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September 9, 2016

Via E-Mail Only

Strawberry Design Review Board
c/o Marin County Community Development Agency
3501 Civic Center Drive, Room #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)**

Dear Members of the Board:

Our office continues to represent the Seminary Neighborhood Association in connection with the above-referenced application. The purpose of this letter is twofold: 1) to request that you again find this application incomplete; and 2) to begin to provide some high-level comments on the merits of the proposed project.

I. The Application Remains Incomplete

We would request that the SDRB again find the application incomplete, and inform the County of the same. The primary reason for the continued incompleteness is the need for a comprehensive Community Plan update, but other critical information is missing or inaccurate as well.

A. Amending the Community Plan requires a Community process

The current application remains incomplete due to its cursory and offhanded treatment of the Strawberry Community Plan ("SCP"). The SCP is the constitution of development for the community, and was the result of countless hours of hard work and intense negotiation by dedicated Strawberry residents. Now, the applicant seeks to unwind these years of hard work, and this expression of the will of the community, with a few strikethrough edits that would facilitate massive development where it isn't allowed or



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desired (see applicant's proposed SCP amendment attached as **Exhibit A**). These edits find no support in the remaining text of the SCP, which contains numerous policies diametrically opposed to the requested edits (i.e. any future development should be single family dwellings). The SDRB should send a strong message about the sanctity of the SCP, and the manner in which this Community Plan may be amended.

The 1982 amendment to the SCP, which was approved in conjunction with the Master Plan for the Seminary, states the following on the cover page: "Prepared by the Marin County Planning Department in conjunction with the **Strawberry Community Plan Citizens' Advisory Committee ...**" The Introduction then notes that this Committee was, "**composed of Community residents appointed by the Marin County Board of Supervisors ... to provide recommendation for desired amendments to the Plan.**" This Committee went on to hold a series of publicly noticed meetings to discuss the proposed amendments and elicit extensive community input before the changes were ever considered by the County. This is the precise type of process that needs to occur here if the applicant wishes to again amend this critical document.

The types of *de minimis* and self-serving edits to the SCP requested by the applicant were also attempted by the previous owners of the property. At a December 19, 2011, study session regarding this previous request, the Planning Commission was crystal clear in its direction: **amendments to the SCP require a community-driven process.** This direction is even more relevant in light of the current application, which seeks an exponentially larger project, and is therefore an even greater deviation from the mandates of the SCP. This application should be put on hold unless and until a meaningful community-driven process occurs.

B. 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 assumes that through a traffic demand management plan ("TDMP"): 1) a private commuter high school and regional sporting and cultural facilities will somehow generate trips at the level of a self-contained Seminary, and 2) that market-rate housing will somehow generate trips at the level of student/faculty housing for said Seminary. These assumptions don't pass the straight face test. The real project needs to be analyzed, with TDMP efficacy looked at thereafter, not vice versa.

The baseline for any 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; as well as conditional approval of Master Plan extension.) This baseline will then be compared to the actual project, not the phantom levels of a fully built 1984 Master Plan. While the applicant is apparently trying to artificially manipulate this baseline through a covert rental program at the property, the real baseline is essentially zero. This is another reason a **project-specific** traffic report is needed to even begin consideration of the application.

C. A New Master Plan is Required

The application seeks a “minor” master plan amendment, yet 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.**

D. A new CUP is required

County staff has stated that the 1953 CUP for the property is no longer in effect and was subsumed by the Master Plan. The applicant claims the CUP is still in effect and “vested.” However, unless the applicant plans on running a seminary, the status of the 1953 CUP doesn’t seem to matter much, as that permit was for one use, and one use only:

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

Since a seminary is not being sought, a new CUP is required. While the application does note 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 and mitigate impacts. For example:

- How many events are allowed at the auditorium per year? What noise mitigation measures will be employed? Where will people park? Weddings?



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- How many outside organizations can use the playing fields and how often? Will there be lights ever allowed on the fields? What time will these uses end? How many people can attend? Where will they park?

This is a tiny fraction of the critically needed information to determine if a CUP can be issued, and what conditions may be necessary. None of these essential details are provided. This is all information the County routinely requires from applicants and that the SDRB needs to make an informed decision. This application is incomplete.

II. The project should be denied now

In the over three decades that have passed since the approval of the Master Plan, the surrounding area has been heavily built out with significant multifamily housing and other development, while traffic patterns have changed for the worse. Despite this evolution of the area, the current application seeks to heavily intensify the use of the property by such a magnitude as to be a nonstarter.

A. Apples to Oranges comparisons

A mantra of the applicant has been that the proposal complies with the Master Plan, yet the requested SCP and Master Plan amendments demonstrate exactly the opposite. Changes from student housing to market housing, and from a Seminary to a commuter high school are hardly “compliant.” What this proposal does is take a single self-contained campus, and split it into two new sectors, with each new part being more traffic-intensive on its own than the previous whole. **The Master Plan in this case is about much more than building locations, it is about use, and by extension, impact.** The impact of what’s proposed was never anticipated by the plan, and is so far beyond what the site can accommodate, that the applicants actually need to start over.

The record for the 1953 CUP indicates that two factors were important reasons a seminary was ever approved at this site in the first place:

1. That 100% of the students would be housed on the property, and
2. That the college was post-graduate, thereby making it an asset to the area.

A school without the characteristics cited above, such as a commuter high school, would in no way meet these criteria. A high school generates significantly more vehicle trips, noise, and other impacts, at a level far greater than the self-contained post-graduate institution contemplated in 1953. On top of this, the applicant then also requests over 300 new market-rate housing units based on the theory that the student and faculty housing



units are somehow equivalent to much larger homes that will be inhabited by people that primarily work off-site. This apples to oranges comparison is not supported by logic or the law.

B. Threats to public safety

Traffic is more than just an annoyance. The Southern Marin Fire Protection District is concerned about this project and stated in their review letter that they were concerned, “there was no consideration for fire department response from our current fire station located at 308 Reed Blvd. during peak hours. We are very concerned we may see increased response times in addition to access/egress congestion.” This issue is then compounded by multiple requests for substandard road widths throughout the project. Development of this scale is not the place for multiple exceptions to standards designed in part to protect the public. It also appears the corollary effect of the traffic on emergency response times needs to be much more thoroughly studied.

C. Environmental review is not necessary or appropriate for an unapprovable project

The applicant has stated that they are eager to be deemed complete and proceed with environmental review. We would submit that such a course of action is not appropriate in light of the sheer scope of the project, which renders it unapprovable on its face. CEQA Guideline 15270 allows for an initial screening of a project and **disapproval prior to environmental review**. Here, this project is so beyond what could ever fit at the site that, unless there is a drastic reduction (i.e. start by removing the school), the SDRB should come right out and state the project cannot be approved in its current form, and therefore the environmental review would be an unnecessary waste of the time and money for all involved.

III. Conclusion

The March, 2015, Strawberry Community Vision document set forth the community’s priorities for development. 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 SCP. This is a major change, and not one that can be taken lightly.



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Instead of brushing this constitution of Strawberry development aside with strikethrough edits, the SCP should be respected, and a comprehensive update process undertaken if a project seeks to deviate from it. More importantly, the entire context of the SCP should be considered, and a more appropriately sized project proposed with uses that take into account the current traffic situation and residential nature of the adjoining community.

Thank you for your consideration of this important matter.

Very Truly Yours,

A handwritten signature in blue ink, reading 'Riley F. Hurd III'. The signature is written in a cursive, flowing style.

Riley F. Hurd III

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

EXHIBIT A

I. GOALS.

A. Community Amenities

It is the desire of the Community to assure that future development provide for such amenities as visual backdrops, neighborhood separators, retention of ridgelines, and protection of environmentally important areas, through careful planning and clustering of structures. In addition, all means of open space acquisition should be pursued, including purchase and dedication.

B. Housing Balance

The Community desires to retain a character that identifies the Strawberry area as a family oriented community. Such an identity is established by the visual, physical setting of the community, as well as by the families who reside there. It is important that the social patterns, personal interaction, sights and sounds that typify single family neighborhoods be maintained and strengthened. If new development is to occur, it can strengthen this character by providing the traditional setting of detached single family units within any new development proposed for the area. Development plan proposals should give the highest priority to incorporating detached single family homes into the plan. Where physical constraints or opportunities dictate another housing type (i.e., attached units), the Community goal is to insure that unit size and project amenities are designed to provide the opportunity for and encourage occupancy by families with children. In this manner then the Community wishes to insure a housing balance that will continue to provide for families.

C. Transportation

The Community desires that the movement of traffic through the Strawberry area be safe for both pedestrians and vehicles. The Community further desires that existing traffic movement not be further interrupted by new development and that existing potentially hazardous conditions for pedestrians and vehicles be improved to an acceptable level of safety. Therefore, it is the goal of the Community that the overall density of new development in Strawberry be scaled to ensure future acceptable traffic levels of service. Where levels of service or safety are now currently unacceptable, or where service levels or safety conditions will deteriorate due to traffic generated by new development, improvements shall be required in conjunction with that new development. These improvements should be considered as appropriate mitigation measures to be applied to new development. Owners of the large undeveloped properties in the Strawberry area (DeSilva Island, Watertank Hill, the former site of the Golden Gate Baptist Theological Seminary and Strawberry Spit/Point) will be required to contribute on a proportional basis to the funding necessary to construct required improvements. The proportion of the funding to be required from each property owner is to be determined by the traffic generated by each development and the impact of that traffic on the intersection or road to be improved. The formula for proportionality and method of collection requires further study and should be determined in the near future.

D. Former Golden Gate Baptist Theological Seminary site - (See Map 4)

Description	
A.P. #	43-261-03,05,20 & 22
Area	125.19 acres of land, 22.5 acres of land underwater.
Existing zoning/density	RMP 2.147
Existing development	211 residential dwellings for students and faculty. Various buildings utilized for educational and religious uses.

LAND USE – A combination of student/faculty housing, educational and religious uses and activities were granted for this property by Use Permit in 1953. Extensive facilities including housing, administrative and educational buildings were built subsequently. These uses continue to be appropriate for the property. However, since that Use Permit was issued, the plans of the Seminary and the character of the community and the zoning applied to the property have changed. Any further development of ~~all of the Seminary~~ property ~~must be established~~ was more directly addressed in the 1984 Master Plan because ~~the property~~ is now subject to a Planned District classification. In general, it is recommended that ~~Seminary religious~~, educational buildings, ~~and related~~ uses and ~~student~~ housing be located on the central portion of the property. The areas located at the periphery of the ~~Seminary~~ property would be appropriate for a limited number of single family detached residences ~~which would not be part of the Seminary's student and faculty housing~~. Development in these areas should be planned and designed to blend into the existing community.

The development potential of the ~~Seminary~~ property was discussed with the Citizen's Advisory Committee, the property owners and their representatives, and reviewed in the field by walking the property. The exact development of the property ~~will be~~ was established in the more detailed review of the 1984 Master Plan application. ~~However, the following development was determined to be the maximum desirable based on the projected traffic impact and the context of the property within the community as outlined below.~~

The following was originally determined to be the maximum desirable development based on the projected traffic impact and the context of the property within the community.

- (1) 24 single family detached residences located on the periphery of the Seminary property.

- (2) 36 attached units.
- (3) 90-100 ~~student~~ housing units.
- (4) Some additional development related to the educational and religious use of the ~~Seminary~~property itself. However, the only such development specifically discussed as part of this Community Plan Amendment was a chapel. Other potential development includes a student union building and additional classrooms (shown in the 1955 Use Permit) and a gymnasium (new Use). Any such development should be located adjacent to the existing campus development. The extent of additions to the campus should be determined in a ~~Master~~Precise Development Plan which evaluates such development in the context of all development on the property and the 1984 Master Plan.

Subsequently, the County approved the 1984 Master Plan for the development of five additional Campus Buildings and a total of 304 housing units.

The following discussion sets out specific guidelines for the development potential of the portion of the property surrounding the ~~Seminary~~ campus area in consideration of the 1984 Master Plan. The areas discussed are identified by numbers on Map 4. The guidelines include a range of development that may be appropriate. Not all of them can be exercised and be consistent with the maximum development identified for this property. Any ~~Master~~Precise Development Plan application should be evaluated against these guidelines and, the other provisions of the Strawberry Community Plan: and the 1984 Master Plan. The maintenance or improvement of existing service levels at the Seminary/101/Frontage Road interchange should be a prime determinate of the development that is permitted at this location.

- (Area 1) Storer Drive Extension. Approximately six (6) single family detached dwellings behind existing development on East Strawberry Drive would be appropriate. Alternatively, approximately ~~10-155-7~~ attached dwellings behind the existing apartments on East Strawberry Drive and approximately 36 single family detached dwellings would also be suitable.
- (Area 2) Platt Court Existing Faculty units – Existing use should remain; however, if the ~~Seminary~~landowner desires to redevelop this area, approximately three (3) single-family detached dwelling units could be built on the site.
- (Area 3) Seminary Drive area at intersection with Great Circle Drive – Two single family detached dwelling units could be located in this area.
- (Area 4) Seminary Drive area adjacent to Brickyard Park – Development in this area should be single-family detached dwelling units, approximately 3 to 4 in number. Single-family homes should be located on the level plateau area below the road and on top of the bluff above the shore. Dwellings should be sited so that views of Richardson Bay from existing dwellings are not blocked. Lots should be designed so that public access to the shoreline is

wide and inviting and that the level area up to the bluff cannot be fenced off but will remain open to the public.

- (Area 5) Slope between Chapel and Seminary Drive – Development in this area should be entirely single-family detached dwellings and approximately ~~10~~12 in number. This land use is recommended to maintain the single family character of the neighborhood. The access to the dwellings would be obtained from either Chapel or Seminary Drive. A band of open undeveloped land should extend from Chapel Drive to Seminary Drive. Alternative development in this area could be a combination of single-family detached dwellings below the ridge and small scale attached units in the bowl area adjacent to Seminary Drive.
- (Area 6) Any expansion of the campus or ~~student~~ housing should be developed in this area. Hilltop adjacent to Chapel Drive is a prominent visual landmark within the Community and should remain undeveloped, if possible. However, if development of this site is to occur, it should be limited to either structures for Seminary school activities. ~~No (Theatre/Auditorium as approved in the 1984 Master Plan) or allocate the campus perimeter lands to sites for single-family homes adjacent to Area 5 which are compatible with the character (e.g., height, density, lot coverage) of the existing homes along Chapel Drive.~~ Limited housing should be placed on this site. Structures should be designed and placed so that they are as unobtrusive as possible. This should be accomplished by placing structures in the northern quadrant of the site and by “benching” the slope to provide a lower building pad and profile. Landscaping should also be incorporated into the site plan to screen views of the structure from existing dwellings. The existing views from residences along Hillard Drive should not be blocked by development on this hilltop.
- (Area 7) Reed Boulevard – Two single family detached dwelling units should be located on ~~Seminary~~the property with frontage on Reed Boulevard.
- (Area 8) Area between Seminary, Gilbert, Willis, Chapel Drive and the Forested Knoll – This area does not include the athletic field nor the slopes adjacent to it. The field and slopes should be considered as part of the campus and neither the property owner nor the public consider market housing as an appropriate use for this area.

If the ~~seminary~~landowner desires to develop attached dwelling units as apartments or to be sold as condominiums, such units could be located off of Chapel Drive at the top of the slope above Seminary Drive south of the Athletic Field and Gilbert Drive. ~~Condominiums~~Apartments or condominiums in this location could be compatible with the existing multiple development south of Seminary Drive next to Richardson Bay, and yet would be visually separated from the single family detached dwellings located on the Point. A maximum of 36 units might be located in this area.

Alternatively, a smaller number, a maximum of 10, single family detached units could be located in this area.

Zoning/Density – Maintain the existing Planned Development zoning designation of RMP. Densities to be established upon specific review of ~~a master plan~~the 1984 Master Plan for the property. Allowable densities to be subject to the preceding land use recommendations and the following policies.

Location of Development – The shoreline area adjacent to Brickyard Park should remain undeveloped because it can provide public view of and access to the Bay. The Forested Knoll (Area 6) above Seminary Drive should remain undeveloped because it is a prominent visual landmark in the Community. Other portions of the property may be developed as outlined previously.

Traffic/Circulation – Driveways for individual lots should be kept to a minimum along Seminary Drive by combining entrances wherever possible.

Traffic generated by this development will add to the unacceptable level of congestion projected to occur at the intersection of Highway 101, Seminary Drive interchange ramps and the Redwood Frontage Road. To mitigate this impact, the developer shall be required to contribute, on a proportional basis, along with the other three major Strawberry developers, to the funding required to reconstruct this intersection, including the installation of a traffic signal. This problem is discussed in more detail in the Transportation portion of the Plan.

Traffic generated from this project will add to the safety problems for pedestrians walking on East Strawberry Drive. To mitigate this impact, the developer should be required to participate, proportionately, in the financing of a sidewalk or similar improvements which would separate pedestrian and vehicular traffic, on East Strawberry Drive from Great Circle Road to Strawberry Point School.

Design Guidelines – Development at the higher elevations between Chapel and Seminary Drives should be designed to retain an appearance of openness to the slopes, placing units below the ridge and grouping them toward the western and eastern portion of this area, so that the central portion of the slope and ridge remains open. This openness should be achieved by expanses of undeveloped areas rather than relying on space and landscaping between individual units; therefore, lots should not be uniformly placed across the ridge.

A complete landscaping plan should be incorporated into the site design. That plan should include placement and selection of landscaping materials to screen units on this site. Such landscaping should be installed as part of the site improvements and individual occupancy permits should be issued only after the landscaping is installed.

~~Student housing~~Housing proposed for the knoll adjacent to Shuck Drive should be sited to minimize grading for structures and parking areas. The site plan should be designed so that direct views of ~~student~~ units from existing dwellings, especially those on Milland and Ricardo Drives, are screened. A landscape plan providing a "green belt" buffer of landscaping between ~~student~~ housing and existing dwellings should be incorporated into the site plan. ~~Student housing~~Housing should be sited so as to provide at a minimum the same distances between new structures as currently exists between existing structures.

The ~~review of any proposed master plan~~1984 Master Plan for the ~~Seminary~~ should ~~include~~property includes a discussion of the existing and potential public uses of and activities at the campus. Currently, the Community is not fully informed of the existing campus public activity programs. It would be beneficial if the ~~Seminary~~landowner and Community could establish a formal understanding of the recreational opportunities and educational activities available. Possibly the Strawberry Recreation District could assist the ~~Seminary~~landowner in establishing and publicizing these public uses and activities.