

COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

## PETITION FOR APPEAL

TO: THE MARIN COUNTY Planning Commission  
3501 Civic Center Drive (Planning Commission or Board of Supervisors)  
San Rafael, CA 94903-4157

1. The undersigned, Michael Gervais, hereby files an appeal  
(Appellant/Petitioner)  
of the decision issued by the Deputy Zoning Administrator  
(Director, or Deputy Zoning Administrator, or Planning Commission)  
regarding the Tam CSD Use Permit Amendment and CEQA Exemption (P5015)

relating to property described and located as follows:

- a) Assessor's Parcel Number Parcel 200-200-02 and -21.  
b) Street Address 305 Bell Lane Mill Valley CA 94941

2. The basis of this appeal is:

See attached "Basis for Appeal"

RECEIVED

JUN 25 2025

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

(The pertinent facts and the basis for the appeal shall be provided to the Agency at the time the appeal is filed, but no later than the last date established for the appeal period – usually 10 days following the date of the decision. If more space is needed, please attach additional pages setting forth the bases for appeal.)

FROM Michael Gervais  
(Print Name)

[REDACTED]  
(Address)

Mill Valley CA 94941  
(City/State/Zip Code)

[Signature]  
(Signature)

[REDACTED]  
(Telephone)

[REDACTED]  
(Email)

### Basis for Appeal

- I incorporate my prior statements as reflected in my March 24, 2025 correspondence and as reflected in my comments to the DZA on June 16, 2025.
- CEQA exemption is not appropriate. "Unusual circumstances" apply, including the site's proximity to residential homes and elementary school, the excessive noise generated by the proposed use, the involvement of hazardous waste, and the cumulative impact of these events into perpetuity.
- Prior permit applications for the same / similar use at this exact site were previously denied by the County given adverse effects found during Environmental Impact Review. As determined during those prior use permit decisions, including use permit decision no. 1-76, the applicant's proposed use does not conform to Marin County Code 22.48.040(c). No evidence has been submitted in this application that could alter the County's prior determination or that should result in a CEQA exemption.
- Referring to the proposed land use as "a scrap and dismantling yard" is inaccurate. As defined, a "junk yard" consists of "outdoor storage" or "the storage of junk in any yard." Yet, the applicant does not merely seek to *store* the materials at this site. It also seeks to *process* them, including by compacting debris in its trucks before taking it to an off-site location. The processing generates excessive noise as confirmed by the applicant's own noise study that shows that the sound generated by its trucks – particularly its trucks compacting debris – significantly exceeds the allowable noise level thresholds set forth in the Marin Countywide Plan.
- The Marin Countywide Plan states that the County will coordinate with public agencies, such as the District, "to determine appropriate mitigation measures necessary to meet Acceptable Noise Levels." Yet, the DZA and the staff report make no mention of the history of noise complaints associated with the applicant's proposed use at this site, no mention of a sound study, and no mention of mitigation efforts to comply with the Marin Countywide Plan's acceptable noise level thresholds. The applicant commissioned a noise study several years ago for a different purpose – provided in the record – that confirms that compacting debris at this site generates substantial excessive noise for its adjacent neighbors. The EIR from the applicant's prior permit application to use this site for this purpose also confirmed that this same proposed use would generate adverse effects on the adjacent neighbors given the noise.
- In addition, a "junk yard" – as defined – is for "*recyclable or reusable* scrap and waste materials." Yet, the applicant's proposed use, by its own admission, does not involve recyclables.
- The definition of a "scrap and dismantling yard" does not include "hazardous waste," which this applicant seeks to collect and process at this site. A "hazardous waste facility," per MCC 22.130.030, is "a state-licensed facility for the temporary storage and/or processing of hazardous waste." There is no evidence provided in the public materials that this applicant has obtained a state license for the temporary storage and/or processing of

hazardous waste at this site. There is no record that the applicant has complied with the necessary state regulations to operate a temporary household hazardous waste collection facility at this site, including the necessary contingency plan, emergency plan, buffer zone, roof structure, decontamination plan, etc., as delineated under Cal. Code Regs. Tit. 22 §67450.4.

- DZA finding that these are not “new” events is inaccurate. These events have never been lawfully permitted at this site. Undetected (by the County) use of this site for unlawful and unpermitted activity for a period of years does not suffice to avoid environmental review, particularly given the history of noise complaints.
- Insufficient public notice. Postcard notice did not contain a URL link that navigates to staff report at the project webpage until one business day before the DZA hearing. Reference to staff report being also available on the “DZA hearing webpage” was insufficient to provide adequate notice given that no URL link was provided to the relevant DZA hearing webpage.