



# COMMUNITY DEVELOPMENT AGENCY

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Marin County Board of Supervisors  
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**SUBJECT:** Watershed Alliance Marin, Sierra Club, and Friends of Muir Woods appeal of the Planning Commission's action approving the Dipsea Ranch (Weissman) Land Division (Tentative Map) and Mitigated Negative Declaration

Building and Safety  
Environmental Health Services  
Planning  
Environmental Review  
Housing  
Sustainability  
Code Enforcement  
GIS  
Federal Grants

Dear Board Members,

**RECOMMENDATION:**

On July 27, 2020, the Planning Commission voted 7-0 to approve the Dipsea Ranch (Weissman) Land Division (Tentative Map) and adopt the Mitigated Negative Declaration for a three-lot subdivision of the property at 455 Panoramic Highway, Mill Valley, further identified as Assessor's Parcel 046-161-11.

[www.marincounty.org/cda](http://www.marincounty.org/cda)

On behalf of the Planning Commission, staff recommends that the Board of Supervisors deny the Watershed Alliance Marin, Sierra Club, and Friends of Muir Woods' appeal and sustain the Planning Commission's action conditionally approving the Dipsea Ranch (Weissman) Land Division (Tentative Map) and Mitigated Negative Declaration.

**SUMMARY:**

On February 28, 2018, the applicant and property owner, Daniel Weissman, submitted the current Tentative Map application to subdivide the subject property into three lots after receiving a substantial number of public comments and merits comments from staff on a Master Plan application previously submitted for a 13-lot subdivision on February 9, 2017.

The Tentative Map proposal includes a three-lot subdivision with building envelopes clustered within previously developed areas located on the upper portion of the site. The proposal also includes the following site improvements to accommodate the new lots: two new septic systems intended to serve Lot 2 and Lot 3 respectively, and the extension of the existing driveway which serves the current residence and would terminate within the building envelope proposed for Lot 3.

The Marin County Community Development Agency (CDA) conducted an Initial Study to evaluate the potential environmental impacts of the project which resulted in a Mitigated Negative Declaration prepared by Sicular Environmental Consulting & Natural Lands Management. The Initial Study/Mitigated Negative Declaration

(IS/MND) also evaluated the potential impacts of the grading of a fire road previously conducted on the lower portion of the property without permits and subject of a Notice of Violation issued by the Department of Public Works on March 26, 2014. The IS/MND was circulated for a comment period that was extended to a total of 45 days, resulting in a Response to Comments prepared by Sicular Environmental Consulting & Natural Land Management.

On July 27, 2020, the Planning Commission conducted a hearing and approved the project by a 7-0 vote and adopted the Mitigated Negative Declaration. The resolutions of the Planning Commission are Attachments 5 and 6. The Planning Commission included a project modification requiring the lot line between Lot 1 and Lot 3 to be adjusted such that the existing leach fields for Lot 1 are contained entirely within that parcel and that the building envelope for Lot 3 be adjusted accordingly.

On August 5, 2020, the Watershed Alliance Marin, Sierra Club, and Friends of Muir Woods appealed the Planning Commission’s approval to your Board. The bases of appeal have been summarized into the following categories: (1) consistency with zoning and density; (2) adequacy of public noticing; (3) issues with the Planning Commission remote hearing procedures and presentation of the project’s background; (4) The 2003 Redwood Creek Vision Statement and Memorandum of Understanding between Marin County, State Parks, Golden Gate National Recreation Area, National Parks Service, and various environmental groups; and (5) adequacy of the Initial Study/Mitigated Negative Declaration.

Responses to these points are set out in the attached Board of Supervisor’s resolutions (Attachments 1 and 2) and in a subsequent Response to Comments Memorandum addressing points of appeal submitted by the appellants specifically regarding the Mitigated Negative Declaration prepared by Sicular Environmental Consulting & Natural Lands Management and dated September 22, 2020 (Attachment 4).

In conclusion, the appellants have not presented any substantial evidence or new information that would invalidate or change the Planning Commission’s decision to approve the project.

**FISCAL/STAFFING IMPACT:**

None

**REVIEWED BY:**

<input type="checkbox"/> Department of Finance	<input type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input type="checkbox"/> N/A

**SIGNATURE:**

*Sabrina Cardoza*  
Sabrina Cardoza  
Planner

Attachments:

1. Recommended Resolution Denying the Watershed Alliance Marin, Sierra Club, and Friends of Muir Woods Appeal and Approving the Dipsea Ranch (Weissman) Land Division (Tentative Map)
2. Recommended Resolution Denying the Watershed Alliance Marin, Sierra Club, and Friends of Muir Woods Appeal and Adopting the Dipsea Ranch (Weissman) Land Division (Tentative Map) Mitigated Negative Declaration
3. Watershed Alliance Marin, Sierra Club, and Friends of Muir Woods Petition for Appeal, dated August 5, 2020 and appeal letters dated August 2, 2020
4. Response to Comments Memorandum prepared by Sicular Environmental Consulting & Natural Lands Management dated September 22, 2020
5. Planning Commission Resolution PC-007
6. Planning Commission Resolution PC-008
7. Staff Report to the Planning Commission, dated July 27, 2020
8. Supplemental Memorandum to the Planning Commission, dated July 24, 2020
9. Supplemental Memorandum to the Planning Commission, dated July 27, 2020
10. Email to the Board of Supervisors from Laura Chariton, dated September 2, 2020
11. Email to the Board of Supervisors from Lonnie Barbach, dated September 13, 2020
12. Email to the Board of Supervisors from Bernard Ayling, dated September 15, 2020
13. Email to the Board of Supervisors from Susan Hopp, dated September 21, 2020
14. Plans dated December 20, 2018