



Ragghianti|Freitas LLP

Attorneys at Law

1101 5<sup>th</sup> Avenue, Suite 100  
San Rafael, CA 94901  
telephone 415.453.9433  
facsimile 415.453.8269  
www.rflawllp.com

Riley F. Hurd III  
rhurd@rflawllp.com

November 20, 2015

**Via E-Mail Only**

Jeremy Tejrjian, AICP  
Planning Manager  
County of Marin  
Community Development Agency  
3501 Civic Center Drive, Suite #308  
San Rafael, CA 94903

**Re: North Coast Land Holdings Master Plan Amendment/Precise  
Development Plan/Tree Removal Permit/Use Permit  
Amendment/Tentative Map (15-0343)**

**INCOMPLETENESS OF APPLICATION**

Dear Mr. Tejrjian:

Our office continues to represent the Seminary Neighborhood Association in connection with land use issues on and around the Seminary Property. This letter is regarding the incompleteness of the above-referenced application.

**A Community Plan Amendment is Required**

The primary reason this application is incomplete is that it fails to seek a Strawberry Community Plan ("SCP") amendment where one is undoubtedly required. Strawberry falls within the "Richardson Bay" Planning Area of the Countywide Plan ("CWP"). (CWP 3-236.) The CWP recognizes that the SCP contains the specific policies for the Strawberry Community, and that development in the Richardson Bay Planning Area is guided by the CWP only if an area is, "not subject to a community plan." (CWP 3-239.) The recent technical amendments to the Countywide Plan also added the following clarification:

**"A Community plan is considered part of the Marin Countywide Plan and sets forth goals, objectives, policies, and programs to address specific**



issues relevant to that particular community. Where there are differences in the level of specificity between a policy in the Community Plan and a policy in the Countywide Plan, **the document with the more specific provision shall prevail.**"

Thus, the SCP is the specific, controlling document for the Seminary Property ("Property"), and the SCP has **always** contemplated that the site be used as a Seminary with student and faculty housing. (See numerous discussion in 1974 SCP regarding Seminary at pages 32, 47, and 58 for example.) While the SCP was amended in 1982 to permit a very specific amount of market-rate housing in a very specific area, this amendment did not change the fact that only a seminary and student and faculty housing would remain on the areas of the Property not affected by the 1982 Amendment. It was clear in 1982 that a change to market-rate housing on a small portion of the Property required an SCP amendment. Today, changing the use of the entire Property to both market-rate housing and a private high school, while completely eliminating the Seminary use, certainly requires a further SCP amendment.

The 1984 Master Plan that followed the 1982 SCP Amendment states the following:

**"The Master Plan has been designed to be compatible with the Strawberry Community Plan Amendments.** The Seminary participated in the public hearings held for the Community Plan, and the Master Plan has been modified before and after Community Plan adoption, in order to improve the consistency of the two Plans." (Master Plan, Page 35.)

The applicants now wish to amend this Master Plan in ways not permitted or contemplated by the very SCP the Master Plan was designed to be consistent with. This further demonstrates the necessity of an SCP amendment.

### **A New Master Plan is Required**

The application seeks a "minor" master plan amendment. Besides the fact that there is no such thing as a "minor" amendment in the zoning code, the amendments sought are anything but minor. The entire character of the Property would be radically changed by the elimination of a lightly-used Seminary campus with on-site housing for students and faculty in exchange for 304 rental units, a 1000-student high school with 200 employees, a massive regional sports complex, and a new venue for large events and weddings. Assertions that the application somehow complies with the current Master Plan not only strain the credulity of the applicant, but ignore the fact that the applicants themselves



seek an amendment. The requested amendment isn't minor, and it isn't really an amendment: **this is a new master plan and should be treated as such.**

The current Master Plan is undoubtedly only for a Seminary, student and faculty housing, and market-rate housing in a select area. The title of the document is "Master Plan - Golden Gate Baptist Theological Seminary." The summary on page *iii* of the 1984 Plan states:

"The Master Plan proposes new Academic/Administration Buildings and new Housing Units **for use by Seminarians**, as well as 60 Homesites which may be leased or sold to non-Seminarians."

The entire context of the Master Plan, as well as its repeatedly specific language, must be completely ignored in order to accept the applicant's position that this application somehow complies with the Plan, and that the academic buildings weren't specific to the Seminary. In reality, what's proposed is an entirely new plan.

The purpose of the master planning process is to assemble two or more parcels and plan for them concurrently. This application seeks a further 10-lot subdivision of the Property. The 1984 Plan only considered the current lot configuration of the Property, and not this much more divided scenario. The proposed Vesting Tentative Map also includes several "Remainder Parcels." Future use of the "Remainder Parcels" is not clear in the Master Plan and must be disclosed in order to perform a comprehensive planning review. The planned land division is not a "minor" change; it requires a new Master Plan.

Also missing from the application are requests for many plan amendments that would be needed for an amended master plan to be consistent with the proposed project. The 1984 Master Plan contains a site plan that would be rendered inconsistent with this proposal. (i.e. three playing fields as opposed to the one that is shown, relocation of residential areas, subdivision of the land).

Treating this as an amendment assumes a significant level of the original plan will remain intact. It will not, and this should be called what it is -- a new master plan.

### **A new CUP is required**

The 1953 CUP for the Property is for one use, and one use only:

**"...to permit the construction of a Theological Seminary and dormitories and other buildings incidental to such use..."**



While the application notes a use permit is being sought as part of the PDP process, there is no specific discussion about the precise use being sought (just a school? Community facilities? Public daycare?), how the required findings can be made, and what conditions are proposed to support said findings. This is critically needed information for any meaningful consideration of the project. For example the “Narrative” claims that the link between housing and school use will be maintained by offering school faculty priority lease opportunities for on-site housing. The application is incomplete because none of the details of this lease program are provided. If a school teacher quits working at the school will they be required to move out of the on-site leased housing? Who will manage and monitor these lease arrangements? None of these details are provided.

Additionally, the “Narrative” claims that the project will provide 60 units of affordable housing. The units are to be dispersed among the 304 new housing units. However, the application does not demonstrate where these units will be on the site, or how affordability will be managed. What are the affordability terms and time lines? Who will manage the rental housing to insure sustained affordability? What are the rents for very low, low, and moderate income families? How will applicants be selected and who will manage the units for continued affordability? How long will the units be rent controlled? This is all information the County routinely requires from applicants.

### **The traffic report is insufficient**

The submitted traffic report contains a fatal flaw – it doesn’t actually analyze the project proposed. Instead, the report purports to analyze the traffic from a build-out of the 1984 Master Plan, and then assume that, through a traffic demand management plan, the private commuter high school will somehow generate trips at the level of a self-contained Seminary, and the market-rate housing will somehow generate trips at the level of student/faculty housing for said Seminary. This assumption wildly overestimates the efficacy of yet to be revealed TDMPs, and puts the cart before the horse. The real project needs to be analyzed, with TDMP effects analyzed thereafter, not vice versa. The application is incomplete because it lacks details of the TDMP, including a monitoring program and enforcement provisions.

The baseline for the CEQA review of this project will not be the traffic levels of a fully built 1984 Master Plan, but will be the ghost town that the Seminary is today. (*See Communities for a Better Environment v. South Coast Air Quality Mgmt. Dist.*, (2010) 48 Cal.4th 310, 320.) This baseline will then be compared to the actual project, not the levels of a fully built 1984 Master Plan. This is another reason a project-specific traffic report is needed.



**Conclusion**

The March, 2015, Strawberry Community Vision document sets forth the community's priorities on development and governance. A key theme running through this document is the sanctity of the Strawberry Community Plan and its continued applicability. The subject application seeks to drastically change the uses and development patterns for the Property as established by the Plan. This is a major change, and not one that can be taken lightly. Instead of brushing this constitution of Strawberry development aside, the SCP should be respected, and an amendment proposed if a project seeks to deviate from it.

Because the proposed uses and densities violate the SCP, the 1984 Master Plan, and the 1953 CUP, the applicant should be instructed to seek the needed amendments in order for this application to be deemed complete. The traffic study should also be updated to reflect the proposal. We will refrain from sharing our merits comments regarding the project at this time, but all planning and environmental review should be put on hold until the application is 100% complete. This includes consideration by the Strawberry Design Review Board, who should not have to review a changing application.

Thank you for your attention to this important matter.

Very Truly Yours,

A handwritten signature in blue ink that reads "Riley F. Hurd III". The signature is written in a cursive style.

Riley F. Hurd III

CC: Seminary Neighborhood Association  
Scott Hochstrasser  
Supervisor Kathrin Sears  
Brian Crawford  
Tom Lai