

M E M O R A N D U M

TO: Deputy Zoning Administrator

FROM: Michelle Levenson, Senior Planner

DATE: June 30, 2021

RE: Deputy Zoning Administrator Hearing of July 1, 2021, Agenda Item No. 1 Muir Beach Community Services District (MBCSD) Coastal Permit, Use Permit and Variance Application (P3040), Intersection of Muir Beach Overlook and Seascap Drive, Muir Beach (APN 199-262-11)

The purpose of this memorandum is to respond to an email from Julia KoppmanNorton, District Supervisor, North Central Coast District, California Coastal Commission, received June 29, 2021 regarding the Muir Beach Community Services District (MBCSD) Coastal Permit, Use Permit and Variance application (Attachment No. 1). Ms. KoppmanNorton's email raises four points that are discussed in detail below.

(1) *Public Service Use.* The email states that the public service use associated with the fire station is not a principally permitted or conditional use of the respective C-RA-B4 zoning district and should thus not be allowed on the site.

Chapter 22.88(l) of the Marin County Interim Zoning Code provides Use Permit provisions for the coastal areas of the County. Specifically Section 22.88.010(l) states that, "The zoning administrator, subject to appeal in each case...shall have the power to issue use permits for any of the following reasons...(2) Public utility or public service uses...when found necessary for the public health, safety, convenience or welfare..."

As the project involves the construction of a fire station that would provide essential public health and safety services, staff found that such a use complied with the provisions for Use Permit approval.

(2) *Height Limits.* The email states that the project would reach a maximum height of 26.33 feet, exceeding the 25-foot maximum height limit for the respective zoning district.

Upon initial review of the project plans, staff estimated that the project would reach a maximum height of 26.33 feet above surrounding grade; this height estimate was included in the project description contained on the project web page. Upon further review and as stated in the staff report, recommended resolution and the updated webpage project description, the structure would reach a maximum height of 22.83 feet above surrounding grade, more than 2 feet below the maximum height limit for the C-RA-B4 zoning district. While the applicant has requested a variance to the side setback requirement, a variance to the maximum height limit is not required for the project.

(3) *Visual Resources*. The email states that the site is located adjacent to “coastal trails and scenic vistas that would be considered protected visual resources by the LCP...development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...”. The email goes on to state that visual simulations should be required by the County to properly analyze potential visual impacts of the project.

Section 5(O) (page 4) of the recommended resolution provides a discussion of the project and its consistency with the required visual resources and community character findings for coastal permits. The County must comply with its Planning Application Submittal Checklist with respect to project information and data requests when processing applications. Visual simulations are not listed as an item that can be requested from applicants. However, story poles have been installed at the site and provide a method of assessing the potential visual effects of the project.

Photos of the story poles have been included as an attachment to this memorandum. Photo 1 provides a view from the Owl Trail, the closest public trail to the site. As is evidenced by the photo, the proposed structure would not impair views to the Pacific Ocean or coastal ranges. Photos 2 through 6 demonstrate views of the story poles from the Muir Beach Overlook parking lot. As evidenced by the photos due to the orientation, massing and height of the proposed structure, views from the parking lot to the Pacific Ocean or coastal ranges would not be affected by the proposed project.

(4) *Bluff Top Setbacks*. The email states that the Local Coastal Plan provides policies regarding new structures and the need to set back structures from bluff tops to ensure development would not be threatened by bluff top retreat. The email goes on to state that a geotechnical report was provided for a former project (the 2010 water tank replacement project) and that an updated geotechnical report should be required.

The County's Interim Zoning Code states the following with respect to bluff top setbacks (Section 22.56.130(K)): "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...Adequate setback distances will be determined from information contained in geotechnical reports...The geotechnical report shall be required in either of the following: (a) The building or proposed development site is within one hundred fifty feet of a bluff top. (b) The building site is located within stability maps for the Bolinas and Tomales areas...."

The area of project development is located over 150 feet from the bluff edge and is not located in the Bolinas and/or Tomales area(s), therefore a geotechnical report was not required for the project. As indicated in the Department of Public Works Interoffice Memorandum dated May 20, 2021 (Attachment 5 of the project staff report), the department will require that plans submitted for the project building permit, should the project be approved, be certified by a soils engineer.

Attachments:

Attachment No. 1-Email, dated June 29, 2021 from Julia Koppman Norton, District Supervisor, North Central Coast District, California Coastal Commission

Attachment No. 2-Photos of project story poles from public areas

Muir Beach Community Services District P3040 - DZA Hearing 7/1

KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>

Tue 6/29/2021 11:41 AM

To: Levenson, Michelle <MLEvenson@marincounty.org>

Cc: Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Pfeifer, Sara@Coastal <Sara.Pfeifer@coastal.ca.gov>

Hi Michelle,

I'm the new District Supervisor for the North Central Coast District at the Coastal Commission – nice to meet you virtually. We got wind of the proposed CDP, Use Permit, and Variance for the Muir Beach Community Services District fire station at the Muir Beach overlook, and we would like the following comments to be included in the record for the upcoming DZA hearing on 7/1. The requested coastal development permit application proposes construction of a new fire station, septic system, and retaining walls. Due to the site's zoning designation for Coastal Residential Agriculture uses, proximity to scenic coastal areas, and proximity to the bluff edge, we have concerns regarding the development's consistency with the following LCP requirements related to allowable uses, height restrictions, protection of scenic resources, and blufftop development that could potentially lead to an appeal of the project to the Coastal Commission.

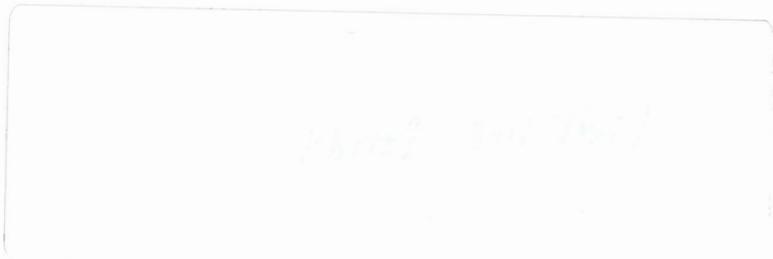
- Allowable Uses: Marin County's LCP Implementation Plan (IP) outlines the allowable uses for each zoning designation in the coastal zone. The proposed use is not included in the list of Principal Permitted or Conditional Uses allowed within the Coastal Residential Agriculture zoning designation and therefore, despite the additional request for a Use Permit separate from a CDP, this use would not be permitted on this parcel per the LCP.
- Height Limits: Design standards for parcels in the Coastal Residential Agriculture zoning designation require that any structure's height not exceed 25 feet, and policies also specify that any new construction in Muir Beach specifically is restricted to a maximum height of 25 feet (LUP Visual Resources Policy 21), whereas this proposed development would be 26.33-feet above grade, which, despite the request for a Variance Permit separate from a CDP, would be inconsistent with the zoning designation (and thus LCP)'s height limits.
- Visual Resources: The IP also contains broad development requirements that pertain to visual resources, and this site overlooks the open space park land and rolling coastal mountain ranges to the north, east, and west, and the Pacific Ocean to the west and south. The site of the proposed development is proximate to coastal trails and scenic vistas that would be considered protected visual resources by the LCP, which includes language that development shall be sited and designed to protect views to and along the ocean and scenic coastal areas (LUP Visual Resources Policy 21). We recommend that the County require visual simulations of the proposed development from multiple proximate locations in order for the County to be able to properly analyze any potential impacts on visual resources.
- Blufftop Development/Hazard Areas: Both the LUP and IP include policies requiring that new structures be set back from blufftop areas sufficiently to ensure such development will not be threatened from cliff retreat within their economic life expectancies, using the established setback formula in order to eliminate the need for future shoreline protection and as determined by geologic reports (IP policy 22.56.130I (K) and LUP policy 1 on Shoreline Protection and Hazard Areas). The geologic report included as part of this application was for the proposed water storage tank at the same site, and the report is from 2009. While this may have been relevant to that project at that time, an updated geologic report, for this particular proposed development, should be prepared in order to adequately determine sufficient setbacks to comply with the hazard policies of the LCP.

Thus, Commission staff recommends that the County require the applicant to relocate the proposed fire station to an allowable zoning district and to be designed in a way so as to not exceed height limits, not impact visual resources, and to be sited appropriately for coastal hazards. Please let me know if you have any questions.

Best,
Julia

Julia Koppman Norton
North Central Coast District Supervisor
California Coastal Commission





ATTACHMENT 2





Michelle Levenson





