STAFF REPORT TO THE MARIN COUNTY DEPUTY ZONING ADMINISTRATOR
Yerington Coastal Development Permit & Design Review

Recommendation:	**Approve with conditions**
Hearing Date:	**June 6, 2024**

Application No(s):	P4211		
Agenda Item:	1	Owner(s):	Matthew & Janis Yerington
Last Date for Action:	6/21/24	Assessor's Parcel No(s):	191-261-21
		Property Address:	20 Oak Rd., Bolinas
		Project Planner:	Erin Yattaw 415-473-3535 Erin.Yattaw@marincounty.gov
		Signature:	Erin Yattaw
Countywide Plan Designation:		C-SF5 (Low Density Residential Coastal Zone)	
Community Plan Area:		Bolinas	
Zoning District:		C-RA-B2 (Residential Agriculture, minimum lot size 20,000 sq. ft.)	
Environmental Determination:		Exempt per CEQA Guidelines section 15303, Class 3	

PROJECT SUMMARY

The applicant requests Coastal Development Permit and Design Review approval to construct two, detached accessory structures (sheds) on a vacant lot in Bolinas. The 240 square feet of proposed development would result in a floor area ratio of one percent on the 18,000 square foot lot. The proposed accessory structures would reach a maximum height of 14 feet, 8 5/8 inches above surrounding grade and the exterior walls would have the following setbacks on the through lot: over 150 feet from the southwestern front property line; 25 feet, 9 ½ inches from the northwestern side property line; 25 feet, 8 ½ inches from the southeastern side property line; and 25 feet, 5 inches from the northeastern front property line.

Coastal Development Permit (CDP) approval is required pursuant to Marin County Coastal Zoning Code Section 20.68.030 because the project entails development in the Coastal Zone (as defined in Article VIII, Chapter 20.130.D) that is not exempt from the requirement to obtain CDP approval. Design Review approval is required pursuant to Marin County Coastal Zoning Code Section 20.62.070, Table 5-2-a because the project entails development of agricultural accessory structures, specifically livestock operations-large animals, within the C-RA zoning district.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area:	18,000 square feet
Adjacent Land Uses:	Single-family residences located to the north, east, and west and a bluff-edge facing the ocean to the south
Topography and Slope:	Average slope of approximately 21 percent, there is a bluff edge to the south that is steeply sloping and retreating toward the west, whereas the parcel slope is less steep towards the eastern bluff edge
Existing Vegetation:	Some ornamental grasses, shrubs, flowers, and trees
Environmental Hazards:	"Moderate" fire risk, "high" fire hazard severity zone, "some" ground ground shaking amplification hazard, "mostly" landslide risk, and "high" expansive soil risk

The project site consists of a vacant lot and is located in the community of Bolinas within an area that is intermixed with single-family residences and vacant parcels. The project site was developed with a single-family residence that was demolished.

BACKGROUND

In 2023, the Marin County Code Compliance Division received a complaint that was subsequently verified by Code Compliance staff that the property owners were in the process of building two sheds without permit(s). In an effort to bring the property into compliance, the property owners have applied for permits from the Planning Division.

On August 2, 2023, the applicant submitted a Coastal Development Permit application. The project was transmitted to the Marin County Department of Public Works (DPW) and the California Coastal Commission (CCC). Staff received written responses from DPW and CCC during the completeness review and their responses are attached. A notice was posted on the project site on September 6, 2023. The Community Development Agency provided public notice identifying the applicant and describing the project and its location.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Yerington Coastal Development Permit.

Attachments:

1. Recommended resolution
2. Marin County Uniformly Applied Conditions 2023
3. CEQA Exemption
4. DPW Transmittal Response
5. CCC Transmittal Response
6. Geotechnical Report (November 27, 2023)
7. Revised Geotechnical Report (March 21, 2024)
8. Public Comments
9. Project Plans

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____
A RESOLUTION APPROVING THE YERINGTON COASTAL DEVELOPMENT PERMIT AND DESIGN REVIEW
20 OAK RD., BOLINAS
ASSESSOR'S PARCEL: 191-261-21

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SECTION I: FINDINGS

1. **WHEREAS**, applicant, Matthew Yerington, on behalf of owners, Matthew & Janis Yerington, has submitted a Coastal Development Permit and Design Review application for the construction of two detached agricultural accessory structures (sheds). The property is located at 20 Oak Rd., Bolinas and is further identified as Assessor's Parcel 191-261-21.

The applicant requests Coastal Development Permit approval to construct two detached accessory structures (sheds) on a vacant parcel in Bolinas. The 240 square feet of proposed development would result in a floor area ratio of one percent on the 18,000 square foot lot. The proposed sheds would reach a maximum height of 14 feet, 8 5/8 inches above surrounding grade and the exterior walls would have the following setbacks on the through lot: over 150 feet from the southwestern front property line; 25 feet, 9 ½ inches from the northwestern side property line; 25 feet, 8 ½ inches from the southeastern side property line; and 25 feet, 5 inches from the northeastern front property line.

Coastal Development Permit approval is required pursuant to Marin County Coastal Zoning Code Section 20.68.030 because the project entails new development in the Coastal Zone as defined in Article VIII, Chapter 20.130.D, Development. Design Review approval is required pursuant to Marin County Coastal Zoning Code Section 20.62.070, Table 5-2-a because the project entails development agricultural accessory structures, specifically livestock operations-large animals, within the C-RA zoning district.

2. **WHEREAS**, on June 6, 2024, 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 Categorically 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 have a significant impact on the environment.

4. **WHEREAS,** the project is consistent with the goals and policies of the Marin Countywide Plan 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.

5. **WHEREAS,** the project is consistent with the goals and policies of the Bolinas Gridded Mesa Plan for the following reasons:

A. The project is consistent with Land Use Policy LU-1in that the applicant has provided a geotechnical report prepared by a licensed engineer that assesses geological site constraints. The report establishes that environmental constraints can be overcome by siting the development accordingly (see below for a further discussion of development siting related to the bluff edge). Furthermore, the project would not contribute to groundwater mounding, nitrate accumulation, and bluff erosion on the Mesa due to the nature of the project and siting of the development outside of the bluff erosion zone.

B. The project is consistent with Land Use Policy LU-2 related to stream protection because it is not located within the Alder Creek buffer area.

C. The project is consistent with Land Use Policy LU-4 related to septic capacity because the project does not entail new residential development requiring an on-site septic system.

6. **WHEREAS,** the project is consistent with the mandatory findings for Coastal Development Permit approval (Marin County Local Coastal Program, Implementation Plan 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 20.64.180**

(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)

There is no direct public access to coastal beaches from the subject property nor are there any public trails that intersect it. Therefore, the proposed project would not impact existing coastal access and the project is consistent with the Land use Plan (LUP) public coastal access policies (C-PA-2, C-PA-15 and C-PA-16).

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 was previously developed with a single-family dwelling that was demolished. According to the data on file in the Marin County Geographic Information System, the property does not contain wetlands, coastal streams, riparian vegetation, special-status species, 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 ESHAs were observed on the subject site.

The project is consistent with the LUP biological resources policies for the protection of natural transition and connection associated with 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 project would not substantially alter the margins along environmentally sensitive habitat areas. Further, the project would not entail the irreplaceable removal of groves of trees that provide wildlife nesting and roosting 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).**

a. **Dune Protection (Marin County Local Coastal Program, Implementation Plan Section 20.64.060.A)**

There are no natural dunes in the development area or in the immediate surrounding area.

b. **Shoreline Protection (Marin County Local Coastal Program, Implementation Plan Section 20.64.060.B)**

The applicant submitted a Geotechnical Evaluation Report prepared by Miller Pacific Engineering Group dated March 21, 2024. Per the report, the 0.42-acre subject parcel is located along a 130-foot-high coastal bluff that crosses the project site approximately 40-feet from the southwest side of the parcel along Duxbury Point in southwest Bolinas. Consistent with the County's Coastal Zoning Code findings, new structures muct be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that the structures are not threatened from cliff retreat within

their economic life expectancies. The finding goes on to establish the following calculation for determining this sufficient distance (e.g., bluff top setback):

> Setback (meters) = structure life (at least 40 years) X retreat rate (meters/year). In area where vigorous sliding is taking place; an additional 15 meters should be added as a safety factor in areas where vigorous sliding is taking place.

The geotechnical report determined that the average annual retreat rate at the site to be 2-feet (0.6 meters) per year. Applying a a reasonable structure-life of 40 years, the resultant bluff top setback for the site should be a minimum of 80 feet (24.4 meters) from the bluff top edge. The report states that sliding on the site was "vigorous" for the region, therefore, an additional 15-meter safety factor was added to the bluff top setback for a 129.2-foot (39.4 meter) setback from the bluff edge. As the development is proposed to be outside of the 129.2-foot setback from the bluff top edge, it would thus be located in conformance with CDP findings.

c. **Geologic Hazards (Marin County Local Coastal Program, Implementation Plan Section 20.64.060.C)**

Per the Geotechnical Evaluation Report prepared by Miller Pacific Engineering Group on March 21, 2024, there are no active faults that cross the project site. According to the report, the potential for strong seismic shaking on the property is high. The proposed structures are solely for storage and not approved for human habitation and as outlined above, are proposed to be located more than 129.2-feet from the bluff edge.

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). 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. A single-family dwelling was previously demolished on the project site. The project, constructing sheds, would be accessory to the principally permitted agricultural land use of livestock operations, large animals (goats) in conformance with the Marin Coastal Zoning Code Section 20.32.035.B, and Table, 3-7.

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).**

Department of Public Works staff reviewed the plans and found them to be acceptable. No grading is proposed. The project is consistent with the LUP water quality policies and 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 the grading and drainage improvements would comply with the Marin County standards and best management practices required by the Department of Public Works.

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 neighborhood surrounding the project site primarily consists of single-family residences and vacant parcels, with single-family residences in the immediate vicinity consisting of one- and two-story structures and residential accessory structures. Within the C-RA zoning district, livestock operations, large animals (goats) and agricultural accessory structures are permitted land uses that are subject to Design Review approval. The proposed agricultural accessory structures would not exceed the maximum allowable height of 15 feet above surrounding grade for the respective zoning district. The project would not disrupt significant views of the ocean or scenic coastal areas because it is not highly visible from public viewing areas. The project would be consistent in scale, design, and materials with the surrounding community. Therefore, the project is consistent with the LUP community design policies to protect visual resources and compatible design (C-DES-1, C-DES-2, and C-DES-3).

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 20.66 (Community Development).**

The proposed development would maintain the existing character of small-scale residential, commercial, and agricultural uses in Bolinas (C-BOL-1). Additionally, both sheds will not exceed 15 feet above surrounding grade.

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 as applicable.

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 proposed project would not result in the removal or demolition of low and/or moderate-income housing. Therefore, 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 does not entail the demolition of existing deed restricted affordable housing and would not affect the available housing stock in the surrounding community.

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 subject property would not be developed with wells or a sewage disposal system. No commercial operations have been proposed on the property.

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 through lot had frontage on Oak Road. and Nymph Road, however the access to Oak Rd. has been compromised due to bluff retreat. Therefore, the property is currently accessed by Nymph Road. exclusively. The project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not result in impacts to the road that the property is accessed from, Nymph Road.

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 polices (C-HAR-2, C-HAR-8) and this finding because the project site is not located within any mapped historic district boundaries and 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 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 is located entirely on the subject property and would not adversely affect access to existing visitor and local serving amenities.

7. **WHEREAS,** the project is consistent with the mandatory findings for Design Review approval (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 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

As referenced above, the proposed development would be located outside of the Bluff Top Setback as determined in the Geotechnical Evaluation Report prepared by Miller Pacific Engineering Group on March 21, 2024. Additionally, Department of Public Works staff reviewed the plans submitted for the project and deemed them to be adequate. No grading is proposed. Additionally, no tree removal is proposed.

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

The proposed sheds would be located on the eastern portion of the lot away from the Bluff Top Setback. The proposed placement of the sheds also allows for adequate space for the agricultural use of livestock operations, large animals. As discussed above, the permitted agricultural livestock operations, large animals land use shall be required to conform with Marin County Local Coastal Zoning Code, Section 20.32.035.B, and Table, 3-7. The property is not located within the Ridge and Upland Greenbelt (RUG) area and is not located on a visually prominent ridgeline. The proposed detached accessory structures would not obstruct views from public rights-of-way, waterways, or other public open spaces.

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

The proposed sheds would not exceed 15 feet in height consistent with the maximum allowable height limit for accessory structures established by the C-RA-B2 zoning district. The sheds would be made of wood and a condition will be imposed requiring the structures to be a neutral color and constructed of materials and colors that shall not be reflective.

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

No residential development is proposed; therefore, the Residential Single-Family Design Guidelines do not apply to this project.

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

No exterior lighting fixtures are proposed with the project.

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

The project site is partially denuded and includes some native grasses, trees, and shrubs. The project would not result in tree removal. According to the Marin County Geographic Information System, the site is identified as "barren".

ACCESS: Development standard C; Design Guidelines A-1.5

The project site is accessible via Nymph Road.

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

No residential development is proposed; therefore, the Residential Single-Family Design Guidelines do not apply to this project.

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

The proposed project includes the construction of agricultural accessory structures. The project site consists of a vacant lot which is accessed via Nymph Road. The subject property is a through lot that historically was accessed from Oak Road, but the property is no longer accessible from Oak Road due to bluff retreat that has taken place. The Bolinas Mesa consists primarily of residences and vacant parcels as well as some agricultural and equestrian structures.

The proposed development includes modest one-story structures. The proposed materials and colors of the structure would harmonize with the surrounding natural environment and the residences in the surrounding neighborhood as conditioned herein.

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 would not adversely impact sun and light exposure, views, vistas and privacy to adjacent properties due to the proposed location of the agricultural accessory structures (the structures would be set back a minimum of 25 feet to over 150 feet from surrounding properties), the size of the property, the topography of the site, and the location of the developed structures on the adjacent properties.

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.**

Rights-of-way and pathways for circulation will not be impacted, because the project is located entirely on the property. The property has frontage on Nymph Road and will continue to be accessed via that street.

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 would maintain an adequate separation from the neighboring residences and no new landscaping is proposed within the project scope.

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 Yerington Coastal Development Permit subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Development Permit approval authorizes the construction of two detached accessory structures (sheds) on a vacant parcel in Bolinas. The 240 square feet of approved development shall result in a floor area ratio of one percent on the 18,000 square foot lot. The approved sheds shall reach a maximum height of 14 feet, 8 5/8 inches above surrounding grade and the exterior walls shall have the following setbacks on the through lot: over 150 feet from the southwestern front property line; 25 feet, 9 ½ inches from the northwestern side property line; 25 feet, 8 ½ inches from the southeastern side property line; and 25 feet, 5 inches from the northeastern front property line.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Yerington Goat Shed," consisting of 2 sheets prepared by Dorman Associates Architecture and Interiors, received in final form on March 22, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

    a. The project materials and colors shall be neutral colors that blend with the natural surroundings and shall not be reflective.

3. The project shall conform to the Planning Division's "Uniformly Applied Standards 2023" with respect to all of the standard conditions of approval and the following special conditions: 3, 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.

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 6th day of June 2024.

_____

Megan Alton
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

_____

Michelle Reed
DZA Recording Secretary

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

2023

STANDARD CONDITIONS

1. The applicant/owner shall pay any deferred Planning Division fees as well as any fees required for mitigation monitoring or condition compliance review before vesting or final inspection of the approved project, as determined by the Director.

2. The applicant/owner shall defend, indemnify, and hold harmless the County of Marin and its agents, officers, attorneys, or employees from any claim, action, or proceeding, against the County or its agents, officers, attorneys, or employees, to attack, set aside, void, or annul an approval of this application, for which action is brought within the applicable statute of limitations. The County of Marin shall promptly notify the applicant/owner of any claim, action, or proceeding that is served upon the County of Marin and shall cooperate fully in the defense.

3. Exterior lighting for the approved development shall be located and shielded to avoid casting glare into the night sky or onto nearby properties, unless such lighting is necessary for safety purposes.

4. Building Permit applications shall substantially conform to the project that was approved by the planning permit. All Building Permit submittals shall be accompanied by an itemized list of any changes from the project approved by the planning permit. The list shall detail the changes and indicate where the changes are shown in the plan set. Construction involving modifications that do not substantially conform to the approved project, as determined by the Community Development Agency staff, may be required to be halted until proper authorization for the modifications is obtained by the applicant.

SPECIAL CONDITIONS

1. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit a signed Statement of Conformance prepared by a certified or licensed landscape design professional indicating that the landscape plan complies with the State of California's Model Water Efficient Landscape Ordinance and that a copy of the Landscape Documentation Package has been filed with the Community Development Agency.

2. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall mark or call out the approved building setbacks on the Building Permit plans indicating the minimum distance of the building from the nearest property line or access easement at the closest point and any of the following features applicable to the project site: required tree protection zones, Wetland Conservation Areas, or Stream Conservation Areas.

3. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off-site shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts to the night sky or on nearby properties. Exceptions to this standard may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless related to losses experienced due to geologic and hydrologic conditions and other natural hazards.

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit written confirmation that the property owner has recorded the "Disclosure Statement Concerning Agricultural Activities," as required by Section 23.03.050 of the Marin County Code.

6. BEFORE ISSUANCE OF A BUILDING PERMIT for any of the work identified in the project approval, the applicant shall install 3-foot high temporary construction fencing demarcating established tree protection zones for all protected trees that are not being removed in the vicinity of any area of grading, construction, materials storage, soil stockpiling, or other construction activity. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. Acceptable limits of the tree protection zones shall be the dripline of the branches or a radius surrounding the tree of one foot for each one inch diameter at breast height (4.5 feet above grade) of the tree trunk. The fencing is intended to protect existing vegetation during construction and shall remain until all construction activity is complete. If encroachment into the tree protection zone is necessary for development purposes, additional tree protection measures shall be identified by a licensed arborist, forester, or botanist, and the tree specialist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A report with the additional measures shall be submitted for review and approval by the Planning Division before any encroachment into a tree protection zone occurs.

7. BEFORE FINAL INSPECTION, if encroachments into a tree protection zone have been approved, then the tree specialist shall submit a letter to the Planning Division verifying that the additional tree protection measures were properly implemented during construction activities.

8. BEFORE ISSUANCE OF A BUILDING PERMIT, temporary construction fencing shall be installed on the subject property at edge of the Wetland Conservation Area and/or Stream Conservation Area, as applicable to the site. The applicant shall submit a copy of the temporary fencing plan and site photographs confirming installation of the fencing to the Community Development Agency. The construction fencing shall remain until all construction activity is complete. No parking of vehicles, grading, materials/equipment storage, soil stockpiling, or other construction activity is allowed within the protected area. If encroachment into the protected area is necessary for development purposes, additional protection measures shall be identified by a qualified biologist and the biologist shall periodically monitor the construction activities to evaluate whether the measures are being properly followed. A

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

9. BEFORE FINAL INSPECTION, if encroachments into a protected area have been approved, then the biologist shall submit a letter to the Planning Division verifying that the additional protection measures were properly implemented during construction activities.

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant must provide written evidence that all appropriate permits and authorizations have been secured for this project from the Bay Conservation and Development Commission, the California Department of Fish and Game, the Regional Water Quality Control Board, the California Coastal Commission, the California State Lands Commission, the Bay Area Air Quality Management District, and/or the United States Army Corps of Engineers.

11. BEFORE CLOSE-IN INSPECTION, the applicant shall have a licensed land surveyor or civil engineer with proper surveying certification prepare and submit written (stamped) Floor Elevation Certification to the Planning Division confirming that the building's finished floor elevation conforms to the floor elevation that is shown on the approved Building Permit plans, based on a benchmark that is noted on the plans.

12. BEFORE FINAL INSPECTION, the project shall substantially conform to the requirements for exterior materials and colors, as approved herein. Approved materials and colors shall substantially conform to the materials and colors samples shown in "Exhibit A" unless modified by the conditions of approval. The exterior materials or colors shall conform to any modifications required by the conditions of approval. All flashing, metalwork, and trim shall be treated or painted an appropriately subdued, non-reflective color.

13. BEFORE FINAL INSPECTION, the applicant shall install all approved landscaping that is required for the following purposes: (1) screening the project from the surrounding area; (2) replacing trees or other vegetation removed for the project; (3) implementing best management practices for drainage control; and, (4) enhancing the natural landscape or mitigating environmental impacts. If irrigation is necessary for landscaping, then an automatic drip irrigation system shall be installed. The species and size of those trees and plants installed for the project shall be clearly labeled in the field for inspection.

14. BEFORE FINAL INSPECTION, the applicant shall submit a Certificate of Completion prepared by a certified or licensed landscape design professional confirming that the installed landscaping complies with the State of California's Model Water Efficient Landscape Ordinance and the Landscape Documentation Package on file with the Community Development Agency.

15. BEFORE FINAL INSPECTION, the applicant shall submit written verification from a landscape design professional that all the approved and required landscaping has been completed and that any necessary irrigation has been installed.

16. BEFORE FINAL INSPECTION, utilities to serve the approved development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

17. BEFORE FINAL INSPECTION, the applicant shall call for a Community Development Agency staff inspection of approved landscaping, building materials and colors, lighting and

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

CODE ENFORCEMENT CONDITIONS

1. Within 30 days of this decision, the applicant must submit a Building Permit application to legalize the development. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

2. Within 60 days of this decision, a Building Permit for all approved work must be obtained. Requests for an extension to this timeline must be submitted in writing to the Community Development Agency staff and may be granted for good cause, such as delays beyond the applicant's control.

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

WHEN FILED MAIL TO:

Marin County Community Development Agency, Environmental Review Division
3501 Civic Center Drive, #308
San Rafael, Ca 94903

Attn: Don Allee

THIS SPACE FOR COUNTY CLERK'S USE ONLY

NOTICE OF CEQA EXEMPTION

May 16, 2024

1.	**Project Name:**	**Yerington Coastal Development Permit and Design Review (P4211)**
2.	**Project Location:**	20 Oak Road, Bolinas (APN: 191-261-21)
3.	**Project Summary:**	The applicant requests Coastal Development Permit and Design Review approval to construct agricultural accessory structures.
4.	**Public Agency Approving Project:**	Marin County
5.	**Project Sponsor:**	Matthew Yerington
6.	**CEQA Exemption Status:**	CEQA Guidelines section 15303, Class 3
7.	**Reasons for Exemption:**	The project would not have a significant impact on the environment.

Project Planner:

Erin Yattaw

Erin Yattaw
Planner

Reviewed by:

Robin Fiss for

Rachel Reid
Environmental Planning Manager

DZA - Attachment #3

VICINITY MAP

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: 8/31/23 DUE: 8/28/23

TO: Erin Yattaw

FROM: Maurice Armstrong

APPROVED:

RE: Yerington CP P4211

APN: 191-261-21

ADDRESS: 20 Oak Rd, Bolinas

TYPE OF DOCUMENT

____ DESIGN REVIEW
X 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:

X 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:

1. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plans:
    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. Note that 2022 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 2022 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.

Best Management Practices:

2. Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment

DZA - Attachment #4

control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website,
https://www.marincounty.org/~/media/files/departments/pw/mcstoppp/development/erosion sediment-control-measures-for-small-construction-projects-_2015.pdf?la=en

-END-

From: Velasquez, Leslie@Coastal
To: Erin Yattaw
Cc: Rexing, Stephanie@Coastal; Ringuette, Oceane@Coastal
Subject: RE: Yerington Coastal Permit (P4211) - Second Transmittal
Date: Friday, April 19, 2024 10:36:18 AM
Attachments: image001.png

Hi Erin,

Thank you for sending this proposal for the construction of two 120 square foot sheds for goats on a vacant lot in Bolinas. After reviewing the project materials, Commission staff would like to provide the following comments:

Bluff Setback: Thank you for amending the setback for the sheds to 39.4 meters from the bluff edge.

Hazards: Please ensure the inclusion of the full suite of hazards conditions described in our previous response.

Thank you!

Best,
Leslie

From: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Sent: Wednesday, February 21, 2024 2:55 PM
To: Erin Yattaw <Erin.Yattaw@MarinCounty.gov>
Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>
Subject: RE: Yerington Coastal Permit (P4211) - Second Transmittal

Hi Erin,

Thank you for sending this submittal. From my understanding, this project proposes the construction of two 120 square foot sheds for goats on a vacant lot in Bolinas. The 240 square feet of proposed development would result in a floor area ratio of one percent on the 18,000 square foot lot. It appears that the proposed buildings would reach a maximum height of 14 feet, 8 5/8 inches above surrounding grade and the exterior walls would have the following setbacks: 116 feet, 6 inches from the southwestern front property line; 27 feet, 8 inches from the northwestern side property line; 40 feet, 4 inches from the southeastern side property line; 48 feet from the northeastern front property line. After reviewing the project materials, Commission staff would like to provide the following comments:

Bluff Setback: The geotechnical report recommends an 80 foot setback based on a rate of retreat of two feet per year and an anticipated structure life of 40 years, however, per the 1980 Unit 1 hazards policies, page 7, the appropriate setback here is as follows: "Setback (meters) = structure life (yrs.) X retreat rate (meters/yr.) In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor." Given that the geotechnical report identifies sliding as a risk, please amend the proposal to include a setback of 39.384 meters, [40 years structure life x retreat rate of 2 feet a year (or 0.60 meters) = 80 feet, or 24.384 meters, plus an additional 15 meters to account for the factor of safety, for a total setback of 39.384 meters].

Hazards: Given the hazards described above and in the geotechnical report, and in order to establish consistency with the applicable standards please modify the submittal with the additional setbacks and add the following suite of hazards conditions to the permit as required conditions of approval:

1. Coastal Hazards. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:
    a. Coastal Hazards. This site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea level rise.
    b. Permit Intent. The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
    c. No Future Shoreline Armoring. No shoreline armoring, including but not limited to additional or augmented piers or retaining walls, shall be constructed to protect the development approved pursuant to this CDP, including, but not limited to, residential buildings or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law area waived, and no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.
    d. Future Removal/Relocation. The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential building and other development authorized under this CDP, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Calle Del Onda as a viable roadway. Marin County shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential building or other development authorized by this CDP shall require Executive Director approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Executive Director approval. e. Assume Risks. The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against Marin County its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless Marin County, its officers, agents, and employees with respect to the County's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and accepts full responsibility for any adverse effects to property caused by the permitted project.
2. Real Estate Disclosure. Disclosure documents related to any future marketing and/or sale of the residence, including but not limited to marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of Special Condition 1. A copy

MILLER PACIFIC ENGINEERING GROUP

November 27, 2023
File: 3555.001ltr.doc

Mr. Matthew Yerington
P.O. Box 161
Bolinas, California 94924

Re: Geotechnical Evaluation Report
20 Oak Road (APN 191-261-21)
Bolinas, California

Introduction & Project Description

This letter summarizes our geologic and geotechnical evaluation of the lot and proposed improvements at 20 Oak Road in Bolinas, California. The approximate site location is illustrated on the attached Site Location Map, Figure 1. The purpose of our geotechnical evaluation is to evaluate relevant geologic hazards which may affect the proposed development and to determine appropriate setbacks for site-specific bluff retreat rates at the site and mitigation measures.

The scope of our geotechnical services is outlined in our Agreement for Professional Engineering Services dated September 28, 2023. Our scope included review of geologic reference materials and results of our nearby subsurface explorations to describe the geologic setting and local geologic conditions, evaluation of relevant geologic hazards and mitigation measures, and determination of appropriate setbacks for site-specific bluff retreat rates at the site.

The project generally includes assembling two Amish shed structures within the northeastern half of the site. The sheds occupy a footprint of 120 sq. feet each and they are both 15-feet in height. The sheds are each supported by six concrete pier blocks and will be used for storage and goat habitation. We understand that no new human-occupied structures are planned as part of the project. Locations of proposed shed structures and other features are shown on the Site Plan, Figure 2.

Regional Geology & Seismicity

Regional geologic mapping[1] indicates the site is located at the edge of a costal bluff and underlain by Miocene-aged Santa Cruz mudstone bedrock. Quaternary-aged landslide deposits are mapped along the bluff to the east of the project site. Quaternary-aged marine terrace deposits are mapped along the bluff edge to the northwest of the project site. Santa Cruz Mudstone bedrock typically consists of thin- to thick-bedded and faintly laminated olive-gray to pale-yellowish-brown siliceous mudstone. Marine terrace soils consist of weakly consolidated, variably sorted sand, silt, and gravel deposited on stream- and wave-cut surfaces. A regional geologic map is shown on Figure 3.

1 Clark, J.C., and Brabb, E.E., "Geology of the Point Reyes National Seashore and Vicinity", USGS, OFR 97-456, 1997. Scale 1:48,000.

Mailing Address:
P.O. Box 2802
Novato, California 94948-2802

Phone Number: (415) 382-3444
Fax Number: (415) 382-3450

Physical Address:
504 Redwood Blvd., Suite 220
Novato, California 94947

Seismicity

The site is located within the seismically active San Francisco Bay Region and will therefore experience the effects of future earthquakes. Such earthquakes could occur on any of several active faults within the region. The California Division of Mines and Geology (1998) has mapped various active and inactive faults in the region. Active faults are defined as those that show evidence of movement in the past 11,000 years (i.e., Holocene) and have reported average slip rates greater than 0.1 mm per year. These faults are shown in relation to the project on the attached Active Fault Map, Figure 4, and their historic seismic activity is shown on Figure 5.

Site Conditions

The project site consists of an approximately 0.42-acre parcel located along the coastal bluff at Duxbury Point in southwestern Bolinas. The bluff itself approaches 130-feet high and is inclined about 1.5:1 (horizontal:vertical). The bluff edge crosses through the project site about 40-feet from the southwest side while the ground surface across the remainder of the lot slopes gently to the southeast. The lot is currently vacant with only two, un-finished Amish shed structures sited within the northeastern half of the lot. The project site is vegetated with short native grasses and mature trees. The driveway off Oak Road is no longer accessible due to bluff retreat, and access to the site is now provided by Nymph Road.

Anticipated Subsurface Conditions

Based on geologic mapping and our experience in this area of Bolinas, we anticipate the subsurface conditions will include silty/clayey sand terrace deposits overlying weathered bedrock. Weathered bedrock is anticipated at depths between 10- and 20-feet below the ground surface. Groundwater conditions in the general vicinity are anticipated to be within the upper 10-feet or near the soil-rock interface.

Geologic Hazards Evaluation

The principal geologic hazards which could potentially affect the project site are strong seismic shaking, lurching and ground cracking, erosion, and landsliding/bluff retreat. Other commonly considered geologic hazards, including liquefaction, expansive soils, settlement, flooding, and others are not considered significant regarding the proposed project. Potentially significant geologic hazards, their anticipated impacts, and recommendations are discussed below.

Fault Surface Rupture

Under the Alquist-Priolo Earthquake Fault Zoning Act, the California Geological Survey (CDMG)/California Geologic Survey (CGS) (1974, 2000) produced 1:24,000 scale maps showing all known active faults and defining zones within, which special fault studies are required. Based on currently available published geologic information, the project site is not located within an Alquist-Priolo Earthquake Fault Zone (CGS, 2018). The San Andreas Fault is the nearest known active fault, located about 1.6 kilometers northeast. Based on currently available published geologic information, the project site is not located within an Alquist-Priolo Earthquake Fault Zone (CDMG, 1974). Therefore, the potential for fault surface rupture is low.

Evaluation: *No significant impact.*
Recommendations: *No recommendations are required.*

Seismic Shaking

The site will likely experience seismic ground shaking from future earthquakes in the San Francisco Bay Area. Earthquakes along several active faults in the region, as shown on Figure 4, could cause moderate to strong ground shaking at the site. A map of historic earthquake activity is presented on Figure 5. The intensity of ground shaking will depend on the characteristics of the causative fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Estimates of peak ground accelerations are based on either deterministic or probabilistic methods. For residential developments, deterministic methods are typically used.

Deterministic Seismic Hazard Analysis (DSHA) predicts the intensity of earthquake ground motions by analyzing the characteristics of nearby faults, distance to the faults and rupture zones, earthquake magnitudes, earthquake durations, and site-specific geologic conditions. Empirical relations (Campbell and Borzognia, Chiou and Youngs, (2008)) for the weathered bedrock conditions were utilized to provide approximate estimates of median peak site accelerations. A summary of the principal active faults affecting the site, their closest distance, moment magnitude of characteristic earthquake peak ground accelerations (PGA), which an earthquake on the fault could generate at the site are shown in Table A.

TABLE A
DETERMINISTIC PEAK GROUND ACCELERATION
20 Oak Road
Bolinas, California

Fault Rupture Scenario	Approx. Fault Distance[1]	Max. Moment Magnitude[2]	Median PGA[3,4]	84th Percentile PGA[3,4]
San Andreas Fault: SAO+SAN+SAP+SAS	1.6 km	8.0	0.57 g	1.01 g
San Gregorio	1.7 km	7.4	0.54 g	0.97 g
Hayward Fault: RCHN+HS+HE	31.3 km	7.6	0.16 g	0.28 g

Notes:
1. Values estimated using Google Earth KML Files showing Quaternary Faults in the US obtained from USGS website, accessed 2023.
2. Values determined using USGS Earthquake Scenario Map (BSSC 2014), accessed 2023.
3. Values determined using Vs30 = 560 m/s for Site Class "C" in accordance with the 2022 CBC and 2016 ASCE-7.
4. Abrahamson, Silva and Kamai (2014); Boore, Stewart, Seyhan and Atkinson (2014); Campbell and Borzognia (2014); and Chiou and Youngs (2014).

The calculated accelerations should only be considered as reasonable estimates. Many factors (soil conditions, orientation to the fault, etc.) can influence the actual ground surface accelerations. Ground shaking can result in structural failure and collapse of structures or cause non-structural building elements, such as light fixtures, shelves, cornices, etc., to fall, presenting a hazard to building occupants and contents. Compliance with provisions of the California Building Code (CBC) should result in structures that do not collapse in an earthquake. Damage may still occur, and hazards associated with falling objects or non-structural building elements will remain.

The potential for strong seismic shaking at the project site is high. Due to their proximity, the San Andreas and San Gregorio Faults present the highest potential for severe ground shaking. The significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements.

Evaluation: *Less than significant with incorporated recommendations.*
Recommendations: *Minimum recommendations include designing new habitable structures and foundations in accordance with the most recent version of the California Building Code (2022). It is anticipated that the new shed structures will be used as non-habitable space.*

Lurching and Ground Cracking

Lurching and associated ground cracking can occur during strong ground shaking. The ground cracking generally occurs along the tops of slopes where stiff soils are underlain by soft deposits or along steep slopes or channel banks.

The project site is gently sloping within the eastern half and steeply sloping along the southwest boundary, where the bluff edge crosses the site. We anticipate 10- to 20-feet of sandy terrace deposits over weathered bedrock. Given the steeply-inclined bluff face and relative weakness of the terrace deposits, we judge the risk of damage due to lurching and ground cracking is high.

Evaluation: *Less than significant with incorporated recommendations.*
Recommendations: *If warranted, supplemental analyses could be performed to evaluate slope stability and the potential for lurching and ground cracking under seismic conditions. However, it is anticipated that such analysis may not be warranted given the on-going bluff retreat, ultimate intended land use and nature of the project. In general, increased setback from the edge of the bluff will result in a lessened risk of damage from lurching and ground cracking.*

Erosion

Sandy soils on moderate slopes or clayey soils on steep slopes are susceptible to erosion when exposed to concentrated water runoff. The potential for erosion is increased when established vegetation is disturbed or removed during normal construction activity.

The project site is gently sloping within the eastern half and steeply sloping along the southwest boundary, where the bluff edge crosses the site. We anticipate predominately sandy soils located at the ground surface. In addition, wave action at the base of bluff / beach level is actively eroding the toe of the bluff. Therefore, widespread erosion is considered a moderate risk at the site.

Evaluation: *Less than significant with incorporated recommendations.*

Recommendations: *It is anticipated that no new grading will take place given the ultimate intended land use and nature of the project. If site grading is performed, design of finished grades and site drainage systems (if any) should carefully consider the potential for erosion. An erosion control plan should be developed prior to any new construction per the current guidelines of the Marin County Stormwater Pollution Prevention Program or similar standards.*

Slope Instability/Bluff Retreat

Slope instability generally occurs on relatively steep slopes and/or on slopes underlain by weak materials. Coastal bluff retreat, and shoreline retreat in general, is most common where the underlying geologic materials are highly susceptible to erosion and scour, and where erosion by concentrated flow at the top of the cliff occurs in conjunction with scour by wave action and ocean currents at the base of the cliff. Cliff and shoreline retreat may be exacerbated or accelerated by rising sea levels, and may be retarded by simultaneous accretion, deposition, and/or tectonic uplift.

We have reviewed a variety of bluff retreat studies, historic shoreline data, and aerial photographs in order to determine site-specific retreat rates. Materials we reviewed include the following:

USGS OPEN-FILE REPORT 2007-1133 (2007) – Part 4 of the USGS National Assessment of Shoreline Change Project[1] addresses long-term cliff retreat rates along the California Coast. Cliff retreat rates were interpreted based on the spatial difference between historic cliff edge locations, as determined from NOAA Topographic Sheets and other maps, and current cliff edges as surveyed using LiDAR technology. Historic cliff edge locations were taken from sources published between 1920 and 1930, while LiDAR imaging was performed in 1998 and 2002. Therefore, long-term cliff retreat rates are based on differences in cliff edge locations observed over a period of time spanning approximately 70-years.

For the San Francisco North study region, which extends from Tomales Point in the north to Point Bonita in the south, the average retreat rate is reported as 0.5-meters (about 19.6-inches) per year, while the average total retreat over the 70-year span is reported as 36.2-meters (about 119-feet).

USGS reports that "the maximum rate in this region, –1.9 m/yr (6.2-feet), was measured along the south-facing cliffs of Point Reyes headland . . . slope failures within the overlying materials result in the high erosion rates. Other areas where high rates were measured in the San Francisco North region include . . . along the promontory connecting Bolinas and Duxbury Points."

---

1 Hapke, C.J., Reid, D., Green, K.R., and Borrelli, M. (2007), "National Assessment of Shoreline Change: Part 4: A GIS Compilation of Vector cliff edges and associated change data for the cliffed shorelines of the California Coast", Open-File Report 2007-1112, U.S. Geological Survey, Coastal and Marine Geology Program, U.S. Geological Survey, Pacific Science Center, Santa Cruz.

We reviewed composite vector shorelines[2,3] for the site produced by the study in ArcGIS Pro. Vector shoreline data for coastal cliff areas included composite historic shorelines for the time periods between 1929 and 1935 (generated from historic maps and other paper sources) and between 1988 and 2002 (surveyed by LiDAR in conjunction with NASA). At the project site, we measured between 114-feet and 175-feet of bluff retreat over the (maximum) 73-year period, for an average of approximately 147.8-feet (about 45-meters). Per year, this equates to an average annual retreat rate of approximately 2.0-feet per year.

We also reviewed historic aerial photography from the California Coastal Records Project and Google Earth. Oblique-angle color photographs spanned the time period between 1972 and 2022. As shown on Figures 6, significant mass-wasting and bluff retreat has occurred, primarily within the southwest region of the site. More recent site specific rates calculated from bluff edge positions between 2009 and 2022 generally agree with the historic average rate of 2.0-feet per year.

Based on an average annual retreat rate of 2.0-feet (0.6 meters) per year and a reasonable structure-life of 40 years, we estimate that a total of about 80-feet (24.4 meters) of bluff retreat should be anticipated. As shown in Figure 7, the southwestern half of the project site will likely be impacted by bluff retreat in the next 40 years. Slope instability/bluff retreat is considered a significant geologic hazard at the project site, especially in the southwest region of the property.

Evaluation:	*Less than significant with incorporated recommendations.*
Recommendations:	*Recommendations include providing new structures with an 80-foot (24.4 meter) setback for a structure-life of 40 years to reduce the risk of damage or undermining by bluff retreat.*

Discussion and Recommendations

Based on the results of our evaluation, it is our professional opinion that the proposed shed structures are feasible from a geotechnical perspective. As discussed above, the primary geotechnical considerations for the project will include providing appropriate setbacks from the bluff edge to reduce risk of damage to the shed structures by slope instability/bluff retreat, lurching and ground cracking, and erosion.

For a structure-life of 40 years and an average bluff retreat rate of 2.0-feet/year, we recommend providing the sheds with an 80-foot setback from the bluff edge. If a longer structure-life is desired, the setback will need to be increased using the rate of 2.0-feet/year mentioned above.

If bluff retreat reaches the structures and if they are still in service and good shape, the structure(s) could be relocated further back on the property.

---

2 Hapke, C.J. and Reid, D. (2007) cencal1929_1935.shp - Vectorized Cliff Edge of Central California Derived from 1929-1935 Source Data: Open-File Report 2007-1112, U.S. Geological Survey, Coastal and Marine Geology Program, U.S. Geological Survey, Pacific Science Center, Santa Cruz, California.
3 Hapke, C.J., Reid, D., and Green K.R. (2007) cencal1998_2002.shp - Vectorized Cliff Edge of Central California Derived from 1998/2002 Lidar Source Data: Open-File Report 2007-1112, U.S. Geological Survey, Coastal and Marine Geology Program, U.S. Geological Survey, Pacific Science Center, Santa Cruz, California.

Supplemental Services

We can be available if needed to further discuss the results of our evaluation or respond to any geologic or geotechnical questions that arise during project planning. If desired, we can perform additional subsurface exploration, laboratory, and/or engineering analyses in the event engineered structures are planned at the project site.

Very truly yours,
MILLER PACIFIC ENGINEERING GROUP

REVIEWED BY:

Emily Carreno
Staff Geologist

Scott Stephens
Geotechnical Engineer No. 2398
(Expires 6/30/25)

Attachments: Figures 1 through 7

SITE COORDINATES
LAT. 37.89506°
LON. -122.70245°

SITE LOCATION

N.T.S.

NORTH

REFERENCE: Google Earth, 2023

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FILENAME: 3555.001 Figures.dwg

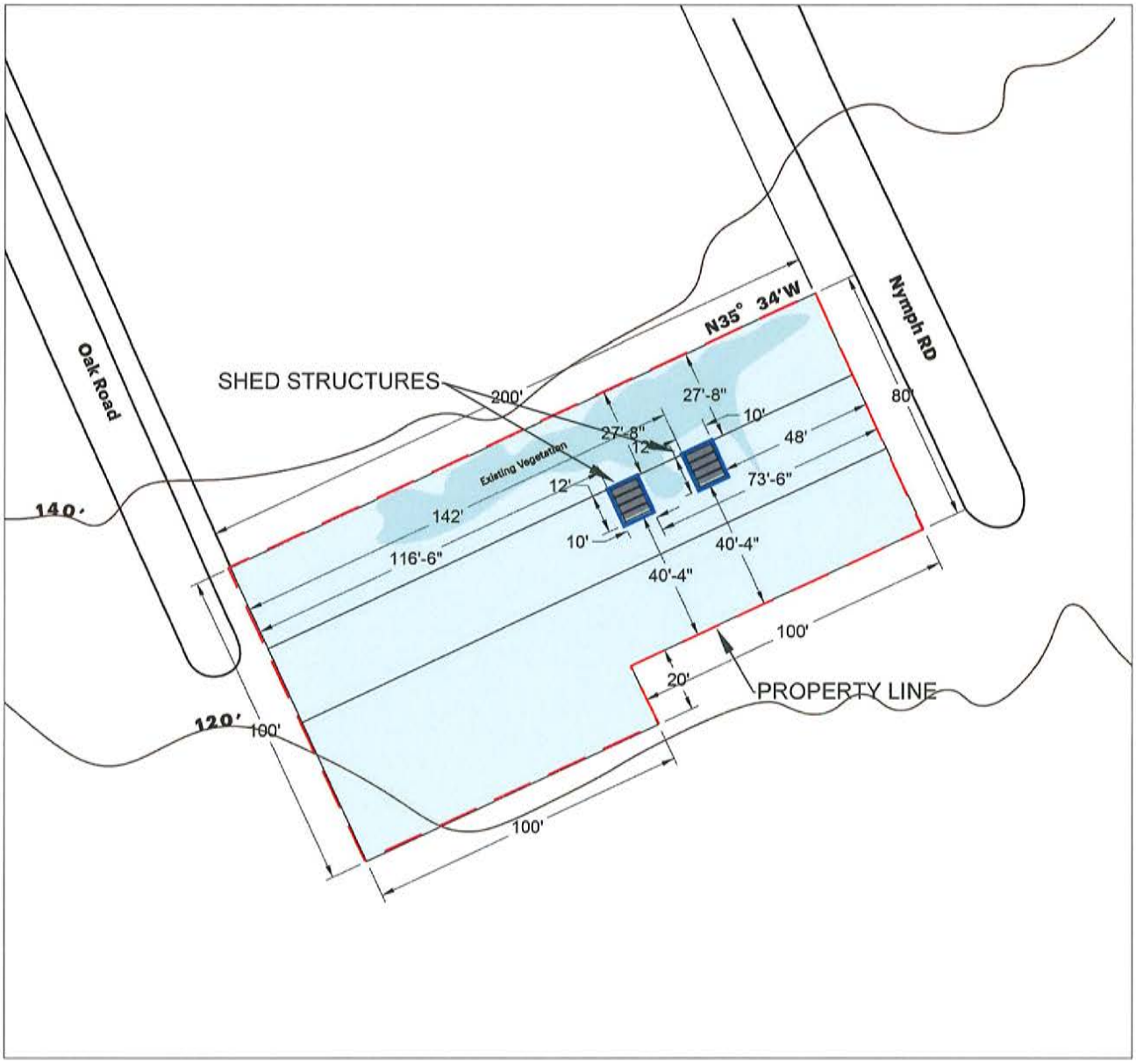
SITE LOCATION MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
Checked

1
FIGURE



SITE PLAN

SCALE

0 25 50 100 FEET

NORTH

REFERENCE: Isaac Yerington, '20 Oak Road, Bolinas, CA, 94924, APN: 191-261-21', Site Plan, Sheet 1/1, Plan dated August 1, 2023.

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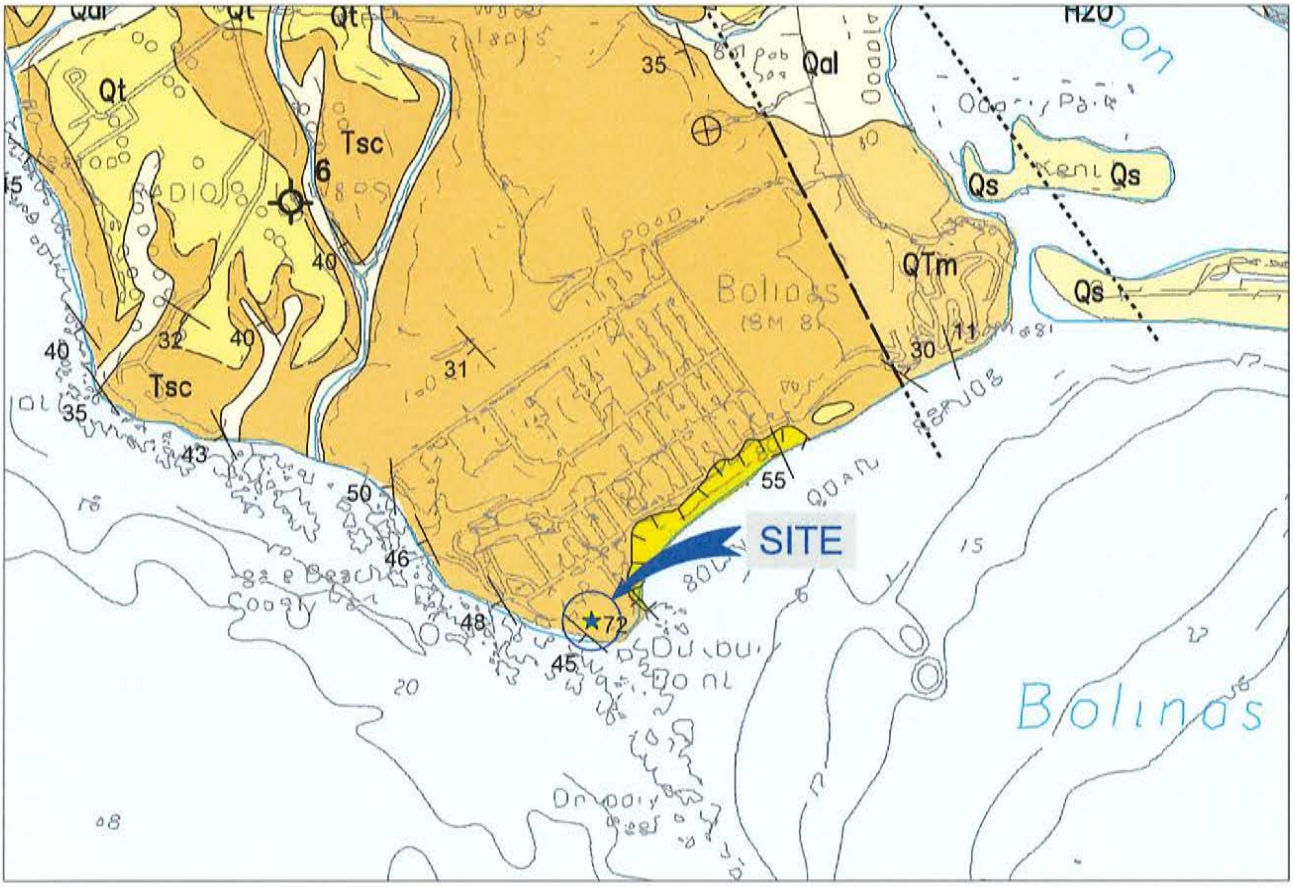
SITE PLAN

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
Checked

2
FIGURE



REGIONAL GEOLOGIC MAP

NORTH

Qs	**Beach sands** [Holocene] - Discontinuous accumulations of well- to moderately-sorted, fine- to coarse-grained loose sand locally are interspersed with pebble to boulder gravel.
Qal	**Alluvium** [Holocene] - Poorly consolidated, poorly sorted clay, silt, sand, and gravel usually fill stream and valley floors.
Qls	**Landslide deposits** [Pleistocene and Holocene] - Only large slides in the vicinity of Double Point and at Bolinas are shown, where they consist mainly of intact to highly disrupted masses of Santa Cruz Mudstone.
Qt	**Terrace deposits** [Pleistocene] - Discontinuous deposits of weakly consolidated and variably sorted sand, silt, and gravel deposited on stream- and wave-cut surfaces.
QTm	**Merced Formation** [upper Pliocene to Pleistocene] - Weakly consolidated, thick-bedded, sandy siltstone with cross-bedded, fine-grained silty sandstone and interbedded conglomerate.
Tsc	**Santa Cruz Mudstone** [upper Miocene] - Thin- to thick-bedded and faintly laminated olive-gray to pale-yellowish-brown siliceous mudstone contains thin elongate carbonate concretions.

REFERENCE: Clark, J.C. and Brabb, E.E., (1997) 'Geology of the Point Reyes National Seashore and Vicinity', United States Geological Survey, Open-File Report 97-456, Scale 1:48,000.

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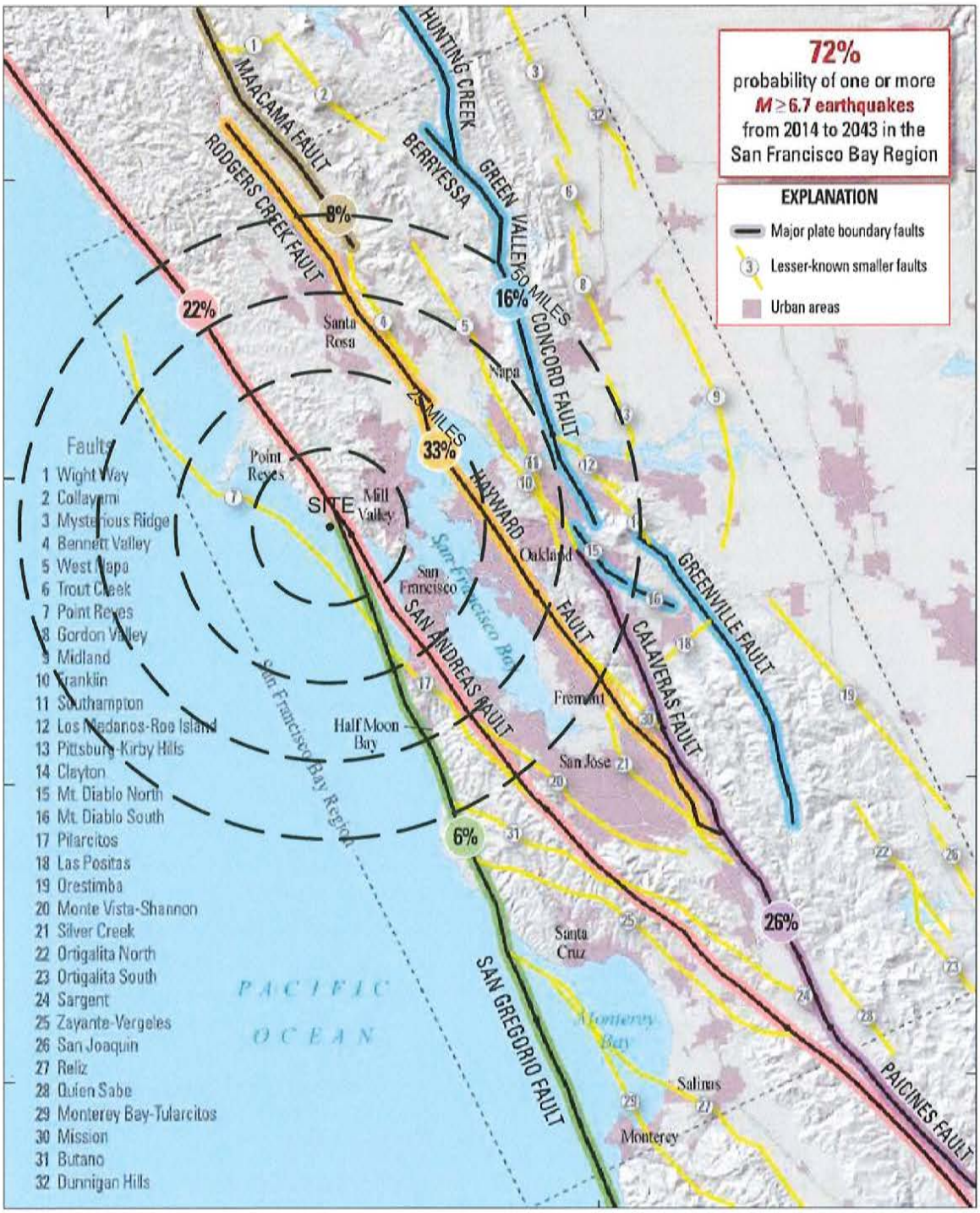
REGIONAL GEOLOGIC MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
Checked

3
FIGURE



SITE COORDINATES
LAT. 37.89506°
LON. -122.70245°

SCALE
0 12.5 25 50 MILES

NORTH

DATA SOURCE:
1) U.S. Geological Survey, U.S. Department of the Interior, "Earthquake Outlook for the San Francisco Bay Region 2014-2043", Map of Known Active Faults in the San Francisco Bay Region, Fact Sheet 2016-3020, Revised August 2016 (ver. 1.1).

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ACTIVE FAULT MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
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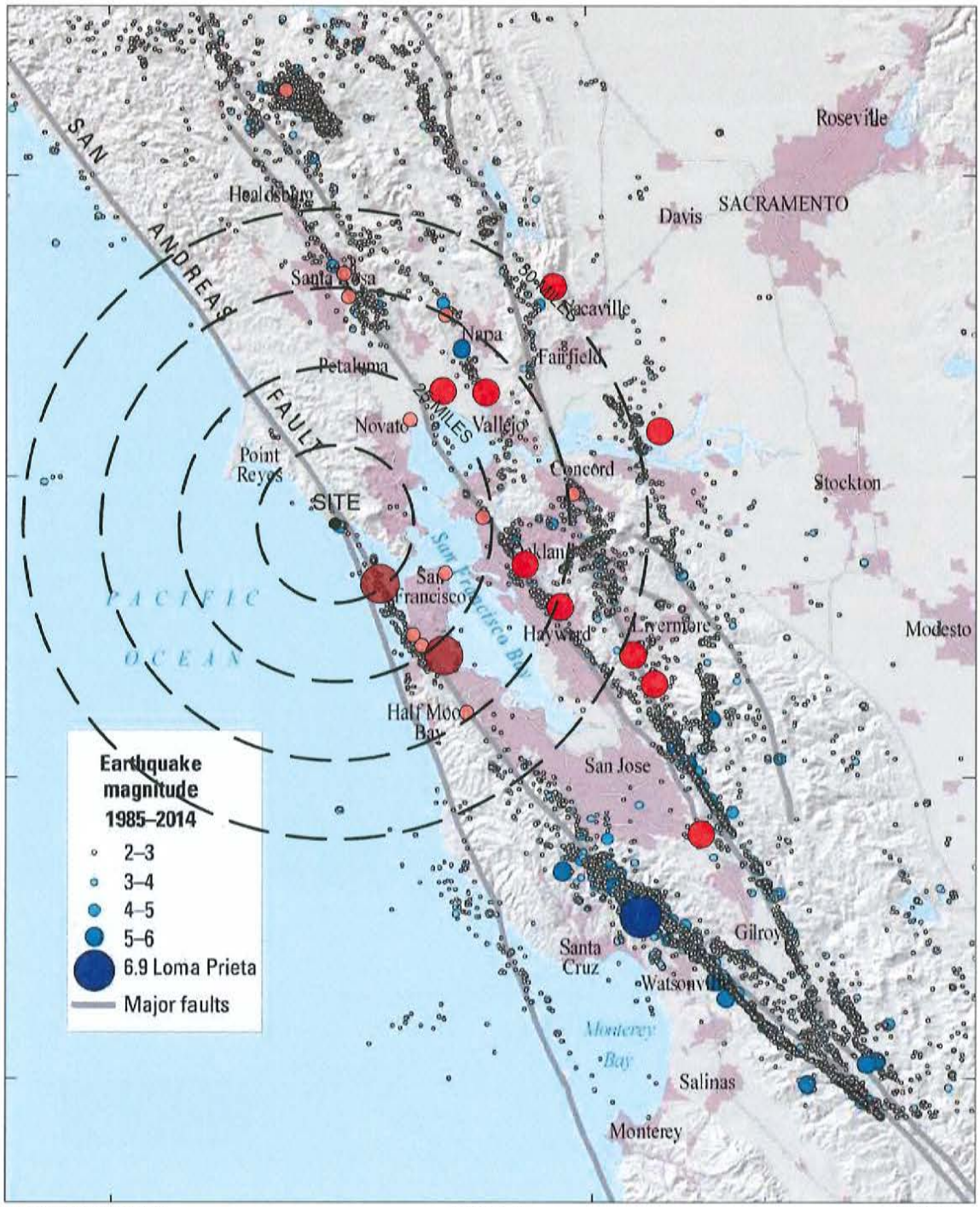
4
FIGURE



SITE COORDINATES
LAT. 37.89506°
LON. -122.70245°

SCALE
0 12.5 25 50 MILES

NORTH

LEGEND & DATA SOURCE:

See legend above. U.S. Geological Survey, U.S. Department of the Interior, "Earthquake Outlook for the San Francisco Bay Region 2014-2043", Map of Known Active Faults in the San Francisco Bay Region, Fact Sheet 2016-3020, Revised August 2016 (ver. 1.1). Large circles indicate earthquakes M>7.0, medium circles indicate 6.0<M<7.0 and small circles indicate 5.0<M<6.0 .U.S. Geological Survey, Earthquake Catalog Search, https://earthquake.usgs.gov/earthquakes/search/. Earthquakes between 1830 and 2021.

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HISTORIC EARTHQUAKE MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

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Checked

5
FIGURE

REFERENCE: 1972 & 2005 Aerial Imagery: Copyright 2002-2018, Kenneth and Gabrielle Adelman, California Coastal Records Project, https://www.californiacoastline.org/

2009 & 2022 Aerial Imagery: Google Earth

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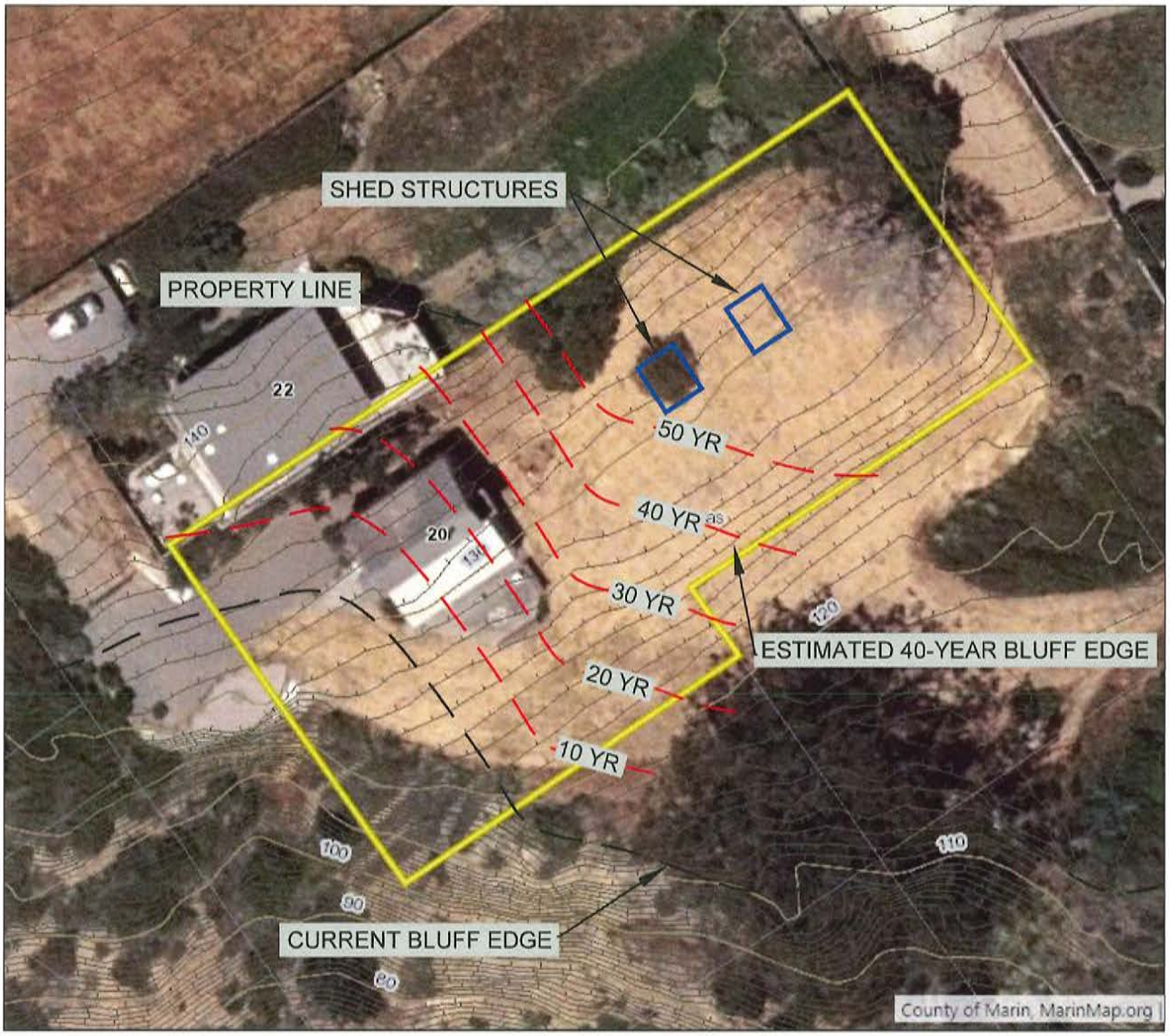
AERIAL IMAGERY 1972-2022

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/12/2023

Designed
Drawn EIC
Checked

6
FIGURE



SCALE

0 20 40 80 FEET

NORTH

— 10 YR — ESTIMATED BLUFF EDGE, YEARS FROM CURRENT

REFERENCE: MarinMap 2019 LiDAR Topography, 2018 Ortho Imagery

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SITE-SPECIFIC BLUFF RETREAT

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/27/2023

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7
FIGURE

MILLER PACIFIC ENGINEERING GROUP

March 21, 2024
File: 3555.001ltrREV.doc

Mr. Matthew Yerington
P.O. Box 161
Bolinas, California 94924

Re: Geotechnical Evaluation Report
20 Oak Road (APN 191-261-21)
Bolinas, California

Introduction & Project Description

This letter summarizes our geologic and geotechnical evaluation of the lot and proposed improvements at 20 Oak Road in Bolinas, California. The approximate site location is illustrated on the attached Site Location Map, Figure 1. The purpose of our geotechnical evaluation is to evaluate relevant geologic hazards which may affect the proposed development and to determine appropriate setbacks for site-specific bluff retreat rates at the site and mitigation measures.

The scope of our geotechnical services is outlined in our Agreement for Professional Engineering Services dated September 28, 2023. Our scope included review of geologic reference materials and results of our nearby subsurface explorations to describe the geologic setting and local geologic conditions, evaluation of relevant geologic hazards and mitigation measures, and determination of appropriate setbacks for site-specific bluff retreat rates at the site.

The project generally includes assembling two Amish shed structures within the northeastern half of the site. The sheds occupy a footprint of 120 sq. feet each and they are both 15-feet in height. The sheds are each supported by six concrete pier blocks and will be used for storage and goat habitation. We understand that no new human-occupied structures are planned as part of the project. Locations of proposed shed structures and other features are shown on the Site Plan, Figure 2.

Regional Geology & Seismicity

Regional geologic mapping[1] indicates the site is located at the edge of a costal bluff and underlain by Miocene-aged Santa Cruz mudstone bedrock. Quaternary-aged landslide deposits are mapped along the bluff to the east of the project site. Quaternary-aged marine terrace deposits are mapped along the bluff edge to the northwest of the project site. Santa Cruz Mudstone bedrock typically consists of thin- to thick-bedded and faintly laminated olive-gray to pale-yellowish-brown siliceous mudstone. Marine terrace soils consist of weakly consolidated, variably sorted sand, silt, and gravel deposited on stream- and wave-cut surfaces. A regional geologic map is shown on Figure 3.

1 Clark, J.C., and Brabb, E.E., "Geology of the Point Reyes National Seashore and Vicinity", USGS, OFR 97-456, 1997. Scale 1:48,000.

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Phone Number: (415) 382-3444
Fax Number: (415) 382-3450

Physical Address:
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Novato, California 94947

Seismicity

The site is located within the seismically active San Francisco Bay Region and will therefore experience the effects of future earthquakes. Such earthquakes could occur on any of several active faults within the region. The California Division of Mines and Geology (1998) has mapped various active and inactive faults in the region. Active faults are defined as those that show evidence of movement in the past 11,000 years (i.e., Holocene) and have reported average slip rates greater than 0.1 mm per year. These faults are shown in relation to the project on the attached Active Fault Map, Figure 4, and their historic seismic activity is shown on Figure 5.

Site Conditions

The project site consists of an approximately 0.42-acre parcel located along the coastal bluff at Duxbury Point in southwestern Bolinas. The bluff itself approaches 130-feet high and is inclined about 1.5:1 (horizontal:vertical). The bluff edge crosses through the project site about 40-feet from the southwest side while the ground surface across the remainder of the lot slopes gently to the southeast. The lot is currently vacant with only two, un-finished Amish shed structures sited within the northeastern half of the lot. The project site is vegetated with short native grasses and mature trees. The driveway off Oak Road is no longer accessible due to bluff retreat, and access to the site is now provided by Nymph Road.

Anticipated Subsurface Conditions

Based on geologic mapping and our experience in this area of Bolinas, we anticipate the subsurface conditions will include silty/clayey sand terrace deposits overlying weathered bedrock. Weathered bedrock is anticipated at depths between 10- and 20-feet below the ground surface. Groundwater conditions in the general vicinity are anticipated to be within the upper 10-feet or near the soil-rock interface.

Geologic Hazards Evaluation

The principal geologic hazards which could potentially affect the project site are strong seismic shaking, lurching and ground cracking, erosion, and landsliding/bluff retreat. Other commonly considered geologic hazards, including liquefaction, expansive soils, settlement, flooding, and others are not considered significant regarding the proposed project. Potentially significant geologic hazards, their anticipated impacts, and recommendations are discussed below.

Fault Surface Rupture

Under the Alquist-Priolo Earthquake Fault Zoning Act, the California Geological Survey (CDMG)/California Geologic Survey (CGS) (1974, 2000) produced 1:24,000 scale maps showing all known active faults and defining zones within, which special fault studies are required. Based on currently available published geologic information, the project site is not located within an Alquist-Priolo Earthquake Fault Zone (CGS, 2018). The San Andreas Fault is the nearest known active fault, located about 1.6 kilometers northeast. Based on currently available published geologic information, the project site is not located within an Alquist-Priolo Earthquake Fault Zone (CDMG, 1974). Therefore, the potential for fault surface rupture is low.

Evaluation: *No significant impact.*
Recommendations: *No recommendations are required.*

Seismic Shaking

The site will likely experience seismic ground shaking from future earthquakes in the San Francisco Bay Area. Earthquakes along several active faults in the region, as shown on Figure 4, could cause moderate to strong ground shaking at the site. A map of historic earthquake activity is presented on Figure 5. The intensity of ground shaking will depend on the characteristics of the causative fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Estimates of peak ground accelerations are based on either deterministic or probabilistic methods. For residential developments, deterministic methods are typically used.

Deterministic Seismic Hazard Analysis (DSHA) predicts the intensity of earthquake ground motions by analyzing the characteristics of nearby faults, distance to the faults and rupture zones, earthquake magnitudes, earthquake durations, and site-specific geologic conditions. Empirical relations (Campbell and Borzognia, Chiou and Youngs, (2008)) for the weathered bedrock conditions were utilized to provide approximate estimates of median peak site accelerations. A summary of the principal active faults affecting the site, their closest distance, moment magnitude of characteristic earthquake peak ground accelerations (PGA), which an earthquake on the fault could generate at the site are shown in Table A.

TABLE A
DETERMINISTIC PEAK GROUND ACCELERATION
20 Oak Road
Bolinas, California

Fault Rupture Scenario	Approx. Fault Distance[1]	Max. Moment Magnitude[2]	Median PGA[3,4]	84th Percentile PGA[3,4]
San Andreas Fault: SAO+SAN+SAP+SAS	1.6 km	8.0	0.57 g	1.01 g
San Gregorio	1.7 km	7.4	0.54 g	0.97 g
Hayward Fault: RCHN+HS+HE	31.3 km	7.6	0.16 g	0.28 g

Notes:
1. Values estimated using Google Earth KML Files showing Quaternary Faults in the US obtained from USGS website, accessed 2023.
2. Values determined using USGS Earthquake Scenario Map (BSSC 2014), accessed 2023.
3. Values determined using Vs30 = 560 m/s for Site Class "C" in accordance with the 2022 CBC and 2016 ASCE-7.
4. Abrahamson, Silva and Kamai (2014); Boore, Stewart, Seyhan and Atkinson (2014); Campbell and Borzognia (2014); and Chiou and Youngs (2014).

The calculated accelerations should only be considered as reasonable estimates. Many factors (soil conditions, orientation to the fault, etc.) can influence the actual ground surface accelerations. Ground shaking can result in structural failure and collapse of structures or cause non-structural building elements, such as light fixtures, shelves, cornices, etc., to fall, presenting a hazard to building occupants and contents. Compliance with provisions of the California Building Code (CBC) should result in structures that do not collapse in an earthquake. Damage may still occur, and hazards associated with falling objects or non-structural building elements will remain.

The potential for strong seismic shaking at the project site is high. Due to their proximity, the San Andreas and San Gregorio Faults present the highest potential for severe ground shaking. The significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements.

Evaluation: *Less than significant with incorporated recommendations.*
Recommendations: *Minimum recommendations include designing new habitable structures and foundations in accordance with the most recent version of the California Building Code (2022). It is anticipated that the new shed structures will be used as non-habitable space.*

Lurching and Ground Cracking

Lurching and associated ground cracking can occur during strong ground shaking. The ground cracking generally occurs along the tops of slopes where stiff soils are underlain by soft deposits or along steep slopes or channel banks.

The project site is gently sloping within the eastern half and steeply sloping along the southwest boundary, where the bluff edge crosses the site. We anticipate 10- to 20-feet of sandy terrace deposits over weathered bedrock. Given the steeply-inclined bluff face and relative weakness of the terrace deposits, we judge the risk of damage due to lurching and ground cracking is high.

Evaluation: *Less than significant with incorporated recommendations.*
Recommendations: *If warranted, supplemental analyses could be performed to evaluate slope stability and the potential for lurching and ground cracking under seismic conditions. However, it is anticipated that such analysis may not be warranted given the on-going bluff retreat, ultimate intended land use and nature of the project. In general, increased setback from the edge of the bluff will result in a lessened risk of damage from lurching and ground cracking.*

Erosion

Sandy soils on moderate slopes or clayey soils on steep slopes are susceptible to erosion when exposed to concentrated water runoff. The potential for erosion is increased when established vegetation is disturbed or removed during normal construction activity.

The project site is gently sloping within the eastern half and steeply sloping along the southwest boundary, where the bluff edge crosses the site. We anticipate predominately sandy soils located at the ground surface. In addition, wave action at the base of bluff / beach level is actively eroding the toe of the bluff. Therefore, widespread erosion is considered a moderate risk at the site.

Evaluation: *Less than significant with incorporated recommendations.*

Recommendations: *It is anticipated that no new grading will take place given the ultimate intended land use and nature of the project. If site grading is performed, design of finished grades and site drainage systems (if any) should carefully consider the potential for erosion. An erosion control plan should be developed prior to any new construction per the current guidelines of the Marin County Stormwater Pollution Prevention Program or similar standards.*

Slope Instability/Bluff Retreat

Slope instability generally occurs on relatively steep slopes and/or on slopes underlain by weak materials. Coastal bluff retreat, and shoreline retreat in general, is most common where the underlying geologic materials are highly susceptible to erosion and scour, and where erosion by concentrated flow at the top of the cliff occurs in conjunction with scour by wave action and ocean currents at the base of the cliff. Cliff and shoreline retreat may be exacerbated or accelerated by rising sea levels, and may be retarded by simultaneous accretion, deposition, and/or tectonic uplift.

We have reviewed a variety of bluff retreat studies, historic shoreline data, and aerial photographs in order to determine site-specific retreat rates. Materials we reviewed include the following:

USGS OPEN-FILE REPORT 2007-1133 (2007) – Part 4 of the USGS National Assessment of Shoreline Change Project[1] addresses long-term cliff retreat rates along the California Coast. Cliff retreat rates were interpreted based on the spatial difference between historic cliff edge locations, as determined from NOAA Topographic Sheets and other maps, and current cliff edges as surveyed using LiDAR technology. Historic cliff edge locations were taken from sources published between 1920 and 1930, while LiDAR imaging was performed in 1998 and 2002. Therefore, long-term cliff retreat rates are based on differences in cliff edge locations observed over a period of time spanning approximately 70-years.

For the San Francisco North study region, which extends from Tomales Point in the north to Point Bonita in the south, the average retreat rate is reported as 0.5-meters (about 19.6-inches) per year, while the average total retreat over the 70-year span is reported as 36.2-meters (about 119-feet).

USGS reports that "the maximum rate in this region, –1.9 m/yr (6.2-feet), was measured along the south-facing cliffs of Point Reyes headland . . . slope failures within the overlying materials result in the high erosion rates. Other areas where high rates were measured in the San Francisco North region include . . . along the promontory connecting Bolinas and Duxbury Points."

---

1 Hapke, C.J., Reid, D., Green, K.R., and Borrelli, M. (2007), "National Assessment of Shoreline Change: Part 4: A GIS Compilation of Vector cliff edges and associated change data for the cliffed shorelines of the California Coast", Open-File Report 2007-1112, U.S. Geological Survey, Coastal and Marine Geology Program, U.S. Geological Survey, Pacific Science Center, Santa Cruz.

We reviewed composite vector shorelines[2,3] for the site produced by the study in ArcGIS Pro. Vector shoreline data for coastal cliff areas included composite historic shorelines for the time periods between 1929 and 1935 (generated from historic maps and other paper sources) and between 1988 and 2002 (surveyed by LiDAR in conjunction with NASA). At the project site, we measured between 114-feet and 175-feet of bluff retreat over the (maximum) 73-year period, for an average of approximately 147.8-feet (about 45-meters). Per year, this equates to an average annual retreat rate of approximately 2.0-feet per year.

We also reviewed historic aerial photography from the California Coastal Records Project and Google Earth. Oblique-angle color photographs spanned the time period between 1972 and 2022. As shown on Figures 6, significant mass-wasting and bluff retreat has occurred, primarily within the southwest region of the site. More recent site-specific rates calculated from bluff edge positions between 2009 and 2022 generally agree with the historic average rate of 2.0-feet per year.

Per Marin County municipal code 22.56.130I.K.1, bluff top setback should be determined using the following formula: setback = structure life (at least 40 years) X retreat rate (meters/year) + 15 meter safety factor where vigorous sliding is taking place. Based on an average annual retreat rate of 2.0-feet (0.6 meters) per year and a reasonable structure-life of 40 years, we estimate that a total of about 80-feet (24.4 meters) of bluff retreat should be anticipated.

We were unable to determine the definition of 'vigorous sliding'. We reviewed the Coastal Cliff and Bluff Erosion Technical Background Report[4] published by Marin County in 2003, which states that, "Based on review of all the reported bluff erosion rates discussed above, the maximum rates reported thus far are . . . 32 inches per year for the bluffs between Duxbury Point and Poplar Road (including Duxbury Point)." Based on regional and site-specific bluff retreat rates, we judge the sliding to be vigorous for the region. Given the average annual retreat rate of 2.0-feet (0.6 meters) and an additional 15 meter safety factor, a 129.2-foot (39.4 meter) setback from the bluff edge should be provided. As shown in Figure 7, the southwestern half of the project site will likely be impacted by bluff retreat in the next 40 years. Slope instability/bluff retreat is considered a significant geologic hazard at the project site, especially in the southwest region of the property.

Evaluation:	*Less than significant with incorporated recommendations.*
Recommendations:	*Recommendations include providing new structures with a 129.2-foot (39.4 meter) setback for a structure-life of 40 years to reduce the risk of damage or undermining by bluff retreat.*

---

2 Hapke, C.J. and Reid, D. (2007) cencal1929_1935.shp - Vectorized Cliff Edge of Central California Derived from 1929-1935 Source Data: Open-File Report 2007-1112, U.S. Geological Survey, Coastal and Marine Geology Program, U.S. Geological Survey, Pacific Science Center, Santa Cruz, California.

3 Hapke, C.J., Reid, D., and Green K.R. (2007) cencal1998_2002.shp - Vectorized Cliff Edge of Central California Derived from 1998/2002 Lidar Source Data: Open-File Report 2007-1112, U.S. Geological Survey, Coastal and Marine Geology Program, U.S. Geological Survey, Pacific Science Center, Santa Cruz, California.

4 "Marin County Local Coastal Program Update, Coastal Cliff and Bluff Erosion Technical Background Report", The Marin County Community Development Agency, Planning Division, June 12, 2003.

Discussion and Recommendations

Based on the results of our evaluation, it is our professional opinion that the proposed shed structures are feasible from a geotechnical perspective. As discussed above, the primary geotechnical considerations for the project will include providing appropriate setbacks from the bluff edge to reduce risk of damage to the shed structures by slope instability/bluff retreat, lurching and ground cracking, and erosion.

For a structure-life of 40 years, an average bluff retreat rate of 2.0-feet/year, and an additional safety factor of 15-meters, we recommend providing the sheds with a 129.2-foot setback from the bluff edge. If a longer structure-life is desired, the setback will need to be increased using the rate of 2.0-feet/year mentioned above.

If bluff retreat reaches the structures and if they are still in service and good shape, the structure(s) could be relocated further back on the property.

Supplemental Services

We can be available if needed to further discuss the results of our evaluation or respond to any geologic or geotechnical questions that arise during project planning. If desired, we can perform additional subsurface exploration, laboratory, and/or engineering analyses in the event engineered structures are planned at the project site.

Very truly yours,
MILLER PACIFIC ENGINEERING GROUP

REVIEWED BY:

Emily Carreno
Staff Geologist

Scott Stephens
Geotechnical Engineer No. 2398
(Expires 6/30/25)

Attachments: Figures 1 through 7

SITE COORDINATES
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SITE LOCATION

N.T.S.

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REFERENCE: Google Earth, 2023

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SITE LOCATION MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

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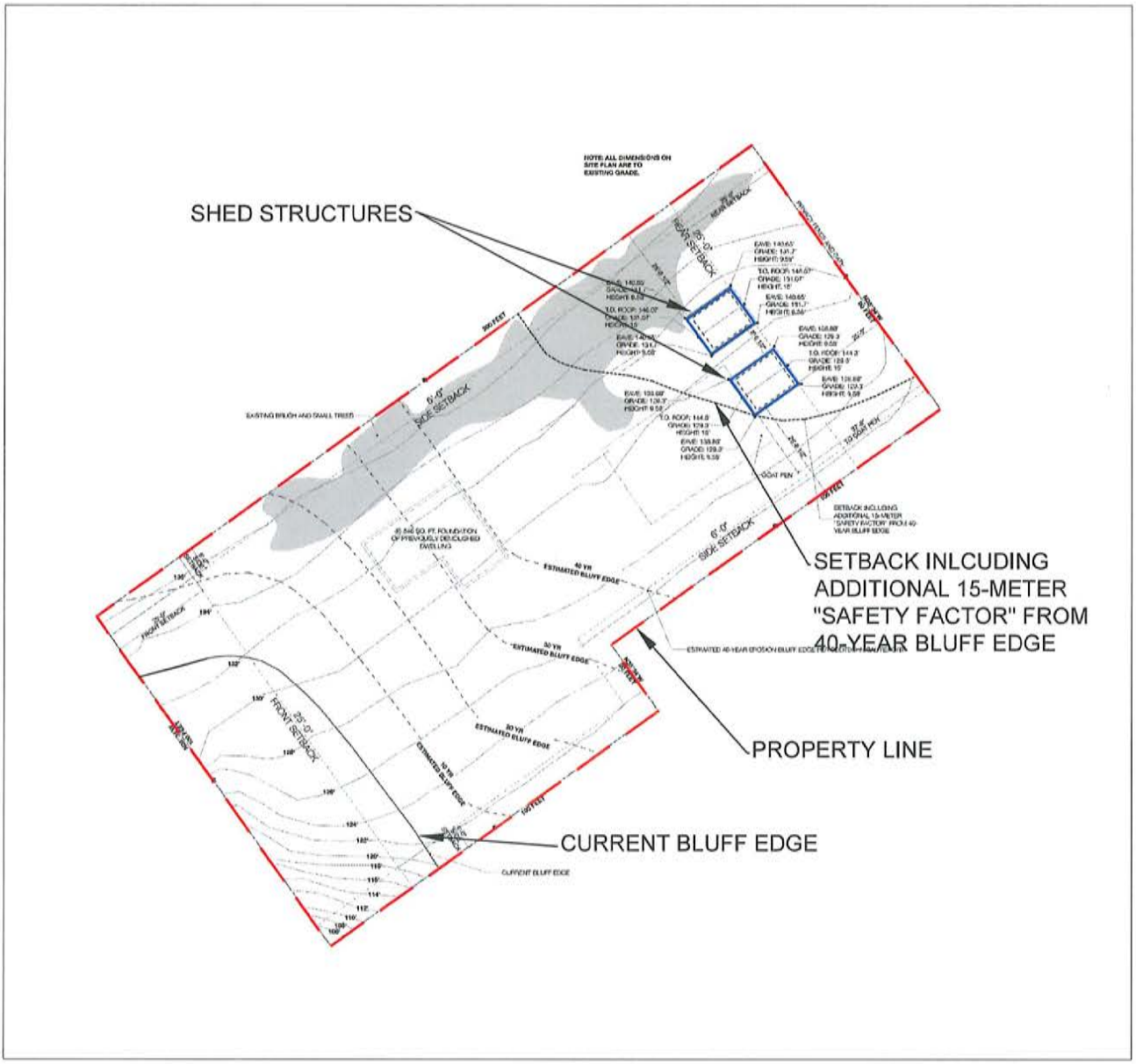
FIGURE



SITE PLAN

SCALE

0 20 40 80 FEET

NORTH

REFERENCE: Dorman Associates, 'Yerington Goat Shed, 20 Oak Rd. Bolinas, CA, 94924', Sheet A1.1, Plans dated March 20, 2024.

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SITE PLAN

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 3/12/2024

Drawn EIC
Checked

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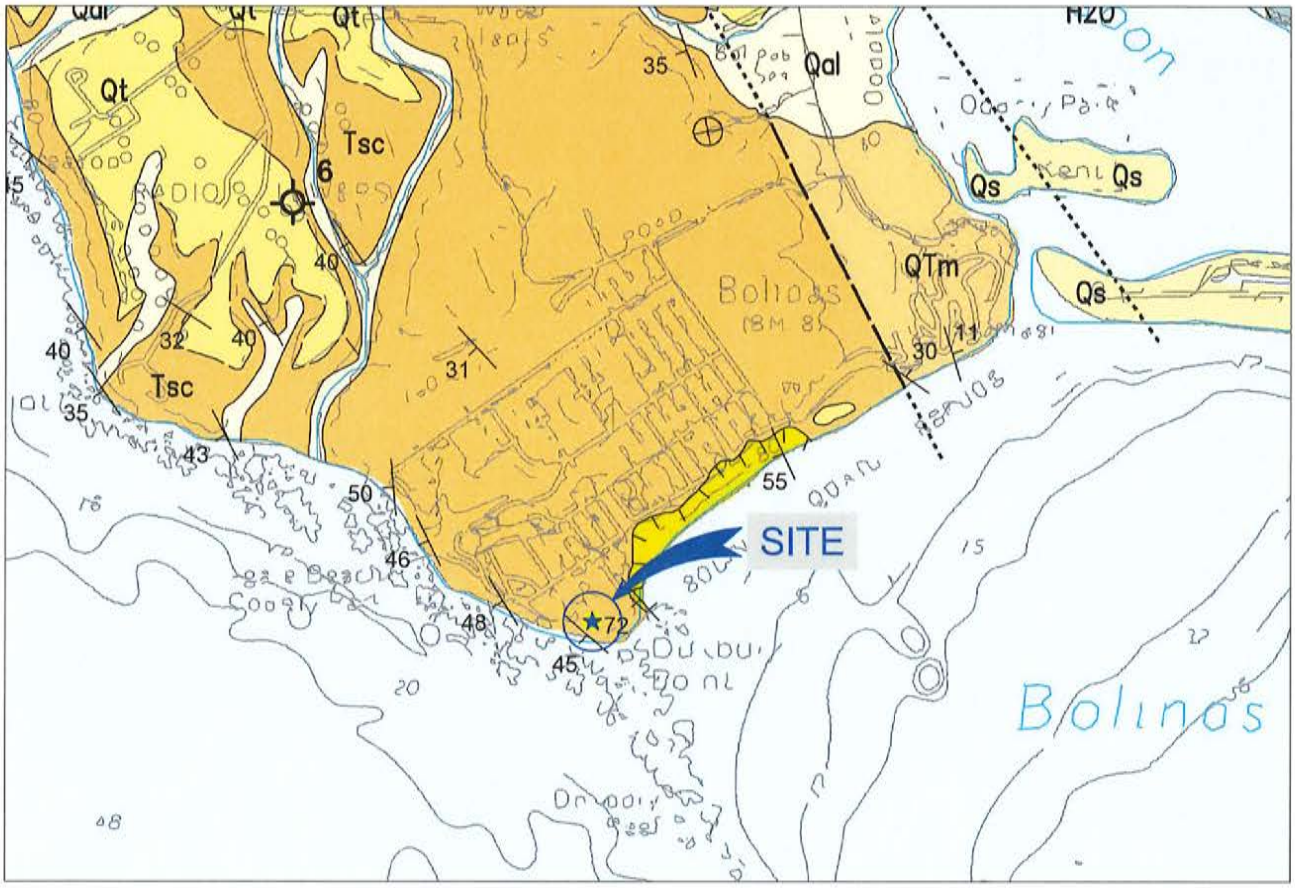
FIGURE



REGIONAL GEOLOGIC MAP

NORTH

Qs	**Beach sands** [Holocene] - Discontinuous accumulations of well- to moderately-sorted, fine- to coarse-grained loose sand locally are interspersed with pebble to boulder gravel.
Qal	**Alluvium** [Holocene] - Poorly consolidated, poorly sorted clay, silt, sand, and gravel usually fill stream and valley floors.
Qls	**Landslide deposits** [Pleistocene and Holocene] - Only large slides in the vicinity of Double Point and at Bolinas are shown, where they consist mainly of intact to highly disrupted masses of Santa Cruz Mudstone.
Qt	**Terrace deposits** [Pleistocene] - Discontinuous deposits of weakly consolidated and variably sorted sand, silt, and gravel deposited on stream- and wave-cut surfaces.
QTm	**Merced Formation** [upper Pliocene to Pleistocene] - Weakly consolidated, thick-bedded, sandy siltstone with cross-bedded, fine-grained silty sandstone and interbedded conglomerate.
Tsc	**Santa Cruz Mudstone** [upper Miocene] - Thin- to thick-bedded and faintly laminated olive-gray to pale-yellowish-brown siliceous mudstone contains thin elongate carbonate concretions.

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FILENAME: 3555.001 Figures.dwg

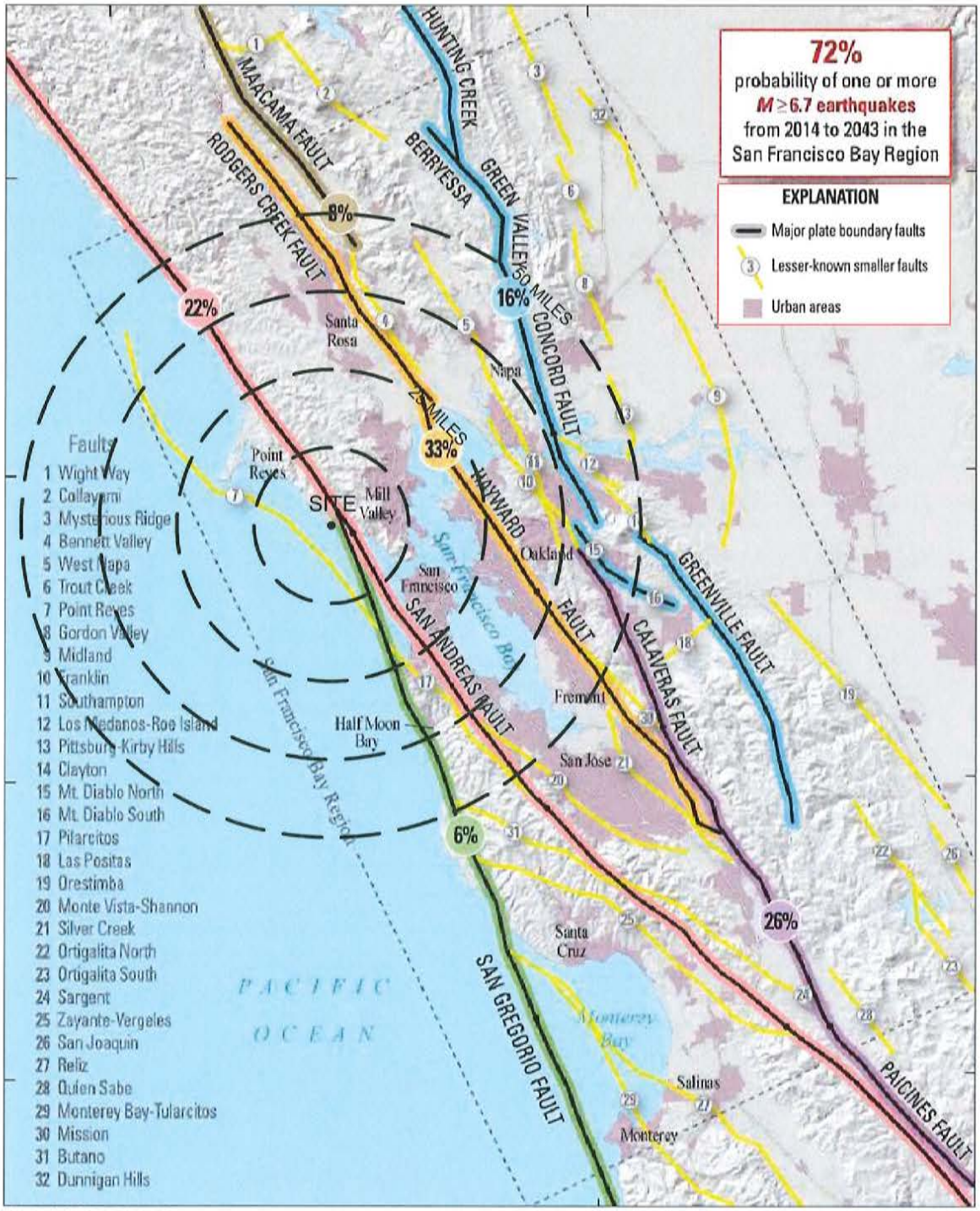
REGIONAL GEOLOGIC MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
Checked

3
FIGURE



SITE COORDINATES
LAT. 37.89506°
LON. -122.70245°

SCALE
0 12.5 25 50 MILES

NORTH

DATA SOURCE:
1) U.S. Geological Survey, U.S. Department of the Interior, "Earthquake Outlook for the San Francisco Bay Region 2014-2043", Map of Known Active Faults in the San Francisco Bay Region, Fact Sheet 2016-3020, Revised August 2016 (ver. 1.1).

MILLER PACIFIC ENGINEERING GROUP
504 Redwood Blvd.
Suite 220
Novato, CA 94947
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F 415 / 382-3450
www.millerpac.com

FILENAME: 3555.001 Figures.dwg

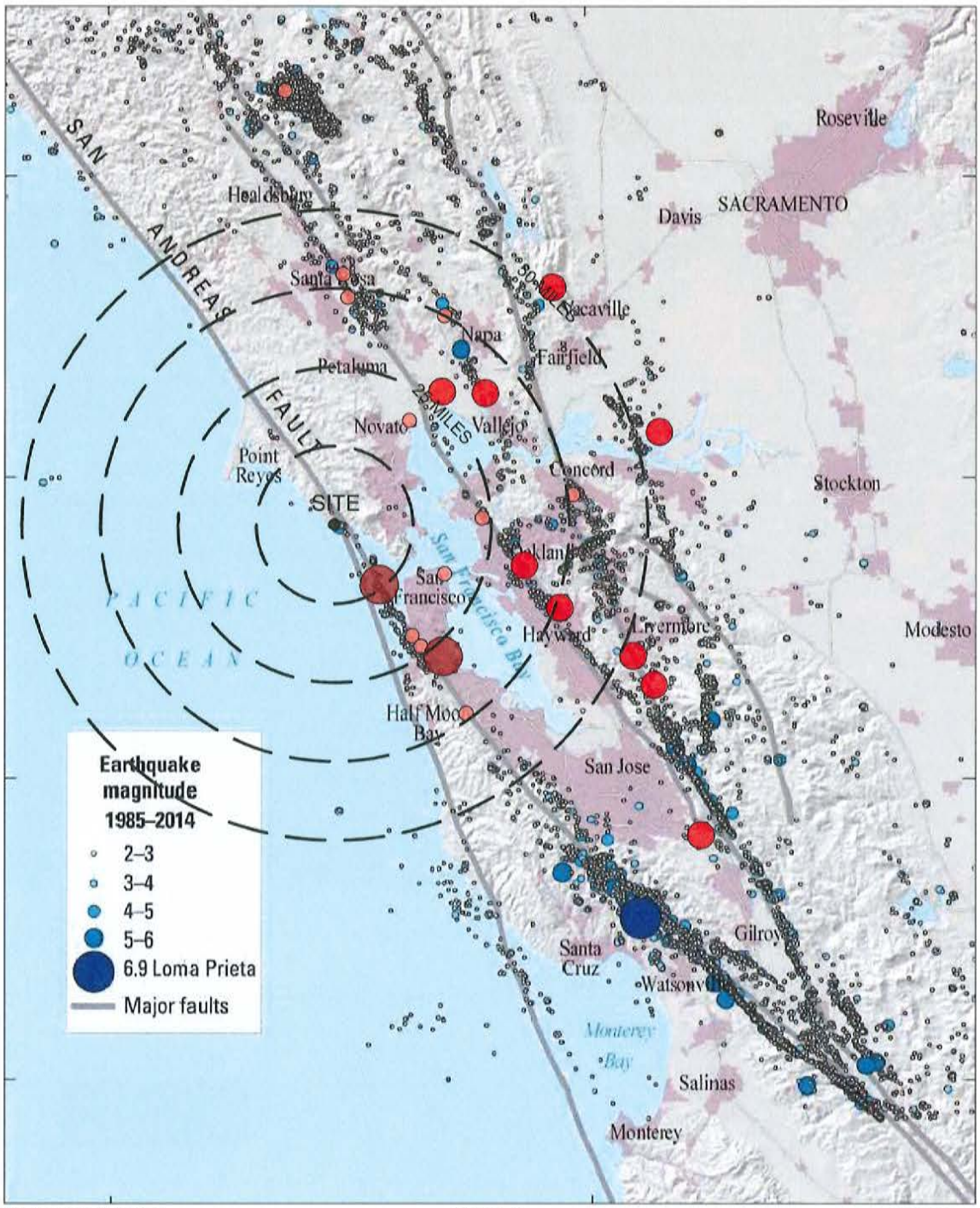
ACTIVE FAULT MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
Checked

4
FIGURE



SITE COORDINATES
LAT. 37.89506°
LON. -122.70245°

SCALE
0 12.5 25 50 MILES

NORTH

LEGEND & DATA SOURCE:

See legend above. U.S. Geological Survey, U.S. Department of the Interior, "Earthquake Outlook for the San Francisco Bay Region 2014-2043", Map of Known Active Faults in the San Francisco Bay Region, Fact Sheet 2016-3020, Revised August 2016 (ver. 1.1). Large circles indicate earthquakes M>7.0, medium circles indicate 6.0<M<7.0 and small circles indicate 5.0<M<6.0 .U.S. Geological Survey, Earthquake Catalog Search, https://earthquake.usgs.gov/earthquakes/search/. Earthquakes between 1830 and 2021.

MPEG MILLER PACIFIC ENGINEERING GROUP
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FILENAME: 3555.001 Figures.dwg

HISTORIC EARTHQUAKE MAP

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/11/2023

Drawn EIC
Checked

5
FIGURE

REFERENCE: 1972 & 2005 Aerial Imagery: Copyright 2002-2018, Kenneth and Gabrielle Adelman, California Coastal Records Project, https://www.californiacoastline.org/

2009 & 2022 Aerial Imagery: Google Earth

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FILE: 3555.001 Figures.dwg

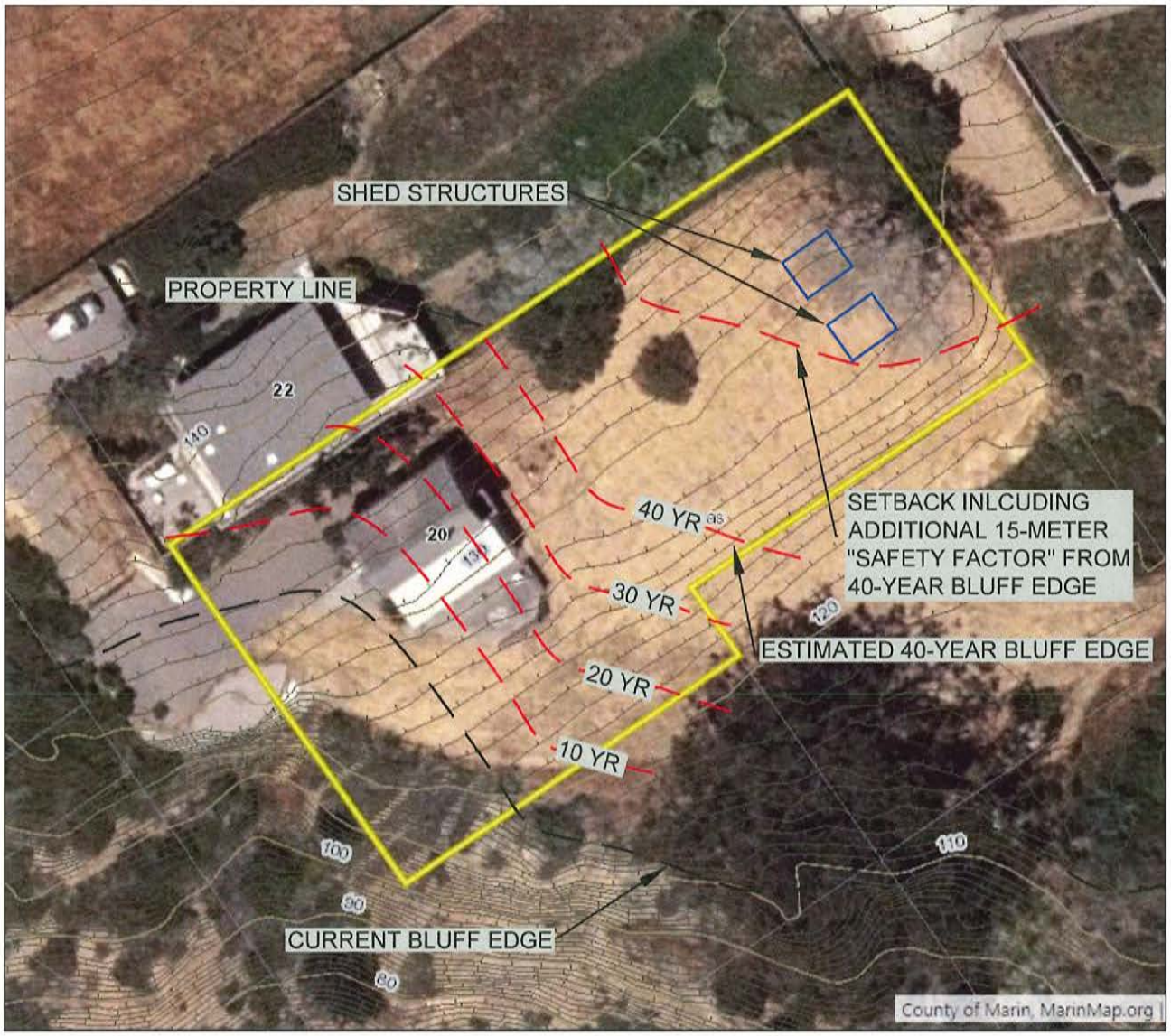
AERIAL IMAGERY 1972-2022

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 10/12/2023

Designed
Drawn EIC
Checked

6
FIGURE



SCALE

0 20 40 80 FEET

NORTH

— 10 YR — ESTIMATED BLUFF EDGE, YEARS FROM CURRENT

REFERENCE: MarinMap 2019 LiDAR Topography, 2018 Ortho Imagery

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FILENAME: 3555.001 Figures.dwg

SITE-SPECIFIC BLUFF RETREAT

20 Oak Road Evaluation
Bolinas, California

Project No. 3555.001 Date: 3/12/2024

Drawn EIC
Checked

7
FIGURE

From: bob marin
To: Erin Yattaw; Gil Sanchez
Subject: 20 Oak Road, Bolinas, (Parcel No. 191-261-21) Project ID P4211
Date: Tuesday, May 28, 2024 9:20:30 AM
Attachments: Bolinas Survey.pdf

Dear Ms. Yattaw and Mr. Sanchez,

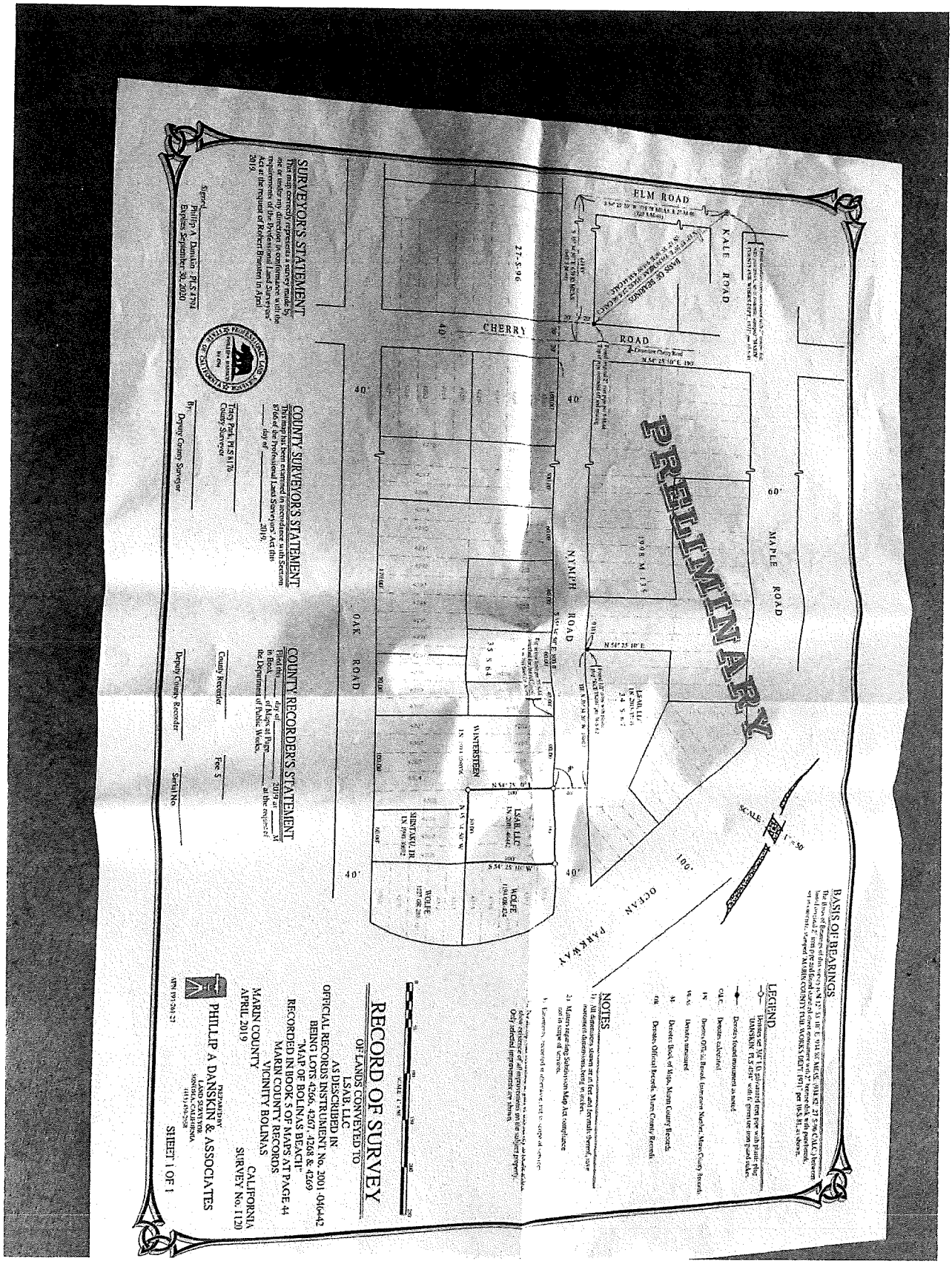
My family's LSAB LLC owns the home at 20 Nymph Road in Bolinas and LSAB LLC also owns the land immediately below the property at 20 Oak Road in Bolinas. Please see the attached.

We object to the unpermitted goat structures that were built on 20 Oak Road. They appear to be a structures meant for residences. Further, any additional building on this property would be contrary to the Bluff Erosion Zone.

We believe the existing structures should be promptly removed.

Thank you for your attention to this matter of concern.

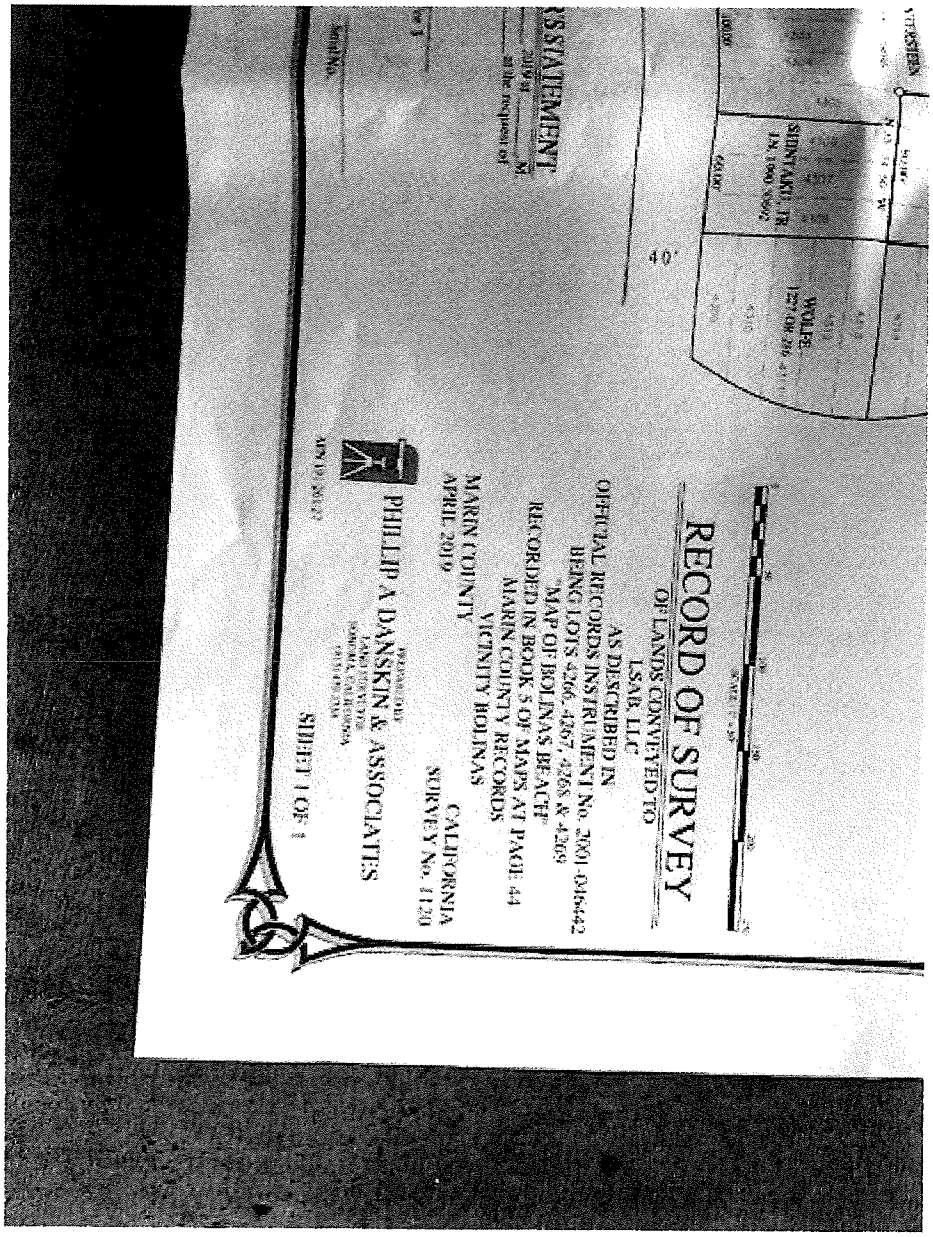
Robert Bransten, Lisa Bransten, Shelley Bransten, Anne Wooster.
LSAB LLC

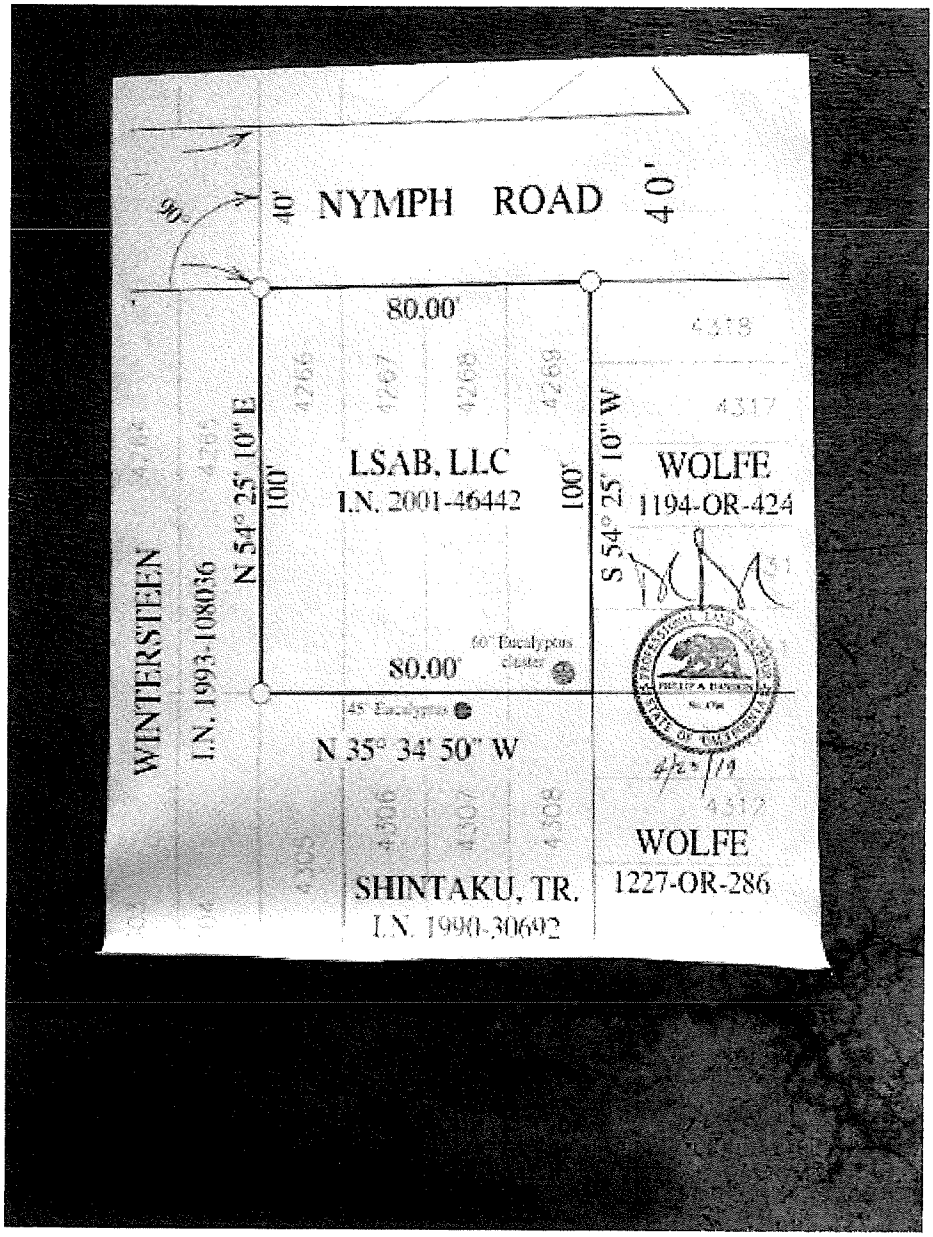


Sent from my iPhone

Bolinas survey

bob marin <smileys70@hotmail.com>
Tue 5/28/2024 8:31 AM
To:bob marin <smileys70@hotmail.com>
Cc:bob marin <smileys70@hotmail.com>





Sent from my iPhone

From: Ashling McAnaney
To: Erin Yattaw
Subject: Letter re Yerington Permit Application
Date: Thursday, May 23, 2024 4:47:00 PM
Attachments: Ltr.Yattaw.5.23.24.pdf

Hello, Erin,
Please see the attached concerning the Yerington permit application.

Thank you,
Ashling

Ashling P. McAnaney, Esq. (she/her/hers)
RAGGHIANTI | FREITAS LLP
1101 Fifth Avenue, Suite 100, San Rafael, CA 94901 • **T** 415.453.9433 • **D** 415.526.0133
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Ragghianti|Freitas LLP

Attorneys at Law

1101 5th Avenue, Suite 100
San Rafael, CA 94901
telephone 415.453.9433
facsimile 415.453.8269
www.rflawllp.com

Riley F. Hurd III
rhurd@rflawllp.com

May 23, 2024

Erin Yattaw
Planner
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Yerington Coastal Permit, 20 Oak Road, Bolinas (APN 191-261-21)
Project ID: P4211

Dear Ms. Yattaw:

Our office continues to represent multiple property owners directly adjacent to 20 Oak Road in Bolinas (the "Property"). We are writing regarding the application of Matthew and Janis Yerington ("the Yeringtons" or "Owners") for a Coastal Development Permit ("Permit") and Design Review for the construction of two new structures on the Property ("Project"). Please include this letter, and our previous letters concerning this application dated September 15, 2023, November 30, 2023, and January 15, 2024, in the County's file for this project. As presented below, there are multiple grounds on which the County must deny this application and order the removal of the semi-constructed unpermitted structures.

The County risks setting a very dangerous precedent in legalizing these structures on this Property. Due to its seclusion and proximity to the ocean, the coast of Bolinas is highly coveted and ripe for development enterprises such as unpermitted camping and VRBO-type facilities in a highly fragile and active ecosystem. Properties located in the coastal development zone are subject to strong policies requiring that new development is undertaken in a way that assures the protection of natural resources, and this Project does not meet that standard or the law.

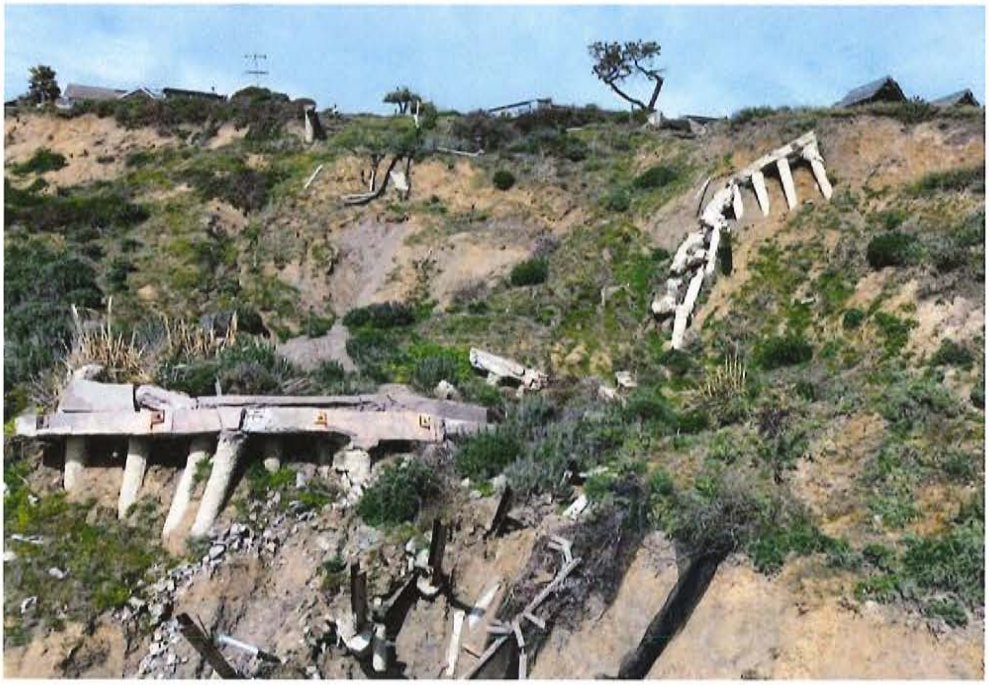
I. The Condition of the Property and Prior Unpermitted Actions

Any consideration of development on the Property needs to acknowledge its precarious state due to a combination of natural conditions and actions by prior owners. The Project site is located on the top of a bluff and the southwest corner of the Property drops steeply to the ocean below. This hazardous condition has been exacerbated due to various erosive factors, including ocean winds, storm events, and battering waves on the coast below and a significant landslide in the past four years. The Property is located in the Bluff Erosion Zone in the Bolinas Gridded Mesa Plan and is designated with the level "C" slope stability rating.

The Property is also directly above Duxbury Reef, a large intertidal shale reef and a protected state marine conservation area. Duxbury Reef has been identified as an "Area of Special Biological Significance" by the State Water Resources Control Board and its ecological importance is well-documented.

The previous owner of the Property, without prior approval from the County or the California Coastal Commission, installed a very significant retaining wall and large cistern in the public right of way adjacent to the Property. This work required approval of a Coastal Development Permit, which the previous owner did not obtain. Ultimately a retroactive Permit was granted to legalize the as-built structures. Unfortunately, these structures blocked drainage of surface waters from the significant rain in the Spring of 2019, causing saturated soil and the ultimate collapse of the coastal bluff at the end of Oak Road. Significantly, though the address of the Property remains 20 Oak Road, that is now a misnomer because there is no access to the Property from Oak Road because it washed out in the landslide. In the Fall of 2019, the County issued a condemnation order and required the demolition of the house located on the Property.

Following the landslide of 2019, the cliff face at the end of Oak Road continues to erode dramatically, particularly following the Atmospheric Rivers of 2023 and 2024. The retaining wall has since broken apart and slid down the bluff. This caused significant damage to the hillside and has created a debris field above Duxbury Reef. This history of the Property is presented to underscore the seriousness of the concerns regarding the safety of the bluff top itself and the very real risk of harm to Duxbury Reef below due to the ongoing and active movement of the Property.



This photo shows the current state of the debris field above Duxbury Reef.

II. Unpermitted Construction of Structures

It is undisputed that the Yeringtons began constructing the new structures without first obtaining a Coastal Development Permit. On or about May 30, 2023, the County informed the Yeringtons to stop work on the construction. In direct contravention of the County's admonition, the Yeringtons instead continued the construction, necessitating the County to issue a stop work order on June 6, 2023. (Of note, in the work stoppage order, Mr. Gil Sanchez, Supervising Code Compliance Specialist, found that the structures were 17 feet above grade.) Only then did the Yeringtons begin the application process for the Permit. However, even while subject to a stop-work order and attempting to obtain a Permit, the Yeringtons continued to flout the authority of the County. The first picture below was taken on June 6, 2023, and shows that the roof and floor were not finished at the time the stop-work order was issued. The second picture below shows that the Yeringtons have finished the roof and flooring on each structure and performed extensive grading of the slope of the bluff on which the buildings sit.

This photo was taken June 6, 2023, when the stop-work order was issued. Note the grade of the land indicated by the yellow arrow.

The current state of the structures is revelatory of how the Yeringtons feel about the County's authority. Additionally, the Yeringtons brought in several truckloads of soil and dirt in July and August 2023 and planted new landscaping all along the new graded edge in an apparent effort to make the new slope look "pre-existing." The ongoing

unpermitted transformation of the Property by the Yeringtons without any apparent concern for repercussions from the County is egregious.

It is imperative that the County not reward the Yeringtons with a Permit, but actually hold them accountable for their actions and issue an administrative citation for the continued work on the structures post the stop-work order.

III. The Findings for a Coastal Development Permit Cannot be Made.

A Coastal Development Permit can be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the Local Coastal Program policies and the requirements established in the Coastal Act. Those findings cannot be made here, and there are no applicable exclusions or exemptions from the Permit requirement.

i. The Proposed Project is not Consistent With the Bolinas Gridded Mesa Plan.

Significantly, **the application should be denied because the Property is located within the Bluff Erosion Zone and the structures are located on a sensitive bluff directly above Duxbury Reef**. Per IP section 20.66.050.B, "new construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission." Due to the certification of the Gridded Mesa Plan, its policies are legal standards of review for the issuance of coastal permits. Furthermore, the purpose of the Gridded Mesa Plan is instructive here:

> "The most important purpose of the planning process at this stage of the community's life is to first identify and accept the existing physical constraints and the existing problems resulting from unrestrained and incorrectly sited development and then determine the policies and programs necessary to implement solutions to those problems. The purpose of this plan is to protect the fragile environment of the Mesa from the documented negative cumulative impact of improper drainage and development as well as to provide a plan for the possibility of **safe and orderly future development**." (Emphasis added.)

In accordance with the above purpose, the Gridded Mesa Plan created a Bluff Erosion Zone which includes all land from the edge of the bluff top to 245 feet inland. Land Use Policy LU-I and Program LU-I.I states that "**no new construction . . . shall be permitted**

in this zone. . . ." The unpermitted construction of these structures violates this clear and comprehensive mandate and this should be the end of the discussion as to whether this Project is allowed.

ii. The Application's Deliberately Vague Project Description Is An Attempt To Prevent An Accurate Analysis Of The Project.

The description of the Project is deliberately vague and is less precise now than it was when originally submitted in August 2023. The plan set submitted in August stated that "[t]he project will be to finish two existing Amish sheds for storage, tools, and/or cashmere goat habitation." The revised plan set submitted in March 2024, simply states, "Scope of work: Add 2 wood sheds, 120 s.f. accessory structures."

This lack of detail prevents the application of the proper regulations and relevant analysis to the proposed construction on a coastal bluff top area, which is an area that should be subject to the most stringent safeguards. Regardless, the obfuscation cannot hide the ultimate reality that the Yeringtons' Permit application must be denied.

a. Project as Residential Accessory Structure

Initially, the description of the Project on the website contributes to the confusion surrounding the characterization of the Project because it lists the project as "residential addition/accessory structure." **If this is an accurate categorization, then the Permit must be denied** because Section 20.32.130 of the Implementation Plan, "Residential Accessory Uses and Structures," states:

> "A. General Requirements. All residential accessory uses and structures are subject to the following standards, and may also be subject to more restrictive requirements where established by other provisions of this Section.
>
> 1. Relationship of accessory use to primary use. Residential accessory uses and structures shall be incidental to and not alter the character of the site from that created by the primary use. **Accessory uses and structures shall not be allowed until a primary use or structure has been established on the site.**" (Emphasis added.)

The sheds cannot be an accessory structure because there is no primary structure on the site. Additionally, a residential accessory structure cannot then also be realistically used for goat habitation.

b. Project as Agricultural Accessory Structure

The most recently updated version of the Project website now states that the application is for both a Permit and Design Review based on the characterization of the structures as accessory for agricultural use. The Project does not satisfy the exemption standard for agricultural accessory structures set forth in Section 22.42.025.B because the structures are not located 300 feet or more from a property line of an abutting lot in separate ownership, nor 300 feet from a street.

Pursuant to Marin County Development Code section 22.42.060, the approval of design review requires that the decision-maker must make all the statutory findings. Initially, the most recent and controlling planset provides scant information concerning the structures. As concerns finding subsection 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," that finding cannot be made because it was for the purpose of constructing these structures that the Owners engaged in the retroactively-permitted grading of the end of Nymph Road in order to provide access for truckloads of fill to the Property. This substantial work changed the landform of Nymph Road and eliminated both car and pedestrian access for the owners of the neighboring property at the terminus of Nymph Road. The structures have certainly not enhanced the right-of-way for the neighbors who have been unable to access their land for almost two and a half years.
Finally, and as more fully detailed below in section c., because the structures are proposed for agricultural use, they are subject to Section 20.32.035 B and are subject to a 30' setback from Nymph Road:

> "1. **Location of animals and structures.** No animal or any structure for animals shall be located closer than 30 feet to:
>
> a. The public right-of-way upon which the parcel faces."

As is clearly established, 20 Oak Road now faces on Nymph Road due to the landslide of 2019. The structures are currently located just outside a 25' setback and therefore encroach into the required setback for agricultural structures. The current application is therefore incomplete because the Owners need to seek a variance for such encroachment.

c. <u>The Unauthorized Keeping of Goats on the Property</u>

The Property is located in the C-RA-B2 zoning district (Coastal, Residential, Agricultural) District. Per Table 5-2-a, "Allowed Uses and Permit Requirements for Coastal Residential Districts" set forth in Section 20.62.070, agricultural accessory structures are a permitted use. Another permitted use is "Livestock operations, large animals," which is defined as consisting of "the raising or keeping of . . . goats . . . in corrals or other similar enclosures," and is subject to the permit requirements and standards set forth in Section 20.32.035, "Animal Keeping." Per the above definition, the term 'livestock' encompasses goats. Section 20.32.035, in turn, requires compliance with the standards set forth in Table 3-7, "General Requirements for the Keeping of Large Animals, Horses, Donkeys, Mules, and Ponies (Cows, Exotics, Goats, Pigs, Sheep, Llamas & Similar Animals)." As relevant here, Table 3-7 requires that "the keeping of livestock and large animals is allowed in compliance with Section 20.32.035 B (Standards for livestock, horses, donkeys, mules, and ponies.)"

> "B. Standards for livestock, horses, donkeys, mules, and ponies. The following standards . . . shall apply to the keeping of livestock . . . :
>
> 1. **Location of animals and structures**. No animal or any structure for animals shall be located closer than 30 feet to:
>
> a. The public right-of-way upon which the parcel faces;
>
> b. Any dwelling;
>
> c. Any building line on an adjoining parcel (the boundary extended from the nearest edge of a primary or accessory structure or the required setback line on the adjoining parcel, whichever is closer to the property line). See Figure 3-13 (Location of Animals and Animal Structures); and

d. Additionally, no animal or any structure for animals shall be located in a required setback area, or closer than 10 feet to a property line.

2. **Minimum area and slope standards.** The keeping of livestock, horses, donkeys, mules, and ponies shall comply with the following standards:

a. The minimum lot area for the keeping of one animal shall be 15,000 square feet for properties with one percent through 15 percent slope. For each percent of slope over 15 percent, the minimum lot area shall be increased by 1,000 square feet.

b. For each additional animal, an additional 5,000 square feet of lot area shall be provided."

Initially, **these structures do not appear to be designed for goats**. They require step access to a narrow door with wide-planked wood flooring and little noticeable ventilation. Regardless, per MarinMaps, the slope of the Property is 20%, so the initial lot area required for 1 goat is 15,000 sf plus 5,000 sf for a total of 20,000 sf. The additional 2 goats increase the minimum lot area by 10,000 sf to establish a total of 30,000 sf. According to Marin County's GIS page, the Property is 18,000 square feet in area. This measurement is no longer accurate as the area of the Property has been reduced as a result of the significant landslides of the southwestern position of the Property. Regardless, 18,000 sf does not satisfy the minimum lot area required for 3 goats on the Property. **The keeping of the three goats on the Property by the Yeringtons currently violates the Implementation Plan and cannot be remedied because the Property is too small to even allow the keeping of one goat.**

The structures are not allowed as residential accessory structures and the keeping of the goats is disallowed, which negates the need for the structures as agricultural accessory structures. Accordingly, the application for the Permit should be denied and the goats and the structures need to be removed.

iii. <u>The Development is Not Consistent With Applicable Environmental Hazards Policy.</u>

a. **The Most Recent Plan Set and Geotechnical Report Present Inaccurate and Out of Date Condition of the Property.**

As the County repeatedly informed the Owners during the eight months it took for this Permit application to simply be determined complete, "The geotechnical report must establish the **setbacks from the bluff** for new structures based on the formula in the Interim Title 22I of the Marin County Code Zoning. . . ." Accordingly, it is imperative that the location of the bluff tops be accurately represented on any Permit application. Repeatedly, the Yeringtons have submitted inaccurate representations of the current condition of the Property because they know that the Property cannot satisfy the required setback conditions.

The site plan and the geotechnical report for the Property are also inconsistent. The geotechnical report admits that the bluff top edge runs through the Property about 40 feet on the southwest side. The "current bluff top edge" presented on the site plan does not correspond with this depth. It is also disappointing that this inaccurate site plan is then reproduced in the geotechnical report.

The geotechnical report's use of different photos of the Property is also confusing and prevents an accurate understanding of the current bluff top location and therefore the structures in relation to the setbacks. For example, Figure 7 "Site Specific Bluff Retreat" uses an image from 2019. That image is possibly five years old and appears to have been taken prior to the 2019 collapse of the end of Oak Road. It's a misrepresentation of the Property. Additionally, the image in Figure 6 labelled "Aerial Imagery 1976 - 2022" purports to show the 2022 bluff top edge. That photo is a Google earth image from January 25, 2021. The home at 22 Oak Road, visible in the photo is no longer there, having been relocated farther north due to the instability of the bluff. The current situation at the Property is shown below by the red arrow. The bluff top appears to be a minimum of 4 feet inboard of the remaining foundation. The use of inaccurate photos simply seems to be an attempt to manipulate the calculation of the setback from the bluff top. Based on the importance of the location of the bluff top areas, and the consistent inaccuracies in the planset site maps provided by the Owners, it is reasonable to request that a survey of the Property be obtained and provided.

b. **The Project Cannot Comply With the Required Setback.**

Notwithstanding the Gridded Mesa Plan's clear prohibition on the construction of structures in the Bluff Erosion Zone, the Project is also not consistent with the mandatory finding for Environmental Hazards pursuant to Marin County Interim Code Section 22.56.130I.K, which requires 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. Per Section 22.56.130I.K, the required setback distance will be determined from information contained in the geologic report and the established setback formula shown below. Initially, the set back is measured from the bluff top area, not the property line on the map. Additionally, where, as here, the structure is to be located in areas of vigorous sliding, an additional 15 meters, or roughly 50 feet, shall be added to the setback.

Setback (meters) = (structure life in years (normally 40) x retreat rate) + 15 (meters)

Using a generally acceptable retreat rate of 2 - 2.17 feet per year as a guide, **the structures need to be at least 130 feet back from the bluff top area due to the sliding activity of the land**. As noted in the Geotech Report dated March 21, 2024, "The bluff edge crosses through the project site about 40-feet from the southwest side." Once you account for setbacks, there simply isn't room for the structures. The original 200' width of the Property is now reduced to 160' due to the landslide activity. Any development must be setback from the southwestern bluff top area 130', leaving 30' for the development.

However, the Property is also subject to a 30' setback as explained above thereby leaving no land for the structures.

Finally, in addition to the dispositive reasons provided above, other findings necessary for the approval of the Permit cannot be made, including the lack of water supply, illegal shoreline protection, geologic hazards and impact on visual resources. The prior owners sold the Property's water meter to another property. The Yerington application also admits that water must be brought to the goats daily.

Conclusion

It is time for the gamesmanship of this application to be brought to a close. There is a reason this Property was sold to the current owner for an absurdly low price, it isn't developable.

The proposed Project does not comply with the requirements of the Gridded Mesa Plan and the Implementation Plan and the requested Coastal Development Permit must be denied. The County should also require the removal of the remaining foundation, the remaining septic tank, all unpermitted work, and the restoration of the land to its pre-graded state. The lack of meaningful enforcement actions against those who seek forgiveness rather than obtain approval sends the wrong message that unlawful activity will be rewarded. Such a message ensures that these will simply be the first of these structures to dot the coastal zone's landscape. It is critical that the County use every enforcement tool and remedy available to it and enforce the provisions of the Local Coastal Program.

Thank you.

Very truly yours,

Riley F. Hurd III

CC: Client

From: Erin Yattaw
To: Melinda Griffith
Subject: RE: Yerington Coastal Development Permit - P4211 Request for Hearing
Date: Friday, May 10, 2024 11:49:00 AM
Attachments: image001.png

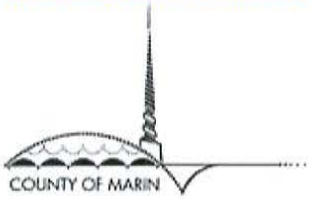
Hello Melinda,

Per your request, we will proceed with scheduling a Deputy Zoning Administrator (DZA) hearing. Additional notice will follow regarding the forthcoming hearing date and time.

Best regards,

Erin Yattaw
PLANNER
She/her

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 3535 T
Erin.Yattaw@marincounty.gov



From: Melinda Griffith <melinda.griffith@gmail.com>
Sent: Thursday, May 9, 2024 7:40 PM
To: Erin Yattaw <Erin.Yattaw@MarinCounty.gov>
Subject: Yerington Coastal Development Permit - P4211 Request for Hearing

Dear Ms. Yattaw: I hereby request a public hearing concerning the Yerington Planning Application for a Coastal Development Permit. The Project Address is 20 Oak Road, Bolinas.

Please do not hesitate to contact me if you have any questions. I would appreciate receiving a confirmation of your receipt of this request.

Kind regards,

Melinda Griffith
510-919-9554

From: Ashling McAnaney
To: Erin Yattaw
Subject: Response to 20 Oak Road submittal
Date: Monday, January 15, 2024 1:45:43 PM
Attachments: Ltr.Yattaw.1.15.24.pdf

Hello, Erin,
I hope you are well in the new year. Please see the attached letter re 20 Oak Road.

Sincerely,
Ashling

Ashling P. McAnaney, Esq. (she/her/hers)
RAGGHIANTI | FREITAS LLP
1101 Fifth Avenue, Suite 100, San Rafael, CA 94901 • **T** 415.453.9433 • **D** 415.526.0133
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Riley F. Hurd III
rhurd@rflawllp.com

January 15, 2024

Erin Yattaw
Planner
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: 20 Oak Road, Bolinas (APN 191-261-21)
Response to revised project plans

Dear Ms. Yattaw:

Our office continues to represent multiple concerned property owners directly adjacent to 20 Oak Road in Bolinas (the "Property"). This letter is in response to the revised project plans and geotechnical report submitted by the property owners, Matthew and Janis Yerington ("Applicants") in support of their application for a Coastal Development Permit ("Permit") to legalize two, illegal, semi-constructed detached accessory structures. Rather than provide clarification and in some instances, requested information, the revised plan set has created confusion and contains inaccuracies and misrepresentations regarding the Property. As a result of these non-responsive efforts at obfuscation, at a minimum, the application remains incomplete. Realistically, the revised submittal demonstrates the inability of the proposed project to satisfy the requirements for the ultimate approval of the requested Permit.

The project remains inconsistent with the Gridded Mesa Plan.

It must be reiterated that the County cannot approve the Permit because the proposed structures cannot comply with the certified Gridded Mesa Plan. The Property is located entirely within the Bluff Erosion Zone, which includes all land from the edge of the bluff top to 245 feet inland. Land Use Policy LU-I and Program LU-I.I states that "**no new construction . . . shall be permitted in this zone. . .**" This statement is unequivocal.

The location of the Property within this zone and the recent history of significant land slides on the Property should be dispositive of this issue and requires the denial of the Permit.

The project cannot satisfy additional setback requirements in the Development Code.

The proposed structures also fail to comply with Marin County Interim Code Section 22.56.130I.K, which requires new structures to **be set back from coastal bluff areas**. The setback is measured from the bluff top area and not the subject property's boundary line. That distinction is significant where, as here, the southwestern property line of the Property no longer exists due to landslides. The bluff top area for the Property is approximately 40 feet inboard of the former boundary line. (See "Yerington Geotechnical Evaluation Report" authored by Miller Pacific Engineering Group, "the bluff edge crosses through the project site about 40 feet from the southwest side." (p. 2).)
We note that the setback formula utilized in the geotechnical report did not address the requirement that an additional 15 meters, approximately 50 feet, be added to the setback for structures located in areas of vigorous sliding, such as the Property here. This creates a setback of 130 feet from the blufftop edge, which is 40 feet inboard of the boundary line, for a total of 170 feet from the western edge of the Property. Neither structure satisfies this requirement and the finding cannot be made.

Outstanding incompleteness items.

We also note that the revised submittal did not respond to certain incompleteness items. Significantly, item 3 requires that "[a]reas of geological instability shall be identified, including faults and landslides." The revised site plan does not indicate the landslide on the southwestern portion of the Property. Furthermore, the site plan continues to measure the setbacks of the structures from the nonexistent western boundary line of the Property rather than from the bluff top area of the landslide. Accordingly, the setbacks provided on the revised site plan continue to deliberately misrepresent the true setbacks of the structures from the landslide. Frankly, the information provided by the revised plan set regarding the setbacks appears intentionally confusing. There is no identification of Shed 1 and Shed 2 on the site plan, and the use of left and right side as opposed to east and west in the project data table is initially confusing. Finally, the setbacks provided for "Shed 2" in the project data table are simply wrong and do not correlate to the site plan.

Incompleteness item 1 required the site plan to indicate the footprints and use of all existing and proposed structures and buildings. While the revised site plan does now indicate the footprint of the foundation of the previously demolished home, it does not accurately identify its current use as a deck. As has been shown in previously provided photos, this deck effectively has no setback from the bluff top edge as it is constructed on top of the foundation, portions of which continue to slide down the bluff.

Finally, the description of the property as "vacant agricultural land" is wholly inaccurate. The principal use of the Property has been residential for decades and the surrounding uses are residential. The keeping of three goats on the Property does not transform the residential use and character of the Property into agricultural. This mischaracterization of the Property as agricultural appears to be part of the effort to hide the true nature and purpose of the structures for use and habitation by people.

Conclusion

As explained above, at a minimum, the application for the Coastal Development Permit remains incomplete due to the failure to provide requested information, as well as the provision of inaccurate and confusing information. Ultimately, the proposed project remains unable to comply with the requirements of the Gridded Mesa Plan and other regulations and the requested Coastal Development Permit should be denied.

Thank you.

Very truly yours,

Riley F. Hurd III

CC: Client

From: Cheryl Ruggiero
To: Erin Yattaw
Subject: Yerington Coastal Permit (P4211)
Date: Friday, December 22, 2023 12:03:36 PM

Hi Erin,

Happy Holidays!

After discussing the goats with Janis Yerington, it appears that they are being cared for and that both she and her husband are very much devoted to them. Therefore, I wish to retract my concern in that regard. Thank you.

Regards,
Cheryl

Cheryl Ruggiero
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PO Box 1107
Bolinas, CA 94924-1107
(415) 971-2862

From: Ashling McAnaney
To: Erin Yattaw
Cc: Gil Sanchez; Ginsberg, Jo@Coastal
Subject: 20 Oak Road, Bolinas
Date: Thursday, November 30, 2023 8:56:19 AM
Attachments: Ltr.11.30.23.pdf

Hello,
Please see the attached letter.

Sincerely,
Ashling

Ashling P. McAnaney, Esq. (she/her/hers)
RAGGHIANTI | FREITAS LLP
1101 Fifth Avenue, Suite 100, San Rafael, CA 94901 • **T** 415.453.9433 • **D** 415.526.0133
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Riley F. Hurd III
rhurd@rflawllp.com

November 30, 2023

Erin Yattaw
Planner
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: 20 Oak Road, Bolinas (APN 191-261-21)

Dear Ms. Yattaw:

Our office continues to represent multiple concerned property owners directly adjacent to 20 Oak Road in Bolinas (the "Property"). We are writing to request the County to require the removal of the foundation of the previously condemned and demolished residence at the Property.

As the County is aware, the Property is located on the top of a precarious bluff and is directly above Duxbury Reef, a large intertidal shale reef and a protected state marine conservation area. Due to natural erosion and actions of prior owners, the southwest corner of the Property drops steeply to the ocean below. The previous owner of the Property, without receiving prior approval from the County or the California Coastal Commission, installed a very significant retaining wall and large cistern in the public right of way adjacent to the Property. This work required approval of a Coastal Development Permit due to alteration of land within the Coastal Zone, which the previous owner did not pursue. Ultimately a retroactive Permit was granted to legalize the as-built structures. These structures blocked drainage of surface waters from the significant rain in the Spring of 2019, causing saturated soil and the ultimate collapse of the coastal bluff at the end of Oak Road. That fall, the County issued a condemnation order and required the demolition of the house located on 20 Oak Road, which has since occurred. The residence was demolished, however, it was determined that removal of the

foundation would destabilize the bluff and threaten other homes in close proximity. Accordingly, the foundation of the demolished residence remains on the Property.

The conditions that warranted leaving the foundation in place no longer exist. The home that was potentially threatened by the removal of the foundation has been moved significantly away from the bluff to a safer location. Furthermore, the foundation does not appear to be stabilizing the cliff face because it continues to erode dramatically, particularly following the Atmospheric Rivers of January and March 2023. In fact, in January 2023, a portion of the foundation separated and has begun to slide down the hillside towards Duxbury Reef. This hazardous condition poses a threat for users of Duxbury Reef. This separation of the foundation wall demonstrates that the erosion and sliding of the coastal bluff is active and ongoing.

Photo from November 2024

Additionally, the current owners have installed wooden planks on the foundation and transformed it into a deck. Aside from questioning the decision to expand the use of a remaining portion of a previously condemned structure that is now sliding down a hillside, the current owners of the Property appear to have violated the Marin County Code by failing to obtain a Coastal Development Permit ("Permit"). (*See* Marin County Implementation Plan section 22.68.030. ("IP")) There are no applicable exceptions or exemptions for the requirement of a Permit because the foundation is located within 50 feet of the edge of a coastal bluff. (IP section 22.68.060.A.) Accordingly, the County should order the immediate removal of the wooden deck and the foundation.

Thank you.

Very truly yours,

Riley F. Hurd III

CC: Client
Gil Sanchez
Jo Ginsberg

From: Ashling McAnaney
To: Yattaw, Erin
Cc: Sanchez, Gil; Ginsberg, Jo@Coastal
Subject: 20 Oak Road, Bolinas, CA- Yerington Coastal Permit P4211
Date: Friday, September 15, 2023 10:54:58 AM
Attachments: Ltr.Yattaw.9.15.23.pdf

Hello, Ms. Yattaw:

Please see the attached letter concerning the above-referenced Coastal Development Permit application.

Please do not hesitate to contact me for any reason re the attached.

Sincerely,
Ashling

Ashling P. McAnaney, Esq. (she/her/hers)
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Riley F. Hurd III
rhurd@rflawllp.com

September 15, 2023

Erin Yattaw
Planner
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Yerington Coastal Permit, 20 Oak Road, Bolinas (APN 191-261-21)

Dear Ms. Yattaw:

Our office represents multiple property owners directly adjacent to 20 Oak Road in Bolinas (the "Property"). We are writing in opposition to the application for a Coastal Development Permit ("Permit") ostensibly to construct two new 120 square foot accessory structures on the Property. As discussed below, despite efforts to characterize these structures as agriculturally-related and to present a project description artificially narrow in scope, the County must deny this Permit application because, due to the location, existing conditions, and sensitive nature of the Property, the findings for Permit approval cannot be made. Ultimately, the County should order the removal of all of the unpermitted and unsafe structures, as well as require that the owner return the Property to its original and natural grade.

I. The Property and Prior Unpermitted Actions.

Any consideration of development on the Property needs to consider its precarious state due to both natural conditions and actions by prior owners. The project site is located on the top of a bluff, however, the southwest corner of the Property drops steeply to the ocean below. This hazardous condition has been exacerbated due to consistent erosion and a significant landslide in the past four years. The Property is located in the Bluff Erosion Zone in the Bolinas Gridded Mesa Plan and was first designated in 1985 with the level "C" slope stability rating. A rating of "D" is the least stable slope. According to the Gridded Mesa plan the bluff, "is falling away at an average rate of between 12 to 24 inches per year."

The bluff is subject to various erosive factors, including ocean winds, storm events, and battering waves on the coast below. The Property is also directly above Duxbury Reef, a large intertidal shale reef and a protected state marine conservation area. Duxbury Reef has been identified as an "Area of Special Biological Significance" by the State Water Resources Control Board and its ecological importance is well-documented.

The previous owner of the Property, without prior approval from the County or the California Coastal Commission, installed a very significant retaining wall and large cistern in the public right of way adjacent to the Property. This work required approval of a Coastal Development Permit due to alteration of land within the Coastal Zone, which the previous owner did not pursue. Ultimately a retroactive Permit was granted to legalize the as-built structures. These structures blocked drainage of surface waters from the significant rain in the Spring of 2019, causing saturated soil and the ultimate collapse of the coastal bluff at the end of Oak Road. That fall, the County issued a condemnation order and required the demolition of the house located on 20 Oak Road, which has since occurred.

The cliff face at the end of Oak Road, however, continues to erode dramatically, particularly following the Atmospheric Rivers of January and March 2023.The retaining wall has since broken apart and slid down the bluff. This caused significant damage to the hillside and has created a debris field above Duxbury Reef. This debris field clearly poses a danger to visitors and habitat below. Unfortunately, it appears that the County and the Coastal Commission are reluctant to protect these sensitive environments and that failure to enforce consequences for unpermitted work emboldened the current owners, Matthew and Janis Yerington ("Yeringtons" or "Owners") to engage in this latest installment of unpermitted activity.

II. The Permit Application Does Not Address All Code Violations and is Inaccurate.

Per the June 7, 2023, letter from Inspector Gil Sanchez of Marin County Code Enforcement, he observed multiple violations of the County Code at the Property during his June 6, 2023, site inspection. These violations included the construction of the sheds, but also, "construction materials including lumber covered by a tarp, a couple of boxes, a water tank, and a chicken coup." These structures violated Marin County Code, Section

22.68.030 which requires a Coastal Development Permit for development in the Coastal Zone.

The letter also identified that the structures were 17 feet above grade, exceeding the maximum allowed height of 15 feet above ground per Table 5-5 of Marin County Code section 22.64.040. The letter further stated that the violations could be corrected by:

> "1) removing the accessory buildings, construction materials including the lumber, boxes, water tank, and the chicken coup from the property within 15 days from the date of this letter, or 2) obtaining Coastal Development Permit and Coastal Variance approvals for the accessory buildings, water tank and chicken coup, and removing all construction materials and boxes from the property, and obtaining subsequent building permits if applicable along with final inspection approval."

Per the County's website, the Owners are seeking a Permit to construct the sheds, but they are not seeking a variance for the sheds' height, and no mention is made of the water tank, the chicken coop, the lumber, and boxes. It is this office's understanding that the lumber and chicken coop remain at the Property, therefore, in order to remedy this latest Code Enforcement claim, the Permit application needed to include these structures. Accordingly, the project description provided in the plan set for the Permit application is inaccurate and does not reflect the full scope of the activity occurring on the Property, nor the full scope of violations that the Owners were instructed to remedy. The project description reads, "Finishing two pre-existing 10 x 12 15 ft tall Amish sheds. Milled and constructed by Amish, and hand assembled without any electricity, or heavy machinery, on site with Mortise and Tenon construction." Owners also define the project as "to finish two existing Amish sheds for storage, tools and/or cashmere goat habitation. . . The shed frames, most flooring and roof sheeting is complete. The siding and metal (muted, copper and copper appearance) roof need to be complete."

Initially, the sheds are not "pre-existing," but are completely new structures that the Applicant was caught constructing without first obtaining a Permit. The sheds are also not 15 feet tall. As detailed in the open code enforcement claim authored by Gil Sanchez, the structures are 17 feet from grade at certain points and a variance is required in addition to the Permit. As will be demonstrated below, the Yeringtons are attempting to avoid the requirement of a variance by illegally grading and flattening the soil underneath the sheds. Furthermore, while the construction of the two structures may not

have required the use of heavy machinery, as further detailed below, the Applicant brought truckloads of soil onto the Property and used bulldozers to engage in unpermitted grading of the Property as part of the larger development project clearly being undertaken.

The reality is that the development occurring at the Property is not simply the construction of two agriculturally-related storage sheds. As an example, the structures include copper roofs, which is a very expensive selection for a storage shed and is normally associated with "curb appeal" for residences. In addition, the septic system that served the prior condemned residence, that the County required to be abandoned, remains on the Property. The development includes the unpermitted building of a large deck on top of the remaining foundation of the condemned residence on the Property and the excavation, fill, and grading of the Property including the placement of more than three truckloads of dirt and sand on top of a sensitive bluff. When viewed comprehensively and in total, it is clear that these are not just "sheds."

III. Prior Unpermitted Acts on the Property.

Significantly, there is another code enforcement claim open against the Property.

i. Unpermitted Grading and Placement of Sand.

The first claim is for the unpermitted grading of the building site and the placement of sand on an edge of a coastal bluff in January 2022. The Owners have confirmed that they brought three truckloads of dirt onto the Property for grading and created a culvert. This substantial unpermitted work changed the landform and eliminated both car and pedestrian access for the owners of a neighboring property at the terminus of Nymph Road. The neighbors have been unable to access their land for over a year. Additionally, the water drainage from Nymph Road is channeled into pipes on the neighbors' parcel and then down to the bottom of the bluff. This system requires maintenance which has now been deferred because of the blocked access. This excavation also resulted in more pieces of the remaining foundation sliding down the cliff, quickening the erosion of the bluff and impacting the tidal habitat below.

In February 2022, the Owners were notified that the Property was in violation of Marin County Code, 22.68.060.K.3- Coastal Permit Required: Non-Exempt Development, Repair and Maintenance Activities. A copy of the notice is enclosed with this letter. The County determined that the violation could be remedied by either obtaining a Coastal

Development Permit for the grading that occurred or restoring the Property to its pre-graded condition, including the removal of all fill and the culvert. The County claimed that if the violations were not corrected by the end of February 2022, the County would pursue further enforcement action to compel the correction of the violations. Instead, 18 months later, with no enforcement action taken by the County, the Owners have done nothing to cure or legalize this illegal condition, which appears to have been a preliminary step to facilitate the unpermitted construction of the two structures. Accordingly, the County should not grant the currently sought Permit while this unlawful condition remains.

View of Nymph Road to north showing the steep incline created by unpermitted grading.

ii. **Unpermitted Construction of Structures.**

It is undisputed that the Yeringtons began constructing the new structures without first obtaining a Coastal Development Permit. On or about May 30, 2023, the County informed the Yeringtons to stop work on the construction. In direct contravention of the County's admonition, the Yeringtons instead continued the construction, necessitating the County

to issue a stop work order on June 6, 2023, and open a second code enforcement claim against the Property. Unlike the code enforcement claim for the unpermitted fill and grading, the Yeringtons are attempting to obtain a Permit in order to legalize the new structures. However, even while subject to a stop-work order and attempting to obtain a Permit, the Yeringtons continued to flout the authority of the County. The first picture below was taken on June 6, 2023, and shows that the roof and floor were not finished at the time the stop-work order was issued. The second picture below shows that the Yeringtons have finished the roof and flooring on each structure and performed extensive grading of the slope of the bluff on which the buildings sit.

This photo was taken June 6, 2023, when the stop-work order was issued. Note the grade of the land indicated by the yellow arrow.

This photo was taken on September 6, 2023. Note the significant change in grade in addition to the completed roof and flooring.

Additionally, in complete disregard of the open code enforcement claim for unpermitted grading and addition of sand to a coastal bluff, the Yeringtons again brought in several truckloads of soil and dirt in July and August 2023 and planted new landscaping all along the new graded edge in an apparent effort to make the new slope look "pre-existing." The ongoing unpermitted transformation of the Property by the Yeringtons without any apparent concern for repercussions from the County is egregious.

It is imperative that the County not reward Owners with a Permit in the face of the open code enforcement claim and the unlawful continued work on the sheds and additional grading. Instead, the County must hold the Owners accountable for their actions and issue an administrative citation for these actions.

IV. The Findings for a Coastal Development Permit Cannot be Made.

A Coastal Development Permit can be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the Local Coastal Program policies and the requirements established in the Coastal Act. Those findings cannot be made here and there are no applicable exclusions or exemptions from the Permit requirement.

i. **The Proposed Project is not Consistent With the Bolinas Gridded Mesa Plan.**

Significantly, the application for Coastal Development Permit should be denied because the Property is located within the Bluff Erosion Zone and the structures are located on a sensitive bluff directly above Duxbury Reef. Per chapter 20.66.050.B of the governing Implementation Plan ("IP"), "new construction and the redevelopment and rehabilitation of existing structures on the Bolinas Mesa shall be permitted in accordance with the policies of the Bolinas Gridded Mesa Plan which has been certified by the California Coastal Commission." Due to the certification of the Gridded Mesa Plan, its policies can be used as legal standards of review for the issuance of coastal permits. The Bluff Erosion Zone includes all land from the edge of the bluff top to 245 feet inland. Land Use Policy LU-I and Program LU-I.I states that "**no new construction . . . shall be permitted in this zone. . . .**" The Owners' attempt to characterize these structures as agricultural accessory structures shall not override this clear and comprehensive mandate against any new structures.

ii. **The Development is Not Consistent With Applicable Environmental Hazards Policy.**

Notwithstanding the Gridded Mesa Plan's clear prohibition on the construction of structures in the Bluff Erosion Zone, the Project is also not consistent with the mandatory finding for Environmental Hazards pursuant to Marin County Interim Code Section 22.56.130I.K, which requires 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. The application plan set purports to show that the nearest structure to the southwestern boundary is set back 116' 6" from the property line. Accordingly, as the structure is within 150 feet of the blufftop, **a geotechnical report is required**. Per Section 22.56.130I.K, the required setback distance will be determined from information contained in the geologic report and the established setback formula shown below. Initially, the set back is measured from the bluff top area, not the property line on the map. Additionally, where, as here, the structure is to be located in areas of vigorous sliding, an additional 15 meters, or roughly 50 feet, shall be added to the setback.

Setback (meters) = (structure life in years (normally 40) x retreat rate) + 15 (meters)

Using a generally acceptable retreat rate of 2 feet per year as a guide, the structures need to be a minimum of 80 feet away from the bluff top area, and as far as 130 feet back due to the sliding activity of the land. The structures do not satisfy either of these distances and therefore this finding cannot be made.

As shown in the photo below, the Property is a precarious site that has already suffered a significant landslide and remains threatened by cliff retreat. The bluff top area is approximately 30 - 35 feet inboard of the southwestern property line due to the previous landslides. The green arrow indicates one of the unpermitted structures and the red arrow indicates a part of the crumbling foundation of the previously condemned house on the Property that has begun to slide down the hillside towards Duxbury Reef. The orange arrow indicates the unpermitted wooden deck constructed by Yerington in or around 2021 on top of the remaining foundation of the condemned home. The wooden deck clearly is not set back a safe distance from the bluff top area and should be ordered removed.

It is noteworthy that the foundation wall shown above only separated in January 2023, demonstrating that the erosion and sliding of the coastal bluff is active and ongoing.

Finally, in addition to the dispositive reasons provided above, other findings necessary for the approval of the Permit cannot be made, including the lack of water supply, illegal shoreline protection, geologic hazards and impact on visual resources.

V. A Permit is Required Because the Property is Located in the Non-Exclusion Zone

Per IP section 20.68.040, a Coastal Development Permit is not required for the categories of development identified in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6.

These exemptions to the requirement of a Coastal Development Permit are not available here. The Categorical Exclusion potentially applicable and relevant to the Property is Categorical Exclusion Order E-81-2 ("Order E-81-2"). Initially, the Property is not located in a zoning district that is eligible for the exclusion. Per Order E-81-2, "It is recommended that in Marin County's coastal zone the categorical exclusion apply only where local zoning authorities have designated, "A" districts. Thus A-2 districts (limited agriculture) and R-A districts (suburban agriculture) will not be eligible for categorical

exclusion." The Property is currently zoned C-RA-B2, and it was zoned C-RA-B2 at the time Order E-81-2 was adopted and **therefore the categorical exclusion does not apply to the Property.**

Additionally, Order E-81-2 applies to categories of development and geographic areas and the Property does not satisfy either standard. Order E-81-2 identifies "agriculturally related development" including barns, storage, equipment and other necessary buildings, and excludes these from the permit requirement. However, Order E-81-2 states that, "The exclusion area includes the entire coastal zone in Unit I of Marin County (Southern Marin), except that for agriculturally-related development, **the exclusion area shall not include the area between the coast and the nearest public road paralleling the sea, or ½ mile inland from the coast, which is less.** The exclusion area is shown on the notarized exclusion maps on file with the Commission, North Central Coast Regional Commission and Marin County." (Emphasis added.) As shown on the enclosed land use map of Categorical Exclusion areas, the Property's location does **not** satisfy either of these areas described above and therefore is not part of "the exclusion area."

Conclusion

For the reasons provided above, the County should deny the application for the Coastal Development Permit for the construction of the two structures and require the removal of the remaining foundation, the remaining septic tank, all unpermitted work, and the restoration of the land to its pre-graded state. The lack of meaningful enforcement actions against those who seek forgiveness rather than obtain approval sends the wrong message that unlawful activity will be rewarded. It is critical that the County use every enforcement tool and remedy available to it and enforce the provisions of the Local Coastal Program.

Thank you.

Very truly yours,

Riley F. Hurd III

Cc: Client
Gil Sanchez
Jo Ginsberg

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY
CODE ENFORCEMENT

CERTIFIED MAIL

February 8, 2022

Matthew Yerington
Janis Yerington
PO Box 161
Bolinas, CA, 94923

RE: **VIOLATION – Placement of Sand on Edge of a Coastal Bluff**
Vacant Parcel, AKA 20 Oak Road, Bolinas
Assessor Parcel Number(s) 191-231-21

Dear Property Owners,

This letter is to inform you that the Community Development Agency (CDA) received a complaint indicating that grading has occurred on the above-referenced property in violation of Marin County Code. CDA staff conducted an inspection of the property on January 25, 2022, and confirmed that grading has occurred. At the time of the inspection, you informed staff that approximately three truckloads of dirt were brought onto the property for grading. You also indicated that a culvert was created.

This letter is to inform you that the property is in violation of the following Marin County Code Section:

Marin County Code, Section 22.68.060.K.3 – *Coastal Permit Required: Non-Exempt Development,* *Repair and maintenance activities* – states that any repair or maintenance to facilities or structures or work located in an ESHA, any sand area, within 50 feet of the edge of a coastal bluff or ESHA, or within 20 feet of coastal waters or streams that includes a) the placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials, or b) the presence, whether temporary or permanent, of mechanized equipment or construction materials, requires a costal permit.

Should you not correct these violations within fifteen (15) calendar days of the date of this letter the Community Development Agency will pursue further enforcement action to compel you to correct these violations. Correcting the violations can be accomplished by 1) obtaining coastal permit approval for the grading that occurred on the above property, or 2) restoring the property to its pre-grading condition, including removal of all fill, and including the new culvert recently installed.

Government Code Section 53069.4 permits the Board of Supervisors to provide one or more hearing officers to conduct hearings and issue enforcement orders with regard to violations of the County code or of specified chapters of the County code, and to provide for the recovery of enforcement costs, civil penalties, and any other costs of abatement.

If a violation is found to have existed or currently exists by the Code Enforcement Hearing Officer, the Community Development Agency will recommend that the Code Enforcement

Hearing Officer order you to pay the total amount of the County's enforcement costs and other abatement costs pursuant to Marin County Code Chapter 1.05. **Accordingly, this office is keeping a record of the time and costs of abating this violation. All costs incurred by Code Enforcement staff in bringing your property into compliance, are now calculated on an hourly basis. Therefore, it is to your economic benefit to act expeditiously in correcting any violations of the Codes.** In addition, the Code Enforcement Hearing Officer may order you to pay civil penalties up to $2,500.00 per day, per violation. Enforcement costs, abatement costs, and civil penalties imposed by the Code Enforcement Hearing Officer will be made a special assessment against the property on which the violation has occurred and collected in the same manner as ordinary County taxes.

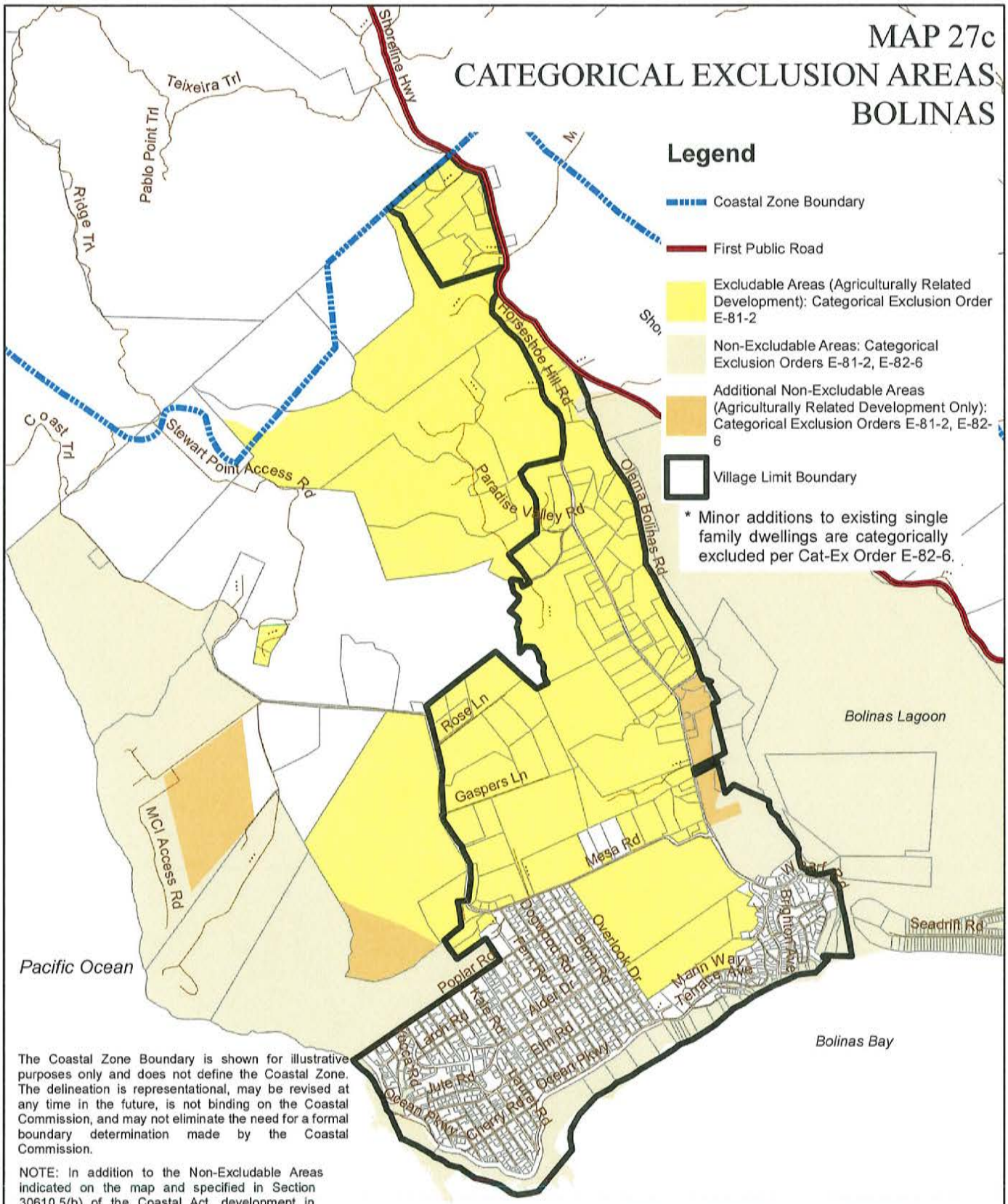
You may contact me at gsanchez@marincounty.org and 415-473-2556.

Sincerely,

Gil Sanchez
Code Compliance Specialist

CC: Matthew Yerington
Janis Yerington
PO Box 161
Bolinas, CA, 94923
(Regular, Email, Proof of Service)

MAP 27c
CATEGORICAL EXCLUSION AREAS
BOLINAS



The Coastal Zone Boundary is shown for illustrative purposes only and does not define the Coastal Zone. The delineation is representational, may be revised at any time in the future, is not binding on the Coastal Commission, and may not eliminate the need for a formal boundary determination made by the Coastal Commission.

NOTE: In addition to the Non-Excludable Areas indicated on the map and specified in Section 30610.5(b) of the Coastal Act, development in the Excludable Areas shown on the map is subject to conditions described in Categorical Exclusion Orders E-81-2, E-81-6, and E-82-6. Refer to these documents for complete information and legal requirements concerning categories and geographic areas or excludable developments, and for mitigation measures which may be applicable.

SOURCE: Marin County Community Development Agency

0 0.25 0.5 0.75 1 Miles

N

THIS MAP WAS DEVELOPED FOR PLANNING PURPOSES AND IS ILLUSTRATIVE ONLY. THE COUNTY OF MARIN IS NOT RESPONSIBLE OR LIABLE FOR USE OF THIS MAP BEYOND ITS INTENDED PURPOSE. THIS MAP IS REPRESENTATIONAL ONLY. DATA ARE NOT SURVEY ACCURATE.

Date: 12/23/2016 File: Map 27c_CatEx_LCP_Bolinas.mxd

From: Cheryl Ruggiero
To: Yattaw, Erin
Subject: Concerns re Yerington Coastal Permit (P4211)
Date: Wednesday, September 13, 2023 4:22:53 PM

Hello Erin,

Along with numerous residents on the Big Mesa, I have some concerns about Mr. Yerington's alleged ag plan.

1. Mr. Yerington used some sort of bulldozer to grade and/or move earth at and around the property at and near the bluff without a permit, *long before he submitted this application*. Numerous neighbors were upset about the grading and movement of dirt so close to the bluff. This movement completely changed the configuration of the end of the road (Nymph) at the bluff.
2. After the County posted a stop order on Mr. Yerington's unpermitted construction, Mr. Yerington disregarded that order and the law and continued to engage in building the partially-completed structures. He and his son (I believe this was his son) were working on the construction on August 8, 2023, and I'm sure there were more occasions than just the one I witnessed. As you know, Mr. Yerington conveniently states in his Plan: "Finishing two **pre-existing** 10x12 (9x11 interior) 15 ft tall Amish sheds." (Emphasis added, as those structures never existed before Mr. Yerington placed them there.)

According to the Gridded Mesa Plan regarding bluff setbacks: Between Overlook and Duxbury Point: 50 yrs x 2'/yr + 45' (safety factor) = 145'

Is the Yerington Plan consistent with this 145 foot bluff setback? Regardless of whether the shelter is for animal or human, disturbance of the bluff and potential damage to the Duxbury Reef Reserve is the same. Mr. Yerington already bulldozed the earth in violation of the Gridded Mesa Plan.

And what is the purpose of these sheds?

Last, Mr. Yerington is not being truthful about the goats. His plan is to morph the construction into residential use. The goats are merely the means to this unlawful end. His lack of veracity is reflected by the fact that he and his wife do **not** "visit the goats daily to check and feed them" as stated on his plan papers; sadly, the goats often go without food or water for days or weeks at a time and must rely on the mercy of the neighbors for sustenance.

As I discover additional information, I will email you.

Thank you for your time and consideration.

Regards,
Cheryl

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