

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

REBUTTAL TO APPEAL PETITION

Introduction

On March 22, 2022, the Marin County Planning Division issued a well-reasoned conditional approval of the design review for a single-family residence ("Approval") on a vacant lot at 726 Point San Pedro Road in South San Rafael (APN 186-141-03) (the "Property").

The adjacent neighbors ("Appellants") at 732 Point San Pedro Road east of the Property have appealed the Approval. Their appeal reiterates the same issues they've already raised in their comments, which are appended to the Approval. These issues have already been thoroughly addressed by Planning Division staff and the Applicants. The Applicants have been through an arduous 10-month application process to obtain this Approval, and they ask that the Planning Commission uphold the Approval and deny the appeal.

Ruth Kiskaddon and John Wright ("Applicants") intend to build their home on the Property. On both sides of the Property, and all along the nearby southern side of Point San Pedro Road, are single-family homes of varying sizes and design. The Property is the only lot without a home along the south side of Point San Pedro Road, between Beach Drive and Marine Drive, with the exception of the small corner lot that is functionally part of the 724 Point San Pedro Road residence. As confirmed in the Approval, "the project would be consistent with the neighborhood development pattern" and "the proposed residence has been sited, planned, and designed to cause the least intrusion on the views, light, air, and privacy of the other properties in the vicinity."

In April 2021, Applicants sent a letter informing the neighbors within 300 feet of the Property and other residents surrounding the adjacent marsh (see link below) of the proposed project. Some favorable comments were received, and until the formal public comment period in November, no opposition was made known to Applicants other than from the Appellants.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/rushworth_dr_p3173_sr/rushwortphdr_p3173_neighbormailing.pdf?la=en

Rebuttal to Appeal

We believe Appellants' primary goal in opposing the project is to preserve the entirety of their distant view of Mount Tamalpais from some of their windows on the side of their house. They have wrapped this objective in arguments regarding design and environmental impact that are unsupported by evidence. Appellants' view of Mount Tamalpais is not protected by the law, any view corridor or other County ordinance, and Appellants could maintain a Mt. Tam view through completing work on their property that they have themselves proposed.

Most houses on the same side of Pt. San Pedro Road as the subject Property have an impeded or blocked view of Mt. Tam. The Appellants' residence blocks the Mt. Tam view of their neighbors to the east. As discussed in the Approval, the proposed home "is designed and sited to minimize potential visual effects to adjoining neighbors", and "[t]he design of the second-floor plan features a step back that preserves distance views, light, and air, thereby reducing the potential for view, light, and air obstruction at 724 and 732 Pt. San Pedro Road." Conditions created by Appellants on their own property have created the view, privacy, and light issues Appellants accuse the proposed project of potentially creating. The Appellants' home features a deck on their second floor with virtually no setback from the property line (see photos at Exhibits A-1.1 and A-1.2, taken recently) which significantly blocks light to their first floor. The photo at Exhibit A-1.1 also shows that views from other portions of their second floor are already impeded by materials on the deck and windows that are blocked.

1. The Proposed Residence fully conforms to all County Design Review Guidelines

Appellants' assertion that the living area of the proposed project is too large for the neighborhood and thus is not in conformance with the County Design Review Guidelines is based on a very small sample of houses in the neighborhood that is skewed toward the smaller houses in the area. In fact, as shown on the table at Appendix A, of the 18 houses within 300 feet of the Property, five (5) have living areas larger than what Applicants propose.

Moreover, within a slightly wider area, there are a number of larger or similarly-sized homes in the Chicken Point neighborhood, including two on the other side of the marsh. The newest single-family homes at The Strand at Loch Lomond, less than 1,000 feet to the west of the Property, all have over 3,000 square feet of living space on considerably smaller lots. In the panoramic photo at Exhibit A-2 taken from the Loch Lomond jetty approach, these new houses under construction can be seen on the left, and the story poles for the proposed residence can be seen in the right, to the left of the large tree below the large white house. There are numerous large residences visible in the hills immediately behind Point San Pedro Road. The 2,947 square foot residence four houses away at 740 Point San Pedro Road can be seen at the right of this photo. The photo at Exhibit A-3 shows the story poles of the proposed residence in the context of the adjacent homes to the west and east. Of note, the owners of the property immediately to the west at 724 Point San Pedro Road submitted an email supporting the project (see Appendix B) that did not get included in the public comments.

Applicants urge the Commission to defer to the Planning Division's analysis regarding the compatibility of the house design and size with neighborhood trends. Appellants persistently and misleadingly use the building area figure for the project to exaggerate its size. In fact, on their chart of the sizes of living spaces of the nearby homes, Appellants acknowledge that the living space for their home is just 270 square feet less than that proposed by Applicant. That is a negligible difference in living spaces, and it undoubtedly does not take into account the wrap-around deck Appellants have attached to their home. Furthermore, Appellants indicated to Applicants in an email last May that they were planning to add an addition to their residence (see Appendix C), which will likely make their residence larger in total living space than the Applicants' proposal and could add a third story to their residence. This could add a Mt. Tam view.

Importantly, the Approval found, on page 2, that:

The proposed project would not be the first two-story development facing Pt. San Pedro Road and would be consistent with the most recent developments on this portion of Pt. San Pedro Road at 738 and 740 Pt. San Pedro Road. Therefore, the project would be consistent with the neighborhood development pattern.

Additionally, the Planning Division made all required determinations under the applicable Residential Design Guidelines and concluded that "given the area of the lot, the building is moderate in size."

As the Approval reflects, the proposed home is fully compatible with the neighborhood and in conformance with the County Design Review Guidelines.

2. The Proposed Residence does not impermissibly encroach into the Wetland Conservation Area (WCA) and does not violate Marin Countywide Plan policies

The Approval carefully analyzes at pages 3-7 why the project meets the requirements for the minor encroachment exception to the Wetland Conservation Area (WCA) policy and is consistent with Marin Countywide Plan policies. Contrary to Appellants' assertion, the supplemental Biological Site Assessment material submitted by the Applicants in February (see link at end of this section) provides a detailed analysis of why the project would not have a significant direct or indirect adverse impact on the wetlands, thus allowing for use of the exception for minor encroachments.

Appellants' request for a further biological site assessment is clearly an attempt to impose further delay and cost on Applicants. The firm that prepared the Biological Site Assessment for the project, Huffman Broadway Group in San Rafael, was selected by Applicants from a list provided by the County Planning Division.

Appellants' appeal letter incorrectly states that Army COE protocol was not followed for the wetlands delineation. The protocol for delineating the upper limit of wetlands accepted by the Army COE is the use of the Army COE 1987 Wetland Delineation Manual and the Army COE Regional Supplement to this manual. The Huffman Broadway Group delineated the upper limit of the wetland using the Army COE 1987 Wetland Delineation Manual and the corresponding Regional Supplement for this site, which is the Army COE "Regional Supplement to the Corps of Engineers Wetland Delineation manual: Arid West Region (Version 2.0)". The protocols outlined in these manuals do not require the Army COE to confirm or certify the results, as is suggested by the Appellants.

It is important to keep in mind that the Property is a vacant lot in an already-developed neighborhood, where most of the properties along the adjacent salt marsh substantially encroach into the wetlands buffer zone, including in some cases into the wetlands themselves. See Exhibit A-4 for an aerial photo from Marin Maps of the properties around the marsh, and the photo at Exhibit A-5. These show numerous encroachments. Appellants' property has several structures in the wetland buffer including some that are very near the rear property line, much closer to the wetland than anything proposed by the Applicants. This is shown in the photo at Exhibit A-6 taken in April 2022 from just behind the Appellant's property. Everything shown in that photo is within the buffer zone. In short, what Applicants are proposing to construct is demonstrably minimal in the context of existing development in the same area.

We urge the Planning Commission to rely on the careful analysis of Huffman Broadway and the Planning Division staff, and deny the obvious attempt by Appellants to delay or derail the project based on clearly minor buffer zone encroachments. In fact, as the Approval notes at finding D on page 6, the project would in fact improve wildlife habitat through removal of non-native vegetation and restoration with native plants.

Regarding the salt marsh harvest mouse discussion, the biologist hired by Appellants to assert that as a purported impact to this species is not an expert on this subject. Please refer to pages 4-5 and, in particular, Exhibit 1 of the February 2022 submission on behalf of Applicants (linked below) for a detailed analysis of this issue by a salt marsh harvest mouse authority, Dr. Mark Jennings, engaged by Huffman Broadway Group.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/rushworth_dr_p3173_sr/rushworthdrp3173bsa2112022.pdf?la=en

3. The Proposed Project is exempt from CEQA and complies with all applicable environmental policies

The Planning Division properly found that the project is exempt from CEQA review under Class 3 as a “single-family residence . . . in a residential zone” pursuant to CEQA Guideline 15303(a). Appellants’ arguments that an exception from CEQA Guideline 15300.2 should apply to remove the project from the Class 3 exemption are unpersuasive and not supported by the evidence.

The exemption under CEQA Guideline 15300.2(a) applies only to those locations with a “particularly sensitive environment” and impacts on “an environmental resource of hazardous or critical concern”. The memorandum of Dr. Stuart Siegel, which was reviewed and considered by the Planning Division, and upon which Appellants rely, makes no mention of the proposed building site being in a “particularly sensitive environment” or that there are resources of “hazardous or critical concern”. The entire memorandum refers to the wetlands and marsh conditions generally, and only states one conclusory sentence at the end that the project’s WCA incursion would result in significant impacts, without any evidence connecting this baseless conclusion to the actual project or its minor incursion.

Nothing in Dr. Siegel’s memorandum provides evidence that the project is located in a “particularly sensitive environment” or will result in cumulative impacts or generate significant effects on the surrounding environment such that an exception to the Class 3 exemption should apply. Furthermore, Appellants have failed to provide substantial evidence that there are unusual circumstances relating to the project that would remove it from the exemption. Their conclusory statement that just because the proposed project would have a minor excursion into the WCA it is subject to CEQA review is insufficient. As discussed further below, the Planning Division properly determined that the project’s incursions are minor and minimize environmental disturbance at the project site. Appellants bear the burden of providing evidence that an exception the CEQA exemption is applicable, and they have failed to do so here, providing only conclusory statements and Dr. Siegel’s memorandum that does not, in any meaningful way, discuss the proposed project or its direct potential impacts on the environment. Therefore, the project qualifies for a Class 3 exemption, and no exception to this exemption is applicable.

The Planning Division’s environmental staff carefully analyzed over a number of months the project’s compliance with applicable environmental policies. Staff asked Applicants to respond to the specific environmental comments that had been received and these comments were addressed in detail in the February 2022 report by the Huffman Broadway Group that can be found at the link below. See:

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/projects/rushworth_dr_p3173_sr/rushworthdrp3173bsa2112022.pdf?la=en

Based on this analysis, the Approval unambiguously concluded that the project complied with all applicable environmental policies. One of these policies (BIO-3.1(4)) generally prohibits development within the 100-foot wetlands buffer zone, subject to certain exceptions. The Planning Department concluded that one such exception applied to the project:

The project qualifies for the exception provided in Policy BIO-3.1(4) because the biological site assessments demonstrate that the minor incursions into the upper limits of the wetland buffer zone would not result in significant direct or indirect biological impacts to the salt marshland located offsite, adjacent [to the] project site. Additionally, nothing in the record substantiates the claim that the proposed encroachments would be contrary to the Countywide plan policies or result in environmental impacts. The proposed encroachments would be similar to other developed properties in this area. Approval, p.4.

Please refer to Response A-2 of Applicants' February 2022 submission linked above for a detailed discussion of the project elements that formed the basis for the Planning Division's conclusion that the minor encroachment exception applies.

In short, there is no reason for the Planning Commission to overturn the conclusions of the Planning Division as to environmental matters that were based on substantial expert analysis.

4. The Coastal Live Oak on the Property will be preserved and there is no evidence the Project will threaten the survival of the Oak tree

In a further effort to prevent modification of their Mt. Tam view, and without offering any expert opinion, Appellants assert that pruning of the large oak tree on the Property will jeopardize the tree's survival and put bio-diversity around the tree at risk. The same assertions were made in public comments and were addressed in the Huffman Broadway report linked above. As stated in that report, which was prepared in consultation with the arborist retained by Applicants, Zachary Vought of Urban Forestry Associates:

Based on the extent of pruning and measures included in the Tree Protection Plan, the arborist has no reason to believe that the tree would not have a strong likelihood of surviving. The subject tree will continue to provide wildlife habitat and benefits after the proposed pruning. In addition, as the BSA notes, the removal of non-native vegetation and replacement with native species proposed by the project will result in improved habitat conditions. Letter from Huffman-Broadway Group (February 11, 2022), p.8,

The arborist visited the project site again in April 2022. He re-examined the site to confirm the extent of additional pruning to deal with roof overhangs, as story poles were not present at the time of his original report. Based on this recent visit, he has issued a supplemental report which concludes that while his original conclusions about the impact of

pruning have not changed, he is recommending that Applicants consider reducing the three-foot overhangs to one-foot to reduce impacts to the tree. As they have a strong interest in ensuring the tree's health, Applicants have accepted this recommendation and will reduce the overhangs where needed in consultation with the arborist once work begins. A copy of the supplemental arborist report is included with this letter as Exhibit B.

The Approval further confirmed the project meets applicable policy requirements regarding the oak tree:

The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of a substantial number of mature, native trees. As documented in the Arborist Report, prepared by Urban Forestry Associated Inc., dated May 2021, the project site contains a mature Coast live oak tree classified as a protected tree under the Marin County Code Chapter 22.27 (Native Tree Protection and Preservation). This tree will remain, and tree protection measures will be implemented during the construction phase. Additionally, as documented in the Biological Site Assessment reports prepared by Huffman-Broadway Group, Inc., dated May 2021, December 2021, and February 2022, the project includes removal of non-native vegetation such as ice plants and pampas grass and replacement with native shrubs and grasses. Therefore, the construction of the proposed project will not result in the irreplaceable removal of protected trees because the project proposes removal of non-native vegetation and replacement with native vegetation and protection for the existing Live Oak tree. Approval, p.5

As the oak tree unquestionably provides important aesthetic benefits to the Property, Applicants have an interest equally as strong as Appellants in ensuring its health. The Tree Protection Plan (found at page 16 of the project plans linked below) provides for robust protection of the tree during construction. There is no need for the Commission to second-guess the staff's conclusion that any threats to the tree will be properly managed.

<https://drive.google.com/file/d/1TLp8mVE2f9wpq82ygVarAgH64M4mbxqi/view?usp=sharing>

5. The Proposed Residence has been designed to minimize the impact on the neighbor's air, light, and privacy and accommodate the Applicants' needs

Applicants and their architect went to great lengths to design a residence that would minimize privacy and light impacts to Appellants. For example, the design observes the 30-foot height limit and provides a 5-foot side setback adjacent to the Appellants' property.

In working within a limited building envelope, a home with 2,511 square feet of living area was designed and approved by the Planning Division. Appellants have misleadingly referred to the project's "total building area" of 3,854 square feet which includes 535 square feet of garage and 808 square feet of non-habitable crawlspace. Appellants compare this figure to the "living area" (which does not include garage or crawlspace) of other residences in the area,

creating the false impression that the proposed project is substantially larger than other residences in the area. An “apples to apples” comparison of living areas (Appendix A) shows that there are several other homes in the area that are similar in size or larger than the proposed home. It is also important to note that the Property is not subject to any Floor Area Ratio requirements.

Appellants’ assertions that the project will impact their views, air, light and privacy were fully addressed and resolved in the Approval (pages 2-3, finding C, at page 9). Any development on the project site would have some impact. However, in California, “landowners do not have a right of access to air, light and view over adjoining property.” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492.) Yet, as noted in the Approval, the home was designed to minimize impact to Appellants and their property.

As discussed in the Approval, the design of the house incorporates a number of features on its east side (facing Appellants’ property) to mitigate alleged impacts to Appellants. The first story has been set back five feet from the shared property line. The second story has been stepped back between eight and ten feet from the property line. Roof overhangs have been reduced where they are adjacent to Appellants’ property. As indicated in the Approval, windows facing the Appellants’ residence have been designed to protect Appellants’ privacy. Most will have sill heights greater than six feet. None will “provide a clear line of sight or cause a substantial adverse impact upon the privacy of other properties.” With regard to views from the “elevated walkway” referenced in the appeal, that walkway only serves as access to the side of the garage and the back yard. This is not habitable space nor is it space where anyone would be expected to spend more than a few seconds, and thus, will not have a substantial effect on the Appellants’ privacy.

Appellants’ Proposed “Solutions” are Unacceptable

The two “solutions” proposed by Appellants would radically redesign the project and materially impact the functionality of the residence planned by the Applicants.

Solution 1 was proposed by the Appellants to the Applicants in May 2021. It would move the entirety of the proposed residence 10 feet closer to the road. It would eliminate the proposed turnaround area in front of the garage, requiring vehicles to back out into the busy Pt. San Pedro Road. This stretch of the road is dangerous due to the curve just west of the site; the adjacent residence to the west at 724 Pt. San Pedro Road was recently hit by a vehicle that missed the curve. Additionally, Solution 1 also would cause the house to exceed the 30-foot height limit and result in a 5-foot front setback, which is significantly less than adjacent properties. Appellants suggest that ceiling heights in the house be reduced to 8 feet (from 9 feet on the first floor and 8.5 feet on the second floor). The proposed ceiling height limits are fully consistent with current norms in the Bay Area. A reduction of ceiling heights will not have a substantial effect on light and air for neighboring properties due to the second story step-backs already incorporated into the design.

Solution 2 is a new idea from Appellants. It would require much of the living space planned for the second floor to be moved to the crawlspace of the house, which would have at most a 7.5-foot ceiling. It would require construction of another interior stairway to connect the first floor of the house. It would completely reconfigure and reduce in size the first floor, and shrink an already modest rear deck. It would also result in new living space with sub-standard ceiling height being created within one foot of base flood elevation, which would make it more likely to be impacted by sea level rise. This solution would have a significant negative impact on the home's design, reduce useable area, and add significant expense.

It is clear from these untenable "solutions" that the primary if not sole objective of Appellants in this appeal is to prevent any change to their unprotected Mt. Tam view. The first solution simply moves the whole house toward the street to allow a portion of this view to be restored to Appellants, while creating serious safety and functionality issues for Applicants. From a visual standpoint, moving the house 10 feet closer to the street would cause it to appear larger from the street. This "solution" is inconsistent with Appellants' claim that the house is too large for the neighborhood. The second solution shrinks the planned second floor, first floor and deck, and adds an additional living floor to the house simply to allow more of the Appellants' unprotected view to be preserved. From the street and the marsh side, the appearance of the house under this "solution" would not be much different. The Appellants expressed concern that the proposed project would appear as a three-story house from the rear, yet their second solution would result in a residence that would actually be three stories.

Conclusion

The extensive submissions by Applicants and their advisors and experts, and the Planning Division's well-documented and reasoned analysis, provide the Planning Commission a solid basis to uphold the Approval. Furthermore, the Appellants have not provided any convincing arguments against the proposed project and their "solutions" don't address their stated concerns regarding size and appearance. Applicants urge the Commission to defer to the Planning staff and deny the appeal.

Respectfully submitted,

John D. Wright

Ruth Kiskaddon

Dated: May 6, 2022

Appendix A

Living area of houses within 300 square feet of project site

Address	APN	sq ft
2 Beach Dr	186-142-06	1450
4 Beach Dr	186-142-07	1060
6 Beach Dr	186-142-25	1451
106 Oak Dr	186-141-10	2400
108 Oak Dr	186-141-11	2670
700 Pt San Pedro Road	186-142-01	1120
704 Pt San Pedro Road	186-142-02	2592
708 Pt San Pedro Road	186-142-37	1032
712 Pt San Pedro Road	186-142-05	1200
726 Pt San Pedro Road (proposed)	186-142-03	2511
724 Pt San Pedro Road	186-141-02	1126
732 Pt San Pedro Road	186-141-04	2240
736 Pt San Pedro Road	186-141-05	1176
738 Pt San Pedro Road	186-141-06	2154
740 Pt San Pedro Road	186-141-07	2947
745 Pt San Pedro Road	186-132-23	3442
748 Pt San Pedro Road	186-141-26	2352
755 Pt San Pedro Road	186-132-22	2545
756 Pt San Pedro Road	186-141-09	1368

Additionally, two other houses immediately around the marsh area have living areas larger or nearly identical to the proposed project: 34 Marine Drive at 2551 square feet and 116 Oak Drive at 2510 square feet.

Source: Marin County property tax records

Appendix B

Comment letter from owner of 724 Pt San Pedro Road (adjacent to Property on west)

From: Bereket, Immanuel <IBereket@marincounty.org>
Sent: Tuesday, December 07, 2021 10:08 AM
To: John Wright <johndwright1125@gmail.com>
Subject: RE: Rushworth Design Review - P-3173 (726 Pt San Pedro Road, San Rafael)

i will check but i think it is. If not, it will be added.

From: John Wright <johndwright1125@gmail.com>
Sent: Monday, December 6, 2021 5:52 PM
To: Bereket, Immanuel <IBereket@marincounty.org>
Subject: FW: Rushworth Design Review - P-3173 (726 Pt San Pedro Road, San Rafael)

Hi Manny, I did not see this comment included in the comment packet.

From: Bereket, Immanuel <IBereket@marincounty.org>
Sent: Wednesday, November 03, 2021 9:30 AM
To: John Wright <johndwright1125@gmail.com>
Cc: 'Bill Engelhardt' <bill@en-arch.com>
Subject: RE: Rushworth Design Review - P-3173 (726 Pt San Pedro Road, San Rafael)

John,

Thank you for forwarding this comment.

We sent out the notice already and are gave the public and agencies to send their comments on or before November 15, 2021.

We will send you all the comments, if any, at the conclusion of the comments period.

Manny

From: John Wright <johndwright1125@gmail.com>
Sent: Monday, November 01, 2021 12:46 PM
To: Bereket, Immanuel <IBereket@marincounty.org>
Cc: 'Bill Engelhardt' <bill@en-arch.com>
Subject: Rushworth Design Review - P-3173 (726 Pt San Pedro Road, San Rafael)

Hi Manny, I received this email this morning from the owners of the neighboring property at 724 Pt. San Pedro Road. I don't know if your office has yet mailed notices of the application to the neighboring property owners. Thank you.

-----Original Message-----

From: Harry Weiss <hweiss@san.rr.com>
Sent: Monday, November 01, 2021 10:04 AM
To: johndwright1125@gmail.com
Subject: Plans for house on parcel 03 on Pt. San Pedro Rd.

My name is Cynthia Weiss. I am the owner of parcels 186-141-01 and 02. I am delighted that you are going to build a home on this lot. Your plan looks well thought out. I hope the city will approve your plans as I feel this project will be an asset to our community. I am thrilled that this lot will no longer be used by neighbors as a dumping ground for clippings and trash. This project can only improve our neighborhood.

Sincerely,

Cynthia Weiss

Appendix C

From: bonitamarmor <bonitamarmor@comcast.net>
Sent: Friday, May 14, 2021 3:21 PM
To: John Wright <johndwright1125@gmail.com>; Ruth Kiskaddon <rkiskaddon@yahoo.com>
Cc: Bill Gates <wwgates@comcast.net>
Subject: Following up regarding plans

Dear John and Ruth,

Thank you for arranging for us to have the opportunity to review the plans and ask questions of your architect. Our meeting last Friday helped us to better understand the details of your plans.

Although we did not mention during the meeting our own plans for an addition to our home, you will recall that we mentioned to you in one of our first conversations that we would like to add a small addition toward the street. Our plans also include a push out of the front part our home on the West side. We may consider an upstairs addition, too, but have held off submitting our plans in part because we wanted to have a better idea of what would happen with the vacant lot.

We want to be sure that you understand that one reason we have asked you to increase your East side yard setback from the property line (to 7 feet) is due to our plans to push out a portion of our home on the West side of our house, to a 3'-6" side setback from the property line, which will decrease the overall space between our homes.

Just as you have extended us the courtesy of previewing your plans prior to Design Review Submittal, we will extend the same courtesy to you prior to our Submittal.

Thanks for giving this your consideration.

Best,

Bonnie & Bill

Exhibit A-1.1 Deck at Appellants' residence at 732 Pt San Pedro Rd with Mt. Tam view windows



Exhibit A-1.2 Deck at Appellants' residence at 732 Pt San Pedro Rd built without setback



Exhibit A-2 View of New Construction of >3000 sq. ft. Loch Lomond homes and Project story poles (within marked circle, to left of the oak tree just below the large white house at far right). This shows new construction of larger homes in the immediate vicinity.



Exhibit A-3 View of houses at 724-740 Point San Pedro Road showing Project story poles



Exhibit A-4 Aerial view of marsh area showing numerous buffer zone encroachments. Note in particular the encroachments at Appellants' residence at 732.

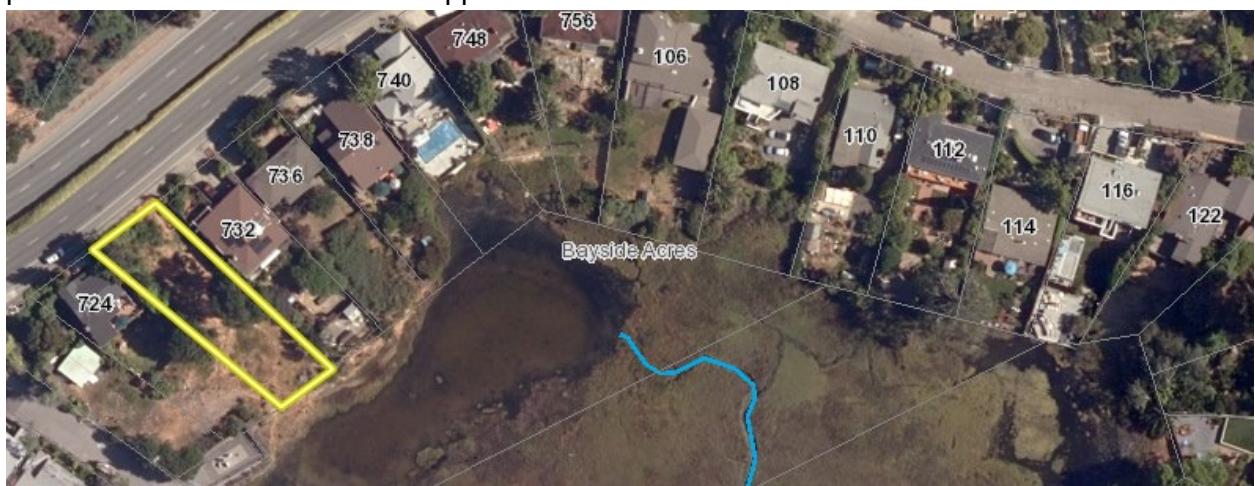


Exhibit A-5 Buffer zone encroachments along marsh



Exhibit A-6 Back yard of Appellants' residence at 732 Pt San Pedro Rd – within buffer zone



Exhibit B Supplemental arborist report (double click on file for both pages or see report at this link)

<https://drive.google.com/file/d/1KI-cuAluWWMX2qwv1wpaggiEnK2fVizu/view?usp=sharing>

Urban Forestry Associates
726 Pt. San Pedro Rd.

May 5, 2022

Client: John Wright
Arborist: Zach Vought
Project Address: 726 Pt. San Pedro Rd., San Rafael
Inspection Date: April 19, 2022


URBAN FORESTRY ASSOCIATES, INC.

ASSIGNMENT/ BACKGROUND
John Wright hired me to reevaluate potential pruning of a heritage-size coast live oak tree resulting from the proposed home construction project at 726 Pt. San Pedro Rd. in San Rafael. The story poles were previously not present during my initial assessment of the degree of pruning necessary to accommodate the home. The purpose of the assessment was to determine if the estimated degree of pruning has changed based on the story pole locations and proposed (3') roof overhangs.

OBSERVATIONS
I performed a site visit on 4/19/22 to evaluate the tree and story poles. I am informed that the plans call for three-foot overhangs on the roofline. Photos from my site visit can be seen on page 2 of this report. The condition of the tree has not changed notably since I last evaluated the tree in March 2021. The tree continues to exhibit good health.

CONCLUSIONS
Based on my evaluation of the story in relation to the tree, my conclusions regarding the potential impacts of pruning have not changed. The three-foot overhangs currently proposed could increase the amount of pruning. Reducing the length of the overhang should be considered to reduce impacts to the tree.

RECOMMENDATION
Reduce the roof overhand from three to one foot where possible to reduce the amount of pruning necessary for clearance between tree limbs and the new home.

SCOPE OF WORK AND LIMITATIONS
Urban Forestry Associates has no personal or monetary interest in the outcome of this investigation. All observations regarding trees in this report were made by UFA, independently, based on our education and experience. All determinations of health condition, structural condition, or hazard potential of a tree or trees at issue are based on our best professional judgment. The health and hazard assessments in this report are limited by the visual nature of the assessment. Defects may be obscured by soil, brush, vines, aerial foliage, branches, multiple trunks or other trees. Even structurally sound, healthy trees are wind thrown during severe storms or other weather events. Consequently, a conclusion that a tree does not require corrective surgery or removal is not a guarantee of no risk, hazard, or sound health.



Zachary Vought, Urban Forester
Registered Consulting Arborist #691
ISA BCMA WE-0995B
ISA Qualified Tree Risk Assessor

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