



MEMORANDUM

TO: Deputy Zoning Administrator

FROM: Scott Greeley, Planner

RE: Bar-Or Coastal Permit, Subdivision, and Design Review Amendments (formerly Coastal Permit and Design Review Extensions)
Project ID: 11-0342

DATE: March 21, 2012

On December 15, 2011, after a request was made by the applicant, the Deputy Zoning Administrator continued the Bar-Or Coastal Permit and Design Review Extension until March 1, 2012. The applicant subsequently requested another continuance beyond the March 1, 2012 date. The continuances were needed in order for the applicant to consider modifications to the application.

As staff noted in its staff report for the December 15, 2011 hearing, the Use Permit allowing the construction of the affordable unit was not vested and expired on December 14, 2009. The second residence on the subject lot, which was linked to the Coastal Permit and Design Review extensions being sought, when finally built would have been the residence which satisfied the project's inclusionary housing requirement. This would be accomplished through deed restriction of a new unit on one of the newly created lots.

Since the Use Permit has expired, the condition of approval for satisfying the affordable housing requirement remains outstanding, and it would be inappropriate to consider a time extension for both units. Subsequent to the December 15, 2011 public hearing before the Deputy Zoning Administrator, the applicant submitted a request to amend the Coastal Permits (06-10 and 10-5), Subdivision (06-1), and Design Review (10-15) by satisfying the condition of approval governing affordable housing unit to designate an off-site residence to a deed-restricted affordable rental unit in perpetuity. This change will require an amendment to the conditions of approval from the original Coastal Permit and Subdivision approvals which required that the affordable unit be constructed on one of the newly created lots.

In addition to the amendment to the conditions of approval for the original Coastal Permit and Subdivision, the applicant is also proposing to amend the Coastal Permit and Design Review for the two units on the subject lot. With the Use Permit having expired, the owner can no longer construct a second residence. The governing C-R-A:B-3 (Coastal, Residential-Agricultural) zoning district only permits one residence to be built per lot. An exception, however, exists where a second unit can be constructed as long as a Second Unit Permit application is sought and the proposed unit complies with the County's second unit standards. This would require that the applicant significantly reduce the size of the proposed second residence and submit an

application and plans for a Second Unit Permit. As such, and since the site was previously approved to accommodate a larger second residence, the applicant is proposing to also amend the Coastal Permit and Design Review to approve a modified second unit, which will be located in the same location as the previously approved second residence and be reduced in size to comply with the Second Unit Permit requirements. It should be noted that the proposed second unit would not be subject to deed restriction to keep the unit affordable in perpetuity, as is being done with the proposed alternate, off-site second residence site. If the Deputy Zoning Administrator approves the amendments to the Coastal Permits, Subdivision, and Design Review, the applicant will subsequently need to submit an application for a ministerial Second Unit Permit with the County in order to construct a second unit.

In spite of the now expired Use Permit, the owner and applicant have overall proceeded in good faith to meet the original conditions of approval from the original subdivision and satisfy the conditions of approval. The intent of the inclusionary housing ordinance for subdivisions is to meet the demand for affordable housing generated by new subdivisions. Pursuant to the Development Code, the first choice for satisfying this need is to have the affordable unit be provided within the subdivision. The second choice for satisfying the affordable housing requirement is to dedicate an off-site unit within the community. Based on the situation, the first option has no longer become an available option.

As noted previously, the Use Permit, which was to be used as the basis for meeting the affordable housing requirements of the subdivision has expired, leaving no available mechanism to satisfy the condition of approval from the subdivision. The zoning for this property also does not allow for a second residence, deed restricted or otherwise, to be built on the site, with exception to second units which are not deed restricted and are limited in their potential size to no greater than 750 square feet. This leaves the owner with limited preferred options to satisfy the condition of approval pertaining to affordable housing for the subdivision.

As an alternative, the applicant has proposed deed restricting an existing residence of relatively comparable size, in perpetuity, to remain affordable within the community of Point Reyes Station. Staff sees this as a reasonable alternative and ultimately meets the intent of the affordable housing requirements of the County and the community.

Based on this, staff recommends adopting the attached revised Resolution which supports amending the Coastal Permits, Subdivision, and Design Review to allow the affordable housing related condition of approval to be modified through an amended affordable inclusionary housing rental agreement that would be secured through a deed restriction of another residence on a separate, off-site lot within the community. The adopted resolution will also allow the applicant the option to submit for a Second Unit Permit and eventually construct a maximum 750 square foot second unit in the same location as the previously approved second residence on the subject property.

These changes will be reflected in the attached revised Resolution.

Attachments: Revised Patterson Resolution

cc: Gal Bar-Or
Cheryl Hoppe
Bridger Mitchell
Michael Merry
Michel Jeremias, DPW