

**MARIN COUNTY PLANNING DIVISION  
ADMINISTRATIVE DECISION**  
Li Design Review

**Decision:** **Approved, as conditioned**  
**Date:** **January 17, 2024**

Project ID No:	P4309	Applicant(s):	Charles Theobald
		Owner(s):	Jeffrey and Melissa Li
		Assessor's Parcel No(s):	176-300-32
		Property Address:	1435 Butterfield Rd., San Anselmo
		Project Planner:	Joshua Bertain (415) 473-3171 <a href="mailto:joshua.bertain@marincounty.gov">joshua.bertain@marincounty.gov</a>
		Signature:	<i>Joshua Bertain</i>
Countywide Plan Designation:	PR (Planned Residential)		
Community Plan Area:	Not applicable		
Zoning District:	RMP (Residential Multiple Planned)		
Environmental Determination:	Categorically Exempt - CEQA Guidelines Section 15301, Class 1		

**PROJECT SUMMARY**

The applicant requests Design Review approval to construct a 623-square-foot addition to an existing residence located in the unincorporated area of San Anselmo. The 623-square-foot addition would result in a building area of 5,582 square feet, a floor area of 5,042 square feet, and a floor area ratio of ten percent on the 52,708-square-foot lot. The proposed addition would reach a maximum height of 30 feet above the surrounding grade, and the exterior walls would have the following setbacks: 96 feet, 10 inches from the eastern front property line; 66 feet, 8 inches from the northern side property line; 43 feet from the southern side property line; and more than 100 feet from the western rear property line (47 feet, 5 inches to mapped equestrian trail easement). The scope of work would also entail the demolition of approximately 137 square feet of existing building area, which is reflected in the figures provided above.

Design Review approval is required pursuant to Section 22.42.020.A of the Marin County Development Code because the project is not otherwise exempt from the requirement to obtain Design Review approval.

**COUNTYWIDE PLAN CONSISTENCY**

The proposed project is consistent with the Marin Countywide Plan (CWP) for the following reasons:

- A. The project is consistent with the CWP woodland preservation policy (BIO-1.3) because the project would not entail the irreplaceable removal of mature, native trees.
- B. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide habitat for special-status species of plants or animals.
- C. The project is consistent with the CWP natural transition and connection policies (BIO 2.3 and BIO 2.4) because the project would not substantially alter the margins along riparian corridors, wetlands, baylands, or woodlands.
- D. The project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and CWP BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas or Wetland Conservation Areas.
- E. The project is consistent with CWP water quality policies and would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff (WR-1.3, WR-2.2, WR-2.3) because the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.
- F. The project is consistent with CWP seismic hazard policies (CWP Policies EH-2.1, EH-2.3, and CD-2.8) because it would be constructed in conformance with County earthquake standards, as verified during review of the Building Permit application and the subject property is not constrained by unusual geotechnical problems, such as existing fault traces.
- G. The project is consistent with CWP fire hazard management policies (EH-4.1, EH-4.2, EH-4.5) because it would meet all fire safety requirements, as verified by the local fire protection district during review of the Building Permit application.
- H. The project is consistent with CWP aesthetic policies and programs (DES-4.1 and DES-4.e) because it would protect scenic quality and views of ridgelines and the natural environment from adverse impacts related to development.
- I. The project is consistent with CWP residential design policies and programs (DES-3.b and DES-4c) because it would fit within the context of the neighborhood, minimize the perception of mass and bulk, and comply with the Single-family Residential Design Guidelines.

## **DEVELOPMENT CODE CONSISTENCY**

### **Mandatory Findings for Design Review (Marin County Code Section 22.42.060)**

The project is consistent with the mandatory findings for Design Review approval for the reasons discussed below.

- A. The proposed development is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources and the character of the local community. Further, the exterior materials proposed for the development would complement the project design and the surrounding area. There are no standards provided in Chapter 22.14 that apply to the project.

- B. The proposed architectural design, massing, and scale of the project are compatible with the site surroundings and the community. Further, a standard condition of approval requires that exterior lighting installed for the project be unobtrusive to surrounding properties.
- C. The proposed site layout and design avoids eliminating sunlight, blocking primary views, or invading the privacy enjoyed on surrounding properties.
- D. The proposed development would not encroach into any streets or pathways and would not detract from the appeal of the streetscape.
- E. The proposed development would provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

## **ACTION**

The project described in condition of approval 1 below is authorized by the Marin County Planning Division and is subject to the conditions of project approval.

This planning permit is an entitlement to apply for construction permits, not a guarantee that they can be obtained, and it does not establish any vested rights. This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. In addition to a Building Permit, additional permits and/or approvals may be required from the Department of Public Works, the appropriate Fire Protection Agency, the Environmental Health Services Division, water and sewer providers, Federal and State agencies.

## **CONDITIONS OF PROJECT APPROVAL**

### **CDA-Planning Division**

1. This Design Review approval authorizes the construction of a 623-square-foot addition to an existing residence located in the unincorporated area of San Anselmo. The 623-square-foot addition shall result in a building area of 5,582 square feet, a floor area of 5,042 square feet, and a floor area ratio of ten percent on the 52,708-square-foot lot. The authorized addition shall reach a maximum height of 30 feet above the surrounding grade, and the exterior walls shall have the following setbacks: 96 feet, 10 inches from the eastern front property line; 66 feet, 8 inches from the northern side property line; 43 feet from the southern side property line; and more than 100 feet from the western rear property line (47 feet, 5 inches to mapped equestrian trail easement). The scope of work shall also entail the demolition of approximately 137 square feet of existing building area, which is reflected in the figures provided above. Various improvements are also entailed in the authorized development, including a remodel of the existing residence, new windows, and replacing the existing wood siding with exterior cement plaster.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Design Review for Addition / Remodel to 1435 Butterfield Road, San Anselmo, CA," consisting of 12 sheets prepared by Charles Theobald of Star 7 Architects, received in final form on November 29, 2023, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. The proposed floor area calculation provided on Sheet A0.0 shall be updated to 5,042 square feet to reflect the applied floor area exemption that exempts the first 540 square feet of garage areas primarily designed for parking four-wheeled vehicles from being counted as floor area and floor area ratio (FAR).
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2023" with respect to all of the standard conditions of approval.

Unless conditions of approval establish a different time limit or an extension to vest has been granted, any permit or entitlement not vested within three years of the date of the approval shall expire and become void. The permit shall not be deemed vested until the permit holder has actually obtained any required Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval.

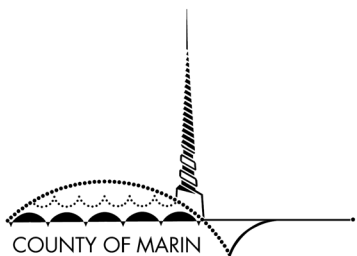
### **RIGHT TO APPEAL**

This decision is final unless appealed to the Planning Commission. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (January 29, 2024).

cc: *{Via email to County departments}*  
CDA – Deputy Director, Planning Services  
DPW – Land Development  
Marin Water District  
County Sanitary District No. 1  
Sleepy Hollow Fire Protection District

Attachments:

1. Marin County Uniformly Applied Conditions 2023
2. Inter-office Memorandum, Department of Public Works, Land Development Division, dated November 16, 2023



**MARIN COUNTY UNIFORMLY APPLIED CONDITIONS  
FOR PROJECTS SUBJECT TO DISCRETIONARY PLANNING PERMITS**

**2023**

**STANDARD CONDITIONS**

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.
2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.
3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.
4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

**SPECIAL CONDITIONS**

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.
2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.
4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.
5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.
6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.
7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.
8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a protected area occurs.

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.
10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.
11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.
12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.
13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.
14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.
15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.
16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.
17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

compliance with conditions of project approval at least five business days before the anticipated completion of the project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent reinspections.

### CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.
3. Within 120 days of this decision, the applicant must complete the approved construction and receive approval of a final inspection by the Building and Safety Division. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.



# PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - Second Transmittal

DATE: November 16, 2023

DUE: November 16, 2023

TO: Joshua Bertain

FROM: Cara E. Zichelli

APPROVED: 

RE: WildCare (San Rafael City Schools)  
Temporary Use Permit

P4256

APN: 180-123-01

ADDRESS: 251 N San Pedro Road, San Rafael

## TYPE OF DOCUMENT

DESIGN REVIEW

COASTAL PERMIT

LAND DIVISION

VARIANCE

USE PERMIT

ADU PERMIT

ENVIRONMENTAL REV.

OTHER:

**Department of Public Works Land Use Division has reviewed this application for content and:**

- Find it **COMPLETE**  
 Find it **INCOMPLETE**, please submit items listed below  
 Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

**Comments Included (Inc.) or Attached (Att.) from other DPW Divisions:**

- Traffic  
 Flood Control  
 Other: \_\_\_\_\_

## Merit Comments

**Prior to Issuance of a Building Permit:** These items are not incompleteness items to be addressed as part of the Design Review application. The following are items to be included in or addressed with the building permit application.

- Grading & Drainage Plans:** Provide a grading and drainage plan prepared by a licensed professional engineer or by a registered architect:
  - Plan shall provide existing and proposed topographic contours, or a sufficient number of spot elevations, to describe drainage patterns. The proposed project shall maintain existing drainage patterns.
  - Plan shall show and label all existing and proposed drainage features and improvements. Improvements may include down spouts, footing and foundation drains, area drains and catch basins, piping and out fall structures or means of dispersion.
- Access and Parking:** Provide a fully dimensioned parking, access and fire turnaround plan.
- During Construction Stormwater Pollution Prevention Controls:** Per MCC24.04.625, the applicant shall provide a plan and implement measures to prevent stormwater pollution during construction.
- Provide a manure management plan.**
- Stormwater Control Plans:** Provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects?panelnum=2> . **Applicant and property owner to clarify if tenant must restore parking area pavement at end of lease.**
- Accessible Site Improvements:** All accessible parking, signage and path of travel shall comply with current CBC requirements.

7. **Utilities:** Plan shall show the location of all the existing utility laterals and indicate which, if any, will be upgraded or relocated with this project. Be certain to include water, sanitary sewer, gas, electric and telecommunications.
8. **Encroachment Permit:** Schmidt Lane is a County maintained road. An Encroachment Permit from DPW is required for any work within the County's road right-of-way, including, but not limited to, utility trenching, installation of new utility connections, and modifications to the driveway apron, curb and gutter. **Schmidt Lane is presently on the Open Excavations Moratorium list; any excavations into the road surface will require extensive pavement restoration.** The plans shall clearly identify all proposed work in the right of way. For any work proposed in the right of way, the selected contractor shall apply for and obtain an Encroachment Permit prior to starting that work.

-END-