

November 10, 2021

Design Review Board
c/o Leslie Mendez, Planning Director
City of San Rafael
1400 Fifth Ave
San Rafael, CA.
via email: Leslie.Mendez@cityofsanrafael.org and Lindsay.Lara@cityofsanrafael.org

*RE: 52-54 Fremont/Marquard Project
File No. ED18-066/LLA18-005/ED20-044/EX19-010
Parcel Nos. 012-043-11 and 012-043-12*

Chair Larry Paul and Design Review Board members:

Attached to this letter is a Petition to recuse Stewart Summers from participating in the review of any and all Hillside Projects that come before the Design Review Board. This Petition includes the names of 53 residents from the West End and Gerstle Park neighborhoods that support his recusal.

The 52-54 Fremont/Marquard project is subject to the Hillside Design Guidelines and is requesting an Exception to the Natural State Requirement. For reasons stated in the Petition, it is important that Stewart Summers recuse himself from participating in the review of this project which is currently scheduled for the Design Review Board meeting on November 16, 2021.

Thank you for your attention to this matter.

Sincerely,

Victoria DeWitt

att: Petition for the Recusal of Stewart Summers (2 pages)

cc: Alicia Giudice, Community Development Director
Mayor Kate Colin

bcc: City Council members

PETITION
for the
RECUSAL of STEWART SUMMERS
from
THE DESIGN REVIEW BOARD
for any and all HILLSIDE PROJECTS

As a member of the San Rafael Design Review Board, Stewart Summers must comply with the duties and requirements set forth in SRMC 14.25.070 A, which states in pertinent part “The design review board shall (emphasis added) provide professional design analysis, evaluation and judgment, as to the completeness, competence and appropriateness of development proposals for their use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council (emphasis added)”. Please note that under SRMC 1.08.110, “Shall” is mandatory.

Accordingly, Mr. Summers’ duties as a Design Review Board member include compliance with the established Hillside Design Guidelines set forth in SRMC 14.12, including the Natural State Requirement set forth in SRMC 14.12.030C as follows: “A minimum (emphasis added) area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%) must (emphasis added) remain in its natural state.” The Natural State Requirement is a vital part of the Hillside Design Guidelines, the specific stated purpose of which is minimizing seismic risks, landslide risks and soil erosion associated with development on steep and/or unstable slopes, and ensuring the preservation of natural hillside features. (SRMC 14.12.010 A&B).

However, Mr. Summers has abrogated his duty under SRMC 14.25.070A, clearly demonstrating that he allows unfounded personal bias to override his duty as a San Rafael Design Review Board member to base his analysis, evaluation, judgment, and recommendations on design standards adopted by the city council. During the 6/8/2021 Design Review Board meeting on the 33/41 Ross Street Terrace project, Mr. Summers stated in no uncertain terms that he thinks the Natural State Requirement is “antiquated”; that the Natural State Requirement is written in a way that “isn’t fair to applicants”; and that “there are times when the Natural State shouldn’t be used as a restriction”. Beyond the foregoing, it is important to recognize the arrogance and bravado with which Mr. Summers prefaced these statements of personal bias, declaring: “I am going to go on record and I have done it many, many times...”

Wherefore, in that Mr. Summers has blatantly breached his duty under SRMC 14.25.070 as described above, we the undersigned demand that Mr. Summers recuse himself, or in the alternative that he be instructed to recuse himself for cause, from participation in the Design Review Board with respect to all projects subject to the Hillside Design Guidelines and the Natural State Requirement.

Victoria DeWitt, West End
Amy Likover, Gerstle Park
Joe Likover, Gerstle Park
Valerie Lels, Gerstle Park
Tim Bowen, West End

Anne Bowen, West End
Alex Rockas, West End
Susan Bradford, West End
Julia Eader, West End
Jeff Eader, West End

Elizabeth Ryan, West End
Emese Wood, Gerstle Park
Maren Degraff, West End

Grant Gildroy, Gerstle Park
Tom Heinz, Gerstle Park
Denise Van Horn, Gerstle Park

Petition to recuse Stewart Summers (cont.):

Stacy Clement, West End
Jonathan Kramer, West End

Jasmin Thomson, West End
Peter Marks, Gerstle Park
Leslie Marks, Gerstle Park
Ben Negrete, West End
Vicki Fernandez, West End

Emily A. Foehr, Gerstle Park
Lisa Gerick, Gerstle Park
Jamey Chan, Gerstle Park
Wilfried Kruse, Gerstle Park
Marco Berti, Gerstle Park

Sandy Baker, Gerstle Park
Donna J. Pierce, Gerstle Park
Michael Irusalimsky, Gerstle Park
Lori Stickel, Gerstle Park
David Simon, Gerstle Park

Lucinda Callaway, Gerstle Park
Susan Ritter, Gerstle Park

Adam Degraff, West End
Steve Thomson, West End

Michele Killian, Gerstle Park
Gina Silvestri, Gerstle Park
David Campbell, Gerstle Park
Lisa Nelson, Gerstle Park
Jeanne Cronis Campbell, Gerstle Park

Patrick Killian, Gerstle Park
Jason Chan, Gerstle Park
Jessica Yarnall Loarie, Gerstle Park
Susan Miltner, Gerstle Park
Kurt Scheidt, Gerstle Park

Bill Baker, Gerstle Park
Teri Rockas, West End
Ron Stickel, Gerstle Park
David Lammel, Gerstle Park
Linda Donaghue, Gerstle Park

Larry Sneddon, Gerstle Park