

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 24-100
A RESOLUTION APPROVING THE SYDRIEL COASTAL PERMIT AND CONDITIONAL USE
PERMIT
11401 STATE ROUTE 1, POINT REYES STATION
ASSESSOR'S PARCEL: 119-198-03

SECTION I: FINDINGS

1. **WHEREAS**, the applicant, Matt Donohue, on behalf of property owners Sydriel LP, requests a Coastal 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 household 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 into habitable space, resulting in an increase in building 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 would remain unchanged.

Proposed exterior alternations 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 project proposes to install a new PG&E transformer with a main electrical distribution panel intended to facilitate the installation of a separate meter per 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), a bike rack, six new water meters, and a 1,000-gallon propane tank to dispense bulk propane to commercial customers.

The property is located at 11401 State Route 1, Point Reyes Station, and is further identified as Assessor's Parcel 119-198-03.

2. **WHEREAS**, on January 18, 2024, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and continued the hearing to February 1, 2024.

3. **WHEREAS**, on February 1, 2024, the Marin County Deputy Zoning Administrator held a duly noticed public hearing to take public testimony and continued the hearing to February 1, 2024.

4. **WHEREAS**, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because the proposed conversion would occur primarily within an existing building, and no new additional site disturbance will occur. Therefore, the project qualifies for exemption under Section 15061(b)(3). Further, the project is also exempt under Section 15303 Class 3 of the CEQA Guidelines because the proposed conversion from a commercial to a mixed-use building and the installation of small utility systems are specifically exempt from CEQA under this section. Therefore, the project is exempt from CEQA because it will not have any impact on the environment.

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

- A. The project site was previously developed as a gasoline service station and multi-tenant commercial building. Onsite vegetation is limited to non-native ornamental plants, except for one Monterey tree. The tree was planted directly above existing septic mains, and its roots have caused the septic system to fail. No other vegetation is proposed for removal. Therefore, the proposed infill 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 site is developed as a gasoline service station and with other commercial uses. The project is consistent with the CWP special-status species protection policy (BIO-2.2) because the subject property does not provide a habitat for special-status species of plants or animals. Since the project will occur entirely within the property boundaries and on previously improved grounds, the project would not affect special-status species. Therefore, the proposed infill 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, and no offsite impacts are anticipated due to the project.
- C. The infill project would occur on a site developed as a gasoline service station and a multi-tenant commercial building, and site disturbance would be limited to the site. Therefore, the proposed infill 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. As described above, the project would occur on previously disturbed and improved grounds and limited to the site. There are no riparian habitats on the property. The project would not encroach into a Wetland Conservation Area (WCA). 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 applicant has provided a Storm Water Pollution and Prevention Plan (SWPPP) for the project prepared in accordance with the Bay Area Storm Water Management Agency Association (BASMAA) requirements. 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 applicant has provided a geotechnical report prepared by PJC & Associates Inc., dated April 11, 2023. The geotechnical investigation states no active faults traverse the project site. The report also indicates that a large earthquake centered on any of the active faults in the region, including the San Andreas Fault (approximately 650 feet), could impact the project site. The geotechnical report includes recommendations for site preparation and grading, placement and compaction of engineered fill, foundation design, parameters for slabs-on-grade and concrete flatwork, drainage, and more.

The Marin County Building and Safety Division will ensure that the project design incorporates the recommendations in the geotechnical report and that it complies with the current California Building Standards Code, which includes detailed structural design requirements intended to provide adequate structural integrity to withstand the maximum credible earthquake and the associated ground motion acceleration. Compliance with the applicable building codes will maximize the structural stability of the proposed building and minimize the potential for damage and injury during an intense seismic event. As such, 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 the 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 the review of the Building Permit application.

- 6. **WHEREAS**, the project is consistent with the goals and policies of the Point Reyes Station Community Plan for the following reasons:

- A. **Community character.** 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 Point Reyes Station Community Plan's vision for this area is to maintain a commercial core (Objective CL-1.0) while encouraging the construction of affordable housing development.

The developed project site is an underutilized lot in downtown Point Reyes Station. The proposed project would encourage more efficient use of the property by repurposing the site as a high-density mixed-use development with five residential units, including one below-market rate unit, and 1,930 square feet of commercial space with exterior modifications that will retain the site's existing architecture. The residential units would be located in close proximity to commercial and employment resources, thereby furthering Objective CL-1.0 of the Point Reyes Station Community Plan.

Additionally, the proposed project would further the County's goal of creating a range of housing types to meet the diverse needs of the community by adding five residential units to the Point Reyes Station's overall housing inventory. The unit mix would comprise three two-bedroom units ranging in size from 802 to 843

square feet and two one-bedroom units ranging from 591 to 593 square feet. Therefore, the project complies with Objective CL-1.0 as it represents a mixed-use infill development in the heart of downtown, where such uses are encouraged by the Point Reyes Station Plan.

- B. **New residential development in Point Reyes station.** The proposed project would not alter the existing building height, bulk, and mass. All the residential units will be created within the existing building shell, and all exterior modifications will be indiscernible and limited to the minimum required to comply with egress and ingress requirements of the California Building and Fire codes. All reasonable design efforts have been made to maintain the existing design of the building while respecting and maintaining the eclectic architectural heritage of the surrounding neighborhood. As conditioned, the project is compatible with the scale, style, and colors of the existing surrounding development and incorporates design elements that respect the existing surroundings and developments in the immediate area. Therefore, the proposed project would be consistent with Land Use Plan Policy C-PRS-5.
 - C. **Lighting.** All proposed exterior lights will be required to be shielded and downward facing, thereby complying with Land Use Plan Policy C-PRS-6 (Lighting).
7. **WHEREAS**, the project is consistent with the mandatory findings Coastal Permit (Marin County Local Coastal Program Implementation Plan Section 20.70.070) for the following reasons:

- 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)

The project is located more than four miles inland of the Pacific Ocean and more than one and one-half miles from Tomales Bay at an elevation of approximately 37 feet above sea level. Therefore, the proposed infill project is consistent with the LUP public coastal access policies (C-PA-3, C-PA-4, C PA-17, C-PA-21).

- 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).

A review of the California Natural Diversity Data Base, prepared by the State Department of Fish and Wildlife, indicates no riparian corridors, wetlands, Baylands or woodlands present on the project site. Further, since the project will occur within the area of the lot that was previously graded, potential effects to biological species are not anticipated with the project.

- 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).**

On July 13, 2021, the Board of Supervisors voted to activate the certified Local Coastal Program (LCP) Amendments. All portions of Marin's LCP Amendments have been approved by the Board of Supervisors and certified by the Coastal Commission with the exception of chapters related to environmental hazards, which remain the subject of on-going work and public input. As a result, those sections of the original versions of the LCP, certified by the Coastal Commission in 1980 (Unit I) in 1981 (Unit II) and the Marin County Interim Code Sections 22.56.130I.H, 22.56.130I.K, and 22.56.130I.L still apply to environmental hazards and are further discussed in the Interim Code section of this report.

- 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 proposed infill project entails installing a septic system and the conversion of an existing commercial space to a mix of commercial and residential use. It is located within an area governed by the C-VCR-B2 (Coastal, Village Commercial Residential combined) district, which allows a mix of residential and commercial uses. As the site does not entail agricultural or maricultural uses, this finding does not apply.

- 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).**

Grading and drainage improvements for the approved project would comply with the Marin County standards and best management practices required by the Department of Public Works. Additionally, water services are provided by the North Marin Water District (NMWD). Therefore, 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).

- 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 Section 20.64.100 (Community Design).**

The subject property is located within the downtown Point Reyes area, developed with a mix of commercial structures and residential uses scattered throughout. The surrounding area is generally flat, with structures constructed

with varying development patterns, heights, and architectural styles. The proposed project would occur entirely within the existing building footprint with indiscernible exterior modifications primarily intended to comply with the California Building Code.

Because of the flat terrain of the location, there are no up-slope and down-slope views or coastal views. There are no designated scenic vistas in the area, although there is a brief vista from State Route 1 with an overview of the mountain range to the west. This view would be unaffected by the project because no exterior modification is proposed that would impair or otherwise degrade available views.

As such, the project is consistent with the Point Reyes Station Community Standards under Marin County Implementation Plan Section 20.66.070, LUP policies related to development in Point Reyes (Land Use Plan Policy C-PRS-5) because the height, scale, and design of the project are compatible with the existing pattern of development in the neighborhood. The proposed project is also consistent with Land Use Plan Policy Land Use Plan Policy C-PRS-1, which encourages the maintenance of the existing mix of residential and small-scale historic community character in Point Reyes Station. The proposed exterior modifications would largely retain the existing architecture of the building. The proposed updates and modifications are necessary to comply with the Building and Fire Codes currently in effect.

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 Chapter 20.66 (Community Development).

The project site is located within the downtown area of Point Reyes Station, which is developed with a mix of residential and small-scale commercial development. As proposed, the project would further the small-scale, historic community character in Point Reyes Station as the proposed exterior modifications are indiscernible and limited to comply with the California Building and Fire codes currently in effect. Further, the project entails the conversion of a commercial building to a mixed-use building in an area where such developments are encouraged by the underlying zoning district as well as the applicable community plan. Therefore, the project is consistent with this finding.

The proposed project would further the commercial and mixed-use composition of the downtown area. The project would locate residential units and a convenience store in the heart of downtown. By providing five residential rental units, including one unit restricted to low-income households, the proposed infill project would provide public benefit and would be consistent with the policies of the Countywide Plan for infill development near existing roads and public transportation routes. Further, the project is consistent with the intent of the Point Reyes Station and represents a development that is sensitive to the existing built environment and will result in a mixed-use project that provides an appropriate mix of commercial and four market-rate units, one unit dedicated for low-income families within the core downtown area.

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 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 the review of the Building Permit application.

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 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 would not remove housing subject to a recorded covenant, ordinance, or law that restricts rents to levels of affordable to persons and families of lower or very low income or subject to any other form of rent or price control. Instead, the project would create five new dwellings, including one dwelling unit that would be deed-restricted to a low-income household to comply with the County's inclusionary requirements enumerated in Marin Development Code Section 20.22.020, Table 3-4a.

Additionally, as stated above, the project site contains two unpermitted dwelling units that are currently occupied. In order to protect the tenants from displacement, a condition of approval requires that the applicant enters into a regulatory agreement in order to provide limited tenant protections that include relocation assistance and first right of refusal.

Further, the Regional Housing Needs Assessment (RHNA) for the Sixth Housing Element Cycle (2023-2021) estimates that the unincorporated County will experience demand for 3,561 new dwelling units, including 1,734 for extremely- and very-low income, 512 for moderate-income, and 1,323 for above moderate-income households. By contributing four rental dwelling units to the County's housing stock, including one reserved for lower-income households, the proposed project would help to meet the County's projected housing demand.

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 North Marin Water District (NMWD) currently provides water to the project site, and the NMWD will continue to provide water to the site once it is

constructed. Additionally, on November 13, 2023, the Environmental Health Division (EHS) conditionally approved the applicant's new septic system. Therefore, the project is consistent with the LUP public facilities and services policies (C-PFS-1 and C-PFS-7), and this finding because the project would be adequately served by existing public water service and the proposed an onsite sewage disposal system located on the existing residential lot that would be adequately sized to meet the needs of the development, as verified during the review of the Building Permit application.

- 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 project is located in downtown Point Reyes Station along Shoreline Highway between Mesa Road and A Street. Access to the residential units would be provided from A Street, while commercial uses would continue to be accessed from Shoreline Highway between Mesa Road. Therefore, the project is consistent with the LUP transportation policies (C-TR-1 and C-TR-2) and this finding because the project would not entail any alterations to existing roadway facilities or adversely impact the scenic quality of Highway One.

- 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).**

Although the project site is within the historic downtown Point Reyes Station, the project site is not listed in the California Register of Historical Resources nor the National Register of Historic Places. The subject commercial structure was built in 1958 and has been modified over the years to accommodate different commercial tenants and their needs. Therefore, the project is consistent with the LUP historical and archaeological resources policies (C-HAR-2, C-HAR-8) and this finding because the project would not impact 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 site is not located adjacent to any public park or open space, and the project does not entail any construction or development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses. Therefore, the project is consistent with the LUP policies for parks, recreation, and visitor-serving uses (C-PK-1 and C-PK-3), and this finding because the project is proposed entirely within an existing building footprint and does not entail any construction or development that would encroach into existing public access points to and from surrounding public parks, recreation, or visitor-serving uses.

Mandatory findings for Coastal Permit approval pursuant to Marin County Code Section 20.64.060.

A. Dune Protection (Marin County Interim Code Section 20.64.060.A)

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program. Therefore, the project is consistent with this finding because no dunes are located on the site.

B. Shoreline Protection (Marin County Interim Code Section 20.64.060.B)

The project site is not located adjacent to the shoreline or within a bluff erosion zone. The proposed project does not involve shoreline protection work, will not restrict navigation, mariculture, or other coastal use, and will not create a hazard in the area in which it is built. Therefore, this criterion is met.

C. Geologic Hazards (Marin County Interim Code Section 20.64.060.C)

Although the project site is not located near a Fault Zone, it would be subjected to strong ground shaking during a proximate seismic event. 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.

Mandatory Findings for Conditional Use Permit (Marin County Code Section 22.48.040)

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

The proposed project is located in the C-VCR-B2 (Village Commercial Residential, combined) zoning district. Under the Marin County Local Coastal Program, Implementation Plan Section 20.62.080.D, Table 5-3-c, the creation or construction of multi-family housing development is designated as a conditionally permitted use. Additionally, the Marin County Local Coastal Program, Implementation Plan Section 20.62.080.D, Table 5-3-e requires approval of a conditional use permit for the installation of a public utility facility (PG&E) transformer on private property. Therefore, the proposed project is allowed subject to the approval of a conditional use permit and, as conditioned herein, the project is consistent with the Countywide Plan, the Point Reyes Station Community Plan, and the C-VCR-B2 zoning district.

B. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

In general, buildings in the vicinity are nondescript, one- to two-story commercial and single-family residential structures. The proposed infill project consists of the renovation and conversion of an exclusively commercial building to a mix of residential and commercial uses in a district where such uses are encouraged by the underlying zoning district, the Local Coastal Program, the Countywide Plan,

and the community plan. The project would retain the overall existing exterior color and material palette, with the commercial portions of the building having a color and material palette that distinctly differs from and complements the residential portion of the building. The project proposes new window and door openings, awning covers over all new windows, and proposes to refinish the entire exterior to match the existing colors and material palette that consists of a combination of wood siding in dark green, corrugated metal in yellow colors, and stucco finish in yellow colors.

The proposed new window placement, coupled with the application of said materials, results in an overall building design that is sensitive to and complementary to the surrounding neighborhood ambiance and architecture. Each facade is modulated in various ways with projected awnings, a variety of finishes, and consistent fenestration placement patterns that further enhance building articulation and increase visual interest. The yellow and green color palette would be appropriate for a mixed-use project in an area developed with eclectic architectural styles, resulting in a project that is responsive to the site and neighborhood context.

Further, exterior light will be required to be shielded and downward facing. The project would be required to comply with County Code Section 24.04.410, which mandates the use of shielded lighting fixtures so as not to produce an obtrusive glare on the public right-of-way or adjoining properties.

- C. That granting the Conditional Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.**

The proposed project fills a rental housing need in the immediate neighborhood. The location for this use is well suited, as it is well-served by appropriate roads, parking, and transit stops. 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 Sydriel Coastal Permit and Conditional Use Permit, subject to the conditions as specified below:

CDA-Planning Division

1. This Coastal Development Permit and Conditional Use Permit approval authorizes the conversion of an existing commercial structure to five residential units and the expansion of 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 shall consist of three two-bedroom units ranging from 839 to 854 square feet in size and two one-bedroom units ranging from 626 to 632 square feet in size. One of the residential units shall be deed-restricted as a low-income household to comply with the County's inclusionary requirements enumerated in Marin Development Code Section 20.22.020, Table 3-4a. The proposed project shall also include the installation of a roof-mounted equipment well, the removal of the existing rear deck, and the installation of a new sidewalk and propane-powered backup generator with an automatic transfer switch to power the entire building, including fuel dispensers and canopy, and a new PG&E transformer and main electrical distribution panel, which would allow for the installation of a separate meter for each tenant.

All proposed interior and exterior renovations of the building shall occur within the existing footprint of the building. The enclosure of the existing 150 square feet of covered porched areas shall increase building area from 5,650 square feet to 5,800 square feet and the floor area ratio (FAR) shall increase from 22.60 percent to 23.20 percent. The existing building height of 25 feet nine inches shall remain unchanged.

Various site improvements may also be entailed in the proposed development, including general grading to accommodate the proposed project, the removal of one Monterey Pine tree 6-foot diameter breast height, a bike rack and six new water meters, and a 1,000-gallon propane tank to dispense bulk propane to customers and power the generator.

2. Plans submitted for a Building Permit shall substantially conform to plans identified as Exhibit A, entitled "Point Reyes Station coastal Permit and Use Permit," consisting of 28 sheets prepared by Matthew E. Donohue, received in final form on January 30, 2024, and on file with the Marin County Community Development Agency, except as modified by the conditions listed herein.

BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall modify the project to conform to the following requirements:

- a. The landscape plan shall be modified to include a minimum of 50 percent of plantings that are native to Marin County, as identified by the Marin Chapter of the California Native Plant Society.
 - b. The commercial component of the project shall not exceed 1,901 square feet in floor area.
3. Unless a public emergency services provider recommends otherwise or unique circumstances necessitate a change, the street address for the commercial unit shall remain 11401 State Route 1, Point Reyes Station, and the residential units shall be 11401 State Route 1, Unit #1 through Unit #5, Point Reyes Station.

4. The project shall conform to the Planning Division's "Uniformly Applied Standards 2024" with respect to all of the standard conditions of approval and the following special conditions: 3 and 4.

CDA-Housing Division

5. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall enter into a Regulatory Agreement with an Affirmative Marketing Plan, as prepared by the County, and paid for by the applicant. The Agreement shall comply with applicable requirements in Chapter 22.22 of the Marin County Code. The Agreement shall acknowledge that the project includes one rental unit that is income-restricted in perpetuity. The unit shall be offered at an affordable rent not exceeding 30 percent of the gross income of households earning at most 60 percent of Area Median Income, adjusted for household sizes. The rental prices shall be established by the County or its designee and shall be based on the number of bedrooms. See Marin County Development Code Article VIII for definitions of Affordable Rent and Area Median Income.

The Agreement shall specify provisions for income certification and screening of potential renters of units, and specify resale control mechanisms, including the financing of ongoing administrative and monitoring costs, and comply with the requirements of Marin County Code Section 22.22.120.C. In addition, the following provisions shall apply:

- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h);
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels. Such allowance shall consider the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor, which are required of all tenants, other than security deposits; and
 - C. The income restrictions shall run with the land.
 - D. Any residential tenant evicted or required to vacate any existing lawful or unlawful residential unit as a result of this approval shall be: (1) provided with relocation assistance and (2) given the right of first refusal to reoccupy a residential unit on the site.
 - E. The developer shall provide tenant notification, via written communication in the language of the executed lease, that each dwelling is subject to Marin County's Just Cause for Eviction, Rental Housing Dispute Resolution (Mandatory Mediation), and Source of Income ordinances.
6. The developer shall provide tenant notification, via a lease or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

Department of Public Works, Land Development Division

- 7. Prior to issuance of a Building Permit, the applicant shall apply for an encroachment permit from Caltrans for the installation of the following improvements:
 - A. Pedestrian ramps located at the southeast corner of Mesa Street/State Route One and the southwest corner of A-Street/State Route One.
 - B. Crosswalk striping across the northside of the Mesa Street intersection and across the A-Street intersection with State Route One and associated crosswalk signage.
 - C. Additional pedestrian/bicycle-related striping as recommended by the Department of Public Works (DPW) and approved by Caltrans.

If Caltrans does not grant approval prior to occupancy, the applicant shall enter into an In Lieu Agreement with the County of Marin, in the amount of the approved Engineer's Estimate by DPW for the above improvements. The agreement shall provide funds to the County of Marin, which shall be used for future Safe Routes to School improvements at this location or other locations in Point Reyes Station subject to the recommendation of the Safe Routes to School committee.

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 ten business days from the date of this decision (Thursday, February 15, 2024).

SECTION VI: ADOPTION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 1st day of February 2024.

Megan Alton

Megan Alton
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:



Michelle Reed
DZA Recording Secretary