

MEMORANDUM

TO: Marin County Planning Commission

FROM: Immanuel Bereket

DATE: June 10, 2022

RE: Agenda Item No. 4 – Marmor Appeal of the Rushworth Design Review Approval

The purpose of this memorandum is to provide additional correspondences to the Planning Commission staff received since the publication of the staff report. Enclosed, you'll find correspondences from Bonita Marmor and John Wright, the appellant and applicants respectively, as well as members of the public, both in support and in opposition of the proposed project.

ATTACHMENTS:

1. Email correspondence from Ogden Hamilton, dated Sunday, June 5, 2022
2. Letter from Sandy Mahoney, dated Wednesday, June 8, 2022
3. Email correspondence from Elaine Goldman, dated Thursday, June 9, 2022
4. Letter from Bonita L. Marmor and William Gates, dated Thursday, June 9, 2022
5. Letter from Bill Englehardt, dated Thursday, June 9, 2022
6. Letter from John Wright, dated Thursday, June 9, 2022

Bereket, Immanuel

From: Ogden Hamilton <ogden.hamilton@gmail.com>
Sent: Sunday, June 5, 2022 9:15 PM
To: Bereket, Immanuel
Subject: Rushworth Design Review (P3173)

This comment is for the record.

My wife, Jo, and I have read the appeal of the Planning Staff's conditional approval of the permit. The finer points the appeal raises are above our pay grade, but they don't seem to be material; therefore we encourage the Planning Commission to approve the permit.

The additional information in Applicants' rebuttal certainly demonstrates that the square footage of the proposed house is consistent with that of other houses in the neighborhood. Since the rebuttal was filed the County Assessor has increased the square footage of our house a 738 Point San Pedro Rd. from 2,154 in Applicants' rebuttal to 2,452 square feet—effectively the same as that of the proposed house.

We note as well that additional information from the Applicants shows correctly that nearly every residence that borders the wetlands encroaches on it more than proposed house would. We hope the Planning Commission's thinking on Wetlands encroachment takes that context into consideration.

Thank you for considering this comment.

Jo and Ogden Hamilton
738 Point San Pedro Rd.
812-322-0972

June 8, 2022

Immanuel Bereket
Marin County
Planning Department
Re: APN 186-141-03

Dear Mr. Bereket,

I have lived two doors down from the vacant lot on Point San Pedro Road referenced above since 2004. In my many years walking by the site, it has provided unobstructed vistas that many like myself have become accustomed to enjoying. It was inevitable that a home would be built on the site.

Hopefully, though, any approved plans will be in keeping with the current building heights on Point San Pedro Rd--specifically in the unique and sought-after Chicken Point neighborhood--both from Point San Pedro Road AND as one strolls along Beach Drive. It is not hard to see how different the lines of this plan are, showing story poles that exceed the roof lines of its neighbors quite drastically, and does not, in any way, follow the flow of the road, near Beach Drive where the road is lower and gently rising up heading east toward Bayside Park.

The most important point I think should not be overlooked is how these proposed plans will impact its immediate neighbor--Bonnie Marmor and Bill Gates. Their views will be cut off if the home is built as the current plans (story poles) indicate. I have been inside their home, my next door neighbors. Their current views are breathtaking--both of Mt. Tam and of the horizon of water, with both morning and afternoon sun gleaming through their picture windows. As a real estate agent, I know that views (especially of our local icon, Mt. Tam) have a significant (positive) impact on the value of a property. The current plans as I have viewed them (from both the paper drawings as well as seeing the story poles through their windows) unequivocally cut off Bonnie's and Bill's decades-long views of Mt. Tam as well as block out a lot of light. This is tragic and can have a lasting effect not only on the value of their home but also on their personal enjoyment.

Please consider scaling back the plans up for review, to take into account the existing properties that are directly and indirectly impacted by the current plans. Save Bonnie's and Bill's views AND the natural light in their home that they have enjoyed for over 22 years; and save the neighborhood spirit of cooperation by thinking of options that allow this project to proceed but also respect present conditions...There are always options.

Sincerely,
--Sandy Mahoney

Bereket, Immanuel

From: ELAINE GOLDMAN <elaine_goldman@sbcglobal.net>
Sent: Thursday, June 9, 2022 8:01 AM
To: Mosher, Ana Hilda
Cc: Bereket, Immanuel
Subject: Planning Commission Hearing on Appeal of the Rushworth Design Review

Dear Sirs,

We are neighbors at 712 Pt. San Pedro Road, Elaine Goldman and Tom O'Brien and would like to give our opinions on some of our concerns regarding this property.

Our community in Chicken Point is unique, in that, it does not have the large homes that are in The Strand, or further on Bayview Drive. We feel that this house at over 3,319 square feet is way above what the homes are in our neighborhood; our home is probably 1500 Square feet, if that.

We believe that such a large structure would adversely affect our natural resources and character of our local community.

In addition, as we said in an earlier comment , we believe the proposed house encroaches upon our wetland in this area.

Thank you for taking the time to read of our concerns.

Elaine Goldman and Tom O'Brien

**Bonita L. Marmor and William Gates
732 Pt. San Pedro Road
San Rafael, CA 94901**

June 9, 2022

Dear Planning Commission Members:

We plan to make a brief presentation during the June 13 Planning Commission on the Appeal from the Conditional Approval Rushworth Design Review. We are concerned that the findings set forth in the Staff Report are based in significant part on inaccurate information. Such incorrect information should not be relied upon in your consideration of our appeal.

We request that you review the information we are submitting with this letter to demonstrate inaccuracies in the Staff Report. These include incorrect data and misleading information regarding the size of homes in the neighborhood—and the scope of the vicinity that should properly be considered as part of the relevant neighborhood. Larger homes, not within the neighborhood were included, apparently in order to justify a home that is simply too large for this site and vicinity.

We urge you to consider the issues set forth below.

Respectfully submitted,

Bonita Marmor and William Gates

1. Miscalculation of total building area and FAR.

The Project summary and the findings report the building area and FAR as having “a building area of 3,854 square feet, a (adjusted) floor area of 3,319 square feet, and a floor area ratio (FAR) of 48 percent ...” However, it appears *another* space, a 11- 2” x 18’-0” room, labeled “Crawlspace” (indicated with arrows on the relevant sections below copied from applicant’s plan) was not included in the calculation.

Including the missing 200’ feet of Crawlspace/Understory, the total building area is 4054 square feet. (3854+50). This results in a 50 percent FAR. Please see the attached plan and section views of this area.

2. Errors regarding Mass, Bulk, and Neighborhood Compatibility

On page 11 of the Staff Report, without providing any data nor reason for including properties as far as 600 feet away, states that homes within that area have an average area of 2,290 square feet and that at 3,319 square feet, “the size of the proposed residence would be consistent with the range of residences in the vicinity.” A 600 foot radius of home comparison is not representative of the perceived site context. This wide scope captures homes that are outside the Chicken Point neighborhood and not relevant, but we and the Planning Commission cannot determine which homes are included. Undoubtedly, this includes some homes not visible from the subject property such as homes across the four lane divided Pt. San Pedro Roadway and up the hill on Bayview Drive. Some of those homes sit on huge lots, 30,000-70,000 square feet or more. (See, for example, attached assessor records for homes on Bayview Drive listed by the County as within 325 feet of the subject project and to which notice of this hearing was mailed. Furthermore, even if consideration of the size of homes within 600 feet was appropriate, at 3,319 square feet or, for the reasons stated above, 3,519 square feet, the subject property is far larger in mass and bulk than the 2,290 square foot average stated in the staff report and incompatible with the broader vicinity.

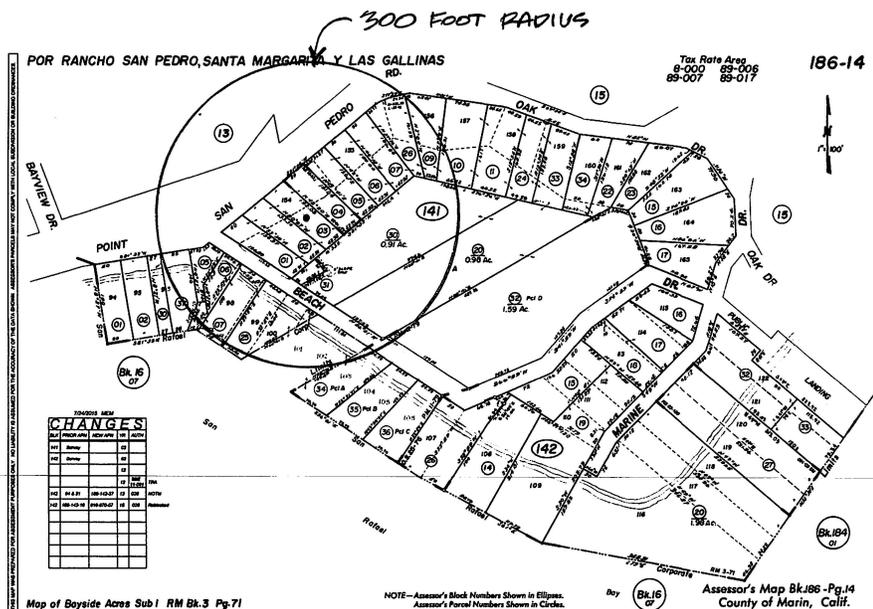
Appendix A to the Applicant’s Rebuttal purports to list houses within 300 feet. We believe a 300 foot radius is appropriate (rather than the 600 foot radius). However, their list includes homes that are further than 300 feet from the subject property. A 300 foot radius to scale is shown on the Assessor’s map (Bk.186-14), attached below. On page 9 of our November 29, 2021 Design Review Submittal we presented accurate data from the Assessor regarding the relevant nearby homes. In fact, these are the same homes listed on Applicant’s Appendix A, However, their Appendix A list includes errors in the square footage listed, inappropriately includes homes on the far side of Pt. San Pedro Road, and includes two unit buildings. The calculations we submitted on page 9 of our November 29, 2021 Design Review Submittal are shown by the assessor’s records to be accurate, i.e, the average square footage of the 12 single family homes within 300 feet of the subject property is 1569 square feet. These calculations and corrections are illustrated on the Appendix A-Corrections chart below and with constant with the attached Assessor Office records showing that our numbers are accurate (Appellant’s Exhibit 5).

These records show that the 2511 square foot living area of Applicant’s proposed home, if approved, would be the largest of any single family residence within 300 feet of the project. As mentioned in a letter submitted by one of the neighbors, most homes in the neighborhood have no garage. Comparing the total building area of this project, including the 808 square-foot understory, 200 square foot crawlspace, and 535 square foot garage, to other homes within 300 feet, this proposed home is far larger. The report’s comparison of the relative mass and bulk of the subject property to other properties is inapt and underestimated. The proposed project’s living space is twice the average size of nearby homes and has a FAR twice as large as the other surrounding properties. Therefore, it is not “moderate” in size as described in the Staff Report.

Appendix A - Corrections

Address	APN	Living Space, sq ft	Comments
		(Correction)	
Proposed 726 Pt San Pedro Road	186-141-03	2,511	Proposed
2 Beach Dr	186-142-06	1,450	1 Add Houses 1 thru 12 ...
4 Beach Dr	186-142-07	1,060	2
6 Beach Dr	186-142-25	1,451	3
106 Oak Dr. Outside 300' Radius	186-141-10	2,400	Outside 300' Radius
108 Oak Dr. Outside 300' Radius	186-141-11	2,670	2,389 Per Assessor, TWO units
700 Pt San Pedro Road (PSPR)	186-142-01	1,120	4
704. (PSPR)	186-142-02	2,592	TWO units
708. (PSPR)	186-142-37	1,032	5
712. (PSPR)	186-142-05	1,200	6
724. (PSPR)	186-141-02	1,126	7
732. (PSPR)	186-141-04	2,240	8
736. (PSPR)	186-141-05	1,176	9
738 (PSPR)	186-141-06	2,154	10
740. (PSPR)	186-141-07	2,947	2,472 11 Per Assessor
745 (PSPR) Outside 300' Radius	186-132-23	3,442	Across PSPR
748 (PSPR)	186-141-26	2,352	12
755 (PSPR). Outside 300' Radius	186-132-22	2,545	Across PSPR
756. (PSPR). Outside 300' Radius	186-141-09	1,368	Outside 300' Radius

Adding Houses 1 through 12 (shaded rows) = 18,833 sq. ft. 18,833 divided by 12 = **1,569** sq. Ft. AVERAGE



3. Incorrect findings related to views, light, and air:

Among the most startling misstatements in the Staff Report is the finding on page 6 that the project will result in a building “oriented and sited to minimize potential visual effects to adjoining neighbors.” This ignores the fact that we will be looking directly at a gray wall about 10 feet from our living room picture windows that completely blocks our scenic vista of Mt. Tam and western light and sunsets.

We believe the project is not oriented and designed to minimize visual effects but it could be with reasonable modifications to the design and siting. We submitted suggestions regarding potential solutions which have been ignored or rejected.

On Page 5 of the Findings, the Staff Report states that “Depending on a vista point, available views are both immediate and distant in nature, including a view of San Rafael Bay, the San Rafael Bridge, distant cities, distinctive geologic features such as the East and West Marin Islands, Marin Islands National Wildlife Refuge, hillside terrain, wooded canyons, ridges or bodies of water.” There is absolutely no mention of our stunning view of Mt. Tam from our living room. We have submitted photos of our view to Mt. Tam as a result of this project, yet it is conspicuously absent from consideration in this discussion. We will permanently and completely lose our primary view of Mt. Tam.

It is worth noting that in the Background section of the Project Summary, Page 3, that “the adjacent neighbor to the northeast at 732 PSPR objected to the proposed project based on its *purported* impacts on views, privacy, and access to sunlight.” The use of the word “purported” in this context reveals the County’s rather dismissive attitude towards the very real impacts this project will manifest if approved as currently designed. We have submitted very tangible evidence that our views and from our west facing living room picture windows will be destroyed but the report utterly fails to address that fact.

4. Privacy Concerns Ignored:

The Staff Report findings on page 6 regarding our privacy concerns fail to address the fact that the elevated garage walkway will provide a view directly into our master bed and bath. In addition, the elevated rear deck will provide a platform from which to look directly onto our rear deck and hot tub.

5. Evidence to Substantiate our Claims:

On the page 2, the Staff Report inexplicably states that we have provided no evidence to substantiate our claims with regard to Design Review Guidelines and with the CWP. In our comment letters dated November 29, 2021, December 6, 2021, and January 3, 2022, as well as in our Appeal, we demonstrated how the project conflicts with Design Review Guidelines and with the CWP. We also submitted a report from a wetlands expert, Dr. Stuart

Siegel, which constitutes evidence to support our claims and raised substantial questions as to whether this project should be exempt from CEQA.

Our comment letters include some specific quotes from the applicable sections of the Design Review Guidelines. The Staff Report suggests that because we have not identified which development standards or design guidelines the project violates, our comments are being ignored. We are not aware of any requirement for the public to cite each specific section in order for staff to consider our objections.

6. Protected Heritage Coastal Live Oak:

On page 5, the Report states that “The Appellant has provided no evidence or expert reports to substantiate their assertion or to contradict the conclusions reached and the recommendations made by Urban Forestry Associated, Inc.” It was only after appellants pointed out that there were roof overhangs which would increase the total amount and depth of limb trimming (the story poles show only the vertical wall planes), that the Supplemental Arborist Report recommended that the three-foot roof overhangs should be reduced to a one foot to ensure the tree's long-term survival. The arborist not only “reiterated” his prior recommendations (despite the realization that there were roof overhangs involved), he stated: “his original conclusions about the impact of pruning have not changed”.

We apparently must point out now that in addition to the overhang depths, there is an **additional** gap required for Fire Safety and Wind Sway clearance. This further extends the actual amount and depth of “required” limb trimming. The Staff Report fails to ask why the arborists original recommendations have *not* changed.

On page 9 of **General Site Design Objectives** of the Marin County Community Development Agency, Single-family Residential Design Guidelines: A-1.1 Tree/Vegetation Removal:

“Development should be sited to **minimize the removal of natural vegetation, including trees**, except where required to maintain defensible space for the residence and nearby structures.”

- “Trees are important aesthetic and ecological resources that contribute to Marin County’s distinctive landscape character. Existing mature trees (including trees over 6 inches in diameter and all native trees that are protected by the County’s Native Tree Preservation and Protection Ordinance – Chapter 22.27) and natural vegetation should be integrated into the site plan in a manner that **takes into account Fire Safety considerations**. Removal of mature or native trees should be avoided whenever possible.”

The Arborist Report does not address the damage to biodiversity caused by radical tree trimming, only the likely hood of the survival of the tree (which is not guaranteed).

EH-4.1 “Limit Risks to Structures. Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.”

Adding up all of these required clearances, the total amount of limb trimming will easily exceed 25% of the total tree foliage. The illustration provided by the arborist of the expected limb trimming appears to show an anticipated trimming of about 1/3 of the tree foliage. For context and comparison, in San Anselmo, a “Permit is required to remove or significantly prune any heritage tree on undeveloped property. Pruning is defined as, and is limited to no more than 25% of the tree's foliage.”

One of the Findings is that the project “would not entail the irreplaceable removal of a substantial number or mature, native trees.” With this letter we are submitting evidence that in the past the property owner cleared protected trees for this development. We checked with the County and confirmed that no permits were issued for the removal of the two protected trees. Because of that we urge the Planning Commission to consider providing extra protection for the last remaining heritage tree on this lot. Please see attached photographs of protected trees that were removed.

7. Wetland Encroachment

The Staff Report ignores the conclusions of the report by Dr. Siegel which disagreed with conclusions contained in the Applicant’s Biological Site Assessment. On pages 4-5 of the findings the Report states that “The CWP polices (sic) permit minor encroachments into the 100-ft WCA is permitted where biological assessments *conclusively* demonstrate no impacts to environmental resources would occur due to the project. (Emphasis added.) This is a misstatement of the policies set forth in the CWP. Appellant’s expert concluded that the project would have a significant effect and as such the exception allowing for a wetland encroachment should not be allowed. It is not relevant that other properties in the area are known to encroach—many of those encroachments existed prior to the 2007 implementation of the CWP. And, as Dr. Siegel noted , the encroachments only make it more important to preserve the buffer where possible. In this case it is not only possible, but it would benefit the Coastal Oak to modify the siting of the project to avoid the tree drip line and wetland buffer zone.

8. Page 14, Section III, Conditions of Project Approval Error

The following reference refers to another project entirely, and is an erroneous entry:

Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "**The Carter Family Home**," consisting of 25 sheets prepared by Studio Nahemow Design, received in final form on September 9, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

- All roof overhang shall be reduced to a one-foot overhang.

In support of the above comments we attach the following Exhibits for your consideration:

**Correction to Assessor Information Provided by Applicants in Exhibit A of their
Rebuttal to Appeal**

Relevant Posted Assessor Records

Correction to Assessor Information Provided by Applicants

Relevant Posted Assessor Records

740 Point San Pedro Road

Parcel and Deed Information for Tax Roll Year: 2021

Parcel Number	Deed Reference Id	As of Date
186-141-07	20-063257	01/01/2021

Property Characteristics for Tax Roll Year: 2021

Use Code		11
Use Code	Single-Resid. - Improved	
Living Units		1

Property Characteristics as of 06/07/2022

Use Code		11
Use Code Definition	Single-Resid. - Improved	
Living Units		1
Land Sq. Ft.		7,500
Construction Year		1979
Living Area Sq. Ft.		2,472

Number of Bedrooms	4
Number of Bathrooms	3
Garage Sq. Ft.	418
Deck/Patio Sq. Ft.	1,248
Pool Sq. Ft.	454
Unfinished Sq. Ft.	290

704 Point San Pedro Road

Parcel and Deed Information for Tax Roll Year: 2021

Parcel Number	Deed Reference Id	As of Date
186-142-02	18-030346	01/01/2021

Property Characteristics as of 06/07/2022

Use Code	21
Use Code Definition	Multiple-Resid. - Improved
Living Units	2
Land Sq. Ft.	7,500
Construction Year	1939
Living Area Sq. Ft.	2,592
Number of Bedrooms	5
Number of Bathrooms	3.5
Garage Sq. Ft.	200
Deck/Patio Sq. Ft.	300
Pool Sq. Ft.	0
Unfinished Sq. Ft.	0

Bayview Drive Properties within 325' of Subject Property

Parcel and Deed Information for Tax Roll Year: 2021

Parcel Number	Deed Reference Id	As of Date
186-132-41	19-018089	01/01/2021

Property Characteristics as of 06/09/2022

Use Code	11
Use Code Definition	Single-Resid. - Improved
Living Units	1
Land Sq. Ft.	31,234
Construction Year	1952
Living Area Sq. Ft.	2,976
Number of Bedrooms	4
Number of Bathrooms	3
Garage Sq. Ft.	0
Deck/Patio Sq. Ft.	1,809
Pool Sq. Ft.	160
Unfinished Sq. Ft.	144

Parcel and Deed Information for Tax Roll Year: 2021

Parcel Number	Deed Reference Id	As of Date
186-132-15	99-041287	01/01/2021

Property Characteristics as of 06/09/2022

Use Code	11
Use Code Definition	Single-Resid. - Improved
Living Units	1
Land Sq. Ft.	73,584
Construction Year	1995
Living Area Sq. Ft.	3,903
Number of Bedrooms	3
Number of Bathrooms	3
Garage Sq. Ft.	1,480
Deck/Patio Sq. Ft.	2,772
Pool Sq. Ft.	780
Unfinished Sq. Ft.	516

Parcel and Deed Information for Tax Roll Year: 2021

Parcel Number	Deed Reference Id	As of Date
186-132-40	19-030646	01/01/2021

Property Characteristics as of 06/09/2022

Use Code		11
Use Code	Single-Resid. - Improved	
Living Units		1
Land Sq. Ft.		28,487
Construction Year		1910
Living Area Sq. Ft.		696
Number of		1
Number of		1
Garage Sq. Ft.		0
Deck/Patio Sq. Ft.		738
Pool Sq. Ft.		0
Unfinished Sq. Ft.		132



MarinMap

Project Map

Searched Parcel : 186-141-03 Search Radius : 325 Feet

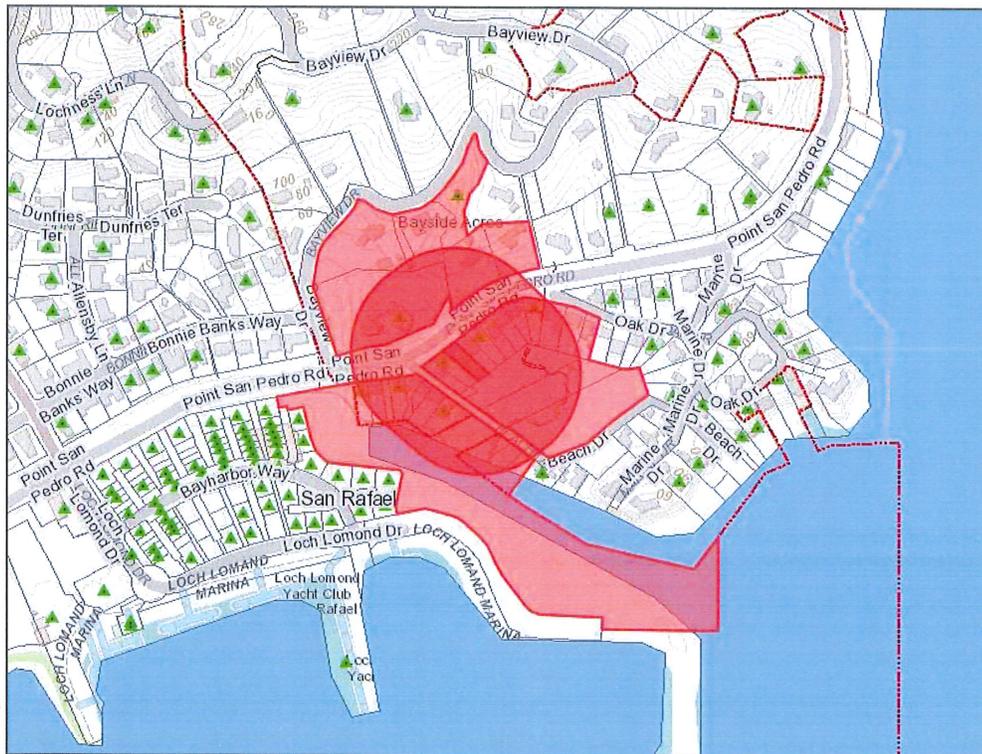
Parcel Id : 186-141-03

Parcel Owner : RUSHWORTH JOHN A /TR/ &

Owner Address : 1061 BUTTERFIELD RD

No of Parcels : 35 No of Residents : 24 No of Owners : 35

Notes : Planner: Manny Bereket



5/23/2022 9:29:29 AM

016-070-10 1999 AVENUE OF THE STARS LOS ANGELES, CA 90067	186-132-15 30 BAYVIEW DR SAN RAFAEL, CA 94901	186-132-18 30 BAYVIEW DR SAN RAFAEL, CA 94901
186-132-22 755 PT SAN PEDRO RD SAN RAFAEL, CA 94901	186-132-23 745 POINT SAN PEDRO RD SAN RAFAEL, CA 94901	186-132-26 10 BAYVIEW DR SAN RAFAEL, CA 94901
186-132-40 50 BAYVIEW DR SAN RAFAEL, CA 949012501	186-132-41 40 BAYVIEW DR SAN RAFAEL, CA 94901	186-141-01 5117 PACIFICA DR SAN DIEGO, CA 92109
186-141-02 5117 PACIFICA DR SAN DIEGO, CA 92109	186-141-03 1061 BUTTERFIELD RD SAN ANSELMO, CA 94960	186-141-04 732 PT SAN PEDRO RD SAN RAFAEL, CA 94901
186-141-05 160 BRET HARTE RD SAN RAFAEL, CA 94901	186-141-06 738 POINT SAN PEDRO RD SAN RAFAEL, CA 949012533	186-141-07 740 POINT SAN PEDRO RD SAN RAFAEL, CA 949012533
186-141-09 748 PT SAN PEDRO RD SAN RAFAEL, CA 94901	186-141-10 106 OAK DR SAN RAFAEL, CA 94901	186-141-11 108 OAK DR SAN RAFAEL, CA 94901
186-141-20 15 MOUNTAIN VIEW AVE SAN RAFAEL, CA 94901	186-141-24 110 OAK DR SAN RAFAEL, CA 94901	186-141-26 748 PT SAN PEDRO RD SAN RAFAEL, CA 94901
186-141-30 SACRAMENTO, CA	186-141-31 111 MORPHEW ST SAN RAFAEL, CA 949151560	186-141-32 235 SANTA ANA AVE SAN FRANCISCO, CA 94127
186-142-01 700 POINT SAN PEDRO RD SAN RAFAEL, CA 949012581	186-142-02 704 PT SAN PEDRO RD SAN RAFAEL, CA 94901	186-142-05 712 POINT SAN PEDRO RD SAN RAFAEL, CA 94901
186-142-06 2 BEACH DR SAN RAFAEL, CA 94901	186-142-07 4 BEACH DR SAN RAFAEL, CA 94901	186-142-25 5094 PARADISE DR CORTE MADERA, CA 94925

Labels: 7 S_SANRAFAE

Planner **
Marin County CDA - Planning
3501 Civic Center Dr # 308
San Rafael, CA 94903-4157

Fire Marshal
Marin County Fire Dept.
Civic Center
San Rafael, CA 94903

Rick Halstead
Marin Independent Journal
Press Room (3501 Civic Center Dr)
San Rafael, CA 94903

Mail Code BR1Y3A
PG&E - Plan Review Team
6111 Bollinger Canyon Rd., 3rd Floor
San Ramon, CA 94583

Fire Chief
San Rafael Fire Dept.
1600 Los Gamos Dr, Ste 345
San Rafael, CA 94903

Superintendent
San Rafael School District
310 Nova Albion Way
San Rafael, CA 94903

Postmaster
U.S. Postal Service
40 Bellam Blvd
San Rafael, CA 94901-9998

The owners of the lot were put on notice of the requirement for a permit, but removed protected trees anyway without permit, to clear the lot for development .

From: "Julin, Kent" <KJulin@marincounty.org>
Subject: RE: Trees on Point San Pedro Road lot at risk ...
Date: May 15, 2012 1:22:02 PM PDT
To: "William Gates" <wwgates@comcast.net>
Cc: "Poiani, Deborah" <DPoiani@marincounty.org>

Dear Mr. Gates,

I have spoken with your neighbors Theresa and John Rushworth and they are aware that coast live oaks (>10" dbh) on their vacant lot are protected by ordinance.

I did not disclose where the complaint originated; however, they both used your name as the likely source of the complaint.

Please contact Debbie Poiani 473-7169 if you believe that the tree ordinance has been or is being violated.

Kent

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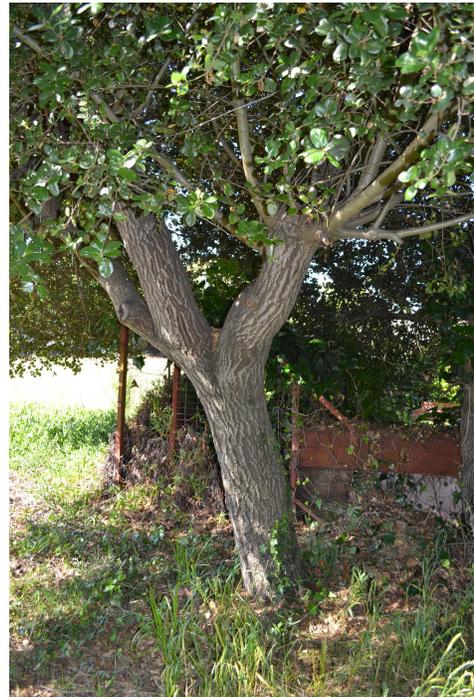
Kent Julin, Ph.D.
FORESTER

County of Marin
Marin County Fire Department
33 Castle Rock Avenue
Woodacre, CA 94973-0518
415 473-3759 T
415 473-4246 F
kjulin@co.marin.ca.us



2015 photo above shows Heritage Oak in the middle of the lot that was later removed, without permit.

On right, 2012 photo of protected Oak removed on west side of lot.



ENGELHARDT ARCHITECTURE

6/9/22

Marin County Planning Commission
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Appeal of Administrative Decision regarding Rushworth Design Review (P3173)

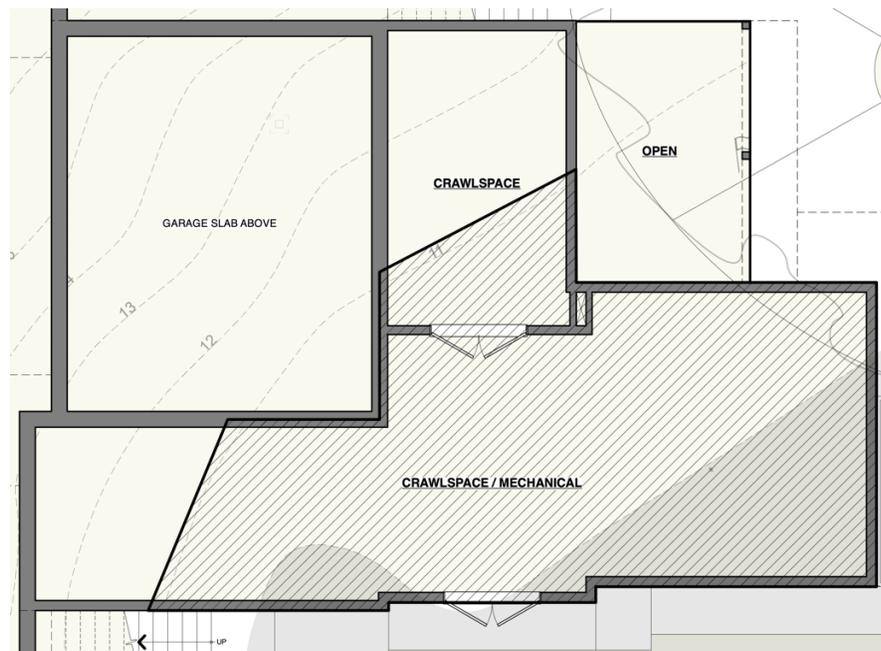
Dear Commissioners,

Again, I am sorry that I will not be able to attend the Planning Commission meeting held to consider the appeal that was filed on 3/31/22. Please accept this letter as my response to the Appellants' claim that building area and FAR calculations are incorrect, in their letter dated 6/9/22.

Building area and FAR calculations included in approved drawings are, in fact, correct.

Per Planning Department staff instructions (and as is clearly indicated in the Area Calculation table on sheet A0.1,) the only crawlspace area to be considered as part of FAR is area that would have a ceiling height greater than 7'-0". Given that the crawlspace has a sloping dirt floor which ranges in height from roughly 3'-1" to roughly 8'-5", not all of the crawlspace was included in the FAR calculation. In fact, a portion of the allegedly "missing" crawlspace area WAS included. See drawing below.

Furthermore, there is no FAR requirement for the lot in question.



Thank you for your time and consideration,

Bill Engelhardt – Principal
Engelhardt Architecture

June 9, 2022

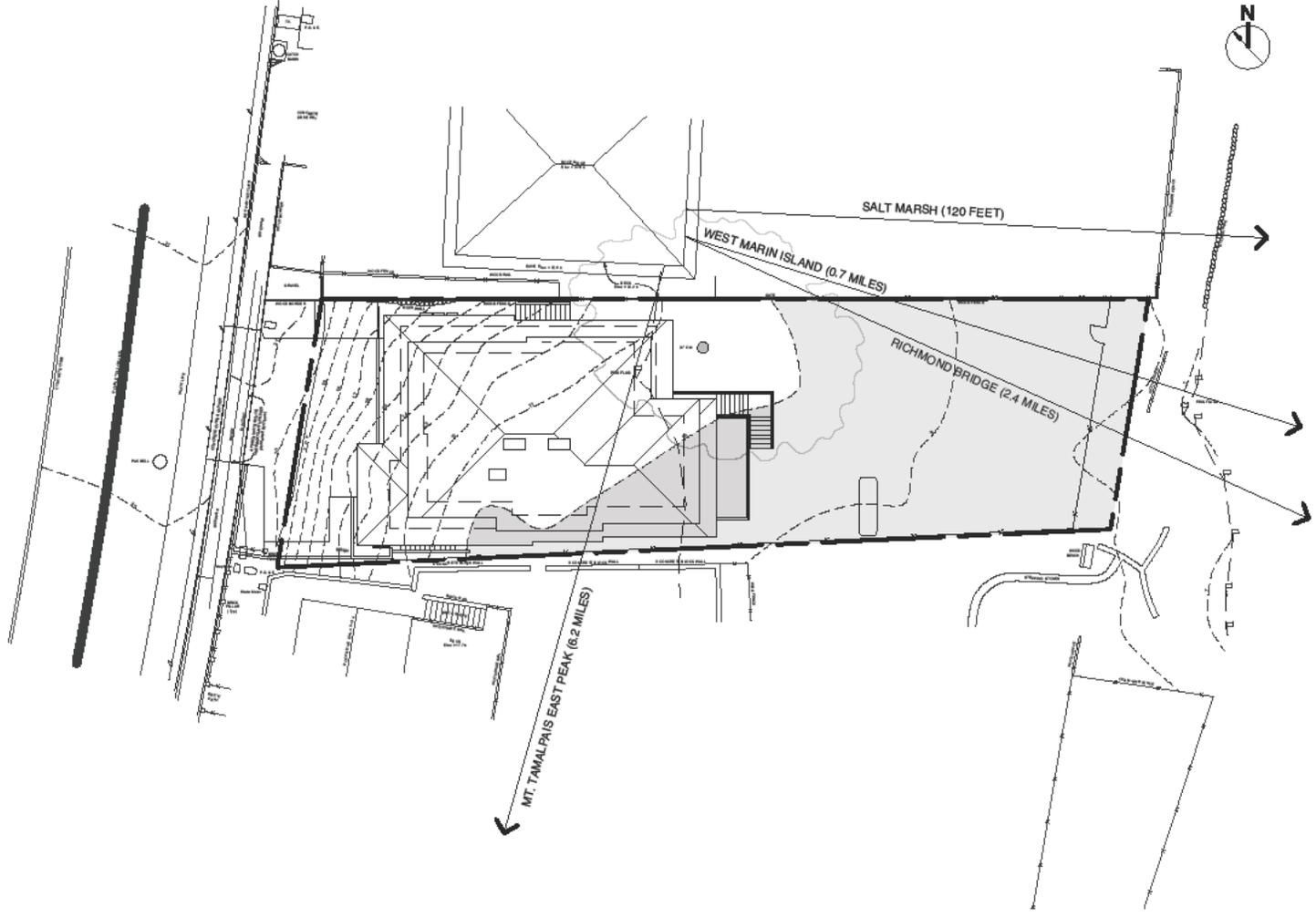
To: Marin County Planning Commission

From: John D. Wright (Applicant)

Re: Appeal of Rushworth Design Review Decision (P 3173)

Dear Commissioners, at the risk of adding to your reading burden I feel it is important to draw your attention to an attachment to the letter dated May 26, 2022 submitted on our behalf by our architect, Bill Engelhardt. The attachment is a link within his letter, which was included with the public comment portion of your packet (page 1 of Attachment 9 to the staff report); the last page of the letter (with the link) had been separated from the other pages in the online posting.

The attachment (page 2 of this memo) illustrates a key point that may not be apparent from consideration of the design review application alone. That point is that no home that could reasonably be expected to be constructed on the vacant lot in question would preserve the Appellants' Mt. Tam view – including the alternatives proposed by the Appellants. The attachment is a diagram showing the line of the view from the Appellants' living room windows to Mt. Tam. In order for the rear of the house to not block that view line, the house would need to be moved around 15 feet toward the street. The loss of that particular view is an unavoidable consequence of any realistic development on this lot.



V1

Neighbor Views

ENGELHARDT ARCHITECTURE
 120 Laurel Avenue • San Anselmo, CA 94960
 415.572.8995 • ee-arch.com

WRIGHT RESIDENCE
 726 POINT SAN PEDRO ROAD, SAN RAFAEL, CA 94901
 APN: 185-141-03

Scale: 1/16" = 1'-0"

6/26/22

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