

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

MARIN COUNTY PLANNING DIVISION
ADMINISTRATIVE DECISION
Busalacchi Design Review

Decision:
Date:

Approved, as Conditioned
June 30, 2026

Project ID No:	P5989	Applicant(s):	Steve Wisenbaker AIA Architects
		Owner(s):	Ryan Busalacchi
		Assessor's Parcel No(s):	075-162-02
		Property Address:	129 Crown Road Kentfield, California 94904
		Project Planner:	Easton Ehlers (415) 473-7023 easton.ehlers@marincounty.gov
		Signature:	<i>Easton Ehlers Cheang</i>
Countywide Plan Designation:	SF3 (Single-Family, with a residential density of 1 unit per 1 to 5 acres)		
Community Plan Areas:	Kent Woodlands Land Use Policy Report (1996) and Kentfield/Greenbrae Community Plan (1987)		
Zoning District:	RSP-1 (Residential, Single-Family Planned, with a residential density of 1 unit per acre)		
Environmental Determination:	Categorically exempt, pursuant to CEQA Guidelines section 15301, Class 1, and section 15304, Class 4		

PROJECT SUMMARY

The applicant requests Design Review approval to construct improvements to an existing single-family residence and to a proposed accessory dwelling unit (ADU) located within the unincorporated community of Kentfield. The improvements proposed for the existing single-family residence consist of the construction of a new 3,225-square-foot roof, a 507-square-foot upper-level addition with an attached 744-square-foot deck, and a 947-square-foot lower-level addition with an attached 183-square-foot deck. The improvements proposed for the ADU consist of a 244-square-foot upper-level deck and a 125-square-foot lower-level deck. The ADU, exclusive of the proposed decks, would comply with the ministerial standards for a Category 1 Accessory Dwelling Unit pursuant to Marin County Code Section 22.32.120(A)(1) (Category 1 – Statewide

Exemption) and therefore would be neither subject to nor eligible for discretionary review. The 5,675 square feet of proposed development would appear to result in a floor area ratio of 15 percent on the 23,404-square-foot (0.54-acre) lot, pursuant to the definitions of “floor area” and “floor area ratio” in Marin County Code Section 22.130.030 (Definitions of Specialized Terms and Phrases).

The proposed roof would reach a maximum height of 29 feet, 10 inches above grade and would maintain the following setbacks: 11 feet, 7 inches from the western (front) property line; 22 feet, 11 inches from the northern (side) property line; 35 feet, 1 inch from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The proposed upper-level addition and attached deck would reach a maximum height of 29 feet, 10 inches above grade and would maintain the following setbacks: 46 feet, 9 inches from the western (front) property line; 28 feet, 1 inch from the northern (side) property line; 38 feet, 4 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The proposed lower-level addition and attached deck would reach a maximum height of 19 feet, 7 inches above grade and would maintain the following setbacks: 50 feet, 7 inches from the western (front) property line; 28 feet, 1 inch from the northern (side) property line; 38 feet, 4 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The proposed upper-level deck attached to the ADU would reach a maximum height of 14 feet, 7 inches above grade and would maintain the following setbacks: 88 feet, 7 inches from the western (front) property line; 95 feet, 2 inches from the northern (side) property line; 6 feet, 10 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The proposed lower-level deck attached to the ADU would reach a maximum height of 8 feet, 9 inches above grade and would maintain the following setbacks: 100 feet, 4 inches from the western (front) property line; 90 feet, 10 inches from the northern (side) property line; 6 feet, 9 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

Various site improvements are also proposed as part of the development and include grading activities consisting of approximately 331 cubic yards of cut, 60 cubic yards of fill, and 271 cubic yards of off-haul. The project also includes the removal of existing improvements primarily located within the front yard of the property, including a fence, pool, and shed, as well as the construction of new improvements in the same area, including a fence, pool, patios, and walkways. In addition, vegetation removal is proposed within the side yard adjacent to the property commonly referred to as 135 Crown Road. This includes two protected coast live oaks (*Quercus agrifolia*) with diameter at breast height (DBH) measurements of seven and ten inches, respectively, as well as two non-native trees: a manzanita (*Arctostaphylos*) and an East Asian cherry (*Prunus serrulata*). The coast live oaks may be removed as up to two protected trees may be removed on a developed

lot within a one-year period that are outside of a Stream Conservation Area (SCA) or Wetland Conservation Area (WCA), pursuant to Marin County Code Section 22.62.040(J).

Design Review approval is required pursuant to Marin County Code Section 22.42.020(A) because the project involves development that can neither be exempt nor waived 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 a substantial number 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.

COMMUNITY PLAN CONSISTENCY

The proposed project is consistent with the Kent Woodlands Land Use Policy Report for the following reasons:

- A. The project is consistent with the stream protection policies in the Environmental Quality section, including Policies EQ 1.1, 1.2, 3.1, 4.1, 6.1, because it would not affect natural drainage networks that provide wildlife corridors, avoid stream buffer areas, and minimize the potential for erosion and sedimentation.
- B. The project is consistent with the tree preservation policies in the Environmental Quality section, including Policies EQ4.1 and EQ5.1, because it would preserve native woodlands and the habitats they support. The project is not consistent with Community Development Policy CD1.10 because it does not primarily utilize native plant species compatible with the surrounding natural environment and, more specifically, does not comply with the provision of CD1.10 requiring landscaping to consist of 50 percent California native, drought-tolerant, and fire-resistant species. Therefore, to ensure consistency with these standards, a condition of approval is imposed requiring that all new or introduced landscaping consist of approximately 50 percent native species (e.g., California, Bay Area, or Marin native species) that are drought-tolerant and fire-resistant, to the extent required by applicable fire safety standards.
- C. The project is consistent with natural topography Policy E.Q. 7.1 because it would minimize grading and high retaining walls by generally aligning development to follow the natural contours on the site.
- D. The project is consistent with the Community Development Policies related to natural site amenities and characteristics, including CD 1.1 and CD 1.2, because it would preserve hillsides, ridges, stands of mature native trees, rock outcroppings and other natural features.
- E. The project is consistent with the Community Development Policies related to compatible architectural design, including Policies CD 1.3, CD 1.4, CD 1.5, because the development would meet the setbacks for the R1:B3 zoning district, the residence would not exceed a height of 30 feet and the garage would not exceed a height of 15 feet, and outdoor activity areas would not be located too close to bedrooms in neighboring residences.
- F. The project is consistent with the Community Development Policies related to ridgeline and hillside development, including Policies CD 1.6 and CD 1.7, because the site is not located on a visually prominent ridgeline and the development would be designed to minimize the apparent mass and bulk of the buildings from surrounding properties and the road.
- G. The project is consistent with the Community Development Policies related to building materials and colors and site lighting, including Policies CD 1.8 and CD 1.9, because the

exterior facades would be subdued earthtone colors and the site lighting would be unobtrusive to surrounding properties.

- H. The project is consistent with the Natural Hazards policies, including NH 1.1, NH 1.2, NH 3.1, because the development would not be located in areas especially prone to unstable geologic conditions and would meet fire safety standards related to construction and fuels reduction. The project is consistent with the Natural Hazards Policies related to flooding because the project would not substantially increase amount or velocity of storm water running off the site.

DEVELOPMENT CODE CONSISTENCY

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

- A. The proposed development complies with either the Single-family or Multi-family Residential Design Guidelines, as applicable, the characteristics listed in Chapter 22.16 (Discretionary Development Standards) and 22.32.168 (Tidelands), as well as any applicable standards of the special purpose combining districts provided in Chapter 22.14 of this Development Code.**

There are no standards provided in Chapter 22.14 that apply to the project and the development would not occur within a tidelands area. The proposed project is consistent with the Design Guidelines and Discretionary Development Standards because it is designed to avoid adversely affecting natural resources or the character of the local community. The project's consistency with the standards and guidelines most pertinent to the subject property is discussed below.

SITE PREPARATION: Development Standards J.1 through J.6; Design Guidelines A-1.2 through A-1.4

The The site preparation associated with the project would be consistent with Discretionary Development Standards J.1 through J.6, as well as Single-Family Residential Design Guidelines A-1.2 through A-1.4. In the context of Discretionary Development Standard J.1 (Grading) and Residential Design Guideline A-1.4 (Grading), grading activities associated with the proposed project would be held to a minimum and undertaken in compliance with the applicable provisions of Title 23 (Natural Resources). The limited extent of such grading would preserve the natural features of the site and employ desirable grading practices that would ensure such modifications to the terrain remain consistent with the existing topographical conditions of the property. The site preparation associated with the proposed project would likewise minimize the extent of impervious surfaces and preserve the natural condition of adjacent creeks, consistent with Discretionary Development Standard J.2 (Drainage) and Residential Design Guidelines A-1.2 (Drainage) and A-1.3 (Streams). Site design and construction-related measures would be implemented to ensure that drainage is managed in a manner that avoids significant erosion or adverse impacts to adjacent properties, thereby maintaining compliance with Discretionary Development Standard J.2 (Drainage) and Residential Design Guideline A-1.2 (Drainage). Other reviewing agencies would evaluate the

project for hazard-related concerns related to site preparation, including the Department of Public Works for identified seismic or geologic hazards, and the Kentfield Fire Protection District for fire-related hazards. Both agencies may impose additional requirements on the project to address such concerns, and their review of the project would ensure consistency with Discretionary Development Standards J.4 (Fire Hazards) and J.5 (Geologic Hazards). The project has demonstrated that it would not remove native tree species, nor would its construction cause the loss of native tree species, rare plant communities, or wildlife habitats, consistent with Discretionary Development Standard J.3 (Drainage). Therefore, this finding is met.

BUILDING LOCATION: Development Standards D.1 through D.4; Design Guidelines D-1.6

The building locations selected for the project would be consistent with Discretionary Development Standards D.1 through D.4, as well as Single-Family Residential Design Guideline D-1.6. In relation to Discretionary Development Standard D.1 (Clustering Requirement), the building locations have been selected to site development on portions of the property that are most accessible, least visually prominent, and most geologically stable. In addition, existing on-site vegetation in the vicinity of the proposed building locations would provide visual screening of the project, consistent with Discretionary Development Standard D.1 (Clustering Requirement). The selected building locations have also been evaluated to consider solar access and minimize noise effects, consistent with Discretionary Development Standards D.3 (Energy Conservation) and D.4 (Noise Mitigation), through placement that prioritizes exposure to available sunlight while reducing potential noise transmission to adjacent properties. Other considerations include that the selected building location has been demonstrated not to occur on or adjacent to a visually prominent ridgeline per Map 3-4 of the Marin Countywide Plan; therefore, Discretionary Development Standard D.2 (Development Near Ridgelines) and Residential Design Guideline D-1.6 (Ridgelines and Knolls) and their associated measures would not apply. Therefore, this finding is met.

PROJECT DESIGN: Development Standard I.1 and I.2; Design Guideline D-1.7

The design of the project would be consistent with Discretionary Development Standards I.1 and I.2, as well as Single-Family Residential Design Guideline D-1.7. With respect to Discretionary Development Standard I.1 (Height Limits for Structures), the proposed project would conform to the maximum height limits of 30 feet for primary structures and 16 feet for accessory structures applicable to the governing Residential, Single-Family Planned District, as established by Marin County Development Code Section 22.10.040, Table 2-5. In addition, the project has also demonstrated that it would utilize exterior materials and finishes that, to the greatest extent possible, would harmonize unobtrusively with the natural environment, given the environmental setting of the project, consistent with Discretionary Development Standard I.1 (Materials and Colors) and Residential Design Guideline D-1.7 (Exterior Materials and Colors). Therefore, this finding is met.

MASS AND BULK: Design Guidelines D-1.1 through D-1.5

The mass and bulk of the project would be consistent with Single-Family Residential Design Guidelines D-1.1 through D-1.5. The project would incorporate a compartmentalized massing approach, consistent with Single-Family Residential Design Guideline D-1.1 (General Massing). The proposed roof forms and rooflines would reinforce this articulation of massing while reflecting the scale and character of the surrounding neighborhood, consistent with Guideline D-1.2 (Roof Design). In addition, the overall visual effect of mass and bulk would be further reduced through the avoidance of excessive cantilevered elements and the incorporation of horizontal and vertical building components, as well as surface relief, to achieve appropriate wall articulation. These additional design aspects would ensure consistency with Single-Family Residential Design Guidelines D-1.3 (Cantilevered Elements) and D-1.4 (Wall Articulation). The project is proposed on a site with an average slope greater than 25 percent and is therefore subject to Single-Family Residential Design Guideline D-1.5 (Hillside Design). The proposed project is consistent with the intent of this guideline, as it has been sited and designed to respond to the natural topography of the site. The placement, massing, and design of the project are reciprocal and complementary to the hillside setting which reduces the apparent visual bulk of the structure. To the extent feasible, the project incorporates design techniques that allow the structure to conform to the natural terrain, minimize disturbance of existing landforms, and avoid unnecessary visual prominence when viewed from public vantage points. The placement, massing, and design of the project further maintain the visual character of the hillside and ensure that the structure integrates with, rather than dominates, the surrounding landscape. Therefore, this finding is met.

EXTERIOR LIGHTING: Development Standard G; Design Guideline C-1.11

The exterior lighting associated with the project would be consistent with Discretionary Development Standard G and Single-Family Residential Design Guideline C-1.11. The exterior lighting associated with the project that would be visible from off-site vantage points would be limited to safety purposes, would be downward-directed and fully shielded, and would consist of low-wattage fixtures, consistent with Discretionary Development Standard G. Furthermore, such lighting would be designed to complement the architectural character of the project and would be mounted at low elevations, consistent with Single-Family Residential Design Guideline C-1.11. Therefore, this finding is met.

LANDSCAPING AND VEGETATION REMOVAL: Development Standard F; Design Guideline A-1.1

The project would be consistent with Discretionary Development Standard F and Single-Family Residential Design Guideline A-1.1. in relationship to tree removal activities. The tree removal includes non-native species, such as manzanita (*Arctostaphylos*) and East Asian cherry (*Prunus serrulata*), which are not subject to protections for regulated trees as defined for Protected Trees and Heritage Trees in Marin County Code Section 22.130.030 (Definitions of Specialized Terms and Phrases). The project also includes the removal of two coast live oaks (*Quercus agrifolia*) on a developed lot, which are outside of a Stream Conservation Area (SCA) and Wetland Conservation Area (WCA) and may be removed within a one-year period pursuant to Marin County Code Section 22.62.040(J). The proposed landscaping is not

consistent with Discretionary Development Standard F and Single-Family Residential Design Guideline A-1.1 because it does not primarily utilize native, drought-tolerant, and fire-resistant species reflective of the local characteristics. To ensure consistency with these standards, a condition of approval is imposed requiring that all new or introduced landscaping consist of approximately 50 percent native species (e.g., California, Bay Area, or Marin native species) that are drought-tolerant and fire-resistant, to the extent required by applicable fire safety standards.

ACCESS: Development standard C; Design Guidelines A-1.5

The project would be consistent with Discretionary Development Standard C because the expansion and reconfiguration of the existing driveway would be designed in compliance with Title 24, Sections 24.04.235 et seq., of the Marin County Code (Driveways), as determined by the Department of Public Works. In addition, the proposed driveway expansion would be minimal and clustered, consistent with Discretionary Development Standard D. Single-Family Residential Design Guideline A-1.5 is not applicable to the project because it does not propose the construction of a new street, driveway, parking area, or emergency vehicle access. Therefore, this finding is met.

NEIGHBORHOOD COMPATABILITY: Design Guidelines B-1.1, C-1.1 through C-1.3, C-1.7

The project would be compatible with the neighborhood per Single-Family Residential Design Guidelines B-1.1 and C-1.1 through C-1.3 and C-1.7. In relation to Single-Family Residential Design Guideline B-1.1, the project would comply with the minimum setback requirements of the Minimum Lot Size "-B3" Combining District, as established by Marin County Development Code Section 22.14.050, Table 2-11, consistent with the requirements of Policy CD1.5 of the Kent Woodlands Land Use Policy Report. The proposed project would generally exceed the minimum required setbacks. In combination with its responsiveness to the hillside setting, the project provides suitable separation between structures and maintains adequate space, light, and a sense of openness. As a result, additional stepbacks are not necessary to achieve the intent of the guideline, as the exceedance of the minimum setback requirement and its reciprocal relationship to the site effectively reduce perceived bulk and maintain compatibility with the surrounding residential setting. The project would also comply with the street setback requirement prescribed by Single-Family Residential Design Guideline C-1 and, in doing so, has considered the relationship of scale, mass, and composition of surrounding neighborhood residences to ensure compatibility and has incorporated various design techniques to achieve visual harmony. The project is proposed on a site with an average slope greater than 25 percent and is therefore subject to Single-Family Residential Design Guidelines C-1.2 (Hillside Street Stepbacks) and C-1.3 (Hillside Interior Setbacks). The proposed project is consistent with the intent of both guidelines, as it incorporates elements on the front façade of the structure that visually differentiate it from, while simultaneously harmonizing with, neighboring structures of similar massing, scale, and design. The incorporation of additional front yard setback variation is not feasible because the project does not propose a new single-family residence. The project also incorporates terraced massing that has been configured to

minimize impacts on privacy between properties and preserve views from adjacent residences to the extent reasonable in the context of the project. Therefore, this finding is met.

B. The proposed development provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the community.

The project would reinforce the prevailing character of the neighborhood and build upon its defining qualities through its architectural design. The massing and scale of the project have been configured to maintain compatibility with the surrounding context and are consistent with the general pattern of development in the area. The materials selected are likewise compatible with the site and its setting and are intended to avoid undue visual contrast with the surrounding environment. Therefore, this finding is met, as the project provides architectural design, massing, materials, and scale that are compatible with the site surroundings and the broader community.

C. The proposed development results in site layout and design that will not eliminate significant sun and light exposure or result in light pollution and glare; will not eliminate primary views and vistas; and will not eliminate privacy enjoyed on adjacent properties.

The project has been designed and sited to abate potential effects on adjacent properties, including maintaining access to natural light and air, limiting the potential for light spill and glare, preserving existing view opportunities to the extent feasible, and avoiding undue effects on the privacy of neighboring properties. These considerations have been incorporated into the overall site layout and design of the project, which would not eliminate sun and light exposure, primary views and vistas, or privacy on adjacent properties, nor would it result in light pollution or glare. Therefore, this finding is met.

D. The proposed development will not adversely affect and will enhance where appropriate those rights-of-way, streetscapes, and pathways for circulation passing through, fronting on, or leading to the property.

The project includes improvements within and along the Crown Road right-of-way. The Department of Public Works, as the responsible agency for review of right-of-way and encroachment improvements, has reviewed the proposed work and determined it to be consistent with applicable provisions of Title 24 and other relevant County standards governing roadway design and encroachments. Based on this determination and the project design, the improvements are consistent with safe and adequate circulation and do not result in adverse effects to rights-of-way, streetscapes, or pedestrian pathways. The project has been designed to maintain and, where appropriate, improve the function and character of circulation facilities passing through, fronting on, or leading to the property. Therefore, this finding is met.

E. The proposed development will provide appropriate separation between buildings, retain healthy native vegetation and other natural features, and be adequately landscaped consistent with fire safety requirements.

The project has been designed to provide appropriate separation between structures and to maintain existing healthy native vegetation and natural site features to the extent feasible. The existing vegetation proposed for removal is limited to non-native species, such as manzanita (*Arctostaphylos*) and East Asian cherry (*Prunus serrulata*), and any removal of regulated native vegetation is limited to those removals that may be ministerially approved pursuant to Marin County Code Section 22.62.040(J). The project proposes landscaping; however, it is not demonstrated to be fully consistent with applicable fire safety requirements. Therefore, a condition of approval is imposed requiring that all new or introduced landscaping consist of fire-resistant species to the extent required by applicable fire safety standards.

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 improvements to an existing single-family residence and to an accessory dwelling unit (ADU) located within the unincorporated community of Kentfield. The authorized improvements for the existing single-family residence consist of the construction of a new 3,225-square-foot roof, a 507-square-foot upper-level addition with an attached 744-square-foot deck, and a 947-square-foot lower-level addition with an attached 183-square-foot deck. The authorized improvements for the ADU consist of a 244-square-foot upper-level deck and a 125-square-foot lower-level deck. The 5,675 square feet of authorized development shall result in a floor area ratio of 15 percent on the 23,404-square-foot (0.54-acre) lot.

The approved roof shall reach a maximum height of 29 feet, 10 inches above grade and shall maintain the following setbacks: 11 feet, 7 inches from the western (front) property line; 22 feet, 11 inches from the northern (side) property line; 35 feet, 1 inch from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The approved upper-level addition and attached deck shall reach a maximum height of 29 feet, 10 inches above grade and shall maintain the following setbacks: 46 feet, 9 inches from the western (front) property line; 28 feet, 1 inch from the northern (side) property line; 38 feet, 4 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The approved lower-level addition and attached deck shall reach a maximum height of 19 feet, 7 inches above grade and shall maintain the following setbacks: 50 feet, 7 inches from the western (front) property line; 28 feet, 1 inch from the northern (side) property line; 38 feet, 4 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The approved upper-level deck attached to the ADU shall reach a maximum height of 14 feet, 7 inches above grade and shall maintain the following setbacks: 88 feet, 7 inches from the western (front) property line; 95 feet, 2 inches from the northern (side) property line; 6 feet, 10 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

The approved lower-level deck attached to the ADU shall reach a maximum height of 8 feet, 9 inches above grade and shall maintain the following setbacks: 100 feet, 4 inches from the western (front) property line; 90 feet, 10 inches from the northern (side) property line; 6 feet, 9 inches from the southern (side) property line; and a distance in excess of 100 feet from eastern (rear) property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "BUSALACCHI RESIDENCE," consisting of 15 sheets prepared by Steve Wisenbaker AIA Architects, received in final form on April 2, 2026, 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 Landscape Plan on Sheet 7 shall be revised to clearly demonstrate that all proposed landscaping consists of approximately 50 percent native species (e.g., California, Bay Area, or Marin native species) that are drought-tolerant and fire-resistant, consistent with applicable fire safety standards,
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2026" with respect to all standard conditions of approval and the following special conditions: Special Condition 3 (Exterior Lighting), Special Condition 12 (Exterior Materials and Colors), and Special Condition 13 (Landscaping).

VESTING

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.

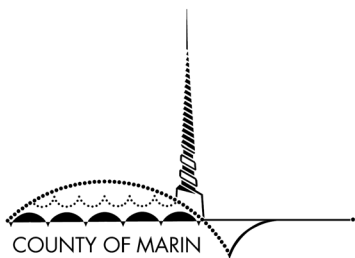
RIGHT TO APPEAL

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 (Monday, June 13, 2026).

cc: *{Via email to County departments and Design Review boards}*
DPW – Land Development

Attachments:

1. Marin County Uniformly Applied Conditions 2026
2. Department of Public Works, Inter-office Memorandum – Second Transmittal, dated May 1, 2026
3. Letters from the Public



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

2026

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. If the project is subject to the affordable housing requirements of Development Code Chapter 22.22, the applicant shall provide a copy of the affordable housing plan required by Development Code section 22.22.110 to the CDA Planning Division following its approval by the CDA Housing Division.
3. 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.
4. 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.
5. 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 Wildlife, 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 60 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 120 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 180 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: May 1, 2026

DUE: May 1, 2026

TO: Easton Ehlers

FROM: Cara E. Zichelli

APPROVED: 

RE: Busalacchi Design Review P5989

APN: 075-162-02

ADDRESS: 129 Crown Road, Kentfield

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.

1. Driveways:

- a. **Applicant must pave driveway apron.** Per Marin County Code § 24.04.290, driveway approaches shall be constructed in accordance with the appropriate U.C.S. drawing unless prior approval to do otherwise is obtained from the agency. Demonstrate compliance.
- b. Per Marin County Code § 24.04.300, when it is required that a driveway be paved, the pavement section shall consist of a base course approved by the agency covered with a minimum thickness of two inches of A.C. or three and one half inches of P.C.C. Driveways over eighteen percent grade shall be surfaced with P.C.C. and given a broomed or otherwise roughened finish. Demonstrate compliance.

2. Grading & Drainage Plans: Provide a grading and drainage plan prepared by a licensed professional engineer or by a registered architect:

- a. 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.
- b. 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. Note that 2025 California Plumbing Code (CPC) §1101.12.1 requires roof areas of buildings to be drained by roof drains and gutters. Note as well that CPC §1101.6.5(2) indicates that the point of discharge shall not be less than 10 feet from the property line.
- c. Per 2025 California Residential Code § R401.3, lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Where lot lines, walls, slopes, or other physical barriers prohibit 6 inches of fall within 10 feet, drains or swales shall be constructed to ensure drainage away from the structure. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum 2 percent away from the building. Demonstrate compliance.

- d. The plan shall also incorporate any recommendations from the Geotechnical Engineer.
 - e. The plan shall tabulate the existing and proposed areas of impervious surface for the property, and specifically indicate the area of new plus replaced impervious surfaces (this may not just be the difference between existing and proposed). Demonstrate that there will be no net increase in runoff from the developed site compared to pre-existing development.
 - f. Plan shall show and label the limit of disturbance. Provide the total area to be disturbed and the proposed cut and fill earthwork volumes. Indicate to where off haul will be taken.
 - g. Indicate means of restoring all disturbed areas.
 - h. Add a note on the plans indicating that the Design Engineer/Architect shall certify to the County in writing upon the completion of work that all grading and drainage improvements were installed in accordance with the approved plans and field direction. Be aware that a DPW Engineer will need to inspect and accept work after receipt of certification letter. Certification letters shall reference building permit number or numbers for specific work being certified, the address of the property and the Assessor's Parcel Number (APN), and shall be signed and stamped by the certifying professional.
3. **Geotechnical Review and Acceptance:** The plans must be reviewed and approved by the soils engineer. Certification shall be either by his/her stamp and original signature on the plans or by a stamped and signed letter. Certification shall reference plans reviewed, specifying site, structural, and drainage plans with date of drawings, and verify that plans address any recommendations previously offered.
4. **Site Retaining Walls:**
- a. Clarify the proposed heights for all site retaining walls.
 - b. For each retaining wall, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan set.
5. **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. **Erosion & Sediment Control Plan is required** for projects with 250 cy or more of earth movement. The following two items together make up the Erosion & Sediment Control Plan and must correspond to each other.
- a. Per Marin County Code § 24.04.625(b)(e), provide a comprehensive, site specific, phased Erosion and Sediment Control Plan (ESCP) in the plan set.
 - b. Provide the completed accompanying document found in the "Construction Erosion and Sediment Control Plan Applicant Package" available at the following link:
<https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>. Note the actual template begins on page 11 of the document.
6. **Stormwater Control Plans:** If the sum of new plus replaced impervious surfaces is 2,500 sf or greater, 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>. **Direction for this residential project is in Appendix C of the BASMAA manual, Stormwater Control Plans for Small Projects / Single Family Homes. Provide the completed Appendix C project data table with your submittal.**
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. **Swimming Pool Drainage:** The plans shall provide details for the pool drainage and demonstrate that the drainage would comply with MCC 23.18 (Urban Runoff Pollution Prevention Code). Discharge into a watercourse is prohibited pursuant to MCC 23.18.094. You may refer to the Marin County Stormwater Pollution Prevention Program's website, www.mcstoppp.org, for more information.
9. **Construction Management Plan:** Applicant shall provide a construction management plan outlining the generally phasing of construction, indicate location of construction equipment access

to areas of work, location of material storage and stock pile, contractor parking and portable toilet location. No material storage or staging in the right of way.

10. **Encroachment Permit:** Crown Road 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. Additionally, fences, landscaping and boulders are unauthorized encroachments under Streets and Highways Code section 1480, and Marin County Code Chapter 13.12. 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. From the plans provided in the second transmittal package, work in the right of way will include demolition of the existing fence, demolition of a portion of the pool, excavation for a parking area, grading, construction of a new fence, construction of a retaining wall and landscaping.
- a. The applicant must pave driveway apron; EP26-083 was applied for but not yet issued.
 - b. A Recorded Encroachment Permit will be required for the retaining wall and fence in the right of way.
 - c. Planting in the right of way must comply with MCC24.04.760 and MCC24.04.780; Landscaping shown on sheet 7 is not approved through this Design Review and shall be subject to review and conditions through the Encroachment Permit process.

-END-

Project P5989 Comments

From Keith Shultz <keithshultz@gmail.com>

Date Sat 6/27/2026 2:05 PM

To Easton Ehlers <Easton.Ehlers@MarinCounty.gov>

You don't often get email from keithshultz@gmail.com. [Learn why this is important](#)

Hi Easton,

I realize this is late, but we've been out of town for a while.

We live next door to this project, at 135 Crown Rd. I will relay to you the concerns we have already voiced to the Kent Woodlands Architecture Committee. We have voiced all these to Ryan Busalacchi some time ago.

1) we were concerned about how close the proposed ADU was to our property line, but I now understand that setbacks for ADUs are much more lenient than primary dwellings. Ryan assured us that he will plant screening vegetation between the new ADU and the fence.

2) We live on a ridge with a steep downslope in the back. We are concerned that excavation could disrupt the hill and make it more vulnerable to slides. I would want to see some geo-tech engineering, soil testing, foundation reinforcement, etc. to ensure hillside stability for both of us.

3) We are concerned about the proximity of the pool relative to the property line.

4) This we did not share with Ryan or the Architecture Committee, but in talking to Ryan, it appears his plan is to serve as the general contractor and will hire different teams of people to do different aspects of the work. He also mentioned this would likely go slowly. I know when we did some yard remodeling, there was a requirement (not sure if from KWPOA or the county) to complete the work in two years. I would hope similar parameters would exist for Ryan. No one wants construction that goes on and on without an end date.

Thanks for your consideration, and sorry this is so late.

Keith Shultz
415-760-6328