

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 25-105  
A RESOLUTION APPROVING THE SUZANNE CIANI TRUST COASTAL DEVELOPMENT PERMIT  
41 OCEAN AVE., BOLINAS  
ASSESSOR'S PARCEL: 193-162-26

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SECTION I: FINDINGS

1. **WHEREAS**, the applicant, Zach Heineman, on behalf of the owner, Suzanne Ciani Trust, has submitted a Coastal Development Permit application to construct a new bluff retention system, to reinforce the foundation of the existing residence, to demolish an existing patio and to restore the slope of the bluff on a developed lot in Bolinas. The property is located at 41 Ocean Ave., Bolinas and is further identified as Assessor's Parcel 193-162-26.

2. **WHEREAS**, on June 16, 2025, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because it will not result in significant impacts to the environment.

4. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Coastal Code Section 20.70.070).

A. **Coastal Access.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Coastal Access section of the Marin County Land Use Plan and the applicable standards contained in Section 22.64.180 (Public Coastal Access). Where the project is located between the nearest public road and the sea, a specific finding must be made that the proposed project, as conditioned, is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act (commencing with Section 30200 of the Public Resources Code).

The property extends from Ocean Avenue to the coastal beach and ocean below. The existing single-family dwelling is located between Ocean Avenue and the coastal bluff on the site. The edge of the bluff extends below the southwestern corner of the residence where the foundation is damaged and requires reinforcement. The proposed bluff retention system consisting of a retaining wall would be installed near the residence on the opposite side of a stairway that functions as a public pedestrian right of way as well as a drainage easement. The project would does not entail development on the shore or in the ocean nor would it impede pedestrian access along the shoreline. Additionally, the project would not impede pedestrian movement along the existing public pedestrian right of way on the stairway that runs from Ocean Avenue along the southern side of the residence down to Canyon Avenue as the development is sited on the subject property and outside of the footprint of the stairway.

B. **Biological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Biological Resources section of the Marin

**County Land Use Plan and the applicable standards contained in Section 20.64.050 (Biological Resources).**

The property is developed with an existing single-family dwelling, a shed, a patio, a septic system and an existing failed bluff retention system. A second legal non-conforming dwelling that pre-dated building permits once stood near the bluff, but it was demolished at some point due to bluff erosion. Much of the site between Ocean Avenue and the present-day bluff edge has already been disturbed.

The applicant submitted a Biological Site Assessment prepared by WRA Environmental Consultants, dated October 10, 2024. The report advised that while the portion of the property that consists of a coastal beach strand and ocean waters constitutes an ESHA, the proposed development is at least 125 feet away from the ESHA. No wetlands or stream conservation areas were present on the property. No special status species of plants were present onsite and no special status species of wildlife were present nor was there adequate habitat to support special status species wildlife. The report indicated that a nesting bird survey should be performed no more than seven days prior to groundbreaking if construction occurs during nesting season, February 1<sup>st</sup> through August 31<sup>st</sup>.

**C. Environmental Hazards. The proposed project, as conditioned, is consistent with the applicable policies contained in the Environmental Hazards section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.060 (Environmental Hazards).**

**1. Dune Protection (Marin County Coastal Code Section 20.64.060.A)**

There are no coastal dunes on the property or in the immediate vicinity of the proposed development. Further, this project is not located in Stinson Beach; therefore, this finding does not apply to his project.

**2. Shoreline Protection (Marin County Coastal Code Section 20.64.060.B)**

Marin County Coastal Code Section 20.64.060.B.1 Bluff Top Setbacks states that “new structures shall be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies.” Additionally, the code section provides a codified calculation to determine the sufficient distance for new structures from coastal bluff areas. Marin County Coastal Code Section 20.130 defines a structure as anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground, including buildings, utilities, and retaining walls.

However, cliff retaining walls and other such construction “that alters natural shoreline process shall be permitted” when all of the applicable standards in section 20.64.060.B.2 are met. The Geotechnical Report prepared by Miller Pacific Engineering Group acknowledges these standards and provides an explanation as to how the project meets each of the required criteria. The proposed bluff retaining wall is necessary to protect the existing residence that was constructed in 1919 well before the adoption of the LCP. No other nonstructural alternative is practical or viable as the existing residence is already sited near Ocean Avenue and the public road right-of-way. The Geotechnical Report indicates that the condition causing the problem is site

specific as it states, “the geologic conditions in the project area appear to be more highly weathered, sheared, and weaker bedrock without any protection at the base of the bluff...”. According to the report, wave erosion at the base of the bluff and a landslide at the site has been a significant contributing factor to the site-specific bluff instability. The bluff retaining structure will not be sited in wetlands or other special status habitat area and will not cause adverse effects to the environment. The proposed structure would be more than 100 feet from the public beach and it would be outside the of the recorded pedestrian access easement that follows the public right-of-way at the end of Ocean Avenue and follows along the southern side of the residence as it continues off the property to Canyon Avenue. The retention system would be sited outside of the stairs that are constructed in the recorded pedestrian right of way and would not impede the existing access. The proposed bluff retaining structure would encroach into the road right-of-way at the end of Ocean Avenue and Department of Public Works would require the applicant to vacate the road right-of-way prior to the issuance of any subsequent building permit. Finally, the bluff retention structure will not restrict navigation, mariculture or other coastal use and will not create a hazard in the area in which it is built.

In addition to the foundation work to the residence and the proposed bluff retention structure, the existing patio is proposed to be demolished, and the slope of the bluff is also proposed to be restored. The bluff edge currently is near the house and the existing patio is already sited beyond the bluff edge posing a potential hazard to the beach below. The demolition of the patio and restoration of the slope would remedy an existing unsafe condition on the site that has occurred due to ongoing bluff erosion throughout the years. No seawalls, riprap, or other protective structures are proposed on the beach as part of the application. The Geotechnical Report has indicated that the construction of the proposed bluff retention structure will help to reduce the rate of erosion at the bluff top and effectively extend the life of the residence sited above.

### **3. Geologic Hazards (Marin County Interim Code Section 20.64.060.C)**

There are no known active faults that cross the project site. The Geotechnical Report prepared by Miller Pacific Engineering Group on January 17, 2025, states that the average annual rate of bluff retreat is 1.5 feet per year and they estimated that about 75 feet of bluff retreat would be anticipated in the next 50 years which would cause the destruction of the existing single-family dwelling on the site. Due to the significant hazard that the bluff instability and retreat rate pose, the project will be conditioned to require the owner to record a Waiver of Liability prior to the issuance of any subsequent building permit. Additionally, the Marin County Community Development Agency, Building and Safety Division will require seismic compliance with the California Building Code prior to issuance of a project building permit.

#### **D. Agriculture and Mariculture. The proposed project, as conditioned, is consistent with the applicable policies contained in the Agriculture and Mariculture sections of the Marin County Land Use Plan and the applicable agricultural and maricultural standards contained in Chapter 20.32.**

The subject property is zoned C-RA-B2 (Coastal Residential Agriculture, minimum lot size 10,000 square feet). While the zoning district does allow for some agricultural land uses, no agricultural land use or mariculture is proposed in the scope of this project.

- E. Water Resources. The proposed project, as conditioned, is consistent with the applicable policies contained in the Water Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.080 (Water Resources).**

The project is consistent with the LUP water quality policies as it would not result in substantial soil erosion or discharge of sediments or pollutants into surface runoff that would adversely affect the quality of coastal waters (C-WR-1, C-WR-2, C-WR-3, C-WR-6) because Department of Public Works (DPW) will ensure that the grading and drainage improvements would comply with the Marin County standards and best management practices during the review of the building permit application.

- F. Community Design. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Design section of the Marin County Land Use Plan and the applicable standards contained in Chapter 20.64.100 (Community Design).**

The height, scale, and design of the bluff retention system consisting of a retaining wall and tiebacks would be compatible to other uses in the surrounding area as the area consists of single-family dwellings and residential accessory structures. The existing patio that is visible from the beach below would be demolished and the new bluff retention system would be developed further away from the beach and in close proximity to the existing single-family dwelling effectively reducing any current visual impacts.

- G. Community Development. The proposed project, as conditioned, is consistent with the applicable policies contained in the Community Development section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.110 (Community Development).**

The project entails a new pier wall and tieback system and reinforcement of the foundation of the existing single-family dwelling on the property, therefore, the project is consistent with LUP Community Development Policies (C-BOL-1, C-CD-1, C-CD-2, C-CD-20) and this finding because the development would be located in close proximity to the existing development on site with adequate resources and the proposed development would not have significant adverse impacts on environmental and natural resources.

- H. Energy. The proposed project, as conditioned, is consistent with the applicable policies contained in the Energy section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.120 (Energy).**

The project would be required to satisfy all applicable energy-saving standards as required by the County's Building and Safety Division prior to the issuance of a building permit. Therefore, the project is consistent with the LUP energy policies (LUP Policies EH-2.1, EH-2.3, and CD-2.8) and this finding because it would be constructed in conformance with County energy efficiency standards, as verified during review of the Building Permit application.

- I. Housing. The proposed project, as conditioned, is consistent with the applicable policies contained in the Housing section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.130 (Housing).**

No housing is proposed to be demolished as part of this application. While the project would not create any new housing, the proposed development would extend the life of the existing single-family dwelling on the site.

- J. **Public Facilities and Services.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Public Facilities and Services section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.140 (Public Facilities and Services).

No development of habitable structures is entailed in the project scope; therefore, the installation of a septic system is not necessary for the purpose of securing this entitlement. Environmental Health Services staff deemed this application complete and they will also review the subsequent building permit for conformance with their standards.

- K. **Transportation.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Transportation section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.150 (Transportation).

As discussed above, the project does not entail the construction of any habitable structures. No change in access from the street has been proposed. No new roads or sidewalks are required as a result of this development nor would it impact any public trails.

- L. **Historical and Archaeological Resources.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Historical and Archaeological Resources section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.160 (Historical and Archaeological Resources).

The project site is not located within any designated historic district boundaries as identified in the Marin County Historic Study for the Local Coastal Program. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) because the project site is not located within any mapped historic district boundaries and would not affect historical, archaeological, or paleontological resources. Previous site disturbance has occurred in close proximity to the proposed area of disturbance for the new bluff retaining wall.

- M. **Parks, Recreation, and Visitor-Serving Uses.** The proposed project, as conditioned, is consistent with the applicable policies contained in the Parks, Recreation, and Visitor-Serving Uses section of the Marin County Land Use Plan and the applicable standards contained in Section 20.64.170 (Parks, Recreation, and Visitor-Serving Uses).

The project is consistent with LUP policies for coastal recreation and visitor-serving and local-serving facilities (C-PK-1 and C-PK-4) and this finding because the project would not impede the path of travel along the recorded pedestrian easement and stairway constructed for public pedestrian access between Ocean Avenue and Canyon Avenue. As such, the project would not adversely affect existing access to existing visitors and local serving amenities. As discussed above, the project is proposed to be sited in the road right-of-way at the end of Ocean Avenue and DPW would require the applicant to vacate the right-of-way prior to the issuance of any building permit.

## **SECTION II: ACTION**

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Deputy Zoning Administrator 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.

## **SECTION III: CONDITIONS OF PROJECT APPROVAL**

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Suzanne Ciani Trust Coastal Development Permit subject to the conditions as specified below:

### **CDA-Planning Division**

1. This Coastal Development Permit approval authorizes the construction of a new bluff retention system, the reinforcement of the foundation of the existing residence, the demolition of an existing patio and the restoration of the slope of the bluff on a developed lot in Bolinas.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Emergency Bluff Stabilization," consisting of 10 sheets prepared by Zach Heineman, received in final form on April 9, 2025, 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. Provide realistic images and names of the materials and colors for the retaining wall to be approved by Planning staff.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2025" with respect to all of the standard conditions of approval and the following special conditions: 4.

## **SECTION IV: VESTING**

NOW THEREFORE, BE IT RESOLVED that 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.

**SECTION V: APPEAL RIGHTS**

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County 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 10 business days from the date of this decision (July 1, 2025).

**SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 16<sup>th</sup> day of June 2025.

*Megan Alton*

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Megan Alton  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

*Sindy Palencia*

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Sindy Palencia  
DZA Recording Secretary