

## MEMORANDUM

**TO:** Marin County Planning Commission

**FROM:** Immanuel Bereket, Principal Planner

**RE:** Switzer Appeal of the Sydriel Coastal Development Permit, Conditional Use Permit, and CEQA Exemption

**AGENDA:** Item No. 4

**DATE:** March 28, 2024

This memorandum provides additional public comments to the Planning Commission staff received since the publication of the staff report. Enclosed, you'll find additional supporting documentation from the appellants and the applicant supporting their respective positions. Additionally, staff received comments via e-mail from Pamela Bridge, Pam Fabry, and Andrea Gardner Apatow, all opposing the proposed project.

### ATTACHMENTS:

1. Mark Switzer, on behalf of Point Reyes Station Village Association, received on March 27, 2024
2. John Kevlin, on behalf of the applicant, received on March 28, 2024
3. Email correspondences from Pamela Bridge, dated March 27 and March 28, 2024
4. Email correspondences from Pam Fabry, dated March 27, 2024
5. Email correspondences from Andrea Gardner Apatow, dated March 27, 2024

MAR 26 2024

March 26, 2024 THE BASIS OF THIS APPEAL

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

The Point Reyes Station Village Association's appeal of the Sydriel Coastal Permit and Conditional Use Permit, aka The Gas Station, challenges the basis for the approval by the Planning Department. We assert that it violates the Local Coastal Plan and inadequately reviews other major elements of the proposal, resulting in a flawed approval for this project as follows:

**1. Violation of the LCP, Section 20.32.160 – Service Stations/ Mini-Markets**

- a. Per Section 20.32.160 – Service Stations/ Mini-Markets, the required cap of 15% of the building's floor area allowed for a mini-mart has not been applied in this case. No rationale has been provided for this major omission.
- b. Applying this Code Section would result in a mini mart of 848 sq ft mini mart based on the currently enclosed floor area of 5600 sq ft, which excludes the unenclosed porch.

**2. Historical Importance; LUP CH-8 Village areas with special character and visitor appeal**

- a. National Register and State Register both use 50-year-old buildings to be considered worthy of preservation.
- b. The unenclosed porch and historic materials are character-defining features of this simple agricultural building. We appeal to the Planning Commission to use its discretion to require these be preserved.
- c. Using the cutoff date of 1930, The Planning Department did not conclude the building is an historical resource. According to the National Register (local significance) and State Register, buildings 50 years and older are to be taken into account. According to the "Statement of Historical Significance" by Dewey Livingston (attached): "The building is a rare intact example of an agricultural building that reflects the unique crop farming (not dairy) history of Point Reyes: the artichoke and pea farms out on the Point were operated by immigrants named Issei and Nisei, who are Japanese and Italian. At the start of World War II, the Japanese were interned, and the Italians classified as enemy aliens and prohibited from traveling west of Highway 1. The cultural importance of these immigrant farmers has not been acknowledged to date. Moreover, this is the last extant building in the area associated with that theme."
- d. This simple "non-descript" building is one of just a handful of such early agricultural buildings that give Point Reyes Station its unique character. We challenge the determination that the building has no historic value by asserting that this building both contributes to the overall historic, rural character of town and that by removing the main feature, the porch, it alters the building and its context irrevocably, resulting in a major negative impact on Point Reyes Station.
- e. A smaller mini mart, required by §20.32.160, will allow the porch to be preserved.
- f. By violating the community plan, the proposed demolition of the front porch and other defining elements sets a precedent for the remaining historic buildings in town on the 3-block long Main

Street. With so few remaining historic structures, the loss of one has an outsize negative impact on the whole town.

### **3. Propane Tank in violation of Point Reyes Station Community Plan CL-4.1 (c.)**

a. The expanded business of bulk propane sales creates unnecessary negative impacts on nearby housing and will exacerbate traffic that is already congested on weekends, and encourage double-parking of RVs, vans and mobile homes on A Street. This appeal requests this use be eliminated from the project.

b. It is incumbent upon the project sponsor to demonstrate to DPW and the Planning Commission the routine access to propane sales, turning, parking, and general flow of RV's; and how propane sales activity can remain within property lines without encroaching on Public right-of-way or blocking parked cars. Safety measures for the neighborhood and for the proposed apartment merely 10 feet from the 1,000 gallon commercial tank should be provided, if the tank is not eliminated from the project.

### **4. Safety and Health standards for apartments**

a. The community is not reassured through this approval that the gas station business, and any code violations which may currently exist therein, will be enforced as regulated by State and local law. We request conditions that ensure that environmental review of impacts from the operation of the gas station will address emissions, sound transmission to new dwellings and ventilation to protect the new residential units' air quality..

#### **SUMMARY of APPEAL:**

We trust that the Planning Commission will consider this appeal to revisit the review of this project and find that:

- 1) the existing building alterations must comply with the 15% cap in the LCP, Section 20.32.160; thus resulting in a much smaller mini mart which would preserve the historic covered porch,
- 2) the building has local historic value and that the open porch and building materials contribute to Point Reyes Station's coastal agricultural character and therefore should be preserved,
- 3) environmental impacts on the new housing shall be mitigated by enforcing applicable State and Local Codes, and
- 4) the expanded bulk propane business should be eliminated to ensure that there are no new parking and environmental impacts on the new dwellings and existing homes across from the proposed propane tank.

#### **Attachments:**

- Exhibit A - Point Reyes Station CDP Not Affected (under SB330)
- Exhibit B - Expansion of Non-Residential Uses Impacts Housing
- Exhibit C - Proposed Remedies to Ameliorate Poor Housing Design
- Exhibit D - Proposed Project is Exceptional, Unusual and requires Design Discretion
- Exhibit E - Existing Historic Materials and Historic Evaluation



# EXHIBIT 'A'

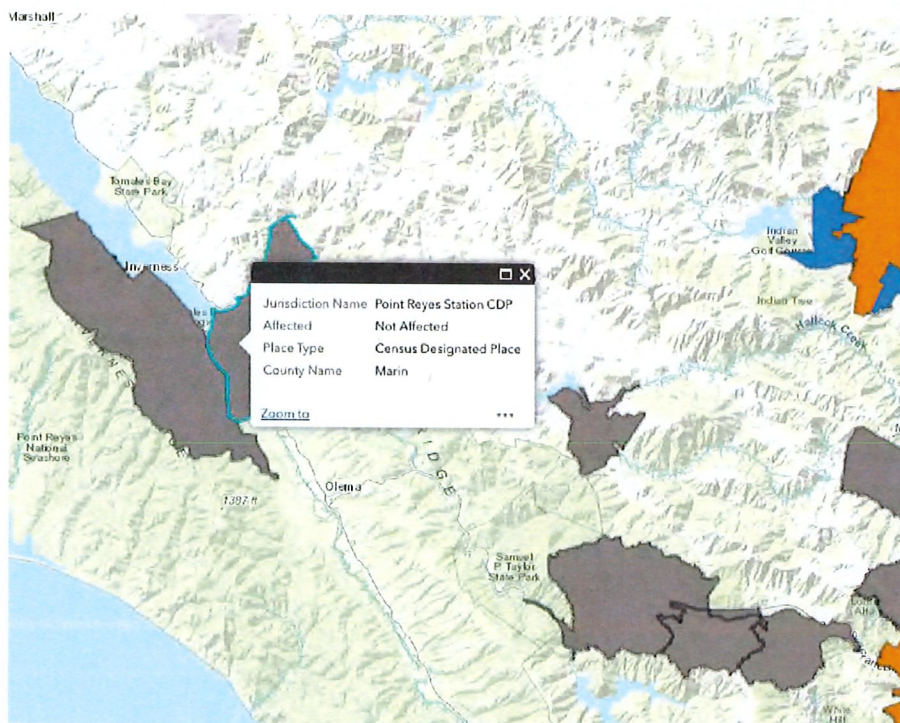
## *Point Reyes Station CDP Not Affected*

SB 330 (Statutes of 2019) requires the California Department of Housing and Community Development (HCD) to develop a list of cities ("affected cities") and census designated places (CDPs) within the unincorporated county ("affected counties") that are prohibited from taking certain zoning-related actions, including, among other things:

- Downzoning certain parcels.
- Imposing a moratorium on development.
- Imposing design review standards that are not objective.
- [Affected Counties \(PDF\)](#) (\*Updated: 4/19/2023)

View [map of Affected Cities and Affected Counties](#). Note these are CDPs in Affected Counties.

While Marin is an Affected County, Point Reyes Station is not a Census Designated Place within the County, therefore the Sydriel Use Permit is not subject to SB330. Alto CDP and MarinCity CDP are the only CDPs in Marin County that are affected by SB330.



(Statutes of 2019)

SB 330 (Statutes of 2019) requires the California Department of Housing and Community Development (HCD) to develop a list of cities ("affected cities") and census designated places (CDPs) within the unincorporated county ("affected counties") that are prohibited from taking certain zoning-related actions, including, among other things:

- Downzoning certain parcels
- Imposing a moratorium on development
- Imposing design review standards that are not objective

The law also requires jurisdiction-wide housing replacement when housing affordable to lower-income residents is demolished.

View a [full list of all the bill's provisions](#).

Definition of "affected cities" - SB 330 defines an "affected city," as any city, including a charter city, that is located in an urbanized area or urban cluster, as designated by the United States Census Bureau. Any city with a population less than 5,000 and not located within an urbanized area is exempt. Based on HCD's determination, 452 of the 482 cities in the state are identified as affected by the provisions of SB 330.

To make the determination of Affected Cities and Affected Counties, HCD used census data and geographic information systems (GIS) software to find all incorporated cities and towns that existed as of the 2013-2017 American Community Survey that are within urbanized areas and all CDPs that existed as of the 2013-2017 American Community Survey that are wholly within the boundaries of an urbanized area.



## Only HAA applies in this case:

From the **Housing Accountability Act**

**Mixed use** means a development consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use. (Gov. Code, § 65589.5, subd. (h)(2)(B).)

**Gov. Code, § 65589.5, subd. (h)(2)(B):**

**(h)** The following definitions apply for the purposes of this section:

**(1)** "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**(2)** "Housing development project" means a use consisting of any of the following:

**(A)** Residential units only.

**(B)** Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

**(C)** Transitional housing or supportive housing.

Note: Residential Uses and Non-Residential uses are not specifically identified as to how they are to be measured. Marin County Planning Department appears to limit Non-Residential Uses to being entirely within a building's "square footage". The law, however, does not specify this must only be within a building, nor does the HAA state whether non-residential uses on the project site are exempt from "square footage", therefore we assume this is a discretionary item.

In the case of the Sydriel Use Permit, the non-residential uses of the expanded Bulk Propane Sales and the existing gas pumps, along with the other primarily non-residential "areas" are not accounted for in the application or on the plans submitted. Are they non-residential uses? Are they exempt from this definition? Is their square footage exempt? We feel it is obvious they are non-residential uses that should be accounted for in calculating whether the area devoted to housing is sufficient to meet the requirements of the law.

## Deficiencies in the Preliminary Application dated March 08, 2023:

The Applicant does not delineate where the HAA applies and where it does not in their Preliminary Application, which relies entirely on SB330, which does not apply.

The applicant is also silent on whether they will be offering relocation costs and first right of refusal to the 2 existing low-income tenants.

# Affected Counties - 2023 Update

Per Government Code 66300, includes all **census designated places** located wholly within the boundaries of an urbanized area

**Note: The only two CDPs in Marin, highlighted**

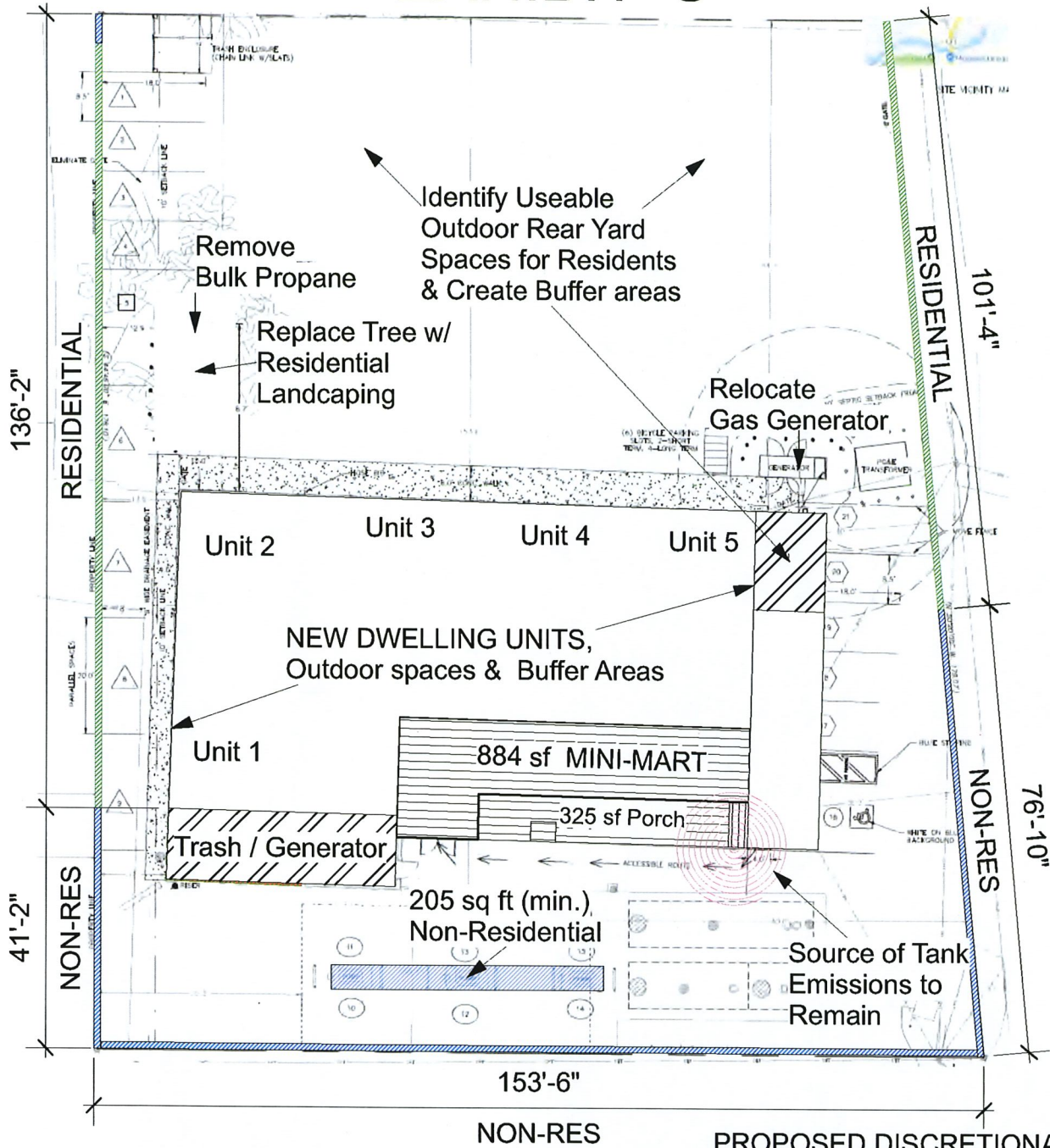
Name	Urban Area	County
Acalanes Ridge CDP	Concord--Walnut Creek	Contra Costa County
Airport CDP	Modesto	Stanislaus County
Alamo CDP	Concord--Walnut Creek	Contra Costa County
Alondra Park CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
<b>Alto CDP</b>	<b>San Francisco--Oakland</b>	<b>Marin County</b>
Alum Rock CDP	San Jose	Santa Clara County
Arden-Arcade CDP	Sacramento	Sacramento County
Ashland CDP	San Francisco--Oakland	Alameda County
August CDP	Stockton	San Joaquin County
Avocado Heights CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Bear Creek CDP	Merced	Merced County
Bermuda Dunes CDP	Indio--Palm Desert--Palm Springs	Riverside County
Blacklake CDP	Nipomo	San Luis Obispo County
Bloomington CDP	Riverside--San Bernardino	San Bernardino County
Bonita CDP	San Diego	San Diego County
Boronda CDP	Salinas	Monterey County
Bostonia CDP	San Diego	San Diego County
Boyes Hot Springs CDP	Sonoma	Sonoma County
Bret Harte CDP	Modesto	Stanislaus County
Broadmoor CDP	San Francisco--Oakland	San Mateo County
Burbank CDP	San Jose	Santa Clara County
Bystrom CDP	Modesto	Stanislaus County
Calwa CDP	Fresno	Fresno County
Cambrian Park CDP	San Jose	Santa Clara County
Camino Tassajara CDP	Concord--Walnut Creek	Contra Costa County
Carmichael CDP	Sacramento	Sacramento County
Casa Conejo CDP	Thousand Oaks	Ventura County
Casa de Oro-Mount Helix CDP	San Diego	San Diego County
Castle Hill CDP	Concord--Walnut Creek	Contra Costa County
Channel Islands Beach CDP	Oxnard--San Buenaventura (Ventura)	Ventura County
Charter Oak CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Cherryland CDP	San Francisco--Oakland	Alameda County
Citrus CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Clyde CDP	Concord--Walnut Creek	Contra Costa County
Contra Costa Centre CDP	Concord--Walnut Creek	Contra Costa County
Coronita CDP	Riverside--San Bernardino	Riverside County
Cottonwood CDP	Bakersfield	Kern County
Country Club CDP	Stockton	San Joaquin County

Cowan CDP	Modesto	Stanislaus County
Crockett CDP	San Francisco--Oakland	Contra Costa County
Del Aire CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Desert Palms CDP	Indio--Palm Desert--Palm Springs	Riverside County
Desert View Highlands CDP	Palmdale--Lancaster	Los Angeles County
Diablo CDP	Concord--Walnut Creek	Contra Costa County
East Los Angeles CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
East Pasadena CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
East Rancho Dominguez CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
East San Gabriel CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
East Tulare Villa CDP	Tulare	Tulare County
East Whittier CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Edmundson Acres CDP	Arvin	Kern County
Eldridge CDP	Sonoma	Sonoma County
El Rio CDP	Oxnard--San Buenaventura (Ventura)	Ventura County
El Verano CDP	Sonoma	Sonoma County
Emerald Lake Hills CDP	San Francisco--Oakland	San Mateo County
Empire CDP	Modesto	Stanislaus County
Fetters Hot Springs-Agua Caliente CDP	Sonoma	Sonoma County
Fields Landing CDP	Eureka	Humboldt County
Florence-Graham CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Foothill Farms CDP	Sacramento	Sacramento County
Fort Washington CDP	Fresno	Fresno County
French Camp CDP	Stockton	San Joaquin County
Fruitdale CDP	San Jose	Santa Clara County
Fruitridge Pocket CDP	Sacramento	Sacramento County
Granite Hills CDP	San Diego	San Diego County
Greenacres CDP	Bakersfield	Kern County
Home Garden CDP	Hanford	Kings County
Kennedy CDP	Stockton	San Joaquin County
Kensington CDP	San Francisco--Oakland	Contra Costa County
La Crescenta-Montrose CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Ladera CDP	San Jose	Santa Clara County
Ladera Heights CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Ladera Ranch CDP	Mission Viejo--Lake Forest--Laguna Niguel	Orange County
Lake San Marcos CDP	San Diego	San Diego County
La Riviera CDP	Sacramento	Sacramento County
Lemon Hill CDP	Sacramento	Sacramento County
Lennox CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Lincoln Village CDP	Stockton	San Joaquin County
Linnell Camp CDP	Visalia	Tulare County
Live Oak CDP	Santa Cruz	Santa Cruz County
McClellan Park CDP	Sacramento	Sacramento County
Malaga CDP	Fresno	Fresno County
Marina del Rey CDP	Los Angeles--Long Beach--Anaheim	Los Angeles County
Marin City CDP	San Francisco--Oakland	Marin County
Mayfair CDP	Fresno	Fresno County





# EXHIBIT 'C'

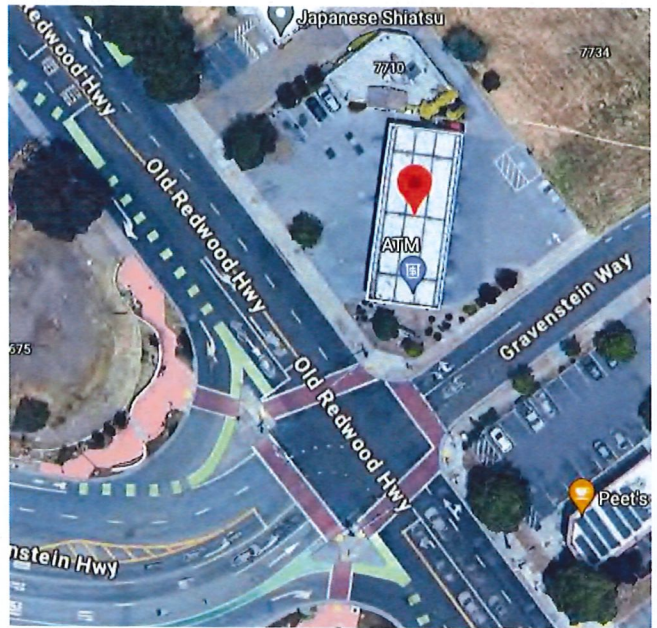
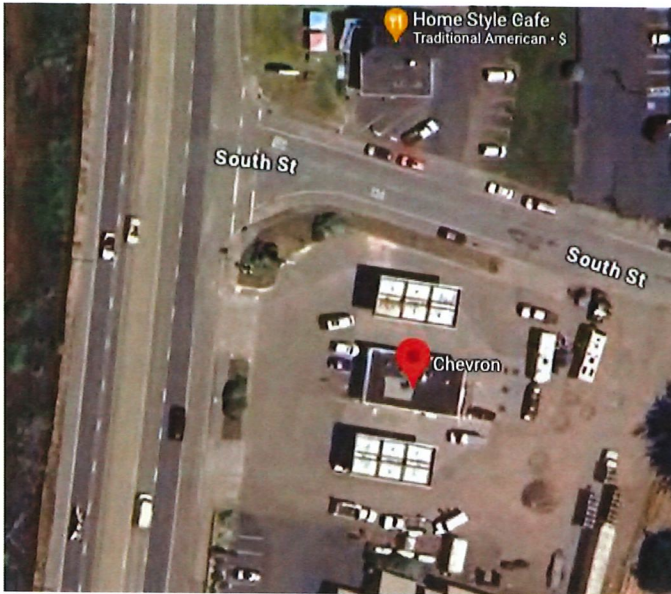


## PROPOSED DISCRETIONARY CHANGES per Appeal:

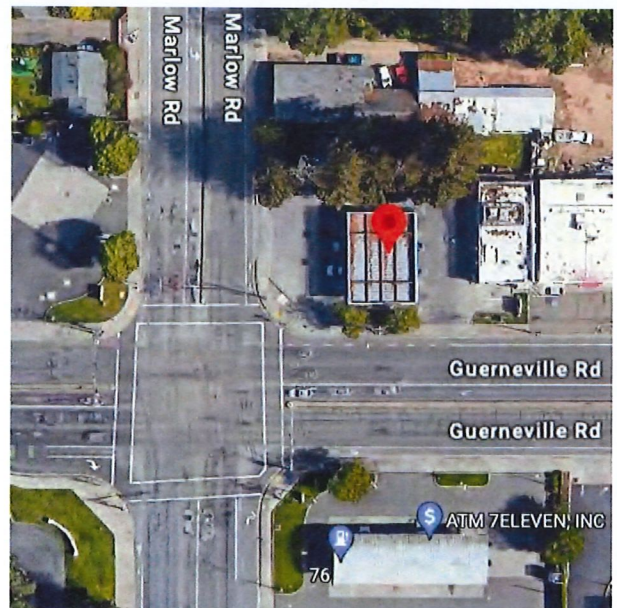
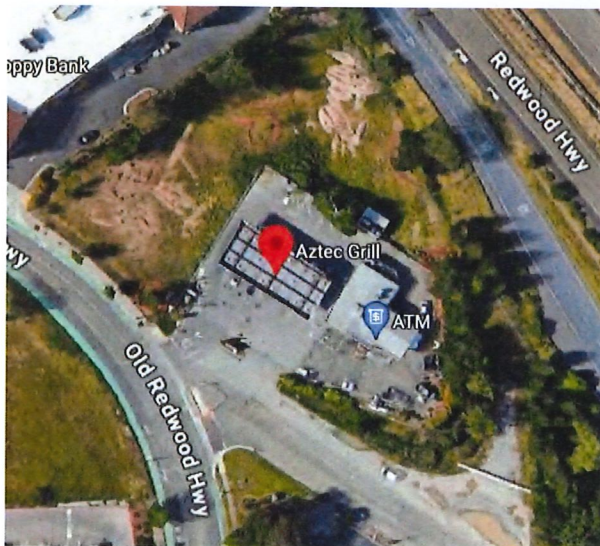
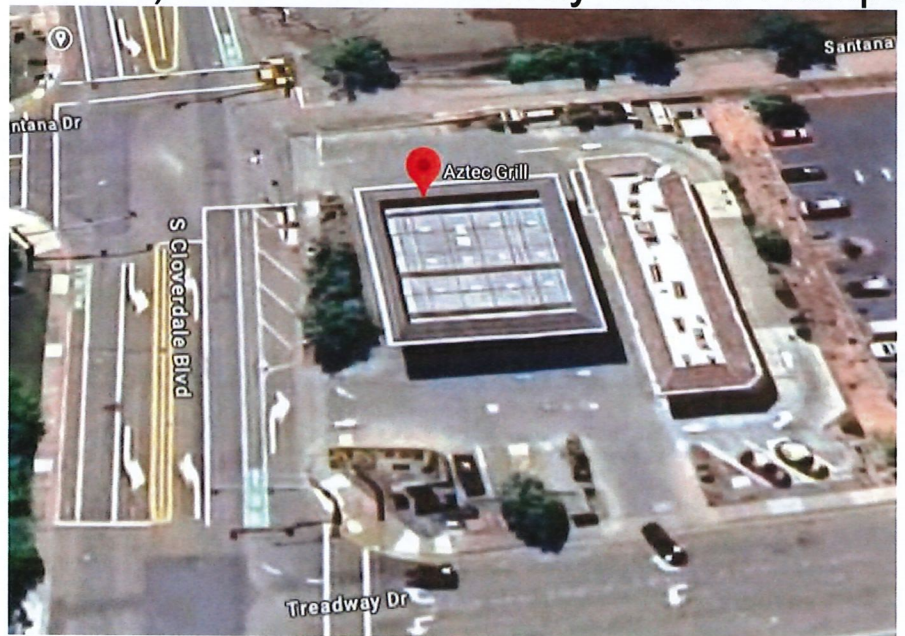
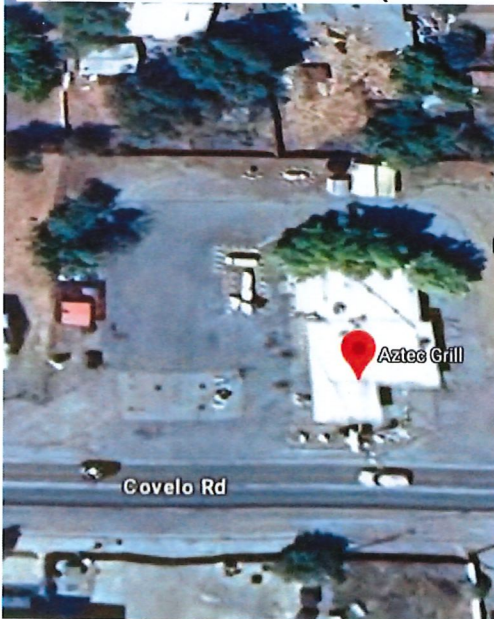
1. Remove Bulk Propane
2. Relocate Trash & Gas Generator
3. Replace Tree w/ Residential Landcaping
4. Identify Useable Outdoor Rear Yard Spaces for Residents & Create Buffer Areas



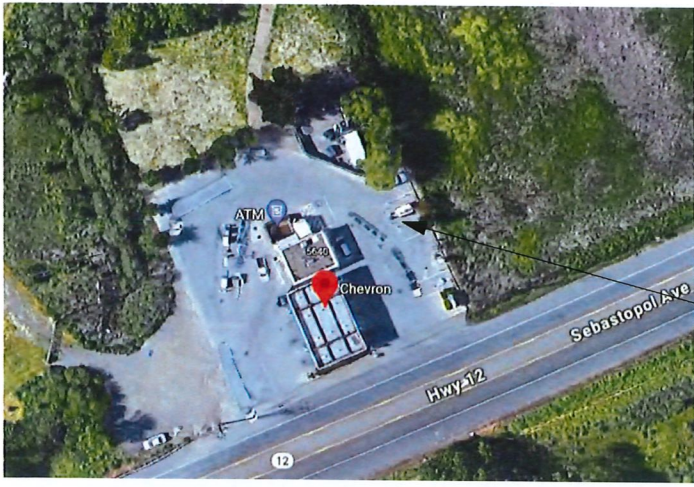
# EXHIBIT 'D'



Typical Chevron (Redwood Oil) Sites near Freeway On/Off Ramps







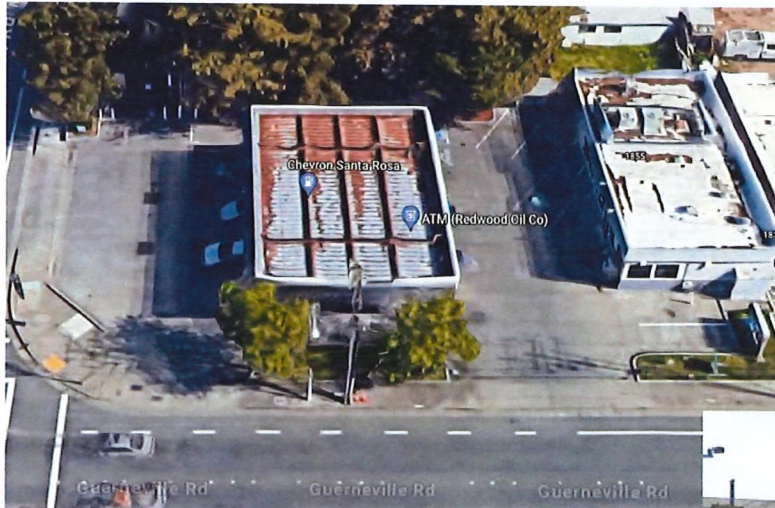
TYPICAL Chevron (REDWOOD OIL) Locations - All vehicle service within property lines

- No Housing as part of use
- No Historic buildings
- Bulk Propane accessible within property lines, not from fronting streets

Typical ON-SITE BULK PROPANE Sales



PROPOSED location of NEW DWELLING UNIT



Typical Vehicular access Entirely within SITE

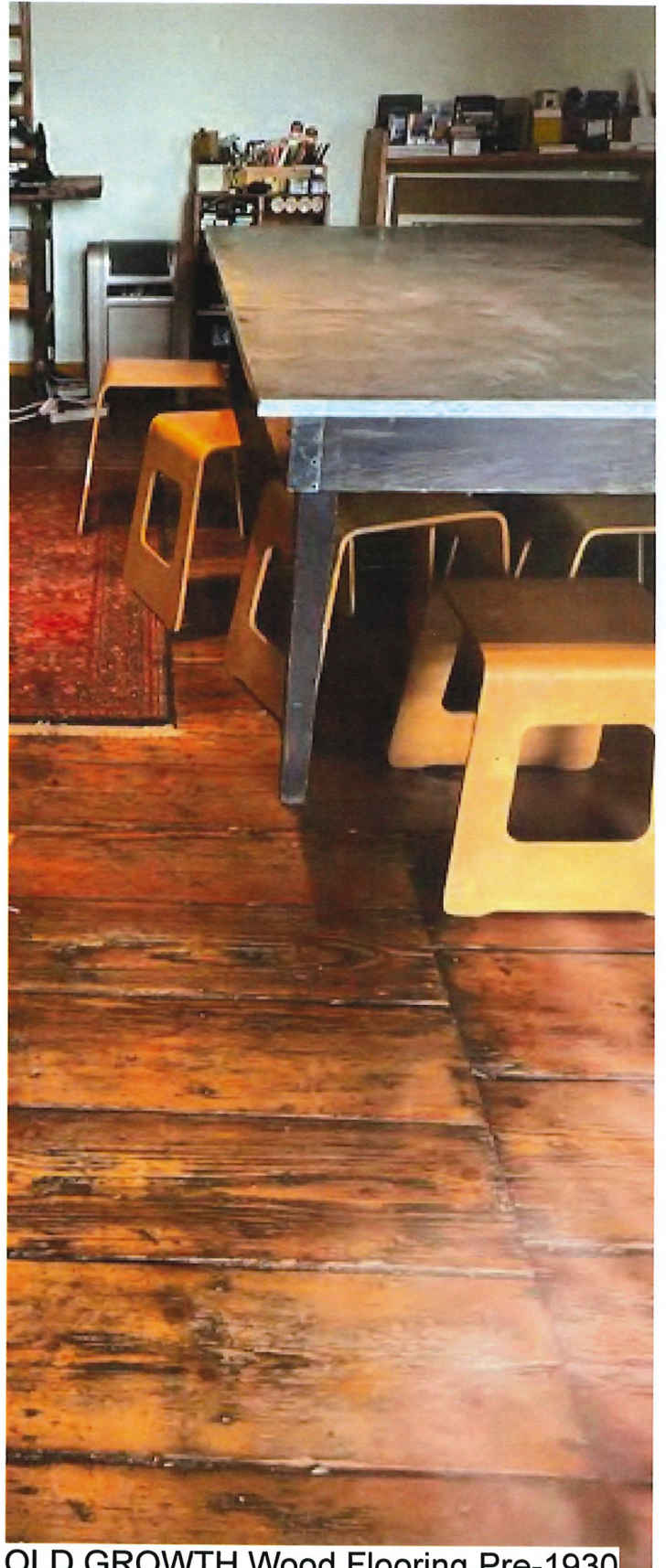




# EXHIBIT 'E'



Retail Entry off of Porch



OLD GROWTH Wood Flooring Pre-1930



Residential Entry off of Porch



**Draft Historic Structure Report**  
11401 State Route 1  
Point Reyes Station, California

**circa 1948**



**2024**



**D. S. "Dewey" Livingston**

Cultural Resources Consultant

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Inverness, CA 94937

415-669-7706

dewey@deweylivingston.com

February 13, 2024

Note: this information was requested by a community member and was not produced in coordination with the owners of the building and property. The author was not paid, and makes no judgements beyond those evaluating the historical integrity and significance of the building.



## A Brief History and Evaluation of 11401 State Route 1, Point Reyes Station

The subject building, located at Fourth and A Streets in Point Reyes Station, has served as a gas dispensing station and auto repair shop, with non-associated businesses in the majority floor space of the building, for at least the past 82 years (auto repair ended approximately ten years ago). The core of the building is older, constructed in 1932 and moved to the current site before June 1942. This is the only gas station in the Point Reyes Station vicinity, and the only one on coastal Highway 1 (Shoreline Highway) between Tamalpais Valley in Marin County and Valley Ford in Sonoma County, a distance of 52 miles.

**Description:** The 5,650-square-foot building is a former barn/vegetable shed with a short office/repair bay extension on the west part of the façade facing Highway 1. It is clad in corrugated steel, with the exception of the gas station office extension, which is a combination of newer stucco and wood siding. The west façade is roughly half original corrugated steel siding and half stucco. Windows and doors are original wood frame double hung sash on the older section, while the gas station section, representing about 20% of the façade, has been updated with wood cove siding, modern doors and windows, and garage bay doors. A series of simple wood brackets support the eaves on the east and west sides.

**Narrative History:** Point Reyes Station was founded in 1874-75 with construction of the narrow gauge North Pacific Coast Railroad, which connected San Francisco with the redwood timber country of Sonoma County to the north. The railroad company established a depot called Olema Station, which originally served the residents of Olema (two miles distant to the south) and the Point Reyes Peninsula and Tomales Bay shore, all of which was a major California dairying region. The town grew in the 1880s to feature a mercantile, hotel, post office, school, blacksmith shop, and a small number of residences. In 1892 the name was changed to Point Reyes Station. The town continued to grow in the twentieth century, to include a large cooperative creamery, expanded mercantiles and hotels, saloons, a public hall, railroad infrastructure, livery stable, and more residences in new neighborhoods.

In the 1920s, hundreds of acres on the Point Reyes Peninsula were converted from dairy grazing to truck farms operated by newly arrived Italian and Japanese immigrants. The Italians tended to grow artichokes, and the Japanese grew peas. Prominent Point Reyes landowner Leland S. Murphy, who oversaw the farming operations on his land, constructed a barn in 1932 next to the Northwestern Pacific Railroad tracks in Point Reyes Station as a storage and loading point for produce from his 10,000-acre ranch and farm. Murphy's ranch was formerly the historic Home Ranch owned by James McMillan Shafter. Rail service ended in 1933, so the barn was used for storage and also as a dance hall known as the "Pea Shed." The tracks were removed from the rail yards, opening up five blocks of town to commercial development.



*At far right, Leland S. Murphy's "pea shed" in situ in the former railyards of Point Reyes Station, 1930s. Jack Mason Museum of West Marin History.*

In December 1941 the United States declared war on Japan and Italy. The Issei and Nisei farmers were removed and interned, never to return. The Italian farmers were banned from traveling west of Highway 1, thus ending the artichoke and pea farming on Point Reyes.

Before June of 1942, the entire trackside barn was moved to its current location, across Mesa Road from the 1914 Point Reyes Cooperative Creamery, and, after interior walls were installed, began operating as M. Vonsen Company, a feed and hardware store, supplying Point Reyes ranchers and farmers. A gas station component was added at that time, originally an Associated "Flying A" station. It was the first modern gas station in the area; prior to that, local stores had gas pumps in front of their buildings on the main street. When the Flying A station opened, most of those pumps were removed.

The feed store closed in the 1960s and the building had a variety of tenants since then, with few physical changes. The gas station section was remodeled over the years, although the footprint remained the same.



*Two views, taken on the same day circa 1948. The service station section has been remodeled, but most of the remaining building possesses a high level of integrity. Seth Wood photos, Jack Mason Museum of West Marin History.*



**Historical Integrity:** Approximately 80% of the building's exterior possesses excellent integrity. It retains the original corrugated steel siding, windows, porch structure, roofline, and footprint. The west end of the building has been remodeled a number of times, but the footprint and general layout has not changed; only the surface fabric, and windows and doors of that section have been altered. It is this evaluator's opinion that the building possesses integrity despite the alterations of 20% of the building's exterior on the west side.



*Property viewed to north, January 21, 2024.*

*Property viewed to northwest, January 21, 2024.*



*Historic window fabric and placement, January 21, 2024.*

*West end of building, showing stuccoed portion of exterior wall, January 21, 2024.*





**Statement of Historical Significance:** The building is a rare intact example of an agricultural building that reflects the unique crop farming (not dairy) history of Point Reyes: the artichoke and pea farms out on the Point, operated by immigrant Issei and Nisei Japanese and Italians. At the start of World War II, the Japanese were interned and the Italians classified as enemy aliens and prohibited from traveling west of Highway 1. The cultural importance of these immigrant farmers has not been acknowledged to date, and this is the last extant building in the area associated with that theme.

The building is also locally significant as the first and only modern gas station in Point Reyes Station, established circa 1941.

In the context of its setting, the building is a fine example of vernacular architecture in a rural agriculture-based coastal town, with its corrugated steel siding and barn-based form and footprint. The building's design mirrors that of the Point Reyes Cooperative Creamery across Mesa Road, lending cohesiveness to the north end of town. While its architectural significance might not stand on its own, it is an important part of the cultural landscape of Point Reyes Station. The gas station falls within the boundaries of the historic district designated by the Board of Supervisors in 2001.

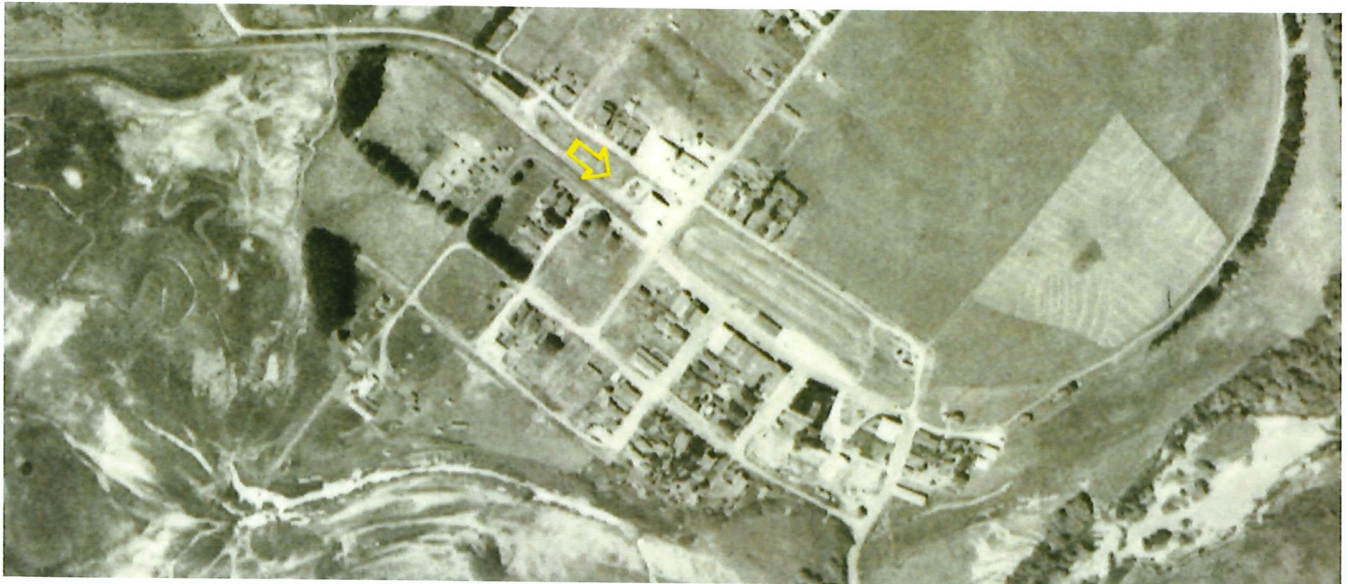
**Discussion:** From a district point of view, the Point Reyes Station gas station barn is certainly part of the historic fabric of the town, as much as the nearby Point Reyes Cooperative Creamery, Point Reyes Emporium, or the Grandi building. It retains its historic integrity, especially the open porch and corrugated metal exterior. Its core barn structure is 93 years old and the gas station version is about 82 years old, placing it among the older buildings in town.

In this evaluator's opinion, the building could qualify with local historical significance on the National Register of Historic Places as a component of a Point Reyes Station Historic District. Such a district would include all of the buildings on the west side of A Street, the gas station, and those facing Mesa Road north of Highway 1 including the former Point Reyes Cooperative Creamery. It is already part of the county-designated Point Reyes Station Historic District.

**Character Defining Features:** The building's historical integrity depends upon the following extant features:

1. Open porch on south façade;
2. Corrugated metal cladding;
3. Window placement and style (double hung wood sash);
4. Footprint;
5. Roof angle and eave brackets;
6. Loading dock and floor elevation;
7. Open garage bay.

**Evaluator Qualifications:** Dewey Livingston has been a professional cultural resources consultant for the past 25 years, specializing in rural buildings, agricultural structures, landscape features, and historic districts in the West. Before that, for ten years he was a National Park Service (NPS) historical technician, evaluating historic buildings and structures all over the Western Region of NPS. He has successfully listed more than 40 buildings and sites in California to the National Register of Historic Places. Dewey is the co-founder, archivist and chairman of the Jack Mason Museum of West Marin History in Inverness, and a map archivist with the Anne T. California Room at Marin County Free Library.



Above, aerial view of Point Reyes Station on June 7, 1942. Feed store/gas station indicated with an arrow. Detail of COF-8-105, Anne T. Kent California Room Map and Special Collections Annex, Marin County Free Library.



Right: Aerial view of Point Reyes Station in 1960. Feed store/gas station indicated by arrow. CalTrans.

**Sources:**

Mason, Jack. *Earthquake Bay: A History of Tomales Bay, California*. Inverness: North Shore Books, 1976.

———. “Leland at New Albion.” *Point Reyes Historian*, Vol. 3, No. 4, Spring 1979.

———. *Point Reyes: The Solemn Land*. Inverness: North Shore Books, 1970.

Livingston, D. S. (Dewey). *Ranching on the Point Reyes Peninsula: A History of the Dairy and Beef Ranches Within Point Reyes National Seashore, California*. Point Reyes: National Park Service, 1992.

———. *Point Reyes and Tomales Bay: A History of the Land and Its People*. Inverness: Jack Mason Museum of West Marin History, 2024 (yet to be in print).

*Petaluma Argus-Courier*, 1932-33.

Oral History interviews with Loren Cheda, Evelyn Genazzi Gilardi, and Wilford “Bill” Scilacci.

Photographs on file at Jack Mason Museum of West Marin History, Inverness.

Aerial photographs on file at Anne T. Kent California Room Map and Special Collections Annex, Marin County Free Library.



# REUBEN, JUNIUS & ROSE, LLP

March 28, 2024

Delivered Via Email (Immanuel.Bereket@MarinCounty.gov)

Marin County Planning Commission  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**Re: 11401 State Route 1, Point Reyes Station  
Sydriel Coastal Permit – Appeal Response  
APN: 119-198-03**

**RECEIVED**  
MAR 28 2024  
COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

Dear Chair Biehle and Commissioners:

Our office represents Sydriel LP, the project sponsor (“**Project Sponsor**”) of a proposed mixed-use housing project at 11401 State Route 1 in Point Reyes Station (the “**Project**” and the “**Property**”). On February 1, 2024, the Deputy Zoning Administrator approved the Project, specifically a Coastal Zone Permit and Conditional Use Permit, and such approval was appealed to the Planning Commission on February 13, 2024. The purpose of this letter is to respond to appellant’s arguments, confirming that such arguments are unfounded, and the Planning Commission should deny the appeal at its hearing on April 4, 2024.

## **A. Project Background**

The Property is 0.60-acre lot that currently houses a fuel station with three fuel dispenser and a single 5,560 sq. ft. building. The building contains a small convenience store, a studio apartment, a one-bedroom apartment, and three commercial tenant spaces.

The Project Sponsor is proposing to expand existing building to 5,800 sq. ft. by enclosing a porch area and reconfigure it to expand the existing convenience store to 1,930 sq. ft. and redevelop the remainder of the building to provide for five (5) rental units, including two (2) 1-bedroom units and three (3) 2-bedroom units. One (1) of the 1-bedroom units would be designated as affordable for Low-Income households. No height increase is proposed. **The Project provides 5 units of desperately-needed housing in a West Marin community with very little new housing development, and does so by converting an existing building so as not to impact the existing community character.**

The Project also proposes: the installation of a new septic system that will accommodate 1,500 gpd with three (3) dispersal zones and 100% reserve; the addition of a 1,000-gallon propane tank, which will be used to dispense propane to convenience store customers; and the installation of a 100kW propane-powered generator, which will power the dwelling units, convenience store, and fuel station in the event of a power outage.

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The Project takes advantage of the State Density Bonus Law, which grants greater residential density and exceptions from zoning restrictions in exchange for providing on-site affordable housing. The Project is eligible for a density bonus allowing up to 17 dwelling units, unlimited waivers from zoning restrictions that physically preclude providing the allowable density, and 2 incentive/concessions from any other zoning restrictions. (Cal. Govt. Code §65915(d), (e) and (f).) Further, the SDB Law was amended in 2019 to make expressly clear that it was applicable to projects in the Coastal Zone, so long as a project continues to be consistent with the applicable Coastal Zone program (SB 1227, 2017-2018 legislative session), and the California Department of Housing and Community Development (“HCD”) has also issued guidance confirming this. The Deputy Zoning Administrator, in her approval of the Project, clearly stated that the Project is consistent with the Marin Coastal Zone program, in particular in that it does not restrict or limit access to the coast, does not impact views of the coast, and does not impact any sensitive habitat.

Appellant makes no claims that these key Coastal Plan polices are violated by the Project. Further, appellant’s assertion that the Housing Accountability Act does not apply to Point Reyes Station has been rejected by HCD in written guidance from 2020. **In short, the Project meets and is consistent with the Marin Local Coastal Program and state housing law.**

## **B. Project Sponsor**

Julie Van Alyea is a Marin native, born and raised in central Marin. After attending UC Berkeley and spending some time living in San Francisco, she decided to move back to Marin in 2005. Her twins were born in 2010 and her youngest was born in 2014. She currently resides in Kentfield. She spends much of her free time mountain biking and hiking all over Marin.

She purchased the subject property in 2018 and has been an excellent steward of the facility and its occupants. Since then, she has spent significant resources to clean up this badly neglected property. When she bought the property, the backyard was littered with metal storage containers, multiple cars, a boat, massive spools of wires and cabling and lots of debris. The Property has been significantly cleaned and maintained since then.

Julie has demonstrated her commitment to being part of the Point Reyes community. The Point Reyes State Village Association has reached out to Julie numerous times in the last 6 years requesting various changes to her property. One example of this is that Julie agreed to install particular exterior lighting in order to further locals’ Dark Sky Community efforts. This shows Julie’s dedication to maintaining her property’s alignment with community values and standards.

Fuel gallon sales have dropped 17% from 2016 to 2023, primarily driven by increased competition of electric vehicles in this area. This downward trend is expected to continue, and the proposed apartments, convenience store expansion and propane refill tank will help keep her business in operation in the coming years. Julie has also received reports from her tenants that the porch has been an attraction for loitering after hours and has caused a nuisance to those tenants and other neighbors. The Project will eliminate this attractive nuisance during non-business hours.



### **C. Response to Appeal Arguments**

The following discussion responds to each of the arguments posed in the appeal:

#### *1. Appeal Argument #1: The 15% cap on Service Stations/Mini-Marts*

The Marin Local Coastal Program limits the size of a Service Station/Mini-Mart to 15% of the total floor area of the structure it is located within (Local Coastal Program § 20.32.160(A)). The proposed building area is 5,800 sq. ft., allowing a convenience store limited to an area of 870 sq. ft.

However, the Project is eligible for and seeking the benefits of the SDB Law. Five new dwelling units are proposed, one of which will be restricted to a rent affordable to low income households (80% AMI). In exchange for providing 20% of the proposed dwelling units affordable to low income housing, the SDB Law grants the Project up to two incentives/concessions, which provide an exception from any zoning restriction, including those applicable to non-residential uses (Cal. Govt. Code §65915(d)(2) and (k)). Despite appellant's suggestion, the SDB Law applies in every local jurisdiction in California, including Point Reyes Station.

The SDB Law incentive/concession grants the Project the ability to exceed the 15% restriction on Service Stations/Mini-Marts. The proposed size will allow the convenience store to install two new restrooms, refrigerators, a freezer, and a prepared food area. These are extremely common service station features and would primarily serve travelers on the adjacent state highway, as well as local residents and pedestrians. Modifying this standard would allow the convenience store to modernize its service and attract more business, which will reduce the cost of renovating the building to provide affordable housing on site.

#### *2. Appeal Argument #2: Historic Character of the Existing Building*

Appellant claims the existing building at the Property is an historic resource and should be preserved. The County has already analyzed the building and confirmed it is not an historic resource. The building is not listed on the National or California Registers of Historic Properties. Marin's Local Coastal Program include preservation policies that restrict alterations only to buildings constructed prior to 1930 (C-HAR-6) and to require alterations to any buildings be consistent with the surrounding community character.

The appellant prepared its own report on the historic character of the existing building. **While we have not independently verified the information in the report, by the appellant's own determination, the earliest the building could be considered to be constructed is 1932, and in fact was subsequently moved and modified a number of times over the years to accommodate various commercial tenants.** None of interior is original to the building. Due to its age, the building is not subject to the limitation on alteration, and the minimal exterior alterations proposed would not change its relationship with the surrounding community character.

3. *Appeal Argument #3: Propane Tank is Inappropriate*

The proposed propane refill tank will provide another convenience item to gas station and store customers, and is not expected to be a significant, unique draw to the Property. A transportation analysis has been conducted for the Project, concluding that no significant additional traffic will be drawn to the site as a result of both the expanded convenience store and the propane refill tank. The tank is compliant with all California Fire Code requirements, in particular its separation from the building and public streets (Cal. Fire Code §6104.3 and 6106.3).

In fact, the Project (including the propane refill tank) will clearly fulfill the Point Reyes Station Community Plan policy cited by the appellant. Commercial uses that would serve nearby residents and visitors (rather than being a draw on their own) are encouraged. The refilling location is located behind the building, off the main vehicular thoroughfare. The Project also meets the applicable parking requirement. In short, the Project fulfills the goals for commercial development in the Point Reyes Station Plan (Policy CL-4.1). The propane refill tank will provide a convenient new service to the community, without any associated negative impacts, and helps the Project (and the ongoing operation) be financially feasible.

4. *Appeal Argument #4: Environmental Review of New Residences*

Finally, the appellant vaguely states that the gas station could potentially harm the new residences that the Project would construct on the Property. The Project has been designed (and confirmed) to be consistent with the Local Coastal Plan, the California Building Code and all other applicable laws. Further, the California Supreme Court has made clear the purpose of the California Environmental Quality Act (“CEQA”) is to study a project’s impact on the surrounding environment, not the surrounding environment’s impact on the project, and therefore wouldn’t require study of the gas station’s impacts on the proposed residences (*California Building Industry Association v Bay Area Air Quality Management District* (62 Cal.4th 369, December 17, 2015)). In short, the Project (including the proposed residences) have been determined to be consistent with applicable zoning and building code requirements and has been studied consistent with CEQA. Appellant fails to cite any problem with the review or approval of the Project.

**D. Conclusion**

The Project will clearly be a positive addition to the Point Reyes Station community. It provides 5 new units of desperately-needed housing (including one affordable housing unit). It enhances the existing gas station and convenience store operation that will better serve community residents and visitors. And it does all of this with modest alterations to the existing building at the Property, ensuring that it will in no way impact the existing character of the community. The Project achieves the goals of new housing (including affordable) development and improving the vitality of an existing business while also maintaining the Property’s consistency with the Local Coastal Program.

For these reasons, we request that the Planning Commission deny this appeal.



Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in blue ink, appearing to read "John Kevlin".

**John Kevlin**

## Immanuel Bereket

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**From:** pamela bridges <p.bridges@mac.com>  
**Sent:** Thursday, March 28, 2024 11:49 AM  
**To:** Immanuel Bereket  
**Subject:** 1.9 miles away

these photos demonstrate adequate space on property to access, turn, enter and exit for commercial propane refill. this is the olema campground, 1.9 miles from point reyes station and has serviced tourists and locals alike for over 30 years.

a commercial propane refill station is not for " minimart customers" as those would be picking up their 5 gallon canisters as is done now at gas station site.

bulk propane refill commercial sales require servicing

RV/Motorhomes/ vans with tanks within the vehicle. class A motorhomes can be 25-35 ft long.

this service requires adequate turning to access either passenger or driver side and space for hoses.

this commercial activity proposed has no ability to be within the back property. this propane station will negatively the historic neighborhood.

100% of commercial propane refill of redwood oil sites are all within their property and have 2 exits to provide ease of maneuvering.

we have previously asked the owners and DPW to demonstrate the logistics of this process on A street, a residential street. we are awaiting this information.

the planning commission has full authority to deny the commercial propane tank; this commercial proposal has nothing to do with waivers or concessions or housing or the minimart or bankers hill vs san diego or BDL.

we ask to remove the commercial tank and lessen the impact on this historic neighborhood.









## Immanuel Bereket

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**From:** pamela bridges <p.bridges@mac.com>  
**Sent:** Wednesday, March 27, 2024 4:02 PM  
**To:** Immanuel Bereket  
**Subject:** question re: gas station

hello manny,

on our appeal sent in yesterday we requested the owner demonstrate how rv/ motorhomes/ vans can access the commercial activity of refill propane tank within their property and not encroaching on A street.

I do not see any reference to this issue.

the only response in staff report is about parking which is not addressing large 25-35' vehicles turning, entering, or exiting a refill station on the back property.

when will that issue be addressed?

or is it NOT required to be demonstrated?

I may be missing that information somewhere?

I remember in past conversations you mentioned the propane tank being "problematic" but see no remedies in the staff report.

looking forward to the april 4th meeting, I think!!

thank you

pamela

## Immanuel Bereket

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**From:** pamela bridges <p.bridges@mac.com>  
**Sent:** Wednesday, March 27, 2024 4:38 PM  
**To:** Immanuel Bereket  
**Cc:** Stuart Hayre; Maurice Armstrong  
**Subject:** A street parking

hello manny,

on our zoom meeting with stuart ayre from DPW you mentioned in the meeting to direct DPW to assign A street parking as residential only.

where is that on the staff recommendations?

thank you

pamela bridges



## Immanuel Bereket

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**From:** Pam Fabry <pamfab@gmail.com>  
**Sent:** Wednesday, March 27, 2024 3:31 PM  
**To:** Immanuel Bereket  
**Subject:** Point Reyes Gas Station Plan

You don't often get email from pamfab@gmail.com. [Learn why this is important](#)

Dear Mr. Bereket:

I want to add my name to the list of those opposed to the ill-conceived plan for gas station expansion in Point Reyes. The reasons are many: environmental hazards for the proposed housing tenants, potential economic damage to existing stores in Point Reyes, increased traffic, decreased services at the gas station itself, to name a few.

Yes, we need new housing but not there.  
No we don't need a new "7-11" type store.

Thank you for your attention.

Pam Fabry  
West Marin resident for over 40 years

## Immanuel Bereket

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**From:** Andrea Gardner Apatow <aapatow@gmail.com>  
**Sent:** Wednesday, March 27, 2024 12:59 PM  
**To:** Immanuel Bereket  
**Cc:** dewey@deweylivingston.com; prsva94956@gmail.com  
**Subject:** Point Reyes Station Review

You don't often get email from aapatow@gmail.com. [Learn why this is important](#)

### Greetings

By way of introduction, I have been a practicing landscape architect since 1980, (retired) a current board member of the Inverness Association and a former member of the Beverly Hills Architectural Commission, where I reviewed and made recommendations for commercial, retail and multi-family projects.

I am not qualified to comment on the historical, environmental or traffic issues, hence I have not included those concerns.

I did go through the architectural packet last night and made a list of architectural recommendations and concerns. Would this be of interest?

I am out of state this week and cannot attend the public meeting.

Here are the bullet points of my concerns and comments.

1. The location of the electric meters, auto transfer switching unit are immediately next to the living space of a unit. Consider relocating .
2. The storm water control details, from 2009 technology are primitive. Explore newer ways to funnel and control water.
3. Sandbags are shown. Are they only during construction or is this a year round usage? Again, not recommended. The bags attract run off soil and plants germinate. And the bags break down.
4. Washout area called out bordering A street. Planting and filtered sand mix would help absorb runoff. Recommend planting this area.
5. The plans do not show the elevation of the pumps and covered pull up for cars. We have no idea how the structure would be integrated with the building.
6. There is a residential window near the pumping area. No architectural screening is indicated for safety or privacy. What measures are being set to reduce the fumes into this unit?
7. Most if not all of the residential bathrooms are interior. Aside from roof venting, can Solatube systems be added for natural lighting? Or box out high window within bathroom to borrow light from next room of unit?
8. Except for the living rooms of the corner units, there is no cross ventilation as each room has one small window or as mentioned no window for the bathrooms. This may be the single most important architectural element to consider. Skylights can bring in light as well.
9. To continue concern with #8, and gas fumes, special attention is recommended for air filtering.
10. I do not see any gutters or downspouts to channel the massive roof water runoff. Downspouts need to be tied in to septic field or run off system.
11. The corrugated roof may have been chosen to replicate the historical feed barn. How is the material selection going to age? Are there fascia boards to finish the corrugated edges? Detail?



12. Can we talk about the “ Landscape Plan”. Done by an engineer, it shows a total of (11) 1 gal plants for the entire site. There can be vine pockets with wire or metal trellis, vine pockets on posts, plants and screening for aesthetic and privacy improvement. The front corner of SFD could be an opportunity to add greenery and visual beauty. It is a missed opportunity.

13. While we get that the paint selection is an attempt to match what and where the colors change, I find it lacking in any creative or visual enhancement.

The rehab shows NO architectural touches. Bland windows (are they even wood?) without trim, limited building texture or touches that could add warmth to the structure. The project looks like a two toned storage facility, or architectural design by engineers.

What a lost opportunity. Borrowing from the Palace or the Bear Valley visitors center, clear story windows could breathe light and charm to this project. please consider consulting with an architect that can marry the historical significance with the charm of West Marin.

Respectfully,

Andrea Gardner Apatow

Andreagardnerdesign.com

[aapatow@gmail.com](mailto:aapatow@gmail.com)