

January 21, 2025

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VIA ELECTRONIC MAIL

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Ms. Megan Alton
Senior Planner, Planning Division
County of Marin
3501 Civic Center Drive
San Rafael CA 94903

RE: Cui Family Trust et al. – Point Reyes Station Subdivision Project Application (ID 4403) under Coastal Commission Categorical Exclusion E-81-6

Dear Ms. Alton:

Our firm represents the Cui Family Trust et al. (“Cui Family”) and submits this letter in support of its application for a vacant lot subdivision (the “Project”) near 11798 State Route 1, Point Reyes Station, California 94956 (Assessor’s Parcel Nos. 119-050-04, 119-050-09, 119-140-03, and 119-140-09) (the “Property”). As part of the pre-application process, Marin County staff questioned whether the Project qualifies for the California Coastal Commission’s Categorical Exclusion Order No. E-81-6 (“Order E-81-6”). (See [Attachment 1](#)). This letter explains why the Project qualifies for a Categorical Exclusion under Order E-81-6 and must be processed consistent with order and applicable State law.

I. BRIEF PROJECT DESCRIPTION

The Cui Family owns approximately 82.32 acres of vacant land in the village limit boundaries of Point Reyes Station and with a County Coastal Land Use Plan designation of C-AG3, allowing 1 unit per 1-9 acres, and a Coastal Zoning Code designation of C-ARP-3, allowing 1 unit per 3 acres. The Property is located within the boundaries of Order E-81-6, which was approved by the County Board of Supervisors through Resolution No. 82-162 on May 11, 1982.¹ Development associated with the subdivision will

¹ The California Coastal Commission and County Board of Supervisors adopted several categorical exclusions in the early 1980s. First, the California Coastal Commission adopted Categorical Exclusion Order No. E-81-2, covering Unit I Coastal Zone of Marin County, on May 6, 1981, which the County Board of Supervisors adopted on August 4, 1981 through Resolution No. 81-238. The Commission and Board then adopted Order E-81-6 at issue here. Order E-81-6 was then amended to add new areas and types of development within those areas on August 12, 1982, which was certified by the Marin

include roadway improvements, driveways, utility installation and maintenance areas, onsite wastewater treatment systems, limited vegetation removal, and general grading to accommodate site improvements. All development associated with the Project will respect policies of the County Coastal Land Use Plan and Coastal Zoning Code. More information on the Project is available with the Project Application materials submitted with this letter.

During the pre-application review process, County staff determined that the Project must provide 20 percent of the parcels in the subdivision for deed restricted affordable housing. The Project has since been revised to designate 20 percent of the parcels for lower-income households, which, as explained below and in the application, entitles the Project to a density bonus of 35 percent under Marin County Code (“MCC”) Chapter 22.24 and State Density Bonus Law (Gov. Code, § 65915).² As a result, the Project seeks to subdivide the 82.32 acres into 37 parcels for residential development, with individual parcels ranging in size from 1.02 to 8.23 acres, with 5 of the 37 parcels dedicated and deed-restricted to lower-income affordable housing.³ (MCC, § 22.24.020; Gov. Code, § 65915(f)(1).) The Project also will comply with applicable provisions of MCC Chapter 22.22. Under MCC Chapter 22.24 and State Density Bonus Law, the Project also receives other benefits as discussed further below in Section III.

II. APPLICABILITY OF ORDER E-81-6 TO THE PROJECT

Under MCC sections 20.68.030 and 20.68.040, a coastal development permit (“CDP”) under Public Resources Code (“PRC”) section 30610(e) is not required if the development is subject to a categorical

County Board of Supervisors via Resolution No. 82-330 on August 17, 1982. Finally, the California Coastal Commission adopted Categorical Exclusion Order No. E-82-6, covering single family dwelling additions in the Oceana Marin Subdivision in Dillon Beach, which the County Board of Supervisors adopted via Resolution No. 83-102 on March 15, 1983. As explained further in Section II.A, below, only Order E-81-6 is relevant for this Project since it is located within Point Reyes Station.

² State Density Bonus Law defines “maximum allowable density” in a way that allows an applicant to rely on the “**greatest number of units allowed**” under the zoning ordinance, specific plan, or land use element of the general plan, or, **if a range of density is permitted, . . . the greatest number of units allowed** by the specific zoning range, specific plan, or land use element of the general plan applicable to the project.” (Gov. Code, § 65915(o) [emphasis added].) For the Project, the greatest number of units allowed under the County Coastal Land Use Plan C-AG3 is one (1) residential lot per acre. Therefore, the Cui Family could, but is not required to, pursue subdivision creating up to 83 residential lots based on the Coastal Land Use Plan density. (Gov. Code, § 65915(f).)

³ Pursuant to the County’s C-ARP-3 Zoning, the Project’s 82.32 acres can be subdivided into 27.44 parcels, which means the required 20 percent lower-income affordable obligation is 5.49 parcels. In its April 2024 letter, County staff advised the Cui Family that the Project could provide five (5) deed restricted lower income lots and pay an in-lieu fee for the fractional 0.49 acre lot.

exclusion and is consistent with all the terms and conditions of the categorical exclusion order. (MCC, § 20.68.040(A).) The County Community Development Director determines whether a proposed development is categorically excluded pursuant to MCC section 20.70.030(B)(1). As explained below, the Project is consistent with all terms and conditions of Order E-81-6 and can be processed as a categorical exclusion under applicable law.

A. Contents of Order E-81-6

Under PRC section 30610(e), the California Coastal Commission (“Commission”) issues a categorical exclusion when it finds “there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast” associated with “any category of development within a specifically defined geographic area.” The Commission adopts such categorical exclusions with “terms and conditions” to ensure development remains consistent with its findings and must impose certain limits on the development of “[t]ide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust.” (PRC, § 30610.5(b).)

The County adopted Order E-81-6 pursuant to PRC sections 30610(e) and 30610.5(b) to categorically exclude certain types of development from California Coastal Act permitting requirements within defined geographic areas. Order E-81-6 “categorically excludes the following developments [from the requirement to obtain a CDP]: . . . Land divisions in the community of Point Reyes Station, Marin County (See Exhibit 1)[.]” (Order E-81-6, ¶ I [emphasis added].) To qualify for an exclusion, an applicant must meet specific conditions for “land divisions in the community of Point Reyes Station, Marin County” in addition to other general conditions.

Conditions for land divisions, include:

1. being within the “community of Point Reyes Station” as defined in the Local Coastal Plan and indicated on the implementation maps;
2. offering certain irrevocable offers to dedicate a ten-foot strip contiguous with and paralleling Highway One, for bicycle routes, intra- and intercommunity trails, and non-automobile alternatives land divisions with frontages along State Highway One;
3. dividing the parcels so the parcel size is “no less than the minimum acreage allowed for the zone under the County zoning maps in effect at the time the Order is adopted by the Commission;” and
4. requiring the County to forward copies of the “final parcel map(s) for all projects approved pursuant to this Exclusion to the Executive Director.”

(See Order E-81-6, ¶ II.2(a)-(d).)

The Cui Family's Project satisfies each of these criteria for land division. First, the Property is located entirely within the "community of Point Reyes Station." (Order E-81-6, Ex. 1; County Categorical Exclusion Map 27e.) Second, the Cui Family offers a qualifying irrevocable offer to dedicate sufficient land adjacent to State Highway One. Third, the Project proposes a subdivision consistent with the Coastal Land Use Plan designation of C-AG3 (allowing 1 unit per 1-9 acres), and Coastal Zoning Code designation of C-ARP-3 (allowing 1 unit per 3 acres), in a manner consistent with State Density Bonus Law and MCC Chapter 22.24.⁴ The fourth and final criterion is administrative—a notice obligation on the County to forward the approved land division maps to the Commission's Executive Director.

Order E-81-6 also contains other general conditions applicable to land divisions: "Development pursuant to this exclusion shall conform, unless otherwise limited by this order, to the zoning in effect in Marin County on the date this order is adopted by the Commission or zoning adopted by the County pursuant to the [Local Coastal Program] certified by the Commission." (Order E-81-6, ¶ II.3 [emphasis added].)

The Project complies with or, if necessary, can be modified to comply with, all applicable provisions of the County's Coastal Land Use Plan, Coastal Zoning Code, and Subdivisions Code in accordance with State Density Bonus Law and MCC Chapter 22.24.

In addition, Order E-81-6 provides a general exception that it:

shall not apply to tide and submerged land, beaches and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claims maps, wetlands as identified in the power plant siting wetland resource maps.

(Order E-81-6, ¶ I.) This exception language incorporates PRC section 30610.5(b) into Order E-81-6. As proposed, the Project does not contain any of the areas identified in this exception.

Order E-81-6 further finds and declares that this "exclusion, as conditioned, presents no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast." (Order E-81-6, ¶ III.) For the same reason, the Commission found that the exclusion would "have no significant effect on the environment for purposes of the California

⁴ As also noted below, Government Code section 65915(f)(5) provides that the "granting of a density bonus, shall not require, or interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change or other discretionary approval."

Environmental Quality Act of 1970.” (*Id.*) It further makes findings that the types of development in the categorical exclusion are consistent with California Coastal Act policies related to visual and scenic resources, geologic hazards, the location of development, adequacy of services, and public access/traffic.⁵ (*Id.* at ¶ IV.)

Lastly, Order E-81-6 was amended on August 12, 1982, which was certified by the Marin County Board of Supervisors on August 17, 1982 (“Amended Order E-81-6”).⁶ Amended Order E-81-6 adds a new categorical exclusion to a “specifically defined geographic area” for single family residences within the community expansion boundaries of Dillon Beach (with exceptions), Tomales, and Olema, but only as previously identified. (Amended Order E-81-6, ¶ I.) The Amended Order E-81-6 further outlines special conditions applicable solely to this newly added or amended categorical exclusion area. (See Amended Order E-81-6, ¶¶ II, III.) Nothing in Amended Order E-81-6, however, states that it supersedes the original exclusions in Order E-81-6 nor that the special conditions for single family residences apply outside of Dillon Beach, Tomales, and Olema.⁷ As such, Amended Order E-81-6 does not supersede or replace the conditions for the exclusion areas, including Point Reyes Station, identified in the original Order E-81-6.⁸

B. Response to County Questions About Order E-81-6 Applying to the Project

During the pre-application process, County staff asked whether a CDP would be required because the Project requires tentative map to subdivide more than four parcels. The County points to the fourth requirement under Order E-81-6, which requires the County to forward copies of the “final parcel map(s) for all projects approved pursuant to this Exclusion to the Executive Director,” and wonders whether the use of the phrase “final parcel map” limits land divisions to four or less parcels⁹ under the categorical exclusion. (See Order E-81-6, ¶ II.2(d).)

⁵ The purpose of this letter is not to evaluate how CEQA may apply to the Project, which will be addressed after the County makes its determination on the categorical exclusion.

⁶ In addition, Categorical Exclusion Order E-82-6 only applies to additions to single-family dwellings, which are not proposed as part of this Project.

⁷ In fact, the County and Commission continue to interpret original Order E-81-6 as in effect in all areas subject to the original order.

⁸ See, e.g., *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 379 (strong presumption against implied repeal); *Droeger v. Friedman, Sloan & Ross* (1991) 54 Cal.3d 26, 43 (same); *Dew v. Appleberry* (1979) 23 Cal.3d 630, 636 (same).

⁹ The MCC (Title 22) specifies that a land subdivision for 4 or fewer parcels will have two phases: (1) Tentative Map and (2) Parcel Map. (MCC, Chap. 22.84.) The two phases for a land subdivision for

The answer to this question is emphatically “no” for four reasons.

First, MCC section 20.68.030 defines “development” as “subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits,” and states that “development” may be categorically excluded from the CDP requirements.¹⁰ Nothing in this language restricts subdivision of more than four parcels. MCC section 20.68.040(A) categorically excludes all “development” from the requirements of a CDP. If the “development” meets the conditions in Order E-81-6, a CDP is not required.

Second, Order E-81-6 does not distinguish the type of subdivision—instead, it applies to all “**land divisions** in the community of Point Reyes Station.” (Order E-81-6, ¶ I [emphasis added].) MCC section 20.68.030 and PRC section 30106 consider a “division of land” to encompass subdivisions under the Subdivision Map Act along with “any other divisions, including lot splits, except where land division is brought about in connection with the purchase of such land by a public agency for public recreational use[.]” In addition, MCC section 20.130 defines “division of land” to include “subdivision (through parcel map, tract map, grant deed) . . .” where a “tract map” is required for the subdivision of five or more parcels.¹¹ Thus, the general reference to “land division” in Order E-81-6 encompasses any subdivisions whether by a tentative map and parcel map, or tentative map and final map.

Third, the condition that the County “shall forward copies of the **final parcel map(s)** for all projects approved pursuant to this Exclusion to the [Commission’s] Executive Director” does not change this interpretation. (Order E-81-6, ¶ III.2.d [emphasis added].) This administrative condition simply requires the County to notice the Commission of its approval of a subdivision; it does not propose a limit on a “land division.” If the Commission had intended to limit the number of subdivided parcels or the types of subdivision maps in subject to a categorical exclusion in Order E-81-6, the Commission would have

more than 4 parcels are specified as: (1) Tentative Map and (2) Final Map. (MCC, Chap. 22.86.)
Notably, both two-phase processes constitute “land divisions.”

¹⁰ See also PRC, § 30106.

¹¹ Gov. Code, § 66426; see California Subdivision Map Act and the Development Process (2d ed. Cal. CEB 2024) § 1.2 (describing history of subdivisions involving lots or tracts); see also MCC, § 20.70.190 (reiterating that “land division” includes “subdivision (through parcel map, tract map, grant deed)”).

clearly done so through a condition, not as part of an administrative County notice requirement.¹² It is inappropriate to read in additional conditions into Order E-81-6.¹³

Finally, the Subdivision Map Act was enacted in 1974 and, as noted above, was referenced in the definition of “development” with the California Coastal Act. The Commission thus was aware of the Subdivision Map Act and the potential for an applicant to submit for a tentative map and final map, or a tentative map and parcel map pursuant to Order E-81-6.¹⁴ Yet, Order E-81-6 generally refers to “land divisions,” not specific types of map requirements. Paragraph 1 of Order E-81-6 also contemplates other County approvals associated with a project qualifying for a categorical exclusion since it “shall not be construed to exempt any person from the permit requirements of any other federal, state, or local government or agency.” As such, Order E-81-6 can reasonably be interpreted to exclude land divisions from CDP requirements, while still permitting the County to require other approvals under the MCC or approval of a tentative and final map under the Subdivision Map Act.

Coastal Commission staff further have not raised similar questions about Order E-81-6 being limited to subdivisions of four or fewer parcels. In email correspondence from Commission staff on September 30, 2024 (see [Exhibit 2](#)), Commission staff only emphasizes that Order E-81-6 only limits the size of the parcels, not the overall number. (Order E-81-6, ¶ II.2(c).)

In addition, during pre-application processing, Commission staff identified that Condition 8 of the Amended Order E-81-6 states that it “does not exempt any development within one hundred feet, measured horizontally, from the high water mark of any coastal body of water, stream, wetland, estuary, or lake regardless of whether such coastal water are depicted on the exclusion map, or not.” (Amended Order E-81-6, ¶ III.8.) As discussed in Section II.A, above, Condition 8 of Amended Order E-81-6 does not apply to development within Point Reyes Station, which does not contain the same

¹² See *Industrial Waste & Debris Box Service, Inc. v. Murphy* (2016) 4 Cal.App.5th 1135, 1154 (the absence of inclusive language presumes that the legislative body did not intend to cover a particular topic) [citation omitted]; *Linovitz Capo Shores LLC v. California Coastal Comm.* (2021) 65 Cal.App.5th 1106, 1118.

¹³ Code Civ. Proc., § 1858 (Order E-81-6 must be construed similar to a statute where the reader must “ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted, or to omit what has been inserted . . .”)

¹⁴ The Commission’s adoption of a categorical exclusion is effectively the same as the Legislature enacting a bill and, thus, is subject to the same rules of interpretation. See *Tracy v. Municipal Court* (1978) 22 Cal.3d 760, 764 (“In the absence of compelling countervailing considerations, we must assume that the Legislature knew what it was saying and meant what it said”) [cleaned up]; *Wolski v. Fremont Investment & Loan* (2005) 127 Cal.App.4th 347, 353 (“If the Legislature had intended [that result]...it easily could have drafted the statute that way.”)

language about proximity to coastal water bodies.¹⁵ Notwithstanding this fact, the Cui Family has revised the Project to avoid development activities within 100 feet of coastal waters to comply with the County's Coastal Land Use policies and Public Resources Code section 30610.5(b).

Therefore, pursuant to MCC section 20.70.030(B)(1), the County Community Development Director can find that Project qualifies for a categorical exclusion under Order E-81-6 and applicable law.

III. STATE DENSITY BONUS LAW

State Density Bonus Law was enacted in 1979 with the aim to address California's affordable housing shortage. (*Latinos Unidos Del Valle De Napa Y Solano v. County of Napa* (2013) 217 Cal.App.4th 1160, 1164.) It requires cities to adopt an ordinance to implement state law and preempts any inconsistent local provisions. (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 771 [citations omitted] ("*Bankers Hill*").) Importantly, State Density Bonus Law must be "interpreted liberally in favor of producing the maximum number of total housing units." (Gov. Code, § 65915(r).)

By providing deed restricted parcels for affordable housing, the Project is entitled to benefits under State Density Bonus Law that the County must interpret in harmony with Order E-81-6 and applicable County coastal policies.

As discussed in Section I, above, the Project provides five (5) lower income affordable lots and commits to paying an in-lieu affordable housing fee consistent with the guidance provided by the County in its April 11, 2024 pre-application review letter. Complying with these affordability requirements entitles the project to a 35 percent density bonus over the otherwise allowable base density, which allows the development of the proposed 37 lots. (MCC, §§ 20.22.020, 20.24.020; Gov. Code, § 65915(f), (f)(5); *Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 554-555.) In addition to bonus density, qualifying projects receive concessions/incentives, waivers/reductions in development standards, and reduced parking ratios under Density Bonus Law and the MCC.¹⁶

¹⁵ Order E-81-6, ¶ I ("The exclusion shall not apply to tide and submerged land, beaches and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, potential public trust lands as identified by the State Lands Division in the trust claims maps, wetlands as identified in the power plant siting wetland resource maps.") Further, Paragraph IV.3 of Order E-81-6 specifies that the County must develop maps to show areas of actual or potential public trust as part of implementing Order E-81-6. The Cui Family is not aware of any maps identifying coastal water public trust impacts on the Property.

¹⁶ As a proposed subdivision, the Project does not presently request parking ratios under Density Bonus Law; however, it reserves the right to request the specified parking ratios as needed.

The proposed five (5) lower income lots entitle the project to two concessions/incentives. (MCC, § 20.24.020, Tab. 3-5c; Gov. Code, § 65915(d)(2)(B).) A concession/incentive for the Project could include:

- (a) a reduction in site development standards or modification of zone code requirements or architectural design requirements that exceed the building code requirements, including, but not limited to, reduced setbacks and square footage requirements; or
- (b) other incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing.

(MCC, § 20.24.020(C)(1)(a), (c); Gov. Code, § 65915(d), (k)(1), (3).)

A “site development standard” includes setbacks, height limitations, and other requirements imposed by “any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.” (*Bankers Hill*, 74 Cal.App.5th at 770; Gov. Code, § 65915(k)(1), (o)(1).) The County cannot deny the requested concession/incentive unless it makes certain specified findings. (Gov. Code, § 65915(d).) Granting of a concession/incentive does not “require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval.” (Gov. Code, § 65915(j)(1).)

State Density Bonus Law also entitles the Project to unlimited waivers or reductions in development standards. (MCC, § 20.24.020(C)(4); Gov. Code, § 65915(e).) In effect, the County may not impose a “development standard” that will have the effect of physically precluding the construction of the development with the density bonus and requested incentive/concession, unless it can make narrow findings. (*Bankers Hill*, 74 Cal.App.5th at 770; Gov. Code, § 65915(e).) “Development standard” is defined to include a site or construction condition, including, but not limited to, an open space requirement, a setback requirement, or a minimum lot area per unit requirement that applies “pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation . . .” (Gov. Code, § 65915(o)(2).)

State Density Bonus Law does not supersede the California Coastal Act but “[a]ny density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under [State Density Bonus Law] **shall be permitted in a manner that is consistent with** [State Density Bonus Law] and [the California Coastal Act].”¹⁷ (Gov. Code, § 65915(m) [emphasis added].) The Coastal Commission also cannot reduce the density of a qualifying project if the “density sought is within the permitted density or range of density established by local zoning plus the

¹⁷ When competing statutory schemes apply to an application, agencies must harmonize the statutes by reconciling inconsistencies to give force and effect to all the statutes provisions. (*Linovitz Capo Shores LLC v. California Coastal Comm.* (2021) 65 Cal.App.5th 1106, 1117 [harmonizing the California Coastal Act with Mobilehome Parks Act].)

additional density permitted under [State Density Bonus Law].” (Pub. Res. Code, § 30604(f).) The California Coastal Act also acknowledges the importance for the Commission “to encourage . . . the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.” (PRC, § 30604(h).) County Coastal Land Use Policy C-HS-9 recognizes the need to harmonize State Density Bonus Law with the California Coastal Act by authorizing density bonuses for affordable housing in the coastal zone consistent with State Density Bonus Law when such increases are consistent with the County’s Local Coastal Program.

In evaluating the Project’s consistency with Order E-81-6 and applicable County Coastal Land Use Plan and Coastal Zoning Code provisions, the County must apply State Density Bonus Law to encourage the development of affordable housing within the coastal zone. The Cui Family firmly believes that the Project can be found consistent with all applicable requirements without use of the State Density Bonus Law concessions/incentives or waivers or reductions of development standards to which it is otherwise entitled. If the County identifies potential inconsistencies with the Project and applicable provisions of Order E-81-6, the Coastal Land Use Plan, or Coastal Zoning Code provisions, however, the Cui Family reserves the right to bring to bear the benefits of State Density Bonus Law to the Project in a manner consistent with State Density Bonus Law and the County’s Local Coastal Program.

* * *

In closing, California continues to experience a housing crisis that “threatens the economic, environmental, and social quality of life in California.” (Gov. Code, § 65589.5(a)(1)(A).) The County’s 2023-2031 Housing Element (“Housing Element”) identifies four goals: (1) use land efficiently, (2) meet housing needs through a variety of housing choices, (3) ensure leadership and institutional capacity, and (4) combat housing discrimination, eliminate racial bias, undo historic patterns of segregation.

With these goals firmly in mind, the Cui Family’s Project promotes Goals (1), (2), and (4) by efficiently developing coastal zone parcels within an existing categorical exclusion area, providing an opportunity for appropriately sized, for-sale lots affordable to lower income and above-moderate income households, and creating new parcels in an exclusive portion of the County. Not only will the Project help the County achieve the Housing Element’s identified need of approximately 1,734 lower income and 1,323 above-moderate income housing units before 2031, but it will also create five (5) lots affordable to lower income households and over 32 lots for above moderate income households in an area that has seen extremely limited development.¹⁸ In fact, it would be interesting to determine

¹⁸ County, 2023-2031 Housing Element (Jan. 24, 2024) Tab. H-2.2, available at https://www.marincounty.gov/sites/g/files/fdkgoe241/files/2024-05/2023-2031_marincounty_housingelement_chapter2.pdf

Ms. Megan Alton
Planning Division, Marin County
January 21, 2025
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whether the County has ever approved a land division under Order E-81-6 since it was adopted by the Commission 42 years ago.

By helping the County deliver 37 new homeownership opportunities, the Cui Family's Project can be found consistent with the County's Housing Element, Coastal Land Use Plan and Zoning Ordinance and Order E-81-6.

We appreciate the opportunity to provide this analysis to further the Cui Family's Project application. Please do not hesitate to contact me if you have any additional questions. We look forward to continuing to work with the County to bring new housing opportunities to Point Reyes Station.

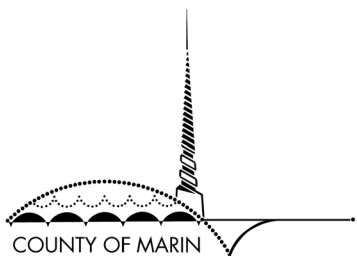
Sincerely,



Mack Carlson

Copy to: Mr. Yan Cui
Dr. Xiaoqing Zeng, Stetson Engineers
Mr. Adam Kooieгна, Hofman Planning
Mr. Ryan Waterman, Brownstein Hyatt Farber Schreck, LLP

Attachment 1



April 11, 2024

Xiaoqing Zeng
Stetson Engineers Inc
2171 E. Francisco Blvd, Suite K
San Rafael, CA 94901

RE: CUI Family Trust ETAL Pre-Application
Vacant Lots 11680 State Route 1, Point Reyes Station
Assessor's Parcel 119-050-04, -09, 119-140-03, -09
Project ID P4403

Dear Xiaoqing Zeng,

In response to your pre-application, I have reviewed the above-referenced property and proposed subdivision concerning conformance with the standards in the Marin Countywide Plan (CWP), the Local Coastal Program (LCP), the policies in the Point Reyes Station Plan Area, and the Zoning Regulations applicable to the project sites. This letter provides the Planning Division's comments regarding zoning and permit requirements, plan consistency, environmental consideration, and development issues associated with the conceptual tentative parcel map and submitted. These comments relate to the general information provided with your pre-application; other issues may arise after more specific materials are submitted with the application. The pre-application submittal was transmitted to the California Coastal Commission, North Marin Water District, Marin County Fire Department, County of Marin Department of Public Works - Land Development, Community Development Agency (CDA)-Environmental Health Services, CDA-Environmental Planning, and CDA-Housing. The comments received from those agencies are attached for your review.

PROJECT SUMMARY

Based on your pre-application materials, I understand the project would entail subdividing approximately 82.32-acres into 27 lots in Point Reyes Station. The 82.32-acres are contained within Assessor's Parcel 119-050-04, -09, and 119-140-03 and -09. The proposed lots could potentially range in size from 1.49 acres to 5.89 acres. Development associated with the subdivision could include roadway improvements, driveways, utility installation and maintenance areas, vegetation removal, and general grading to accommodate site improvements.

PROJECT SITE BACKGROUND AND EXISTING CONDITIONS

The subject property is located within the unincorporated area of Marin County, within village limit boundaries of the community of Point Reyes Station. The project site is undeveloped and some portions of the property appear to contain informal hiking and equestrian trails. Historically the

property may have been used for agricultural purposes, and some agricultural use (e.g., grazing) could still be occurring. Properties adjacent to the project site are developed with single family residences and accessory structures. Adjacent lots to the north and east are undeveloped and used for agricultural purposes. To the south is Point Reyes Petaluma Road and rural residential lots, mostly over an acre in size, are located to the west of the site. The project site also appears to include multiple water courses, ponds and/or wetlands, which could potentially be considered Environmental Sensitive Habitat Areas (ESHAs) under the County's Local Coastal Program (see discussion below).

The County GIS Database provides the following information:

1. The project site is located within an Urban Wildland Interface;
2. The project site is located within the Coastal Zone;
3. The project site is located within the Point Reyes Station Village Limit Boundaries;
4. The project site includes water courses;
5. The project site may include terrestrial and wetland ESHAs;
6. The project site is not located within the Ridge and Upland Greenbelt (RUG);
7. The project site includes small portions of high archaeological sensitivity;
8. The project site is in Zone 2 for moderate seismic shaking; and,
9. The project site is in a moderate fire hazard severity zone.

MARIN COUNTYWIDE PLAN DESIGNATION AND POLICIES

The Marin CWP is the governing general plan for the unincorporated areas of the County and establishes goals, policies, and programs that govern existing and future land uses and developments. The CWP also includes adopted community area plans as they pertain to specific unincorporated communities. The property is within the Coastal Corridor, which is primarily designated for open space, recreational uses, agriculture, and the preservation of existing coastal communities.

Existing CWP Land Use Designation

The project site is subject to the CPW's C-AG3 (Agricultural 3) land use designation. The C-AG3 land use category was established for residential use within the context of small-scale agricultural and agriculturally related uses. According to Map 7.5 Point Reyes Station Land Use Policy Map the density associated with C-AG3 is 1 unit per every 1 to 9 acres.

The CWP contains numerous environmental quality and community development policies which will apply to future development of the project site. The CWP includes policies that are intended to protect existing vegetation and animal habitats, maintain unique geological, ecological, and archaeological sites, and preserve native trees and oak woodland habitat, streams and riparian systems, and shorelines. The policies encourage development to be designed and sited to preserve agriculture and protect natural resources. In addition, community development policies specify that new structures should be designed to avoid environmental constraints, such as wetlands and streams.

All of the policies and programs in the CWP are important and should be reviewed carefully. In particular, please note the following policies:

- **CWP Policy AG-5** calls for subdivisions of agricultural lands to maintain agricultural operations and the density may be reduced based on site characteristics such as topography, soil, water availability, and the capacity to sustain viable agricultural operations.
- **CWP Policies BIO-1.1, BIO-3.1, and BIO-4.1** calls for the protection of habitat for special status species, sensitive natural communities and wetlands.
- **CWP Policies WR-2.1, WR-2.2, WR-2.3, and WR-2.4** calls for reduction of runoff and avoidance of soil erosion and discharge of sediments into surface runoff. CWP Policies WR-2.2 and 2.3 require that projects are designed to avoid erosion and sedimentation and to comply with the standards and best management practices required by the Department of Public Works.
- **CWP Program DES-4.c:** Ensure that the mass and scale of new structures respect environmental site constraints and character of the surrounding neighborhood, are compatible with ridge protection policies, and avoid tree-cutting (especially on wooded hillsides) and grading wherever possible.

Point Reyes Station Community Plan

The subject property is located within the Point Reyes Station Community Plan area, which was first adopted in 1976 and amended in 1986 and in 2001. Point Reyes Station Community Plan sets forth goals and policies to guide decision-makers in evaluating development based on the unique concerns, characteristics, and challenges. The Point Reyes Station Community Plan includes the following key implementation policies pertinent to the proposed project:

- **Policy PA-3.5:** Diversity in Lot Sizes and Building Densities. Encourage diversity in lot sizes and building densities in the Planning Area as a whole and within each zoning district (subject to the district's minimum lot size requirements).
- **Policy PA-3.6:** Affordable Housing. Encourage development of additional affordable housing for persons employed locally.
- **Policy PA-3.7:** Compatible Design. New commercial or residential construction shall be compatible in scale (bulk and height), style and social character with the existing visual character of the community.
- **Policy PA-3.8:** Rural Improvement Standards. Improvements such as roads, driveways, parking areas and residential and commercial lighting should be compatible with the rural environment. For example, the use of gravel instead of asphalt as cover for parking areas is encouraged. Outdoor lighting shall serve the safety of ingress and egress but shall not detract from the enjoyment of the natural nightscape.
- **Policy PA-3.9:** Landscaping. Landscaping proposals should be evaluated carefully in terms of the long-range effect on the natural and built environment of the immediate neighborhood, especially in the Downtown Area, and on the Planning Area as a whole. The requirement of wind breaks shall be discontinued and the effect of any proposed wind breaks (at maturity) on sunlight, coastal views, and traffic safety (visibility) taken into

account. New wind breaks along Highway 1 should be prohibited to preserve coastal views.

- **Policy RL-3.2: General Criteria for New Development.** New residential development should meet the following general criteria: a) Minimize disturbance of the natural environment (including topography) of the site; b) Preserve existing views from public roads and surrounding properties towards major visual resources such as Tomales Bay, Inverness Ridge, Black Mountain and other open space lands surrounding the Planning Area; c) Protect the sun light, views and privacy of adjacent properties; and d) Preserve the existing rural community character.
- **Policy RL-3.3: Specific Criteria for New Development.** New residential development should meet the following specific criteria:

The Point Reyes Station Community Plan includes other policies and regulations that may effect the design and implementation of the proposed project. You should carefully read the Point Reyes Station Community Plan and should be used for information and as a guide.

MARIN COUNTY LOCAL COASTAL PROGRAM-LAND USE PLAN

The Marin County Local Coastal Program (LCP) is comprised of a land use plan and Coastal Zoning Code for the County's coastal areas. The LCP was mandated by the California Coastal Act of 1976 which established a statewide coastal management program to ensure that coastal resources are properly utilized and protected. The Marin County LCP-Land Use Plan contains policies that are intended to protect and promote public access to the County's coastal areas, promote and encourage recreation and visitor serving facilities, protect, maintain, and promote appropriate development and access to federal parklands, protect resources including streams and riparian habitats, wetlands and coastal dunes and agricultural lands, and ensure adequate and appropriate public services as well as land use and new development.

There are several policies contained in the Biological Resources section of the Marin County LCP Land Use Plan that likely apply to the project. The relevant policies are summarized below.

- The **Agriculture** section of the Marin County LCP Land Use Plan is intended to protect agricultural land, continued agricultural uses, family farming, and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, facilitating multi-generational operation and succession, prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone, and other innovative means. Policies that could be applicable to your project are listed below.
 - **Policy C-AG-3 Coastal Agricultural Residential Planned Zone**
 - **Policy C-AG-6 Non-Agricultural Development of Agricultural Lands**
- The **Biological Resources** section contains numerous policies for the protection of biological resources. A Biological Site Assessment would be required to confirm the location and extent of ESHAs, document site constraints and the presence of other sensitive biological resources, recommend environmental buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis, and modifications appropriate to protect the resource. Use of the Biological Site Assessment and application

of these policies will aid in the appropriate creation and placement of lots, building envelopes and other associated development to ensure biological resources are avoided to the extent feasible. Please review all policies in this section of the LCP Land Use Plan.

- The LCP Land Use Plan's **Water Resource** policies aim to improve the protection of coastal waters by addressing all phases of development, including design, construction, and post-construction maintenance of facilities. LCP Land Use Plan policies incorporate the concept of Best Management Practices, in order to acknowledge continuing improvements in technology and development practices. The following policies are likely to apply to the project:
 - **Policy C-WR-1 Water Quality Protection and Biological Productivity**
 - **Policy C-WR-2 Water Quality Impacts of Development Projects**
 - **Policy C-WR-3 Storm Water Runoff**
 - **Policy C-WR-4 Grading and Vegetation Removal**
 - **Policy C-WR-15 Construction-Phase Pollution**
 - **Policy C-WR-16 Construction Non-sediment Pollution**

- The **Community Design** section of the LCP Land Use Plan includes policy to ensure compatible structure design, and to ensure significant views to and along the coast are protected, and the preservation of visually prominent ridgelines. The following policies are likely to apply to the project:
 - **Policy C-DES-2 Protection of Visual Resources**
 - **Policy C-DES-3 Protection of Ridgeline Views**
 - **Policy C-DES-4 Limited Height of New Structures**
 - **Policy C-DES-6 Underground Utilities**
 - **Policy C-DES-10 Prohibition of Gated Communities**

- The **Community Development** section of the LCP Land Use Plan provide for improved resource protection that will reduce impacts of the built environment on Coastal Zone resources. The following policies are likely to apply to the project:
 - **Policy C-CD-1 Location of New Development**
 - **Policy C-CD-2 Appropriate New Development**

- The **Community Specific Policies** section of the LCP Land Use Plan includes policies specific to Point Reyes Station as discussed above. Future development of homes on the created lots would be subject to these policies; therefore, lot creation should be mindful of all policies in this section.

- The **Housing** section of the LCP Land Use Plan provides several measures to address low- and moderate-income housing needs in the Coastal Zone, such as affordable housing provisions. LCP Land Use Plan **Policy C-HS-2** requires 20 percent of the total number of lots to be affordable, which is consistent with Marin County Code Chapter 22.22.

- The **Public Facilities and Services** section of the LCP Land Use Plan includes policies related to community services facilities including water, septic and roads. The following policies are likely to apply to the project:
 - **Policy C-PFS-1 Adequate Public Services**

- **Policy C-PFS-2 Expansion of Public Services**
 - **Policy C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses**
 - **Policy C-PFS-6 Sewage Disposal Systems and Protection of Water Quality**
 - **Policy C-PFS-8 Sewage Disposal Systems Requirements for New Lots**
 - **Policy C-PFS-9 Preference for On-Site Individual Sewage Disposal Systems**
- The **Transportation** section of the LCP Land Use Plan is intended to preserve the visual quality of the coast, by maintaining Highway One as a two-lane scenic road and to minimize the impacts of roads on wetlands, streams, and the scenic resources of the Coastal Zone. LCP Land Use Plan **Policy C-TR-6** encourages new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities.
 - The **Historical and Archaeological Resource** section of the LCP Land Use Plan includes policies for the protection of archaeological and paleontological resources. While the subject properties are outside of the Point Reyes Station Historic Village area, the project would likely require an Archaeological Resources report identifying impacts and appropriate mitigation measures consistent with **Policy C-HAR-2**.

ZONING REGULATIONS

The subject property is governed by the C-ARP-3 (Coastal Agricultural Residential Planned Zone) zoning designation, which permits a maximum density of one dwelling unit per three acres. The C-ARP district applies to lands adjacent to residential areas in the Coastal Zone that have potential for agricultural production but promote the concentration of residential development to maintain the maximum amount of land available for agricultural use. The C-ARP district provides flexibility in lot size and building locations in an effort to concentrate development to maintain the maximum amount of land for agricultural use, and to maintain the visual, natural resource and wildlife habitat values of subject properties and surrounding areas. The C-ARP district requires that proposed development be clustered in the most accessible portion of the site.

Coastal Zoning Code section 20.65.050.d includes the following standards for subdivisions in the C-ARP Zoning District that should be taken into consideration:

1. Land division applications shall include information demonstrating to the Director that the design of proposed parcels provides the maximum feasible concentration of clustering.
2. Clustered development shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important wildlife habitat areas.
3. Development clusters shall also be located to maintain the visual resources and environmentally sensitive areas of the site and surrounding areas.
4. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.

Coastal Zoning Code section 20.70.190.B includes the following standards for subdivision:

1. Land divisions shall be designed to minimize impacts on coastal resources. A land division shall not be approved if it creates a parcel that would not contain an identified building site that can be developed consistent with all policies of the certified LCP.
2. Land divisions outside existing developed areas shall be permitted only in areas with adequate public services, and where they will not have a significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions outside village limit boundaries shall only be permitted where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding legal parcels, except that lease of a legal parcel at a level of agricultural use that will sustain the agricultural capacity of the site is not prohibited, and lot line adjustments that do not increase potential development intensity are allowed.
3. Land divisions shall be designed to cluster development in order to minimize site disturbance, landform alteration, and fuel modification.
4. Land divisions are development that is not designated as the principally permitted use in any zoning district.

As noted above, the subject property is within the Point Reyes Station Village Limit boundaries. Subdivision requirements can be found in Marin County Code Chapter 22.80, and the project would be subject to the subdivision design standards also contained in Chapter 22.82.

Pursuant to section 22.22.090, twenty percent of the lots or units must be dedicated as below market rate units. Those units must be similar to the other units in the subdivision, including having a consistent number of bedrooms.

PERMIT REQUIREMENTS

Marin County has a rigorous process to evaluate proposed development that can be time consuming and expensive with no guarantee of the end results that the property owner may desire. The discretionary applications described below could result in approval of the project as proposed, approval of an amended project, or denial.

Several application types will be required for the proposed project or a project similar in scale. As the project involves the subdivision of the site, approval of a Tentative Map application, (and subsequent Final Map approval) would be required for the proposed project. The County's subdivision requirements can be found in Coastal Zoning Code section 20.70.190 and in Chapter 22.80 of the Marin County Development Code; please note that the County's subdivision design standards can also be found Chapter 22.82 of the Marin County Code.

The Marin County Coastal Zoning Code section 20.68.030 definition for "development" includes the "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land..." Therefore, a subdivision requires Coastal Development Permit approval.

Pursuant to Coastal Zoning Code section 20.62.040.C it is likely that a proposed subdivision would be subject to Master Plan approval because the project would not exhaust the residential development potential on the property. Upon submittal of your application, staff will determine if additional planning applications are required.

SUBMITTAL REQUIREMENTS AND REVIEW PROCESS

Please refer to the attached Planning Application Guide, Planning Application Submittal Checklist, and the following list of submittal requirements to help you prepare the required plans, materials, and information necessary to process the application. In general, any application submitted must include appropriate plans for the contemplated development of the entire site. Submitting a complete application is the key to being able to process your application quickly. This checklist describes all the plans, documents, and other information necessary to prepare a complete application. In addition to the items marked as “required” under Coastal Development Permit, Master Plan and Tentative Maps in the submittal checklist, the items listed in the section below will also be required for the proposed project.

As part of the initial application submittal, you will need to prepare an Affordable Housing Plan, which describes how the project will comply with Marin County Code section 22.22.020, which requires that 20 percent of the proposed lots or residential units be deed restricted as below market rate units.

ENVIRONMENTAL REVIEW

At this time, there is not enough information to determine whether an environmental document would be required for the project as proposed. The environmental review determination is made after a complete planning application has been submitted to the Planning Department, the appropriate staff have reviewed the relevant technical documents, and the Environmental Planning Manager has made a determination whether an environmental document would be required.

If the proposed project is found to have a potentially significant impact and is subject to environmental review under the California Environmental Quality Act requirements, the project will be evaluated via the following environmental topical areas of study as part of a larger document: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards, and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities, and Service Systems, and Wildfire. Based on a preliminary and limited analysis of the project information contained in the pre-application materials, we would require at a minimum the following studies:

- Arborist Report
- Geotechnical Report
- Biological Site Assessment Report
- Cultural Resources Assessment Report
- Grading and Drainage Plan

- Development Envelopes
- Landscape and Vegetation Management Plan
- Evidence of Water Supply/Hydrology Report
- Traffic and Circulation Study
- Affordable Housing Plan
- Construction Program

Additional fees will be required as part of the environmental review study, and the County will hire a qualified environmental consultant to complete the environmental review document for the proposed project. The preliminary suggestions listed above regarding required technical reports are not meant to be all-inclusive, and additional reports may be necessary as part of the environmental review process.

CONCLUSION

As proposed, the project would require the submittal of Coastal Development Permit, Tentative Subdivision Map, and Master Plan application. The County reserves its right to determine if additional discretionary applications would be required upon receipt of the final application. Submittal of these applications with accompanying required submittal materials, plans, and studies as discussed above will provide Planning staff and other reviewing agencies an opportunity to understand the proposed development and land uses. To recommend approval, staff will need to make consistency determinations regarding pertinent LCP, County policies and zoning regulations.

County staff recognizes that the proposed project represents a unique opportunity to create housing in western Marin County. Therefore, we recommend that you carefully review the proposed project in light of the relevant policies listed above, in particular with those policies related to density and preservation of agricultural lands. The subject property is within the Point Reyes Station Village Limit boundaries and the proposed density would be below the density range allowed by the Countywide Plan Land Use Designation and the zoning.

We recommend that you carefully design the proposed project to cluster the residences away from sensitive coastal resources, in areas that minimize visual prominence, and allow a significant proportion of the site to remain in agricultural production. The proposed lots should be designed such that boundaries are easily discernible and respect environmental, topographic, and site conditions. Lots will not be approved unless they are developable and reasonably accessible.

Additional studies will be needed to further inform your proposal with regard to utility capacity and setbacks, which will in turn inform where development is feasible on the proposed lots. I have included attachments from other local agencies containing comments and requirements.

Please call me at (415) 473-6235 or send an e-mail to megan.alton@marincounty.gov if you have any questions regarding this letter or the application process for this proposal.

Sincerely,

Megan Alton

Megan Alton
Senior Planner

cc: {Via email}

Michelle Levenson, Principal Planner
Jeremy Tejirian, Deputy Director
Yan Cui

Attachments:

1. Response from the California Coastal Commission, February 22, 2024
2. Response from Marin County Fire Department, February 22, 2024
3. Response from the North Marin Water District, February 23, 2024
4. Response from the Department of Public Works, February 27, 2024
5. Planning Application Guide Link - https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/planning-applications/planning-division-application-guide_v4.pdf
6. Planning Application Submittal Checklist - https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/planning-applications/planning-division-application-submittal-checklist_v7_may-2023.pdf

From: Velasquez, Leslie@Coastal
To: Megan Alton
Cc: Martinez, Erik@Coastal; Rexing, Stephanie@Coastal; KoppmanNorton, Julia@Coastal
Subject: RE: Preapplication Transmittal - CUI Family Trust ETAL
Date: Thursday, February 22, 2024 11:26:27 AM

You don't often get email from leslie.velasquez@coastal.ca.gov. [Learn why this is important](#)

Hi Megan,

It's nice to virtually meet you, I'm the new coastal planner for Marin County at the Coastal Commission.

Thank you for sending this submittal along. From my understanding the project proposes to subdivide four lots into 27 new lots in Point Reyes Station and is asking to apply Categorical Exclusion Order E-81-6. I have taken a look at the information provided and have the following concerns/questions:

1. **Sensitive Habitat Areas and Categorical Exclusion:** Figure 7 in the Preapplication Submittal packet shows that many of the proposed subdivided lots will be within sensitive habitat buffer areas. Condition 8 of the Categorical exclusion order states that the order does not exempt any development within 100 feet of any coastal body of water, stream, or wetland. Therefore, we don't believe this project qualifies for the exemption given that most, if not all, of the parcels proposed will overlap with sensitive habitat areas and aquatic resources and their related buffers.
2. **Future development.** Additionally, please describe what use is being proposed for these parcels given their limited area for development.

Let me know if you have any questions.

Best,
Leslie

From: Megan Alton <Megan.Alton@MarinCounty.gov>
Sent: Friday, February 2, 2024 11:13:51 AM
To: KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>; Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>; Martinez, Erik@Coastal <erik.martinez@coastal.ca.gov>
Subject: Preapplication Transmittal - CUI Family Trust ETAL

Hello,

Please find the attached Transmittal for the CUI Family Trust ETAL Preapplication in Point Reyes Station.

Please note that I have requested comments by February 26, 2024.

Thank you,

Megan Alton
SENIOR PLANNER

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 6235 T
415 473 7880 F
megan.alton@marincounty.gov

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

From: [FireSubmittals](#)
To: [Megan Alton](#)
Subject: RE: Preapplication Transmittal - CUI Family Trust ETAL
Date: Thursday, February 22, 2024 1:57:18 PM
Attachments: [image001.jpg](#)
[image002.png](#)

Hi Megan,

There's not much for us to review and comment on...I will say that with the terrain there, it is going to be difficult to provide code-complying access to some of the parcels. Until they start providing details regarding the infrastructure (roadways, driveways, and water/hydrant distribution), there's not much for us to say.

Let me know if you have any questions.

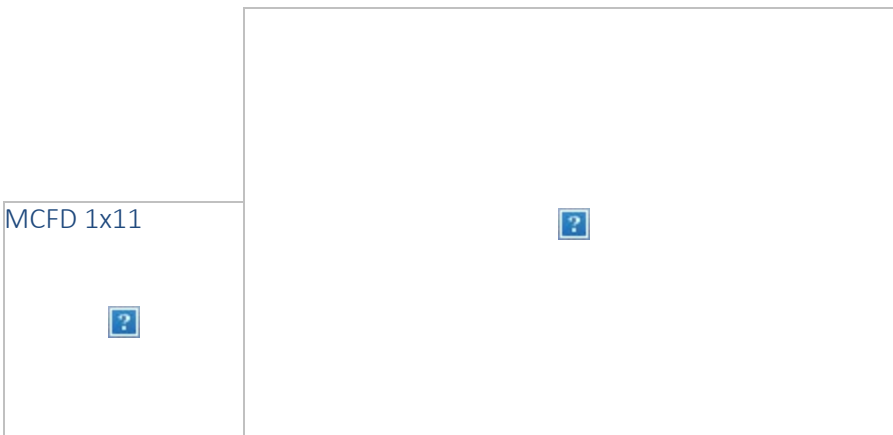
Regards,

Scott D. Alber, PE, EFO, CFO, FM, MIFireE
BATTALION CHIEF/FIRE MARSHAL

Marin County Fire Department
PO Box 518/33 Castle Rock Avenue
Woodacre, CA 94973
415.473.6566 T
415.473.2969 F
415.717.1520 M
CRS Dial 711
scott.alber@marincounty.gov

****Please note my new email address scott.alber@marincounty.gov****

Follow us on Facebook and Twitter



From: Megan Alton <Megan.Alton@MarinCounty.gov>
Sent: Friday, February 2, 2024 10:11 AM
To: FireSubmittals <firesubmittals@marincounty.org>
Subject: Preapplication Transmittal - CUI Family Trust ETAL

Hello,

Please find the attached Transmittal for the CUI Family Trust ETAL Preapplication in Point Reyes Station.

Please note that I have requested comments by February 26, 2024.

Thank you,

Megan Alton
SENIOR PLANNER

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
415 473 6235 T
415 473 7880 F
megan.alton@marincounty.gov



February 23, 2024

COUNTY OF MARIN
Community Development Agency – Planning Division
Attn: Megan Alton, Senior Planner
3501 Civic Center Drive
San Rafael, CA 94903-4157

Re: CUI Family Trust ETAL Preapplication
Project ID P4403
APN 119-050-04, -09, 119-140-03 & -09
Vacant Lots near 11680 State Route 1, Point Reyes Station

Ladies and Gentlemen:

Thank you for the opportunity to review and comment on the subject preapplication and planning division transmittal dated February 2, 2024. North Marin Water District (District) has reviewed the application material and has the following comments:

- 1) The District has verified that construction of new water distribution facilities is required before water service can be provided to the above referenced project.
- 2) The District requires the owner (or developer) to submit an application and advance funds prior to further analysis by the District. The advance funds cover District staff time for planning and engineering work associated with this project. Please visit <https://nmwd.com/business/engineering-services/> to apply with the District.
- 3) Prior to providing water service, the applicant will need to enter into an agreement with the District and complete financial arrangements for construction of new water facilities, as needed. Depending on final site improvement and their potential impacts to District facilities and operations, additional requirements and associated costs may be imposed or incorporated into the agreement. At a minimum, the following conditions will be required
 - a. The District will be given final building permit inspection hold for confirmation that all requirements of the project are satisfied; and
 - b. Occupancy approval shall not be granted until water service installation is complete and compliance with the Water Conservation requirements verified; and
 - c. Water service will not be furnished to any building unless it is connected to a public sewer system or to a wastewater disposal system approved by all government entities having regulatory jurisdictions.
- 4) The project must conform to the District's Mandatory Water Conservation Measures. For the full scope of the required water conservation measures for both indoor fixtures/appliances and landscaping refer to District Regulation 17 (section e. and f.) at www.nmwd.com/about/regulations/.

- 5) Installation of above-ground, reduced pressure principle (RPP) backflow prevention devices may be required on this project in accordance with District Regulation 6 at www.nmwd.com/about/regulations/ and California Department of Health Regulations (Title 17).

Should you have any questions regarding this matter, please contact our Engineering Services Representative at (415) 761-8935.

Sincerely,



Lia Solar
Engineering Services Rep.

Cc: Fire Marshal
Marin County Fire District
P O Box 518
Woodacre, CA 94973

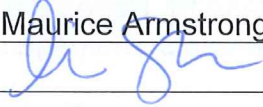
Xiaoqing Zeng
Stetson Engineers Inc.
2171 E. Francisco Blvd. Ste. K
San Rafael, CA 94901Ple

Yan Cui
15906 Via Pato
Rancho Santa Fe, CA 92067

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum

<p>DATE: <u>2/27/24</u></p> <p>TO: <u>Megan Alton</u></p> <p>FROM: <u>Maurice Armstrong</u></p> <p>APPROVED: <u></u></p> <p>RE: <u>CUI Family Trust Etal</u> <u>Pre-Application P4403</u></p> <p>APN: <u>119-050-04, -09, 119-140-03, -09</u></p> <p>ADDRESS: <u>Vacant lots near 11680 State Route</u> <u>1, Point Reyes Station</u></p>	<p>DUE: <u>2/26/24</u></p> <p><u>TYPE OF DOCUMENT</u></p> <p><input type="checkbox"/> DESIGN REVIEW</p> <p><input type="checkbox"/> COASTAL PERMIT</p> <p><input type="checkbox"/> LAND DIVISION</p> <p><input type="checkbox"/> VARIANCE</p> <p><input type="checkbox"/> USE PERMIT</p> <p><input type="checkbox"/> ADU PERMIT</p> <p><input type="checkbox"/> ENVIRONMENTAL REV.</p> <p><input checked="" type="checkbox"/> OTHER: Pre-Application</p>
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DPW has reviewed the Pre-Application Request and the accompanying documents and offers the following comments. As the plan presented is conceptual, the comments offered are general in nature. Forthcoming applications shall conform to the submittal requirements outlined in the Planning Application Submittal Guide, prepared by CDA. Note that all improvements shall conform to Title 24 of the Marin County Code (MCC) or as approved by DPW, and the Fire Department.

1. **Provide a Master Plan Exhibit:** if a master plan application is required provide a diagram that provides parameters for future development. Refer to item 22 of the Planning Application Submittal Guide for further information.
2. **Provide a site plan for the proposed development:** In addition to the information regarding the existing site such as watercourses and waterbodies, provide all details for all aspects of on-site development such as development envelopes, septic and leach field envelopes, driveways, hydrants, utilities, access paths, entry gate, fences, lighting, retaining walls, etc. Dimension all aspects of improvements for comparison with code requirements. Any proposed offsite development, such as signage or intersection improvements, shall also be presented.
3. **Geotechnical:** Provide a preliminary geotechnical report or evaluation prepared by a Registered Civil Engineer with soils engineering expertise or a Registered Geotechnical Engineer. The report must attest to the suitability and geological feasibility of the proposed construction and identify any drainage or soils problems that the design of the project must accommodate. Report shall comment on and depict areas of slides or other instability.

4. **Parking and Access:** Plans shall provide detailed information on access to the site from State Route 1 and Pt. Reyes Petaluma Rd. **Roadway Improvements shall conform to Marin County Code § 24.04 Section I. Roads** (Marin County Code § 24.04.020 – 24.04.230).
- a. Show the entire width of the State Route 1 and Pt. Reyes Petaluma Road right of way along the frontage of the subject property, including all roadway improvements (road surface, curb, gutter, striping, signage, drainage improvements), and road side drainage.
 - b. Identify improvements associated with connecting the road for the new subdivision to the travel way on State Route 1 and Pt. Reyes Petaluma Road, including striping, signage, intersection improvements, drainage improvements, etc.
 - i. Coordinate with Caltrans for improvements to State Route 1.
 - c. Identify frontage improvements along Pt. Reyes Petaluma Road for a class IIr Bicycle Shoulder.
 - d. Identify the width of the proposed right of way, width of the proposed travel way, curb, gutter and sidewalk; provide a typical cross section of the proposed road.
 - e. Identify the slope of the proposed roads and driveways.
 - f. Clarify potential connection to Water Tank Road via an easement on parcel 17.
 - g. Provide a sight line diagram for the proposed intersection at Pt. Reyes Petaluma Road.
5. **Fire Protection District shall review the plans:** Provide documentation that the road/driveway turnaround design has been reviewed and approved by the Fire Department.
6. **Provide a utility plan:** Show all existing and proposed utilities and indicate where these will tie into the existing services in the right of way. Plans shall clearly indicate the responding fire protection district.
7. **Easements:** all easements shall conform to Marin County Code § 24.05.
8. **Provide a grading plan:** Plan shall provide existing topography in at least 5-foot intervals, proposed grades, delineate the overall limit of site disturbance, list total acreage of site disturbance, label existing and proposed slopes in the areas of construction and provide the cut and fill quantities. Plan shall indicate approved disposal site of excess cut. In addition, natural features and human made improvement shall be shown trees, rock outcrops, slides, creeks, structures, improved driveways, etc.).
9. **Provide a drainage plan:** Plan shall provide existing topography, proposed grading, show and label all existing and proposed drainage improvements, and any drainage easements. Project shall maintain existing drainage patterns and all conduits shall conform to Marin County Code § 24.04.550. Plans must include method of water dispersal for existing and proposed drainage channels and facilities (discharge locations). Include areas of new impervious surfaces.
10. **Hydrology:** Provide a hydrology study that indicates the pre-project and post-project peak runoff rate. The study must demonstrate that drainage improvement will meet Marin County Code § 24.04.520, and the report shall assess whether the proposed project would increase the likelihood of downstream erosion, channel instability or flooding, or other potentially significant impacts to the environment per Marin County Code § 24.04.530.

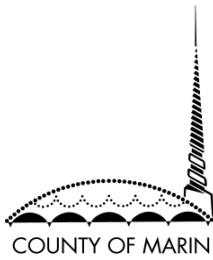
11. **Stormwater Control Plan:** Provide a Stormwater Control Plan as required by Marin County Code § 24.04.627 Permanent Stormwater Controls for New and Redevelopment. Per proposed redevelopment it appears that over 5,000 sqft of impervious area will be created or replaced. You may refer to the BASMAA Post Construction Manual which you can access at the County's website for post-construction stormwater management requirements, publications and resources at: <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/basmaapostconstruction-manual.pdf?la=en>. Refer to appendix D, Template for Regulated Projects
12. **Emergency Access and Evacuation Plan:** An Emergency Access and Evacuation Map shall extend from the subject property to an arterial road and shall include the following:
 - a. Width of the right of way, road prism and the paved roadway and curbs or shoulders
 - b. All horizontal and vertical obstructions
 - c. Alleyways and pedestrian access alignments
 - d. Road profiles and sections for roadway segments exceeding a slope of 15% grade, that show centerline radii, vertical curves, superelevation and grades
 - e. Road surface and structural section
 - f. Turnarounds and turnouts
 - g. Culverts
13. **Trash Management:** Indicate how new residences will be serviced by trash hauler.
14. **Mail Service:** Indicate where mailboxes serving the subdivision will be placed.
15. **Constraints Map:** Provide a map that shows the proposed site boundaries and improvements overlain by environmental constraints and adequate buffers surrounding significant environmental features. Refer to item 12 of the Planning Application Submittal Guide for further information.
16. **Preliminary Title Report:** Provide a current preliminary title report, prepared within the last 6 months and issued from a Title company that reflects the current status of the property and includes all recorded easements and proof of ownership.
17. **Irrevocable offer of a ten-foot strip contiguous with and paralleling State Highway One:** Work with Caltrans who is the appropriate public agency regarding requirements for the offer of dedication.
18. **General Survey comments related to map review:**
 - a. Items required for map review:
 - b. Subdivision Map Review Fee/Deposit pursuant to current review fee schedule for subdivision maps at time of map submittal (current fees attached)
 - c. Copy of a preliminary title report, dated within the past 6 months, identifying owner(s) names (updated title reports may be required during map review)
 - d. Copies of deeds of all exceptions listed in Schedule B of preliminary title report, as requested by County Surveyor
 - e. Copy of vesting deed(s)
 - f. Copies of all reference documents (maps and deeds, etc.) used to perform the field survey and create the subdivision map
 - g. Copy of approved tentative map
 - h. Copy of conditions of approval
 - i. Closure calculations for all lots, figures, etc. as requested by County Surveyor
 - j. Electronic submittal of documents acceptable pending approval by County Surveyor

- k. The above list is only applicable to the Survey Division, and applies only to map review. Additional costs (taxes, recording fees, etc.) to be paid by Applicant prior to map recording. Other fees may apply.

19. Comments have been provided by DPW Traffic Operations Division:

- a. The applicant shall conduct a traffic study to determine the impact of the proposed project on the project connection to Point Reyes Petaluma Road. The study shall include analysis of turning movements, level of service, acceleration lanes, and sight distance. Mitigation measures for any changes to safety or service along Point Reyes Petaluma Road shall be included in the traffic study. The traffic study shall also address any impacts to level of service at the intersection of State Route One at Point Reyes Petaluma Road.
- b. In accordance with Section 24.04.030 of the Marin County Code (MCC) the proposed project street that intersects Point Reyes Petaluma Road will serve three residents, so it is classified as a minor residential road. In Accordance with Section 24.04.110 a minor residential road shall have a paved width of 28-feet.
- c. All roadway improvements including cut slopes and retaining walls shall be contained in the road right of way. Show all cut slopes and retaining walls associated with the roadway improvements on the plans.
- d. Public utilities shall be placed in the road right-of-way or a public utility easement. Show that the proposed roadway easement and/or utility easements have adequate width for all proposed utilities on the plans.
- e. Per MCC 24.04.230 Private Roads shall connect to public roads by means of a driveway approach or alternative feature, approved by the agency, which shall clearly define the limits of each.

-END-



COMMUNITY DEVELOPMENT AGENCY
HOUSING AND FEDERAL GRANTS DIVISION

TO: Megan Alton, Senior Planner

FROM: Aline Tanielian, Senior Planner
Leelee Thomas, Deputy Director

DATE: April 11, 2024

RE: CUI Family Trust ETAL Preapplication
Vacant lots near 11680 State Route 1, Point Reyes Station
Assessor's Parcel 119-050-04, -09, 119-140-03, -09
Project ID P4403

APPLICANT: Xiaoqing Zeng
Stetson Engineers Inc
2171 E. Francisco Blvd, Suite K
San Rafael, CA 94901
xiaoqingz@stetsonengineers.com

DECISIONMAKER FOR THIS APPLICATION: N/A

PROJECT SUMMARY:

The applicant requests Pre-Application review related to potentially subdividing approximately 82.32-acres into 27 lots in Point Reyes Station. The 82.32-acres are contained within Assessor's Parcel 119-050-04, -09, 119-140-03 and -09. The proposed lots could potentially range in size from 1.49 acres to 5.89 acres. Development associated with the subdivision could include roadway improvements, driveways, utilities layout and maintenances areas.

This transmittal replaces the previous transmittal submitted on February 23, 2024, to rectify the applicable policy to the project. This project is located in the Coastal Zone and therefore the Local Coastal Program applies.

LOCAL COASTAL PROGRAM REQUIREMENTS AS OF OCTOBER 2023:

Volume 2 of the Local Coastal Program (LCP) specifies that residential developments in the Coastal Zone consisting of two units or more are subject to Land Use Policy C-HS-3 (Affordable Housing Requirements):

Affordable housing requirement. Residential developments in the Coastal Zone consisting of 2 or more units shall be required to provide 20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction.

Further, Marin County Development Code provides detailed standards for affordable housing units under **§ 22.22.080** (General Affordable Housing Standards):

Units shall be developed using a mix of affordability levels based on Area Median Income, adjusted for household size, as described in Table 3-4b. Required ownership units shall be affordable to households at 35 percent of the household income specified below. Any affordable rental units shall be offered at an affordable rent not exceeding 30 percent of the household income specified below. The housing unit prices shall be established based on applicable income range, the number of bedrooms and consistent with the following:

**TABLE 3-4b
AFFORDABLE HOUSING INCOME RANGES AND ASSOCIATED RENT
LEVELS/SALES PRICE REQUIREMENTS**

Income Category	Income Range	Sales Price Level
Very Low Income	30-50% AMI	To be considered
Low Income	50-80% AMI	65% AMI

Required affordable housing units shall be dispersed throughout the project, and shall contain, on average, the same number of bedrooms as the market rate units in a residential development, and shall be compatible with the exterior design and use of the remaining units in appearance, materials, amenities, and finished quality. Interior appearance, amenities, and finishes shall be of similar design and materials as market rate units. Residential units constructed on behalf of, or funded by a public entity, must comply with the Department of Justice’s *Standards for Accessible Design and other relevant state and federal requirements for accessibility*.

Accessory Dwelling Units and Junior Accessory Dwelling Units cannot be used to satisfy affordable housing requirements.

Accordingly, the County’s inclusionary requirement for this project shall be applied to the proposed base project of 26 new dwelling lots/units. The applicant is therefore required to dedicate five of the proposed homes as affordable, and pay an in-lieu fee of \$145,127 for the fractional unit, as detailed in the following table:

Table 3: Inclusionary housing calculation for residential development			
Project size (# of units/lots)	“Decimal Fraction” Inclusionary Requirement	# Affordable units required	In-Lieu Fee (\$) required
27	5.40	5	\$145,127

The applicant may submit an alternative affordable housing proposal. The proposal must demonstrate a better means of serving the County in achieving its affordable housing goals consistent with Development Code § 22.22.060 (Waivers).

A complete Affordable Housing Plan is required as part of the first application for any development project (§ 22.22.030). The Affordable Housing Plan must contain adequate responses to all applicable questions provided in the below section titled, “Conditions for Approval: Affordable Housing Plan.” Furthermore, it must comply with Development Code § 22.22.080 (General Affordable Housing Standards).

Conditions for Approval: Affordable Housing Plan

1. Description of affordable units:
 - a. Specify provisions for any incentives granted pursuant to Chapter 22.24
 - b. Number of units
 - c. Unit type
 - d. Tenure (rental/ownership)
 - e. Affordability level (ex. 100% extremely-low income)
 - f. Income restrictions for other statutory and regulatory requirements
 - g. Affordable unit cost
 - h. Location (of lot within subdivision)
 - i. Description of the design of all units
 - j. Number of bedrooms and bathrooms
 - k. Size (unit and lot)
2. Construction sequencing and schedule for phased development of units in relation to market-rate units - prior to or concurrent with the construction of the primary project;
3. Provisions for screening of potential purchasers of units,
 - a. Lease-up control mechanisms/Resale control mechanisms,
 - b. Ongoing monitoring and management;
4. Any incentive requested pursuant to Chapter 22.24 (Affordable Housing Incentives), including any additional information specified in that Chapter;
5. Such additional information as may be required by the Director to ensure conformance of the project with Marin County's affordable housing requirements and the Countywide Plan; and
6. *Fair Housing Marketing Plan* – how will the management insure that you comply with all applicable fair housing laws.

Attachment 2

Carlson, Mack

From: Robert Perrera <rperrera@h-bgroup.com>
Sent: Monday, September 30, 2024 10:58 AM
To: Ringuette, Oceane@Coastal; Yan Cui
Cc: Velasquez, Leslie@Coastal
Subject: RE: Proposed Subdivision in Point Reyes Station, Marin County

Hi Oceane,

Just to make sure I understand you correctly you do not see any maximum requirements for the number of times you can subdivide a parcel, correct? But there is a limitation on the minimum acreage allowed for each parcel based on this May 13, 1982, map referenced...I'll see if I can get this map from the County.

We are working with Immanuel Bereket at the County and have a call with him today to discuss a few items.

Appreciate your help. RP

Robert F. Perrera

Senior Wetland Regulatory Scientist
Huffman-Broadway Group, Inc.
1101 5th Avenue, Suite 205
San Rafael, CA 94901-3358
Cell: 415.385.4106
www.h-bgroup.com

From: Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>
Sent: Monday, September 30, 2024 9:51 AM
To: Robert Perrera <rperrera@h-bgroup.com>; Yan Cui <yancuiw@gmail.com>
Cc: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Subject: RE: Proposed Subdivision in Point Reyes Station, Marin County

Hi Robert,

You may have seen that Leslie is out of the office right now and I will be helping out in the meantime. The exclusion limits the size of the parcels, which may be what Marin County is referring to:

- c. The size of parcels resulting from a division under this order shall be no less than the minimum acreage allowed for the zone under the County zoning maps in effect at the time this order is adopted by the Commission.**

This requirement is also found on the Marin County checklist for meeting the requirements for the exemption, citing a May 13, 1982 map. I'm sure the County has the 1982 zoning map which should dictate how large the parcels can be. I could not find the map in our digital files, but we will have a hard copy of it in the office. That may just take a longer time to track down. If you happen to have it handy, we'd appreciate a copy.

If easier, the County can reach out to us directly to coordinate to determine if the proposed project meets the requirements of the exclusion order. What County staff have you been working with?

Thanks,

Oceane Ringuette

District Supervisor
North Central Coast District
California Coastal Commission
Pronouns: she/her



From: Robert Perrera <rperrera@h-bgroup.com>
Sent: Thursday, September 26, 2024 4:24 PM
To: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>; Yan Cui <yancuiw@gmail.com>
Cc: Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>
Subject: RE: Proposed Subdivision in Point Reyes Station, Marin County

Hi Leslie,

We believe the proposed subdivision does meet all the required conditions for the exclusion, however the County planning staff believe the exclusion may be limited to subdividing 1 parcel up to a maximum of 4 parcels (1 parcel can be subdivided into 4). We are proposing to subdivide our existing 4 parcels into 38 parcels. Under the exclusion is there a limitation on the number of times you can subdivide 1 parcel? If yes where in the exclusion does it state this?

Megan Appreciate your help.

Best, RP

Robert F. Perrera

Senior Wetland Regulatory Scientist
Huffman-Broadway Group, Inc.
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From: Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Sent: Tuesday, September 24, 2024 4:21 PM
To: Robert Perrera <rperrera@h-bgroup.com>; Yan Cui <yancuiw@gmail.com>
Cc: Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>
Subject: Re: Proposed Subdivision in Point Reyes Station, Marin County

Thanks. Can you clarify what exactly the Marin planners weren't sure about? Does the project meet all of the required conditions for the exclusion?

From: Robert Perrera <rperrera@h-bgroup.com>
Sent: Tuesday, September 24, 2024 3:30 PM
To: Yan Cui <yancuiw@gmail.com>; Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov>
Cc: Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>
Subject: RE: Proposed Subdivision in Point Reyes Station, Marin County


Leslie,

To add to Yan's information he provided, the project be applied for is to subdivide the 4 parcels into approximately 38 parcels. Construction of homes is not proposed, just subdividing the parcel. To subdivide the County requires an access road to each parcel be constructed. All access roads will be constructed outside of the 100-foot stream conservation area and wetland conservation area buffers as shown on the PRR subdivision layout.


Robert F. Perrera

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From: Yan Cui <yancuiw@gmail.com>
Sent: Tuesday, September 24, 2024 3:23 PM
To: leslie.velasquez@coastal.ca.gov
Cc: Robert Perrera <rperrera@h-bgroup.com>; Ringuette, Oceane@Coastal <oceane.ringuette@coastal.ca.gov>
Subject: Re: Proposed Subdivision in Point Reyes Station, Marin County

 Map 19 e -Land Use with Land Boundary.pdf

Hi Leslie and Robert,
Please see attached documents.
The parcel number is 119-050-04, 119-050-09, 119-140-03, 119-140-09.
Thank you,
Yan Cui

 Categorical Exclusion Map 27 e V5.pdf

On Tue, Sep 24, 2024 at 2:45 PM Velasquez, Leslie@Coastal <leslie.velasquez@coastal.ca.gov> wrote:

Hi Robert,

Thanks for reaching out. Can you please provide more information about your project, such as the site address/apn(s), a project description, or project plans?

Best,

Leslie

From: Robert Perrera <rperrera@h-bgroup.com>
Sent: Tuesday, September 24, 2024 1:24 PM
To: Cooper, Isobel@Coastal <isobel.cooper@coastal.ca.gov>
Cc: Yan Cui <yan cui@gmail.com>
Subject: FW: Proposed Subdivision in Point Reyes Station, Marin County

Hi Isobel,

I am following up on my email from last week (see email below). Who can I speak with to discuss this exclusion and get a better understanding of what it allows or does not allow?

Appreciate your help. RP

Robert F. Perrera

Senior Wetland Regulatory Scientist

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San Rafael, CA 94901-3358

Cell: 415.385.4106

www.h-bgroup.com

From: Robert Perrera
Sent: Thursday, September 19, 2024 1:26 PM
To: Isobel.Cooper@coastal.ca.gov
Cc: Yan Cui <yan cui@gmail.com>
Subject: Proposed Subdivision in Point Reyes Station, Marin County

Hi Isobel,

I have a proposed subdivision project in Point Reyes Station on a property within a CCC "Categorical Exclusion" area designated in 1982. The County planning staff are unclear on how to interpret the exclusion and if the proposed subdivision is allowed under this exclusion.

Who can I speak with to discuss this exclusion and get a better understanding of what it allows or does not allow? The applicant, Yan Cui, would like to have a conference call with a staff member that can guide us through this document. Attached are the original documents and a parcel map showing the project location...I also have a 2001 Point Reyes Station Community Plan which references the exemption which I can provide to you.

Appreciate your help.

Best, RP

Robert F. Perrera

Senior Wetland Regulatory Scientist

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