

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

**A RESOLUTION DENYING THE OONA RATCLIFFE APPEAL AND UPHOLDING THE
DEPUTY ZONING ADMINISTRATOR'S APPROVAL OF THE MORNING PHASE LLC
COASTAL DEVELOPMENT PERMIT AND COASTAL VARIANCE
40 CLIFF ROAD, BOLINAS
ASSESSOR'S PARCEL: 193-114-02**

SECTION I: FINDINGS

1. **WHEREAS**, Katie Nguyen, on behalf of the owners, Morning Phase LLC, has submitted a Coastal Development Permit application to construct an 800 square foot detached residential Accessory Dwelling Unit, remove one heritage tree (Oregon ash) and construct modifications to an existing primary residence on a developed lot in Bolinas. The applicant is also requesting a Coastal Variance for an electrical platform within the front yard setback.

The 800 square feet of proposed development would result in a floor area ratio of 28 percent on the 4,938 square foot lot. The proposed Accessory Dwelling Unit would reach a maximum height of 15 feet above surrounding grade and the exterior walls would have the following setbacks: 18 feet, 10 ½ inches from the eastern front property line; over 75 feet from the southern side property line; 4 feet from the northern side property line; and 4 feet from the western rear property line.

The electrical platform would be 4 feet 6 inches long by 4 feet 8 inches wide (9.2 square feet) in area, and the structure would reach a maximum height of 11 feet from surrounding grade. The platform is proposed at the front property line (0-foot front setback).

Various site improvements would also be entailed in the proposed development, including a firepit, a bench, new exterior stairs and railings, new pavers, and a new water feature.

The property is located at 40 Cliff Road, Bolinas and is further identified as Assessor's Parcel 193-114-02.

2. **WHEREAS**, on June 25, 2026, the Marin County Deputy Zoning Administrator approved the project.

3. **WHEREAS**, on July 8, 2026, Oona Ratcliffe submitted a timely appeal of the Morning Phase LLC Coastal Development Permit and Coastal Variance.

4. **WHEREAS**, on August 31, 2026, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the project.

5. **WHEREAS**, the bases of appeal are insufficient to overturn the Planning Division decision, for the reasons discussed below.

A. The appellant asserts that the proposed project should have been analyzed for compliance with California Building Code including but not limited to California Residential Code fire separation requirements, legal nonconforming structure and

fire separation distance, encroachments in easements and fire separation distance requirements prior to permit issuance.

Response:

In the Coastal Zone of Marin County, a Coastal Development Permit is required for development as defined in Chapter 20.130 of the Marin County Coastal Zoning Code. The Coastal Development Permit is a discretionary planning permit that is processed by the Planning Division and is intended to implement the California Coastal Act and the Marin County Local Coastal Program. For the processing of a Coastal Development Permit and Coastal Variance, the Planning Division relies on the Marin County Coastal Zoning Code, Title 20. All mandatory findings associated with the Coastal Development Permit and Coastal Variance are discussed in Sections 7 and 8 below.

The approval of planning entitlements such as a Coastal Development Permit are required prior to the issuance of a Building Permit from the County's Building and Safety Division. Approval of a planning entitlement does not grant permission for construction of the associated work. Plan sets that are analyzed for the purposes of rendering decisions on planning entitlements usually include architectural and civil plans that do not include detailed construction specifications. As such, the Planning Division submittal checklist does not require a project to demonstrate compliance with the California Building Standard Code.

Once an applicant receives approval of a planning entitlement and progresses to the building permit stage, a project plan set and other materials are prepared for the purposes of the Building Permit review. The Building and Safety Division may only issue a building permit if a project is found to comply with all relevant sections of the California Building Standard Code.

For the purposes of the proposed project once an application is submitted for a project building permit, all responsible reviewing agencies will review the proposed project for compliance with all relevant regulations. During the Building Permit review process an applicant is notified if code regulations are not satisfied and is given the opportunity to demonstrate compliance. If compliance cannot be demonstrated, a Building Permit for the project would not be issued.

The following agencies or divisions would be part of the review process for the project building permit: the Department of Public Works – Land Division for compliance with Title 23 and 24 of the Marin County Code; Building and Safety Division for compliance with Title 19 of the Marin County Code and California Building Standard Code (Part 2 California Building Code, Part 2.5 California Residential Code, Part 3 California Electrical Code, Part 4 California Mechanical Code, Part 5 California Plumbing Code, Part 6 California Energy Code, Part 7 California Wildland-Urban Interface Code, Part 10 California Existing Building Code, Part 11 Green Building Code) and the Marin County Fire Department for compliance with wildland-urban interface code and Fire Safety Code.

Given that the project will be required to satisfy the California Building Code and all other relevant codes as determined by the appropriate reviewing agency, this point of appeal is insufficient to overturn the Deputy Zoning Administrator's approval of the subject project.

- B. The appellant asserts that the proposed modifications to the existing residence violate an existing private easement agreement because the footprint of the existing structure encroaches over the property line more than previously known and the modification to the existing structure violates the terms of the private easement agreement for several factors including that the structure would be demolished.**

Response:

The private easement agreement recorded on APN 193-102-26 known as 87 Brighton Avenue and APN 193-114-02, the subject project site, is a private agreement between two property owners. The agreement includes allowances for the maintenance and repair of the existing structure and includes limitations regarding the demolition and subsequent reconstruction of the subject encroachments.

Private agreements are a civil matter between the parties involved and are not enforced or regulated by the County. Additionally, contractual agreements including private easement agreements and boundary disputes are a civil matter because they involve private property rights, land ownership claims and financial disputes between private individuals rather than a violation of criminal law or public safety regulations.

Local governments, including the County of Marin, are not parties to boundary or easement disputes because such claims require legal interpretation of private deeds and land titles, and are civil matters.

As mentioned above, for the processing of a Coastal Development Permit and Coastal Variance the Planning Division relies on the Marin County Coastal Zoning Code, Title 20. The existing single-family structure is subject to a Coastal Development Permit pursuant to Marin County Coastal Zoning Code section 20.68.060.F because the applicant is proposing modifications to a structure built prior to 1930. Title 20 includes required findings, standards and definitions.

Additionally, Marin County Coastal Zoning Code Chapter 20.130 includes a definition for repair and maintenance, and demolition. "Repair and maintenance" is defined as development which does not result in an addition to, enlargement or expansion of the object of the repair and maintenance. The replacement of 50 percent or more of a single-family residence is not repair and maintenance but instead constitutes a replacement structure.

"Demolition" is the act of tearing down, removing, or replacing an existing building, structure, or other physical improvement. Staff has evaluated the proposed project and determined that the improvements would not constitute "demolition" under the County's Coastal Code definition. It is common to see replacement of siding, new roofing, window replacement and foundation repairs or replacement of older structures, such as the site structure – improvements of this nature do not constitute "demolition" under the County's Coastal Code.

As discussed in section 7 below, the Deputy Zoning Administrator found that the project was consistent with the mandatory findings for Coastal Development Permit and Coastal Variance approval. Additionally, as discussed in section 7.L, modification to the structure was found to be consistent with its original architectural character and the applicable

standards contained in Marin County Coastal Zoning Code Section 20.64.160 for Historical and Archaeological Resources.

As discussed above because easement disputes are civil matters and not subject to enforcement or interpretation by the County, nor does the project involve “demolition” of the structure under the County’s Coastal Code, this point of appeal is insufficient to overturn the Deputy Zoning Administrators approval of the subject project.

6. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 and Section 15303, Class 3 of the CEQA Guidelines because it does not result in significant environmental impacts.

7. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Development Permit approval (Marin County Local Coastal Program, 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 proposed project includes a new Accessory Dwelling Unit, modifications to a pre-1930 structure, an electrical platform and associated site improvements. The proposed project would not negatively affect public recreational access facilities or opportunities, nor would it occur near the shoreline, tidelands, submerged lands, or public trust lands (Section 20.64.180(B)(1); LUP Policy C-PA-1). For similar reasons, the project would not require the acquisition or dedication of new public access from the nearest public roadway to facilitate access to the shoreline or along the coast (Section 20.64.180(B)(2); LUP Policy C-PA-2). Therefore, the project is consistent with the applicable policies in the Public Coastal Access section of the Land Use Plan and the relevant standards in Section 20.64.180 of the Coastal Zoning Code.

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 subject property is developed with a single-family residence and is highly disturbed. According to the data on file in the Marin County Geographic Information System, the property does not contain wetlands, coastal streams, riparian vegetation, coastal dunes, or groves of trees. Additionally, staff conducted a site visit and determined a biological site assessment would not be necessary because no evidence of the presence of Environmental Sensitive Habitat Areas (ESHAs) was observed on the subject site.

The project is consistent with the LUP biological resources policies for the protection of streams, wetlands, and coastal dunes (C-BIO-1, C-BIO-2, C-BIO-3, C-BIO-7, C-BIO-8, C-BIO-14, C-BIO-23) and this finding because the proposed project would not substantially alter the margins along environmentally sensitive habitat areas.

- 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).**

The property is developed with a single-family residence with sloping topography and is located in a residential area of Bolinas. No natural dunes exist on the project site. The proposed project is not located within a bluff erosion zone and does not impact coastal access. The project site is located within the Alquist-Priolo earthquake hazards zone for the nearby San Andreas fault. The Marin County Community Development Agency, Building and Safety Division will require seismic compliance with the California Building Code prior to the issuance of a building permit. Therefore, the project is consistent with the LUP environmental hazard policies and this finding.

- 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 proposed project includes a new Accessory Dwelling Unit, modifications to a pre-1930 structure, an electrical platform and associated site improvements on a residential lot, located amongst other residential uses. The subject property is zoned C-RA-B2 (Coastal, Residential Agriculture, minimum lot size 10,000 square feet). The purpose of the C-RA zoning district is to provide areas for residential uses within the context of small-scale agricultural and agriculturally related uses. The subject property is surrounded by single-family residences, and the project includes residential improvements. As the primary use of the subject property is residential and as the project does not entail commercial operations related to agricultural or maricultural uses, the project would have no effect on agriculture or mariculture and is therefore consistent with this finding.

- 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).**

Upon review of the applicable technical studies, the Land Development Division, in coordination with the Planning Division, has determined that the project is consistent with the Water Quality, Grading, and Excavation standards articulated for the Coastal Zone (Sections 20.64.080(B) and 20.64.080(C); LUP Policies C-WR-1 through C-WR-17). The project would be required to comply with best management practices and stormwater control measures required by the Department of Public Works. Nonetheless, the project will remain subject to additional review by the Land Development Division to ensure compliance with all applicable water quality, grading, and excavation standards prior to the issuance of project building permits and during construction. Therefore, the project is consistent with the applicable policies in the Water Resources section of the LUP and the relevant standards in Section 20.64.080 of the Coastal Zoning Code.

- 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 20.66 (Community Design).**

The project site is located in an area known as the Little Mesa in the unincorporated town of Bolinas. The surrounding area is developed with mostly residential uses with varying development patterns, height and architectural styles. The proposed project includes a new Accessory Dwelling Unit, modifications to a pre-1930 structure, electrical platform and associated site improvements. The proposed 800 square-foot Accessory Dwelling Unit is 4 feet or more from all property lines and would reach a maximum height of 15 feet above surrounding grade, consistent with state regulations regarding Accessory Dwelling Units. An earth-tone color pallet would be utilized for the exterior materials including vertical wood siding, dark metal window and door frames, and terracotta roof tiles, which would not distract from the natural environment. As such, the siting, scale, and design of the proposed project, including materials and colors, would be compatible with the character of the surrounding natural and built environment.

The proposed project includes the removal of a heritage Oregon ash tree. The subject tree is in poor health and is located towards the center of the property and does not contribute to the area's scenic or visual resources. Therefore, the project would be consistent with LUP policy C-DES-8. The project would not disrupt significant views of the ocean or scenic coastal areas because it is not highly visible from public viewing areas and would be located in a developed residential neighborhood. Therefore, the project is consistent with the LUP Community Design policies (C-DES-1, C-DES-2, C-DES-3, C-DES-4, C-DES-7, C-DES-8), and this finding because the project is compatible with surrounding development, protects visual resources, conforms to the height limit for new structures, minimizes exterior lighting, and would not require the removal of a substantial number of mature, native trees.

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 proposed project includes a new Accessory Dwelling Unit, modifications to a pre-1930 structure, electrical platform and associated site improvements on a developed site in Bolinas. Consistent with policy C-CD-1 the project site has access to public services such as water and sanitation. The project site is not located on Tomales Bay, a beach front lot, or on public trust land (LUP policies C-CD-5, C-CD-7, C-CD-8, C-CD-9). In addition, the project does not entail the conversion of residential uses to commercial uses in a coastal village, or the installation of windbreaks along State Route 1 (LUP policies C-CD-12 through C-CD-14). Therefore, the project is consistent with the applicable policies in the Community Development section of the Land Use Plan and the relevant standards in Section 20.64.110 of the Coastal Zoning Code.

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 proposed project would be required to satisfy all 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 the 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).**

The project is consistent with the LUP housing policies to address low- and moderate-income housing needs in the Coastal Zone (LUP Policies C-HS-1) because the project would not remove housing subject to a recorded covenant, ordinance, or law that restricts rents to levels of affordable to persons and families of lower or very low income or subject to any other form of rent or price control. The proposed project would result in the creation of an Accessory Dwelling Unit. Therefore, the project is consistent with the applicable policies in the housing section of the LUP and the relevant standards in Section 20.64.130 of the Coastal Zoning Code.

- 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).**

The project site is currently served and will continue to be served by the Bolinas Community Public Utility District for water and sanitation (LUP Policies C-PFS-1 and C-PFS-5). Therefore, the project is consistent with the LUP public facilities and services policies, and this finding because the project would be adequately served by existing public water and sewer services.

- 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).**

The proposed project includes a new Accessory Dwelling Unit, modifications to a pre-1930 structure, an electrical platform and associated site improvements on a developed site in Bolinas. The project site will continue to be accessed via Cliff Road which is a public right-of-way that is not maintained by the County of Marin. The roadway network in the area of the project site is not maintained by the County of Marin and requires upkeep and maintenance by the adjacent property owners.

The right-of-way for Cliff Road is approximately 30 feet wide with the paved portion of the right-of-way being approximately 10 feet wide. A recent landslide upslope of the project site has made a portion of Cliff Road impassable. A coordinated effort of local residence (Bolinas Highlands PRD Committee) has begun the process of making the necessary repairs to Cliff Road associated with the landslide. To ensure access is maintained on Cliff Road conditions of approval have been added that require geotechnical oversight by a licensed geotechnical engineer, roadway protection, and construction management. Such measures will reduce potential damage to Cliff Road and the associated right-of-way and will ensure access on Cliff Road is maintained for access as necessary.

The proposed project does not include off-site transportation elements, new roads, bicycle or pedestrian paths or associated facilities. Additionally, the project would not increase demand on public transportation or adversely impact the scenic quality of Highway One. Therefore, the project is consistent with the LUP transportation policies and this finding.

- 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 the Bolinas designated historic district boundary as identified in the Marin County Historic Study for the Local Coastal Program. The project entails the renovation of an existing residence. The existing residence was built between 1924 and 1931 and has been modified over the years. The applicant provided a historical assessment and the LCP Historic Review Checklist for the proposed project. The historical assessment found that the proposed renovation would be consistent with its original architectural character. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR- 2, C-HAR-8) and this finding because the project would not affect historical, archaeological, or paleontological resources.

- 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 site is not located adjacent to any public park or open space, and the project does not entail any development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3), and this finding because the project is proposed on an existing residential property that is not located within a mixed-use coastal village commercial/residential zone and does not entail any construction of development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses.

8. **WHEREAS**, the project is consistent with the mandatory findings for Coastal Zone Variance approval pursuant to Marin County Interim Code Sections 20.70.150.

- A. There are special circumstances unique to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.**

The subject property is a 4,938-square-foot developed lot along Cliff Road that does not conform to the minimum lot size of 10,000 square feet established by the governing C-RA-B2 zoning district and is surrounded by properties developed with single-family residences on lots ranging in size from 5,600 square feet to over 10,000 square feet.

The shape of the subject property is an irregular triangle with approximately 141 feet of frontage along Cliff Road. The depth of the southern side of the property is 20 feet and the depth of the northern side is 61 feet. The configuration of the lot with the established C-RA-B2 setback leaves a triangular development area of approximately 17 feet by 49 feet by 45 feet.

From the paved edge of Cliff Road, the grade starts sloping downward before the edge of the front property line and continues to slope downward the entire length of the subject property. The width of the Cliff Road right-of-way is approximately 30 feet with the currently paved portion of the right-of-way being approximately 10 feet. The above-mentioned factors in combination with the zoning setback requirements create a uniquely small area for development on this property. Additionally, Pacific Gas and Electric (PG&E) has standard requirements for electrical meters and/or electrical platforms. Some of the standards include being located on the subject property, being located on a flat surface and being accessible from the street without using any stairs. There is no area outside the setbacks that would meet PG&E's requirements for the electrical platform. Therefore, due to the irregular shape, steep nature and small size of the subject lot combined with PG&E's requirements for electrical service, exceptional circumstances constitute a hardship unique to this property in that relief from the front setback requirement is warranted. As such, the applicant's request to reduce the required front yard setbacks is consistent with this finding.

- B. Granting the Variance may only provide relief from standards relating to height, floor area ratio, and yard setbacks, and does not grant relief from the use limitations, minimum lot size, density requirements, or any other LCP requirements, governing the subject development.**

Granting the Coastal Variance would not result in a use or activity that is not allowed in the governing C-RA-B2 Zoning District. The Coastal Variance would provide relief from setback requirements in order to construct an electrical platform to service the existing residence and the proposed Accessory Dwelling Unit, in a safe manner consistent with required regulations.

- C. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.**

Approval of the Coastal Variance would not constitute the granting of a special privilege because the shape and slope of the lot encumbers the subject property with constraints that most other properties in the surrounding area do not face. The purpose of the development standards for the C-RA-B2 zoning district is to minimize adverse effects to the surrounding area that would otherwise result from inappropriate development.

- D. Granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The electrical platform would not interfere with the use and enjoyment of adjacent developments, nor would it be detrimental to the public health, safety, or welfare because the proposed electrical platform would not change the residential use of the property, which is a permitted use in both the Marin County LUP and C-RA-B2 Agricultural Residential zoning district. Additionally, the proposed electrical platform would be compatible in scale with existing development and associated home utilities in the area. Relief from the front yard setback requirements would not cause a substantial detriment to the public good nor impair achieving the purposes of the zoning ordinance and would ensure that the electrical service is constructed in a manner that is consistent with regulatory requirements.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the project described in condition of approval 1 is authorized by the Marin County Planning Commission 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 Planning Commission hereby approves the Morning Phase LLC Coastal Development Permit and Coastal Variance subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Development Permit and Coastal Variance authorize the following: (1) construction of an 800 square foot detached residential Accessory Dwelling Unit; (2) removal of one heritage tree (Oregon ash); (3) modifications to an existing primary residence; and (4) installation of an electrical platform within a required front setback. The project is authorized on a developed lot in Bolinas.

The 800 square feet of authorized development (Accessory Dwelling Unit) shall result in a floor area ratio of 28 percent on the 4,938 square foot lot. The authorized Accessory Dwelling Unit shall reach a maximum height of 15 feet above surrounding grade and the exterior walls shall have the following setbacks: 18 feet, 10 ½ inches from the eastern front property line; over 75 feet from the southern side property line; 4 feet from the northern side property line; and 4 feet from the western rear property line.

The electrical platform shall be 4 feet 6 inches long by 4 feet 8 inches wide, and 4 feet 8 inches above grade with the total structure height being 11 feet above grade and 0 feet from the front property line.

One heritage tree that is in poor health (Oregon ash) is authorized for removal with the project.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Bolinas Residence," consisting of 50 sheets prepared by Sutro Architects, received in final form on April 1, 2026, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2026" with respect to all of the standard conditions of approval.

Department of Public Works- Land Development Division

4. PRIOR TO THE ISSUANCE OF GRADING OR BUILDING PERMITS:

- A. Due to the documented roadway distress and landslide activity in the vicinity, the narrow one-way private access road serving the site, and the proposed construction of an ADU, retaining walls, excavation, and associated site improvements adjacent to the roadway, the following requirements shall apply:

(1) Geotechnical Engineer of Record

Prior to issuance of grading or building permits, the applicant shall retain a California-licensed Geotechnical Engineer of Record responsible for construction-phase observation, monitoring, and recommendations associated with all site development activities.

The Geotechnical Engineer shall prepare a Construction Observation and Monitoring Plan for review and approval by the Community Development Agency and Department of Public Works. The plan shall address site-specific geologic and geotechnical conditions, including roadway stability, slope stability, excavation sequencing, retaining wall construction, drainage control, construction loading, construction access, and protection of adjacent properties and infrastructure.

The Geotechnical Engineer shall remain actively involved throughout construction and shall conduct observations at all critical phases of work, including but not limited to:

- a. Site clearing and grubbing.
- b. Excavation and grading operations.
- c. Foundation and footing excavation.
- d. Installation of piles, piers, caissons, or other deep foundation elements, if proposed.
- e. Retaining wall excavation, construction, drainage installation, and backfill.
- f. Utility trenching and utility installation.
- g. Drainage improvements.
- h. Slope stabilization measures.
- i. Final grading and site stabilization.

The Geotechnical Engineer shall have authority to recommend modifications to construction sequencing, require additional stabilization measures, restrict construction loading, limit equipment access, suspend work, or implement other corrective measures necessary to protect public safety, roadway stability, slope stability, and adjacent properties.

Written observation reports documenting site visits, observations, recommendations, and corrective actions shall be maintained and provided to the County upon request.

(2) Construction Management Plan

The applicant shall submit a Construction Management Plan for review and approval by the Department of Public Works.

The plan shall address:

- (1) Construction vehicle access routes and turnaround locations.
- (2) Maximum gross vehicular weight for construction vehicles traversing Cliff Avenue, as recommended by the project Geotechnical Engineer.
- (3) Delivery schedules and procedures.
- (4) Construction worker parking locations.

- (5) Equipment staging areas.
- (6) Material storage areas.
- (7) Emergency vehicle access.
- (8) Temporary traffic control measures.
- (9) Roadway protection measures.
- (10) Communication procedures for residents and emergency responders.

The plan shall provide for flaggers, traffic control personnel, signage, and other traffic management measures as necessary to safely accommodate construction activities on the narrow one-way access road.

Emergency access shall be maintained at all times.

Construction vehicle size, weight, frequency, and hours of operation may be restricted as determined necessary by the County and/or the Geotechnical Engineer of Record.

(3) Roadway Stability and Protection

The applicant shall be responsible for protecting the private access road from damage associated with construction activities.

The applicant shall document existing roadway conditions along the full construction vehicle access route from Brighton Avenue to the project site, including pavement condition, edge conditions, drainage features, retaining structures, and any visible settlement, cracking, sloughing, or instability. Documentation shall be provided to DPW as video footage collected less than six weeks from the date of the building permit issuance. If the start of construction is delayed beyond permit issuance by more than two months, an updated video shall be provided. Prior to final inspection, an updated video shall be provided to DPW.

The Geotechnical Engineer shall evaluate the effects of construction activities, construction traffic, equipment loading, excavation, retaining wall construction, drainage improvements, and temporary stockpiling on roadway stability.

If roadway distress, settlement, cracking, sloughing, erosion, loss of support, or other adverse impacts are observed during construction, work shall immediately cease in the affected area until the Geotechnical Engineer evaluates the condition and provides written recommendations acceptable to the County.

Any roadway damage resulting from project construction beyond normal wear and tear shall be repaired by the applicant at the applicant's sole expense.

(4) Geotechnical Certification of Improvements Adjacent to the Roadway

The Geotechnical Engineer of Record shall provide written recommendations confirming that the location and design of all proposed structures, retaining walls, foundations, excavation limits, drainage improvements, and associated site improvements have been evaluated relative to the private roadway and will not adversely affect roadway stability, lateral support, drainage patterns, maintenance access, or long-term roadway performance.

5. PRIOR TO FINAL OCCUPANCY OR FINAL PERMIT APPROVAL:

A. Final Geotechnical Certification

The Geotechnical Engineer of Record shall submit a signed and stamped certification letter confirming that:

- (1) Construction was completed in substantial conformance with approved geotechnical recommendations.
- (2) The ADU, retaining walls, foundations, drainage improvements, and associated site work were constructed in accordance with approved plans and field recommendations.
- (3) No known and unresolved geotechnical, roadway stability, or slope stability concerns remain.

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 Board of Supervisors. 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 (September 15, 2026).

SECTION VI: VOTES

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 31ST day of August 2026.

AYES: COMMISSIONERS

NOES:

ABSENT:

Claudia Muralles, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Sindy Palencia
Planning Commission Recording Secretary