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September 5, 2017

Via E-Mail Only

Jeremy Tejirian, AICP
Planning Manager
County of Marin
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903

Re: NCLH Master Plan Amendment/Precise Development Plan/Tree Removal Permit/Use Permit Amendment/Tentative Map (15-0343)

INITIAL COMMENTS REGARDING UPDATED APPLICATION

Dear Mr. Tejirian:

Our office continues to represent the Seminary Neighborhood Association in connection with the above-referenced project. The purpose of this letter is to provide initial comments regarding the recently updated application. If the theme of some of these comments sounds familiar, it's because many of them convey essentially the same concerns the Strawberry community has expressed since the Seminary property was first considered for redevelopment. Unfortunately, despite the nearly unanimous feedback from one of the most engaged communities in the County that the various proposals thus far have been considerably too intense and should not contain a school component, the recent resubmittal, including the proposed alternative, continues the trend of proposing significant overdevelopment while ignoring neighbor feedback.

MAIN MESSAGES

1. The primary message to the County from the Association is: Please do not commence environmental review on this unapprovable project. This would be a significant waste of time, effort, and money. Please hold a hearing now, and send a message to the applicant that they need to submit a project at least in a realm of acceptable intensity in order to have a productive conversation.



2. The primary message to the applicant from the Association is: Enough is enough. It is clear that the community feedback is not being meaningfully considered, and we are going in circles by considering marginal variations on the same major project again and again. Please submit a project that fits the site and the community.

CAUSATION ANALYSIS

In a situation such as this one, where progress towards a workable solution remains static after great effort, it's important to ask:

- What's causing this failure to reach a mutually agreeable outcome?

After six years of carefully analyzing multiple project iterations for this property, the root cause appears to be that this application, like those that came before it, is based on **one major fallacy**, which then results in project-level details wildly too intense for the community. This fallacy is best summarized by language contained in the applicant's own project description, where the contention is made that, "the Proposed Project will substantially conform with the underlying entitlements and historical operational pattern of the property as a graduate level institution." **This statement is not supported by the entitlement documents for the property or the historic use pattern for the site.** This statement is also directly contravened by the applicant's own requests, which include amendments to the Strawberry Community Plan, Master Plan, and CUP. Such amendments are not required for projects that "substantially conform" to their existing entitlements.

The current entitlements for the property could not be clearer about the type and scope of use approved: a self-contained seminary with on-site student and faculty housing. The meeting minutes and correspondence at the time of the Seminary's approval not only reinforce exactly what was being approved, but actually state that the self-contained nature of the school and student housing was a primary reason for the approval. What this proposal does is take a single self-contained graduate school campus, and split it into two new sectors (or three if the alternative is considered), 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 also about use, and by extension, impact.**

The assertion that a proposal for 304 market-rate units (plus density bonus), **AND** a 1,000 student graduate school, **AND** a senior care facility somehow "substantially conforms" to an approval for a self-contained Seminary is nothing short of outlandish. It is time for this false narrative to be brought to a close, and for the proposal to be identified for what it is: **an entirely new project**. Significant time has passed since the Seminary even occupied the property, let alone operated at anywhere even remotely close to its approved maximums.



The only situation in which the historical operation of the Seminary might have any relevance is if the current owners wanted to operate such an institution under the current entitlements (i.e. only a self-contained Seminary). This, however, is not the case, as they seek to do much more. Accordingly, the baseline for comparison, and environmental review, is zero – as that is the number of approved uses currently occurring at the site.

We would request that the County make a determination on the particular issue of substantial conformance, while also providing feedback about the appropriateness of the size, type, and location of the different components of this project. Providing this feedback now, instead of after an EIR, will be invaluable for all involved in this process, and is much more efficient.

ENVIRONMENTAL REVIEW IS PREMATURE

Environmental review of the amended project is inappropriate at this time for two main reasons. First, the project description, particularly that of the project alternative, is not “stable, finite, accurate, and sufficient to proceed to environmental review,” as required. Many details critical for even a basic environmental analysis are missing. For example, what is the size of the senior care facility? How many students would attend the alternative school and when? What is the type of graduate institution? Basic details like these are needed for a sufficient project description.

Second, and more importantly, the proposed project in no way comports with the Strawberry Community Plan, the Master Plan, or the CUP, thereby rendering environmental review an effort in futility, and requiring referral to the Planning Commission and/or Board of Supervisors for denial. Section IV(D)(6)(e) of the County’s EIR Guidelines, which tracks CEQA Guideline 15270, states:

“If a project does not appear to substantially conform to established County Planning policies and/or ordinances, and it appears such policies and/or ordinances would require denial of the application, the project should be referred to the relevant decision making body for appropriate action on the project...”

This is precisely the case here. The SDRB summed up why this project fails to meet even the basic tenets of the applicable County Planning policies and/or ordinances by finding the following:

“After extensive community input on multiple hearings, with hundreds of Strawberry residents, **the proposed development does not conform to the original**



Use Permit or the Strawberry Community Plan and its proposed amendments are not acceptable. Therefore the Strawberry Design Review Board recommends:

1. Deny the proposed amendments to the Strawberry Community Plan, Master Plan, amendment, Precise Development Plan, Use Permit, Vesting Tentative Map, and Tree Removal Permit.
2. Encourage the applicant to submit an alternative development proposal that is more in keeping with the existing Strawberry Community Plan.
3. If the applicant desires to amend the Strawberry Community Plan the first step is to engage the community in a series of meetings." (Minutes from October 17, 2016.)

There is absolutely nothing about the updated project that alters these conclusions. Besides the drastic differences in usage and intensity from what is currently approved, the updated plan proposes development in the specific areas called out by the SCP as open space. For example, the SCP clearly states that "A band of undeveloped land should extend from Chapel Drive to Seminary Drive," yet the updated plan places new homes directly in this protected area. So, not only is the plan deficient in terms of type and scope of use, but location as well.

A 1,000 student graduate school and 400 units of market-rate housing are about double what the site can hold, and cannot be approved. The open space areas of the SCP need to be respected, or the project cannot be approved. There is no point in incurring the expense and delay of an EIR for a project that cannot be approved.

CONCLUSION

We would request that the County not issue a Notice of Preparation for an EIR at this point. That step will trigger an appeal, which is not a constructive context for discussion. Instead, let history be the guide as to the most prudent step at this point, and hold a workshop at the Planning Commission regarding the merits, intensity, and legality of the overall project. Such a hearing proved critical the last time overdevelopment of the Seminary was proposed, and all parties hearing at least some basic response from the County decision makers about the direction of this project will only help move this towards a solution.

If a workshop is not a possibility here, we would request that a denial hearing be immediately scheduled pursuant to CEQA Guideline 15270.



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Thank you for your continued consideration of this important issue.

Very Truly Yours,

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

Riley F. Hurd III

CC: Seminary Neighborhood Association
Supervisor Kathrin Sears
Brian Crawford
Tom Lai
Curtis Havel
Rachel Reid
Scott Hochstrasser