

March 10, 2016

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3501 Civic Center Drive
San Rafael, CA 94903

Re: Brown Design Review (P1151),
 West Tam Valley residential construction project

Dear County Representatives,

On behalf of our community, we respectfully submit this letter regarding the Brown Design Review application (P1151) for development of one parcel by Portage LLC (049-041-42).

Background

If approved as submitted, the Brown project will spur development of another 19 parcels, the ramifications of which will alter permanently conservation of the neighborhood's scale of community and strain municipal infrastructure. We urge the County to consider the impact from development of four (4) acres, not just one parcel, on West Tam Valley density, environment, drainage, sewerage, safety, traffic, noise, and wildlife, so that the County makes a decision now about land use compatible with our community in the future.

The Brown project is subject to land use guidelines in the Marin Countywide Plan 2007 (amended 2009, 2012) and Tamalpais Area Community Plan 2009. Also, the Brown project is subject to Tam Design Review Board jurisdiction because the project is discretionary, proposing development along two paper streets (Alta Way, Fairview Ave) within the historic subdivision of Garden Valley Park. Development in Historic Subdivisions and development in Historic Subdivisions on Paper Streets are Community Wide Issues regulated by Land Use Objectives LU.3 and LU.7, respectively.

The road and utilities extension in the Brown project provides access for **immediate development of another ten (10) parcels**, five (5) owned by Portage LLC (049-041-48, 049-044-14, 049-044-08, 049-044-07, 049-042-01) and five (5) owned by others (049-041-43, 049-041-44, 049-044-31, 049-044-29, 049-044-30). If Fairview Ave is extended beyond that in the Brown project, then **future development of another nine (9) parcels**, two (2) owned by Portage LLC (049-041-45, 049-041-46) and seven (7) owned by others (049-041-38, 049-041-27, 049-041-28, 049-041-29, 049-041-30, 049-041-31, 049-041-47), is possible.

March 10, 2016

Concerns and Expectations

We know that the County shares our concern about the **cumulative impact of future residential development** that begins with a single home construction project and has set precedents. In 2007, the County issued a Negative Declaration of Environmental Impact for the Cheng Design Review (570 Alta Way, formerly parcel 049-041-37). The County found that the Cheng project would result in **significant** or potentially significant environmental impacts related to topical issues 6 and 7 (transportation/ circulation and biological resources). Cheng attempted to circumvent the County requirement for an Environmental Impact Report (EIR) by classifying the Alta Way road extension as a 'home driveway', stating that "one need not consider the cumulative impact of the proposed construction because this was 'just one home' and that any future proposed construction should be considered on its merits rather than the totality or cumulative impact at this point in time." In 2006, the County declined the Nichols project for 574 Alta Way (parcel 049-041-43). In 1997, the County determined that the Wolf Design Review (parcel 049-041-08) was subject to environmental review. In 1989, the County required an EIR for the Garden Valley Park Design Review (19 residence development by Pacific Union Homes, Inc.).

We have the same 'cumulative impact' concern about the proposed **extension and connection of two paper streets**, Alta Way and Fairview Ave. The streets intersection is situated below Chamberlain Court on a remarkably steep hillside. The proposed excavation and grading of these paper streets significantly will alter the water table, transform drainage to and from surrounding homes, and undermine the already-fragile creeks that run parallel to Shoreline Highway and under, behind and along-side many homes in the area. At present, with **inadequate culverts**, the creeks barely accommodate above-average volume of seasonal water flow.

Lastly, we have equal concern about **safety and fire access and egress** during the Brown project and after future residential development. The sole entrance to Alta Way is off Shoreline Highway at the Loring Avenue turn.

The potential development of 19 parcels comprising approximately four (4) acres of land along the paper streets of Alta Way and Fairview Ave, after completion of the Brown project, would impact traffic along Shoreline Highway, from lower West Tam Valley up to the intersection of Shoreline and Panoramic Highways, as well as neighborhoods of Alta Way, Sunnybrook Lane, Blue Jay Way, Browning Street, Browning Court, West Fairview Ave, Little City Farms, Denise Court, Everest Court, Chamberlain Court, Loring Avenue, Ventura Avenue, and Alturas Way.

We **expect** the County to require that the Brown project application include a comprehensive environmental review that complies with California Environmental Quality Act and County guidelines, detailed studies of surrounding geology and drainage into backyards, creeks, and storm water drains, and proposed measures to mitigate environmental impacts based on a master plan for development of both the Brown project parcel and other 19 parcels.

We appreciate your thoughtful consideration of our concerns and requests and welcome involvement in this planning process. To date, the Brown project team has not contacted any of us.

Sincerely,

Garden Valley-Little City Farms Neighborhood Association

Executive Committee Contacts: Richard Hayes, Lee Budish, Roger Brown, Michael Burns



Friends of West Tam Valley

May 22, 2016

Ms. Alicia Giudice, Project Planner
AGiudice@marincounty.org, hand delivery
Community Development Agency/ Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Brown Design Review (#P1151)

Dear Ms. Giudice,

On behalf of The Friends of West Tam Valley, we are writing to commend the Tam Design Review Board (TDRB) for their unanimous decision regarding the Brown Design Review (576 Alta Way, Mill Valley, Assessor's Parcel 049-041-42, #P1151). We are in agreement with TDRB's recommendation that County Planning require a new Master Subdivision Plan with all its requirements as well as a full Environmental Impact Report. In a letter to Brian Crawford dated April 21, 2016 on which you were copied, TDRB voiced their concern that the project is a "Trojan Horse" meant to obscure the full extent of the potential future development.

While we respect the right of any property owner to build on their property, we agree with TDRB that the Brown Design Review application was "misrepresented as a single home on a paper street." There is considerable evidence demonstrating that future development of additional homes is planned.

For example, several references to a "subdivision" and "additional" homes are made in Mr. Brown's submissions to the County, as part of his application dated February 25, 2016, which substantiate TDRB's comment about a "Trojan Horse."

Please consider the following excerpts from the Geotechnical Study submitted by PJC & Associates, Inc. dated January 20, 2016. (**Emphasis added**)

- Page 1. "The residence will be accessed by **a new subdivision roadway** and serviced by underground municipal utilities."
- Page 2. "According to a preliminary roadway grading design plan prepared by CSW/Stuber-Stroeh Engineering Group, dated July 10, 2015, the project will include constructing an approximate 657 lineal foot asphaltic concrete paved roadway that will provide access to the residents **and the additional parcels of the subdivision.**"

In addition, the following is excerpted from the applicant's submission of the W-Trans' traffic study dated February 9, 2016, to Mr. Chador, which acknowledges:

- "It is understood that the extension of Alta Way to serve your project will result in the potential for development of **nine additional homes on adjacent sites.**"

And, excerpted from the Preliminary Hydrology & Hydraulic Study prepared by CSW/Stuber-Stroeh Engineering dated February 22, 2016.

- Page 2. “**To accommodate future development of the vacant parcels** above the proposed roadway and storm drain system, an increase of 34% was assumed by runoff coefficient.”
- Map Illustration and Storm Sewer Inventory Report cites “**9 sewer lines**” with a map illustration of the intended homes.

Please also note that there is an omission in the project application. The “project description” fails to make any reference to the new proposed roadway.

Finally, please be advised that Mr. Brown’s Alta Way Partners LLC has a relationship with Portage LLC. The current parcel proposed for development, APN 049-041-42, is owned by Portage LLC. These two LLC’s are engaged in real estate development, and between them, currently own 10 lots on Alta Way and Fairview Ave. We understand that the LLC’s are using long escrows to acquire lots from other owners, which could result in the development of 18 individual single family homes. Further, according to the map, the continued unblocking of Fairview Ave could possibly lead to even more homes on parcels numbered APN 049-012-### near Highway 1.

We ask that the County require Mr. Brown and his partners, agents, nominees or financiers to disclose direct or indirect ownership, legal interest, or control of all lots on or near Alta Way and Fairview Ave per Section 23.08.026 of the Marin County Code.

Like TDRB, we agree that this project is not about a single home. This application is the first and one of many. We fear that if the County does not adhere to the recommendation of the TDRB, one day in the near future there will eventually be 18 plus new homes and two new roads built on 4 acres without the benefit of thorough analysis, adherence to current engineering standards, or an EIR. It would make sense for the County to consider the cumulative impacts that this proposed development will have on the environment and community, as well as its compatibility with the Tamalpais Area Community Plan before approving the Brown Development.

As County Planning continues their review, we request that the recommendations of the TDRB be adopted. We agree with TDRB that a Master Plan for a Subdivision should be required to be submitted as well as requiring that it undergo a comprehensive and CEQA process. Our understanding is that CEQA contemplates such scenarios and requires that EIRs be prepared where future related development is reasonably foreseeable.

Since our neighborhood and the surrounding area are already impacted by significant traffic, hydrological (drainage), geological (landslide) and public safety (fire, earthquake evacuation, etc.) risks, it would be prudent that those risks be properly assessed and mitigated before any future development can be approved.

Also, given the enormous resources that our community and the County have invested in the Tamalpais Area Community Plan and Countywide Plan, we believe that the foreseeable development project(s) should be reviewed to determine consistency with these two plans.

In addition, it remains questionable that the existing subdivision map, dated 1919, properly addresses those risks or otherwise reflects best practices in engineering and design standards currently in effect. A reasonable interpretation of the County's "Paper Streets" Ordinance in the County Code, Chapter 23.08.026, suggests that any existing map created prior to 1953 must now be reviewed so that any street development is in compliance with current codes and regulations for slope, cut, fill, drainage, public services, utilities, public safety, etc. This would include any required studies (environmental, geological, hydrological, soils, erosion control), and analysis and plans / engineering. Note that these requirements would apply even if the application were for one single family home, which is clearly not the case in this instance.

It would, therefore, be in the public's best interest that a new Master Subdivision Plan and subdivision map are prepared and that a comprehensive CEQA process is required in order to protect the health, safety and welfare of local residents and to ensure the preservation of the character of the Tam Valley community.

We look forward to your response and we extend an invitation to meet with our neighborhood group for a walking tour of the area.

Thank you in advance for your time and consideration.

Sincerely,

Friends of West Tam Valley

/s/ 95 residents of Alta Way, Sunnybrook Lane, Blue Jay Way, Browning Street, Browning Court, Everest Court, Denise Court, West Fairview Ave, Midvale, Brookline, Shasta Way, Northern, Chamberlain, Erica

cc: Brian Crawford, Director, Community Development Agency,

BCrawford@marincounty.org, *hand delivery*

cc: Jeremy Tejrjian, Planning Manager, Community Development Agency, JTejrjian@marincounty.org, *hand delivery*

cc: Kate Sears, Supervisor, District 3, KSears@maincounty.org, *hand delivery*

cc: Tam Design Review Board, *email, hand delivery*



Friends of West Tam Valley

September 12, 2016

Certified Mail/Return Receipt Requested

Kathrin Sears, Supervisor, District 3, KSears@marincounty.org
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

RE: Proposed Development of Upper Alta Way

Dear Supervisor Sears:

We understand from our recent inquiries to the Community Development Agency (“CDA”) that the 1919 “Map of Subdivision One, Garden Valley Park” is being considered as the footprint for a proposed single family housing development on several of the lots. This would require roads and infrastructure on very steep, vertically wooded hillsides, with one-way egress in and out from Shoreline Highway on Upper Alta Way and Fairview Avenue.

Many of us have lived in the surrounding neighborhood for decades and have witnessed flooding, landslides, and other geological changes to the land, first hand, which we believe are just some of the reasons that the 1919 map is antiquated and invalid.

Alta Way and Portage LLC, the developers who own many of the lots in this area, are playing a high-stakes game at the expense of the residents, which could significantly impact their homes, the environment, and the entire Tam Valley Community. The developers have not been forthright in their intentions to develop multiple homes in this subdivision. As noted by the Tam Design Review Board in their letter of April 6, 2016, the developer’s piecemeal and seriatim attempt to develop along Alta Way to Fairview, and on to Shoreline Highway, is clearly to avoid requisite compliance with CEQA and all County and State development codes, including the Paper Street Ordinance and the Subdivision Map Act.

Our neighborhood association, Friends of West Tam Valley (FWTV), has repeatedly expressed concern to CDA, the Tam Design Review Board, and to you over the past several months. FWTV recently consulted legal counsel to educate our members and to better understand the complexities of development regarding the antiquated, 1919 subdivision map.

Attached you will find a Memorandum from Ed Yates, Attorney, to FWTV, prepared on September 8, 2016, advising us of some of the legal issues to be considered.

Mr. Yates recommended that we reach out to you and ask that you please assist in coordinating communication among all departments, including the Community Development Agency, Public Works, County Counsel, and the Surveyor’s Service to address all aspects of the processing of all applications, reviews, and permitting for possible development on Upper Alta Way, and require complete analysis and assessment of the cumulative impacts of such development **before the County reaches any decisions regarding applications for a grading permits or any other aspects of any proposed development.**

Kathrin Sears
September 12, 2016
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Lastly, we ask that FWTV be apprised every step of the way, during the County review process.

Thank you in advance for your time and consideration.

Sincerely,

Friends of West Tam Valley

Attachment: Memo from Ed Yates, Esq., September 8, 2016

cc: Brian Crawford, BCrawford@marincounty.org,

Director, Community Development Agency



Friends of West Tam Valley

March 6, 2017

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Initial Study for the proposed Alta Way Extension Project

Dear Chair and Members of the Board,

The Friends of West Tam Valley (FWTV) respectfully request that you remove consideration of the Alta Way Extension Project, Initial Study, from the agenda for the Marin County Board of Supervisors meeting on Tuesday, March 7, 2017.

We strongly believe that this project is incomplete at this time and that reviewing it or approving any aspect of it would be improper. We believe that this application for an extension of Alta Way road is only the first “step” and an attempt to camouflage a much large-scale development to come.

This assertion is based on the fact that the Initial Study notice received on Thursday, February 23, 2017 clearly states:

“The ten parcels that will be potentially developed in the future area are: 049-041-48, 049-041-43, 049-041-42, 049-44-14, 049-044-07, 049-044-08, 049-044-30, 049-044-29, 049-044-31, 049-044-14.”

In addition, we are in complete agreement with the Tam Design Review Board’s (TDRB) recommendation that County Planning require a new Master Subdivision Plan with all its requirements, as well as a full Environmental Impact Report (EIR) for this development proposal. In the minutes of the TDRB meeting of April 6, 2016, it states:

“This is a major subdivision and should be looked at as such. It needs all of the studies that a Master Plan provides, including an EIR, traffic study, riparian biologist report, soils and drainage studies clear plans for sewer, road, and fire protection. The development of these paper streets will impact the whole neighborhood for years while it is being built, and needs to be carefully planned, not piecemeal. Once the Master Plan is complete, we would be happy to look at this proposal again.”

TDRB also followed up with a letter to Brian Crawford dated April 21, 2016, voicing their concern that the project, which was initially an application for one home and partial grading of Alta Way, was a “Trojan Horse” meant to obscure the full extent of the potential future development.

We also believe that because of the total, 32 vacant parcels that exist on the baseline 1919 Map, we must anticipate that additional homes will be built in the near future. These would require an additional extension of paper street Fairview Avenue towards Shoreline Highway. However, the application fails to mention that the Alta Way Extension will join paper street Fairview Avenue opening up the area for continued future development of homes. Therefore, the Paper Street Ordinance will apply to not only one paper street but to two paper streets.

Section 23.08.026 of the Marin County Municipal Code (MCMC) states that where lots were created in pre-1953 maps and not physically developed and improved, “proposed development shall be subject to the securing of a grading and/or excavation permit as set forth in this section....” This section and other grading permit sections (e.g. §23.08.080) provide the Director of Public Works with substantial discretion to require in depth hydrological and engineering studies, in instances such as this.

We believe in this instance it is incumbent upon the Board of Supervisors to require the Director of Public Works to comply fully with sectional of the provisions of the Paper Street Ordinance and the County Subdivision Ordinance.

The Paper Street Ordinance requires that “the director of public works may require full and complete topographic information for the length of the Paper Street or paper streets which services all the parcels under such ownership, legal interest or control. **All such ownership interest or other agreements** which potentially access the paper street in question **shall be revealed and specified at the time of application.**” (MCMC § 23.08.026 (5)(a).) [Emphasis added]

We believe the Director of Public Works must ask the Applicant for full disclosure.

The Paper Street Ordinance also contains a legislative finding that pre-1953 were not “designed and improved” and that a 1919 Map is not an adequate subdivision map to be used as a baseline for future development.

Therefore, we respectfully request that this project be subject to the requirements of a new Master Plan and Subdivision Map as a condition of the application being reviewed by the County Development Agency, and that the project be required to undertake a full environmental impact report, prior to review by the Board of Supervisors.

An Initial Study to determine whether a full EIR or Negative Declaration is mandated appears to be a waste of County resources and taxpayer dollars. A large-scale development of this nature on a hillside, in an area prone to documented landslides (as recently as this year), in a high fire danger zone, one-way egress, and significant run off into a nearby creeks clearly demands a full EIR under CEQA.

Only with a Master Plan and Subdivision Map and EIR, can the County Development Agency and the Board of Supervisors fully assess the cumulative impacts of a project of this scope and magnitude of those impacts on the environment and the health and safety of neighboring residents.

Respectfully.

/s/ Lee Budish and Richard Hayes

Executive Committee Co-Chairs
Friends of West Tam Valley

cc: Rachael Reid, Environmental Coordinator