

MEMORANDUM

TO: Board of Supervisors

FROM: Immanuel Bereket, Senior Planner

RE: Rushworth appeal of the Planning Commission's denial of a Design Review application

AGENDA: Item No. 15

DATE: September 12, 2022

Attached is additional correspondence relating to the above-referenced agenda item, for your review.

ATTACHMENTS:

1. Correspondences

Bereket, Immanuel

From: John Rushworth <johnnyrush@comcast.net>
Sent: Friday, September 9, 2022 3:37 PM
To: Bereket, Immanuel
Cc: BOS
Subject: 726 Pt. San Pedro / Parcel # 1867-141-03

Dear Board of Supervisors for Marin County.

This is a buildable lot in a buildable subdivision, called Bayside acres.

My name is John Rushworth and I own the lot that is in escrow with John Wright and his wife Ruth. The Wrights put in an offer in my property in Dec. 1, 2020 and I accepted their offer. Now 1-1/2 years later we are still waiting to close escrow. The Wrights have spent countless hours and money to make this project work. They designed the house which complies with everything the county asked for and does not require any variance or special exceptions.

My family has owned this lot since 1945 and paid taxes all those years.

The Wrights have been put through the ringer because of 1 family, Bill Gates and his wife Bonita Marmor. They are the neighbor next to the lot. The purposed house is not a maga mansion at 2511 Sq. Ft., it is not out of character for the neighborhood . The only houses that are mentioned at 1060 to 1400 Sq. Ft. Are on Beach Street and were built in 1950 in the mud or on the water at high tide.This is the last lot in Bayside acres and it was conditionally approved by the planning division on March 22, 2022.

Please uphold the conditional approval.

Bill Gates and Bonita Marmor have one reason for working to distort the size, set backs, wetlands , oak tree, salt water mouse, etc.

They do not want a house to be built. Any house.

(Please see my letter from June 11, 2022 for more detailed history)

Thanks you for your time and consideration

John Rushworth

Sent from my iPad

Bereket, Immanuel

From: John Rushworth <johnnyrush@comcast.net>
Sent: Friday, September 9, 2022 3:59 PM
To: Bereket, Immanuel
Cc: BOS
Subject: Fwd: Appeal of 724 Pt. San Pedro- Parcel 186-141-03

Please read the short history below. I think it is very important

Sent from my iPad

Begin forwarded message:

From: John Rushworth <johnnyrush@comcast.net> June 11, 2022
Date: June 11, 2022 at 10:00:39 AM PDT
To: Immanuel Bereket <ibereket@marincounty.org>
Subject: **Appeal of 724 Pt. San Pedro- Parcel 186-141-03**

Dear Planning Commission,

My name is John Rushworth and I am the owner of the above described Lot. This lot is part of a subdivision. This is a buildable lot about the same size as Bonnie Marmor and Bill Gates lot which is next door to my lot. Bonnie Marmor and Bill Gates are the couple that are appealing the approval of the Rushworth Design Review ID P3173.

In their appeal they have the heading of :

Miscalculation
Privacy concerns
Evidence
Protect live the oak tree
Wetlands
Conditions

They go into great detail and length about why this should not be built.

The bottom line is they do not want a house built. Any house .

From day one when I meet Bill Gates and he told me I was on private property. I let him know is was my property. He had his picnic table on my property, He took his dogs on my property to poop. He threw his clipping over the fence onto my property.

The reason I am even mentioning this is because I want to expose the real reason they are appealing the approval of a house being built. Bill and Bonnie tried to buy this lot from my aging Aunt Pat in failing health for a low ball offer of \$75,000. (at the time is was appraised at \$250,000.) My aunt was old by not senile. My family has owned this lot and the house and other lot since 1945.

My aunt Pat had save the destruction of many homes next to the current Point San Pedro road. The county was going to tear down many house to build the a new road. My aunt went on the radio and attended many meeting to have the road change so that no homes would be destroyed. This really isn't about all the details, it's personal.

They do not want a house built.

Thanks you

John Rushworth

Bereket, Immanuel

From: John Rushworth <johnnyrush@comcast.net>
Sent: Friday, September 9, 2022 7:01 PM
To: Bereket, Immanuel
Cc: BOS
Subject: Fwd: Rushworth Design Review

Sent from my iPhone

Begin forwarded message:

From: cynthia weiss <sdeweiss@gmail.com>
Date: September 9, 2022 at 1:43:23 PM PDT
To: johnnyrush@comcast.net
Subject: **Fwd: Rushworth Design Review**

----- Forwarded message -----

From: **cynthia weiss** <sdeweiss@gmail.com>
Date: Fri, Sep 9, 2022 at 1:35 PM
Subject: Rushworth Design Review
To: <bos@marincounty.org>

To:: Board of Supervisors

My name is Cynthia Weiss. I'm the owner of the house at 724 Pt. San Pedro Rd.. I would like to encourage you to please approve the plans for 726 Pt. San Pedro Rd. This project will be an asset to our community. It is a well thought out plan that has met all requirements of the county. It is not too large for the lot. By looking at the story poles it appears to be smaller than Bonnie and Bills house which is built out much farther on their lot. The design reflects the size of all the houses built to the left of the lot.. These are all 1,800 to 2,800 or more square feet. Most were built in the 1950's and 60's with many of them adding second stories in the past 20 years. Therefore the Rushworth design fits in quite nicely with these properties.

The homes to the right of Beach Drive are small 1930 cottages built on pilings in the mud not on land. These homes are 800 to 1,000 or so square feet and are in a different area. Charming yes but not relevant to this project.

A beautiful home on this lot will increase the value of all homes, and add needed housing to Marin County. I'd much rather have a home next to me than an empty lot that is a fire hazard and dumping ground for the neighbors plant clippings, dog waste and trash. My family has owned lots 01, 02 and 03 since the 1940's. My aunt always wanted a home on that lot but never got her wish. I hope you will grant approval of this project as it will bring much needed beauty and upgrades to our community. It in no way takes away from the charm. It only adds to it. Marin county needs housing. This is a well designed and thought out project.

Thank you for your consideration.
Cynthia Weiss

Bereket, Immanuel

From: Denise Lucy <deniselucy@gmail.com>
Sent: Sunday, September 11, 2022 1:05 PM
To: Bereket, Immanuel
Cc: BOS
Subject: Concerns about Project P3173 on Vacant Lot on Pt. San Pedro Road

Some people who received this message don't often get email from deniselucy@gmail.com. [Learn why this is important](#)

Dear Board of Supervisors,

I am writing regarding the proposed building project P3173 on the Vacant Lot on Pt. San Pedro Road. I attended the Planning Commission's review of the proposal as I have grave concerns with several aspects of the plan.

1. The house's scale is grossly oversized for the Chicken Point area.
2. The proposed project would extend into the wetland buffer.
3. The survival of the heritage oak would be at risk.

Last October, on behalf of Dominican University of California, I had the privilege of introducing Doug Tallamy the author of the book *The Nature of Oaks* for his presentation as part of our speaker series. His book and lecture emphasized how oak trees are crucial to any ecosystem. I gained an appreciation of the importance of oak trees for the many diverse living creatures that depend upon oaks for food, such as woodpeckers who collect and store hundreds of acorns.

I urge you not to allow the proposed project which unnecessarily risks the long term survival of the heritage oak on this vacant lot. With reasonable changes, a home can be built that would not require cutting the tree back nor digging into the drip line of the tree.

Please honor the Planning Commission's findings for a revised plan for a smaller home, with a reduced floor area ratio (FAR) that would step down the hill from the street and require the house to back away from the wetland buffer and the Oak tree.

Respectfully submitted,

Dr. Denise M. Lucy
3 Peacock Lane
San Rafael, CA 94901

Bereket, Immanuel

From: Lindsay Todd <lindsayptodd@gmail.com>
Sent: Thursday, September 8, 2022 10:22 PM
To: Bereket, Immanuel
Subject: Rushworth Letter of Support

You don't often get email from lindsayptodd@gmail.com. [Learn why this is important](#)

Dear Mr. Bereket,

We would like to once again underscore our support of this project. Can you please share our views with the appropriate parties?

We believe this is a well thought out project that will enhance our neighborhood.

I am attaching my previous e-mail sent May 28th.

Thank you,
Lindsay & Bruce Todd
116 Oak Drive
San Rafael, CA 94901

----- Forwarded message -----

From: **Lindsay Todd** <lindsayptodd@gmail.com>
Date: Sat, May 28, 2022 at 3:17 PM
Subject: Rushworth Letter of Support
To: <Bereket@marincounty.org>
CC: b todd <brucejtodd@yahoo.com>

Sent via e-mail:
May 28, 2022

Immanuel Bereket, Lead Planner
IBereket@marincounty.org
Marin County Planning Commission

Re: Rushworth Design Review (P173)-County of Marin
Applicants: John Wright and Ruth Kiskaddon

Dear Mr. Bereket,

I am writing to notify you of our complete and enthusiastic support for this project! We believe the development of this empty lot will be a significant improvement to the Bayshore Acres neighborhood.

We appreciated the letter and detailed plans sent to us in April 2021 by John Wright and Ruth Kiskaddon. We purchased our property at 116 Oak Drive in August 2019. The prior homeowner before our purchase had extensively renovated the house and yard. Our lot is located on the same marsh as this project and we can see a glimpse of the story poles in place from our deck. We often walk around the neighborhood

and specifically this empty lot. The marsh provides an exceptional view with abundant local shore water birds including at least one lovely Great Blue Heron.

We believe the proposed design is very attractive and in keeping with the size and scale of our neighborhood. The project includes particular sensitivity to the environment, the marsh and an existing tree on the property.

We also like that the project includes an enclosed garage. Many of the houses in the neighborhood, including ours, do not have garages which means there are quite a few cars that rely on street parking.

We look forward to the development of this project. Please feel free to contact us if you have any questions.

Lindsay & Bruce Todd
116 Oak Drive
San Rafael, CA 94901
lindsayptodd@gmail.com
415-786-3936

Bereket, Immanuel

From: Tricia Rose <rosamutabilis@gmail.com>
Sent: Thursday, September 8, 2022 2:57 PM
To: Bereket, Immanuel
Subject: Fwd: Undeliverable: Fwd: ASSESSOR'S PARCEL: 186-141-03

You don't often get email from rosamutabilis@gmail.com. [Learn why this is important](#)

Resending in view of the review meeting next Tuesday Sept 13

----- Forwarded message -----

From: Tricia Rose <rosamutabilis@gmail.com>
Date: Wed, Aug 3, 2022 at 7:09 AM
Subject: ASSESSOR'S PARCEL: 186-141-03
To: <Bereket@marincounty.org>

In response to John Wright's communication to the Planning Commission June 13

Mr Wright's communications suggest that he doesn't know much about this neighborhood, that it is close-knit because we tend to know each other and interact with each other, and settle here for a long time - I've been here twenty years and I'm quite a newcomer! My neighbor just moved into a house her grandmother owned, other friends moved here after knowing it through me. Some people went to high school together.

If Mr Wright isn't aware of this, it helps us understand his mansplaining, lumping The Strand Development and Bayside Acres together with Chicken Point and brushing off concerns about the health of the tree and the wetlands when we are living with them already, long-term.

The houses along the half-mile of Point San Pedro Road which borders Chicken Point are remarkably sympathetic, built at differing times and scales but they sit together happily in their diversity. The storey poles for this new construction confront this sensibility: it is so tall, so flat, blind to its context of coastal cottages which follow the slope of the land, with sloped roofs, positioned to enjoy and share the common open space and views at the back.

On a practical note too, having bedrooms on a second floor facing busy Point San Pedro Road does not sound like a recipe for peace, especially when the rock quarry convoy rolls through before 7am. Sound already bounces off the westbound retaining wall, and there's only so much triple-glazing can do.

Tricia Rose
704 Point San Pedro Road

Bereket, Immanuel

From: Ogden Hamilton <ogden.hamilton@gmail.com>
Sent: Thursday, September 8, 2022 2:14 PM
To: Bereket, Immanuel
Subject: Rushworth Design Review

To The Marin County Board of Supervisors:

My wife, Jo, and I respectfully request that the Board of Supervisors reverse the decision of the Planning Commission and approve the permit application to build a home on the Rushworth lot.

We were surprised that the Planning Commission did not simply accept the report of the Planning Staff. That report was exhaustive. It addressed every objection raised by those opposed to the permit and dismissed them for clearly stated reasons.

In reversing the Planning Staff the Planning Commission raised three concerns:

1. In holding that the home is too big for the neighborhood the Planning Commission invoked the Floor Area Ratio. That came as news to the permit applicants and, apparently, to the planning staff a well.

Invoking the FAR distorts the size of the home. It's 2,511 square feet of living area is at the median of the 32 homes in Bayside Acres with living areas of 2,000 square feet or more. This home should not be judged on the FAR unless that is how all similar design permits are judged.

2. The Planning Commission maintained that because the home was to be new construction it should not be granted an exception to development in the 100-foot wetlands buffer zone permitting minor encroachments. That exception had been documented by applicants' s Biological Site Assessment and was accepted by the Planning Staff.

To the best of our knowledge the granting of an exception is not contingent on whether the development is an addition to an existing home or new construction. The stringent criteria are the same for both. If that's true the new-construction rationale should not be applied to this home.

3. The Planning Commission stated that "The project plans did not include adequate contingencies to protect an existing mature Coast Live Oak tree..." and suggested that "The proposal should have included more details about how those concerns would be addressed, such as by redesigning the building to provide greater distance from the tree."

Applicant had submitted such a detailed plan developed by an expert arborist which stated, "While removing the limbs will alter the overall form of the canopy the health and stability of the tree are not expected to be irreversibly harmed." Subsequently applicants did indeed "redesign... the building to provide greater distance from the tree" by reducing the adjacent overhang from three feet to one foot. The Planning Staff accepted the arborist's plan to protect the tree.

It appears to us that the applicant did exactly what the Planning Commission stated it required and the Planning Staff agreed. If that's the case additional detail should not be required.

We hope that those three points support a decision to accept the report of the Planning Staff and approve the design permit.

Jo and Ogden Hamilton
738 Point San Pedro Rd.
812-322-972

IN THE MATTER OF MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION DATED 3/22/2022
PLANNING COMMISSION DECISION DATED 6/13/22
REGARDING RUSHWORTH DESIGN REVIEW (P3173)

APPEAL PETITION OF
RUTH KISKADDON AND JOHN WRIGHT, PROJECT APPLICANTS

Introduction

On March 22, 2022, the Marin County Planning Division issued a well-reasoned approval of the design review for a single-family residence we hope to build and retire to on a vacant lot (APN 186-141-03) along Point San Pedro Road in San Rafael (the “Property”). The Property is also known as 726 Point San Pedro Road.

On June 13, 2022 the Marin County Planning Commission granted an appeal of the Planning Division’s approval filed by the owners of an adjacent parcel.

We are asking that the Marin County Board of Supervisors overturn the Planning Commission’s decision because that decision was based on:

- (1) the application of a Floor Area Ratio (FAR) requirement that does not apply to this Property;
- (2) the failure to accept extensively documented expert opinion and Planning staff conclusions regarding minor wetland buffer encroachment exceptions allowed in the Marin Countywide Plan; and
- (3) the failure to accept extensively documented expert opinion and Planning staff conclusions that proposed pruning of a heritage oak tree on the Property was unlikely to cause irreversible harm to the tree.

1. Application of a Floor Area Ratio (FAR) requirement that does not apply to the subject property; house size is consistent with the neighborhood

The Property is zoned BFC-RSP-7.26, which has no FAR or setback requirements but does have a height limit, which the proposed project does not exceed. Despite this zoning, the Planning Commission stated that the proposed project’s FAR (48% because of requirement to include non-habitable crawlspace) was “too large” and suggested that it needed to be closer to the 30% required in R1 districts.

R1 zoning standards are not required of any other properties in the neighborhood and neither the Planning Department nor Planning Commission were able to compare FAR of the proposed project with nearby properties because Marin County does not collect data on non-habitable crawlspace area. The living area of the proposed project is 2,511 square feet (SF) and a comparison of living area in the neighborhood shows that 19 of the 65 homes in the neighborhood have greater than 2,500 SF of living area; the proposed project has a smaller living area than 18 of those homes. The proposed project has a “Living Area Ratio” (LAR –

Living area / Lot area) of 36% and a comparison of LAR in the neighborhood shows that 7 other homes have similar LAR's (31% - 37%).

Due to the peculiar nature of the site (generally flat but sloping sharply up to street), the crawlspace of the proposed house ranges in height from 3'-1" to 8'-5". Despite the fact that the crawlspace has a sloping dirt floor and, per Planning staff, would not be allowed as habitable space due to the underlying flood zone, the Planning regulations required that any crawlspace area with greater than 7'-0" ceiling height be included in FAR calculations. This inflated floor area of the proposed house by 808 SF. If the first floor was lowered by just 4", none of the crawlspace area would be included and FAR would be reduced to 36% (a 25% reduction.)

The Planning Commission stated concerns about "bulk and mass", but it was clearly focused on FAR and concerns about setting a precedent in approving a 48% FAR. The Commission repeatedly called attention to the fact that the crawlspace area inflated the FAR and their final motion was to "grant the appeal and direct the applicant to return with a project that is somewhat smaller in FAR and steps down on the site to reduce the volume underneath...".

The proposed project utilizes the visual bulk reduction techniques identified in the Marin County Residential Design Guidelines (set-backs, step-backs, wall articulation, etc.), is below allowable height, is in a zone where there is no FAR requirement, has a smaller living area than 28% of homes in the neighborhood, and has a LAR similar to 7 homes in the neighborhood. Furthermore, only a few hundred feet to the West of the project site are the existing and new homes under construction of over 3000 square feet on much smaller lots at The Strand at Loch Lomond, highly visible from the project site and from the neighborhood.

Importantly, the Planning Division concluded in its decision approving the project that:

...[T]he size of the proposed residence would be consistent with the range of residences within the vicinity. The house would be stepped up with the slope from front to rear on three levels. At the street level, the structure would appear as a two-story residence. The proposed building incorporates articulated building forms and contrasting colors that effectively break up the visual bulk and mass. Further, given the area of the lot, the building is moderate in size. (Administrative Decision, pp. 8-9; emphasis added)

We ask that the Board of Supervisors support and reinstate the Planning Division approval because the project meets zoning requirements and its size is sufficiently similar to other homes in the neighborhood.

While we believe the Board should reinstate the Planning Division staff approval in its entirety, we would be open to lowering the first floor by 4" in order to reduce FAR to 36%. This would require a step down from the garage and so would not be our preference because of potential mobility issues as we age but would not otherwise alter the proposed design. If the Board deems this change necessary, we ask that it be made as a condition of approval so the project would not have to go back through the planning process, and we could proceed directly to a building permit.

Please see the neighborhood maps, rendering, and photos, included as appendices to this document.

2. Failure to accept extensively documented expert opinion and Planning staff conclusions regarding minor wetland buffer encroachment exceptions allowed in the Marin Countywide Plan

Exception 4 of BIO-3.1 in the Marin Countywide Plan allows for minor incursions into wetland buffers if “[w]etlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.” We submitted a biological site assessment which indicated that the proposed project would not result in any significant adverse direct or indirect impacts on wetlands, as well as an additional report which addressed concerns raised by the adjacent neighbors.

In response to the adjacent neighbors’ concerns about the proposed minor wetland buffer incursions, our biological consultant stated in his report that:

“These incursions are minor in the context of this particular parcel. This is not a pristine, untrammled site. It is an infill lot within an existing residential neighborhood. The area of the buffer zone that would be impacted is covered with non-native vegetation, and the ground is already heavily disturbed given the location of the parcel between two already developed parcels; the parcel has been walked on and used as an occasional refuse dump for years if not decades. The two neighboring parcels have ancillary structures already built well into the buffer zone, far more intrusively than anything proposed by this project. The presence of shallow foundation walls, deck posts, gravel, and the planter/AC boxes at the upper end of, and in some cases barely within, the buffer zone will have an insignificant impact on the wetlands given the physical distance of the work from the wetlands and its small footprint.” [Emphasis added]

After thorough review, Planning Division staff determined that the minor incursions met the exception requirements of the Countywide Plan and approved the project.

The Planning Commission did not discuss the biological site assessment, supplemental report, or Marin Countywide Plan and, without any supporting evidence, suggested that the proposed minor incursions were “too much.” Their final motion stated that the project should “step away, where it can from the wetland” without any specific criteria or indication of how the proposed project was not consistent with the County’s clear exception for minor buffer zone encroachments.

In short, evidence on the record demonstrates that the proposed project will not cause any significant adverse direct or indirect impacts on the wetlands. Moreover, the proposed minor incursions are far smaller than existing incursions on neighboring properties. We ask that the Board of Supervisors reinstate Planning Division approval because the project meets Countywide Plan requirements and will not cause any significant adverse impact on the wetlands.

Please see supporting information included in the appendices below and the biological site assessments for the project at the links below.

https://drive.google.com/file/d/1JpDjDkHTr9_ceThXi_n1u3rYyYx3k_rJ/view?usp=sharing [May 2021 biological site assessment report – link to it on Planning website is not working]

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/rushworth_dr_p3173_sr/rushworth_hdrp3173bsa2112022.pdf?la=en [February 2022 biological site assessment report]

3. Failure to accept extensively documented expert opinion and Planning staff conclusions that proposed pruning of a heritage oak tree on the Property was unlikely to cause irreversible harm to the tree

We submitted two arborist reports indicating that the proposed project would not irreversibly harm the existing live oak tree on the site. Planning Division staff determined that, in accordance with BIO-1.3 and Marin County Code Chapter 22.27, the project did not require the removal of a protected tree. There is no County ordinance that would independently require a permit for the degree of pruning required by this project. The Planning Commission did not discuss the arborist reports or County requirements and, without any supporting evidence, suggested that the proposed project was “too close” to the tree. Their final motion stated that the project should “step away, where it can from the tree” without any specific criteria or indication of how the proposed project was not consistent with County requirements.

The second arborist report (compiled after story poles were in place) recommended that roof overhangs be reduced to 1'-0" in areas near the tree. We intend to follow that recommendation. Following the Planning Commission hearing, we obtained a third arborist report which also indicates that the proposed pruning will not “impact the overall health, vigor, or stability of this tree.” That report, from a second arborist, concludes that “[i]t is my opinion that this tree will survive proposed pruning required for construction if the guidelines for tree preservation set forth in this memo and subsequent documentation from the Project Arborist are adhered to.”

We now have three arborist reports that indicate the tree will not be substantially harmed by the proposed project and there is no evidence on the record to the contrary. Accordingly, we ask that the Board reinstate Planning Division approval.

Please see arborist reports at the links below for additional information.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/rushworth_dr_p3173_sr/rushworth_hdrp3173arborist-report-tree-protection-plan.pdf?la=en [May 2021 report]

<https://drive.google.com/file/d/1KI-cuAluWWMX2qvw1wpaggiEnK2fVizu/view?usp=sharing> [April 2022 report]

https://drive.google.com/file/d/1LCA6dnTvHs-R5jFt5_vcH8BezqHMLXt/view?usp=sharing [August 2022 report]

4. Approved resolution does not accurately reflect Planning Commission hearing proceedings or zoning requirements

We believe it important to note that the approved resolution granting the appeal misrepresents the Planning Commission hearing, makes statements not supported by facts, and does not accurately reflect zoning requirements.

The approved resolution suggests the proposed project would “cause irreversible and permanent damage to an existing ... mature Coast Live Oak tree,” “substantially alter the margins of wetlands,” “eliminate significant sun and light exposure, result in light pollution, eliminate primary views, and eliminate privacy enjoyed on adjacent properties,” and “reduce vegetation screening.” None of these conclusions were stated by the Planning Commission at the hearing, nor are they supported by facts on the record.

The approved resolution asserts that the proposed project has an impact that is “greater than necessary” and has “unnecessary encroachments”. But those are not the applicable standards. We urge the Board to review pages 2-11 of the Planning Division’s March 22 decision approving the project for a full analysis of how the project meets all applicable requirements. That decision can be found at the link below. The staff memo to the Planning Commission recommending denial of the adjacent neighbors’ appeal restates this analysis.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/rushworth_dr_p3173_sr/rushworth_hdr_p3173_decision_new.pdf

In short, the Planning Commission resolution implies a level of analysis at the meeting that simply did not occur. The Board need not and should not defer to the Commission’s decision, but instead should rely on the Planning staff’s extensive work and its support of the project.

Finally, the approved resolution indicates that Commissioner Margot Biehle was present and voted to in support of the appeal, but in fact she did not attend the hearing.

Please see our comments on the approved resolution at the link below.

<https://drive.google.com/open?id=15nINwB0gac7sQ1wZgdXP62EREhtx4Q5n>

5. Conclusion

We entered into a contract in December 2020 to purchase this Property overlooking the Bay with the intention of building a primary residence for retirement. We worked diligently with our architect, biological consultants, arborists, Planning Division staff, and others to design a home that is functional and beautiful. We did our best to limit the home’s impact on neighbors, the existing oak tree, and the wetland. Planning staff thoroughly reviewed the project and granted approval.

Despite our due diligence, use of qualified experts, and our careful effort to comply with all the rules, our unambiguous staff approval was overturned because of resistance to change by entrenched neighbors. The Planning Commission suggested the application of rules that do not apply to the Property and ignored ample expert opinion.

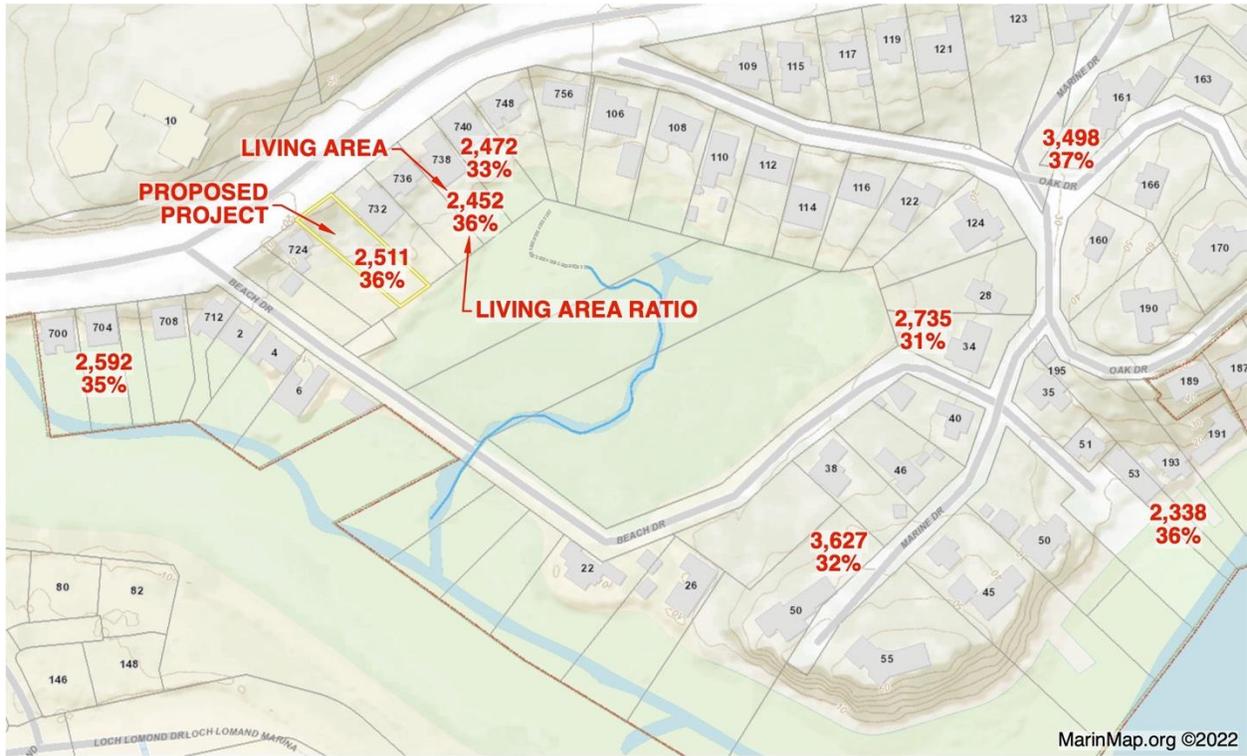
We urge the Board of Supervisors to defer to the more than a year of work undertaken by staff to issue the approval, and to expert opinions on biological issues that staff also relied on. We ask that the Board overturn the Planning Commission's decision and reinstate the Planning Division approval of our project.

Respectfully submitted,

Ruth Kiskaddon and John Wright

September 6, 2022

Nearby homes with similar "Living Area Ratio" (Living Area/Lot Area)



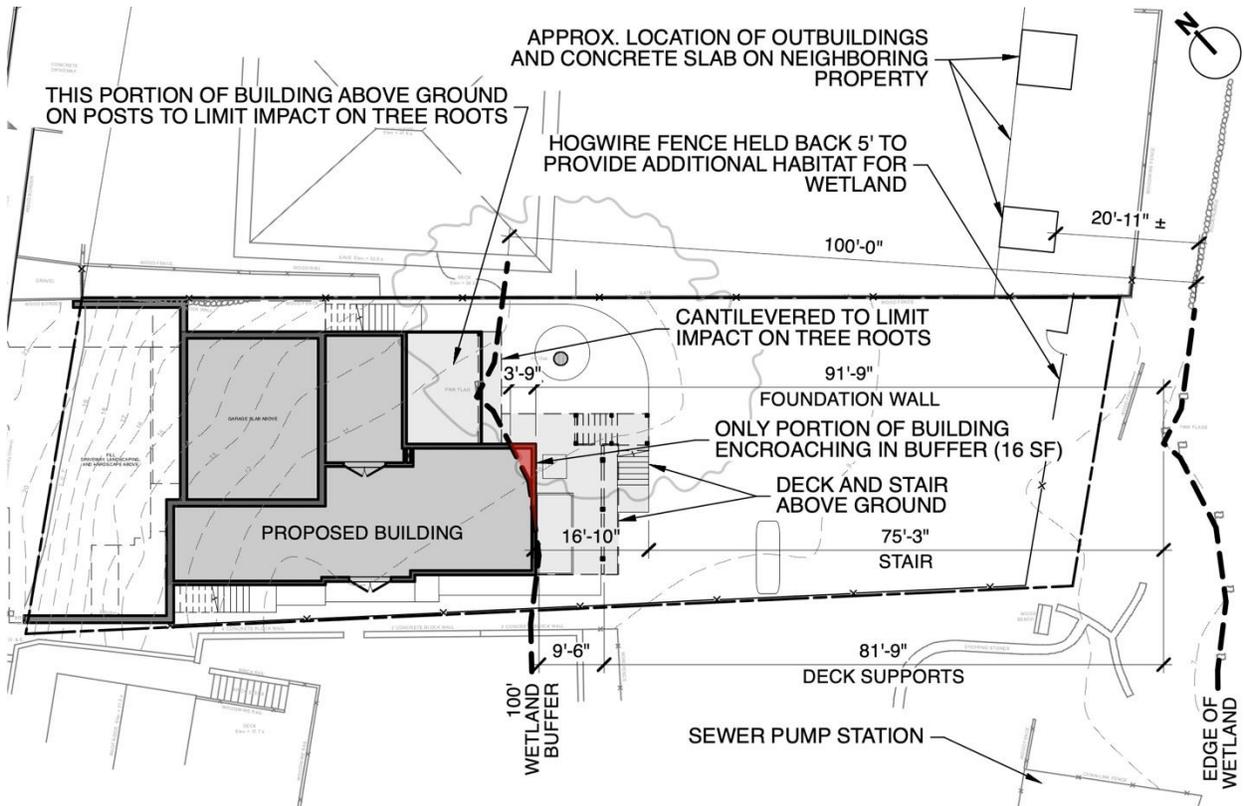
Rendering of proposed project in context (Note height is below that of 738 and 740)



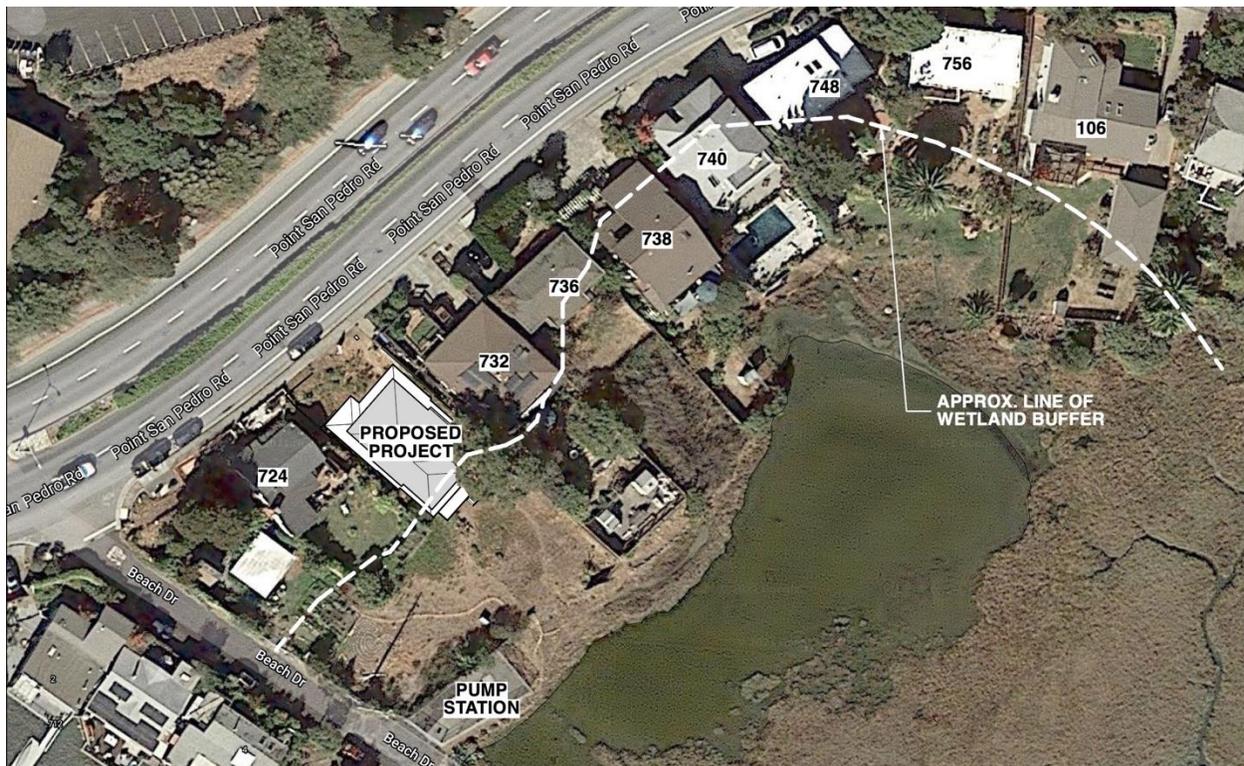
Rear of 740 Point San Pedro Rd
150 feet from proposed project
Three stories facing wetland with house, pool, and deck in buffer



Site plan showing proposed minor incursion into wetland buffer



Aerial view showing proposed project and existing 100' wetland buffer incursions



**Existing incursions at 732 Point San Pedro Rd
Outbuildings roughly 21 feet from edge of wetland**



**Existing incursions at 740 Point San Pedro Rd
Deck roughly 30 feet from edge of wetland
Pool roughly 44 feet from edge of wetland
House roughly 68 feet from edge of wetland**



Bereket, Immanuel

From: Ellen Kутten <ekutten@pacbell.net>
Sent: Thursday, September 1, 2022 4:57 PM
To: Bereket, Immanuel
Cc: Ellen Kутten
Subject: 9/1/2022 Ellen Kутten re Appeal Marin County Planning Commission Decision Re APN # 186-141-03

You don't often get email from ekutten@pacbell.net. [Learn why this is important](#)

September 1, 2022

FROM: Ellen J Kутten
PO Box 113
Mill Valley California 94942-0113
Telephone (415) 672-4168
Email ekutten@pacbell.net

ATTN: Immanuel Bereket, Senior Planner
County of Marin Community Development Agency
3501 Civic Center Drive, Suite #308
San Rafael, California 94903

RE: Appeal Marin County Planning Commission Decision Re APN # 186-141-03

SENT ONLY BY EMAIL CORRESPONDENCE

Dear Mr. Bereket:

Please forward this correspondence below.

To the Honorable Members of the Marin County Board of Supervisors:

I am writing to urge you not to overturn the Planning Commission's sound decision on the Marmor Appeal of the Rushworth Property Design Approval.

For eight years, I was fortunate to live in the wonderful and unique Chicken Point Neighborhood on Marine Drive in San Rafael.

The proposed house next door to the Marmor Gates property is too massive for the small lot and not keeping and incompatible with the size of the existing homes and the character of the Chicken Point San Rafael neighborhood.

I have visited the Marmor Gates home and property as a guest many times during and since my residency. I can attest that the proposed construction will dramatically diminish the sunlight that fills their home both upstairs and downstairs. The proposed construction will also negatively impact the Marmor Gates family both inside and outside and will negatively impact on the privacy and the views they as homeowners and their guests enjoy.

Please do not hesitate to contact me if you have any additional questions.

Sincerely,

Ellen J Kutten

Bereket, Immanuel

Subject: FW: 9/13 BOS Hearing on Appeal of Planning Commission Decision re: APN# 186-141-03

From: ELAINE GOLDMAN <elaine_goldman@sbcglobal.net>

Sent: Tuesday, September 6, 2022 10:02 AM

To: lbereket@marincounty.org

Cc: BOS <BOS@marincounty.org>

Subject: re: 9/13 BOS Hearing on Appeal of Planning Commission Decision re: APN#186-141-03

You don't often get email from elaine_goldman@sbcglobal.net. [Learn why this is important](#)

Dear All,

We are writing to you regarding the above .

My partner Tomas O'Brien (who owns the home we live in at 712 Pt. San Pedro Rd., S.R.) and I have lived here for 34 years.

During that time , we have enjoyed the peaceful and always changing marshlands and wetland surrounding our home at Chicken Point.

We continue to be dismayed that the vacant lot APN # 186-13-03 will be built out at 3854 sq. ft. total. We surely hope that the rear deck the owners are planning will not impact the wildlife habitat or encroach onto the wetland buffer zone.

Our home is only two houses away from this proposed home and on our daily walks, we have enjoyed looking at the egrets and other shore birds who habitat that wetland.

The size of the proposed home seems too large for the lot and the Planning Commission , in a unanimous decision came to the same conclusion.

Since we will be out of town for the actual hearing, we respectfully request that our comments be read into the record.

Thank you,

Tomas O'Brien

Elaine Goldman