



STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION			
Switzer appeal of the Sydriel Coastal Development Permit and Use Permit Approval			
Recommendation:		Deny the appeal and approve the project	
Hearing Date:		April 4, 2024	
Application No(s):	P4258	Owner(s):	Sydriel LP
Agenda Item:	[]	Assessor's Parcel No(s):	119-198-03
Last Date for Action:	4/15/2024	Property Address:	11401 State Route 1, Point Reyes
		Project Planner:	Immanuel Bereket
		Signature:	
Countywide Plan Designation:	C-NC (Coastal, Neighborhood commercial/Mixed-Use)		
Community Plan Area:	Pt. Reyes Station Plan Area		
Zoning District:	C-VCR-B2 (Village Commercial Residential, combined)		
Environmental Determination:	Exempt per CEQA Guidelines §15061(b)(3) and §15303		

PROJECT SUMMARY

The applicant, Matt Donohue, on behalf of property owners Sydriel LP, requests a Coastal Development Permit and Conditional Use Permit approval to convert an existing commercial structure to five residential units while expanding an existing convenience store from a 215-square-foot cashier's stand to a 1,901-square-foot store, which includes a 73-square-foot utility closet. The proposed five units will consist of three two-bedroom units ranging in size from 839 to 854 square feet and two one-bedroom units ranging from 626 to 626 square feet. One of the residential units would be offered as a low-income unit to comply with the County's inclusionary requirements enumerated in Marin Development Code Section 20.22.020, Table 3-4a.

The proposed project includes complete interior improvements, including demolition and installation of interior walls, a new foundation with a slab-on-grade system, and other interior remodeling to enable residential use. All proposed interior and exterior improvements would occur entirely within the existing footprint of the building. The project would enclose the existing 150 square feet of covered porched areas to create habitable space, resulting in an increase in floor area from 5,650 to 5,800 square feet and an increase in floor area ratio (FAR) from 22.60 percent to 23.20 percent on the 25,000 square foot developed lot. The existing building height of 25 feet nine inches above grade would remain unchanged.

Proposed exterior alterations include installing a roof-mounted equipment well, removing the existing rear deck, and installing a new sidewalk and a propane-powered backup generator with an automatic transfer switch to power the entire building, including fuel dispensers. The applicant proposes to install a new PG&E transformer with a main electrical distribution panel intended to facilitate the installation of separate meters for each residential unit as well as commercial uses.

Various site improvements would also be entailed in the proposed development, including general grading to accommodate the proposed project, the removal of one Monterey Pine tree (six inches diameter breast height), installation of a bike rack, six new water meters, and a 1,000-gallon propane tank to dispense bulk propane to commercial customers.

Additionally, the applicant requests the following incentives, concessions, and waivers of development standards under Government Code Section 65915–65918 (known as the State Density Bonus Law):

- A. Relief from the requirements of the Local Coastal Program, Implementation Plan Section 20.32.160(A) to increase the allowable commercial floor area from 15 percent (or 873 sq. ft.) to 22 percent (or 1,920 sq. ft.), under Government Code Section 65915(d); and,
- B. Relief from the Local Coastal Program, Implementation Plan, Section 20.62.080, Table 5-3-c, footnote (3) to allow residential units on the ground floor facing public roads, under Government Code Section 65915(d).

Coastal Development Permit (CDP) approval is required under the Local Coastal Plan (LCP), Implementation Plan Section 20.68.040 to install a 1,000-gallon propane tank for retail use and propane-fueled backup power, and CDP approval is required under LCP Implementation Plan Section 20.68.060.G because the project involves installing a new septic system. A Use Permit is required under the LCP, Implementation Plan Section 20.32.160, because the project involves commercial retail sales greater than 15 percent of the total floor area of the structure. A Conditional Use Permit is required under the LCP, Implementation Plan Section 20.62.080.D, Table 5-3-c because the project involves the creation of multi-family housing in the C-CVR-B2 zoning district. A Use Permit is required under the LCP, Implementation Plan Section 20.62.080.D, Table 5-3-e because the project involves the installation of a public utility facility (PG&E) transformer on a private property.

PROJECT SETTING

Characteristics of the site and surrounding area are summarized below:

Lot Area:	25,000 sq. ft. (0.57 ac.)
Adjacent Land Uses:	The area to the south, west, and east are developed with commercial properties and uses, while the area to the north is developed with single-family residences.
Topography and Slope:	Relatively flat terrain with an average slope of two percent.
Existing Vegetation:	Aside from one Monterey Pine tree, existing vegetation on the site consists of a non-native ornamental landscape.
Environmental Hazards:	The project is located in a Seismic Shaking Amplification Hazard Area, Zone 2, but not near any known fault lines.

The project is located in downtown Point Reyes Station along Shoreline Highway between Mesa Road and A Street. The project site is surrounded by commercial developments in the west,

east, and south, while the area to the north is developed with single-family residences. The subject property is developed with a gas station with an associated 215-square-foot cashier's stand with a limited retail store, an attached automotive repair shop (currently vacant), two unpermitted residential units, office spaces, and a commercial tenant space (Kayaking and Hiking store), all of which are contained in one building. Detached improvements on the site include a septic system, a fuel canopy, fuel dispensers, parking spaces, and other improvements typically associated with a gas station. Access to the site is provided from State Route One to the south, A Street to the west, and Mesa Road to the east. The building was constructed in 1957. On September 17, 2007, the property was issued a Design Review Clearance to replace the existing oil storage tank, and the Design Review Clearance was renewed and vested in 2009. On July 11, 2019, a Coastal Development Permit was issued to expand the existing 215-square-foot cashier's stand to a 1,530-square-foot convenience store. This approval expired in July of 2022.

BACKGROUND

On September 11, 2023, a Coastal Development Permit and Conditional Use Permit applications were submitted. Upon receipt, the application was transmitted to the Environmental Health Services Division (EHS), the Housing Division, the Department of Public Works (DPW), the California Coastal Commission (CCC), and the Fire Department, and it was posted online. Staff received written memorandums from EHS, DPW, the Point Reyes Station Village Association, and an e-mail correspondence from the CCC. On October 9, 2023, the application was deemed incomplete. On October 25, 2023, the applicant submitted revised application materials and technical studies, which were promptly recirculated to DPW, EHS, and the CCC. Staff received written memos from DPW and EHS and an e-mail correspondence from the CCC. On November 13, 2023, the application was deemed incomplete due to a partial resubmittal of the application. On November 17, 2023, the applicant submitted a complete set of plans. On November 28, 2023, the application was deemed complete. Correspondence from EHS, the Housing Division, DPW, CCC, and the Point Reyes Station Village Association are provided as attachments to this report.

A notice was posted on the project site on September 13, 2023, identifying the applicants and describing the project and its location. A site visit was conducted on the same day the notice was posted. Upon deeming the project complete, a Notice and Referral was posted online on November 28, 2023, requesting any interested organizations or individuals to provide comments on the proposal. The Community Development Agency provided a mailed public notice on January 11, 2024, for the DZA hearing and on March 14, 2024, for this Planning Commission hearing, identifying the applicant, describing the project and its location, and indicating a hearing date and location in accordance with California Government Code requirements. The notice was mailed to all property owners within 300 feet of the subject property. The County received numerous public comments through the review process, and all public correspondences received to date have been provided as Attachment No. 9 to this staff report.

On January 18, 2024, the Marin County Deputy Zoning Administrator (DZA) held a duly noticed public hearing to take public testimony and continued the hearing to February 1, 2024. On February 1, 2024, the DZA held a duly noticed public hearing to take public testimony and approved the project. On February 13, 2024, Mark Switzer, on behalf of the Point Reyes Village Association, submitted a timely appeal of the Sydriel Coastal Permit and Conditional Use Permit approval.

KEY ISSUES

The application was submitted under Senate Bill (SB) 330 amendments to the Housing Accountability Act and the State Density Bonus Law (Gov. Code Sec. 65915-65918). The appeal points raise important issues related to the application and intersection of various State housing laws to the Coastal zones (or the Coastal Act of 1976). The policies of the Coastal Act (and LCPs certified pursuant to the Coastal Act) establish development standards intended to protect coastal resources, while the State Density Bonus Law allows development projects to exceed these development standards on a case-by-case basis but only where coastal resources (i.e., sensitive habitat, ESHA, and public access) are fully protected. There is no bright line test to determine whether a particular project adequately balances conformance with both the Coastal Act and the density bonus law; this is a matter of discretion. The attached resolution discusses these issues in detail.

RECOMMENDATION

Staff recommends the Planning Commission review the administrative record, conduct a public hearing, and deny the appeal and sustain the Deputy Zoning Administrator's decision to conditionally approve the Sydriel Coastal Development Permit and Conditional Use Permit, based on the findings and subject to the conditions contained in the attached resolution.

Attachments:

1. Recommended resolution
2. CEQA exemption
3. Appeal Petition
4. Applicant's rebuttal
5. Planning Application Review, Department of Public Works, dated September 29, 2023
6. E-mail correspondence from the California Coastal Commission, dated November 7, 2023
7. Planning Application Review, Environmental Health Services, dated November 13, 2023
8. Planning Application Review, Housing Division, dated November 29, 2023
9. Public correspondence
10. Project plans