



Ragghianti|Freitas LLP

Attorneys at Law

1101 5th 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

March 2, 2016

Via E-Mail Only

Jeremy Tejirian, 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)**

INTERIM RENTALS OF THE PROPERTY

Dear Mr. Tejirian:

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 an apparent plan by the owner to rent some or all of the Seminary Property for various uses (residential, commercial, etc.) while the above-referenced permit is processed by the County.

As will be explained below, the Seminary Property is entitled for one thing, and one thing only: a Seminary. Any use other than a Seminary cannot occur unless and until such time as the entitlements for the property are changed. We would request that the County proactively inform the owner of the Seminary Property that interim rentals for any use other than a Seminary are not, and will not, be permitted. We thought it best to make this request now, instead of waiting to file a complaint and have possible illegal tenants then affected by any resulting code enforcement action.



The Property can only be used as a Seminary

The Strawberry Community Plan, the master plan for the property, and the conditional use permit for the property, are all absolutely clear that the only currently approved use is a Seminary.

Community Plan

The Strawberry Community Plan (“SCP”) is the specific, controlling Countywide Plan document for the Seminary Property, and the SCP has **always** contemplated that the site be used as a Seminary with associated 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. Also, all of that market-rate housing was promptly sold.

Master Plan

The 1984 Master Plan that followed the 1982 SCP was undoubtedly also **only** for a Seminary, student and faculty housing, and the 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.”

Unless and until the master plan is amended (this is an RMP zone), the Academic/Administration Buildings and associated housing units may only be used by, and for, a Seminary.

CUP

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...”



Ragghianti|Freitas LLP

Page 3 of 3

Unless and until the CUP is amended (housing and school uses in this zone require not only a master plan, but also a CUP), all parts of the property may only be used as a Seminary. All of the housing and buildings may only be used incidental to such use as a Seminary.

CEQA

A March 7, 2012, letter from the County extending 1984 Master Plan stated the following:

“Any substantive modifications proposed to the allowable use and development of the property under the 1984 Master Plan shall render the baseline for purposes of environmental review of all components of future use and development to be those conditions that exist at the time the environmental review is initiated.”

Since the new owner of the Seminary Property does not seem like an entity needing the minimal income that may arise out of interim rentals, it is possible that any interim uses may be designed to impact the CEQA baseline analysis. This is especially true given that the GGBTS has operated at extremely minimal levels for many years now, and is soon to vacate the property. Any future unpermitted use of the Property should never be counted towards the CEQA baseline.

Conclusion

We thought it important that this issue be addressed in advance, and we would ask that the County confirm that use of the Seminary Property for anything other than a seminary is not permitted unless and until such time as the entitlements for the property are changed.

Thank you for your attention to this important matter.

Very Truly Yours,

A handwritten signature in blue ink that reads 'Riley F. Hurd III'.

Riley F. Hurd III

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