

Application for Residential Design Review

Marin County Planning Department

726 Point San Pedro Road, San Rafael (APN 186-141-03)

Applicants: Ruth Kiskaddon and John Wright

Authorization Code SC-05-FY21-031

Materials Submitted with Application

Included with plan sets (hard copy and on USB drive)

Site plan

Grading plan

Drainage plan

Utilities plan

Story pole plan

Floor plans

Building elevations

Cross sections

Materials, colors and details

Landscape plan

Separate documentary materials

Application form and email with authorization code

Arborist's report (Tree Protection Plan Report and Tree Protection Plan) (on USB drive)

Authorization letter

Biological Site Assessment (on USB drive)

Check for application fees

Copy of mailing sent to residences within 300 feet and around marsh (on USB drive)

Preliminary title report (on USB drive)

Project description and supplemental information (this document and on USB drive)

Topographical survey (on USB drive)

Summary project description

John Wright and Ruth Kiskaddon (Applicants) are currently in contract to purchase a vacant parcel at 726 Point San Pedro Road and are applying for design review approval to construct a single-family residence on the parcel. The sellers and current owners, John and Teresa Rushworth, have provided a letter authorizing the Applicants to submit this application. A title report showing the Rushworths as the current owners is enclosed as part of the application materials.

The subject parcel is a 6,750 square foot (0.16-acre) parcel (Marin County Assessor's Parcel No. 186-141-03) within the Bayside Acres neighborhood near San Rafael, Marin County, California. The property can be accessed from Point San Pedro Road. Lands to the north and east of the 0.16-acre parcel are developed with residential uses. There are existing single family residences on each side of the parcel (724 and 732 Point San Pedro Road).

The subject lot descends in elevation from approximately 21 feet along the northern border of the property adjacent to Point San Pedro Road to as little as 8 feet at the southern end of the property adjacent to a salt marsh on the adjacent property (owned by the State Lands Commission). The nearest edge of the salt marsh wetland is located 9 feet beyond the southern (marsh side) border of the project site. This salt marsh is bordered on the west and south by Beach Drive which connects to Point San Pedro Road. Additional residential uses on the south side of Beach Drive are found south of the salt marsh. The Loch Lomond Marina is located west of the project site across Beach Drive and an intervening tidal channel.

There are a number of constraints to constructing a single-family residence on the subject parcel. Half of the lot is in the 100-year flood zone and within a Wetland Conservation Area that includes a 100-foot buffer zone from the wetlands on the adjacent property as required by the Marin Countywide Plan, there is a large live oak tree located in the center of the lot on the left-hand side, the front portion of the lot slopes quite steeply, and the County Development Code applies a 30-foot height limit to the project.

These constraints have led the Applicants' architects and engineers to design a project with a limited building envelope at the top of the lot, with the proposed house set back about 25 feet from the sidewalk and with minimal incursion into the required setback from the wetlands.

The Applicants have developed a site plan for the project that includes a two-story home with 2,511 square feet of living space and a two-car attached garage. The design will place the garage with level access into the house and the ability to turn around on a driveway adjacent to Point San Pedro Road. The Applicants' goals include preserving the natural setting of the property to the extent possible, including the preservation of the large oak tree, protection of the wetlands as required by County policy, and habitat restoration within much of the area within the project site that is within the Wetland Conservation Area.

The proposed house would be constructed on a platform slightly below the level of the sidewalk, and about 8 feet above ground at the rear due to the slope of the lot. To stay within the height limit, the structure would have a flat roof. There would be an approximately 12-foot-deep deck at the rear of the house. Although setbacks are not required under applicable zoning, the house would have a 5-foot setback on both sides. Most of the second floor will have further setbacks from the edge. With the exception of several feet at the rear of the house, all portions of the foundation and necessary ground disturbance for its installment would be outside of the wetlands buffer zone. All other construction for the residence would be outside of the 100-foot wetland buffer zone with the exception of supports for the deck and deck stairs, placement of gravel beneath the deck, a small concrete landing at the bottom of the deck stairs and energy dissipators related to control of runoff from the roof of the structure. The project will require connection to the existing sewer line which will require trenching to install a sewer pipe along the southern boundary of the site within the 100-foot setback. This work will include implementation of Best Management Practices related to erosion control (use of silt fence and straw wattles) and will be conducted such that the trench will be backfilled to achieve pre-existing contours and planted with native vegetation.

Although a portion of the large oak tree will need to be trimmed, the Applicants is working with an arborist to ensure the survival of the oak tree. The portion of the proposed house closest to the tree will be built on support posts in order to limit disturbance of tree roots. Please refer to the Arborist's Report that has been submitted. Per County requirements, there will be a management plan to protect the tree during construction.

Landscaping plans have been prepared with a goal to improve the quality of the habitat within the Wetland Conservation Area. The landscape plan includes removal of non-native vegetation (including invasive species such as ice-plant) and plantings of native shrubs and herbaceous species between the proposed house and the southern (marsh side) boundary of the parcel.

Applicants will be submitting a permit application to the Bay Conservation and Development Commission, as a portion of the project will be within the BCDC's 100-foot shoreline band jurisdiction. At this location, the shoreline band is co-extensive with the County's Wetland Conservation Area buffer zone.

Biological Site Assessment

Applicants have obtained a Biological Site Assessment (BSA) from the Huffman-Broadway Group in San Rafael. A portion of the project will occur within the Wetlands Conservation Area (WCA) buffer zone. For parcels such as the subject parcel that are located within the Baylands Corridor, a minimum 100-foot development setback from wetlands is required. The BSA report (submitted with this application) concludes that the project qualifies for Exception 4 to compliance with the WCA setback standards as set forth in the Biological Resources section of the Marin Countywide Plan:

4. Wetlands 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.

No project work will occur in the wetlands itself. The BSA report (at page 30) concludes that:

No significant biological impacts would result from implementation of the proposed project, and the findings of this Biological Site Assessment are that “minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands” as required for an exception to full compliance of the WCA requirements according to the Marin Countywide Plan.

Supplemental Information

The proposed project is compatible with house sizes in the surrounding neighborhood.

The proposed living area of the project is 2511 square feet. There are four houses larger than the proposed project within 300 feet. There are a total of eight houses within that area of more than 2000 square feet, including the adjacent 732 Point San Pedro Road at 2240 square feet.

Neighbors have received information about the project. Concessions have already been made to the neighbors who will be most impacted.

Applicants sent a letter on April 5 to residents at addresses within 300 feet of the property and around the marsh (some are beyond 300 feet). A copy of the letter is included in the application materials. To date, favorable verbal comments have been received by the resident at 704 Point San Pedro Road. No other comments have been received except as discussed below.

The neighbors at the adjacent 732 Point San Pedro Road residence, Bonnie Marmor and Bill Gates (who had also received earlier communications from Applicants) have raised concerns with Applicants about the fact that the project will block a view of Mount Tamalpais from their living room to the southwest, and will affect the light from that side. The east peak of the mountain is around eight miles away.

As shown in the linked photos, the primary view of the 732 Point San Pedro Road residents is to the wetlands area and the bay beyond – a view that is unaffected by the proposed project. In the first photo, 732 is to the right of the lot, 724 (a small white house) is to the left. In the second photo, the view to the marsh and bay is shown with 732 on the left.

https://drive.google.com/file/d/1MY6VdjEciRyXVtHa68lcsvDIA_h6JvUe/view?usp=sharing

<https://drive.google.com/file/d/1k0JMt-GJhlsncAcG3R8E02niu-dM5fTr/view?usp=sharing>

A photo of the southwest-facing side of the 732 Point San Pedro Road residence taken on April 23 shows that there are few windows on that side (some are in fact blocked), and any distant mountain view and living room light is already heavily filtered by the branches of the adjacent oak tree.

<https://drive.google.com/file/d/1Mn5jRorsSGLU4LMPUW-S8PNy6UBRISEs/view?usp=sharing>

The primary view from 732 Point San Pedro Road, toward the salt marsh and San Francisco Bay, is not affected by the Applicants' proposed project. Unfortunately, given the constraints of the lot at 726 Point San Pedro Road, it does not seem possible to develop the property without impacting the secondary view from 732 Point San Pedro Road toward Mount Tamalpais.

The Applicants and their architect met on May 7 via Zoom with Marmor and Gates to review the project. During that meeting, the constraints of the lot and the proposed building size and

location were discussed as well as design measures already taken to protect privacy, light, and air for 732. The only specific change requested by Marmor and Gates was that the proposed building be moved two feet closer to the property at 724. This would result in a 7-foot setback for 732 and only a 3-foot setback for 724.

Applicants' architect studied this possible change but such a move would create height issues due to the uneven topography of the site. In addition, having a 3-foot setback on the 724 side would trigger additional fire safety requirements and would require that overhangs on that side of the building be shortened. Unfortunately, larger overhangs are necessary on that side of the building to shade windows and the required fire-rating would increase project costs.

In an effort to mitigate Marmor and Gates' concerns, the Applicants and their architect have cut back the width of most of the eaves on the side of house facing 732 by one foot as compared to their original plan. The eaves facing 732 had already been reduced by one foot relative to the rest of the building. This will have the effect of moving the building one foot farther away from 732, further mitigating and impact the proposed project will have on access to light and air for that property.

The only other specific request made by Marmor and Gates was that any air conditioning compressors or heat pumps be located on the 724 side of the property. The proposed air conditioning compressor location is at the rear of the house, under the deck, and toward the center of the property, in an effort to mitigate noise issues for both 724 and 732.

The proposed design strives to minimize the effects on neighbors as much as possible. Almost all side windows facing buildings have been located high on the wall in order to protect privacy for both neighbors. Most eaves have been cut down to one foot on the 732 side to provide greater access to light. Five-foot setbacks have been provided at both sides of the lot and second story has been stepped back on front and both sides of the building.