

March 26, 2024 THE BASIS OF THIS APPEAL

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'

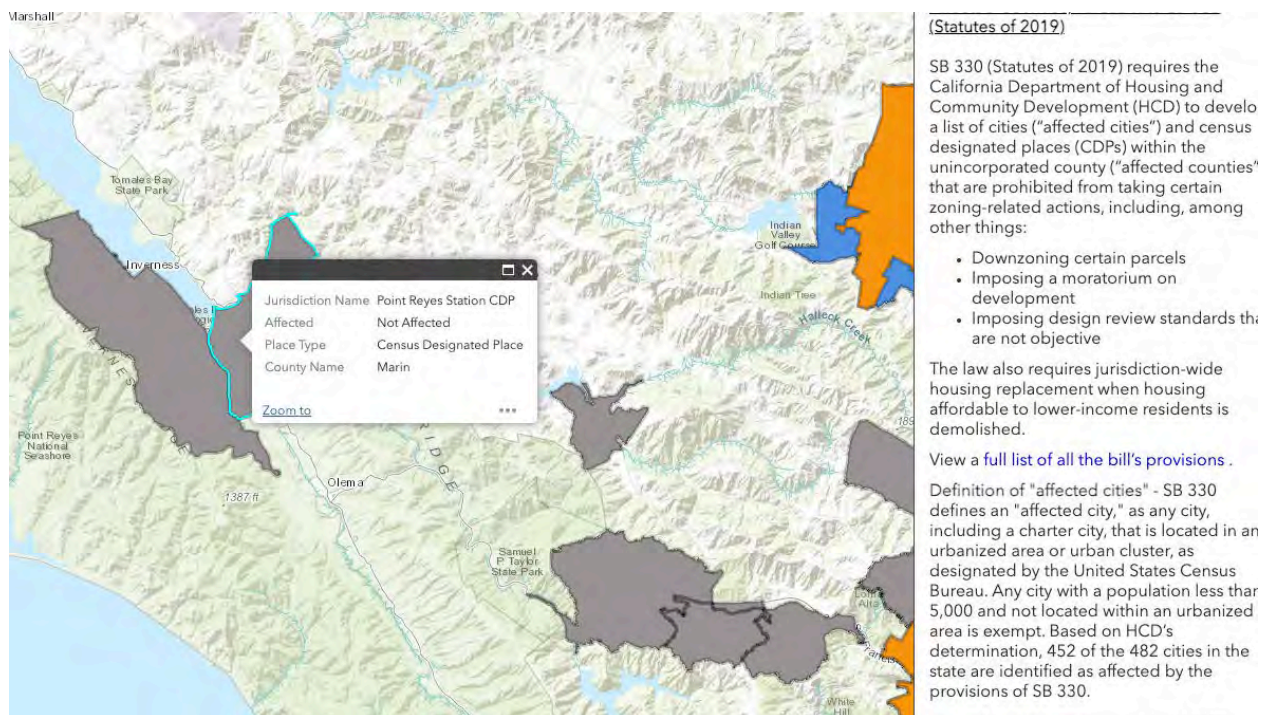
Point Reyes Station CDP Not Affected

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.



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

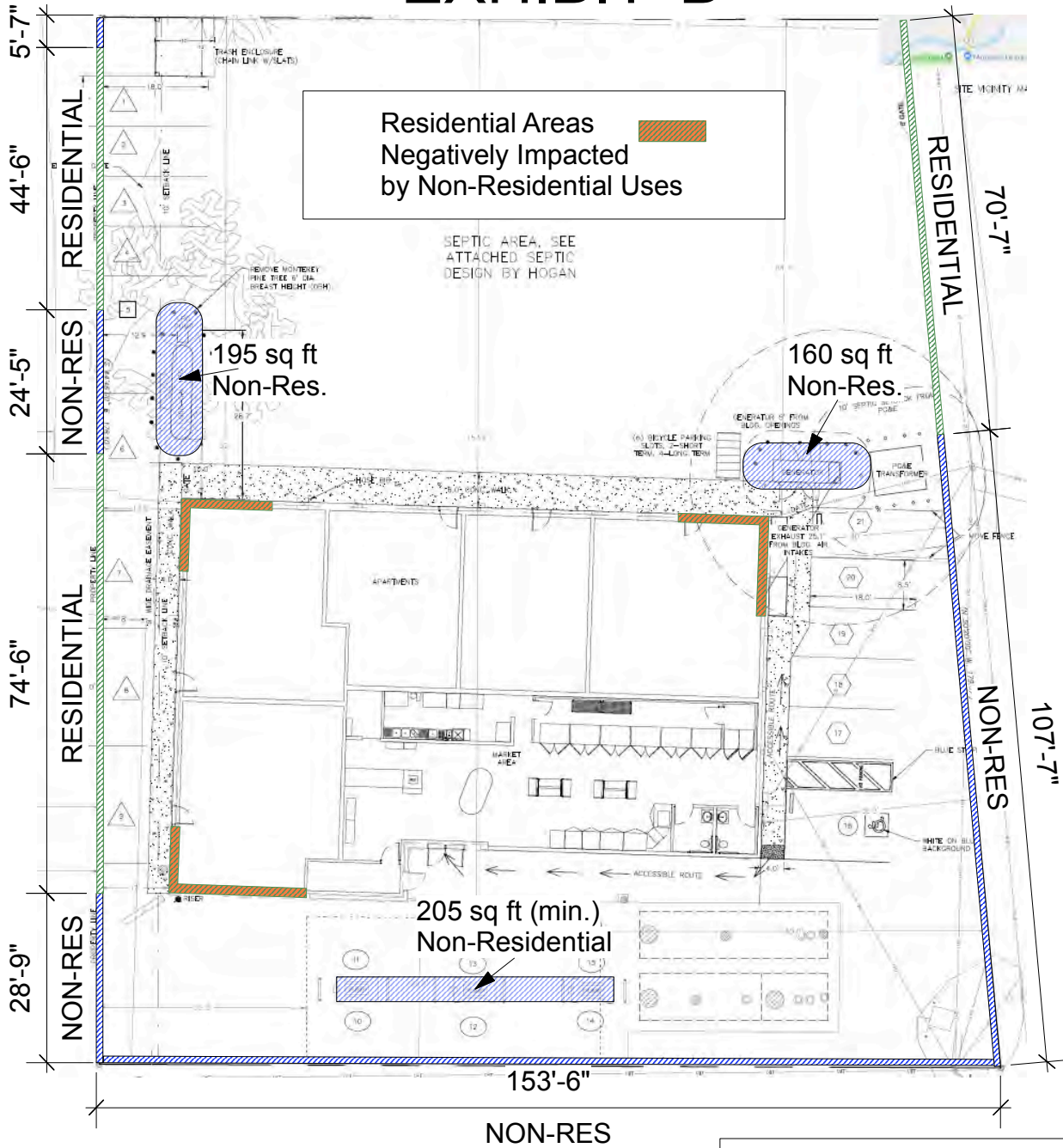
Per Government Code 66300, includes all **census designated places** located wholly within the boundaries of an urbanized area

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
Alto CDP	San Francisco--Oakland	Marin County
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 'B'




Residential Frontages vs. $\frac{189}{320} =$
 Non-Residential Frontages
 59% Non-Residential vs.
 41% Residential frontages

Non-Residential Uses  Outside of Enclosed Bldg Sq Ftg = 560 sq ft (at a minimum)

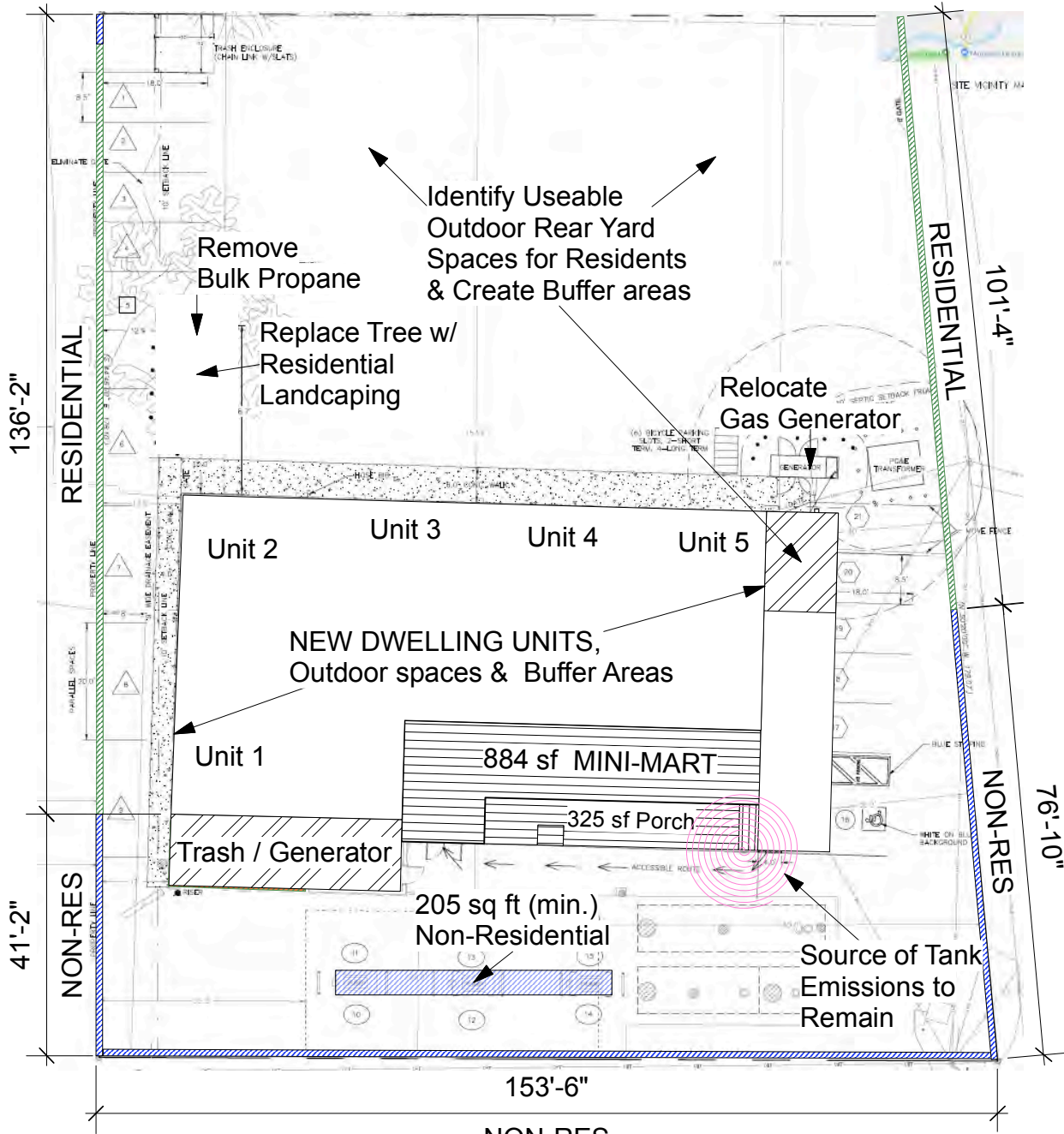
Non-Residential Street Frontage  Total Non-Residential frontage = 320 feet

Residential Uses 

Residential Street Frontage  Total Residential frontage = 189 feet

Note: 2/3rds of building square footage DOES NOT EQUATE with amount of non-residential uses outside the building and amount of street frontage taken up by non-residential uses

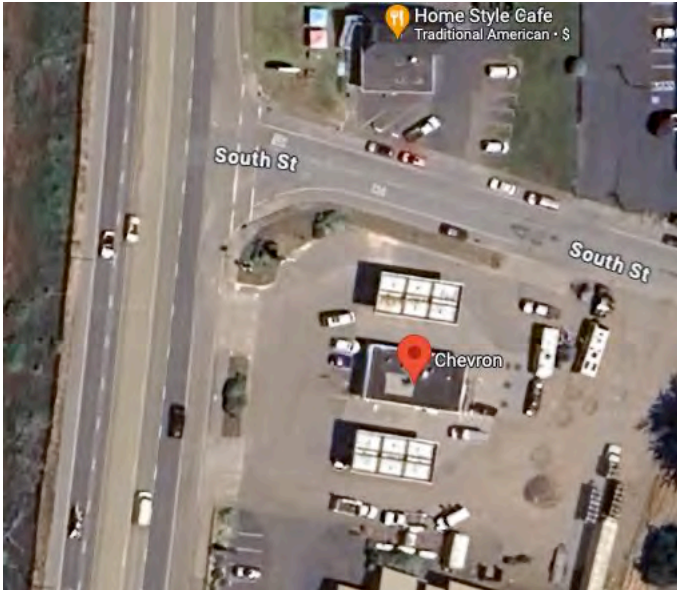
EXHIBIT 'C'



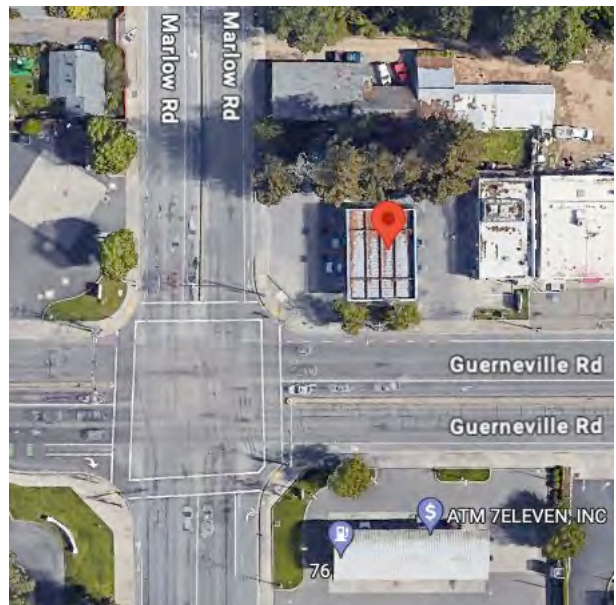
PROPOSED DISCRETIONARY CHANGES per Appeal:

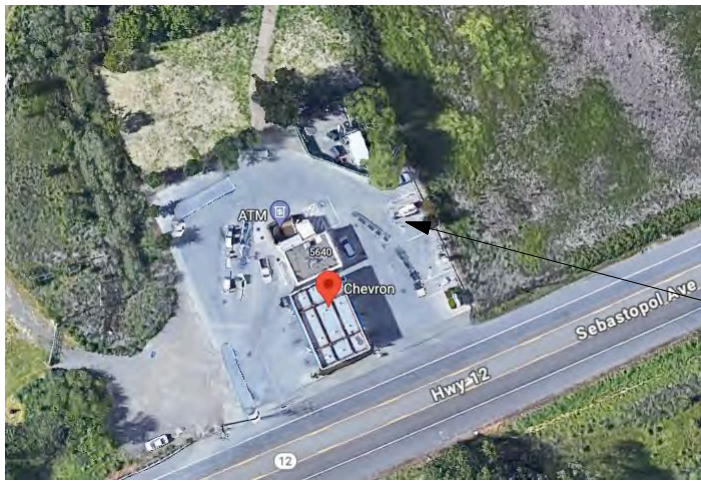
1. Remove Bulk Propane
2. Relocate Trash & Gas Generator
3. Replace Tree w/ Residential Landcaping
4. Identify Useable Outdoor Rear Yard Spaces for Residents & Create Buffer Areas

EXHIBIT 'D'



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





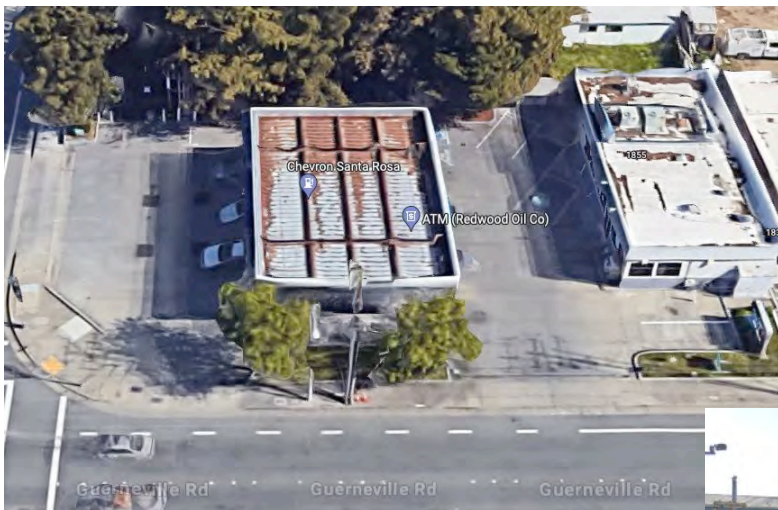
TYPICAL Chevron (REDWOOD OIL) Locations - All vehicle service within property lines

- 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



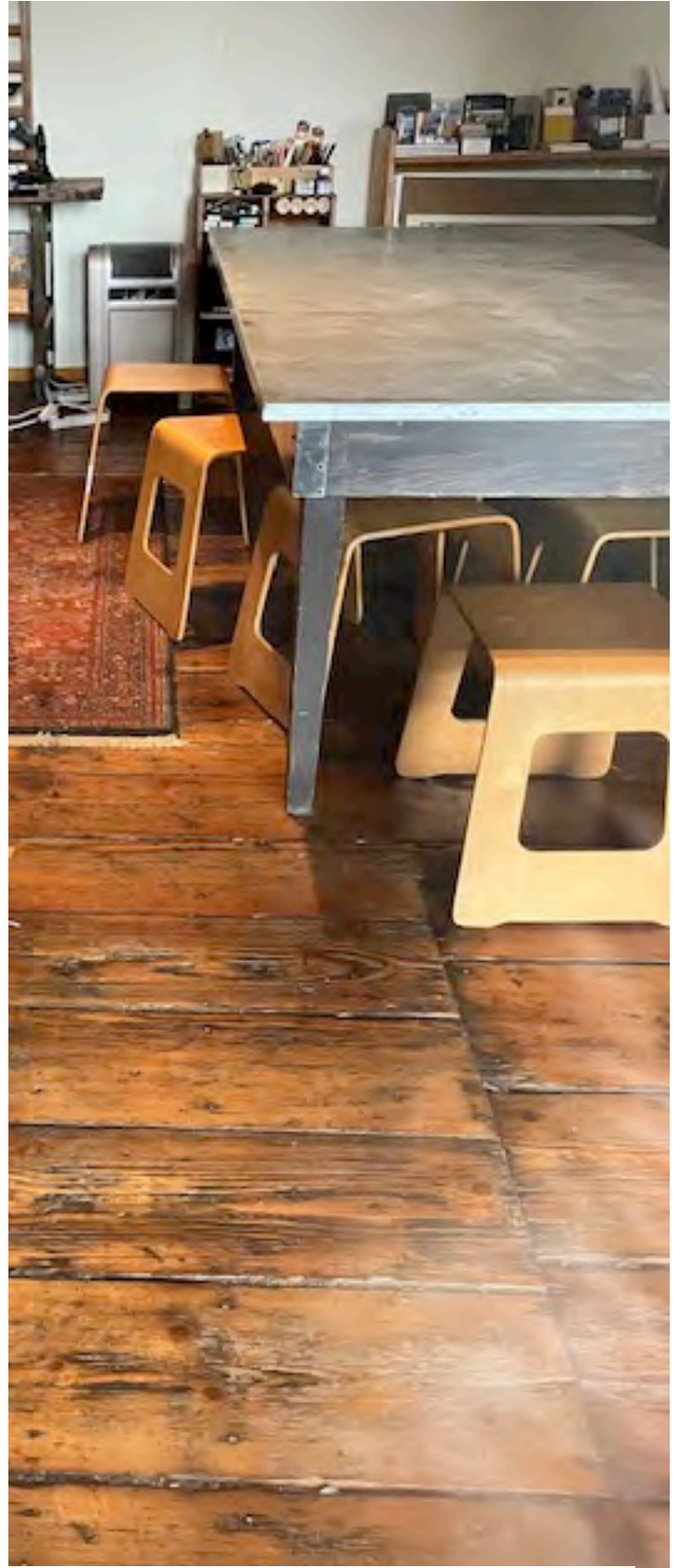
EXHIBIT 'E'



Retail Entry off of Porch



Residential Entry off of Porch



OLD GROWTH Wood Flooring Pre-1930

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

circa 1948



2024



D. S. "Dewey" Livingston

Cultural Resources Consultant
P.O.Box 296
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.

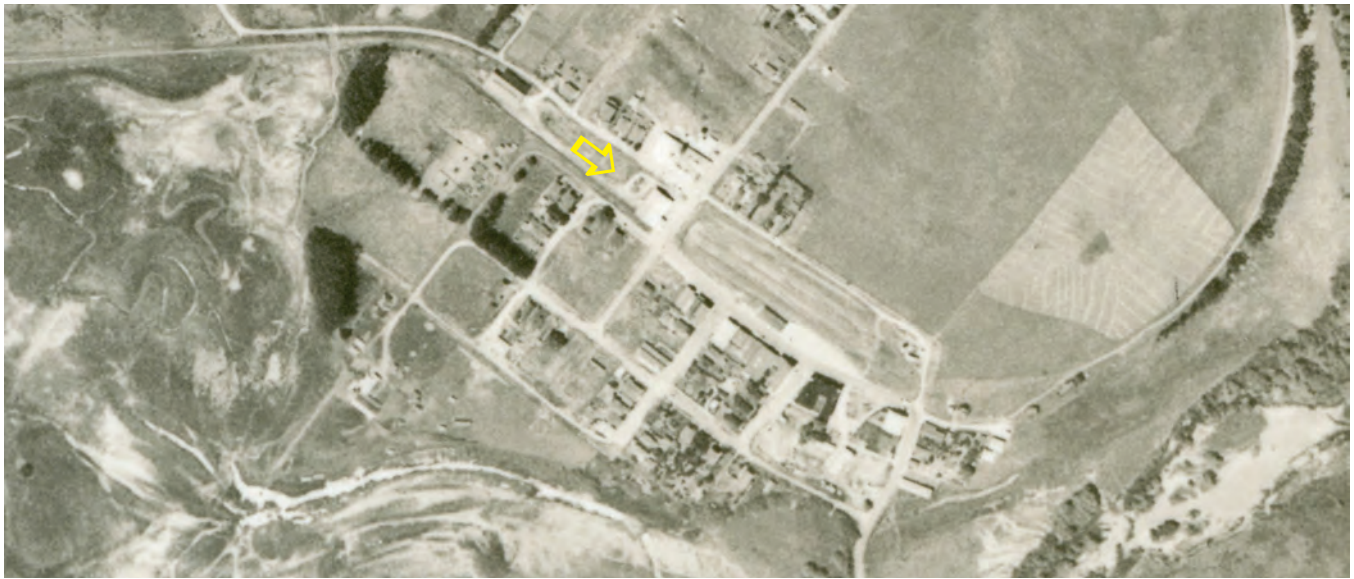
Discussion: From a district point of view, the Point Reyes Station gas station barn is certainly part of the historic fabric of the town, as much as the nearby Point Reyes Cooperative Creamery, Point Reyes Emporium, or the Grandi building. It retains its historic integrity, especially the open porch 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.