

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO.

A RESOLUTION APPROVING THE MUIR BEACH COMMUNITY SERVICES DISTRICT COASTAL PERMIT, USE PERMIT AND DESIGN REVIEW (P3040) INTERSECTION OF , MUIR BEACH ASSESSOR'S PARCEL: 199-262-11

SECTION I: FINDINGS

1. WHEREAS, The Muir Beach Community Services District (MBCSD), owner and applicant, requests Coastal Permit, Use Permit and Variance approval to construct a new, 2,517-square-foot fire station on a developed lot in Muir Beach. The 2,517 square feet of development would result in a 15.3-percent floor area ratio on the 16,394 square foot lot. The structure would reach a maximum height of 22.83 feet as measured from surrounding grade and the exterior walls of the structure would maintain the following setbacks: 33 feet, 3 inches from the north, front property line; 36 feet from the south, rear property line, 42 feet, 7 inches from the east, side property line and 15 feet from the west, side property line. Other site improvements include the construction of retaining walls, a driveway and the removal of 7 trees.

The project site is located at the intersection of Muir Beach Overlook and Seascape Drive, Muir Beach and is further identified as APN 199-262-11.

2. WHEREAS, on July 1, 2021, 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 Sections 15303 of the CEQA Guidelines because it involves the installation of a new structure that would not result in impacts to sensitive resources.

4. WHEREAS, the project is consistent with the goals and policies of the Marin Countywide Plan for the following reasons:

A. A total of 7 Monterey cypress tree species would be removed with the project which range in size from 8- to 10 inches-in-diameter at breast height. The trees that would be removed were planted in approximately 2010 as part of the construction of the water tank and are not considered mature. Site vegetation would remain with implementation of the project including several Monterey cypress trees and other tree and shrub species. Therefore, 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 site has been previously disturbed and is developed with an above ground water tank as well as a concrete pad that housed a water tank that was previously removed. A review of the County's database indicates that there are no records of special-status plant or wildlife observations on the site or special-status species habitat occurrences. Due to the disturbed nature of the site and the lack of suitable habitat for special-status species, the proposed project would not result in potentially significant adverse effects to special-status

plant and animal species, therefore, the project is consistent with the CWP special-status species protection policy (BIO-2.2).

- 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. There are no riparian corridors, wetlands or baylands present on the project site.
- D. There are no wetland or riparian habitats on the property, therefore the project is consistent with the CWP stream and wetland conservation policies (BIO-3.1 and BIO-4.1) because the proposed development would not encroach into any Stream Conservation Areas (SCA) or Wetland Conservation Areas (WCA).
- 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). Prior to the issuance of a building permit for the project, the Department of Public Works will require approval of grading and drainage plans to ensure that project grading and drainage complies with County standards. In addition, the building permit issued for the project will require the implementation of best management practices during construction.
- 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.
- 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, as well as the Muir Beach Community Plan which references the volunteer fire department and its duties of providing "first aid care and fire protection" services to the community of Muir Beach.

5. WHEREAS, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Code Section 22.56.130I).

A. Water Supply.

The site is currently served by the Muir Beach Community Services District and would continue to be served by the District with the project.

B. Septic System Standards.

The Marin County Environmental Health Services division reviewed the project plans and determined that the project was acceptable with regard to the proposed septic system.

C. Grading and Excavation.

It is estimated that the project would require the excavation of 420 cubic yards of material and would result in the placement of 80 cubic yards of material. A total of 340 cubic yards of excavated material would be hauled off-site for disposal. Grading activities would be the minimum necessary to construct the fire station and associated driveway in accordance with relevant building codes and regulations. Prior to the issuance of a building permit for the project, review and approval of a grading plan will be required by the Department of Public Works.

D. Archaeological Resources

A review of the Marin County Archaeological Sites Inventory indicates that the site is located within a “High Sensitivity” archeological area. Due to the disturbed nature of the site, it is unlikely that archeological resources would be encountered during construction. Pursuant to Marin County Development Code Article V and Section 22.20.040, in the event that archeological or historical resources are discovered during construction, construction activities shall cease and the County shall be notified so the extent and location of discovered materials may be recorded by a qualified archaeologist and disposition of artifacts may occur in compliance with State and Federal regulations.

E. Coastal Access.

The project site is located between Muir Beach Overlook and Seascape Drive, east of the Pacific Ocean, and is not located between the ocean and the first public road. The parking lot used to access the Muir Beach Overlook, a popular and heavily used public access viewing area, is directly adjacent to and west of the site. Potential public access opportunities are extremely limited in this area due to the steepness of the cliffs and the fragility of the coastal bluff resources.

F. Housing.

The project would have no impact upon the availability of the affordable housing stock within the Muir Beach community because it does not involve removing any existing housing.

G. Stream and Wetland Resource Protection.

The project site is not located within the vicinity of sensitive streams and creeks, and is therefore not subject to riparian protection policies. In addition, wetlands are not present on the project site. Therefore, the project would not result in impacts to stream or wetland resources and would comply with the LCP's riparian protection policies.

H. Dune Protection.

There are no natural dunes in the project area.

I. Wildlife Habitat Protection.

The project site is not identified on the adopted natural resource map for the area. As discussed above, the site does not contain habitat for special status species and there are no documented occurrences of special status species on the site.

J. Protection of Native Plant Communities.

The site is landscaped with predominately ornamental plant species, as well as Monterey cypress trees that were planted in 2010 as part of the water tank construction project. Vegetation removal would be limited to seven Monterey cypress trees and herbaceous plant species to facilitate construction of the project. The site does not contain a significant number of invasive plant species.

K. Shoreline Protection.

The proposed project is not located adjacent to the shoreline or within a bluff erosion zone.

L. Geologic Hazards.

There are no known active faults that cross the project site. The Marin County Community Development Agency- Building and Safety Division will require seismic compliance with the California Building Code prior to issuance of a project building permit.

M. Public Works Projects.

The proposed project will not affect existing or proposed local public works projects in the area. The project site is located along an existing road, and would not entail the expansion of a public road, flood control project or utility services.

N. Land Division Standards.

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources and Community Character.

The site is located a considerable distance from Highway One and Panoramic Highway; due to topography and existing vegetation the site is not visible from these roadways. While the Muir Beach Overlook parking lot is adjacent to the site, the overlook is located a considerable distance away and is oriented to the Pacific Ocean to the west, which is opposite the project site to the east. Views to the coastal ranges are available from the parking lot and the overlook however due to topography and existing vegetation, these views are achieved north of the proposed project and the proposed development would not obstruct views to these ranges.

The proposed structure would be below the 25-foot height limit for the respective zoning district. The height of the structure would be similar to that of the existing water tank and would thus not be out of scale with existing on-site structures. Exterior materials proposed with the project consist of dark roofing and wood-stained siding that would ensure that the project harmonizes with the existing environment. As discussed above, while the site is located adjacent to the Muir Beach Overlook parking lot, due to the distance and orientation of the overlook relative to the site, and existing vegetation and topography, the project would not result in effects to coastal views from public viewing areas.

P. Recreational/Commercial/Visitor Facilities.

The project would not provide commercial or recreational facilities, and the project site is not governed by any zoning district or regulations which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation.

The subject property is not located within designated historic preservation boundary and the proposed project does not entail alterations to a structure that was constructed prior to 1930.

6. WHEREAS, the project is consistent with the mandatory findings for Use Permit approval (Marin County Code Section 22.88.020(3)I).

Mandatory Findings for Use Permit (Marin County Code Section 22.88.020(3)I)

A. The establishment, maintenance or conducting of the use will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed fire station is considered a public service use which requires a Use Permit in the C-RA-B4 zoning district. The station would house the Muir Beach Volunteer Fire Department and would include three bays, an area for lockers/desks and a restroom for firefighters. There are currently 10 volunteers and 3 junior fire fighters in the department. Drills would be conducted on the second and third Wednesday of each month at 7:00pm, as well as the last Sunday of the month at 9:00am. Currently, all volunteer fire fighters live in the Muir Beach area. On average, the Department receives 70 calls a year, with a typical call requiring the response of 2 to 4 volunteers. A total of 4 on-site parking spaces would be provided with the project which would meet the parking demand of the station. The department currently has two trucks, one pick-up based truck for medical calls and brush fires, and one type-3 engine, a smaller fire engine that allows access to the smaller streets of Muir Beach.

The fire station is needed to enable close, effective emergency response to the community of Muir Beach. The station would improve the welfare of persons residing in the neighborhood due to the emergency services that would be provided in close proximity to existing residential development. The station has been designed such that the station size would be the minimum necessary to effectively carry out the duties of the department, and on site parking would be provided, minimizing the need for parking on community streets. Because of the careful project design, nature of the station and services provided by the department, the public service use would not be detrimental to the public welfare or injurious to property or improvements in the neighborhood and would ensure the welfare of the community.

7. **WHEREAS**, the project is consistent with the mandatory findings for Variance approval (Marin County Code Section 22.86.050(4)I).

Mandatory Findings for Variance (Marin County Code Section 22.86.050(4)I)

- A. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.**

The applicant has requested a variance to the side setback requirements for the respective zoning district such that the structure would maintain a 15-foot west side setback when a 20-foot side setback is required.

The project site is irregularly shaped and small when compared to other lots in the vicinity. The subject lot is 16,394 square feet in area as compared to the 1-acre minimum lot area requirement of the C-RA-B4 zoning district. The lot was created prior to the Seascapes subdivision and is, on average, half the size of neighboring lots in the area. An existing water tank exists on the site, and it is not feasible to remove the tank to accommodate the fire station in a location that would not encroach into the setback. While the previously disturbed portions of the lot are level, the margins of the lot are steep and would require substantial earth moving and vegetation removal to construct the project in these areas. Thus, the constraints inherent in the site including its odd shape, small size, and existing development would deprive the owner of privileges enjoyed by other properties in the vicinity should strict application of the zoning ordinance be applied to the project.

- B. The granting of a variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.**

The proposed fire station would service the Muir Beach area providing fire response and protection to the community. The fire station would be instrumental in providing rapid response to emergencies in the community and would protect the public welfare.

- C. The granting of a variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.**

As discussed above, the project site is constrained by size, shape, topography and existing development. The granting of a variance to the side setback requirements would not constitute a grant of special privilege as the site is smaller and more constrained than those in the vicinity. The variance is requested to accommodate a fire station that would provide a critical service to the Muir Beach area.

- D. The granting of a variance for the property does not authorize a use or activity which is not otherwise expressly authorized by the particular zoning district regulations governing such property.**

The fire station is considered a public service use which is allowed in the respective zoning district through the granting of a Use Permit. The applicant has applied for a Use Permit, and as described above, the project complies with those findings necessary to grant Use Permit approval.

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 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 Muir Beach Community Services District (MBCSD) Coastal Permit, Use Permit and Variance subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Permit, Use Permit and Variance approval authorizes the construction of a new, 2,517-square-foot fire station on a developed lot in Muir Beach. The 2,517 square feet of development shall result in a 15.3-percent floor area ratio on the 16,394 square foot lot. The structure shall reach a maximum height of 22.83 feet as measured from surrounding grade and the exterior walls of the structure shall maintain the following setbacks: 33 feet, 3 inches from the north, front property line; 36 feet from the south, rear property line, 42 feet, 7 inches from the east, side property line and 15 feet from the west, side property line. Other site improvements include the construction of retaining walls, a driveway and the removal of 7 trees.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Muir Beach Fire Station" consisting of 9 sheets and prepared by Lauran Van Amburgh Design, received in final form on February 4, 2021, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.
3. The project shall conform to the Planning Division's "Uniformly Applied Conditions 2021" with respect to all of the standard conditions of approval.

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 two 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 mailed to the Community Development Agency, Planning Division, Room 308, Civic Center, San Rafael, and postmarked no later than five business days from the date of this decision (July 8, 2021).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 1st of July 2021.

Immanuel Bereket
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Michelle Reed
DZA Recording Secretary