



MARIN COUNTY

COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

STAFF REPORT TO THE PLANNING COMMISSION

POINT REYES DEVELOPMENT COMPANY MASTER PLAN AMENDMENT,
COASTAL PERMIT AMENDMENT, LOCAL COASTAL PROGRAM AMENDMENT

Item No:	8.	Application No:	MP 05-3/CP 05-12/PA 05-3
Applicant:	Lamar Turner	Property Owner:	Point Reyes Development Company
Property Address:	Off Giacomini Road and Toby Street, Point Reyes Station (Previously 857 Mesa Road)	Assessor's Parcels:	119-240-45, -46, -57, -58
Hearing Date:	October 25, 2004	Planner:	Thomas Lai

RECOMMENDATION:	Recommend approval of the project to the Board of Supervisors
LAST DATE FOR ACTION:	December 15, 2004

PROJECT SUMMARY:

This is an application to amend the Point Reyes Affordable Homes Master Plan and Coastal Permit in order to eliminate the affordability requirement for seven for-sale single-family residences. The project also includes a proposed amendment to the Local Coastal Program Unit II's New Development and Land Use Policy 8(b) to reflect the change in affordability for the residences. The two and three-bedroom, detached single-family residences range in size from 930 to 1,166 square feet and are located on lots ranging in size from 9,148 to 14,810 square feet. The seven homes occupy approximately 2.06 acres of the total, 18.6-acre site, with vehicular access provided over Giacomini Road. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project's density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same.

The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The original project had contemplated sales of the residences to qualified buyers in the low income category, meaning those whose incomes do not exceed 80% of the area median income as established annually by the Housing and Urban Development Agency for the San Francisco-Oakland Standard Metropolitan Statistical Area. If the amendments are approved as proposed, there would be no income restrictions for the potential buyers of the seven residences. By eliminating the affordability restriction, the average price per residence would increase from approximately \$224,300 to \$550,000.

GENERAL INFORMATION:

General Plan Land Use Designations: C-MF-2 (Coastal, Multifamily Residential, 1 to 4 units per acre) governs the area occupied by the seven residences.
C-RS (Coastal, Residential Commercial, 1-20 units per acre)
C-SF-4 (Coastal, Single-family Residential, 1 to 2 units per acre)
C-OS (Coastal, Open Space)

Zoning Designations: C-RMP-4.3 (Coastal, Residential Multiple Planned, 4.3 units per acre) governs the area occupied by the seven residences.
C-RMP-3.2 (Coastal, Residential Multiple Planned, 3.2 units per acre)
C-RMPC (Coastal, Residential Multiple Planned Commercial)
C-RA:B-3 (Coastal, Suburban Agricultural, 20,000 square foot minimum lot size)
C-OA (Coastal, Open Area)

LOCATION:

The approximately 18.6-acre site is located to the north and northeast of Mesa Road, within the unincorporated village of Point Reyes Station. Mesa Road is located one block north of A Street (Highway One), the main downtown street of Point Reyes Station. The site is bordered by West Marin School on the north, by single-family residences on the west, by Mesa Road and Commodore Webster Drive on the southwest and southeast, respectively, and by vacant land on the east and northeast. Surrounding land uses include West Marin School (grades 2 through 8) on the north, single-family residences on the west, commercial establishments of the village on the south and southwest, a U.S. Coast Guard (USCG) housing complex referred to as Communications Area Master Station Pacific Housing Site, on the southeast, USCG-owned vacant land on the east, and vacant land on the northeast. The USCG housing complex is accessed by Commodore Webster Drive.

ENVIRONMENTAL SETTING:

The site has historically been used as grazed pastureland for horses. The terrain consists of a moderately sloped hillside dominated by upland vegetation, primarily annual Mediterranean grassland. The site supports several small seasonal wetlands totaling approximately 0.25 acre in the following three distinct areas; (1) approximately 3,003 square feet located on the western portion of the site; (2) approximately 5,029 square feet of wetlands located in the central portion of the site; and (3) approximately 2,924 square feet located in the eastern portion of the site. The area occupied by the seven residences would not affect any of the identified seasonal wetlands or the 100-foot wide wetland buffer. A windrow of Monterey pines on the West Marin School site lines the uphill boundary of the site. Commodore Webster Drive borders the site on the southeast and is planted with a row of Monterey cypress trees.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the property owner, describing the project and its location, and giving the scheduled date of the public hearing in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 of the subject property.

PROJECT DESCRIPTION:

The applicant seeks approval to modify the affordability requirement for the seven for-sale single-family residences, and no changes to the physical site development, including the residential density, type and location of land uses, building design and location, septic and stormwater infrastructure design, and environmental mitigations are proposed. The applicant also seeks to amend two conditions of approval from the original entitlement and a Local Coastal Program policy. (Please refer to Attachment 13 for a copy of the original

approval.) The changes include eliminating the reference to the affordable residences in Conditions of Approval 1(c) and 38 and the Local Coastal Program Unit II's New Development and Land Use Policy 8(b). All other conditions of approval would remain unchanged.

The proposed changes are noted below in revision marks, with new text shown as underlined and deleted text shown with ~~strikethroughs~~.

- 1c. The Local Coastal Program Unit II is amended to incorporate the following new policy 8(b) to New Development and Land Use Policy:

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E, and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements.

1. The total number of residential units on the entire 18.6-acre area shall not exceed 36.
 2. Area A shall be developed with a maximum of seven detached ~~affordable~~ market rate for-sale units ranging in size from approximately 900 to 1,155 square feet.
 3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.
 4. No more than two residential dwelling units may be developed within Area C.
 5. A minimum of 12 public parking spaces shall be provided within Area D.
 6. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.
 7. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.
 8. No coastal development permit for a subdivision or division of the approximate 18.59-acre area depicted on Exhibit E shall be approved without the owner(s) of all such assessor parcels agreeing to grant or offer to dedicate a conservation easement over all wetland and wetland buffer areas prior to issuance of any coastal development permit for subdivision or division of the 18.59 acre area depicted on Exhibit E.
- 1e. Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following: (1) the construction of 27 affordable rental apartments and 7 ~~affordable~~ market rate for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge

or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

~~38. PRIOR TO ISSUANCE OF A BUILDING PERMIT for the Papermill Creek Homes, the applicant shall submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.070 of the Marin County Code and applicable law. The agreement shall acknowledge that the project would consist of inclusionary for sale units to be sold to residents of very low, low, or moderate income. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.~~

BACKGROUND:

The Point Reyes Affordable Homes development represented the result of an extended community-based planning effort by Ecumenical Association for Housing (EAH) that began in late 1998 to develop an affordable housing project in West Marin. (The property owner, Point Reyes Development Company, is a limited liability corporation that was established by EAH as the development entity for the project.) Since its inception, the Point Reyes Affordable Homes project was planned as an affordable residential community that would increase both the rental and for-sale residential housing stock for West Marin residents. On March 19, 2002, the Marin County Board of Supervisors approved amendments to the Countywide Plan and Community Plan land use designations, rezoned the property, and granted Master Plan, Precise Development Plan, Coastal Permit, and Tentative Subdivision Map approvals to develop 27 affordable apartment units and 7 affordable for-sale units. Concurrent with these actions, the Board recommended that the California Coastal Commission adopt an amendment to the Local Coastal Program Unit II that would establish consistent land use designations and densities for the site that reflect the approved development.

The original approval changed the land use designations and densities on the 18.6-acre property to facilitate the development of a clustered residential development providing 27 affordable rental apartments and 7 affordable for-sale single-family residences with provisions for reservation of land area for development of a future visitor-serving commercial facility (such as a lodge), public parking and restroom facility, market-rate single-family residence, and wetland conservation uses. (Please refer to Attachment 14, which includes the staff report to the Planning Commission, for a detailed description of the project and analysis of issues.) Following the County's approval of the project, the California Coastal Commission accepted the proposed Local Coastal Program Amendment and rejected an appeal of the County's issuance of the Coastal Permit for the development. The Final Map for the subdivision was recorded on May 24, 2004, and Building Permits were issued for the single-family and apartment units on June 25, 2004. To date, construction has commenced for general site grading and for construction of the seven for-sale single-family residences.

Financing for the project is being provided by a variety of sources, including the County's Housing Trust Fund, the Marin Community Foundation, the California Tax Credit Program, the California Housing Finance Agency, and the United States Department of Housing and Urban Development (HUD) through its Community Development Block Grant, HOME, and Section 8 programs. In June 2004, HUD terminated the County's project-based Section 8 voucher program, which is administered by the County's Housing Authority. Financing for the project was dependent on the award of project-based Section 8 certificates for 10 of the 27 apartment units. The Section 8 program would have accounted for approximately \$1.2 million dollars of the approximate \$13.7 million development budget. (In comparison, the County has committed over \$3.2 million dollars to the project, including over \$1.6 million dollars from the Housing Trust Fund.) The Section 8 program subsidizes rent revenues by paying the difference between the amount of rent that could be afforded by the tenant and the established fair market rent. This program provides a dedicated cash revenue to the developer to repay the debt obligations. Alternatives were explored with the County and other funding sources to offset the loss of the Section 8 revenue, and efforts continue to be made with HUD to re-instate the county's

Section 8 Program. The applicant has indicated that the combination of the loss of the Section 8 revenue, along with increases in construction cost, have made the project financially unviable. Even if the Section 8 project-based program were to be reinstated for this project and the homes were sold at moderate income levels, there would still be a finance gap of over \$300,000 for the development. Based on this, the applicant and the other funders find that the only remaining viable option that would help retain project solvency is for all seven for-sale residences to be sold at market prices.

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report for the Point Reyes Affordable Homes development.

COUNTYWIDE PLAN AND COMMUNITY PLAN CONSISTENCY:

The proposed project is consistent with the Marin Countywide Plan (CWP) and Point Reyes Station Community Plan (PRSCP) because it would maintain the same number, type (single- and multi-family), and size of residences that were previously approved on the property, consistent with the respective CWP and PRSCP land use designations. Overall, the project would provide additional housing and job opportunities and promote the preservation of the viability of Point Reyes Station as a small rural working town by providing a balanced, mix-used development consisting of residential, commercial, and conservation uses within the downtown area for Point Reyes Station. The project would still retain a substantial degree of affordability through construction of the 27 affordable apartment units, which represent 75% of the total number of residential units. This remains consistent with the PRSCP's policies which identify the property as a suitable site for affordable housing development. Additionally, the project would maintain the character of the surrounding community by utilizing an architectural design that would complement the village's existing buildings in scale, form, and massing and ensure the protection of important resources, such as wetlands, creeks, and special status plant and animal species.

LOCAL COASTAL PROGRAM AMENDMENT ANALYSIS:

The proposed project is consistent with the California Coastal Act and the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Section 30514(c) of the Coastal Act provides for minor amendments to a certified Local Coastal Program. In conjunction with the original project, the Local Coastal Program was amended through the addition of New Development and Land Use Policy 8(b). This policy established land use designations for the property that reflected the mixture of residential, commercial, and conservation uses and densities as well as the specific location and type of development for each component of the overall development. The reference in Policy 8(b) to the affordable nature of the residences was included to reflect the applicant's original proposal to designate these units for sale at below market rate prices as a community benefit. For the reasons discussed below, the proposed Local Coastal Program amendment involves a minor change to the language contained in Policy 8(b) in order to eliminate the reference to the affordable nature of the seven for-sale single-family residences.

The project would not modify any physical component of the previously-approved development that may affect or conflict with the protection of coastal resources. The proposed Local Coastal Program amendment would neither change the Coastal, Multi-family land use designation and maximum residential density nor the allowable residential use of the property, consistent with the requirements of Section 30512(B) of the Coastal Act. The Implementation Plan or coastal zoning for the property would remain unchanged, consistent with the previously-approved coastal site development plan. The proposed change would not be inconsistent with either the Coastal Act or LCP because neither the Coastal Act nor LCP contain mandates for the creation of new

affordable housing. Instead, the LCP recognizes that there is a need for affordable housing in West Marin and acknowledges the applicability of the County's inclusionary housing policies and ordinances in the coastal zone. The proposed project would comply with the County's residential inclusionary ordinance to the extent that 75% of the residential units would remain affordable to very low and low income families, where the ordinance requires 20% of new residential development to be affordable. Finally, by allowing the residential component of the project to be sold at market rate prices, the project would remain financially viable and ultimately allow for the development of the 27 rental affordable apartment units which target low and very low income households. These apartments would indirectly support visitor-serving and agricultural operations in West Marin by increasing the stock of housing that is available locally for those very low and low income residents who are most likely to be employed in these businesses.

As proposed by the applicant, the modification to New Development and Land Use Policy 8(b) would not only eliminate the reference to the affordable nature of the for-sale units, it would require that the seven units be sold at market prices. Recognizing that efforts are made concurrently to pursue reinstatement of the Section 8 vouchers for the project and other measures that could reduce project costs and/or increase sources and amounts of funding, staff recommends that the text for New Development and Land Use Policy be amended to provide the ability for the for-sale residences to be sold at affordable and/or market rate prices. The recommended text to Policy 8(b) would read: "Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale units ranging in size from approximately 900 to 1,155 square feet." The proposed text would not preclude the ability to maintain one or more of the residential units at affordable prices should the project financing conditions change prior to the initial sale of the units.

PROJECT ANALYSIS:

The proposed amendments to the Point Reyes Affordable Homes Master Plan and Coastal Permit would not affect or modify any of the physical parameters for the development, including the project density, location of land uses, building design and location, septic and stormwater infrastructure, and required environmental mitigations. No change to the zoning of the property or the maximum residential densities would occur, and the project would still result in a substantially affordable development by ensuring at least 75% of the units would remain affordable to very low and low residents, where the County's residential inclusionary ordinance requires that at least 20% of the units be affordable. For the same reasons discussed in the ensuing section on Local Coastal Program consistency, staff recommends that the Master Plan and Coastal Permit Conditions of Approval 1(e) and 38 be modified in a manner that would not preclude the ability to maintain a portion of the for-sale residential development as affordable. Consequently, staff recommends that Condition 1(e) be modified to include the option of selling the seven homes at market-rate prices and that Condition 38 be retained with modifications that would maintain the applicability of the Below Market Rate Agreement should potential changes in the project financing allow for one or more of the seven units to be sold at affordable prices. Finally, staff recommends that the proposed amendments to the Master Plan and Coastal Permit include a condition of approval that would require the applicant to pursue in good faith any and all opportunities that are available in order to provide for affordability for part of, or all of the seven unit residential component of this project.

CONCLUSION:

While the proposed amendments to the Point Reyes Affordable Homes development have been necessitated by unforeseen circumstances to the project's financing, the overall goals and objectives of the development would still be substantially implemented through ensuring that at least 75% of the residential development remain affordable to very low and low income families, that land would still be set aside for future public-serving uses, including a visitor-serving lodging, parking, and restroom facilities, and that important on-site wetlands and their associated habitat values are protected and enhanced. The project remains consistent with the overarching goals and policies contained in the Marin Countywide Plan and the Point Reyes Station Community Plan. The overall public benefits that are conferred through this development would still outweigh the loss of the affordability for the seven single-family residences.

RECOMMENDATION:

Staff recommends that the Planning Commission review the administrative record, conduct a public hearing, and take the following actions:

1. Adopt a resolution recommending that the Board of Supervisors recommend adoption of an amendment to the Local Coastal Program to the California Coastal Commission;
2. Adopt a resolution recommending that the Board of Supervisors adopt an ordinance approving the Point Reyes Development Company Master Plan Amendment; and
3. Adopt a resolution recommending that the Board of Supervisors adopt a resolution approving the Point Reyes Development Company Coastal Permit Amendment.

- Attachments:
1. Proposed Resolution recommending that the Board of Supervisors recommend adoption of an amendment to the Local Coastal Program to the California Coastal Commission
 2. Proposed Resolution recommending that the Board of Supervisors adopt an ordinance approving the Point Reyes Development Company Master Plan Amendment
 3. Proposed Resolution recommending that the Board of Supervisors adopt a resolution approving the Point Reyes Development Company Coastal Permit Amendment
 4. CEQA Exemption
 5. Location Map
 6. Master Plan/Land Use Diagram
 7. Final Subdivision Map
 8. Partial Site Plan
 9. Single-family Residence Elevations
 10. Point Reyes Development Company, LLC Letter, (9/27/04)
 11. Department of Public Works Memorandum, (10/11/04)
 12. Marin Community Foundation E-mail, (9/8/04)
 13. Point Reyes Village Association Letter, (10/15/04)

(The following attachments relative to background information have been provided only for the Planning Commissioners. Copies of the attachments are available for public review at the Community Development Agency from 8:00 a.m. to 4:30 p.m. daily.)

14. Adopted Ordinances and Resolutions
15. Staff Report to the Planning Commission, excluding attachments, (2/11/02)

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
RECOMMEND ADOPTION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM
TO THE CALIFORNIA COASTAL COMMISSION

OFF GIACOMINI ROAD AND TOBY STREET, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: FINDINGS

- I. WHEREAS the Point Reyes Development Company, LLC submitted an application to amend the Point Reyes Affordable Homes approval in order to eliminate the affordability requirement for the seven for-sale single-family residences. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project's density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same. The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The property is located off **Giacomini Road and Toby Street, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-240-45, -46, -57, and -58**.
- II. WHEREAS the Marin County Planning Commission held a duly-noticed special public hearing on October 25, 2004, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Planning Commission finds that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the California Coastal Act and the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Section 30514(c) of the Coastal Act provides for minor amendments to a certified Local Coastal Program. In conjunction with the original project, the Local Coastal Program was amended through the addition of New Development and Land Use Policy 8(b). This policy established land use designations for the property that reflected the mixture of residential, commercial, and conservation uses and densities as well as the specific location and type of development for each component of the overall development. The reference in Policy 8(b) to the affordable nature of the residences was included to reflect the applicant's original proposal to designate these units for sale at below market rate prices as a community benefit. The proposed Local Coastal Program amendment involves a minor change to the language contained in Policy 8(b) in order to eliminate the reference to the affordable nature of the seven single-family residences.

The project would not modify any physical component of the previously-approved development that may affect or conflict with the protection of coastal resources. The proposed amendment would neither change

the Coastal, Multi-family land use designation and maximum residential density nor the allowable residential use of the property, consistent with the requirements of Section 30512(B) of the Coastal Act. The Implementation Plan or coastal zoning for the property would remain unchanged, consistent with the previously-approved coastal site development plan. The proposed change would not be inconsistent with either the Coastal Act or LCP because neither the Coastal Act nor LCP contain mandates for the creation of new affordable housing. Instead, the LCP recognizes that there is a need for affordable housing in West Marin and acknowledges the applicability of the County's inclusionary housing policies and ordinances in the coastal zone. The proposed project would comply with the County's residential inclusionary ordinance to the extent that 75% of the residential units would remain affordable to very low and low income families, where the ordinance requires 20% of new residential development to be affordable. Finally, by allowing the residential component of the project to be sold at market rate prices, the project would remain financially viable and ultimately allow for the development of the other 27 affordable rental apartment units. These apartments would indirectly support visitor-serving and agricultural operations in West Marin by increasing the stock of housing that is available locally for those very low and low income residents who are most likely to be employed in these businesses.

- V. WHEREAS the Marin County Planning Commission finds that the proposed modification to New Development and Land Use Policy 8(b) would not only eliminate the reference to the affordable nature of the for-sale units, it would require that the seven units be sold at market prices. Recognizing that efforts are made concurrently to pursue reinstatement of the Section 8 vouchers for the project and other measures that could reduce project costs and/or increase sources and amounts of funding, the text for New Development and Land Use Policy should only be amended to provide the ability for the for-sale residences to be sold at affordable and/or market rate prices. The recommended text to Policy 8(b) would read: "Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale units ranging in size from approximately 900 to 1,155 square feet." The amended text would not preclude the ability to maintain one or more of the residential units at affordable prices should the project financing conditions change.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors recommend adoption of an amendment to the Local Coastal Program, Unit II to the California Coastal Commission to amend and replace New Development and Land Use Policy 8(b) with the following policy.

Development of the 18.59-acre property consisting of Assessor's Parcels 119-240-45, -46, -57, and -58 and consisting of Areas A, B, C, D, E and F as depicted on Exhibit E, shall be subject to the following land use designations, as defined in the Marin Countywide Plan and further incorporated as Appendix G to the Local Coastal Program: The land use designation for Areas A and B shall be C-MF-2 (Coastal, Multiple-family, one to four units per acre maximum residential density). The land use designation for Area C shall be C-SF-4 (Coastal, Single-family Residential, one to two units per acre). The land use designation for Areas D and E shall be C-RS (Coastal, Residential Commercial, one to 20 units per acre maximum residential density, 30% to 50% commercial floor area ratio). The land use designation for Area F shall be C-OS (Coastal, Open Space).

The site shall be subject to an overall single site development plan for the entire 18.59-acre area that consists of Areas A, B, C, D, E, and F. The site development plan shall be subject to the review and approval of the California Coastal Commission as an amendment to the LCP. Any coastal development permit or permits for development of any portion of the site shall be consistent with the approved site development plan. The site development plan shall indicate the kinds, locations, and intensities of uses allowable in accordance with the following requirements.

1. The total number of residential units on the entire 18.6-acre area shall not exceed 36.
2. Area A shall be developed with a maximum of seven detached affordable and/or market-rate for-sale

- units ranging in size from approximately 900 to 1,155 square feet.
3. Area B shall be developed with a maximum of 27 rental affordable units ranging in size from approximately 1,440 to 1,720 square feet, with a manager's unit/community building of approximately 2,180 square feet.
 4. No more than two residential dwelling units may be developed within Area C.
 5. A minimum of 12 public parking spaces shall be provided within Area D.
 6. A minimum of two acres shall be reserved for a future overnight visitor-serving facility, preferably providing lower cost services to the maximum extent feasible, or an alternative commercial use deemed appropriate by the Coastal Commission within Area E.
 7. Future use of the approximate 18.59-acre area depicted on Exhibit E, including all wetlands shall be consistent with the Local Coastal Program, including provisions which mandate a 100-foot minimum buffer as measured landward from the edge of the wetlands.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 25th day of October, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT AN ORDINANCE APPROVING THE POINT REYES DEVELOPMENT COMPANY
MASTER PLAN AMENDMENT (MP 05-3)

OFF GIACOMINI ROAD AND TOBY STREET, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: FINDINGS

- I. WHEREAS the Point Reyes Development Company, LLC submitted an application to amend the Point Reyes Affordable Homes approval in order to eliminate the affordability requirement for the seven for-sale single-family residences. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project's density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same. The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The property is located off **Giacomini Road and Toby Street, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-240-45, -46, -57, and -58**.
- II. WHEREAS the Marin County Planning Commission held a duly-noticed special public hearing on October 25, 2004, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Planning Commission finds that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan (CWP) and Point Reyes Station Community Plan (PRSCP) because it would maintain the same number, type, and size of residences that were previously approved on the property, consistent with the respective CWP and PRSCP land use designations. Overall, the project would provide additional housing and job opportunities and promote the preservation of the viability of Point Reyes Station as a small rural working town by providing a balanced, mix-used development consisting of residential, commercial, and conservation uses within the downtown area for Point Reyes Station. The project would still retain a substantial degree of affordability through construction of the 27 affordable apartment units, which represent 75% of the total number of units. This remains consistent with the PRSCP's policies which identify the property as a suitable site for affordable housing development. Additionally, the project would maintain the character of the surrounding community by utilizing an architectural design that would complement the village's existing buildings in scale, form, and massing and ensure the protection of important resources, such as wetlands, creeks, and special status plant and animal species.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the overall goals and objectives of the Point Reyes Affordable Homes Master Plan and would not affect or

modify any of the physical parameters for the development, including the project density, type and location of land uses, building design and location, infrastructure, and required environmental mitigations. The overall goals and objectives of the development would still be substantially implemented through ensuring that at least 75% of the residential development remain affordable to very low and low income families, that land would still be set aside for future public-serving uses, including a visitor-serving lodging, parking, and restroom facilities, and that important on-site wetlands and their associated habitat values are protected and enhanced. In order to provide the maximum amount of opportunity for affordable housing, a condition of approval for the Master Plan would require that the applicant pursue in good faith any and all opportunities that are available in order to provide for affordability for part of or all of the seven for-sale residences.

- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Because no physical changes are proposed to the overall site development plan, the project would remain consistent with all applicable LCP policies relative to protection of coastal resources, public access, and recreation.
- VII. WHEREAS the Marin County Planning Commission finds that proposed project would not adversely impact the public health, safety, and welfare of residents living and working in the surrounding community and would result in substantial public benefits.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt an ordinance approving the Point Reyes Development Company Master Plan Amendment (MP 05-3) which would amend the Point Reyes Affordable Homes Master Plan (Ordinance 3339), subject to the following conditions.

1. Pursuant to Marin County Code Chapters 22.45, the Point Reyes Development Company Master Plan Amendment (MP 05-3) is approved to amend the Point Reyes Affordable Homes Master Plan (Ordinance 3339) to modify Condition of Approval 1(e), which shall be replaced with the following condition:

Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following: (1) the construction of 27 affordable rental apartments and seven affordable and/or market-rate for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

2. Condition of Approval 38 from the Point Reyes Affordable Homes Master Plan shall be replaced with the following condition:

Should one or more of the seven for-sale single-family residences that comprise the Papermill Creek Homes be available for sale as affordable units, the applicant shall first submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.070 of the Marin County Code and applicable law. The agreement shall acknowledge that the project would consist of inclusionary for-sale units to be sold to residents of very low, low, or moderate income. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.

3. The applicant shall pursue in good faith any and all opportunities that are available in order to provide for affordability for part of, or all of the seven-unit, for-sale residential component of this project.
4. With exception to the conditions that are modified herein, all other conditions of project approval for the Point Reyes Affordable Homes Master Plan shall remain valid.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 25th day of October, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary

MARIN COUNTY PLANNING COMMISSION

RESOLUTION _____

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT A RESOLUTION APPROVING THE POINT REYES DEVELOPMENT COMPANY
COASTAL PERMIT AMENDMENT (CP 05-12)

OFF GIACOMINI ROAD AND TOBY STREET, POINT REYES STATION
ASSESSOR'S PARCELS 119-240-45, -46, -57, -58

SECTION I: FINDINGS

- I. WHEREAS the Point Reyes Development Company, LLC submitted an application to amend the Point Reyes Affordable Homes approval in order to eliminate the affordability requirement for the seven for-sale single-family residences. The request will not modify any of the other components of the original project, including the construction of 27 rental affordable apartments and designation of land area for visitor-serving commercial uses, a public parking area with restroom, a single-family residential lot, and wetland conservation. All aspects of the Master Plan, including the project’s density, type and location of land uses, building design and location, septic and stormwater infrastructure, and environmental mitigations would remain the same. The applicant and the other project funders have indicated that the 27-unit rental apartment project would remain financially viable only if the residences could be constructed and sold at market-rate prices. The property is located off **Giacomini Road and Toby Street, Point Reyes Station**, and is further identified as **Assessor's Parcels 119-240-45, -46, -57, and -58**.
- II. WHEREAS the Marin County Planning Commission held a duly-noticed special public hearing on October 25, 2004, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project.
- III. WHEREAS the Marin County Planning Commission finds that no additional environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines because the proposed project does not involve new information, substantial changes, or new significant environmental impacts that were not previously considered and mitigated in the certified Environmental Impact Report.
- IV. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Marin Countywide Plan (CWP) and Point Reyes Station Community Plan (PRSCP) because it would maintain the same number, type, and size of residences that were previously approved on the property, consistent with the respective CWP and PRSCP land use designations. Overall, the project would provide additional housing and job opportunities and promote the preservation of the viability of Point Reyes Station as a small rural working town by providing a balanced, mix-used development consisting of residential, commercial, and conservation uses within the downtown area for Point Reyes Station. The project would still retain a substantial degree of affordability through construction of the 27 affordable apartment units, which represent 75% of the total number of units. This remains consistent with the PRSCP’s policies which identify the property as a suitable site for affordable housing development. Additionally, the project would maintain the character of the surrounding community by utilizing an architectural design that would complement the village’s existing buildings in scale, form, and massing and ensure the protection of important resources, such as wetlands, creeks, and special status plant and animal species.
- V. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the overall goals and objectives of the Point Reyes Affordable Homes Master Plan and would not affect or modify any of the physical parameters for the development, including the project density, type and location

of land uses, building design and location, infrastructure, and required environmental mitigations. The overall goals and objectives of the development would still be substantially implemented through ensuring that at least 75% of the residential development remain affordable to very low and low income families, that land would still be set aside for future public-serving uses, including a visitor-serving lodging, parking, and restroom facilities, and that important on-site wetlands and their associated habitat values are protected and enhanced. In order to provide the maximum amount of opportunity for affordable housing, a condition of approval for the Master Plan would require that the applicant pursue in good faith any and all opportunities that are available in order to provide for affordability for part of or all of the seven for-sale residences.

- VI. WHEREAS the Marin County Planning Commission finds that the proposed project is consistent with the Local Coastal Program Unit II (LCP) because it involves a minor amendment to a site-specific policy that solely affects the affordable nature of the seven for-sale residences. Because no physical changes are proposed to the overall site development plan, the project would remain consistent with all applicable LCP policies relative to protection of coastal resources, public access, and recreation.
- VII. WHEREAS the Marin County Planning Commission finds that proposed project is consistent with the requirements for a Coastal Permit pursuant to Marin County Code Section 22.56.130 because all of the findings for approval of a Coastal Permit contained in the Point Reyes Affordable Homes Coastal Permit (Resolution 2002-28) remain applicable to the development. The elimination of the affordability requirement for the seven for-sale single-family residences would allow for the construction of the 27 affordable apartment units which would be targeted at very low and low income households.

SECTION II: ACTION

NOW, THEREFORE BE IT RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt a resolution approving the Point Reyes Development Company Coastal Permit Amendment (CP 05-12), subject to the following conditions.

1. Pursuant to Marin County Code Chapters 22.45, the Point Reyes Development Company Coastal Permit Amendment (CP 05-12) is approved to amend the Point Reyes Affordable Homes Coastal Permit (Resolution 2002-28) to modify Condition of Approval 1(e), which shall be replaced with the following condition:

Pursuant to Marin County Code Chapters 22.45, 22.56, and 20.32, the Point Reyes Affordable Homes Master Plan, Precise Development Plan, Coastal Permit, and Subdivision applications are approved for the following: (1) the construction of 27 affordable rental apartments and seven affordable **and/or market-rate** for-sale single-family residences; (2) the reservation of land area for future development of a three-bedroom, up to 2,800 square foot market rate single-family residence, a one-bedroom, up to 750 square foot cottage, and a barn; (3) the reservation of land area for future development of a 20-room, up to 17,000 square foot lodge or a similar visitor-serving use; (4) the reservation of land area for future development of a 12-space public parking lot and a restroom structure; and (5) the reservation of land for open space conservation purposes. A Subdivision (Vesting Tentative Map) to divide the property into 13 separate lots of record is conditionally approved. Any modifications to the project that would eliminate the affordable component shall require an amendment to the Master Plan.

2. Condition of Approval 38 from the Point Reyes Affordable Homes Coastal Permit shall be replaced with the following condition:

Should one or more of the seven for-sale single-family residences that comprise the Papermill Creek Homes be available for sale as affordable units, the applicant shall first submit a Below Market Rate Agreement for review and approval by the Community Development Director. The agreement shall be consistent with Section 22.97.070 of the Marin County Code and applicable law. The agreement shall acknowledge that the project would consist of inclusionary for-sale units to be sold to residents of very low, low, or moderate

income. The agreement shall also contain initial and periodic monitoring provisions to verify compliance with the terms of the agreement.

3. The applicant shall pursue in good faith any and all opportunities that are available in order to provide for affordability for part of, or all of the seven-unit, for-sale residential component of this project.
4. With exception to the conditions that are modified herein, all other conditions of project approval for the Point Reyes Affordable Homes Coastal Permit shall remain valid.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 25th day of October, 2004, by the following vote to wit:

AYES:

NOES:

ABSENT:

ALLAN BERLAND, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION

Attest:

Jessica Woods
Recording Secretary