existing leachfield easement for the residential septic system at 469 Panoramic Highway (APN 046-151-37), which is currently located on proposed lot 1 of the Project site, is an existing feature and is part of the CEQA baseline condition for the Proposed Project. Regarding cumulative septic system impacts, please see Master Response 7.

- Q-31 There is one septic system and leachfield serving the existing residence on the Project site, which is designed to support a 5-bedroom house at 525 gallons per day. Lot 1 also contains a leachfield easement that supports an existing 1-bedroom, pressure-dosed sand trench leachfield. The Applicant's septic analysis identified the existing systems and provided design details for two alternative pressure dosed systems on lots 2 and 3, for a total of 4 systems.⁴³ Given the geologic materials, septic /leachfield design and proposed capacity, the potential for the leachfields to adversely impact Redwood Creek is considered less than significant, as discussed further in Master Response 7.
- Q-32 The septic/leachfield system for the existing residence and the two proposed systems for proposed lots 2 and 3 are all designed to serve 5 bedroom homes with a conservative estimate of 500 gpd for the long-term wastewater flow for each system (Questa, 2019). Any future development of ADUs would be subject to County permitting, including requirements to demonstrate adequate septic system capacity.
- Q-33 Please see the responses to comment W-74.
- Q-34 There is no current application for development of ADUs on the Project site. The Project would allow for construction of one residence and one ADU on each of the proposed three lots, consistent with the zoning of the site; an ADU is already allowable for the existing parcel. Please see the response to comment Q-32.
- Q-35 Please see Master Response 8.
- Q-36 Please see Master Response 8.
- Q-37 Please see the response to comment Q-7.
- Q-38 Information that may be contained in the Applicant's commissioned Hydrology Report regarding restoration efforts in the Redwood Creek watershed are not relied upon in the Initial Study to support any impact conclusions, as they do not contribute to the consideration of Project impacts. This comment is therefore not relevant.
- Q-39 For comments related to historic maps showing surface water features on the Project site and data related to surface water feature classifications incorporated into the analysis of impacts, including consistency with the USGS National Hydrography Dataset (NHD) and National Wetland Inventory (NWI) please refer to Master Response 8. For comments related to placement of fill

⁴³ Questa Engineering Corporation (Questa), 2018. Onsite Sewage Disposal Report for a Minor Subdivision (Dipsea Ranch Tentative Map). Prepared for Daniel Weissman, January 8, 2018.

during past actions and the location of surface water features, please refer to Master Responses 3 and 4.

- Q-40 Initial Study Section IV.10, Hydrology and Water Quality, presents a detailed assessment of potential impacts to surface water features, wetlands, groundwater, and drainage courses, including floodplain, riparian, and other sensitive aquatic features, from implementation of the Project. The assessment of impacts includes detailed analysis of water quality impacts from soil disturbance, pre- and post-Project hydrologic conditions, including creek flows, and alterations to groundwater dynamics from impervious surfaces. As detailed in Section IV.10, impacts to water resources would be less than significant. Additionally, Initial Study Section IV.4, Biological Resources, presents a detailed analysis of potential impacts to aquatic habitat on- and off-site from implementation of the Project. Please see also Master Responses 3 and 4. Regarding consistency of the Project with efforts to restore the salmonid fishery in Redwood Creek, please see the response to comment Q-74.
- Q-41 For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to the Fire Road grading, please see Master Response 4.
- Q-42 Please see the response to comment Q-7.
- Q-43 Initial Study Figure 5 (page 8 of the Initial Study) summarizes the Project location and the size of the associated property parcel in the context of surrounding parcel sizes. Figure 5 is not intended to represent surface water features associated with the Project site or stream classifications. Figure 4-1 (Initial Study page 41) summarizes surface water features relevant to the proposed Project. For additional discussion, please refer to Master Response 8, and the response to comment Q-39.
- Q-44 Please see Master Response 8.
- Q-45 Please see Master Response 8.
- Q-46 Please see Master Response 4.
- Q-47 Water quality impacts associated with implementation of the Project are comprehensively assessed in Initial Study Section IV.10, Hydrology and Water Quality. No work is proposed within the SCA 100-foot setback development buffer areas. Impacts of existing riparian trails, including use and maintenance, are not assessed in the Initial Study, as they are a baseline condition, not part of the proposed Project.
- Q-48 Please see the response to comment Q-7.

- Q-49 Please see Master Response 4.
- Q-50 Please see Master Response 11.
- Q-51 The stated figures for impervious areas include the potential for future development of the site. As there is no development proposal at this time, the estimated amount of impervious surface was based on allowable development within the building envelopes identified on the Tentative Parcel Map. Compliance with Marin County stormwater standards and requirements would be verified through both the Design Review and building permit process. Potential increases in impervious surfaces would be addressed at the time a development application is submitted.
- Q-52 Stormwater and other pollution prevention requirements are enforced through the application for and inspections pursuant to a building permit, grading permit, or other County permits. The County is responsible for ensuring compliance with these requirements and for taking enforcement action when necessary. The County's oversight and enforcement authorities and responsibilities are deemed sufficient to ensure that regulatory requirements and permit conditions are implemented. In its environmental reviews, Marin County assumes a project's compliance with applicable laws and regulations.
- Q-53 Please see Master Response 11. See also the response to comment Q-7.
- Q-54 Initial Study Section IV.10, Hydrology and Water Quality, presents a detailed assessment of potential impacts related to proposed increases in impervious surfaces. As discussed in detail in the Initial Study (page 103), loss of watershed stormwater storage from the addition of impervious surfaces can be a primary impact of development because it can decrease rainfall infiltration into soils and increase runoff flow rates and volumes. Increased runoff can erode slopes and surface water channels as well as the transport of sediment and other pollutants downgradient. Additionally, increased peak stormwater discharges can overwhelm stormwater conveyance systems and cause flooding on-site or downgradient. The addition of 0.31 acre of impervious surfaces would not reduce local groundwater recharge or subsurface flows, would not result in substantially altered drainage patterns, and because post-Project hydrology would not be altered from the pre-Project condition, would not increase the potential for erosion on steep slopes. Consequently, the Initial Study concludes that impacts related to the addition of impervious surfaces would be less than significant.
- Q-55 Please see Master Response 11.
- Q-56 Initial Study Section IV.10, Hydrology and Water Quality, presents a detailed assessment of potential impacts related to water quality (Topic a, Initial Study page 98) both during and following construction of the proposed Project. Compliance with the requirements of the Construction General Permit (CGP) and

associated Storm Water Pollution Prevention Plan (SWPPP), and the construction and post-construction requirements of MCSTOPPP, including application of Bay Area Stormwater Management Agencies Association (BASMAA) design guidelines, as well as implementation of associated BMPs and pollutant source controls, would prevent the discharge of pollutants to surface waters and groundwater and minimize or eliminate the potential for degradation of surface water quality, including aquatic habitat on-site or downgradient in the Redwood Creek watershed, or groundwater quality as a result of Project implementation; impacts would be less than significant (Initial Study page 100). Regarding potential for fill to contain contaminants, please refer to Master Response 4.

- Q-57 Regarding potential impacts to water quality during and following construction, please see the response to comment Q-56: Impacts related to surface water hydrology, including as a result of hydromodification and altered drainage patterns associated with implementation of the Project, are comprehensively assessed in Initial Study Section IV.10, Hydrology and Water Quality, Topic c, (Initial Study page 102); post-Project hydrology would not be altered from the pre-Project condition and flow regimes on-site and downgradient would not be adversely affected.
- Q-58 Initial Study Section IV.7, Geology and Soils, topic a.iv, adequately addresses hillslope stability and landslides; see pages 78-80. The Initial Study concludes that, based on review of the available studies and published landslide mapping, impacts associated with slope failure and landslides would be less than significant.
- Q-59 Existing slumps, old landslides, and unstable slopes on the Project site and the impact of these features on the proposed Project are discussed in the Initial Study (pages 78-80).
- Q-60 The cumulative septic impact assessment commissioned by the Applicant, in conformance with the Marin County Alternative Septic Systems Regulations, Section 807, used in its water balance analysis the total average annual precipitation of 37.59 inches based on the average monthly precipitation for Mill Valley as obtained from the Department of Water Resources/National Weather Service⁴⁴ (Questa, 2018). That stated average was considered an appropriate annual rainfall total for the purposes of the analysis. No other runoff data was applied to calculations regarding septic function. Regarding stormwater system design, please see Master Response 11.

⁴⁴ Questa Engineering Corporation (Questa), 2019. Letter to Gwen Baert and Rebecca Ng, Marin County Environmental Health Services Division from Paul Pospisil regarding 455 Panoramic Highway, Mill Valley. November 1, 2019

- Q-61 Please see the response to comment H-5. Because construction traffic would be of limited duration and quantity, as described in Initial Study Section IV.17, Transportation, it would not be expected to substantially worsen the existing situation of limited evacuation routes from the area of the Project site.
- Q-62 The commenter describes an existing condition, not one that would be caused by the proposed Project. Please see the response to comment H-5.
- Q-63 Past fuels management on the Project site is not part of the proposed Project and was therefore not considered in the Initial Study. The Initial Study identifies a significant impact of the Project regarding presence and potential spread of invasive plant species (Section IV.4, Biological Resources, topic e), and specifies mitigation measures to manage invasive plants (Mitigation Measure BIO-4). The discussion of this impact also notes that the Project is subject to the requirements of the Marin County Fire Code, which requires developments within the WUI to prepare and implement a Vegetation Management Plan (VMP) consistent with Marin County Fire Standard 220. The VMP must include a fire hazard risk assessment, plan for creation and maintenance of defensible space, and specify the species and spacing of landscape plants. Standard 220 includes a list of prohibited, highly flammable plants that includes many common invasive species. Adherence to the requirements for a VMP, together with the measures specified in Mitigation Measure BIO-4, would reduce to less than significant the impacts associated with presence, potential spread, and fire risk of invasive plant species, as stated in the Initial Study.
- Q-64 Please see the response to comment H-5.
- Q-65 Please see the response to comment Q-15. See also Master Response 1.
- Q-66 Please see response to comment Q-14.
- Q-67 Past actions (other than grading of the Fire Road) are not considered a part of the Project. Impacts on native trees associated with future development are considered in Initial Study Section IV.4, Biological Resources, item e (page 63). Mitigation Measure BIO-3 is specified to provide additional protections to native trees. With this mitigation measure, the impact on native trees is found to be less than significant.

Regarding the portion of the comment that alleges that the Project would alter the character of the neighborhood, affecting its “bucolic surroundings,” it is noted that the Project would be consistent with the current site zoning; that the Project site is already developed, and that there is very limited visibility of the Project site from public vantage points in the surrounding areas. Therefore, the Project would not be expected to alter the character of the neighborhood. This issue will, however, be further examined during Design Review if the Project is approved and a future application is made for site development.

- Q-68 Please see the response to comment Q-6. See also Master Responses 1 and 2.
- Q-69 Please see the response to comment Q-12.
- Q-70 The effects of light pollution from future development, including effects on the night sky, are considered in Initial Study Section IV.1, Aesthetics, item d (page 26), and found to be less than significant. Outdoor lighting will be further examined during Design Review, if the Project is approved and a future application is made for site development. The commenter does not provide any substantive evidence that the Project could result in impacts to the night sky. Regarding potential impacts of the Project on wildlife, please see Master Response 1. Because future development would be restricted to those areas of the Project site that are already developed, additional lights would not be expected to have a substantial impact on wildlife.
- Q-71 The comment describes current (or past) conditions in the area, not the impacts of the Project.
- Q-72 The proposed subdivision and potential future residential development of the Project site are consistent with the existing zoning, which in turn is consistent with the Countywide Plan's land use designation for the Project site. Regarding habitat fragmentation, please see the discussion in Initial Study Section IV.4, Biological Resources, topic d (page 60), which concludes that the Project would not result in habitat fragmentation or impairment of the movement of fish or wildlife. Please see also Master Responses 1 and 6. The Project is not adjacent to any park.
- Q-73 The comment appears to describe past actions, not the potential effects of the proposed Project. Regarding the potential for the Project to impact downstream resources, please see Master Response 2.
- Q-74 Regarding the potential for the Project to impact downstream fisheries, please see Master Response 2. Through the establishment of the proposed SCAs, the proposed Project is consistent with the relevant NOAA Fisheries recommendations for action items associated with the recovery plan for Central California Coho salmon. The SCAs ensure no development occurs within 100 feet of the unnamed drainages on the Project site, protecting stream channels, riparian vegetation, and associated aquatic habitat, from future development. For additional discussion of SCAs and the protection of natural water features relevant to the proposed Project, please see Master Response 8.
- Q-75 Please see Master Responses 1 and 2. Appendix 2 to this comment letter is designated comment Q-96. Please see the response to that comment.
- Q-76 Regarding the potential for the Project to impair the movement of wildlife or to result in habitat fragmentation, please see the response to comment Q-72.

Regarding potential impacts on northern spotted owl, please see Master Response 1.

Q-77 Please see Master Response 1.

Q-78 Please see the response to comment Q-67.

Q-79 Please see Master Response 1. The commenter provides no evidence that northern spotted owl are found within the Project site.

Q-80 Existing laws and regulations enacted to protect the environment, additional mitigation measures specified in the Initial Study, and the County's and other agencies' permitting, oversight, and enforcement responsibilities, are considered sufficient to ensure that future actions associated with the Project, if it is approved, would not result in a significant impact on the environment.

Q-81 It is unclear, but the commenter may be referring to the Applicant's biological resources report, prepared by LSA (LSA, 2018). The Biological Resources section of the Initial Study (Section IV.4) fully meets or exceeds the requirements of CEQA, and the standards of practice for an initial study. The preparers of the Initial Study section drew from the Applicant's studies, but confirmed their findings through independent database searches, site reconnaissance, and literature review.

Q-82 Please see the response to comment Q-63.

Q-83 Please see the response to comment Q-67.

Q-84 As discussed in Initial Study Section IV.18, Tribal Cultural Resources, the County contacted interested Native American Tribes regarding any concerns or information about Tribal cultural resources that could be affected by the Project, in compliance with the requirements of AB 52. Two Tribes were contacted and neither responded. As there is no information regarding, nor evidence of, Tribal cultural resources within or nearby the Project site, the Initial Study concludes that the Project would not have an impact on such resources. The analysis in Initial Study Section IV.5, Cultural Resources, is based on an Archeological Resources Study for the Project site conducted by the Anthropological Studies Center at Sonoma State University, and commissioned by the Applicant, as described on Initial Study pages 69-70. Because they may contain sensitive information, archeological studies are usually kept confidential by the County, as is the case with this one. The study was used as the basis for the cultural resources impact analysis in Initial Study Section IV.5, which finds that the Project would have a less than significant impact on cultural resources. The commenter provides no evidence that the Project would have a significant impact on cultural resources or Tribal cultural resources.

- Q-85 The Initial Study considers the potential for Project construction and operation to result in significant effects regarding noise (Section IV.13, Noise), and light pollution (Section IV.1, Aesthetics) and concludes that such effects, including effects on nearby neighbors, would be less than significant. Air quality impacts (Section IV.3, Air Quality) would be less than significant with mitigation. The commenter has provided no evidence to support their assertion that these impacts would be significant and unavoidable.
- Q-86 As noted in the response to comment Q-72, The proposed subdivision and potential future low-density residential development of the Project site are consistent with the existing zoning, which in turn is consistent with the Countywide Plan's land use designation for the site. Please see also the response to comment Q-67.
- Q-87 Please see the response to comment Q-27.
- Q-88 Please see the response to comment Q-26.
- Q-89 Please see the response to comment Q-18.
- Q-90 This comment addresses the merits of the Project, not the environmental analysis.
- Q-91 The photos included in the Project Description in the Initial Study (Figures 3 and 4) adequately characterize the Project Site. Figure Q-1 shows the existing garage. Current use of this structure is not relevant to the environmental analysis.



Figure Q- 1: Existing outbuilding (foreground) and Garage (background)

- Q-92 Past work on the property, including remodeling of the existing garage, is not part of the Project. Regarding consistency with TACP policies, please see Master Response 6.
- Q-93 Please see Master Response 5.
- Q-93a This comment describes existing conditions in the neighborhood within which the Project site is located, and does not comment on the environmental analysis of the Project. As described in Initial Study Section IV.17, Transportation, the Project would not result in a large increase in vehicle trips. As also described in that section (topic d), with the proposed improvements to the existing site driveway and intersection with Panoramic Highway, there would be adequate emergency access to the Project site. Potential impacts related to slope stability are examined in Initial Study Section IV.7, Geology and Soils, and found to be less than significant. Potential impacts of proposed drainage systems are examined in Initial Study Section IV.10, Hydrology and Water Quality, and found to be less than significant.
- Q-94 Please see Master Response 6. While the commenter alleges that the Project would conflict with several TACP policies, the comment does not identify how the Project may conflict with the policies, and provides no substantial evidence of such a conflict.
- Q-95 The information presented in the Initial Study is consistent with information relevant to the Project site and the proposed Project contained in the 2011 Redwood Creek Watershed Assessment conducted by Stillwater Sciences and the 2002 Erosion Control Study for Redwood Creek Watershed conducted by Pacific Watershed Associates, both referenced in this comment. Information in these studies related to the Redwood Creek watershed, erosion and sedimentation risks, hydrology and drainage patterns, aquatic habitat, as well as the policies, goals, and recommendations for natural resource management made by various regulatory agencies (including Marin County, National Park Service, CDFW, NOAA Fisheries) is consistent with information presented in Initial Study Section IV.4, Biological Resources, and IV.10, Hydrology and Water Quality. While not exhaustive, the analysis of impacts presented in the Initial Study is comprehensive and supported by evidence; Specific inclusion of the submitted references would not alter the analysis or conclusions presented in the Initial Study.
- Q-96 Please see Master Response 1.
- Q-97 Please see Master Response 5.
- Q-98 Please see Master Response 6.
- Q-98a Please see Master Response 6. Parcel 046-161-10 no longer exists.
- Q-99 Please see the response to comment W-74.

JAN 23 2020 PM 1:19 Planning

Bernard Ayling
50 Palm Way
Mill Valley, CA 94941

January 13th, 2020

Marin County Community Development Agency
Attn: Tammy Taylor, Environmental Planner
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
envplanning@marincounty.org

re: Weissman (Dipsea Ranch) Land Division
Project IDs: P1589 & P2314

Dear Tammy Taylor,

1 | I have read the proposed Mitigated Negative Declaration regarding this project and find some of the wording misleading and factually incorrect. Consequently, the findings must be called into question.

2 | One of the main errors is the mischaracterization of the intermittent stream feeding Redwood Creek as an ephemeral stream. This alone disqualifies the subsequent minimal impact findings in the MND. With all the work currently being done to Redwood Creek, along with future work scheduled, it would behoove the county to reconsider this categorization. Looking at the map in the applicant's documents, it would appear that this area is indeed one of the two highest elevation sources for Redwood Creek.

3 | To the extent that the wetland area identified in the applicant's pictures is above the illegally constructed road, it follows that the addition of the road material has had an impact on Redwood Creek. A finding that there would be minimal impact is questionable.

4 | From the MND:
The Project site supports two drainages along the western and southeastern edges (LSA, 2017). These drainages converge just south of the property and flow directly to Redwood Creek
As described above, there are two drainages within the Project site, but outside the area of proposed development.
Without the illegal grading of the road and the addition of material, these drainages would be on the property. The ditch the applicant built alongside Panoramic to divert the wetland runoff from his property has contributed to more erosion at the edge of the highway that did not exist previous to the modification.
To state that this presents minimal impact when the mitigation measures are in place is disingenuous. Reading through the mitigation measures proposed, there is little other than equipping project managers with photos identifying the wildlife to be affected and properly showing project boundaries. A reasonable person can not consider these true mitigation measures, as they mitigate nothing.

5 | Additionally, it seems any concerns that septic systems for these 7000 sq ft houses and their accompanying accessory dwelling units discount the impact they will have on this stream bed. The slopes here are very steep, the actual flow distances very short and the rock not very porous. This has to result in leach fields that are not very effective.

6 | In summary, the applicant has contrived through building an illegal road with added material, to divert the intermittent stream on his property outside the boundaries of his property and to then encourage a finding that this therefore has no significant downstream impact, especially to Coho habitat and other wildlife.

7 | I urge you to reject these conclusions. The applicant should be made to restore the area to the previous conditions before receiving any further consideration in this matter.

8 | Failing that requirement, at minimum provisions for an absolute explicit prohibition on any building or modification of the ground in the vicinity of that road should be written into any approval of this land division in the form of a written agreement to that effect, incorporated in a legally binding manner for the applicant or any subsequent buyer of that 5 acre parcel.

Sincerely,



Bernard Ayling
50 Palm Way
Mill Valley, CA 94941

Letter R. Bernard Ayling

- R-1 Please see Master Response 10.
- R-2 Please see Master Response 8.
- R-3 Please see Master Response 4.
- R-4 Please see Master Responses 1, 3 and 4.
- R-5 Please see Master Response 7.
- R-6 Please see Master Responses 4 and 10.
- R-7 Please see the Master Responses referred to in the previous responses. As the Fire Road has been found not to be causing ongoing impacts, there is no basis for requiring its removal, unless DPW declines to issue a grading permit covering the work already completed.
- R-8 Please see Master Response 9.

January 14, 2020

Marin County Community Development Agency

3501 Civic Center Dr., Suite 308
San Rafael, CA 94903

Re.: Weissman (Dipsea Ranch) Land Division Project IDs: P1589 &
P2314

Subj.: Weissman Land Division Mitigated Negative Declaration

Attn.: Tammy Taylor, Environmental Planner

Thank you for sending Notice of the Extended Comment Period.

1 We find it troublesome that after the several meetings in 2016 and 2017 that this incomplete and ill-considered project is again on the table. Worse it seems incorrect that it can be awarded a 'negative declaration' for environmental impact. As others have surely highlighted the EIR has misrepresentations, errors and is missing information that should be evaluated and incorporated into the environmental study for the project. Historically, we understand that no less than 6 Federal agencies have looked at the Redwood Creek watershed over the decades. The lower elevations of this property and the area where some construction may occur is a critical region affecting this watershed which has received so much attention.

2 We recall that it had been agreed/approved (in 2017 by the Tam Valley Design Review Board in a meeting where the Planning Department participated) that additional homes could be built on the top portion of the property, where the impact could be contained and minimal. However, this current proposal to subdivide and

3

potentially make the down-sloping wetlands a development area for housing was not agreed to, cannot be justified by an extensive but erroneous "Mitigated Negative Declaration" and would be a profound mistake. There are several virtually perennial ("intermittent") springs/leaks that drain from that slope and flow into the creek below, which is perennial, flowing throughout the year into the Redwood Creek drainage below. (That is the Redwood Creek on which several million dollars have been spent in resurrecting the wetlands and drainage near Muir Beach and the extensive protection efforts by the National Park to protect the creek further up.) Admittedly much damage has been done to the area over the decades, but there is now a concerted effort to resurrect and save what is left. The proposed "Dipsea Ranch" project (were anything to ever be constructed on that vulnerable downslope) would very likely threaten these recent, heroic conservation efforts.

Weismann has already constructed a non-permitted road that effectively created a dam, new erosion and displacement of some of the water running off this wetlands slope. It is probable that removal of that illegal road may cause even more damage, but there certainly should be a moratorium that disallows any future access to the property via that travesty of a 'road' that should never have happened. Another issue is that on that slope the soil layer over the underlying rock is shallow and quite problematic for any septic system proposed. Re-engineering the slope should not be permitted and construction on that slope will be a significant introductory eyesore to anyone coming around that bend in "windy gap" and wishing to access the Mt Tamalpais park area.

We believe strongly that no further meddling and destruction of this wetlands should be allowed. The property owner has the right to build on the allowable portions, while the rest of the property should remain a protected easement as it has always been. It is NOT an

7
cont.

area that should be considered for building. Any activity there will directly affect the sensitive watershed below. Last year we understand the National Park Service and other entities spent enormous funds to capture and raise the Coho Salmon spawn (the alevins and fryes) to protect them and reintroduce them to the creek so they could survive. Those survivors will eventually return to the same creek to spawn themselves after their time at sea. Please do not allow this unnecessary construction/destruction to be allowed.

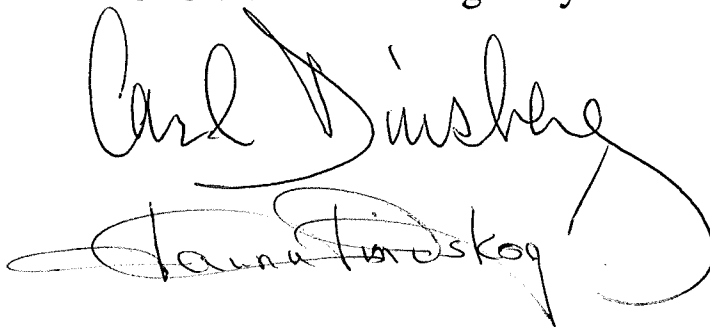
8

9

If our concerns are insufficient to halt further consideration of this willful and speculative adventurism, we strongly suggest that the County enlist the support of competent individuals in the various organizations that have worked so hard to save and restore Redwood Creek.

Sincerely, Carl Duisberg and Laura Lindskog

348 Panoramic Highway MV

Handwritten signatures of Carl Duisberg and Laura Lindskog. The signature of Carl Duisberg is written in a cursive style, with the first name clearly legible. Below it, the signature of Laura Lindskog is also written in a cursive style, with the last name clearly legible.

Letter S. Carl Duisberg and Laura Lindskog

- S-1 Regarding the commenter's allegations of inadequacy of the environmental review, please see Master Response 10. Regarding potential impacts of the proposed Project on the Redwood Creek watershed, please see Master Response 2.
- S-2 Please see responses to comments C-1 and C-2.
- S-3 The comment mischaracterizes the proposed Project. The proposed Project, as described in the Initial Study, Section II, Project Description, would limit development to the upper part of the Project site; see Figure 6 in the Project Description. As discussed in Initial Study Section IV.4, Biological Resources, and Section IV.10, Hydrology and Water Quality, the Project would not have adverse impacts on wetlands or streams, either within the Project site or downstream. Please see also Master Responses 1 and 2.
- S-4 The Project does not include further changes to the Fire Road, beyond the work completed in 2014. Access to the proposed development envelopes would be via the existing driveway used to access the existing residence and outbuildings on the Project site. This driveway and its intersection with Panoramic Highway would be improved, as described in Initial Study Section II, Project Description. Regarding a "moratorium" on future use of the Fire Road, please see Master Response 9.
- S-5 The Initial Study, Section IV.7, Geology and Soils, examines the proposed septic systems and finds that they would not cause a significant impact. Please see also Master Response 7.
- S-6 Septic system installation, and in addition installation of drainage features, would not be expected to cause a significant visual impact. While some disturbance to the hillslope on which these would be constructed may be visible from portions of Panoramic Highway and the Dipsea Trail, this disturbance would be of short duration and, because of the distance from public vantage points to this slope, would not be visually prominent (see Figure 1-2 in Initial Study Section IV.1, Aesthetics). Following construction, vegetation would reestablish over the buried septic and drainage facilities. Therefore, impacts would be less than significant, and no mitigation is required.
- S-7 As noted in the response to comment S-3, the Project would not disturb or otherwise impact wetlands and would not have adverse impacts on Redwood Creek downstream. There is currently no conservation easement on the Project site; the Project site is zoned and designated in the Countywide Plan for low-density residential development, not open space.

- S-8 The Initial Study concludes that the Project would not adversely affect Redwood Creek's salmonid fishery. Please see Master Response 2.
- S-9 This comment does not address the environmental review.

Taylor, Tammy

From: Ty Cashman <ty.cashman@gmail.com>
Sent: Tuesday, January 28, 2020 12:59 PM
To: EnvPlanning
Subject: Re: Weissman (Dipsea Ranch) Land Division Project IDS: P1589 & P2314
Attachments: Redwood Creek Watershed, Ty.docx

Dear Tammy Taylor,

Please find attached my Comments to the Initial Study & Mitigated Negative Declaration document. Also copied into the text:

Marin County Community Development Agency
 Attn.: Tammy Taylor, Environmental Planner
 3501 Civic center Drive, Suite 308
 San Rafael, CA 94903

envplanning@marincounty.org

Re.: Weissman (Dipsea Ranch) Land Division
 Project IDS: P1589 & P2314

Subj.: Comments to Initial Study & Mitigated Negative Declaration

Dear Tammy Taylor:

During the last community meeting for public comment, held in our Muir Woods Park Community Center on the Dipsea Ranch issue (2018?), I publicly requested of County Planner, Curtis Havel, that the County invite an expert from the California Department of Fish and Wildlife to do a site visit and an official assessment of the nature of the wetlands, the springs and the intermittent stream that the Weissman's private environmental firm has denominated merely "an ephemeral stream." He remained silent. Later in a phone call to his office I asked again if the County would do it, but he declined, saying that before the process is finished the paperwork will be reviewed by the CDFW.

It seemed, and continues to seem, strange to me that the final on-site assessment of the ecological nature of a stream in a biologically sensitive area should devolve upon the judgment of a private environmental firm that is paid by the landowner who is specifically intending to exploit the stream in question.

2 | Mr. Weissman owns several acres of land with special biological significance. There are springs on his property and the springs are the water sources of what the USGS calls a “blueline stream” that is a direct tributary to the biologically fragile Redwood Creek. It is the type of stream that the CDFW requires you notify them about if you are planning to change its stream bed.

3 | Mr. Weissman decided in 2014 to bring in many cubic yards of rock and gravel which now covers some the wetland on his land, springs which are the source of the blueline stream that is an important tributary to the Redwood Creek that forms the lifeline of the Muir Woods Valley.

He did this without permit from the County, so I imagine he did it without required notification to the CDFW.

The California Department of Fish and Wildlife posts on its website this notice:

“Lake and Streambed Alteration Program

Fish and game Code section 1602 requires any person, state or local government agency, or public agency to notify CDFW prior to beginning any activity that may do one or more of the following:

- 4 |
- Divert or obstruct the natural flow of any river, stream, or lake;
 - Change the bed, channel, or bank of any river, stream or lake;
 - Use material from any river, stream, or lake; or
 - Deposit or dispose of material into any river, stream or lake.

Please note that ‘any river, steam, or lake’ includes those that are dry for periods of time as well as those that flow year around. If you are not certain a particular activity requires notification, CDFW recommends you notify.”

It seems that the “un-permitted’ road construction that the Weissman group did 3 of these 4 things. I’ve underlined the most significant sentence.

The notice continues: *“CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.”*

5 | There are two dimensions to assessing what actions “may substantially affect fish and wildlife resources”: (1) How big the up-stream streambed disturbance is, and, (2) How fragile and biologically valuable the fish and wildlife resources that may be affected there and downstream are.

In regard to the second, it is important to look and think more widely than the Weissman property, at the truly extraordinary place on the earth Mr. Weissman, and we his neighbors, have the privilege to live in. There is a certain *noblesse oblige* that those of us who have the

<div>5</div> <div>cont.</div>	<div>Y</div> <p>extraordinary privilege to live on this mountain-side have. We feel a natural obligation to take the greatest of care of the nearly miraculous place where we live.</p> <p>Basically, it is not a place in which you try “to cut corners” on environmental protection. We should not try to dodge the responsibility that comes to us from our privilege to be able to own a piece of land as wonderful as his. We should be glad for and cooperate with all the protective laws that the state and the county have worked to put in place. We should honor every stream and river that nature has left to us from the last hundreds of thousands of years of geobiological activity.</p>
<div>6</div>	<div></div> <ul style="list-style-type: none"> • Let us step back and see the full context in which the springs and stream on his land are embedded. <p>The U.S. National Parks Service has published on their website a description of the watershed in which Dan Weissman’s land and springs and tributary stream have developed over eons, the Redwood Creek watershed.</p> <div> <div>*</div> <div>*</div> </div> <p>“The Redwood Creek watershed extends from the peaks of Mt. Tamalpais, Marin County’s tallest mountain, to the Pacific Ocean and is nestled in one of the nation’s most densely populated regions. The watershed encompasses an area of <i>less than 9 square miles</i>, yet it harbors an incredibly diverse ecosystem and rich assemblages of plant and animal species. Within this small watershed are found grasslands, coastal chaparral, mixed hardwood and old-growth redwood forests, seasonal wetlands, and riparian woodlands that extend in an unbroken mosaic from the mountain’s ridge tops to the sea. This watershed is also home to some of the west coast’s most imperiled species, such as coho salmon (<i>Oncorhynchus kisutch</i>), steelhead (<i>O. mykiss</i>), northern spotted owl (<i>Strix occidentalis caurina</i>), and the California red- legged frog (<i>Rana aurora draytonii</i>).</p> <p>“An indication of its ecological value, the watershed is included in one of 25 global biodiversity “hot spots” recognized by The Nature Conservancy and targeted by the global conservation community as key to preserving the world’s ecosystems. It is also within the Golden Gate Biosphere Reserve, one of 411 reserves designated by the United Nations Educational, Scientific, and Cultural Organization’s (UNESCO) Man and the Biosphere Program to provide a global network representing the world’s major ecosystem types.”</p> <div> <div>*</div> <div>*</div> </div>
<div>7</div>	<div></div> <p>A number of us close neighbors living just the other side of Panoramic Highway from the “blueline stream” in question, who have for many years (20, 30, 40 or more years, in each case) lived near this stream and have accepted our responsibility to be alert to protect it and this extraordinary Redwood Creek/Muir Woods watershed for which it is a tributary, for all future generations—we are deeply concerned.</p>
<div>8</div>	<div></div> <ul style="list-style-type: none"> • Because <i>any</i> intermittent stream in the State is explicitly included in the CDFW requirement by Fish and Game Code section 1602-

9 | •And because this unique, tiny watershed provides water to the several threatened species in this one valley, in a catch basin roughly 8.5 square miles in size-

10 | •And because the “unpermitted road,” with its many cubic yards of fill has diverted the pure water away from the applicant’s land where it had flowed through the pure landscape directly to Redwood Creek, to a new ditch along Panoramic Highway where the tributary water is then contaminated with bitumen, petroleum wastes from the exhaust pipes of the heavy traffic, and other highway pollutants before it flows back directly down into the biologically fragile Redwood Creek-

11 | • Because the water that flows from the applicant’s land goes immediately into Redwood Creek and its fragile ecosystem and is part of the small amount of water available that maintains the viability of three threatened species and hundreds of others-

12 | All this makes it that a mischaracterization of a “bluestream” tributary, that in many parts of California might not be significant, in this particular case is of the highest significance.

In this unique and fragile ecosystem, containing three threatened aquatic species, a catchment area of only 8.5 square miles, in a State subject to frequent drought intensified by climate change, a manipulation of stream-flow of the order that the Weissman project has engaged in rise to the level of possibly “*substantially adversely affect fish and wildlife resources.*”

In a previous letter to Supervisor Rodoni on this issue I wrote:

13 | “You may recall that during the recent drought, due to the Creek’s low water flow from its watershed, the endangered Coho salmon and steelhead in the Redwood Creek suffered to the point that heroic measures were required to keep their population alive until the good rains returned. Six agencies joined together to do this: Golden Gate National Recreation Area (GGNRA), the Golden Gate National Parks Conservancy, The California Department of Fish and Wildlife (CDFW), the Army Corps of Engineers, Mount Tamalpais State Park, and the National Marine Fisheries Service. They coordinated their efforts for three years and finally, in 2016 when the Creek had sufficient water again, they had succeeded in saving the salmon. During part of that time they had to temporarily move the entire populations to a place with a richer water resource.

Redwood Creek is unusual among the world’s important creeks and rivers in that the rains and aquifers that feed it come from an extremely small watershed. In such a tiny ecosystem, every spring and rivulet that feeds the creek is vital.”

Thank you for your careful consideration of all these factors.

Best regards,

Dr. Tyrone Cashman
Beth Beaulieu
5 Kent Way,
Mill Valley, CA 94941

14 | P.S. Before the County approves this Initial Study and Mitigated Negative Declaration for the Dipsea Ranch Land Division, we suggest that, after a site visit by the CDFW, it could be appropriate

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for the Weissmans to enter into *a Lake and Streambed Alteration (LSA) Agreement* with the California Department of Fish and Wildlife, as Fish and Game Code section 1602 requires.

Letter T. Dr. Tyrone Cashman and Beth Beaulieu

- T-1 The commenter appears to be referring to the Tamalpais Design Review Board meeting of May 2, 2018. The assessment of the potential for the Project to impact biological resources, including streams and wetlands, was conducted by consultants to the County, not the Applicant. The biological studies commissioned by the Applicant were used as a source of information, but were independently and objectively reviewed and verified by the County's consultant. The California Department of Fish and Wildlife submitted comments on the Initial Study/Draft Mitigated Negative Declaration; see comment letter K and the responses to that letter.
- T-2 Regarding habitat value within the Project site, please see Master Response 1. Regarding the presence and classification of surface water features within the Project site, please see Master Responses 4 and 8.
- T-3 Please see Master Response 4.
- T-4 As noted in Master Response 4, the 2014 grading of the Fire Road did not alter a streambed, and so did not require a Fish and Game Code Section 1600 Lake and Streambed Alteration Notification. The Project does not propose any alteration of a watercourse.
- T-5 The Initial Study, Section IV.4, Biological Resources, finds that, with mitigation, the Project would not have a significant impact on biological resources, including in the Redwood Creek watershed downstream of the Project site. Please see also Master Responses 1 and 2.
- T-6 As noted in Master Response 4, there are no known springs within the Project site. As noted in Master Response 8, neither are there blueline (i.e., perennial) streams within the Project site. Regarding the potential for the Project to impact sensitive biological resources, please see the previous response and Master Response 2.
- T-7 This comment does not address the environmental analysis. As noted in the previous response, there are no blueline streams within the Project site. Please see Master Response 8.
- T-8 Please see Master Response 8.
- T-9 Please see Master Response 2.
- T-10 Please see Master Response 4.
- T-11 Impacts related to water quality and surface water hydrology in Redwood Creek, including as a result of hydromodification and altered drainage patterns

associated with implementation of the Project, are comprehensively assessed in Initial Study Section IV.10, Hydrology and Water Quality. Post-Project hydrology would not be altered from the pre-Project condition and flow regimes on-site and downgradient would not be adversely affected.

T-12: Please see the response to comment T-11. For comments related to the potential for the Project to impact special-status species and sensitive resources in Redwood Creek, please see Master Responses 2 and 8.

T-13 Please see Master Response 2.

T-14 Please see the response to comment T-4

Taylor, Tammy

From: mmccabe812@aol.com
Sent: Tuesday, January 28, 2020 2:53 PM
To: EnvPlanning
Cc: Rodoni, Dennis
Subject: Weissmann Land Division. Project IDs: P1589 & P2314

Michele Egan McCabe
 2 Kent Way
 Mill Valley, CA 94941

Marin County Community Development Agency
 Attention: Tammy Taylor, Environmental Planner
 3501 Civic Center Drive, Soom 308
 San Rafael, CA 94903

Dear Ms. Taylor:

I'm writing today with regard to the Weissman property at 455 Panoramic Highway in Mill Valley (Project ID: P1589 & P2314).

1 I've been making calls, attending meetings and submitting comments about the development of these parcels since March 2014. That's when I watched with horror as hundreds of tons of dirt was delivered by huge commercial dump trucks and emptied onto the wetlands on the lower portion of the Weissman property across from Kent Way. With each load emptied onto the property an intermittent stream, the spring that fed it and the creatures that lived there were obliterated. My frantic phone calls to the County went unanswered for days thus allowing the destruction to continue. Then, when the roadway impeded the flow of the intermittent stream, the Weissman's constructed a ditch along their chain link fence that diverted the flow of water off of their property, along the roadway and then back onto their property directly across from 370 Panoramic creating a muddy rivulet that is dumped into the Redwood Creek Watershed. Fast forward, six years, and the Weissman's continue to propose further degradation of this unique sliver of the ecosystem.

2 As I understand it, the Weissman's current request for a "Land Division Mitigated Negative Declaration" does not provide for any environmental repairs to the damage already done over the past six years. That means there will be no remedies to the devastation caused by the construction of the illegal roadway. No remedies to the muddy diversion ditch along Panoramic Highway. No assurances that the illegal road be limited to emergency use only AND a possibility that there could still be construction of dwellings on the 5 acre subdivided lot. In addition, it appears the proposed subdivision plan will involve the installation of a septic system, not at the top of the hill where the houses are supposed to be built, but one which involves pumping the wastewater down slope toward the illegal road and into the soil where the sewage water will then leach into the Redwood Creek watershed. Unbelievable.

4 I strongly request that the County consider these issues during the environmental evaluation and that some of this environmental damage be corrected and further damage, as proposed in the Weissman's development plans be prohibited.

5 I feel that as environmental safeguards continue to be attacked across our Country that even in this small corner of Marin County we should be stewards of the land rather than turning a blind eye to the erosion of the unique, Redwood Creek ecosystem that we all share.

Thank you for your consideration and for extending the comment period,

Sincerely,

Michele Egan McCabe

Letter U. Michelle Egan McCabe

- U-1 Please see Master Responses 3 and 4.
- U-2 Please see Master Responses 3, 4, 5, and 9.
- U-3 Please see Master Response 7.
- U-4 The Initial Study finds that, with mitigation, the Project would not result in significant impacts to the environment. The County decision-makers will consider adopting the draft Mitigated Negative Declaration, based on the findings and conclusions of the Initial Study. If adopted, the decision-makers will consider whether to approve the Project. If approved, all specified mitigation measures will be incorporated into the Project as conditions of approval.
- U-5 Please see Master Response 2.

Stephan C. Volker
 Alexis E. Krieg
 Stephanie L. Clarke
 Jamey M.B. Volker (Of Counsel)

Law Offices of
Stephan C. Volker

1633 University Avenue
 Berkeley, California 94703
 Tel: (510) 496-0600 ♦ Fax: (510) 824-1255
 svolker@volkerlaw.com

January 28, 2020

Via Email

Sabrina Sihakom, Planner
 Tammy Taylor, Environmental Planner
 Marin County Community Development Agency
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903
ssihakom@marincounty.org
envplanning@marincounty.org

Re: Comments on Mitigated Negative Declaration for the Dipsea Ranch Land Division (455 Panoramic Highway; APN 046-161-11; tentative map and grading permit)

Dear Ms. Sihakom and Taylor:

1 We submit these comments regarding the above-referenced Dipsea Ranch Land Division (“Project”) on behalf of the Watershed Alliance of Marin (“WAM”), a public benefit non-profit corporation organized in 2014 that promotes informed watershed stewardship in Marin County, with a specific focus on restoring and protecting imperiled fish and wildlife including Central California Coastal steelhead trout and coho salmon, species protected under the Endangered Species Act that inhabit Redwood Creek downslope from this Project. We incorporate by reference the detailed comments on this Project that are being submitted directly by WAM (“WAM Comments”).

2 The Initial Study prepared for this Project is deficient because it understates or overlooks potentially significant Project impacts. Accordingly, the County may not approve the Initial Study and Mitigated Negative Declaration that were signed prematurely on December 4, 2019. Based on this Project’s potential for causing significant environmental impacts, an Environmental Impact Report (“EIR”) must be prepared, as discussed below.

LEGAL BACKGROUND

3 The California Environmental Quality Act, Public Resources Code section 21000 et seq. (“CEQA”), is California’s primary statutory mandate for environmental protection. It requires public agencies like the County to “first identify the [significant] environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives.” *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233. Its most important substantive imperative requires “public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can

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cont.

substantially lessen such effects.” *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; Public Resources Code §§ 21002, 21002.1. CEQA’s mandate for detailed environmental review “ensures that members of the [governmental decision-making body] will fully consider the information necessary to render decisions that intelligently take into account the environmental consequences” of their proposed action. *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 133; Public Resources Code §§ 21080.5(d)(2)(D), 21091(d)(2); CEQA Guidelines [14 C.C.R. (“Guidelines”)] § 15088. The CEQA process thus “protects not only the environment but also informed self-government.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

All California “public agencies” and “local agencies” must comply with CEQA when they approve discretionary projects. Public Resources Code § 21080(a). The California Secretary for Resources has promulgated Guidelines, which appear in Title 14, section 15000 et seq. of the California Code of Regulations, to assist agencies in the proper interpretation and implementation of CEQA. The County is both a “public agency” and a “local agency” subject to CEQA. Public Resources Code §§ 21062, 21063; Guidelines §§ 15368, 15379.

A proposed governmental action requires environmental review under CEQA if (1) the agency is contemplating an “approval” of an action as defined by Guidelines section 15352, (2) the subject matter of the contemplated approval constitutes a “project” under Public Resources Code section 21065 and Guidelines section 15378(a), and (3) the project to be approved does not fall within a statutory exemption under Public Resources Code section 21080(b) – as recognized in Guidelines sections 15260-15285 – or a categorical exemption, pursuant to Public Resources Code section 21084(a) and Guidelines sections 15061(b)(2), 15300-15333 and 15354. The County has agreed, and confirmed by preparing its draft Mitigated Negative Declaration, that the Project is a discretionary “project” subject to CEQA.

When an agency determines that a project is subject to CEQA, as the County did here, it prepares an “initial study” to determine the level of environmental review that is required for CEQA compliance. Guidelines § 15063. This initial study must describe the project, the environmental setting, the project’s effects, ways to mitigate those effects, and the project’s consistency “with existing zoning, plans, and other applicable land use controls.” Guidelines § 15063(d)(1)-(5). The agency must also informally consult with “all responsible agencies and all trustee agencies responsible for resources affected by the project.” Guidelines § 15063(g); Public Resources Code § 21080.3(a). Additionally, the agency must address and “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.” Guidelines § 15125(d). Here, several plans are pertinent, and the Project conflicts with several of their applicable policies.

If the agency concludes that a mitigated negative declaration, rather than an EIR, is the appropriate environmental document, then the initial study must document the agency’s reasoning in reaching that conclusion. Guidelines § 15063(c)(5) (purpose of an initial study is to “[p]rovide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant

effect on the environment”).

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cont.

A lead agency may adopt a mitigated negative declaration when an “initial study identifies potentially significant effects on the environment, but (1) revisions in the project . . . made by, or agreed to by, the applicant *before* the proposed negative declaration and initial study are released for public review would avoid . . . or mitigate the effects to a point where *clearly no significant effects on the environment would occur*, **and** (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, *may* have a significant effect on the environment.” Guidelines § 15369.5 (emphases added). By contrast, “the high objectives of [CEQA] require[] the preparation of an EIR whenever it can be *fairly argued* on the basis of substantial evidence that the project *may* have [a] significant environmental impact.” *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

Informed public comments, as WAM has provided here, that provide substantial evidence that a project may have a significant effect on the environment are sufficient to require preparation of an EIR. *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927-930. Indeed, even “[r]elevant personal observations of area residents on non-technical subjects may qualify as substantial evidence for a fair argument.” *Id.* at 928 (citing cases).

The Guidelines use “[e]ffects’ and ‘impacts’ . . . synonymous[ly].” Effects are both “[d]irect or primary” – “caused by the project” and occurring “at the same time and place” – and “[i]ndirect or secondary” – “caused by the project” but occurring “later in time or farther removed in distance.” Guidelines §§ 15358, 15358(a)(1).

“‘Cumulative Impacts’ refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Guidelines § 15355. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” Guidelines § 15355(b). “An EIR must be prepared if the cumulative impact may be significant or the project’s incremental effect, though individually limited, is cumulatively considerable. ‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Guidelines § 15064(h)(1).

“‘[T]he lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.’” *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 729 (quoting Guidelines § 15064(g)). Thus, if the initial study or proposed mitigated negative declaration and public comment thereon indicate that

- 3
cont. | there is substantial evidence that one or more significant environmental impacts may occur, then the lead agency must prepare an EIR to analyze those effects and study feasible alternatives and mitigations to reduce or avoid those effects while still achieving most of the basic objectives. Public Resources Code §§ 21002, 21002.1, 21061; Guidelines §§ 15080-15096, 15120-15132, 15160-15170.
- 4 | Here, the informed public comment summarized below as well as the County's own, albeit deficient, Initial Study show that the Project may have a significant effect on the environment. Therefore an EIR must be prepared.

FACTUAL BACKGROUND

- 5 | According to the Initial Study, the proposed Project would be built upslope from Redwood Creek, which provides documented habitat for Central California Coastal coho salmon (*Oncorhynchus kisutch*), a species federally and state listed as endangered, and Central California Coastal steelhead (*Oncorhynchus mykiss irideus*), a species federally listed as threatened. Initial Study 15, 52-53. According to the same document, the "average slope [on the Project site] is 36.76 percent," a gradient which is considered "steep" under the Countywide General Plan. Initial Study 3. "Two ephemeral streams, both tributary to Redwood Creek, flow along the western and eastern edges of the Project site, and meet just south of the Project boundary." *Id.* Thus, soil erosion anywhere on the site will introduce sediment into these tributaries of Redwood Creek, and over time, ultimately into Redwood Creek itself, degrading its salmonid habitat.
- 6 | The Project applicant's proposed development of this site will involve substantial cutting (1,709 cubic yards) and filling (1,565 cubic yards) of soil. Initial Study 12. Because the quantity of material to be removed exceeds by about 145 cubic yards the quantity to be used on site for fill, the Project will generate excess soil that must be placed somewhere. *Id.* But the Initial Study fails to specify where this excess material will be placed. This is not an insignificant quantity of soil, and its placement will have consequences somewhere. Those consequences must be disclosed and examined, not ignored.
- 7 | According to the Initial Study, in 2014 the Project applicant deposited "about 1,200 cubic yards of fill" on the Project site—roughly 240 standard 5 cubic yard dump truck loads—without a grading permit. *Id.* The County admits that this massive unpermitted "grading *may* have resulted in *some* delivery of sediment to the stream system." Initial Study 65. Although the Initial Study claims (at pages 2 and 12) that the impacts of this unpermitted grading are addressed as part of this Project in the Initial Study, in fact they are not. Indeed, the most important impact—sedimentation of Redwood Creek and its ephemeral tributaries—is never quantified, let alone analyzed. Instead, the Initial Study dodges the issue by pretending that the impact may be dismissed with the meaningless words "may" and "some." But this is not an inconsequential issue that may be casually swept under the rug. Instead, as WAM documents in its separately filed comments and photographs, contemporaneous heavy rainfall transported much of this unconsolidated fill downslope, and very

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cont.

probably into the adjacent streams, and thence into Redwood Creek.

8

The County's attempt to downplay this significant Project impact on Redwood Creek may not be so casually brushed aside. CEQA demands specificity and certainty, not generalities and speculation. *Kings County Farm Bureau Federation v. City of Hanford* (1990) 221 Cal.App.3d 692, 736 (an EIR must contain "facts and analysis" rather than mere conclusory words); *Sierra Club v. County of Fresno* (2018) 6 Cal 5th 502, 519 (an EIR must explain the "nature and magnitude of the impact"). Because the Initial Study fails to do so, it is inadequate.

9

The site's steep slopes are unstable and prone to erosion. According to the Initial Study, "[t]here are areas of slope instability on the Project site, namely the old landslide in the eastern portion and slump failure along the southern slopes adjacent to the drainages and roads." Initial Study 79. Although according to the same document these unstable areas "are not . . . expected to adversely impact slope stability conditions within the building envelopes of the proposed lots," in fact, the "fire roads" which are proposed to be used for "vegetation management" *do* overlap these unstable areas. The Initial Study acknowledges that "[t]he area where the unpermitted grading for the Fire Road occurred overlies an old landslide identified by previous regional mapping and confirmed by [geologist] Herzog's geotechnical investigation" in 2015. *Id.* Hence, the Project as a whole *does* pose a potential for slope failure and erosion, which in turn poses a potential for sedimentation of the adjacent ephemeral streams that flow into Redwood Creek below the Project site, and thus of Redwood Creek itself.

10

Even if it were true, as the Initial Study implies without actual documentation, that the unpermitted grading done in 2014 has not in the few years since then *again* deposited sediment into the ephemeral streams and Redwood Creek, that happenstance does not mean that it will not do so in the future. Such impacts may be triggered by high rainfall events of greater duration and magnitude than have been experienced since 2014. It is well known that slope failure and soil erosion are magnified exponentially when soils have become saturated following lengthy rains. As the Countywide Plan explains, "[l]andslides on steep slopes can be triggered by earthquakes or heavy rainfall." Marin Countywide Plan (last updated 2014) at EH 2.6-2. Moreover, as noted the County has acknowledged that it must treat the unpermitted grading done in 2014 as if it were part of the Project. Initial Study 2 (the unpermitted 2014 grading "work is being analyzed as part of the Project"), 12 ("the County has chosen to consider the impacts of the [unpermitted 2014] Fire Road grading" in the Initial Study). But as shown, the Initial Study does not in fact provide the required "facts and analysis" revealing the actual "nature and magnitude" of the resulting sedimentation of the affected ephemeral streams and Redwood Creek. *Kings County, supra*, 221 Cal.App.3d at 736; *County of Fresno, supra*, 6 Cal.5th at 519. Accordingly, the incompletely reported erosion and sedimentation impacts of that grading are cause alone for preparation of an EIR.

11

It is likewise well known that erosion and sedimentation are a primary cause of the steep drop in salmonid populations along the California coast over the past several decades, leading to their listing under the Endangered Species Act. As the Countywide Plan observes, "[e]phemeral channels are

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cont.

important for maintaining healthy watersheds. Perennial and intermittent streams provide more permanent aquatic habitat and serve as fish migration, spawning, and rearing habitat.” *Id.* at BIO 2.4-4. The Countywide Plan warns that “[s]ediment is a major concern countywide, as it can damage aquatic habitat . . . by filling in channels and floodplains. Sediment sources include construction [and] road building. . . .” *Id.* at WR 2.5-2. Sediment fills the interstices in spawning gravels, thereby destroying the large gravel and cobble structure required for successful spawning activity, and preventing access to oxygen by the salmonid eggs that are deposited and the alevins that emerge. It also fills pools and reduces water depth, thereby increasing water temperature above tolerable ranges, eliminating effective cover and exposing fish to greater predation.

12

And, the Project proposes two new septic systems and associated leach fields. Initial Study 11. Septic system failure can result from a variety of causes, harming downslope water quality and aquatic habitat in Redwood Creek. This is a foreseeable impact, as the Countywide Plan warns: “in rural areas, septic systems. . . contribute to nutrient and pathogen contamination.” Countywide Plan at WR 2.5-2. Yet the Initial Study never addresses this potential impact.

13

All of these impacts would have a “substantial adverse effect, either directly or through habitat modifications,” on the salmonids residing in Redwood Creek. CEQA Guidelines, Appendix G, section IV(a). Therefore these impacts pose a potentially significant effect on the environment, and require preparation of an EIR.

14

Many other potentially significant impacts are documented in the separate comments submitted directly by Watershed Alliance of Marin, including loss of terrestrial wildlife habitat and migration corridors, potential loss of Native American cultural resources, and conflicts with land use policies designed to reduce rather than exacerbate wildfire hazards in Wildland-Urban Interface fire hazard zones. Each of those impacts must be thoroughly examined in an EIR.

15

**BECAUSE THE PROJECT MAY CAUSE SIGNIFICANT
EFFECTS, AN EIR IS REQUIRED**

16

The County may not lawfully adopt the Initial Study and Mitigated Negative Declaration and approve the Project because both the Initial Study itself, as well as informed public comments, show that the Project has already caused, and will cause again if construction is allowed, significant impacts on the environment. These impacts include erosion and sedimentation from the Project’s geological and hydrologic hazards including the site’s steep and unstable slopes, leading to significant cumulative watershed impacts on the water quality and salmon habitat of Redwood Creek.

The Initial Study fails to address the Project’s inconsistency with the Countywide Plan’s watershed protections, despite indisputable evidence that the Project is located in an area with a documented history of unstable slopes and active landslides, and potential for further instability. *See, e.g.,*

16
cont.

Countywide Plan Goals WR-1.4 (“[l]imit development and grazing on steep slopes and ridgelines in order to protect downslope areas from erosion and to ensure that runoff is dispersed adequately to allow for effective infiltration”) and EH-2.1 (“[r]equire development to avoid or minimize potential hazards from . . . unstable ground conditions”).

17

Additionally, the County has failed to evaluate and adopt adequate mitigation measures to avoid and reduce to insignificance the Project’s potentially significant watershed impacts.

CONCLUSION

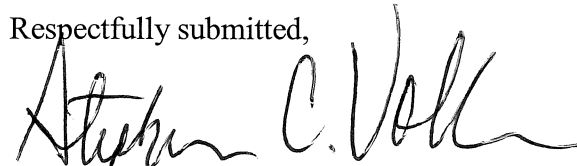
18

For each of the foregoing reasons, an EIR must be prepared for this Project.

Please include these comments in the public record for this Project.

Thank you for your attention.

Respectfully submitted,



Stephan C. Volker

Attorney for Watershed Alliance of Marin

cc: Rachel Reid, Marin County Environmental Planning Manager

Letter V. Stephan Volker, Attorney, on behalf of Watershed Alliance of Marin

- V-1 The Watershed Alliance of Marin comments referred to in this comment are included as comment letter W. Please see responses to the comments contained in that letter.
- V-2 Please see Master Response 10.
- V-3 Marin County is well aware of the environmental review requirements of CEQA and the uses of an initial study. Contrary to the statement made in the comment, the comments of the Watershed Alliance of Marin (contained in comment letter W and summarized in the remainder of this comment letter) do not provide substantial evidence that the Project would result in one or more significant impacts to the environment, beyond those identified in the Initial Study. All the significant impacts identified in the Initial Study can be mitigated to less than significant with the measures specified in the Initial Study. Therefore, a Mitigated Negative Declaration is the appropriate means of CEQA compliance for the Project, and an EIR is not required. Please see also Master Response 10.
- V-4 Please see Master Response 10.
- V-5 Initial Study Section IV.10, Hydrology and Water Quality, topic a, presents a detailed assessment of potential impacts related to water quality, including from soil erosion and sedimentation on- and off-site, both during and following construction of the proposed Project. As described in detail in Section IV.10, required compliance with the prescriptions set forth by the Construction General Permit and associated Stormwater Pollution Prevention Plan, and the construction and post-construction requirements of Marin County Stormwater Pollution Prevention Program, including application of Bay Area Stormwater Management Agencies Association design guidelines, as well as implementation of associated Best Management Practices and pollutant source controls, would prevent the discharge of pollutants to surface waters and groundwater and minimize or eliminate the potential for degradation of surface water quality, including aquatic habitat on-site or downgradient in the Redwood Creek watershed, or groundwater quality as a result of Project implementation, including from soil disturbance, erosion, and sedimentation; impacts would be less than significant (Initial Study page 100). Regarding erosion and sedimentation from disturbed soils relating to the Fire Road, please see Master Response 4.
- V-6 Impacts of handling surplus soil from Project construction are disclosed and analyzed in the Initial Study. For illustrative purposes, the estimated 144 cubic yards of surplus soil would make a square pile 30 feet on a side and 4 feet, 4 inches high. This amount of soil would fit in 15 standard 10 cubic yard dump truck

loads. It is assumed in the Initial Study that the surplus soil would be removed from the Project site. The construction air emissions and construction traffic calculations used in the Initial Study use this assumption. As discussed in Initial Study Section IV.3, Air Quality, topic b, the Project would result in less-than-significant construction emissions. As discussed in Initial Study Section IV.17, Transportation, topic a, page 143, Project construction would not result in a substantial increase in traffic on local roadways and intersections, and the impact of construction traffic would be less than significant.

- V-7 Please see Master Response 4.
- V-8 The conclusions in the Initial Study are supported by substantial evidence, presented both in the Initial Study itself and in these responses. Please see, specifically, Master Response 4.
- V-9 Please see response to comment Q-58. The threshold of significance applied under CEQA determines whether the proposed Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides or unstable geologic units. While there may be areas of slope instability, existing landslides and slumps, or historic landslides on the Project site, the impact analysis focuses on whether those conditions would be exacerbated by changes caused by the proposed Project and the potential for changed conditions to result in loss, injury, or death. Using this threshold of significance, the analysis presented in the Initial Study concludes that there would be no significant impact
- V-10 Please see Master Response 4. An EIR is not required. See Master Response 10.
- V-11 Impacts related to erosion and sedimentation, including the potential to impact aquatic habitat, are examined in the Initial Study, Section IV.4, Biological Resources and Section IV.10, Hydrology and Water Quality, and found to be less than significant. These conclusions are further examined and confirmed in Master Responses 3 and 4, which focus on the effects of the 2014 grading of the Fire Road. The commenter provides no evidence that the Project has resulted in, or would result in, erosion, sedimentation, and resulting impairment of aquatic habitat.
- V-12 Please see Master Response 7.
- V-13 Please see the preceding responses. The Initial Study concludes that the Project would not result in a substantial adverse effect, either directly or through habitat modification, on Redwood Creek's salmonid fishery. This conclusion is supported by further review and analysis presented in Master Responses 3 and 4. The commenter has provided no evidence that it would, and has only raised the possibility that it *could* impact the fishery. This possibility has been thoroughly

examined in the Initial Study and in these responses, and found, based on substantial evidence, not to rise to the level of significance under CEQA.

- V-14 Please see Master Response 1 regarding potential impacts to terrestrial wildlife habitat and migration corridors. As discussed in the responses to the comments contained in comment letter W, the issues raised by the Watershed Alliance of Marin were examined in the Initial Study and found not to result in significant impacts that cannot be mitigated. These conclusions are further examined and supported in the responses to the comments in letter W and other comments. Neither this commenter, nor other commenters, have provided substantial evidence that contradicts or calls into question these conclusions.
- V-15 Regarding the potential for the Project to impact archaeological resources or Tribal cultural resources, please see the response to comment Q-84. Regulatory requirements that pertain to the Project because of its location in the Wildland-Urban Interface, and the potential for the Project to result in impacts associated with wildfire, are discussed in Initial Study Section IV.20, Wildfire. Such impacts are found to be less than significant. The commenter has provided no evidence to support a conclusion of a significant impact for these issue areas.
- V-16 Regarding potential impacts of the Project related to erosion and sedimentation, please see the response to comment V-11 and Master Response 4. Because substantial evidence and detailed analysis contained in the Initial Study and in the responses to comments in this document demonstrate that the Project would not cause erosion and sedimentation that would result in a significant impact, the Project would not be inconsistent with the Countywide Plan's watershed protection policies, including those cited by the commenter. As also discussed in Master Response 10, no evidence has been provided, either by this commenter or by others, that the Project would result in a significant impact that cannot be mitigated with measures already specified in the Initial Study and agreed to by the Applicant. A Mitigated Negative Declaration is therefore the appropriate outcome of the environmental review, as discussed in Master Response 10.
- V-17 Please see the previous response, and also Master Response 2.
- V-18 As detailed in the foregoing responses and as further discussed in Master Response 10, an EIR is not required for this Project.



January 28, 2020

Attention:

Tammy Taylor, Environmental Planner
 envplanning@marincounty.org
 Marin County Community Development Agency
 3501 Civic Center Drive Suite 308
 San Rafael, CA 94903

CC: Rachel Reid, Environmental Planning Manager
 CC: Sabrina Sihakom, Planner ssihakom@marincounty.org

Subject: Comments to Mitigated Negative Declaration for the Dipsea Ranch Land Division (Project)

Dear Ms. Taylor;

The Watershed Alliance of Marin (WAM) appreciates the opportunity to comment on the Mitigated Negative Declaration for 455 Panoramic Highway, owned by Daniel Weissman. WAM is a public benefit 501c3.

We are opposed to the subdivision of 455 Panoramic Hwy APN 46-161-11 because of the significant impacts of the project on cultural, ecological, community assets and environmental values of habitat, wildlife, water quality, vistas and overall watershed health. We are providing empirical, policy and scientific evidence regarding the Project.

This property is part of Redwood Creek Watershed and Golden Gate National Recreation Area (GGNRA) biosphere that United Nations Educational and Scientific and Cultural Organization (UNESCO) recognized as having international significance for biodiversity.¹

PROPERTY DESCRIPTION

The project area of 8.29 acres is about 1/4 of the sub-watershed Camino Del Canon. With the other two properties, it is about 1/3 of the sub-watershed that is part of the Redwood Creek watershed. Because the Redwood Creek Watershed is only about 7.5 square miles with steep walls draining down quickly, any uphill, upstream impacts and development can be significant. Small changes from any construction, trails and road building have had significant adverse impacts on water quality and sediment affecting Coho Salmon and Steelhead survival. This precipitated a comprehensive study by Pacific Watershed Associates in 2002 requisitioned by several agencies including State and National Parks, Marin County and Marin Municipal

¹ https://nmsfarallones.blob.core.windows.net/farallones-prod/media/archive/manage/pdf/GGBfactsheet_092116.pdf
 UNESCO Golden Gate Biosphere

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cont. | Water District of all the major erosion sites in the entire watershed.² This property and Panoramic Hwy were part of this study.

4 | Adjacent to Mt. Tam State and National Parks, hoards of tourists and construction will increase the fire risk for everyone exponentially.³ Any extra sediment from excavations, landslides, polluted runoff, toxic material
5 | spills, unknown fill dirt that has no BMP etc. in the watershed can have seriously detrimental effects on the
6 | downstream habitat and cause mortalities to special status federally listed species of red-legged frogs, steelhead and Coho salmon. Water does not stay on the land it falls upon and downstream adverse downstream impacts to water quality and flow regimes are likely. Parts of the property have been degraded by trail building, excavation and invasive plant infestations.

7 | Creeks on and surrounding the property are blue line perennial and intermittent creeks that are considered a Redwood Creek headwaters traversing State and Federal Parks before emptying into the sea. The property is upstream of a Federal Register Endangered Species Habitat for Evolutionarily Significant Coho salmon and threatened steelhead. In several statements made within the plans and in the MIND reference is only made to ephemerals and we know their to be documented perennials and intermittent streams appearing on the assessor's maps going back 110 years (Map 1) and federal database maps that describe a more robust headwater stream system that the applicant has tried to refute⁴—

8 | The property contains upper Redwood Creek's Camino del Canon reach and its approximately 1600 linear feet of Redwood Creek headwaters. Four hundred feet of boundary are shared with Mt. Tamalpais State Park. This rationale for considering the two lands of Weissman, as a whole, is supported by the 1992 Tamalpais
9 | Community Plan (TACP), which identifies 10 acres almost all undeveloped and having a significant impact on the environment. Can impacts be made insignificant on these issues? The facts and owner's management history do not support any form of BMPs or consideration of neighboring properties.

10 | **The applicant's project description is inadequate and, therefore, does not provide sufficient information to reach clear findings of less-than-significant impacts.**
The National Wetlands Inventory, EnviroAtlas and 1910 assessors map provides the legal description of the stream status and location.

2

<http://www.muirbeachcsd.com/mbcstd12-v2/wp-content/uploads/2017/02/20020301-Redwood-Creek-Watershed-Assessment.pdf>

4a | ³ The neighborhood's narrow, twisting streets on steep slopes lack sufficient width for emergency vehicle access,
4b | existing resident parking, and cannot safely accommodate a large increase in residential traffic trips. The neighborhood's
4c | 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.

7a | ⁴ See letter from Dan Weissman to Suzanne Thorsen February 27, 2013 Page 62

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View of property

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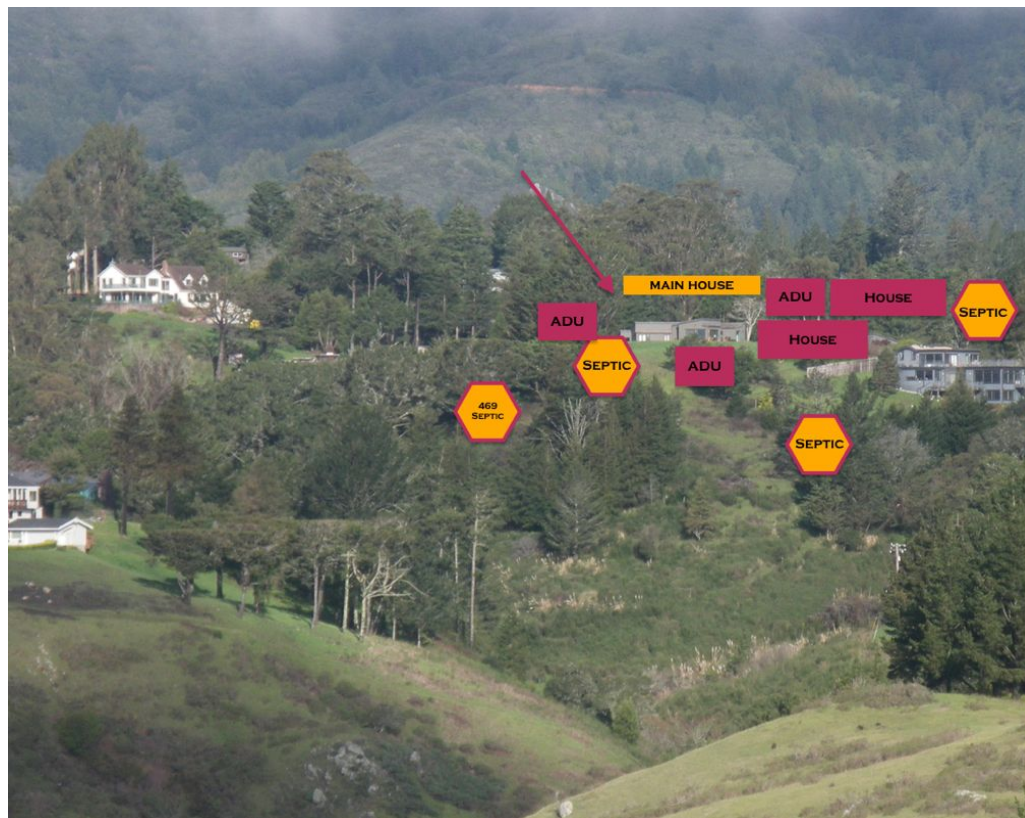
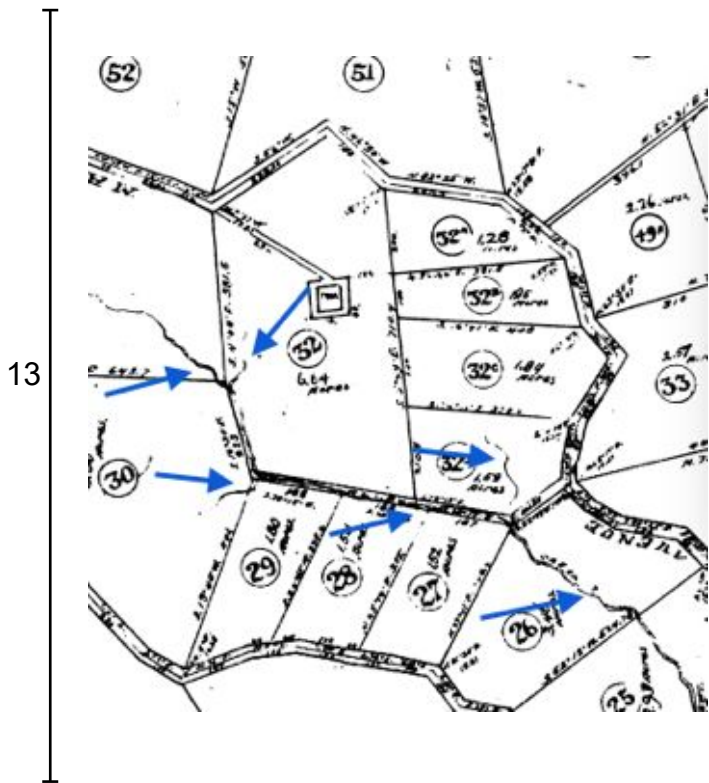


Photo 2. Shows location of Homes and Septics and ADU's



Map 1. 1910 Arrows point to existence of perennials creeks on assessor map 1910. Subject properties 32, 32 d, e

14 The determination of a Mitigated Negative Declaration is inadequate, unsubstantiated and arbitrary. For this project to have consideration, it requires a full Environmental Impact Report (EIR). Extant policies in the Tamalpais Community Plan (TACP), the 2007 Countywide Plan support that this property development would have a significant impact on the environment.

15 There needs to be clarification because the property appears to have been subdivided since the Tamalpais Community Area Plan was certified in 1992, when the property was recommended to be acquired as open space. The TACP lists the property as 10 acres on 46-161-10, now 8.29 acres on APN 46-161-11 and another Mt. Tamalpais State Park adjacent lot 1.86 acres 45% grade on AP 46-221-07. (Map 2)

16 Creeks on and surrounding the property are blue line perennial and intermittent creeks that are considered a Redwood Creek headwaters traversing State and Federal Parks before emptying into the sea. The property is upstream of a Federal Register Endangered Species Habitat for Evolutionarily Significant Coho salmon and threatened steelhead. In several places in the MIND reference is only made to ephemerals and we know their to be documented perennials and intermittent streams appearing on the assessor's maps going back 110 years (Map 1) and federal database maps – The National Wetlands Inventory, EnviroAtlas.

17 The threshold question of insignificance, in most categories, or ability to be mitigated is not supported by the facts or by numerous claims made throughout the Mitigated Negative Declaration (MND) in the requisitioned reports and studies. Those include items listed from the Initial Study especially Scores of significant issues brought up in the MIND cannot be mitigated and are misrepresented. For example, not assessing geological, water quality, stormwater and hydrologic impacts from all of the existing and future septic systems including the neighbors easements when all are above critical watercourses to endangered and threatened species.

18 Also, instead of removing the unpermitted dam berm that has impeded the natural flow of significant amounts of water (itself a violation of watercourse law), the applicant is getting an opportunity to post facto permit a project that has fill dirt from an unknown source, potentially toxic, in an area impacting endangered and threatened species downstream and where the “berm” has not been deemed structurally sound enough to be used by the fire department. On consulting with Chief Jason Weber, he said the “Fire Department does not operate that way” (paraphrase) despite claims by the applicant. The signs put up by the applicant were not sanctioned by the Fire Department and it is incumbent upon the applicant to provide documentation to that effect, and for the county to require this.

19 We are requesting that the MIND on the Project property further identified as Assessor's Parcel 046-161-11 be changed from a Mitigated Negative Declaration to a full EIR because of its proximity and impacts to the surface and subsurface water, special status species, wildlife and natural and cultural resources, California State Parks, the Golden Gate National Recreation Area, Muir Woods National Monument and tribal (Coast
20 Miwok) lands. Project impacts to these public lands can be significant as we witnessed increased sediment in the tributary after the fire road berm was put in. In March 2014, we submitted water samples to be tested and found that to be true.

21



Map 2 . Yellow surround is Project Property and Turquoise is empty lot next to State Park.

22

The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. The new residential lots would range in size as follows and increase the Maximum Adjusted FAR to, 18,250 square feet not including garages, paved driveways, decks, patios and hardscaping:

Proposed Lot Number	Proposed Lot Area	FAR sq.ft.**
1	2.22	7,000
2	0.89	4,250
3	5.18	7,000

** Adjusted floor area includes all areas that meet the requirements of Section A.2 above. Please see Program LU1.4d for a more detailed description. How large can the three ADU's be and how will they be served by septic? .89 violates RMP .05 zoning. Imperviousness will increase to .58 acres or 25,200 feet of coverage.

PROCEDURE

23 There are several significant errors, misrepresentations and omissions within the Mitigated Negative Declaration (MND). The biological and hydrological significance of headwater stream health contained within or next to this property cannot be underestimated, which is what the application and MND has shown.

24 Was the MND document supplied to the Federated Indians of Graton Rancheria mandatory under the California Senate Bill 18 and 52,⁶ National Park Service, Golden Gate National Recreation Area, the Dipsea Foundation, or to California State Parks which has contributed significant financial resources over the years in maintaining fire clearance and trail maintenance on or near the subject property? All these entities will be impacted by the project because of how the property owners have historically managed that property at their
25 proposed development, including the “Fire Road” project, treatment of wildlife,⁷ stormwater and water quality and supply. Have all been included who would respond to the Dipsea Ranch Project for those most impacted and purposed with natural resource protection? Providing and receiving important information is imperative when determining environmental impacts to their jurisdictions and natural resources.

CONSERVATION DESCRIPTION

26 The TACP recognized that conservation was important for the express purpose of protecting the parklands we all enjoy in this policy.⁸

24a ⁶ § 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources. (b) **Prior to the release of a negative declaration, mitigated negative declaration**, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. When responding to the lead agency, the California Native American tribe shall designate a lead contact person. If the California Native American tribe does not designate a lead contact person, or designates multiple lead contact people, the 13 Association of Environmental Professionals 2019 CEQA Statute lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. For purposes of this section and Section 21080.3.2, “consultation” shall have the same meaning as provided in Section 65352.4 of the Government Code.

25a ⁷ Oct. 2010, Weissman’s dogs chased down a fawn that died on 446 Panoramic property across the street. The community were endangered from their dogs running in the street; complaint filed with the Marin Humane Society. Much of the top of the property is fenced, preventing wildlife use in a historic wildlife corridor area.

⁸ Tamalpais Community Plan, 1992, Page III-29

Muir Woods Park (Figure 12)

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. **These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development** (emphasis ours).

26a 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 an 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.

27 The Redwood Creek Watershed, is internationally recognized and contains a world biosphere class old growth redwood forest and several other biomes including redwood and Douglass fir, mixed hardwood, oak woodlands, coastal prairie and native grasslands. It is a home to many rare and endangered species and where millions of taxpayer dollars and tens of thousands of volunteer hours have been spent restoring habitat for Evolutionarily Significant Units of California Central Coast Coho, Steelhead, Red-legged frogs and Northern Spotted Owls.

28 The property owned by Weissman is but one property away from Mt. Tamalpais State Park that is 25,000 acres and wraps around Muir Woods and is overlaid with the Golden Gate National Recreation Area.

SANCTIONING VIOLATIONS

29 We are particularly averse to allowing the “Fire Road” on a wetland to be mitigated. It was begun in the rain on February 27, 2014, on top of a wetland and ephemeral creek flowing into a Coho and Steelhead creek and without any BMPs. A large driveway culvert pipe was installed diverting water along the outside of the original channel along the dirt road bed and eroding materials directly into Redwood Creek. Source fill dirt for the berm is unknown and 120- 240 truck trips and heavy equipment used, violating the Clean Water Act laws. It took the community three weeks, a petition, several complaint letters, phone calls to DPW and eventually public testimony to the Board of Supervisors meeting. Not until after completion of the project was the work stopped. It was not recommended or sanctioned by the Fire Department head, Jason Weber, as claimed by the applicant. The applicant after the fact asked for a letter from the Fire Department, who may likely have been unaware of the violation. It would have required a Section 404 Permit under the Clean Water Act⁹ for the engineering and would have been denied. Because of these violations, there should be, at least, compensatory mitigation required 2:1, removal of the road berm and no ability to “grandfather” this violation into a project. There was a gravel, tire width road there prior to the “berm.” Correspondence, Video February 28, 2014, and Documentation available.



Photo 2. Fire Road excavation project on wetland February 27, in Rain 2014 1200 Cubic Yards of Fill.

DESIGN AND ASSESSMENT BASIS LEVEL ERRORS AND OMISSIONS

30 The Hydrology report is filled with significant errors and misrepresentations that are dangerous to wildlife survival, the neighbors safety and peace and health and park recreation. It underestimates rain totals and does not acknowledge the extensive watershed wide restoration work. Creek mapping sources such as the EPA Enviroatlas, EcoAtlas.org, National Wetlands Inventory and ESRI are more factually representative. An independent hydrologist must conduct a thorough investigation during the rainy season to determine the

⁹ <https://www.epa.gov/cwa-404/permit-program-under-cwa-section-404>

30 cont. accuracy of the stream classifications on the maps since they are always changing at the County and we have evidence of the applicant trying to downgrade the streams associated with his property (attached).

WATERSHED WIDE RESTORATION EFFORTS BY MULTIPLE AGENCIES UNDER ONE TAM AND PARKS CONSERVANCY

31 The statement that “no plan exists to systematically reverse and mitigate the effects of land use on a watershed scale in the Redwood Creek Watershed or any other watershed in Marin County” (Page 17 Hydrology Report) is patently false and uninformed. All stakeholder agencies in the Redwood Creek Watershed: MMWD, GGNRA, NPS Muir Woods National Monument, One Tam, National Parks Conservancy, California Department of Fish and Wildlife, National Marine Fisheries Service (NOAA), US Fish and Wildlife, and Marin County; have Programs to restore the Redwood Creek Watershed that have been underway for almost 20 years and more recently consolidated under One Tam. The work projects are outlined in a multitude of documents.

32 By downgrading the property’s stream significance by the applicant, it goes against the restorations and nullifies the actions of hundreds of civil servants, tax dollars spent and dedicated volunteer efforts. Marin County Department of Public Works also has several highly educated and informed expert staff that should have been advisory to this Project. They include: Roger Leventhal, Chris Choo Senior Engineer, Liz Lewis Senior Watershed Engineer, and Rob Carson, Stormwater Manager for MCSTOPPP and there is a monthly Agency coordination meeting with all relevant agency for oversight and recommendations on a project.

PROJECT MAY UNDO SIGNIFICANT RESTORATION EFFORTS DOWNSTREAM

33 Extensive restoration is currently underway for Coho salmon, steelhead, red-legged frog and Northern Spotted Owls habitat in the Redwood Creek Watershed in Muir Woods. MMWD and other entities have implemented their sediment control program based on the Redwood Creek Watershed Erosion Study from Pacific Watershed Associates. Close monitoring is occurring on all special status species. Other salmonid and habitat recovery actions can be found in both National Marine Fisheries Service Coho Recovery Plan for California Central Coast (2012)¹⁰ (NOAA CCC) specific to the Redwood Creek Watershed, California Department of Fish and Wildlife Coho Recovery Strategy (2004) and the NOAA Steelhead Recovery Plan 2014.¹¹ There are several comprehensive manuals such as the California Salmonid Habitat Stream Restoration Manual put out by the Circuit Rider with a Grant from CDFW. Marin County has on staff an Urban Streams Coordinator, Sarah Phillips, through the Marin Resource Conservation District who has come out to this area to advise neighboring properties on how to restore the creek.

The NOAA CCC Recovery Plan (Page 45) lists that Urban Development in the Redwood Creek Watershed has the highest threat to survival of Coho Salmon.

Major issues that relate directly to the Project are listed below from Stillwater Sciences’ Redwood Creek Watershed Assessment from 2011:

Several important issues with relevance to watershed planning are associated with human habitation within the watershed, including: the siting, leakage and failures of septic systems, water use, runoff and soil erosion, congestion on area roads, and introduction of non-native plants and animals. All houses

¹⁰

<https://www.fisheries.noaa.gov/resource/document/recovery-plan-evolutionarily-significant-unit-central-california-coast-coho> Volume II pages 600-636

<http://www.npshistory.com/publications/goga/rcwa-2011.pdf>

¹¹ from <http://www.nmfs.noaa.gov/pr/recovery/plans.htm>

33
cont.

within the watershed, excepting those in Muir Woods National Monument, currently operate on septic systems, and problems with overloaded or poorly sited septic fields are noted within community plans. Further development, including redevelopment to larger residences, is expected to exacerbate these problems. Similarly, increasing development, home sizes, paving of roads and driveways, and removal of native vegetation, are also expected to increase water runoff and the potential for soil erosion and water pollution. Water quality monitoring conducted by NPS has occasionally found Redwood Creek bacteria levels to exceed state standards for human contact and elevated nitrogen levels. Problems with traffic congestion, particularly park visitors and people travelling through on Highway 1, are also exacerbated by full-time residents within the watershed due to the area's narrow and winding road system.

<http://www.npshistory.com/publications/goga/rcwa-2011.pdf>

Not addressing the other affected jurisdictional parklands and open space creates more issues for them and for the community in the future. The Tamalpais Community Plan (TACP), in this case, favors lot consolidation or acquisition and transfer to open space any adjacent property. *A land subdivision should require intent letters be sent to all affected parties.*

More importantly, a watershed functions as a whole, so disturbance in any given area can adversely affect property, downstream wildlife and water quality. Since wildlife do not recognize property boundaries, traveling extensively between Muir Woods and the Muir Woods Park community. Below on Page 19 are lists of wildlife on an adjacent property as well as on the subject property witnessed over a 28-year period.

SUBJECTIVE ASSERTIONS RATHER THAN OBJECTIVE INFORMED CONCLUSIONS THROUGHOUT THE INITIAL STUDY.

34

The word "appears" is used 31 times in the Mitigated Negative Declaration and to describe potentially significant impacts. This is a subjective "guess" and generally unsubstantiated by facts or evidence. The definition of "appear" is: 2. seem; gives the impression of being. This is not the intent of CEQA. Using the word "appears" so many times argues for a full EIR under CEQA because the Mitigated Negative Declaration has not met the basic CEQA standard of inquiry and remains the subjective determination of one individual. Five times the word "unlikely" is used, nineteen times the word "likely" is used – all without substantiation by facts. Words like "should" invite abuse of mitigation requirements. Of concern is the conclusion from Page 55: "Development of the project site should include wildlife friendly practices such as appropriate fencing to reduce potential impacts on wildlife." Using "should" instead of shall or must, provides no enforcement for necessary protections or mitigations.

Other concerning assumptions are:

35

"Therefore, this Initial Study assumes that future residential development following Project approval, if such approval is forthcoming, would be within the mapped building envelopes.

36

"The emissions modeling, therefore assumes that Project construction would employ the Basic Construction Mitigation Measures.

37

"The modeling assumed that one single-family residence and one ADU would be constructed on each of the two lots...

38

"2014 Grading of the Fire Road: It is assumed that impacts associated with site grading and fill placement may have resulted in disturbance to the wetland, such as hydrologic alteration, removal of wetland vegetation, or filling directly into the wetland. Based on present conditions, however, the wetland appears to be functionally intact. The grading of the Fire Road therefore appears not to have had lasting impacts on the wetland, and consideration."

39

Almost every conclusion has this nonspecific kind of language. It is questionable whether any planner has even been to the site to confirm or deny the statements made by the applicant.

A FULL ENVIRONMENTAL IMPACT REVIEW IS NECESSARY

A mitigated negative declaration (MND) is a negative declaration (ND) that incorporates revisions (mitigation measures) in the proposed project that will avoid or mitigate impacts to a point where clearly no significant impacts on the environment would occur.

Based on my review of the application and the County's proposed Negative Declaration, as well as evidence from other sources, it is my opinion that an EIR is required for the following reasons:

• **The proposed Negative Declaration is based on incorrect assumptions and does not appear to have considered all of the information in the record in determining the potential for significant impact.**

The applicant is also forcing the community to accept a sacrosanct rule to not build on ridgelines and violation of the TACP and having a substandard lot. This is just one of many examples that the Initial Study (IS) attributes the ability mitigate to every potentially environmental threat without proof.

21. MANDATORY FINDINGS OF SIGNIFICANCE Pursuant to Section 15065 of the State EIR Guideline:

- a) this project will and is currently increasing the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels. Protection of wildlife habitat has diminished and the project will increase known stressors, extirpate wildlife and diminish survival rates from erosion, increased fire risk and toxic spills.

A violation of the federal Clean Water Act law was made by applicant's dumping fill from an unknown source on top of a wetland and in the rainy season. To assume the "function" was not damaged by the massive road does not acknowledge the known connectivity of groundwater, hyporheic action, and wetland functions. There has been no proof given that the wetland was not damaged and remains clogged today and drainage not maintained so it is still releasing sediment and eroding the parking along the fence area that was required to have BMPs or that it did not extend under and below the road berm. In any case, it would need to be mitigated under the laws and require full environmental review by relevant agencies. Many in the community have called for the removal of these 1200 cubic yards of fill and to restore the wetland that is the headwaters of an intermittent creek tributary to Redwood Creek.

A CEQA with a full EIR must investigate fully the Redwood Creek Watershed and Arroyo Corte Madera del Presidio and neighboring parcels potentially impacted by the Project, because Redwood Creek is internationally recognized as significant for its biodiversity. This "double headwaters" property contains wildlife corridors and streams and to ignore giving full attention to the cumulative impacts would violate the CWP of Marin County for stream and wetland setbacks, wildlife corridor protections, proper biological assessment and protection of public open spaces.

EXCEPTIONAL PROPERTY IN THE TACP RECOMMENDED FOR CONSERVATION¹²

The Project property is listed in the TACP.

¹² TACP LU31.1a APN 46-161-10 totals ten acres on the south side of Panoramic with an average slope exceeding 40 percent. Given septic tank regulations a maximum of five units is possible. The community desires this site to remain open in appearance. The most buildable part of the site is on the ridge which is contrary to community policy for development. The steep slopes and the particular drainage pattern of the area below the ridge will make it difficult to get many dwellings on the site.

- 44 COMMUNITYWIDE SUPPORT FOR THE PROJECT DOES NOT EXIST.
Over 120 neighbors showed up to the design review meeting in 2018 that was videotaped. The vast majority recognized the significance of the project lands, adjacency to the State Park with the evidence of springs and flowing creeks throughout the property. The vast majority wanted the land to be preserved in perpetuity and the Tamalpais Community Plan supports this.¹³
- 45 Because of its location and wildlife impacts this project would have an immitigable and significant impact on the community, environment, wildlife habitat and corridors, public parklands, views, natural resources and the surrounding community.

¹³ TACP *Muir Woods Park (Figure 12)*

The Muir Woods Park area has many forested, undeveloped parcels in close proximity to Mount Tamalpais State Park (some of which are highlighted on Figure 12), Muir Woods National Monument and the lands of the Marin Municipal Water District. These areas first should be considered for open space acquisition and for careful growth control to prevent harm to parklands from development. Tam Plan. 1992.

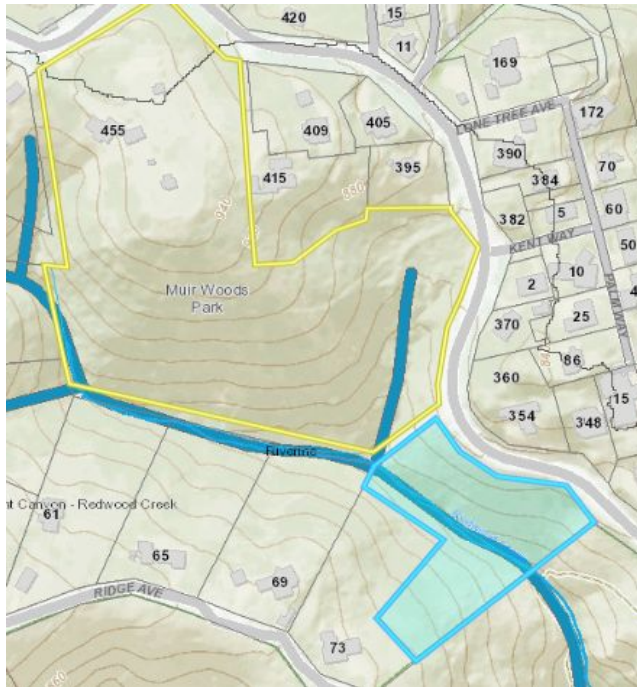
LU14.1d Planning staff should work with the State Parks, National Park Service, and representatives from the Muir Woods Park neighborhood to identify parcels in this area which may be appropriate for acquisition as open space.

ISSUE: Protection and Enhancement of Existing Open Space Areas

Objective LU.31:

To protect the significant local and regional open space values of the Muir Woods Park area. Many desired open space areas may be able to be pursued through clustering of development off of important open space lands and visual resource areas, and securing these lands through conservation easements.

LU31.1b The County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mount Tamalpais State Park, Muir Woods National Monument and the lands of MMWD. Some of these areas are shown in Figure 12. In the event acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park and water district lands. The County Planning Department should identify and map the parcels contiguous to park lands



Map 3. Marinmap.org - Property owned by applicant separating Project from Mt. Tam State Park.

- 47 We find a plethora of errors and misrepresentations in the MIND, requisitioned Hydrology and Land Use report, maps, failure to study cumulative impacts of septic systems and where a full EIR must be mandatory. The jurisdictional TACP EIR clearly defines these issues the Plan hopes to mitigate but in this case, we find immitigable. We need to know that the project truly can achieve mitigation benchmarks for approval because the MIND has not made the case.
- 48 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)

49

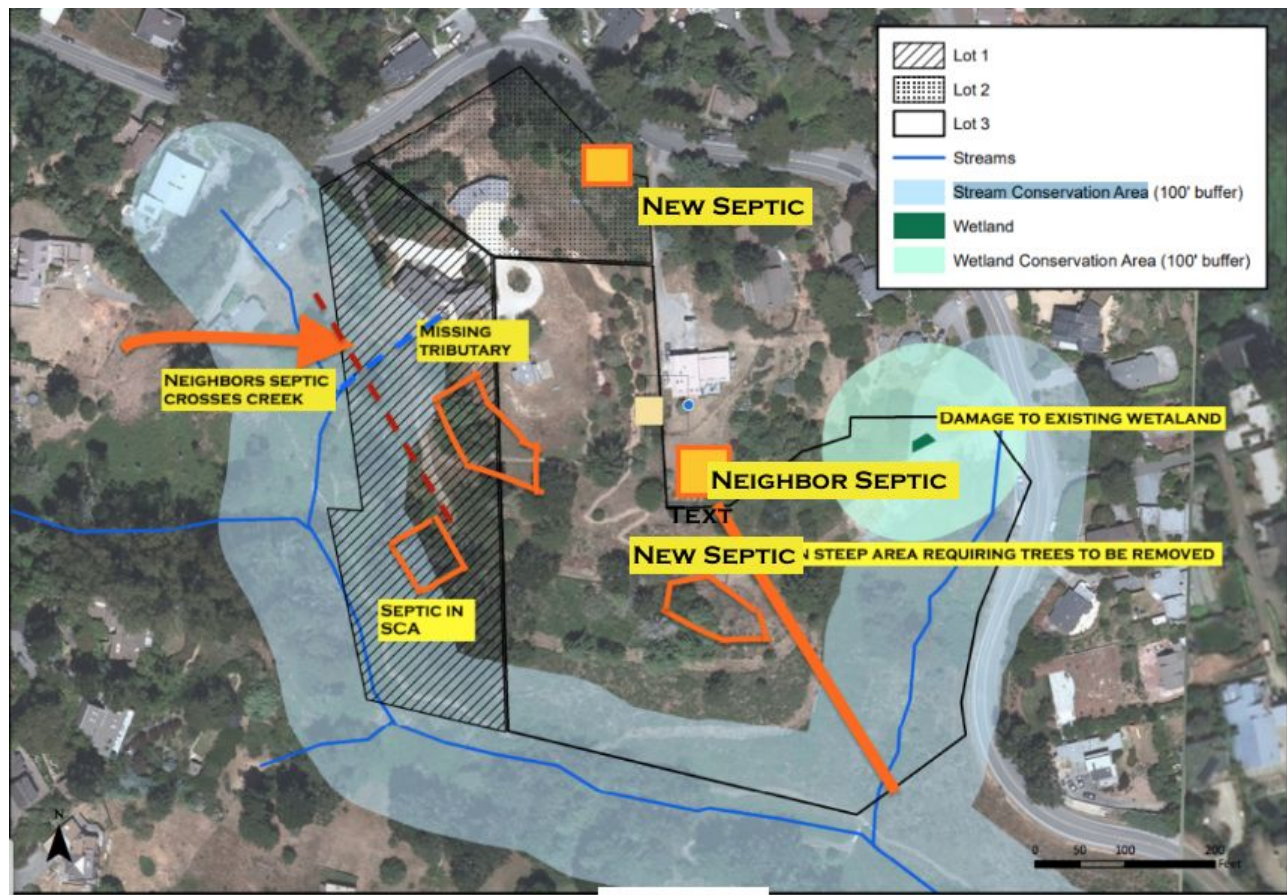


FIGURE 4.1

Map 4. Shows existing and projected location of septic systems and that much of the subject property is a Stream Conservation and Wetland Conservation Area

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UNRESOLVED ISSUES in the INITIAL STUDY and MND

TACP REQUIREMENTS AND ZONING

1. The subdivision acreage of .89 acres is a substandard sized lot for that area zoned RMP - .05 (Residential, Multiple Planned District-unit per 2 acres) minimum and is not supported as a valid size for that area in the TACP (see Attachment 4)
2. Houses on Ridge lines are also not allowed but that is the Project plan
3. The average size of home in Muir Woods Park is around 3500 square feet and this information was not provided in the MIND. This is critical to identifying compatibility with the neighborhood. A complete assessment is necessary. The Project claims two homes 7000 square feet and 4250 sq. feet and the potential for 3 ADU's of unspecified size
4. Imperviousness increases are significant with the addition of garages, driveways hardscaping and ADU's. The MIND fails to identify the actual amount of increased impervious surfaces if built out.

SEPTIC SYSTEMS

5. Both septic systems' treatment leach fields are directly above riparian areas on steep slopes above perennial/intermittent blue line streams on the edge of and within the designated minimum Stream Conservation Areas. Should they fail, they will contribute known pollutants right into the

streams. Septic systems failing are the #1 cause of pollution to the Redwood Creek watershed. (Redwood Creek Watershed Assessment 2010)^[1]

6. The septic easement 469 Panoramic on the Project property was not included in the Questa Cumulative impact survey and it falls within the SCA already in violation of Environmental Health Standards.

7. Questa's study did not take into account all the Septic systems on the property and geographic locale that would impact the creeks – a total of at least 5 systems.

8. If there are projections of two homes added and one likely expanded with three ADU's possible, it is unspecified how the current additions of only two septic systems will be able to handle those three ADU's. The cumulative impacts of adding 5 new homes septic hook-ups with only 2 added systems on the plans is a large issue that we did not find an answer in the MIND.

9. The property that would be 2.22 acres contains two septic system leach fields and piping that crosses the creek, where a landslide is shown, and another system is planned above and to the north of it without consideration for two septic systems so close together on a very steep slope. All of these septic systems, as well as the potential ADU's, need a cumulative impact assessment. Further, the tributary that extends up toward the main house should be located on Figure 4-1 and it is just not shown there. This would change the amount of buildable land and ability to put in septic.

10. How large will the three ADU's be and how will they be served by separate or combined septic systems? This needs to be identified.

Arrows point to existence of perennials creeks 1910 assessors map.

WETLANDS AND CREEKS (HYDROLOGY)

11. The Marin CWP is very clear on creek and wetland setbacks that 100 feet is a minimum. Given the slope and proximity to the creek and run-off calculations, the setbacks listed are not large enough to address these other issues.

12. The property crosses the combined ridgetop of the two watersheds but that information is not found or discussed in the Hydrology report. Impacts to both watersheds need to be considered.

13. Misleading statement in the Hydrology report that there was not a comprehensive plan to restore the Watershed, when there are several plans extant and several entities that have been working on restoration for 20 years. Refer to narrative and stats on Page 31.

14. Wetland areas on the property that are identified on the National Wetland Inventory^[2] and are shown in their mapping must be properly identified and protected. There can be no speculation as to their existence or a downgraded state as implied by the applicant and his consultants. These streams appear on 1910 assessor's maps. We are requesting that these wetlands be afforded all protections under the federal government whether degraded or not. We believe that this will require wetland mitigation of 2:1 due to past property owner actions whether or not the Project goes forward.

15. Damage to hydrologic function, floodplain integrity via hyporheic feed to the creek subsurface flows and surface soil disturbance is of concern in the implementation of this Project. We are not certain that the proposed mitigation measures will result in less than significant impacts to the creek, floodplain and sensitive species and contend they are inadequate. Please refer to the National Marine Fisheries Fact Sheet.

16. Hydrology report misrepresents the status of the streams refuted by the National Wetlands Inventory and derivative EcoAtlas, Regional Water Board data sets.
17. Recent unpermitted work on top of watercourses and wetlands needs to be addressed and remediated as a condition before further work is allowed.
18. The property straddles two watersheds and the Arroyo Corte Madera del Presidio (Mill Valley watershed is not mentioned, a serious flaw in the Hydrology report.
19. Figure 5 does not accurately reflect the streams or their classification (again see National Wetland Inventory footnote link).
20. Correspondence from the applicant trying to downgrade the streams was sent to the County.
21. Misrepresentation of watercourse status as ephemerals when they are listed as intermittent and perennial streams that are the headwaters for Redwood Creek (Coho Salmon Habitat)
22. The property owner has not demonstrated responsible land management and has built and excavated without permits by 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 immitigable dam and watercourse alteration violation.

STORMWATER DESIGN AND CALCULATIONS

26. The inaccurate annual rainfall totals, in addition to the 100-year flood projections, can lead to local increased flooding of adjacent properties and parklands. Needs to be redone with accurate rainfall totals.
27. Based on the Hydrology Study, added imperviousness from .31 acres to a total of .58 acre for 25,200 feet of coverage appears to not cover the proposed ADU's. If the additional square feet of ADUs are not included in this design calculation it must be redone and the stormwater designs enlarged.
28. High Probability that Construction BMPs will not be followed and potential for toxic spill materials is also high based on previous unpermitted work. High Probability that there will be little to no oversight by the applicant or hired company based on previous issues with the "fire road." This will require extra vigilant monitoring during construction by the county or an independent project manager for the life of the project. Enforcement actions and violations charges should be substantial enough to encourage compliance.
29. Future predicted extreme storm events will likely far exceed the capacity of the designed stormwater system. Flooding has already occurred across the street from the property from failure to maintain or install permitted culverts in the public right of way.
30. Increase in stormwater runoff from impermeable surfaces will decrease infiltration affecting year-round creek flows as well as increasing runoff and erosion of steep slopes.
31. Serious underestimation--by one half or more--of rainfall totals. Relying on those specific amounts on this ridgeline property is inadequate and may cause future episodes of dangerous flooding, sedimentation to creeks, erosion and landslides. Rainfall total averages are closer to 60 inches per year. The past two seasons have had 90 inches and 75 inches, respectively. Climate change scenarios are showing increasing intensity of rain events for Marin. Higher figures should be used as a conservative estimate.
32. Any extra sediment from excavations, landslides, polluted runoff, toxic material spills, unknown toxicity of fill dirt, etc.in the watershed can have seriously detrimental effects on the

downstream habitat and cause mortalities to special status federally listed species of red-legged frogs, steelhead and Coho salmon.

33. Adverse downstream impacts to water quality and flow regimes are likely due to this project during construction and afterwards.

GEOLOGY

34. The hillside stability is in question as there are 13 known historic slide areas that were not addressed. 1. Geology and Soils – the Soils report by Herzog revealed 13 historic slide areas including active slumping where cuts and trails in the steep riparian hillsides has occurred.

35. Many areas that have trail and road cuts are already showing slumps and unstable soils.

36. The totality of new septic function and stormwater drainage may be based on inaccurate runoff predictions (discussed above).

FIRE THREAT, SAFETY AND WILDLAND URBAN INTERFACE

37. Adding construction traffic impacts and additional residents to a community that is already considered one of the most dangerous WUI fire zones for fire events poses a serious public safety issue to the County and its residents.

38. There is no evacuation plan for the tens of thousands of users and residents of the Redwood Creek Watershed, Muir Beach and Muir Woods Park Community.

39. Large public grant funds were used exclusively on the property for vegetation management to prevent fires. These actions have not been sustained so that invasive pyrophytic species of plants have taken over much of the property.

40. Narrow, steep and windy streets in the community make fire risk challenging to fire departments and to managing and developing effective escape routes.

1. Hazards and Hazardous Materials –The Muir Woods park community and Muir Beach community have had three fires in the past 12 months. Those were caused by tourists and P.G.E. transformer poles. There is no evacuation plan for our community, Muir Woods National Monument, State Parks, GGNRA or Muir Beach.

CLIMATE CHANGE

41. Climate change is impacting storm events and drought on the subject property causing more weather extremes, including fiercer storms from atmospheric rivers. The area has suffered drought impacts recently as well affecting biodiversity, fire risk, plant and animal survival, surface and groundwater supply. Additional impacts from construction and habitation may hasten species extinction already at risk due to past human activity.

The Fire road cost serious GHG emissions and removal should occur.

AESTHETICS

42. Aesthetics and views are not sufficiently addressed. Homes will be placed on ridges affecting sightlines.

43. Neighboring properties will lose sense of bucolic surroundings. Where there were once two majestic one-hundred-foot-tall Doug Firs, these were replaced with a paved road expansion, road paint delineations, a huge retaining wall, hardscaping and two signs: Stop and Right Turn Only. Property work has turned a once beautiful road into an urban freeway setting.

44. The property's development will impact the Historic Dipsea Trail vistas, wildlife corridor and use.

AIR POLLUTION

45. Heavy machinery for construction will cause immitigable air pollution and there are direct neighbors who are sensitive receptors and will be impacted

- 52 | 46. By having more homes, vehicles, more gas powered equipment will be used emitting fumes
53 | 47. Cars will accelerate across the street to get into the road right across from our driveway
increasing gas fumes - plus the neighbor is a sensitive receptor and has a workshop garage
immediately across from the 455 driveway.

NOISE AND LIGHT POLLUTION (Significant)

- 54 | 48. Noise and light pollution are not sufficiently addressed and will affect both neighbors and
wildlife.
Impacts to the night sky that the community enjoys and are vital to the health of native wildlife
have not been addressed. Dark Sky BMP principals should be embedded and followed.

BIOLOGICAL IMPACTS (Significant)

- 55 | 49. Impacts from development and urbanization have been significant as outlined in the 2010
Redwood Creek Watershed Assessment and NOAA National Marine Fisheries Service Coho
Recovery plan.
We have evidence that the project would result in significant or potentially significant
environmental impacts related to:
Biological Resources – There are significant wildlife corridors¹⁴ that connect wildlife from Muir
Woods, State Parks as witnessed by experts who are neighbors immediately across the street. At 446
Panoramic Hwy for the past 28 years, the property owners have documented sightings of animals
that have migrated from across the street from the subject property. Without on site assessment
during peak migration and breeding seasons as well as a comprehensive assessment. A large
number of terrestrial animals come from the Weissman property and cross Panoramic Hwy. This
documentation should establish the significance of wildlife corridors that are most often the riparian
zones, of which there are many on the subject property, giving the animals cover.

Because so many animals are in decline, particularly birds, it is incumbent for the County to protect and
identify those animals. The MND falls short of that.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/tamalpais_area_community_plan_appendices.pdf

¹⁴ Tamalpais Community Plan, Page III-53 Objective LU.15:

To protect wildlife trails (right-of-way) which provide access for wildlife through private property for access to water
and food sources.

Policies:

LU.15.1 Wildlife Corridors

Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.

Programs:

LU15.1a The County and TDRB, as part of Design Review, if appropriate, will request that an
applicant provide information on the value of the project

50d. The Project subdivision is the opposite of what the intent of the TACP and of the community – to conserve and protect significant properties next to parks and that would otherwise lead to habitat fragmentation

51. Small changes from any construction, trails and road building have had significant adverse impacts on water quality affecting Coho Salmon and Steelhead survival.

52. The Federal National Marine Fisheries Service NOAA recommendations^[4] have not been included in the assessment of the property though their “action items” include all of Redwood Creek Watershed.

- Encourage willing landowners to restore historical floodplains or off-channel habitats through conservation easements, etc.

- Existing areas with floodplains or off channel habitats should be protected from future urban development of any kind.

Promote restoration projects designed to create or restore alcove, backchannel, ephemeral tributary, or seasonal pond habitats.

- Target habitat restoration and enhancement that will function between winter base flow and flood stage.

- Purchase land/conservation easements to encourage the re-establishment and/or enhancement of natural riparian communities.

53. Redwood Creek watershed and Project property are part of a world-renowned biodiversity hotspot. (see appendix for empirical evidence across the street)

54. Wildlife corridors will be blocked and unprotected, leading to extirpation of endangered species like Northern Spotted Owls from construction process and new homes, vehicles, noise in an area adversely impacting multiple historic riparian and wildlife corridors.

55. The property lies in documented Northern Spotted Owl (an endangered species) habitat.

Marin County, including the Redwood Creek watershed, may support the highest known densities of northern spotted owls (NSO) in the western United States (Stralberg et al. 2008).^[5] According to the U.S. Fish and Wildlife Service, “Disturbance may reach the level of take [under the Endangered Species Act] when at least one of the following conditions are met:

- Project-generated sound exceeds ambient nesting conditions by 20-25 decibels (dB).
- Project-generated sound, when added to existing ambient conditions, exceeds 90 dB.
- Human activities occur within a visual line-of-sight distance of 40 m or less from a nest.

NSO are particularly vulnerable to sounds and lights and therefore, the use of the property and continuing construction impacts represents a *significant impact that cannot be mitigated* because many of the construction sounds exceed the limits of 20-25 decibels disturbance threshold. A backhoe, grader, and cement truck are 84-85 decibels.

There is no mention of the impact from increased light pollution to NSO and other wildlife from construction as well as the impacts of light and noise pollution once the Project is completed. Since new homes will have a second story, the canopy of light that will project outward, along with sounds, will be a constant significant increase and is therefore immitigable.

56. Several large, mature heritage and protected trees have already been removed from the property (Sargent Cypress and Douglas Fir)¹. The arborists report is inadequate considering the number of trees impacted by the project and on the property. We are noting that the presence of willows indicate creek on the property and high surface groundwater, and there is no mention of

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cont.

the mature Sargent Cypress that was removed. The report contained a significant error that was later corrected. There is not adequate mapping of all the existing vegetation, leaving to chance, any protections going forward. Of particular concern was the failure to discuss the riparian trees.

HABITAT VALUES

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57. This property is significant for its habitat values and should be preserved and rezoned to preserve valuable habitat. Almost every animal found in the parks area including endangered Northern Spotted Owls is found on this property.

57. Best management practices of the property have not been demonstrated over the course of the applicant's ownership. Enforcement and regular monitoring for compliance will be required if this Project is to move forward.

59. Biological report wholly insufficient, lacking comprehensive study and local data.

60. See Biology page 19 for animals in the area.

61. There are many invasive plants on the property that have been allowed to proliferate under the applicant obliterating vegetation management work done previously.

62. Large native trees have been removed.

CULTURAL RESOURCES

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63. We did not find a report about inquiry into the cultural resources as suggested. Please provide a cultural resource report.

64. It is highly likely cultural resources have not been vetted properly since we cannot find a report, and a full EIR is needed to inform Project impacts. (Tribal Notification SB 18, AB 52 and CEQA code § 21080.3.1. (a)

65. Noise, light, water and air pollution increases will occur and not been mitigated sufficiently. There are sensitive receptors to light, sound and fumes next door and therefore, the Project which likely will go on for several years is immitigable.

Cultural Resources – Proper assessment of cultural resources have not been completed. An assumption about concern by the tribes who were contacted only once a year and a half ago. The statement “Therefore, the County has no information from either tribe about the presence or potential presence of tribal cultural resources at or in the vicinity of the Project site.... Based on the lack of response from the Tribes...the Project is not expected to cause a substantial adverse change in the significance of a tribal cultural resource, and the impact would therefore be less than significant.” is an incomplete and disrespectful assumption. It is probable that this property contained cultural significance for Native Americans in the area, because of its water sources, wildlife and vistas and with the widely accepted knowledge that most of the trails in the area were made by Native Americans.

62

Appendix N was added in December 28, 2018

CEQA Guidelines Added question to Infill Environmental Checklist regarding consultation with California Native American Tribes.

The assertion made by the planner that Public Resource Code 5020.1 and 5024.1 does not identify cultural tribal resources, those being covered by AB 52 and SB 18. Nor does section 5 refer to these statutes being fulfilled. So they apparently were not fulfilled which sends the message that the CEQA MND is inadequate. A property of the size and significance and geography of the Dipsea Ranch should have a separate study that addresses the following under CEQA § 21074. (a) “Tribal cultural resources” are either of the following: (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources. (B) Included in a local register of historical resources as defined

in subdivision (k) of Section 5020.1. (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf

Did the County fulfill their obligations under Senate Bill 18 and Assembly Bill 52? The evidence does not support that they did. The Cultural Resource segment under CEQA is, therefore, not fulfilled and dismissed without proper assessment or a follow up letter to indicate the project status moving forward. There is no reference to either SB18 to AB52 by the planner in the MIND.

http://opr.ca.gov/docs/OPR_AB_52_Presentation_Discussion_Draft.pdf We found no Cultural Resource report in the file though the applicant apparently requested a study we find no evidence of that either and that is critical to this property.

SURROUNDING COMMUNITY CHARACTER

- 66. The Project is out of context with the surrounding land use and community.
- 67. The Project homes are twice the size of the average size homes in the Muir Woods Park area.
- 68. The buildings will be on top of the ridge, which violates the TACP.
- 69. The property owner has misrepresented the Fire Department; Fire Chief Jason Weber has refuted his claim.

INTENT OF THE TACP

70. The majority of the community and the TACP believe the lands should be preserved and the MIND does not contain an opportunity for the community to be heard and consider options. This was expressed at the Tam Design Review committee where over 120 residents participated and most expressed they were against the land being divided up and thought it should be put into conservation.

71. Project pictures do not show the existing car garage that likely has a residential unit on it.

72. The previous owner of the property did ½ million dollar’s worth of unpermitted remodeling on the property. There needs to be an investigation of the garage to see if there is a living space there. The Project would violate several TACP policies that are immitigable.

73. But another parcel of about 1.86 acres is owned by the same applicant and is immediately adjacent to Mt. Tam State Parks.^[6]

74. There are multiple conflicts with the Project listed below and several aspects of the TACP policies are not fulfilled by this Project:

[/media/files/departments/cd/planning/currentplanning/publications/communityandareaplan/tamalpais_area_community_plan_appendices.pdf](#)

- LU1.1 a LU1.4 b Ridgeline protections prohibit construction within 100 feet of the ridge
- LU1.1b Design dwellings so the rooftop is below the ridgeline

- LU 2 – Establish densities with environmental constraints
 - LU2.1e Design review shall be required as a condition of tentative map approval.
 - LU3.2b Development shall be consistent with the community plan.
 - LU 4.1a Meet with property owners to encourage lot mergers.
 - LU8 Preserve archeological and cultural resources
 - LU 8.1 and LU8.2 Encourage protection of resources
 - LU 11.1a, 2b Implement existing Countywide Plan policies for stream setbacks to protect stream corridors and banks.
 - LU11.2a Identify damaged reaches of streams and target for restoration or stabilization in conjunction with permits for new construction or alteration
 - LU 11.2b Retain unimproved water courses so that they are natural appearing. Discourage underground drainage.
 - LU13.2b Protect acquisition of undeveloped lands with open space significance
 - LU 13.2c The Design Review process will be used to identify the vegetation and wildlife habitat of a site.
 - LU 14.1a-1d Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space District, Acquisition of parcels with local open space significance should be pursued. Portions of sites that contain open space resources shall be considered for preservation by clustering development.
 - LU14.1d Identify parcels in this area which may be appropriate for acquisition as open space.
 - LU 15 To protect wildlife trails through private property for access to water and food sources
 - LU 15.1a Any identified wildlife trails should be protected as part of Design Review approval
 - LU 16.1a May require the submission of geotechnical 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.
- Programs:
 - LU15.1a The County and TDRB, as part of Design Review, if appropriate, will request that an applicant provide information on the value of the Project site as a wildlife trail or corridor. Any identified wildlife trails or corridors should be protected as part of a Design Review approval.
 - LU 16.1a May require the submission of geotechnical a hydrologic reports to assess risk.

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.

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 pigeons, California Quail (nest), Chestnut backed Chickadee(nest), Lesser Goldfinch, American Goldfinch, Downy Woodpecker (nest), Acorn Woodpecker, Hairy Woodpecker (nest), Red Breasted Sapsucker, Nuttall's Woodpecker, Northern Flicker, Red-Naped Sapsucker, Western Wood Peewee, Willow fly-catcher, Pygmy Nuthatch, Gold-Crowned Sparrow, White Crowned Sparrow, Cedar Waxwings, Crow (nest), Raven, Stellar Jay (nest), Scrub jay (nest), Spotted Towhee (nest), California Brown Towhee (nest), Wilson's Warbler (nest), Townsend Warbler (nest), Pine Siskin, Swainson's hawk, Black Phoebe, Bushtit, Brown Creeper, Swainson's thrush, Hermit Thrush, Black-headed Grosbeak (nest), Western Tanager, Fox Sparrow. There are several other species that have not been positively identified in the sparrow, fly and gnatcatcher and finch families.

Species of birds identified flying over or in the immediate area:

Western Bluebirds (nesting), Bald Eagle, Golden Eagle, Northern Harrier, Red Shouldered Hawk, Osprey, American Kestrel, Pileated Woodpecker, Ruby Crowned Kinglet.

Mammals:

Gray fox, ring-tailed cat (3 documented sightings Oct. 2019), dusky footed woodrat (8 nests at 446 Panoramic Hwy. main food source for the endangered Northern Spotted Owl), bobcats, red squirrel, grey squirrel, Marin chipmunk, coyote, black tail deer, opossum, striped skunk, raccoon, deer mouse, gray fox, vole, mole, gopher, three unidentified species of bats (4 bat houses on the home).

Amphibians:

Pacific giant salamander, California Slender salamander, California Newt

Reptiles:

Garter snake, green grass snake, alligator lizard, gopher snake, Western Diamondback rattlesnake, western fence lizard

Butterflies and moths:

Endangered Monarch butterfly, California Sister butterfly, Pale Swallowtail, Anise Swallowtail, numerous unidentified hairstreaks crescent and fritillary, Buckeye, Red Admiral, California Tortoiseshell, Lorquin's Admiral, numerous Skippers and Duskywings.

Butterflies and moths sighting in recent years:

63
cont. 5 kinds of butterflies including Monarchs, Red Admiral, Painted lady and California Tortoiseshell found resting in Eucalyptus trees across the street. A massive multi-day Painted Lady migration coming from Muir Woods area have flown over 455 and 446 Panoramic the past 3 years.

64 [1] https://www.nps.gov/goga/getinvolved/upload/RCWA_FINAL.pdf Page ES-6
Several important issues with relevance to watershed planning are associated with human habitation within the watershed, including: the siting, leakage and failures of septic systems, water use, runoff and soil erosion, congestion on area roads, and introduction of non-native plants and animals. All houses within the watershed, excepting those in Muir Woods National Monument, currently operate on septic systems, and problems with overloaded or poorly sited septic fields are noted within community plans. Further development, including redevelopment to larger residences, is expected to exacerbate these problems. Similarly, increasing development, home sizes, paving of roads and driveways, and removal of native vegetation are also expected to increase water runoff and the potential for soil erosion and water pollution. Water quality monitoring conducted by NPS has occasionally found Redwood Creek bacteria levels to exceed state standards for human contact and elevated nitrogen levels. Problems with traffic congestion, particularly park visitors and people traveling through on Highway 1, are also exacerbated by full-time residents within the watershed due to the area's narrow and winding road system.

65 [2] MarinMap GIS data from National Wetlands Inventory
[3] http://www.westcoast.fisheries.noaa.gov/publications/habitat/fact_sheets/stormwater_fact_sheet.pdf
[4] <https://www.fisheries.noaa.gov/resource/document/recovery-plan-evolutionarily-significant-unit-central-california-coast-coho> Volume II pages 600-636

66 [5] <http://www.fws.gov/arcata/es/birds/MM/documents/MAMU-NSO%20Harassment%20Guidance%20NW%20CA%202006Jul31.pdf>
U.S. Fish and Wildlife document July 26, 2006: *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* Executive Summary

67 [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)

68 [7] https://www.nps.gov/goga/getinvolved/upload/RCWA_FINAL.pdf Page ES-6
69 [8] <http://www.muirbeachcsd.com/mbcsd12-v2/wp-content/uploads/2017/02/20020301-Redwood-Creek-Watershed-Assessment.pdf>

70 The project would violate several TACP policies and are immitigable.
[/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/tamalpais_area_community_plan_appendices.pdf](#)

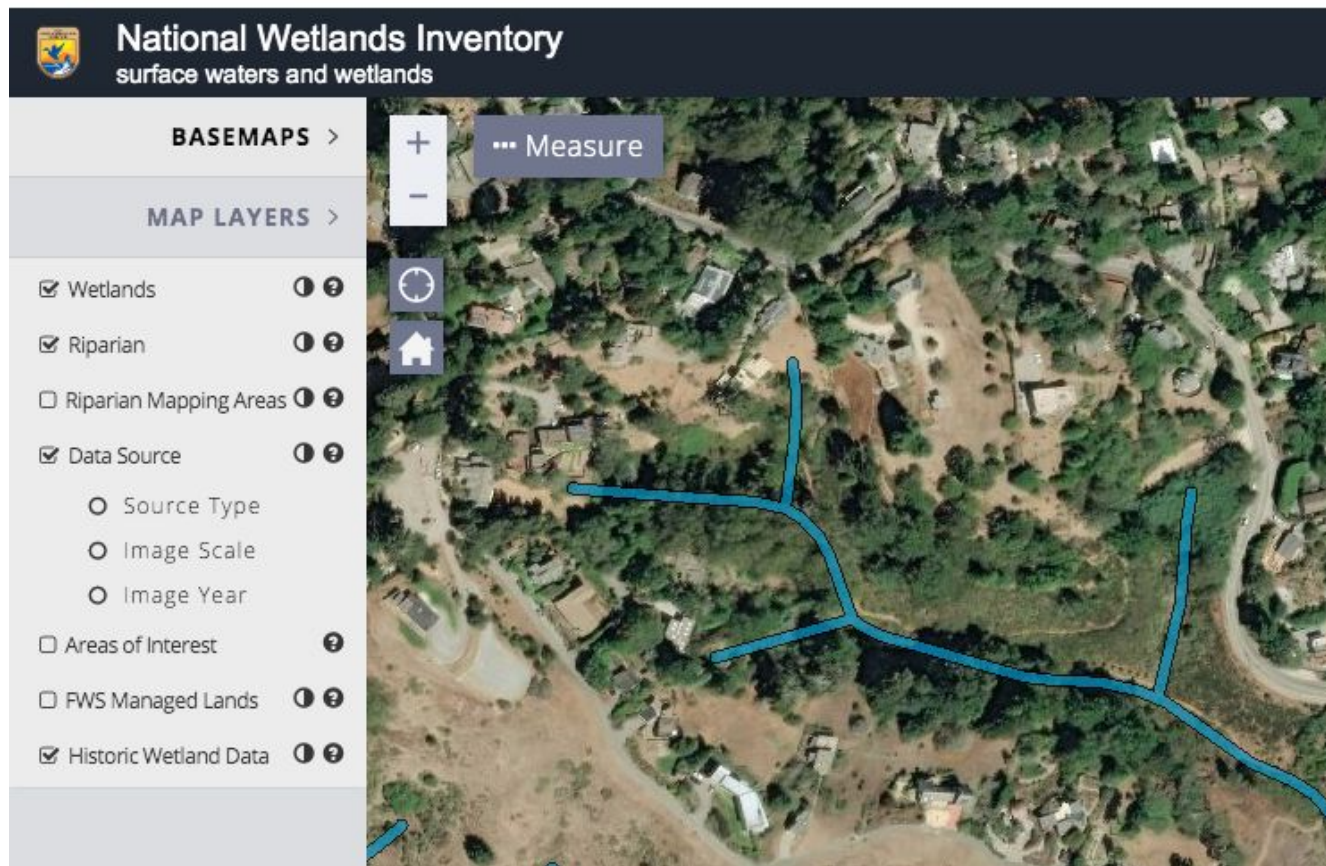
- Ridgeline protections LU1.1 a LU1.4 b Prohibit construction within 100 feet of the ridge
- LU1.1b Design dwellings so the rooftop is below the ridgeline
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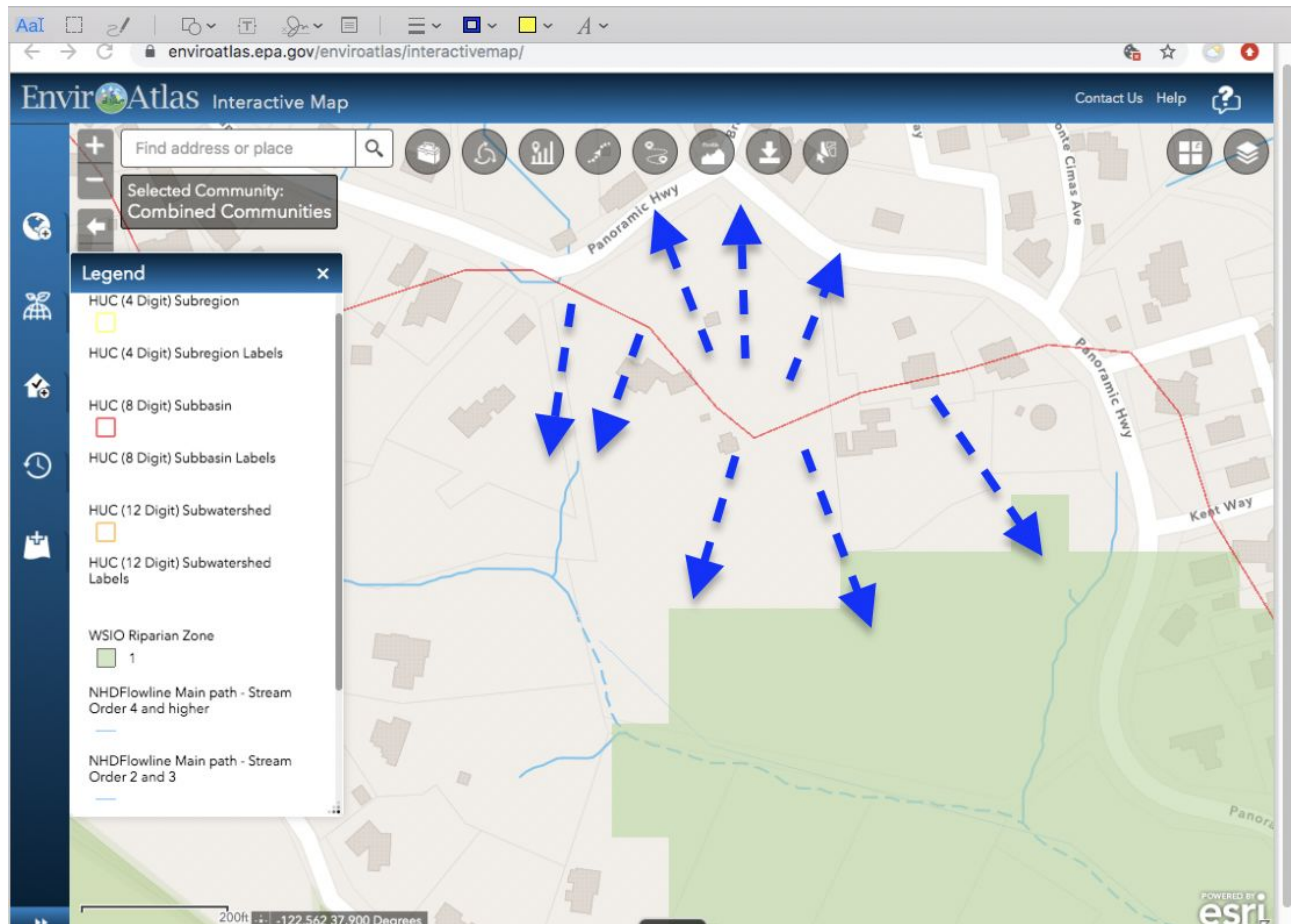
The rainfall totals indicated in the Hydrology Report for 455 Panoramic Hwy. that they are between 26 to 36 inches per year are erroneous. All records show at least twice that as average rainfalls. 75 inches fell in 2018-2019 and 90 inches season 2017-2018. Backed up by our 28-year history and evidence from living across the street from the project, this is a dangerous misrepresentation made by the Hydrology report. This leads to insufficient calculations used for all design, stormwater, foundation and septic work as insufficient. The recent historic figures are available from OneRain, NOAA and MMWD.

“As a result of orographic lift, mean annual precipitation in the Redwood Creek watershed ranges from 26 inches at the Pacific Ocean to 36 inches on the high flanks of Mount Tamalpais. The mean annual precipitation according to Marin Map at the job site is 34 inches. This is consistent with the site specific data available from NOAA. Within the project area the 2 year 1-hour storm is calculated through historical data and probabilities at 0.64 inches of rainfall. The 2 year-24 hour and 100 year-24 hour storms are calculated to be 3.38 inches and 8.73 inches respectively (NOAA). The area is most influenced by the Pacific maritime climate dominated by "wet winters and dry summers" (SCS -TR55 Manual). This is important as it dictates the distribution of rainfall within a storm event and determines the peak runoff and total volume generated during a storm.”
(Hydrology and Land Use Report Dipsea Ranch Tentative Map, Ziegler Civil Engineering, © 2018 Page 20).

72



MAP 5. Project site: Shows all recognized tributaries from National Wetlands Inventory.



Map 6. The Red Line shows that a large segment of the property flows north into the Arroyo Corte Madera del Presidio watershed, a fact that is not even mentioned in the Hydrology Report. The Southern section flows into the Redwood Creek watershed. Right now, these stormwaters are not being properly managed and we did not find this addressed in the Hydrology Report. Watercourse designations from Environmental Protection Agency showing property blue line creek designations, and stormwater drainage directions (Blue Arrows) Location of Road Berm.

Figure 4.1 (from MND augmented to reflect septic fields in orange and does not include two more on North Corner and on Neighbors property just above orange straight line).

Overlay of issues on Figure 4.1 - Neighbors septic system setback was built in the SCA and their pipes may cross the creek. The streams, because they are blue line, are all intermittent (seasonal) or perennial because they flow most of the year. We have plenty of evidence for that. On the map there is a missing tributary near the main house (existing).

How would the Accessory Dwelling Units dispose of their Waste? Will there be more septic systems added?

We do not find that the “reports” submitted adequately address the current and prescient environmental issues resulting from ill-informed “urban uses” and basic landowner’s responsible land management.

77 | PROPERTY CONSTRAINTS

In describing the property, this culturally significant and historic property in the Muir Woods Park Community contains significant ecologic, hydro-geologic features including three headwater tributaries of Camino del Canyon Redwood Creek subwatershed, containing steep headwaters with multiple historic and active landslides, a wetland, and riparian zones and is a significant portion of the Redwood Creek Watershed. Mistakenly the description of 2 Redwood Creek tributaries is that they are ephemerals when they are documented as blue-line perennials and intermittent streams. (Laura Chariton, MA Riparian Policy and Environmental Restoration,). Attempts have been made to downgrade the significance of the Stream Conservation Area and the intended protections. (See Appendix) Fortunately, the County and EcoAtlas.org, National Wetlands Inventory has covered this and they are listed as blue line perennial streams. We have correspondence with the County from the Applicant in an attempt to downgrade the stream from a class 1 or 2 (perennial/intermittent) to a 3 or 4.

78 |
79 | The property drains into two different watersheds: Redwood Creek and Arroyo Corte Madera del Presidio (ACMdP) apparently not identified in the Hydrology Report. Neighboring properties have already been flooded by unpermitted, unmaintained culverts and drainage ditches by the applicant within the County Right of Way drainage. After several years and tens of thousands of dollars of flood damage at 446 Panoramic, the County made Weissman and others redo and permit part of this driveway entrance. However, the road ditch is still is not maintained. The Weissmans have shown disregard for their neighbor's safety, property, and for wildlife.¹⁵

80 |
81 | This property should be rezoned Ridge and Upland Greenbelt because it is topographically and physically a part of it and one-half of the main stream on the Southwest side is in the Greenbelt. The .89 acre division as well as the house project situated on top of the ridge do not meet the criteria of the TACP.

82 | There seems no justification given the current science for bifurcating zoning on top of the function, topography, habitat and water within a stream. As important, are that riparian areas are known wildlife corridors where most nesting birds, dusky footed woodrats, animals finding water and traveling in a safer locale away from anthropogenic influences.

83 |
84 | The intent of the TACP was not fulfilled in this regard and is only overcome by the CountyWide Plan-defined Stream Conservation Areas, within which development is a restricted 100 feet minimum setback from top of bank. The designated Stream Conservation Area does not show that the area is extremely steep, where geo-hydrologists would recommend an even greater setback. Given that most interpretations of setbacks are a minimum line on a map, the real significance to riparian zones, wildlife corridors and water quality health do not get addressed. Several other regions including Napa and Santa Cruz's riparian setback policies were extolled as model ordinances by the EPA because they include slope in identifying the riparian setback area to be protected.

85 | Applying today's standards, the zoning would have been reconsidered. The Project site is within the City-Centered Corridor but should have been zoned Inland Rural Corridor as defined in the Marin Countywide Plan (CWP). However, the CWP designates the land use within the Project site as PR-Planned Residential, which has an allowable density of one unit per 1-10 acres. Figure 17 of the TACP specifically lists this property as SF-1 – Single Family Rural. It has been that for decades now, and the requested subdivision represents a densification never intended as indicated by the adopted 1992 TACP.

80a | ¹⁵ See Appendix for Complaint Statement to Marin Humane Society October 16, 2010.

86 In addition, this zoning was done long before we had endangered listed special status species in that watershed and whose populations were going to crash in 20 years changing the intent. But the reality is that many special status species in this locale are in an extinction spiral further justifies the down zoning of the property – the opposite of what is being requested.

87 The PR designation is a Rural/Residential land use category established for single-family residential development in areas where public services are limited and on properties where physical hazards and/or natural resources may restrict development.

88 115 YEAR OLD DIPSEA RACE AND TRAIL HAS HISTORIC DESIGNATION

88 Immediately below the subject property, the historic Dipsea Trail has 3 annual footraces and supported by the Dipsea Foundation garnering the top runners from around the world. The MND does not mention this historic fact. This subdivision will alter historic wildlife and riparian corridors, increase fire danger to the existing community, cause increased pollution, change views from public parks and Dipsea trail (both the GGNRA and Mt. Tam State Park and create months to years of noise pollution that will adversely impact

89 federally listed endangered Northern Spotted Owl in the area, impact native species of endangered Coho Salmon downstream and create density of population that ultimately increases all hazards in the known most fire prone areas in the County of Marin.

90 ERRORS AND OMISSIONS

90 Because this property is on the ridge it captures the majority of rainfall as it comes off the Pacific Ocean it is also incredibly windy much of the time. This known meteorological phenomenon aspect to the property's topography should be taken into account in the planning. Unfortunately, this error alone has become a basis for undersizing all stormwater and septic engineering and causing a likely spill of effluent, septic failure and surface stormwater flooding to adjacent properties, as has already occurred. In February 9, 2014 – 24" of rain fell in a 72- hour period, January 1 2005/6 another deluge occurred and Dec. 1995 14" of rain fell in one day with hurricane force winds, trees down and catastrophic damage on the ridgelines.

91 FIRE ROAD EXCAVATIONThe fill has never been determined to be safe from toxic chemicals. This project was eventually red tagged as a violation by the County but only after a petition was signed by the neighbors. It was also promoted as a fire road – but lacking any engineering would not support a fire truck according to Jason Weber, Marin county Fire Chief. Having created a dam, they had to punch a hole in the dam and a drain was punched into this 200-foot long berm on a wetland in order to provide drainage, but the alteration to topography had consequences to the ground and surface water flows.

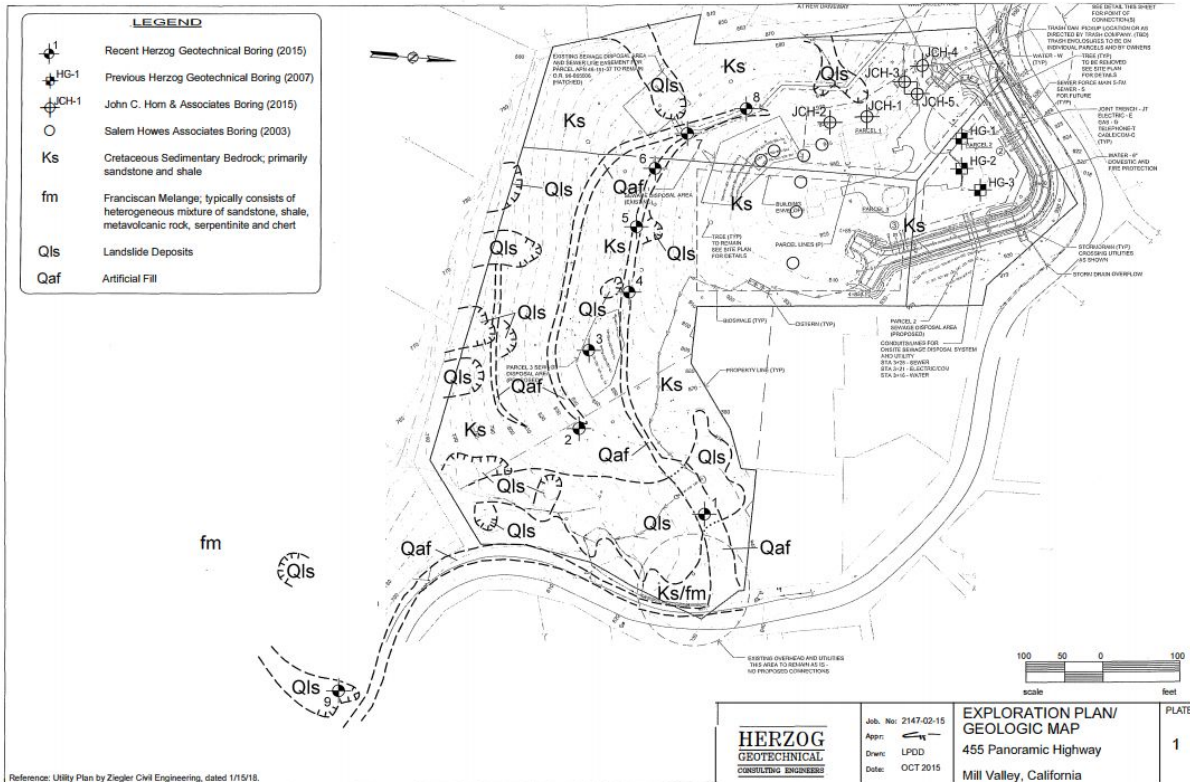
92 VEGETATION MANAGEMENT GOES UNSUPERVISED

92 A mature known heritage native sargent cypress tree was cut down on the upper portion of the property where the subdivision is to occur. (Photos)
Invasive plants have taken over.

93 DAMAGED RIPARIAN ZONES WITH TRAILS AND INAPPROPRIATE VEGETATION REMOVAL

93 The property owner excavated trails all over the property next to Redwood creek and after being reported to MCSTOPPP yet again, was required to put erosion control materials. The geo-tech engineering map indicates many historic landslides and these trails created more landslides and significant slumping. The

94 property contains about 13 historic landslides.



Map 7. 13 Landslides shown as well as core samples taken

The TACP seeks to protect areas that are a wildlife trail or corridor. Any identified wildlife trails or corridors should be protected. LU13 Maintain diversity of vegetation types and wildlife habitats on hillsides and ridges LU13.1a Work to establish a management and maintenance program for open space lands. LU13.2b Protect acquisition of undeveloped lands with open space significance.

LU14 To ensure the long term protection remaining undeveloped lands that have been identified as having significant open space values. LU14.1a Funding for acquisition of parcels with regional open space significance should be pursued by the Open Space district. LU14.1b Acquisition of parcels with local open space significance should be pursued. LU14.1c Portions of sites which contain open space resources shall be considered for preservation by clustering development. LU14.1d Identify parcels in this area

LU.15 To protect wildlife trails through private property for access to water and food sources. LU15.1a Any identified wildlife trails should be protected as part of a Design Review approval.¹⁶

¹⁶ LU.15.1 Wildlife Corridors

Development permits should include provisions to protect corridors for wildlife movement and dispersal where feasible.

We have data collection from over 28 years on for 446 Panoramic Hwy where the following wildlife have been identified. Many of the animals come from the Weissman property. Some of those animals are rare and have only been seen recently such as the Ring-tailed Cat.

Fifty-five to Sixty species of birds identified on the 446 Panoramic property: Great Horned Owls, Endangered Northern Spotted Owls (hunt training) Red shouldered hawk (nest), Merlin, Sharp-shinned hawk, Turkey Vulture, Varied Thrush, Robin, Oak Titmouse, Brown Creeper, Winter Wren, Bewick's Wren, Dark-eyed Junco (nest), House finch (nest) purple finch (nest), Anna's hummingbird (nest), Allen's hummingbird (nest), Rufous hummingbird, Violet Green Swallow (nest) Tree Swallow, Band tailed pigeons, California Quail (nest), Chestnut backed Chickadee (nest), Lesser Goldfinch, American Goldfinch, Downy Woodpecker (nest), Acorn Woodpecker, Hairy Woodpecker (nest), Red Breasted Sapsucker, Nuttall's Woodpecker, Northern Flicker, Red Naped Sapsucker, Western Wood Peewee, Willow fly- catcher, Pygmy Nuthatch, Gold Crowned Sparrow, White Crowned Sparrow, Cedar Waxwings, Crow (nest), Raven, Stellar Jay (nest), Scrub jay (nest), Spotted Towhee (nest), California Brown Towhee (nest), Wilson's Warbler (nest), Townsend Warbler (nest), Pine Siskin, Swainson's hawk, Black Phoebe, Bushtit, Brown Creeper, Swainson's thrush, Hermit Thrush, Black headed-Grosbeak (nest), Western Tanager, Fox Sparrow... There are several other species that have not been positively identified in the sparrow, fly and gnat catcher and finch families.

Species of birds identified flying over or in the immediate area: Western Bluebirds (nesting) Bald Eagle, Golden Eagle, Northern Harrier, Red Shouldered Hawk, Osprey, American Kestrel, Pileated Woodpecker, Ruby Crowned Kinglet

Mammals seen on the property at 446 Panoramic Hwy: gray fox, ring-tailed cat (3 documented sightings Oct. 2019), dusky footed woodrat (8 nests at 446 Panoramic Hwy. main food source for the NSO), bobcats, red squirrels, grey squirrels, Marin chipmunk, coyote, black tail deer, opossum, striped skunk, raccoon, deer mouse, gray fox, vole, mole, gopher, three unidentified species of bats and 4 bat houses on the home.

Amphibians: Pacific giant salamander, California Slender salamander, California Newt

Reptiles: Garter snake, green grass snake, alligator lizard, gopher snake, Western Diamondback rattlesnake, western fence lizard

Butterflies and moths: Endangered Monarch butterfly, California Sister butterfly, Pale Swallowtail, Anise Swallowtail, numerous unidentified hairstreaks crescent and fritillary, Buckeye, Red Admiral, California Tortoiseshell, Lorquin's Admiral, numerous Skippers and Duskywings.

Some years recently: 5 kinds of butterflies including Monarchs, Red Admiral, Painted lady and California Tortoise shell have rested Eucalyptus trees across the street.

LU15.1a The County and TDRB, as part of Design Review, if appropriate, will request that an applicant provide information on the value of the project site as a wildlife trail or corridor. Any identified wildlife trails or corridors should be protected as part of a Design Review approval.

98

A massive multi-day Painted Lady migration coming from Muir Woods area flies right over 455 and 446 Panoramic the past 3 years.

99

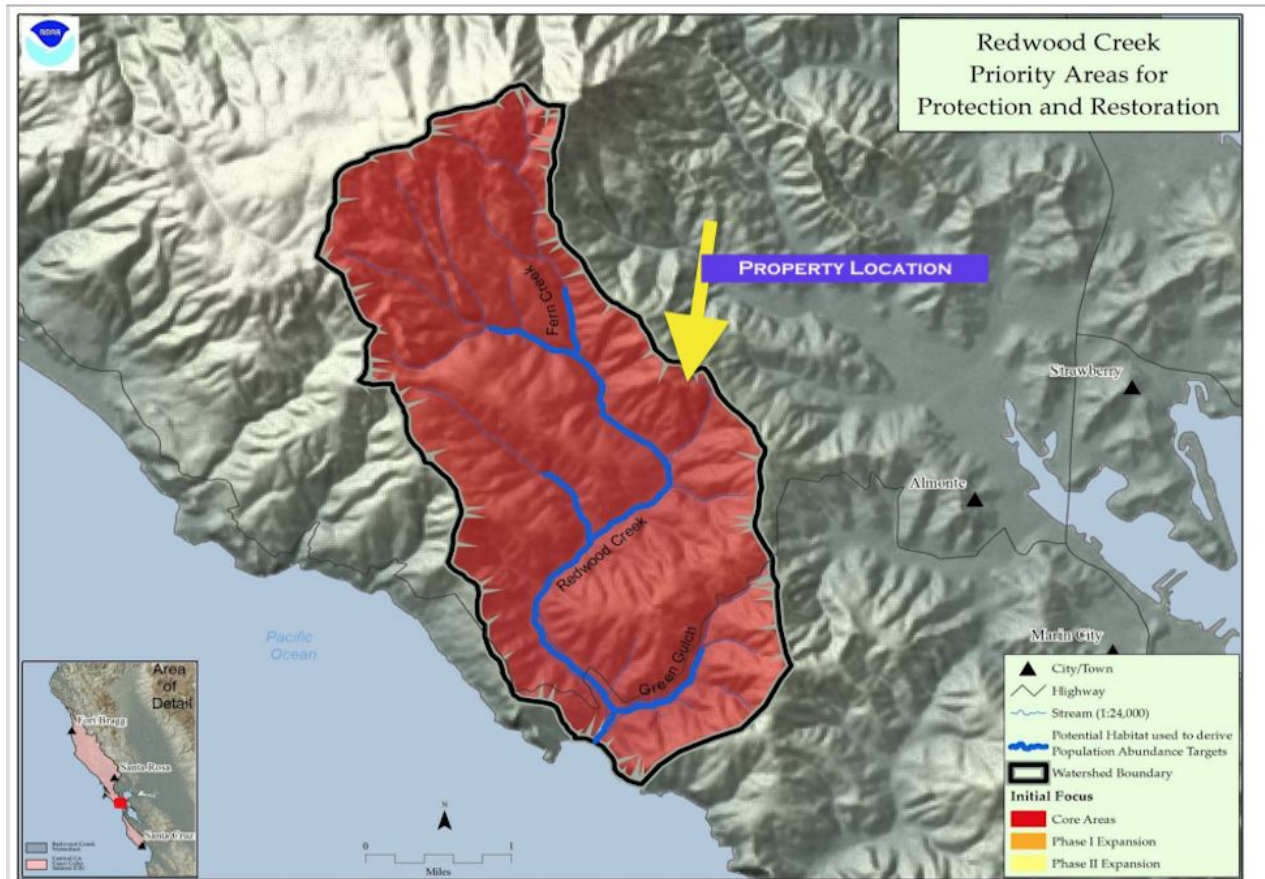
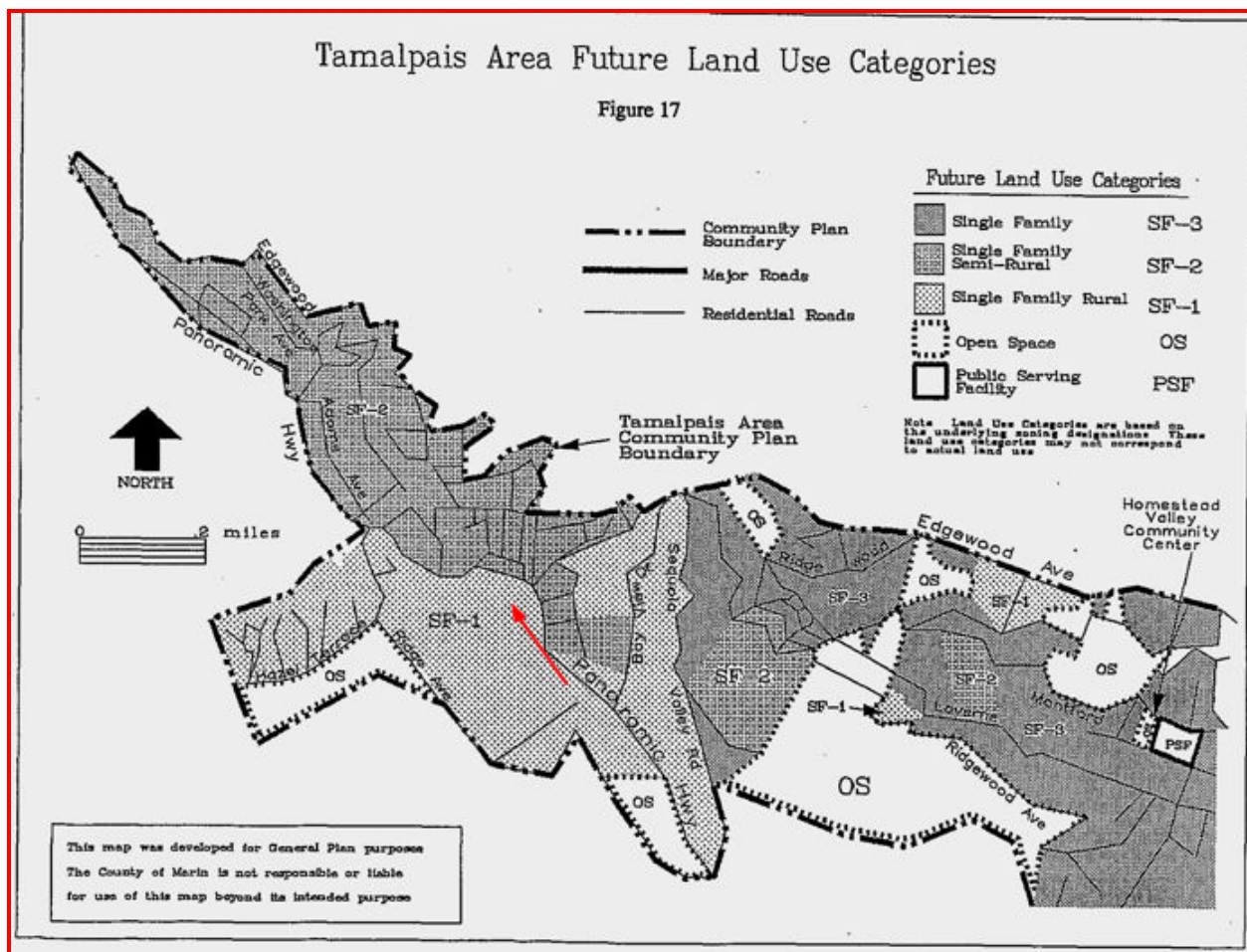


Figure 1: Map of Redwood Creek
Redwood Creek

601

September 2012

Map 8. Priority area for Restoration includes entire watershed. NOAA NMFS Central Coast Coho Recovery Strategy 2012



Map 9. 1992 Tamalpais Community Plan – This map indicates that this property was intended for RE-Zoning listed to Single Family Rural Future Land Use Category.

Muir Woods Park

The Muir Woods Park neighborhood lies along the northeastern ridge of the watershed, in unincorporated Marin County (Figure ES-1). Land use and zoning for the neighborhood are described in the Tamalpais Area Community Plan (Marin County 1992). The neighborhood is zoned single-family-rural and open space...The Tamalpais Area Community Plan states that “the County will consider programs to acquire the many forested undeveloped parcels in close proximity to Mt. Tamalpais State Park, Muir Woods National Monument and the lands of MMWD... In the event that acquisition is not feasible, the County will implement design guidelines to ensure that new development does not harm the park or water district lands” (Marin County 1992). Water to the area is provided by MMWD. National Park Service Redwood Creek Watershed Assessment 2011 Stillwater Science. <http://www.npshistory.com/publications/goga/rcwa-2011.pdf> Page 2-4.

Because the Hydrology and Land Use and Stormwater report by Ziegler significantly underestimates by at least one half the amount of rainfall at the project site. This will lead to more flooding on adjacent properties, particularly those in the ACMdP watershed across Panoramic Hwy. (See LTD engineer letter on street drainage). Flooding has occurred repeatedly from unmaintained drainage ditches. In 2014, 446 Panoramic severely flooded, had a landslide and a tree loss. In 1995 the same property lost five 100 foot plus trees, had a landslide and lost a carport, personal items and a vehicle. Most often water is diverted from 455 Panoramic onto 446 Panoramic property. Undersized stormwater management will also increase land instability where there are already 13 documented historic and known slides on the property (Herzog

geologic survey). The following statement is a dangerous mischaracterization of the rainfall totals. Here is the dangerous and erroneous basis for the design of all stormwater treatment.

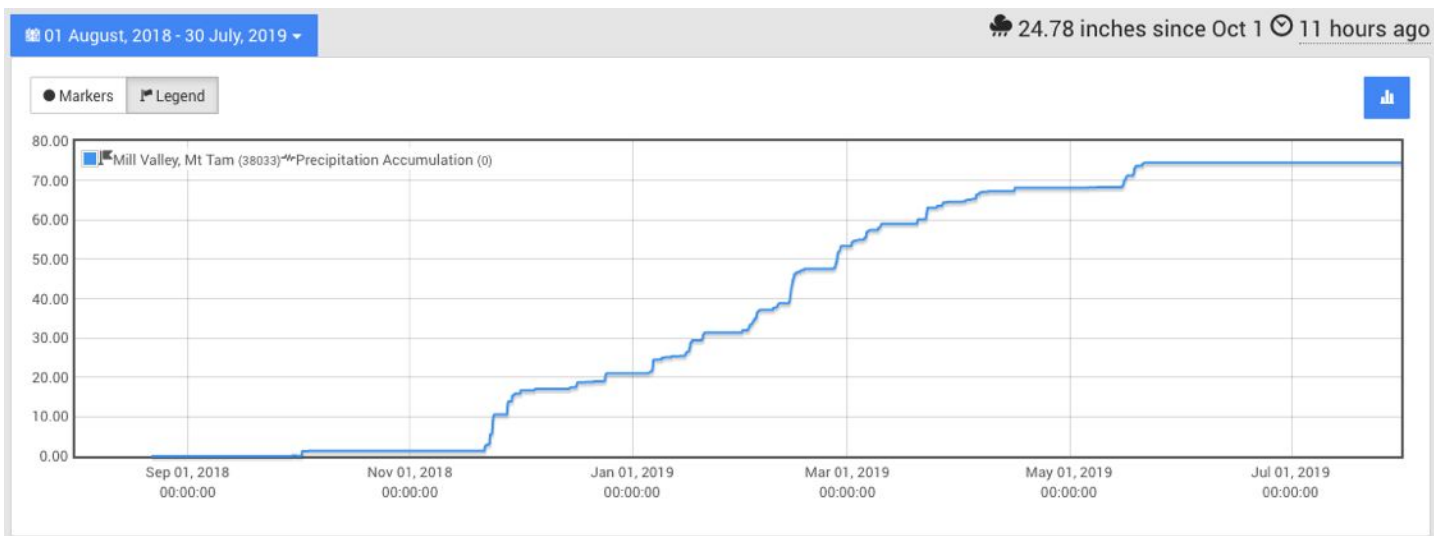
Within the hydrologic model a synthetic rainfall distribution curve is used to model the required storms and their effect. The curve is based on the storm type. Storms dominated by the Pacific maritime climate can be characterized as lower intensity but with higher overall volume than would occur in high intensity short duration storms such as summer thunderstorms. That is not to say that they don't produce substantial runoff or peak flows at various times.

Section 2.6 Hydrologic Design Criteria for Stormwater Systems and Restoration

Stormwater management requires analysis using several criteria. Flood control and stormwater conveyance structures are sized according to the parameters outlined in the Marin County Development Standards. Stormwater treatment and runoff mitigation measures are designed according to thresholds which are derived from the Clean Water Act, and are implemented through State and Local codes.

The following table summarizes the standards and criteria, and their basis, used in developing the model for the proposed project. The results of the analysis were used in an iterative process to design and size the necessary stormwater features of the project.

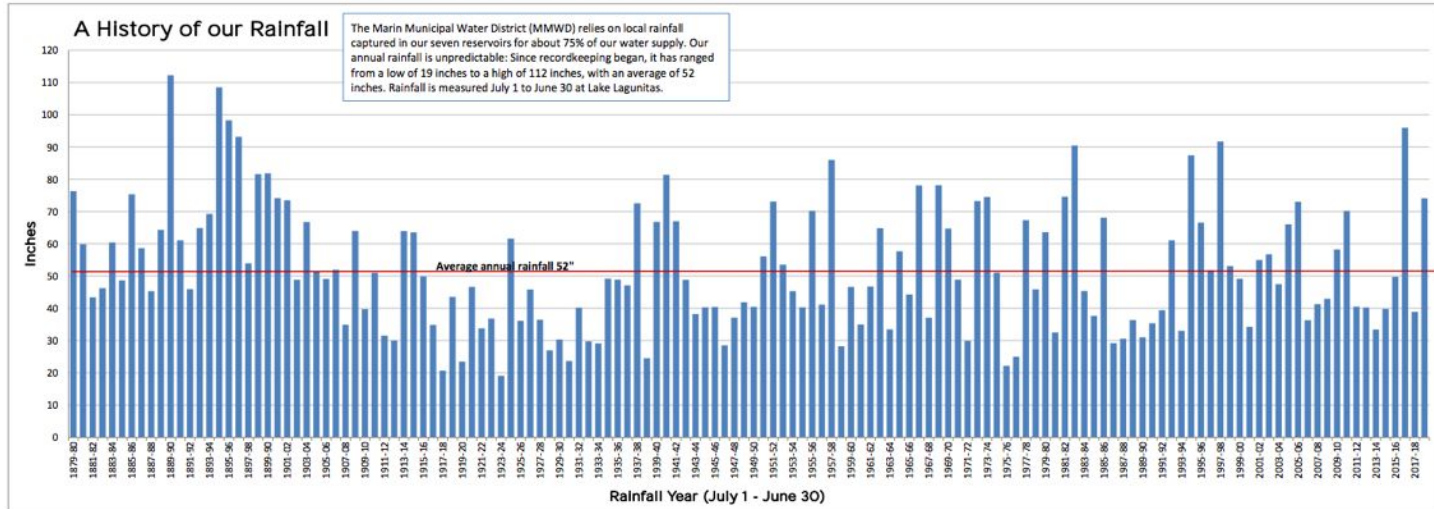
The project’s community of Muir Woods Park received 75 inches of rain in 2018-2019 season and 90 inches of rain in 2017-2018 Season



2018-2019 Rain Totals from Mt. Tam State Park. One Rain Marin County

The estimates by the hydrology report of 26”-36” per year is dangerously inaccurate and any design of any septic or stormwater systems – at these levels will put neighbors and downstream Redwood Creek at risk. Designing a system that is based on 100 year event that isn’t every hundred years because the numbers are off. Rainfall totals have exceeded three times the specified amounts on Page 35 of the MIND.

This record is over 100 years at Lake Lagunitas that shares similar rainfall totals to 455 Panoramic Hwy.



Extreme rain totals included: -24" 3 day storms 2014, 14" one day storms December 12, 1995, 10" 1 day storms 2005/6 New Years day.

In 2017 – We had over 95" of rain. In 2018-19 we had over 75 inches of rain.

All of the calculations made by Ziegler that don't incorporate our actual totals will put the environment and neighbors in jeopardy. The headquarters of Watershed Alliance of Marin were flooded in February 9, 2014 after 24 inches of rain fell in 72 hours and most of the water came across the street from the subject property that is also in the ACMdP watershed.

Further there are letters dated January 15, 2015 from LTD engineering acknowledging the substandard drainage coming from the 455 Panoramic property onto 446 Panoramic Hwy. and requesting a road engineering project by 446 to prevent that water from coming onto their lands and further implicating trees they own as causing the issues. Multiple photos over several years of tree debris show many tree leaves clogging drains, including Redwoods and Cypress along the road and owned by several adjacent properties.

102



Road Berm began on February 27, 2014 in the pouring rain; no BMPs.

103



Downcutting of diverted water on Panoramic shoulder reaching creek eventually further down.

104



Firesafe Marin Grant Work 2005-2010 You can see surgical removal of invasives and leaving coyote brush.

105

Cultural resources:

No archaeological report has been “prepared to investigate the site further for archeological resources. And yet the MIND states: “No significant archeological resources have been identified within the project area” and they provide no evidence of that. It is incumbent under the law that valid research be provided to protect Native American Cultural Resources? Was the tribe apprised of this project? This is a primary reason for a full EIR on cultural resources. Is it just as likely as unlikely that this region contains some cultural resources of the Coast Miwok?

106 | Because of the general concealment of the applicant's projects and unpermitted work on the property there will be little accountability and oversight potential for egregious acts going forward, including non-notification of cultural resources being found. The County must protect these resources from the applicant and to protect the rights of Native Americans.

107 | Further inaccuracies and false assessments include:
Refute reference the property having numerous historic fire. There have controlled burns by the fire department occurred between 1998 and 2008. Removal of invasive plants as mentioned previously occurred with a few (at least) Fire Safe Grants, more than once on the entire lower area towards the Dipsea Trail and above the riparian areas. Where it was the project applicant's responsibility to maintain that work, they did not – exponentially increasing the threats to the community.

108 | Other inaccuracies in the report include: "Multiple large wildfires have occurred in the vicinity of the project area. Many modern fires occurred adjacent to or possibly within the project area." The last large fire in this Muir Woods Park community occurred in 1929 and was over a mile away to the Northeast from this property. That fire is the last modern fire that occurred in that area other than the 1/4 acre one caused by a brand new P.G. & E. transformer at Dias Ridge in June of 2019. Fire records are available in the Redwood Creek Watershed Assessment:

109 | We have the written accounts of the property owners because we live across the street from the subject property. They had lived there since 1920. We would like the "report" to at least list in detail the claims of several modern fires in the area before making such assertions.

110 | Generally, and the reason that redwood forests can live thousands of years is that they are primarily fire resistant, are massive water pumps and keep forest soils, plants and surrounding trees, moist and healthy.

111 | The MIND has an emphasis on infill being a benefit though in a highly hazardous Wildland Urban Interface fire area and with large traffic loads and no evacuation plans by any agencies. The attempt to sell the Project as needed housing for wealthy and urbanization intentionally misses any potential for preservation and restoration or community intent and most import, safety.

112 | The property owners have repeatedly demonstrated an unwillingness to address simple environmental and vegetation management by just keeping their street drainages cleared from flooding other's properties, maintaining their built culverts and maintaining FireSafe Marin public grant funds of hundred thousand plus of dollars on their property preventing stands of invasive species from taking over most of their acreage, cutting down heritage native trees. So while the report states the "Tentative Map proposes to manage the site for both the built and natural environment, consistent with the goals of the CWP and to balance the needs for housing with the needs of the ecosystem," the opposite is and has been true for the length of time the current owners have been there. Ecological health has not been achieved and instead damage continues to occur. The following statement includes the subject property and adjacent properties owned by the applicant.

"State Parks began broom eradication on about 100 acres at the Three Sisters site below Panoramic Way, near the Muir Woods Park neighborhood, in 1994. The site extends to the Sun Trail above Muir Woods. The use of controlled burning (completed annually for a 3-year period) was successful at this location because it was a large site with good road access, allowing the fire to burn hot enough to kill the broom (Stillwater Sciences 2005c). Maintenance, however, will be required in perpetuity to prevent reinfestation, which was noted to be significant at the site in 2005 (Stillwater Sciences 2005c). Another successful invasive species control project in the watershed was conducted by Mt. Tamalpais State Park west of Panoramic Highway near Muir Woods Road. This project eliminated a

112 cont. 10-acre stand of French and Scotch broom through a series of prescribed burns, conducted since 1994, with follow-up spot application of herbicides. These operations cost approximately \$95,000. (Redwood Creek Watershed Assessment Final Report) P. 2-118

Sincerely,

Laura Chariton, MA Riparian Policy and Restoration
President, Watershed Alliance of Marin

Table 2-21. Recorded Fire History of Mt. Tamalpais

Year	Location	Comment
1859	Mt. Tamalpais	Burned for 3 months.
1881	Mill Valley through NE portion of Redwood Creek watershed	65,000-acre wildland fire. Accidentally spread from a brush pile fire in Mill Valley.
1891	From Ross over to the extreme northern portions of the watershed	12,000 acres of Mt. Tamalpais burned. Fire started near Ross.
1913	Mt. Tamalpais Summit, Blithedale and Cascade canyons, most of Fern Canyon	2,600 acres burned. Fire started near West Point Inn, probably ignited by railroad sparks.
1919	From Pipeline Reservoir to Muir Woods	Undocumented extent.
1929	Mill Valley to Fern and Cascade canyons	"Great Tamalpais Fire" burned 2,500 acres.
1931	Muir Woods	Illegal campfire charred redwoods in Cathedral Grove.
1932	Panoramic Highway to Muir Woods	60 acres (24 ha) burned, including 2 (0.8 ha) ac within the Muir Woods boundaries
1959	Kent Canyon	50 acres burned near logging operations on Brazil Ranch.
1965	One-quarter mile from Muir Woods southeast boundary	150 acres burned.

Source: MMWD 1995

114 (Redwood Creek Watershed Assessment Final Report) P. 2-106
The GGNRA's Fire Management Plan (FMP) identifies ten goals (GGNRA 2005), which include public safety as well as protection of private property and structures, and protection of natural resources.

115 Furthermore, in the conclusion by the Environmental Planner who uses the term "appears" repeatedly making several arbitrary and capricious determinations on a host of potentially significant environmental impacts is far from what the CEQA creators intended. "Appears" is not a legitimate assessment of the science or facts leading to determination.

116 The studies submitted are cursory and shallow for a property representing cultural, biological, aesthetic, etc. significance to the community, biodiversity, park users and watershed health.

117 We are again asking for a total EIR review of the project because of known and quantifiable of the intent of CEQA to determine the true environmental impacts on the property.

Sincerely,

Laura Chariton, President, Watershed Alliance of Marin

415 2349007

118



Looking up Redwood Creek from Dipsea Trail from lot adjacent to Mt. Tam State Park.

119



120



121



(looking Southeast) May 2013 Steep hillsides stripped of Native Baccharis and nesting habitat during peak nesting season that had been surgically protected in the Fire Safe Marin Grant. Also removal of Riparian Vegetation in Stream Conservation Area and also on neighbor's property.

122



May 6, 2013 Water flowing in Redwood Creek tributary a perennial stream with Juncus Patens

123



Road erosion from non-functioning installation of large culvert under lower driveway going to “fire road.”

Sediment and erosion entering Redwood Creek tributary from unpermitted diversion culvert under the road at “Fire Road.” Location 2102 and water diverted away from Wetland.



December 2, 2102 Beginning of diverted from wetland downcut that brought lots of erosion sediment into Redwood Creek. A stone lined drain was required.

124



Wetland area that was below the Fire Road Berm. See old road at the top. December 2 2012.

125



Clogged inboard ditch that floods our property and where road entrance is going to be added. January 17, 2019

126



Broad view of property, connecting to State Parks, view from Dias Ridge Main is low house in the middle on the ridge below the trees.

127



128



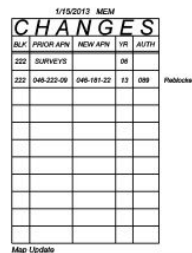
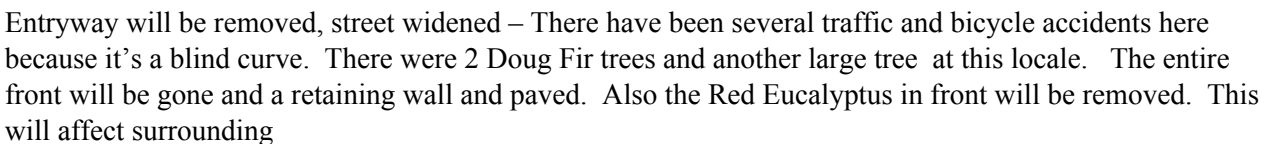
Bobcat with Squirrel February 1 2018 446 Panoramic

129



On 455 Panoramic Property 4/30/2018





132



Septic system area visible from Panoramic Hwy for .89 Acre Parcel

133



Fake Fire road that the Fire Department won't use and that is complete overgrown now.

Redwood Creek



Location	• Marin County
Watershed Area	• 9.0 Square Miles
Potential Habitat	• 6.8 Stream Miles
Vegetation	• 31% Coniferous, 32% Shrubland, 18% Riparian or Montane Forest, 12% Grassland
Erodability	• Low to Moderate
Ownership Patterns	• 5% Private; 95% Public
Dominant Land Uses	• Recreational
Housing Density	• Low
TMDL Pollutants	• None



Redwood Creek
Photo provided by KRS Information
System, and is used with permission

Redwood Creek Coho Salmon: Nearly Extirpated



Recovery Goals

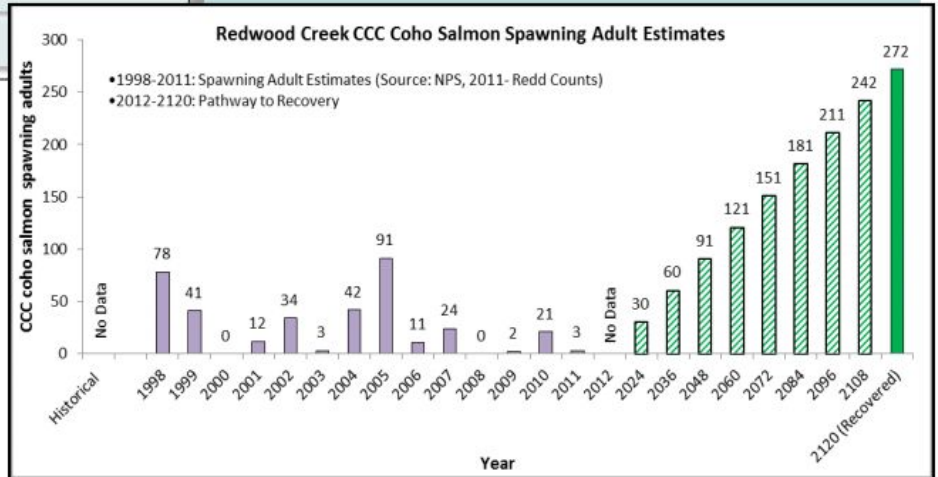
- ✓ Conduct monitoring to track population response to recovery action implementation

Redwood Creek Adult Spawner Targets

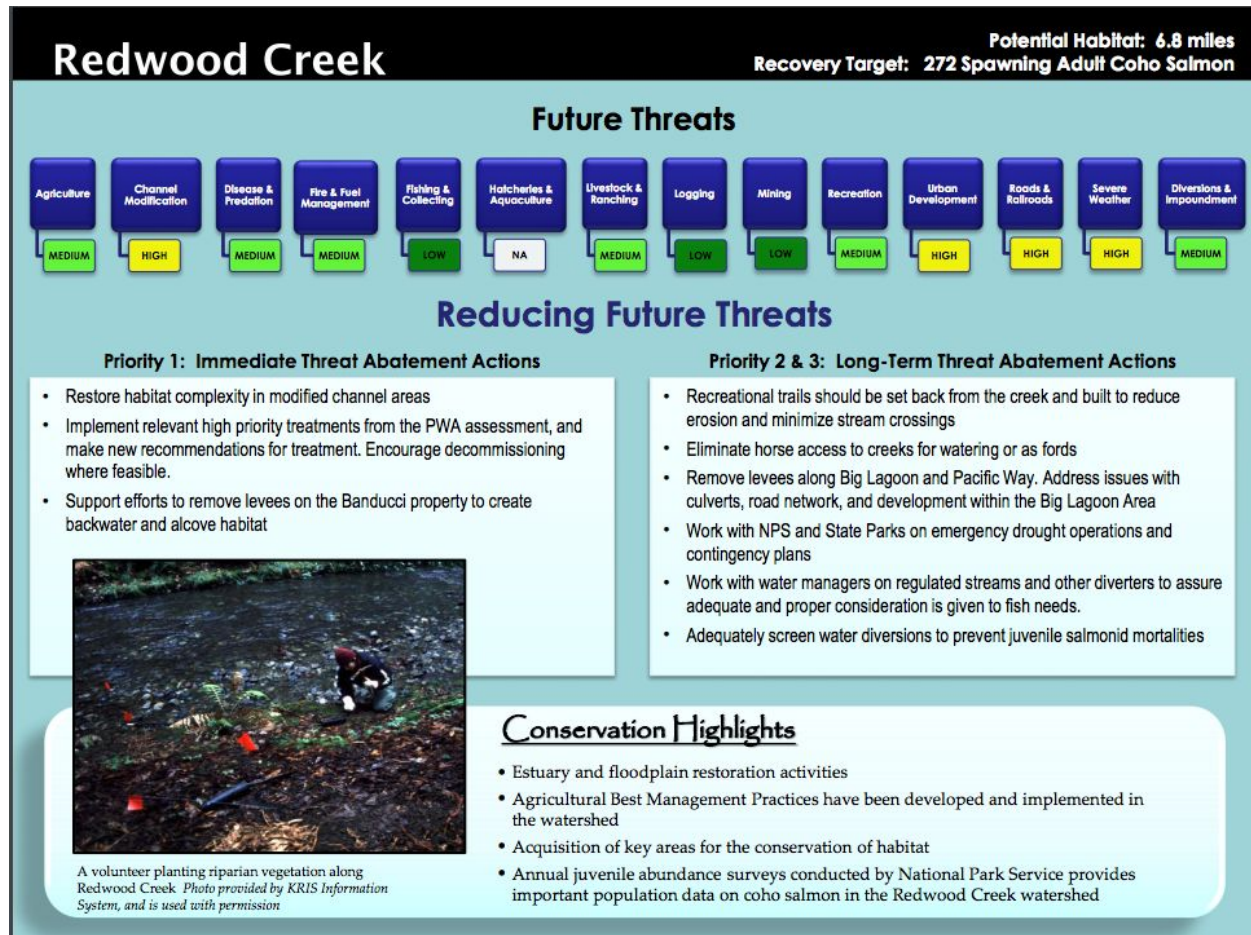
Downlisting to Threatened
136

Recovery
272

STEELHEAD: YES
CHINOOK SALMON: NO







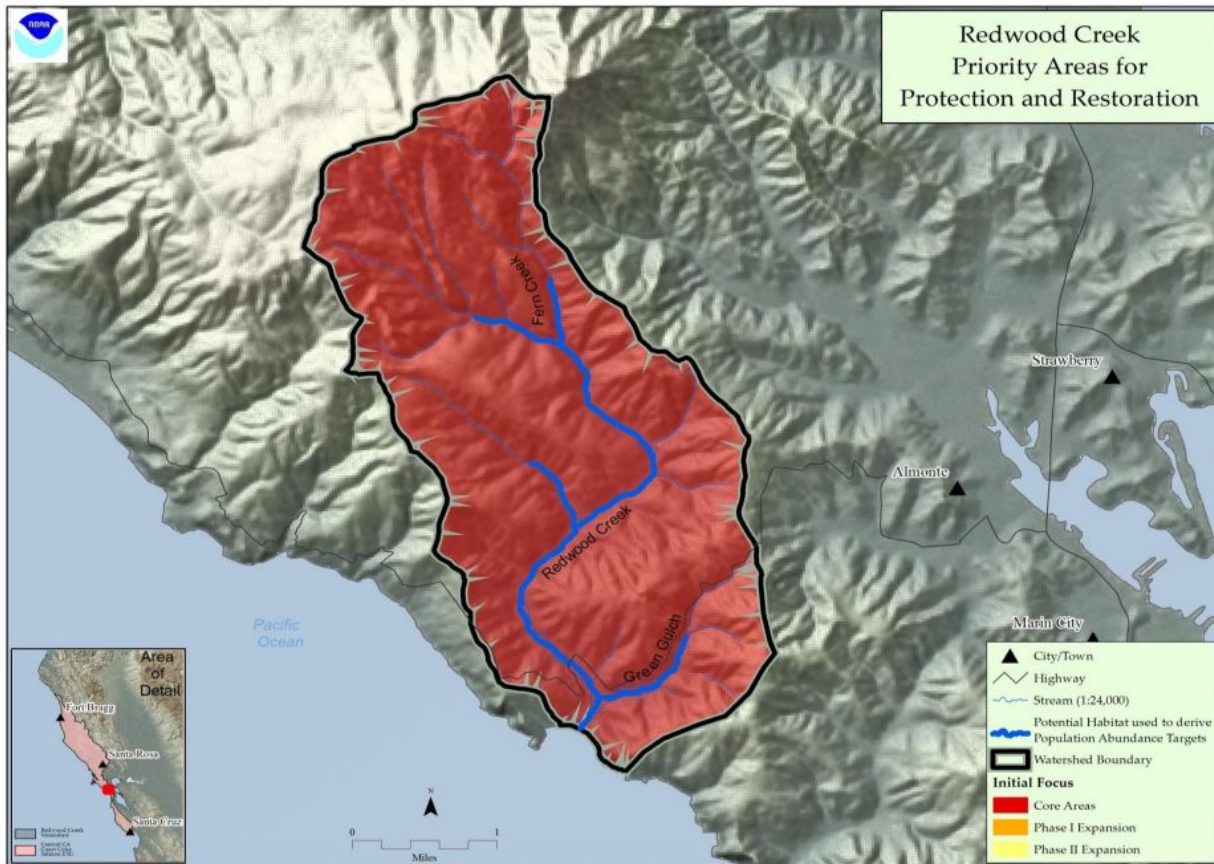


Figure 1: Map of Redwood Creek
Redwood Creek

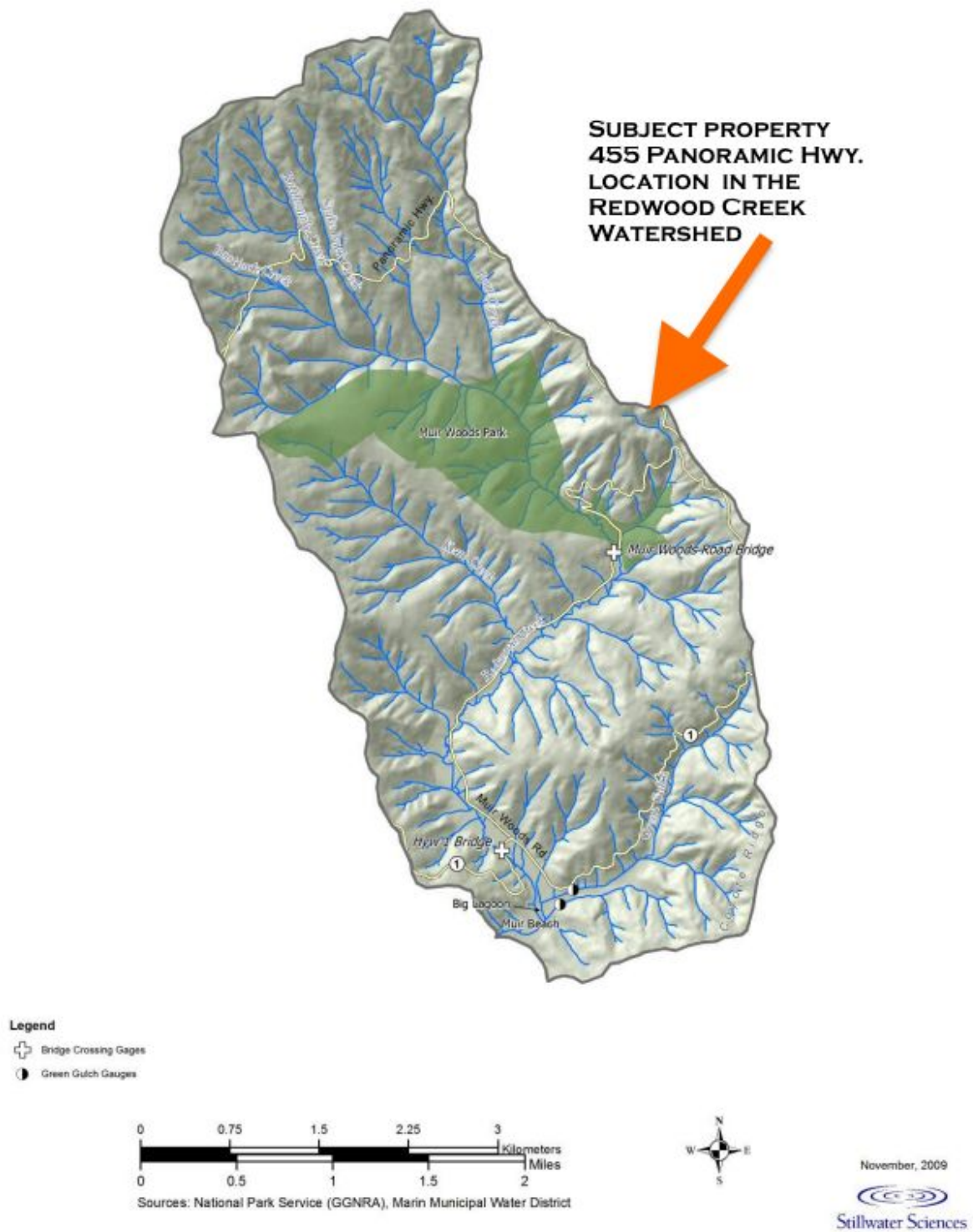
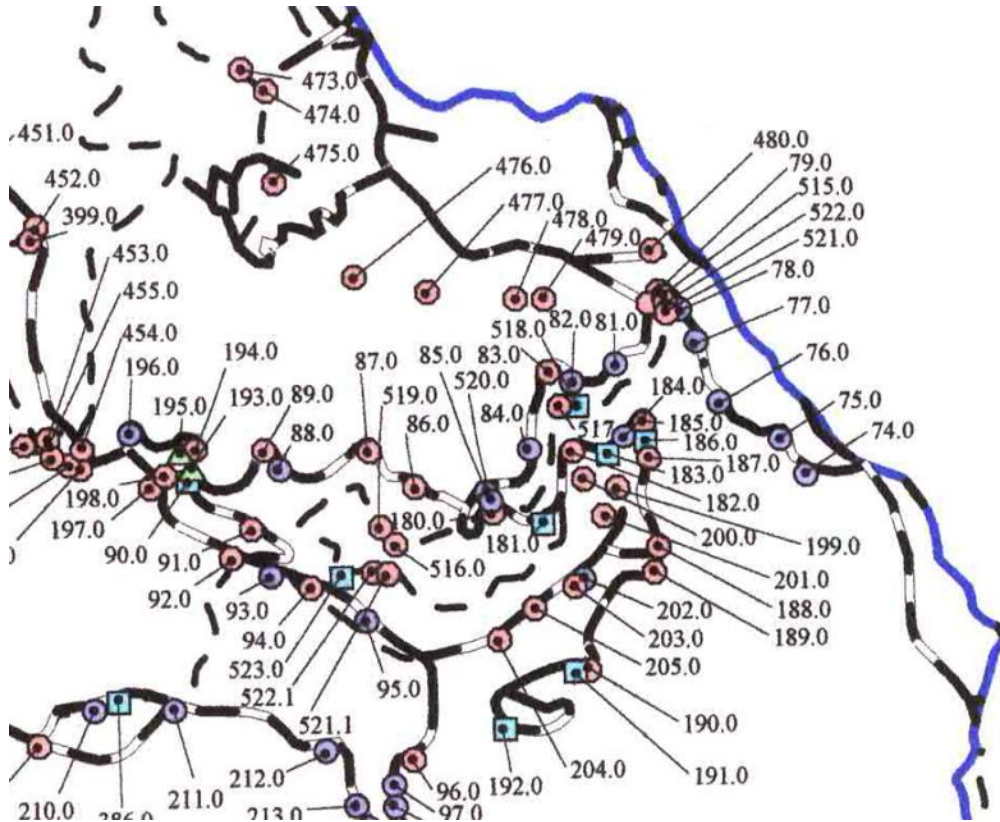


Figure 2-3. Locations of continuous-monitoring stream gauges.

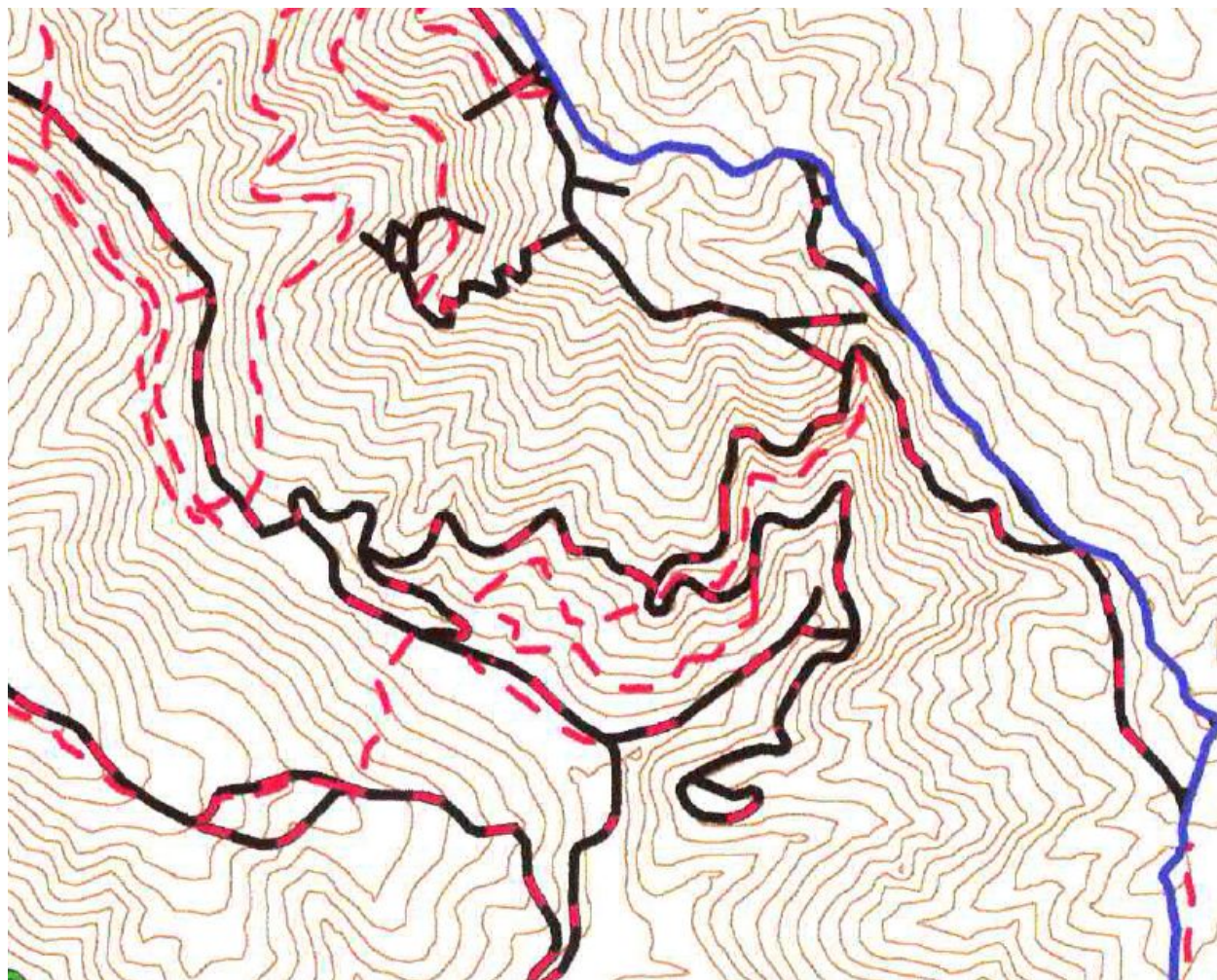
(Source: EDS 2004)



Pacific Watershed Associates – Sediment Delivery sites assessed in Redwood Creek Watershed Erosion Control Study. Requisitioned by NPS, Mt. Tamalpais State Parks, Muir Beach CSD, MMWD (multiple stakeholders)

Action Step	Channel Modification	channel which contribute to channel incision and reduced habitat complexity. Prevent additional channel modification or utilize BMP's to address flood control or bank stabilization issue	3	60	KLUJ, NPS, State Parks Main County, Main RCD, NPS, State Parks				
Action Step	Channel Modification	Thoroughly investigate the ultimate cause of channel instability prior to engaging in site specific channel modifications and maintenance. Identify and target remediation of watershed process disruption as an overall priority.	3	20	Main County, Main RCD, NPS, State Parks				
Action Step	Channel Modification	Promote bio-engineering solutions as appropriate (e.g. except where critical infrastructure is located) for bank hardening projects.	3	20	Main County				
Action Step	Channel Modification	Restore habitat complexity in modified channel areas	2	10	Main County, Main RCD, NPS, State Parks	7.50	7.50	7.50	7.50
Action Step	Estuary	Enhance and restore estuary function by improving complex habitat features. Continue restoration efforts on Big Lagoon to benefit coho salmon during all life stages and seasons.	2	10	Main County, NPS	32.70	32.70	32.70	32.70
Action Step	Estuary	Where appropriate, remove structures and/or modify practices which impair or reduce the historical tidal prism and/or estuarine function where feasible and where benefits to coho salmon and/or the estuarine environment are predicted.	2	10	NPS	500	500	500	500
Action Step	Estuary	Support efforts of NPS to restore functional floodplain and lagoon habitat in the lower portion of the watershed.	2	60	NPS				
Action Step	Estuary	Identify historical fire frequency, intensities and durations and manage fuel loads in a manner consistent with historical parameters.	2	60	Main County, Main RCD, NPS				
Action Step	Fire/Fuel Management	Conduct fuel load monitoring and compare the results to estimated historical fuel loads.	3	60	NPS, State Parks				
Action Step	Fire/Fuel Management	Avoid use of aerial fire retardants and foams within 300 feet of riparian areas throughout the current range of CCC coho salmon.	3	10	NPS, State Parks	8.30	8.30	8.30	8.30
Action Step	Fire/Fuel Management	Immediately implement appropriate sediment control measures following completion of fire suppression while firefighters and equipment are on site.	2	50					
Action Step	Fire/Fuel Management	Encourage willing landowners to restore historical floodplains or off-channel habitats through conservation easements, etc.	2	100	NPS, State Parks				
Action Step	Floodplain Connectivity	Existing areas with floodplains or off channel habitats should be protected from future urban development of any kind.	2	60	Main County, NPS				
Action Step	Floodplain Connectivity	Purchase land/conservation easements to encourage the re-establishment and/or enhancement of natural riparian communities.	2	60	Main County, NPS				
Action Step	Floodplain Connectivity	Evaluate, develop solutions and implement immediate needs to address problems resulting from channelization.	3	60	CDFG, NMFS, NPS, USFWS				
Action Step	Floodplain Connectivity	Delineate reaches possessing both potential winter rearing habitat and floodplain areas.	3	10	Main County, Main RCD, NPS	7.20	7.20	7.20	7.20
Action Step	Floodplain Connectivity	Target habitat restoration and enhancement that will function between winter base flow and flood stage.	2	20	NPS				
Action Step	Floodplain Connectivity	Promote restoration projects designed to create or restore above, backchannel, ephemeral tributary, or seasonal pond habitats.	2	60	CDFG, Main County, Main RCD, NMFS, NPS Main County, Main RCD, NPS				

134
cont.



Pacific Watershed Associates 2002 Assessment of Project Area for trails and Erosion Upper right

From: dweissman@gmail.com

To: Thorsen, Suzanne

Subject: Re: Marin SCA Ordinance

Date: Wednesday, February 27, 2013 9:48:10 AM

Yes, I would like to know how the County has classified the ephemeral stream running through our property. My guess, based upon the map info on your website, is that I will need to appeal this to reflect the true classification.

My two parcels are: 046-161-11 and 046-221-07.

Thanks again for taking the time.

Regards,

Dan

On Feb 27, 2013, at 8:50 AM, "Thorsen, Suzanne" <SThorsen@marincounty.org> wrote:

> Hi Dan,

>>

Thanks again for contacting me with your questions about the Stream Conservation Area Ordinance.

>>

Attached you will find the SCA policies of the 2007 Countywide Plan.

>>

I just want to confirm, based upon our conversation, your main interest at this point is in knowing the stream classification for the stream that crosses your property, as well as how you would go about contesting that, correct? Let me know if you have any other questions and I will be glad to get back to you on those as well.

>>

I have your address (455 Panoramic) - do you happen to know your parcel numbers (APN)? I will look into the more detailed responses to your questions when I am back in the office.

>>

Kind Regards,

>>

Suzanne

>

> From: dweissman@gmail.com [dweissman@gmail.com]

> Sent: Wednesday, February 27, 2013 8:24 AM

> To: Thorsen, Suzanne

> Subject: Nice chatting today...

>>

Regards,

>>

Daniel Weissman

> 455 Panoramic Hwy

> 357 Panoramic Hwy

> Mill Valley, CA 94941

> 415.888.8551 cell

>>

Thanks!

>>

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

>>>

<SCA Policy 2007 CWP.pdf

135

Letter W. Laura Chariton, Watershed Alliance of Marin

- W-1 The commenter's opposition to the Project is noted. As discussed in more detail in the following responses, the Initial Study finds that the Project, with incorporation of specified mitigation measures, would not have a significant impact on the environment, including the environmental resources mentioned in this comment.
- W-2 The Initial Study considers the potential for the Project to impact the Redwood Creek watershed downstream of the Project site, and finds potential impacts to be less than significant. Please see Master Response 2. The Project site is not within nor adjacent to the Golden Gate National Recreation Area.
- W-3 The Initial Study examines the potential for the Project to impact water quality and biological resources in the Redwood Creek watershed and finds the potential for such impacts to be less than significant. Please see Master Response 2. The Project site consists of a single parcel; the "other two properties" are not identified by the commenter, but no other parcel, other than APN 046-161-11 is included in the Project site.
- W-4 As described in Initial Study Section II, Project Description, the Project site is not adjacent to State or National parks. Potential impacts of the Project on wildfire, including the potential to increase wildfire risk, are examined in Initial Study Section IV.20, Wildfire, and found to be less than significant. The comment provides no evidence to support a conclusion that the Project would result in increased wildfire risk.
- W-4a This comment describes an existing condition, not potential impacts of the Project. As described in Initial Study Section IV.17, Transportation, the Project would not result in a substantial increase in vehicle traffic, and traffic impacts would be less than significant. The Project would not be expected to impact street parking. Impacts on parking are not considered significant under CEQA.
- W-4b The potential for the Project to cause or be affected by unstable slopes is examined in Initial Study Section IV.7, Geology and Soils, and found to be less than significant.
- W-4c This comment does not address the Project nor the Initial Study.
- W-5 Please see Master Response 2.
- W-6 The Initial Study examines the potential for the Project to impact water quality and aquatic habitat in Redwood Creek, and finds the potential to be less than significant. Please see Master Response 2. Existing conditions within the Project site are not a consequence of the Project, and are not considered in the Initial

Study, with the exception of the Fire Road grading that took place in 2014; please see Master Responses 3 and 4.

- W-7 Please see Master Responses 2 and 8.
- W-7a The referenced letter is included as comment W-135. Please see the response to that comment.
- W-8 The Initial Study identifies two unnamed, ephemeral streams within the Project site that are tributary to Redwood Creek. The Project site does not share a boundary with Mt. Tamalpais State Park.
- W-9 Please see Master Responses 5 and 6. This comment provides no evidence that the Project would result in a significant impact on the environment.
- W-10 The commenter does not say in what way the Project Description is “inadequate.” On the contrary, the Project Description provides a complete, accurate, and finite description of the proposed Project, and is fully in compliance with the CEQA statute and Guidelines; please see Master Response 10. Regarding stream classification, please see Master Response 8.
- W-11 The purpose of providing this photograph is unclear. The Project site is depicted in the Initial Study; see Figures 3, 4, 8, 1-2, and 1-3.
- W-12 The purpose of providing this annotated photograph is unclear. A map of the Project site, showing the location of existing buildings and septic systems, is included in the Initial Study, Figure 2.
- W-13 Please see Master Response 8.
- W-14 Please see Master Responses 6 and 10. This comment does not provide substantial evidence that the Project could result in a significant impact.
- W-15 As stated in the Initial Study Section II, Project Description, the Project site consists of one assessor’s parcel, APN # 046-161-11. Please see also Master Responses 5 and 6.
- W-16 Please see Master Responses 2 and 8.
- W-17 The Initial Study examines all environmental topics required by CEQA and finds, based on substantial evidence cited in the Initial Study, that the Project, as mitigated, would not result in a significant environmental impact. Geological impacts, including potential impacts from septic system development, are examined in Section IV.7, Geology and Soils, and hydrologic and water quality impacts, including stormwater impacts, are examined in Section IV.10, Hydrology and Water Quality. Please see also Master Responses 2, 7 and 10. The commenter does not provide any evidence of misleading statements or

misrepresentations, and no substantial evidence that the Project would result in a significant impact, including potential impacts to watercourses and biological resources downstream.

- W-18 The Initial Study examines whether the unpermitted construction of the Fire Road in 2014 had, and continues to have, an impact on hydrology and water quality and finds that it did not and does not. Please see Master Response 4. The Initial Study does not rely on statements by the Fire Department or the Applicant regarding the use or potential use of the Fire Road to support any impact conclusions.
- W-19 The Project site's proximity to sensitive resources is not in itself substantial evidence that those resources will be adversely affected by the Project. The Initial Study examines the potential for the Project to impact sensitive resources, including biological resources (Section IV.4), hydrology and water quality (Section IV.10), and cultural and Tribal cultural resources (Sections IV.5 and IV.18). Based on substantial evidence, the Initial Study finds that the Project, with mitigation, would have only less than significant impacts. Please see also Master Responses 2 and 10.
- W-20 There is no evidence that water quality was adversely affected by grading of the Fire Road in 2014, as discussed in Initial Study Section IV.10, Hydrology and Water Quality, and as further discussed in Master Response 4. The commenter presents no evidence of impacts to water quality.
- W-21 The parcel outlined in blue on the map is not part of the Project. Please see Master Response 5.
- W-22 The figures shown in the table in this comment accurately reflect the proposed Project, as discussed in Initial Study Section II, Project Description. Regarding potential future development of accessory dwelling units (ADUs), and whether they would be served by septic systems, ADUs are regulated by State law and Chapter 22.56 of the Marin County Development Code. Pursuant to Development Code Section 22.32.120 D. 2, the maximum floor area of an accessory dwelling unit shall not exceed 1,200 square feet. Additionally, pursuant to Section 22.56.050, adequate on-site sewage disposal must be available in compliance with County and State regulations. At this time, no development is proposed. One ADU for each of the proposed new lots would be principally permitted by the Project site zoning. During the Design Review and building permit process any future ADUs would be required to provide adequate onsite sanitary service. Regarding minimum lot size, please see the response to comment Q-25.
- W-23 Please see the response to comments W-17 and W-19, and Master Responses 8 and 10.

- W-24 Regarding the required Tribal consultation pursuant to AB 52, please see the response to comment Q-84. The Initial Study was distributed to potentially interested State agencies by the State Clearinghouse; please see comment letter A and the response to comment A-3. In addition, Marin County distributed the Initial Study to other potentially interested agencies and organizations. Please see Appendix A, Distribution List.
- W-24a Please see the response to comment Q-84.
- W-25 With the exception of the grading of the Fire Road, which occurred in 2014, the Initial Study does not examine the Project Applicant's past management of their property. Regarding the impacts of Fire Road grading on hydrology and water quality, please see Master Response 4. For impacts on biological resources, please see Master Response 3.
- W-25a The County regrets the death of the fawn. Please see the response to comment 25. See also Master Response 1.
- W-26 This comment does not address the Project, nor the Initial Study.
- W-26a The Project site was never obtained for open space use. The Project site is zoned and designated in the Countywide Plan for low-density residential development, not open space. Please see Master Response 6 regarding consistency of the Project with the TACP.
- W-27 Please see the response to comment W-19.
- W-28 Please see the response to comment W-19.
- W-29 Please see Master Responses 3 and 4.
- W-30 Please see Master Responses 8 and 11. For comments relating to rainfall data associated with the Project site and used as part of the basis for design for the proposed stormwater system, please see Master Response 11. For comments related to the classification of surface water features associated with the Project site, please see Master Response 8.
- W-31 The statement referred to in the comment is not relied upon to reach any impact conclusion in the Initial Study. The comment does not address the Project's potential impacts nor the Initial Study analysis. Salmon and steelhead habitat restoration efforts are discussed in the Initial Study, page 105. Impacts resulting from conflicts with applicable environmental plans and policies are assessed in Initial Study Section IV.11, Land Use and Planning, and found to be less than significant; please see also Master Response 6 regarding TACP policies.

- W-32 Please see Master Response 8. Whatever the classification of the streams within the Project site, they have the capacity to transport sediment. The Initial Study examines the potential for erosion and sedimentation to affect streams within the Project site and downstream, and finds this potential to be less than significant.
- W-33 Please see Master Response 2. Please see also the response to comment W-19. The commenter provides no evidence that the Project would impact the sensitive resources listed in the comment.
- W-34 “Appears” is used in the Initial Study when there is insufficient evidence to make a definitive statement. Most instances of “appears” in the Initial Study are in discussions of possible impacts of the 2014 grading of the Fire Road. CEQA requires that an environmental review employ the best available data. This was done in the Initial Study. Additional information on the Fire Road grading, all of which supports the conclusions in the Initial Study that the Fire Road grading had, and continues to have, only less-than-significant impacts, is presented in Master Responses 3 and 4.
- W-35 As stated in the Initial Study, any proposed future development outside of the mapped building envelopes would require additional environmental review. This is therefore a reasonable assumption in the Initial Study.
- W-36 As noted in the Initial Study, on page 32, the Bay Area Air Quality Management District’s Basic Construction Mitigation Measures are also required by Marin County Code §22.20.040 (B). In its environmental review documents, Marin County assumes adherence of a Project to applicable laws and regulations.
- W-37 The assumption is reasonable, as it reflects the number of units allowable under the Project site’s zoning.
- W-38 Please see Master Responses 3 and 4.
- W-39 All conclusions in the Initial Study are based on substantial evidence, and reflect the independent judgement of the Initial Study preparers, based on consideration of all information in the record. All preparers of the Initial Study visited the Project site, both in the company of County planners, in August 2018, and separately during 2019.
- W-40 The commenter is incorrect in stating that an EIR is necessary. Please see Master Response 10.
- W-41 Regarding the Project’s consistency with County policies for protection of scenic ridgelines, please see the response to comment Q-26. Regarding minimum lot size, please see the response to comment Q-25.

- W-42 Regarding potential impacts of Fire Road grading on hydrology, water quality, and biological resources, please see Master Responses 3 and 4. Regarding potential impacts of the Project on the Redwood Creek watershed, please see Master Response 2. Regarding wildlife habitat within the Project site, please see Master Response 1. An EIR is not required for this Project, as further discussed in Master Response 10.
- W-43 Please see the response to comment W-26a.
- W-43a Please see the response to comment W-26a.
- W-44 Please see the response to comment W-26a. There are no identified springs within the Project site. Regarding stream classification, please see Master Response 8.
- W-45 The commenter provides no substantial evidence to support assertions of significant impacts. The Initial Study examines each of these topics and concludes, based on substantial evidence in the record, that impacts would be less than significant, with incorporation of specified mitigation measures to which the Applicant has already agreed. Please see Master Response 10.
- W-46 Please see the response to comment W-26a.
- W-47 The commenter provides no evidence to support their assertion of errors and misrepresentations in the Initial Study. On the contrary, the Initial Study is factual, objective, and contains no known errors or misrepresentations. Regarding cumulative impacts of septic systems, please see Master Response 7. See also Master Response 10 regarding the adequacy of the Initial Study and the appropriateness of a Mitigated Negative Declaration for the Project.
- W-48 Initial Study Section IV.11, Land Use and Planning, examines the consistency of the proposed Project with relevant TACP policies, and finds no inconsistency. Please see also Master Response 6.
- W-49 Please see the response to comment W-74.
- W-50 The items contained in comment W-50 repeat comments Q-25 through Q-68. Please see the responses to those comments.
- W-51 Initial Study Section IV.3, Air Quality, topics b and c, examine impacts of construction emissions, including toxic air emissions, on nearby sensitive receptors, and finds that, with mitigation, these impacts would be less than significant. The commenter provides no evidence to support their contention that significant impacts of this kind would occur.

- W-52 Air emissions associated with Project operation (i.e., occupation and use of the new residences that could be constructed, if the Project were approved) are examined in Initial Study Section IV.3, Air Quality, topics b and c, and found to be less than significant. The commenter provides no evidence to support their contention that significant impacts of this kind would occur.
- W-53 Please see response to comment W-52.
- W-54 The potential for the Project to result in new sources of light and glare is examined in Initial Study Section IV.1, Aesthetics, topic d, which concludes that such impacts would be less than significant. Potential noise impacts of Project construction and operation are examined in Initial Study Section IV.13, Noise, topic a, and found to be less than significant. Impacts of noise and light on wildlife would also be expected to be less than significant, as the area in which development would occur under the Project is already developed and inhabited. Please see Master Response 1. The commenter provides no evidence that impacts related to noise or light could be significant.
- W-55 As discussed in Initial Study Section IV.4, Biological Resources, topic d, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Observations by neighbors of wildlife crossing the street, cited by the commenter, does not constitute substantial evidence that a wildlife corridor would be adversely affected by the Project. Please see Master Response 1.
- W-56 The items contained in comment W-56 repeat comments Q-72 through Q-77. Please see the responses to those comments.
- W-57 Past removal of trees is not an impact of the Project. As noted in Initial Study Section IV.4, Biological Resources, topics b and e, the Project would not have a significant impact on riparian habitat, and, with mitigation, would not significantly impact native trees. The commenter's concern regarding impacts on trees is not supported by evidence.
- W-58 The items contained in comment W-58 repeat comments Q-79 through Q-83. Please see the responses to those comments.
- W-59 Please see the response to comment Q-84.
- W-60 Please see the response to comment Q-84.
- W-61 Please see the responses to comments W-51, W-52, and W-54. See also Initial Study Section IV.13, Noise, which concludes that, with mitigation, the Project would result in only less-than-significant noise impacts; and Initial Study Section IV.10, Hydrology and Water Quality, which concludes that water quality impacts

would also be less than significant. The comment provides no evidence to support a conclusion that that impacts related to noise, light, water, and air pollution would be significant.

- W-62 Please see the response to comment Q-84. The County has fulfilled its responsibilities for Tribal consultation pursuant to AB 52. Potentially interested Tribes were offered the opportunity to consult on potential impacts of the Project, but declined the offer. The commenter provides no evidence that the Project would have a significant impact on cultural resources or Tribal cultural resources.
- W-63 The items contained in comment W-63 repeat comments Q-86 through Q-96. Please see the responses to those comments.
- W-64 This comment describes existing conditions in the vicinity of the Project site, and does not comment on potential impacts of the Project nor analysis or conclusions in the Initial Study. The issues raised in the comment are all addressed in the Initial Study and related impacts are found to be less than significant.
- W-65 Please see the responses to comments Q-39, Q-40, and Q-74.
- W-66 Please see the response to comment Q-77.
- W-67 Please see the response to comment Q-93a.
- W-68 Please see the response to comment Q-95.
- W-69 Please see the response to comment Q-95.
- W-70 Please see Master Response 6.
- W-71 Please see Master Response 11.
- W-72 Please see Master Response 8.
- W-73 Please see the response to comment Q-7 regarding watershed boundaries. For comments related to stream classification (i.e., intermittent vs ephemeral) please see Master Response 8. For comments related to the Fire Road grading, please see Master Responses 3 and 4.
- W-74 The augmented version of Initial Study Figure 4-1 referred to in this comment is included in this comment letter and designated comment W-49 (it also appears in comment Q-99). The location of septic systems associated with adjacent properties, including those located on the Project site and operated or maintained through an easement, are an existing condition, not part of the Project. Changes to these septic systems are not proposed as part of the Project and, as such, impacts are not evaluated in the Initial Study regarding the location or use of existing septic systems. Regarding potential impacts from proposed septic

system development, including cumulative impacts of multiple existing and planned septic systems, please see Master Response 7. For comments relating to stream classification, consistency of analysis with USGS NHD and NWI datasets, review of historic maps of surface water features relevant to the Project site, and surface water feature locations, please see Master Response 8. Existing structures, including those within the mapped SCA, are an existing condition. The Project proposes no new development within an SCA or WCA. There is no “missing tributary” in the location indicated on the map in comment W-49. The area indicated was observed by the Initial Study preparers during a site visit on March 14, 2019, and consists of a swale below the existing residence, as shown in the detailed topographic map in Initial Study Figure 2.

- W-75 The potential for future development of Accessory Development Units (ADUs) is assumed in the Initial Study, since ADUs are permitted under the Project site’s zoning and by State law. However, construction and occupation of ADUs would be subject to future permitting. Where septic systems are used, building permits for ADUs, like all dwellings, are issued only with demonstration of adequate septic capacity. Both of the proposed new systems are sized for 5-bedroom residences. Each would be sufficient, for example, for a 4-bedroom home with 1-bedroom ADU. Any required capacity beyond this would be subject to further permitting. Please see also Master Response 7.
- W-76 The commenter does not state what reports they are referring to. The Initial Study examines potential impacts of the proposed Project, not past development or land management in the area of the Project site.
- W-77 The Project site contains no identified cultural or Tribal cultural resources, as discussed in Initial Study Section IV.5, Cultural Resources and Section IV.18, Tribal Cultural Resources. As discussed on Initial Study page 70, the Archaeological Resources Study conducted for the Project concludes that the Project site has a low potential for presence of as-yet undiscovered archaeological or historical resources.
- W-78 Please see Master Response 8.
- W-79 Please see the response to comment Q-7.
- W-80 The Project evaluated in the Initial Study does not include past actions of the Applicant, other than the 2014 grading of the Fire Road.
- W-80a The referenced complaint letter is not found in this comment letter. It is noted that the date given for the complaint letter is 2010. Therefore, the subject of the complaint would not be a part of the Project.
- W-81 The Project site is not within the County’s designated Ridge and Upland Greenbelt area, as discussed in Initial Study Section IV.1, Aesthetics, and shown

in Figure 1-1; see also the response to comment Q-26. Regarding TACP policies, please see Master Response 6.

- W-82 This comment does not address potential Project impacts nor the Initial Study analysis.
- W-83 Please see Master Response 1.
- W-84 The County's established SCA and WCA setbacks are considered sufficient to protect these sensitive resources. The commenter provides no evidence that the established buffers are insufficient for this Project.
- W-85 As discussed in Initial Study section IV.11, Land Use and Planning, the Project is consistent with the Project site's current zoning and Countywide Plan land use designation. Land use designations established in the 2007 Countywide Plan supersede those of the 1992 TACP.
- W-86 At the time the current zoning was adopted for the Project site most or all of the threatened and endangered species known to occur in the vicinity of the Project site were already listed. Please see Master Response 1.
- W-87 This comment reiterates the description of the Project site's zoning, without commenting on the potential environmental effects of the Project or the analysis contained in the Initial Study.
- W-88 The proximity of the historic Dipsea Trail is noted in Initial Study Section IV.5, Cultural Resources (page 70). The Project would not adversely affect the Dipsea Trail, as discussed in Section IV.5 and also in Section IV.1, Aesthetics.
- W-89 Regarding northern spotted owl, please see Master Response 1. Regarding coho salmon, please see Master Response 2. Impacts related to wildfire hazard are evaluated in Initial Study Section IV.20, Wildfire, and found to be less than significant. The commenter provides no evidence that the Project would significantly impact any of these resources.
- W-90 Please see Master Response 11.
- W-91 Please see Master Response 4.
- W-92 Past removal of trees within the Project site is not a part of the Project reviewed in the Initial Study. The Initial Study, Section IV.4, Biological Resources, identifies the potential spread of invasive plants as a significant impact. Mitigation Measure BIO-4 is included to mitigate this impact to less than significant.
- W-93 Past activities at the Project site are not part of the Project reviewed in the Initial Study.

- W-94 Please see the responses to comments Q-58 and V-9.
- W-95 Please see Master Responses 1 and 6.
- W-96 Please see Master Response 1.
- W-97 The current Project does not include Design Review. Design Review will be triggered if the Project is approved and an application to develop the newly created lots is submitted. Please see Master Response 1.
- W-98 Please see Master Response 1.
- W-99 Please see Master Response 2
- W-100 Land use designations from the 1992 TACP are superseded by the 2007 Countywide Plan. Current zoning is consistent with the current land use designation, as discussed in Initial Study Section IV.11, Land Use and Planning, topic d.
- W-101 Please see Master Response 11.
- W-102 This photograph, which is not date-stamped, shows heavy equipment, apparently on the Fire Road, but no soil disturbance is evident. It does not provide substantial evidence that the grading of the Fire Road caused a significant impact. Please see Master Responses 3 and 4.
- W-103 Please see Master Response 4.
- W-104 This undated aerial photo, which appears to depict conditions and events prior to the grading of the Fire Road, does not address potential Project impacts or the Initial Study analysis.
- W-105 Please see the response to comments Q-84, W-62, and W-77.
- W-106 As noted in the response to comment W-77, there are no identified archeological, historical, or Tribal cultural resources within the Project site, and the site is considered to have low sensitivity for the potential occurrence of these resources. The County of Marin assumes compliance with applicable laws and regulations in determining the potential for a project to have significant impacts on the environment.
- W-107 The Initial Study does not, and need not, review the history of wildfire in the area of the Project site. The Initial Study, Section IV.20, Wildfire, accurately identifies the Project site as within the mapped Wildland-Urban Interface, with a designated “very high” fire severity risk. Past land management actions within the Project site, including vegetation management, are not part of the Project.

- W-108 Please see the previous response. The quote regarding “multiple severe wildfires” is not from the Initial Study. The source of this quote is not identified by the commenter. This comment does not provide substantial evidence of a Project impact related to wildfire. Such impacts are examined in Initial Study Section IV.20, Wildfire, and found to be less than significant based on substantial evidence in the record.
- W-109 Please see the previous response.
- W-110 This comment does not address potential Project impacts or the environmental analysis in the Initial Study.
- W-111 Please see the response to comment H-5.
- W-112 The quote regarding the tentative map is not from the Initial Study. The source of this quote is not stated by the commenter and is not identified. This comment does not provide substantial evidence of a Project impact. Please see the response to comment Q-63.
- W-113 The fire history provided in this comment does not address nor affect the impact analysis in the Initial Study. Please see the response to comment W-107.
- W-114 The Project site is not within the Golden Gate National Recreation Area and is not subject to its Fire Management Plan. Regarding consistency of the Project with applicable fire management plans and policies, please see Initial Study Section IV.20, Wildfire.
- W-115 Please see the response to comment W-34.
- W-116 The “studies” referred to in this comment are not identified. The Initial Study uses the best available information in determining the potential for the Project to result in significant impacts to the environment. This includes studies commissioned by the Applicant, as well as site reconnaissance and independent research conducted by the consultant team preparing the Initial Study. All of the Applicant’s studies used in the analysis were peer reviewed by the consultant team and found to be accurate and suitable for the environmental review.
- W-117 Please see Master Response 10.
- W-118 A similar photograph to this one occurs in the Initial Study as Figure 1-2. The reason for including this photograph in the comment letter is not expressed by the commenter. Past tree removal is not considered a part of the Project.
- W-119 The reason for including this photograph in the comment letter is not expressed by the commenter. Past tree removal is not considered a part of the Project.

- W-120 Neither the time, the location, nor the purpose this photo are expressed by the commenter.
- W-121 The actions described in the caption of this photo were not part of the Project.
- W-122 Neither the location nor the purpose of including this photo are expressed by the commenter.
- W-123 Please see Master Response 4.
- W-124 No wetland indicator species can be identified in this photograph. While surface water is visible, its source is not identified. It is not evident from this photo whether this location was affected by the 2014 Fire Road grading. Please see Master Responses 3 and 4.
- W-125 Proposed improvements to the main driveway, which currently is used to access the existing residence, and which would also be used for accessing the proposed new lots, are described in Initial Study Section II, Project Description (page 11) and analyzed as part of the Project in the Initial Study. Maintenance of County road drainage is the responsibility of the County, not the individual landowners. The flooding described by the commenter appears to be an existing condition, and therefore is not evaluated as part of the Project.
- W-126 The caption for this photo does not match the photo. This appears to be another photo of the road ditch. Please see the previous response.
- W-127 Please see Master Response 1.
- W-128 Please see Master Response 1.
- W-129 Please see Master Response 1.
- W-130 Proposed improvements to the main driveway, which currently is used to access the existing residence, and which would also be used for accessing the proposed new lots, are described in Initial Study Section II, Project Description (page 11) and analyzed as part of the Project in the Initial Study. No significant impacts associated with driveway improvements are identified. The accident history on this section of Panoramic Highway, and potential safety impacts associated with the proposed driveway improvements are reviewed in Initial Study Section IV.17, Transportation, topic c (pages 146-147). Safety impacts are found to be less than significant. The commenter provides no evidence that would support a conclusion of significance. Past tree removal is not a part of the Project evaluated in the Initial Study.
- W-131 This Assessor's Parcel Map appears to show properties neighboring the Project site. The figure has no caption, so the reason for its inclusion is unknown.

- W-132 This photo appears to show a portion of the Project site that is planned to be used for a septic leachfield for proposed lot 2. No reason is given in the caption for its inclusion.
- W-133 This photo shows the gated entrance to the Fire Road. As shown in the photo, the Fire Road is not completely overgrown. Whether the Fire Department would use the road is not relevant to the environmental analysis of the Project contained in the Initial Study. The Project includes no additional work on the Fire Road.
- W-134 This comment contains information on the Redwood Creek watershed. On the sensitivity of the Redwood Creek watershed and the potential for the Project to impact it, please see Master Response 2.
- W-135 Please see Master Response 8.

4. Changes to the Initial Study

Two changes are made to the Initial Study in response to the comments received. These changes only amplify, clarify, or correct the text and do not alter conclusions regarding impacts or mitigation measures. No recirculation is required for these minor modifications, per State CEQA Guidelines section 15073.5(c)(4).

Page 57, Mitigation Measure BIO-2 is revised as follows:

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

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

- Conduct a worker awareness training for all supervisory field staff that may come across sensitive habitats or special-status species. The training shall include the following information: a photograph and description of each special-status species or sensitive resource known from the area; a description of its ecology and habitat needs; potentially confusing resources (e.g., similar species or habitats); an explanation of the measures being taken to avoid adverse impacts; reporting and necessary actions if sensitive resources are encountered; and workers' responsibility under the applicable environmental regulation.
- The Project limits should be clearly marked on the final design drawings and work confined within those boundaries.
- Foot and vehicle traffic should be restricted to the designated work and staging areas.
- For any fencing needs, install fencing that reduces the risk of death or injury to wildlife and does not impede movement. See *Fencing with Wildlife in Mind* by Colorado Division of Wildlife for specific guidelines on fencing installation and types (Hanophy, 2009).

Pages 57-58, Mitigation Measure BIO-2 is revised as follows:

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

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

- Complete presence/negative finding bat surveys prior to removal or pruning of any trees over 6 inches in diameter at breast height. If during future development buildings are proposed for removal, buildings shall be surveyed for bats within 15 days prior to any building demolition. Surveys shall be completed by a qualified biologist. Because each individual bat species may use different

roosts seasonally and from night to day, surveys must be conducted by a qualified biologist at the appropriate times.

- If trees planned for pruning or removal are identified as active roost sites, appropriate avoidance measures shall be developed by a qualified biologist. This may include seasonal limitations on work when roosts are unoccupied and/or establishment of buffer areas around occupied roosts.
- If bats are found roosting within the buildings, work shall cease until proper eviction and exclusion plans have been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between March 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by a qualified biologist up to two weeks prior to building demolition.
- For all trees previously identified as active roost sites (during Project surveys) and subject to pruning or removal, trees shall be taken down in a two-step process – limb removal on day one shall be followed by bole removal on day two. This approach would allow bats, if present, an opportunity to move out of the area prior to completing removal of the trees. No trees supporting special-status bats shall be removed without prior consultation with CDFW.
- If work is postponed or interrupted for more than two weeks from the date of the initial bat survey, the preconstruction survey shall be repeated.
- Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.

5. Appendices

Appendix A: Initial Study Distribution List