



**STAFF REPORT TO THE MARIN COUNTY  
DEPUTY ZONING ADMINISTRATOR  
Tomales Fire Station Coastal Permit**

**Recommendation: Approve with Conditions**  
**Hearing Date: January 25, 2018**

Application No(s):	P1810	Owner(s):	County of Marin
Agenda Item:	1.	Applicant/Representative:	Dorren P. Hill, Department of Public Works
Last Date for Action:	1/25/2018	Assessor's Parcel No(s):	102-061-03
		Property Address:	599 Dillon Beach Road, Tomales, CA 94971
		Project Planner:	Tammy Taylor
		Signature:	
Countywide Plan Designation:		C-AG3, Agricultural Coastal Zone	
Community Plan Area:		Tomales	
Zoning District:		C-ARP-5, Coastal Agricultural Planned Zoning District, 1 unit per 5 acres	
Environmental Determination:		Exempt per CEQA Guidelines Sections 15301 & 15303	

**PROJECT SUMMARY**

The applicant requests a Coastal Permit approval to demolish an existing 3,740 square foot fire station and construct a new 8,653 square foot station on a developed lot in Tomales, California. The 8,653 square feet of proposed development would result in a floor area ratio of 12.8 percent on the 74,260 square foot lot. The proposed building would reach a maximum height of 33 feet above surrounding grade and the exterior walls would have the following setbacks: 68 feet from the north front property line; 20 feet from the east side property line; 46 feet from the west side property line; 166 feet from the south rear property line. The Northwest portion of the property is adjacent to a Stream Conservation Area, and some tree removal is proposed as part of the project. The applicant has provided a Construction Management Plan that addresses these issues, verifying that the project will stay out of the Stream Conservation Area and tree removal will be conducted with biological sensitivity to nesting birds.

Coastal Permit approval is required because the project is in a Coastal Zoning District.

**PROJECT SETTING**

Characteristics of the site and surrounding area are summarized below:

Lot Area: 74,260 square foot lot

Adjacent Land Uses: Coastal Agriculture Production Zone and Agriculture Residential Planned

Topography and Slope: Average slope of 11%

Existing Vegetation: Annual grassland and cropland

Environmental Hazards: Located in the Wildland Urban Interface Zone, moderate possibility of fire.

The project site is a developed lot with the existing Tomales Fire Station in a mostly rural/agricultural area of Tomales. The neighboring lots consist of agricultural operations to the south and west of the subject property, and residential properties to the north and east. The property has been used as a Fire Station since 1971, although the current zoning does not specifically recognize Fire Stations as a permitted use. Thus, the use is considered legal non-conforming.

## **BACKGROUND**

The current application was filed on October 3, 2017 and included the plans, biological assessment, Title Report, Archaeological Report, and other relevant submittal items. The project application and plans were transmitted to Department of Public Works-Land Development, Marin County Environmental Health Services, Marin County Fire and the California Coastal Commission.

All agencies found the plans were acceptable as submitted, provided that the applicant follow the standard Best Management Practices during the Building Permit phase. Following the first project status on October 25, 2017, the applicant was given a short list of incompleteness items involving site staking. Considering the fact that the existing fire station is an active emergency facility, it was determined that story poles would be inappropriate to construct on site since they could potentially infringe on the normal emergency operations of the fire station. However, the applicant provided visual simulations, site stakes and a flag on the existing mono pole in order to show the cubicle dimensions of the proposed building on site.

On December 13, 2017 the project was found to be complete, and a notice regarding the hearing was sent to neighbors within 600 feet on January 9, 2018.

## **PUBLIC COMMENT**

Sara Pfeifer with the California Coastal Commission requested information on the zoning inconsistency of the project site being used as a Fire Station. Staff responded to her concerns and explained that the use was legally permitted under a previous entitlement that occurred in 1970/1971, and since the use of the site is not proposed for modification, the project is consistent with the zoning as a legal non-conforming use.

Sara Pfeifer also raised concerns regarding the White-tailed kite (*Elanus leucurus*), that is mentioned to potentially occur on the project site during the nesting season per the Biological Assessment. Sean Avent with WRA responded to Sara Pfeifer's concerns, and it has since been confirmed by County staff that the construction will commence outside of the bird nesting season of February 1<sup>st</sup> through August 15<sup>th</sup>. Sean Avent also clarified for the record that if any construction work were to occur within the breeding season of February 1st through August 15th, a biologist is already on contract to conduct a pre-construction nesting bird survey and, if any protected nesting birds are found, to establish a no-disturbance buffer area around nest sites.

## **RECOMMENDATION**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and approve the Tomales Fire Station Coastal Permit Project.

Attachments:

1. Recommended resolution
2. Project plans
3. CEQA exemption
4. Letter from North Marin Water District dated October 11, 2017
5. Inter-Office Memorandum from EHS dated October 16, 2017
6. Inter-Office Memorandum from DPW dated October 18, 2017
7. Email from Sara Pfeifer, CA Coastal Commission dated October 27, 2017
8. Email from Scott Alber, Fire Chief dated November 8, 2017
9. Letter from Dorren Hill, DPW received on January 17, 2018

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE

TOMALES FIRE STATION COASTAL PERMIT  
599 DILLON BEACH ROAD,  
TOMALES, CA 94971  
ASSESSOR'S PARCEL: 102-061-03

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**SECTION I: FINDINGS**

1. **WHEREAS**, Dorren P. Hill, on behalf of the County of Marin Department of Public Works, has submitted a Coastal Permit application to demolish an existing 3,740 square foot fire station and construct a new 8,653 square foot fire station on a developed lot in Tomales, California. The 8,653 square feet of proposed development would result in a floor area ratio of 12.8 percent on the 74,260 square foot lot. The proposed building would reach a maximum height of 33 feet above surrounding grade and the exterior walls would have the following setbacks: 68 feet from the north front property line; 20 feet from the east side property line; 46 feet from the west side property line; 166 feet from the south rear property line. The Northwest portion of the property is adjacent to a stream buffer, and some tree removal is proposed as part of the project. The applicant has provided a Construction Management Plan that addresses these issues, verifying that the project will stay out of the stream buffer and tree removal will be conducted with biological sensitivity to nesting birds. The property is located at 599 Dillon Beach Road, Tomales and is further identified as Assessor's Parcel 102-061-03.

2. **WHEREAS**, on January 25, 2018, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and consider the project.

3. **WHEREAS**, the project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303, Classes 1 and 3 of the CEQA Guidelines because the project consists of demolition of an existing fire station, and replacement with an upgraded fire station facility and emergency service center.

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

**A. Water Supply.**

The project site is currently serviced by a water system that was permitted in 1998. Environmental Health Services confirmed that the water supply is adequate to service the new project.

**B. Septic System Standards.**

Environmental Health Services also reviewed the existing septic system. Although a preliminary septic outline was submitted in May 2017, the final setback distance to the

bioretention facilities has yet to be established. Thus, the project is conditioned at the building phase, but is otherwise consistent with this finding.

**C. Grading and Excavation.**

The project site is mostly gently sloped, with an average slope of 11%. The area of the proposed building will require some grading and earthwork in order to prepare the site for a larger facility building. The earthwork volume is approximately 909 cubic yards of cut and 717 cubic yards of fill. Only 192 cubic yards of cut are proposed to be off-hauled, and the project proposes to utilize best management practices with regards to the removal and deposition of site spoils. Therefore, the project is consistent with this finding.

**D. Archaeological Resources.**

The applicant hired ALTA Archaeological Consulting to perform an Archaeological and historical assessment of the site. A review of the Marin County Archaeological Sites Inventory indicates that the subject property is considered to be in an area of high archaeological sensitivity; however the property is already disturbed due to the existing fire district uses and development on the site, and adjacent agricultural and residential land uses. Therefore, it is unlikely that there are archeological resources on the property. Per Title 22i of the Marin County Code Section 22.56.130I.D., in the event archeological or paleontological resources are uncovered during construction, all work shall immediately cease and the services of a qualified consulting archaeologist be engaged to assess the value of the resource and to develop appropriate response measures.

**E. Coastal Access.**

The project site is not located between the sea and the first public road, or adjacent to a coastal area identified by the Local Coastal Program, Unit 2, where public access is desirable or feasible. During the routine field inspections, staff found no evidence of historic public use of this site, other than the existing fire district land uses, and found that the project area is not located in close proximity to any tidelands or submerged lands. Thus, the project is consistent with this finding.

**F. Housing.**

The project does not provide any new housing, other than the housing provided to the firefighters while on duty. However, the project if approved could provide additional emergency services to the existing community in Tomales, which is remote and fairly distant from other fire service districts.

**G. Stream and Wetland Resource Protection.**

As per the Biological Site Assessment prepared by WRA, the subject property is located outside of a Stream Conservation Area, and the existing fire station/project site is not located within the vicinity of any sensitive streams or creeks. The WRA report mentions that two streams (including one ephemeral) exist on adjacent properties, however the work associated with the project would be located outside of any associated riparian or stream conservation areas. Additional clarification by the applicant assures that all project construction would occur outside of the ephemeral buffer area to the Northwest of the

bioretention area. The project is therefore not subject to riparian protection policies, and as proposed, complies with the LCP's riparian protection policies.

#### **H. Dune Protection.**

There are no natural dunes in the development area.

#### **I. Wildlife Habitat Protection.**

A search of the CNDDDB mapping database revealed that the project site is within potential habitat for Baker's Larkspur (*Delphinium bakeri*), Obscure bumble bee (*Bombus caliginosus*), and Santa Cruz microseris (*Stebbinsoseris decipiens*). The WRA report concluded that the project would not have impacts to any special-status wildlife species or habitats because the site is already developed with an existing fire station facility, and the chances that the wildlife species could occur on the site are very low. However, the report also mentions the potential for the white-tailed kite (*Elanus leucurus*) to occur on the site, or nest within some of the trees proposed for removal. However, as part of the application, the applicant has confirmed that the tree removal and associated construction is proposed to occur outside of the bird nesting season from February 1<sup>st</sup> through August 15<sup>th</sup>, therefore the project is consistent with this finding. The applicant also clarified for the record that if any construction work were to occur within the breeding season of February 1<sup>st</sup> through August 15<sup>th</sup>, a biologist is already on contract to conduct a pre-construction nesting bird survey and, if any protected nesting birds are found, to establish a no-disturbance buffer area around nest sites.

#### **J. Protection of Native Plant Communities.**

Similar to the discussion above, the Baker's Larkspur (*Delphinium bakeri*) and Santa Cruz microseris (*Stebbinsoseris decipiens*) are identified in the CNDDDB mapping database as having a potential to occur on the site. The WRA report also notes that the Two-fork clover (*Trifolium amoenum*) a federal endangered plant species has a moderate potential to occur on the site. However, the report concludes that the likelihood that any of these species could occur on the site is very low given the present land uses of the site as a fire station, the surrounding agricultural and residential land uses, and it notes that these species were not observed during a field visit. Thus, there are no identifiable impacts to Native Plant communities resulting from the proposed project, and this project is consistent with this finding.

#### **K. Shoreline Protection.**

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

#### **L. Geologic Hazards.**

The project is located in a Seismic Shaking Amplification Hazard Area Zone 2, but is not located within close vicinity of any known fault lines. The Marin County Community Development Agency – Building and Safety Division would require seismic compliance with the California Building Code.

**M. Public Works Projects.**

The applicant for the proposed project is Department of Public Works (DPW). DPW- Land Development reviewed the project application, and did not indicate that the project would detrimentally affect any public works projects. Further, the proposed project does not entail expansion of public roads or flood control projects. However, the project would expand on an existing Fire Station facility, which would enhance emergency services to the surrounding community. Any associated utility extensions associated with the project would not lead to an impact on existing utilities that already service the community. Therefore, the project is consistent with this finding.

**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 project as proposed, would not impair or obstruct coastal views from any public street or public viewing location. As stated previously, the surrounding neighborhood is a mix of coastal agriculture and residential land uses, and the Fire Station design is meant to appear as an emergency facility within a residential and agricultural community.

The development would not impact public views of coastal scenic resources. The project site is located away from Hwy 1 and the project will not obstruct views from public viewing areas. The fire station use is considered to be legal non-conforming with the Interim Zoning Code standards prescribed for the C-ARP-5 zoning district, and the use of the site as a Fire Station was vested in 1971. Although the materials, mass and bulk of the new structure will be larger than the existing fire station facility, and therefore more visible to the surrounding community, the purpose of the upgraded fire station is to provide additional emergency services to a remote community in West Marin. The fact that the building would be slightly more visible to the surrounding community could be considered beneficial since the facility will be more visible in the event of an emergency, and able to offer the community additional emergency medical services, as well as house additional emergency/fire-fighting equipment and vehicles. The building design is intended to look like an upgraded fire station, and therefore is consistent with this finding.

**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 applicant commissioned ALTA Archaeological Consulting to conduct an Archaeological and historical assessment of the property. As confirmed in the report, the property is located outside of the Tomales historic district, and the existing building was built in 1971, and does not contain any historic significance. Therefore, the project is consistent with this finding.

## **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 Tomales Fire Station Coastal Permit subject to the conditions as specified below:

### **CDA-Planning Division**

1. This Coastal Permit approval authorizes the demolition of an existing 3,740 square foot fire station and construction of a new 8,653 square foot fire station on a developed lot in Tomales, California. The 8,653 square feet of development will result in a floor area ratio of 12.8 percent on the 74,260 square foot lot. The building will reach a maximum height of 33 feet above surrounding grade and the exterior walls will have the following setbacks: 68 feet from the north front property line; 20 feet from the east side property line; 46 feet from the west side property line; 166 feet from the south rear property line. The Northwest portion of the property is adjacent to a stream buffer, and some tree removal is proposed as part of the project. The applicant has provided a Construction Management Plan that addresses these issues, verifying that the project will stay out of the stream buffer and tree removal will be conducted with biological sensitivity to nesting birds.
2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Marin County Fire Department, Tomales Fire Station," consisting of thirty-nine sheets prepared by Ross Drulis Cusenbey, received in final form on October 3, 2017, 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 2018" with respect to all of the standard conditions of approval and the following special conditions: 9. and 16.

## **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 (January 25, 2020). 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 five business days from the date of this decision (**February 5, 2018**).

**SECTION VI: ADOPTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 25<sup>th</sup> day of January 2018.

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Curtis Havel  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Michelle Reed  
DZA Recording Secretary