

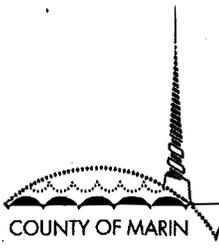
P1851

RECEIVED

NOV 13 2017

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION



PETITION FOR APPEAL

TO: THE MARIN COUNTY Board of Supervisors
3501 Civic Center Drive (Planning Commission or Board of Supervisors)
San Rafael, CA 94903-4157

1. The undersigned, North Coast Land Holdings, LLC, hereby files an appeal (Appellant/Petitioner) of the decision issued by the Planning Commission (Director, or Deputy Zoning Administrator, or Planning Commission) regarding the North Coast Land Holdings Master Plan Extension (10/30/17 Agenda Item 4A) relating to property described and located as follows:

- a) Assessor's Parcel Number Please see below for list of APN s
- b) Street Address 201 Seminary Drive, Mill Valley

2. The basis of this appeal is:

APNs: 043-261-25, 043-261-26, 043-262-03, 043-262-06, 043-301-05, 043-401-10, 043-401-16, 043-402-03, 043-402-06

Please see attached letter setting forth the pertinent facts and the basis for appeal.

(The pertinent facts and the basis for the appeal shall be provided to the Agency at the time the appeal is filed, but no later than the last date established for the appeal period – usually 10 days following the date of the decision. If more space is needed, please attach additional pages setting forth the bases for appeal.)

FROM Bruce Jones
(Print Name)

201 Seminary Drive
(Address)

Mill Valley, CA 94941
(City/State/Zip Code)


(Signature)

(415) 380-8500
(Telephone)

bjones@gatecapital.com
(Email)

KRISTINA D. LAWSON
PARTNER
DIRECT DIAL (925) 746-8474
DIRECT FAX (925) 746-8490
E-MAIL klawson@hansonbridgett.com

November 13, 2017

VIA HAND DELIVERY

Honorable President Judy Arnold and
Members of the Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, CA 94903-4157

**Re: Appeal of October 30, 2017 Actions (Items 4A and 4B) of the Marin County
Planning Commission**

Dear Honorable President Arnold and Members of the Board of Supervisors:

Our firm represents North Coast Land Holdings, LLC ("North Coast") in connection with its pending application for entitlements to redevelop the real property generally located at 201 Seminary Drive in unincorporated Marin County (the "Project Site"). Related to the pending application, on October 30, 2017, the Marin County Planning Commission considered two separate matters: (1) North Coast's request for a Master Plan extension (10/30/17 Planning Commission Agenda Item 4A); and (2) an appeal filed by Riley Hurd of the Notice of Preparation of Environmental Impact Report for North Coast's pending entitlement application (10/30/17 Planning Commission Agenda Item 4B). At its meeting on October 30, 2017, the Planning Commission took action to deny the Master Plan extension request and to sustain the appeal filed by Mr. Hurd.

In accordance with the requirements of Marin County Code Section 22.114.030 and all applicable law, this letter, together with the attached County petition for appeal forms and appeal filing fees, shall serve as North Coast Land Holdings' formal, timely appeal of the action taken by the Planning Commission on October 30, 2017. For ease of reference, we have also attached a copy of North Coast's October 26, 2017, and November 13, 2017 correspondence to the Planning Commission, which provide additional detail as to the basis of North Coast's appeal.

Set forth below are the pertinent facts of the case, and the basis for North Coast's appeal.

I. PERTINENT FACTS OF THE CASE

A. Master Plan Extension Request

As described in detail in the Staff Report to the Planning Commission, in order to provide sufficient time for the county to process North Coast's pending entitlement application, North Coast requested approval to extend a 1984 Master Plan that currently governs the Project Site.

North Coast originally submitted its application for entitlements more than two years ago, and the application includes, among other things, proposed amendments to the 1984 Master Plan. While North Coast believes its rights to use and develop the Project Site are vested under the express terms of the 1984 Master Plan and that no extension is legally required, in good faith and for purposes of transparency North Coast submitted a Master Plan extension request in order to maintain the status quo while its entitlement application is pending.

As we also described in a letter of today's date to the Planning Commission, the pending entitlement application includes a proposal based on the uses expressly permitted in the 1984 Master Plan, as well as an alternative plan that was developed earlier this year with the input of the community. Nearly one year ago, by letter dated January 3, 2017, County staff provided North Coast the opportunity to develop an alternative plan for the Project Site that was to be based on the elimination of a large, commuter high school as well as additional community input and involvement. At the direction of staff, the plan was to be studied in conjunction with the proposed plan and other plan alternatives developed by staff, the County's environmental consultants, and the community as part of the environmental review process.

In response to the County's letter, in conjunction with County staff North Coast immediately engaged in a six-month process that focused on community outreach and formulated an alternative plan that responded to community input. North Coast engaged community members, hosted a day-long open house attended by nearly 400 people, and provided flyers with information about the proposed project to every resident in Strawberry. Public input was collected and considered throughout the process. The comments received focused primarily around traffic concerns, limiting the academic use, and exploring the addition of senior housing. This community outreach effort culminated in the alternative plan that is currently on file with the County. North Coast (and County staff) intended this alternative plan to be evaluated during the entitlement and environmental review process. The alternative plan proposes to reduce the physical scale of the academic campus approved in the 1984 Master Plan by approximately 40%, commits to operational restrictions that reduce that impact of traffic through high levels of integrated housing, online education, and staggered start times, proposes senior housing, and maintains many of the unique aspects of the Master Plan, including public access, open space, preservation of Seminary Point, community playing fields, and the concept of integrated, cohesive uses that have lasting benefit to the community. The alternative plan would modify the uses outlined in the 1984 Master Plan. The alternative plan is a plan that moves away from some of the less desirable elements of the Master Plan and replaces them with a more relevant, forward thinking combination of uses. The plan was submitted in the spirit of cooperation, transparency, and compromise, and with the expectation that it would be fully evaluated as part of the environmental review process as outlined in the County's January 3 letter.

B. Riley Hurd Appeal

On September 29, 2017, the Planning Division issued a Notice of Preparation of Environmental Impact Report for North Coast's pending entitlement application. Prior to the commencement of the environmental review process, attorney Riley Hurd filed an appeal of the Planning Division's decision to begin the environmental review and study process.

C. October 30, 2017 Planning Commission Action

Following a public hearing, on October 30, 2017, the Planning Commission took two actions by separate roll call vote: first, the Commission denied North Coast's request for an extension of the 1984 Master Plan, and second, the Commission sustained Mr. Hurd's appeal. The Planning Commission did not approve formal resolutions or specific findings on October 30, 2017.

II. BASIS FOR APPEAL

As noted above, the Planning Commission took its October 30, 2017 actions by roll call vote, not by formal order or resolution. Accordingly, as of the date of this appeal, neither North Coast nor the public is able to determine precisely what findings were made by the Commission and whether those findings are supported by any evidence. While Planning Division staff has recently circulated a draft resolution for possible "ratification" by the Planning Commission at a hearing on November 13, 2017, this document seeks to provide findings and purported evidence after-the-fact and outside of the hearing at which the Planning Commission's decision actually occurred, and it is not certain that the Planning Commission will adopt the draft resolutions as currently written. Given the lack of findings available as of the date this appeal is required to be filed, we are unable to determine with certainty all of the grounds on which we seek the Board's review and action, and we therefore reserve the right to supplement this appeal and the bases therefor in the event the Planning Commission takes any additional action or adopts formal resolutions to document its October 30, 2017 actions.

Given what we know as of the date of this letter, North Coast submits this appeal on the grounds that the Planning Commission's October 30, 2017 decisions were arbitrary, capricious, wholly lacking in evidentiary support, and contrary to the procedures required by law. The Planning Commission failed entirely to adhere to the applicable legal standards and took actions that are not supported by any findings, let alone the substantial evidence-supported findings required by law.

In considering a Master Plan extension request, the Planning Commission is bound by the provisions of Marin County Code section 22.44.050, which specifically govern the expiration and extension of Master Plans. While this provision was deleted by development code amendments adopted by the County on March 14, 2017, it continues to govern North Coast's extension request because the 1984 Master Plan at issue was approved and vested prior to the adoption of the amendments. A vested right generally prevents a local government from enforcing newly enacted zoning ordinances against an approved project, and in particular, from doing so without due process of law. The recitals in the ordinance adopting the March 2017 amendments confirm that the amendments were intended to apply prospectively, stating that "all of the Development Code amendments shall apply to every planning application that has not been deemed complete by the amendments' effective date after adoption by the Board..." A request for an extension of time is not a planning application, and the Master Plan application was deemed complete, approved and vested long before the County adopted the amendments.

Under section 22.44.050, an approved Master Plan shall not expire if, prior to the expiration date a Precise Development Plan or a tentative subdivision map was approved. Prior to the expiration date of the 1984 Master Plan, a subdivision map was approved and a final map was filed in Book 20 of Maps, Page 84 on July 10, 1990, and accordingly, the Master Plan

cannot expire. Assuming for the sake of argument that the 1984 Master Plan could expire, section 22.44.050 provides that the plan can be extended provided it remains consistent with the Countywide Plan, Community Plan or Specific Plan applicable at the time the extension is acted on. In this case, the 1984 Master Plan remains consistent with both the Countywide Plan and Strawberry Community Plan. The extension granted on October 21, 2009 was based on the finding that the 1984 Master Plan is consistent with the Countywide Plan and the Strawberry Community Plan. And, the March 7, 2012 extension expressly recognized that the consistency finding remained valid, and in particular, that "the development authorized in concept by the 1984 Master Plan remains consistent with the 2007 Countywide Plan, including its land use designation and density for the property."

While it is our opinion that section 22.44.050 continues to govern approved Master Plans, and that the Planning Commission should have applied these standards in its consideration of North Coast's extension request, the standards for determining whether a master plan is vested and for granting a master plan extension, are satisfied under either former section 22.44.050 or Marin County Code section 22.70.050 governing permit extensions more generally.

Under section 22.70.050, a permit may be extended if the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner. As described above, prior to the expiration date, a subdivision map was approved and a final map was filed in Book 20 of Maps, Page 84 on July 10, 1990. Building permits were obtained and over half of the educational buildings authorized and acknowledged in the Master Plan and 211 of the 304 approved residential units were constructed in accordance with the master plan, and these buildings have all been in constant use over the life of the Master Plan. When North Coast acquired the property in 2014, it immediately and diligently worked toward submitting a proposal for a high school use on October 20, 2015. That proposal was withdrawn in February 2017, and six months later, North Coast submitted the current proposal for a revised, alternative project under the Master Plan and in September 2017, the County issued a Notice of Preparation of an EIR for the Project.

In its October 30, 2017 proceeding, the Planning Commission failed to adhere to the above-described legal standards in determining whether the extension should be granted. In addition to failing to adhere to applicable local requirements, the Planning Commission did not consider state policy mandates, including the state policy "that a local government not reject or make infeasible housing developments...that contribute to meeting the [state housing need] without a thorough analysis of the economic, social, and environmental effects of the action..." (Gov. Code, § 65589.5(b).)

With respect to the Planning Commission's decision to uphold the appeal filed by Mr. Hurd, based on the discussion and testimony at the hearing, the Planning Commission's decision is contrary to state law and the County's own CEQA guidelines. In a very limited set of circumstances – where an agency can determine that a project cannot be approved – the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs., §§ 15000 et seq.) does not apply. (See 14 Cal. Code Regs., §§ 15270.) While Mr. Hurd's appeal was based on CEQA Guidelines section 15270, and the substance of his argument was that the underlying project entitlements could not be approved, the Planning Commission apparently did not invoke or rely upon section 15270 in its decision to "sustain" the appeal based on that specific regulation. In fact, members of the Commission specifically

stated at the hearing that they were not making a decision on a project application or requesting that a project application come forward to the Commission for a formal disapproval action. While certain Planning Commissioners appear to have wanted to "suspend" the environmental review process for some period of time, neither CEQA nor the Marin County Code allow for any such suspension. The Planning Commission's refusal to allow the CEQA process to proceed as required also implicates fundamental substantive and procedural due process concerns.

Further, as we described in our correspondence and testimony to the Planning Commission (which correspondence and testimony we incorporate herein by this reference), the Planning Commission's decisions may have the effect of interfering with and adversely impacting vested rights held by North Coast. At the Project Site, substantial work has been completed and substantial liabilities have been incurred as North Coast continues efforts to complete the 1984 Master Plan in good faith reliance thereon.

Lastly, the Planning Commission failed to provide a fair hearing given the conflict-of-interest self-identified during the proceeding by Commissioner Christina Desser. Ms. Desser stated on the record that she has a personal relationship with appellant Riley Hurd, who apparently serves as Ms. Desser's personal attorney. As a public official, Ms. Desser has an obligation to recuse herself from participating in any decision in which she has a statutory disqualifying interest or a common law conflict of interest. (See Gov. Code, § 81001(b) ["Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them"]; see also *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 51 ["A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public... Dealings between a public officer and himself as a private citizen which bring him into collision with other citizens equally interested with himself in the integrity and impartiality of the officer are against public policy."].) Given that Ms. Desser's private interests are so clearly connected (by her own admission) to the appellant, her participation in the Planning Commission's actions caused the Planning Commission hearing to be fundamentally unfair.

* * *

On behalf of North Coast, we appreciate the opportunity to submit this appeal and look forward to discussing these matters with you once an appeal hearing has been scheduled.

Very truly yours,



Kristina D. Lawson

KDL

Attachments: Appeal Forms, Appeal Fees, 10/26/17 and 11/13/17 Correspondence to Planning Commission

cc: North Coast Land Holdings, LLC
Andrew Giacomini, Esq.
Jordan Lavinsky, Esq.

KRISTINA D. LAWSON
PARTNER
DIRECT DIAL (925) 746-8474
DIRECT FAX (925) 746-8490
E-MAIL klawson@hansonbridgett.com



October 26, 2017

VIA E-MAIL (TLai@marincounty.org)

Chairman John Eller and
Members of the Planning Commission
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

**Re: October 30, 2017 Planning Commission Meeting Agenda Item Nos.
4A. North Coast Land Holdings Master Plan Extension and
4B. Riley Hurd Appeal of Notice of Preparation of Environmental Impact Report**

Dear Chairman Eller and Members of the Planning Commission:

Our firm represents North Coast Land Holdings, LLC ("North Coast" or the "Applicant"), the owner and applicant for the proposed redevelopment of the Seminary Property located in the community of Strawberry in Marin County. The revised project submittal includes the buildout of existing educational facilities, the renovation and redevelopment of existing residential housing areas, and the preservation of existing and additional open space (the "Project"), all in substantial conformance with the underlying entitlements, including the 1984 Master Plan approved for the development of the site. While an application for the Project has been pending for more than two years, the environmental review process for the Project commenced approximately one month ago.

In connection with the Project, there are two items set for hearing and your consideration next week: (1) the Applicant's October 3, 2017 request for a four-year extension of the existing 1984 Master Plan ("Extension Request"), and (2) an appeal filed by Riley Hurd, by letter dated October 9, 2017 ("NOP Appeal") on behalf of the Seminary Neighborhood Association ("Appellant"), challenging the County's issuance of a Notice of Preparation of an Environmental Impact Report ("EIR") dated October 11, 2017 for the proposed Project, and requesting the County to schedule a hearing to deny the requested entitlements prior to the application undergoing the typical entitlement review and without environmental review.

On behalf of our client, we have reviewed the NOP Appeal and the Staff Report prepared for the above-referenced items. For the reasons set forth below and as may be provided at next week's hearing, we urge the Commission to (1) approve the Extension Request under Option A as presented by staff, and (2) deny the NOP Appeal in accordance with staff's recommendation, so that the County may proceed with the preparation of an EIR for the Project. The extension request is a formality that is in line with the two prior extensions the County administratively approved in the past, and denial of the NOP Appeal will allow the County to proceed with an environmental review process to fully evaluate the potentially significant

Hanson Bridgett LLP
1676 N. California Blvd., Suite 620, Walnut Creek, CA 94596

13898875.6

environmental impacts of the proposed Project so that the community and the County's decisionmakers may be fully and properly informed.

1. MASTER PLAN EXTENSION REQUEST

While the Applicant has, in good faith, elected to request a formal extension of the Master Plan in order to maintain the status quo and for purposes of transparency, even without an extension, the Master Plan does not automatically expire under the applicable Development Code provisions and the terms of the Master Plan itself, and cannot expire because the Applicant's rights under the Master Plan are otherwise vested.

a. The Master Plan Cannot Expire Under Development Code Section 22.44.040

Under Section 22.44.050, a Master Plan is valid for a period of three years from the date the ordinance approving the Master Plan was adopted unless the Master Plan approval provided for a different term. An approved Master Plan shall not expire if, prior to the expiration date, a Precise Development Plan or a tentative subdivision map is approved in compliance with the Development Code. A subdivision map was approved and filed in Book 20 of Maps, Page 84 on July 10, 1990, and accordingly, pursuant to the express provisions of the Code, the Master Plan cannot expire.

b. The County Should Look to the Post-Approval Provisions of Chapter 22.44 and to State and Local Housing Policy when Considering the Extension Request

We note that while the Staff Report cites to Sections 22.70.050.B.2 and 22.70.050.B.3 in its discussion of Options A and B as establishing the standards for approving an extension, those sections are contained in Chapter 22.70 of the Development Code and apply generally to permits and entitlements. For purposes of the County's review of the Extension Request, the post-approval provisions of Chapter 22.44, which more specifically govern master plans, including expiration standards, are set forth in Section 22.44.050 and apply to the Extension Request.

We note that both Option B and Option C as described in the Staff Report would result in a reduction in the maximum residential density of the Seminary property, and would severely impede the development of desperately needed market rate and affordable housing in the County. Given the severity of the local housing crisis, any reduction in density of an existing developed infill site is bad policy. The Seminary property is described in the County's Housing Element as a component of the County's overall affordable housing strategy, and identified as among those "most frequently recommended for future housing." (Housing Element, p. III-28, App. C, p. C-4.) The Legislature, in recently passing a landmark housing bill package specifically designed to help fund housing construction and streamline development rules, declared in part, that "ensuring access to affordable housing is a matter of statewide concern, and not a municipal affair." (SB 35.) Within the greater context of the housing crisis, reducing the residential density permitted on this existing, developed, infill site would be contrary to state and county policy. We urge you to maintain the status quo for the site, particularly to preserve the opportunity presented by the Seminary property to provide affordable housing for the County in the future.

c. North Coast Has A Vested Right in the Master Plan Under the Plan's Vesting Provisions and Common Law Vested Rights Principles

The Master Plan provides for the vesting of the entirety of the Master Plan, providing that "If subsequent application for any portion of the Master Plan is filed with the County prior to expiration of the Master Plan, then the Master Plan shall be deemed vested and the entirety of the Master Plan shall not expire until the end of the Anticipated Phasing Period, January 1, 2010." (Master Plan, pp.30-31 [emphasis added].) The fact that certain buildings have not yet been constructed does not mean that if the Master Plan were not extended, the applicant will lose the right to construct them, as indicated in the Staff Report. (See *Pardee Construction Co. v. Cal. Coastal Commission* (1979) 95 Cal.App.3d 471, 479 [concluding that the failure to exercise a vested right to the fullest extent prior to the adoption of a new regulatory requirement did not affect its vested character]; *Stewart Enterprises, Inc. v. City of Oakland* (2016) [recognizing vested rights conferred by permit vesting ordinance earlier than available under the judicial doctrine]; *Griffin v. Marin County* (1958) 157 Cal.App.2d 507 ["If a permittee has acquired a vested property right under a permit, the permit cannot be revoked."].)

Sufficient development activities have been undertaken to establish common law vested rights under the existing entitlements, including the 1984 Master Plan, thereby preventing its automatic expiration or revocation. Under the common law doctrine of vested rights, if a city or county approves a particular project and the developer incurs substantial costs in reliance on that approval, the developer may acquire a vested right to complete the project as approved. As stated in the leading case on common law vested rights, *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 C3d 785, 791, 793, "[i]f a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit."

Here, five buildings have been constructed pursuant to both the original 1953 Use Permit and the Master Plan, and sufficient development activities have been undertaken to establish common law vested rights. To date, compared to the total buildout approved under the 1984 Master Plan, five of the 10 buildings (118,400 square feet of 192,600 square feet), or over 60% of the allowed floor area has been constructed, and 211 of the 304 residential units were constructed. Grading for future roads and academic building sites contemplated under the 1953 Use Permit has also been completed.

Component/Use	Permitted Under the 1984 Master Plan ¹	Constructed to Date	Remains Unbuilt	Proposed Under the Project
Administration	25,200 sq.ft.	25,200 sq.ft.	0	0 ²
Academic	63,200 sq.ft.	51,200 sq.ft.	12,000 sq.ft.	12,000 sq.ft.
Library	32,000 sq.ft.	32,000 sq.ft.	0	0
Cafeteria	10,000 sq.ft.	10,000 sq.ft.	0	0
Maintenance	5,200 sq.ft.	2,200 sq.ft.	3,000 sq.ft.	3,000 sq.ft. and replace existing

¹ 1984 Master Plan, pp.17-25.

² The Staff Report states on page 2 that the proposed construction is for the Administration Building but in fact it is for the remaining unbuilt Academic Building.

Chapel/Auditorium	25,000 sq.ft.	Grading completed to prepare site for 25,000 sq.ft. building	25,000 sq.ft.	2,200 sq.ft. 25,000 sq.ft.
Day Care Center	3,000 sq.ft.	0	3,000 sq.ft.	3,000 sq.ft. to be incorporated in the Gymnasium/ Health Center
Gymnasium/Health Center	17,000 sq.ft.	0	17,000 sq.ft.	20,000 square feet
Student Center	12,000 sq.ft.	0	12,000 sq.ft.	12,000 square feet
TOTAL	192,600 sq.ft.	118,400 sq.ft.	72,000 sq.ft.	72,000 square feet
Housing	304 Units	211 Units	93 Units	93 Units and replacement of 198 of the 211 existing units for a total of 304 Units

By any measure, substantial work has been completed, and substantial liabilities have been incurred as North Coast continues efforts to complete the development of the site in a manner consistent with the existing entitlements, and in good faith reliance thereon. Continued planning efforts have been underway for years, with the County's input, involvement and permission to extend the 1984 Master Plan. Delays have resulted, in part, from community opposition and the Applicant's efforts to conduct additional community outreach. Thus while additional approvals are required to fully implement the 1984 Master Plan, the rights to develop the buildings for the uses and at the density contemplated in the 1984 Master Plan remain vested. In other words, the Applicant has a vested right commensurate with the scope of, and for the components detailed in, the 1984 Master Plan. As the record makes clear, when North Coast acquired the Seminary property, it immediately undertook efforts to apply for the necessary entitlements to implement the 1984 Master Plan, and it would be punitive and contrary to law for the County to disallow the continued processing of the pending application.

North Coast also has vested rights to continue existing uses under the original Use Permit. County Development Code Section 22.70.050 provides that a permit is vested when the permit holder has obtained a building permit and substantially completed the improvements in accordance with the permit, or has actually commenced the allowed use on the property. Indeed, the Master Plan acknowledges that it represents a mutually acceptable plan that reflected the applicant's preference to work with the County and community rather than relying solely on existing legal vested rights under the Use Permit. (Master Plan, p.7.) It is in this same spirit of cooperation and transparency that North Coast submitted a formal extension request.

d. The Extension of the 1984 Master Plan is a Ministerial Act.

A decision to grant or deny a request for an extension of a Master Plan is a ministerial act because it requires only a determination of whether the Master Plan is consistent with the Countywide Plan, Community Plan or Specific Plan applicable at the time the extension is acted on. (MCC 22.44.050.B). Where an ordinance clearly defines the specific duties or course of conduct that a public officer or governing body must take, that course of conduct becomes mandatory and eliminates any element of discretion. (*Great Western Savings & Loan Assn. v. City of Los Angeles* (1973) 31 Cal.App.3d 403, 413; see *Lazan v. County of Riverside* (2006) 140 Cal.App.4th 453, 460 ["It is well-settled that, although a ministerial act by definition does not

involve discretion, its performance may be contingent on the existence of certain facts."]; see *also Kling v. City Council* (1957) 155 Cal.App.2d 309, 311 [while the city council had discretion to disapprove a tentative map if it was not satisfied with the plan of subdivision, the governing ordinance was not intended to authorize the denial of any subdivision at all on grounds not connected with the map].)

Under the County Code, approval of a Master Plan may be extended by the Director for at least three years following the original date of expiration, provided the Master Plan is consistent with the Countywide Plan, Community Plan or Specific Plan applicable at the time the extension is acted on. The Code requires that an application for extension be submitted in writing, accompanied by the applicable fee and submitted prior to the expiration of the Master Plan. (MCC 22.44.050.B.) A decision on a request for an extension requires only a determination of consistency and does not require the exercise of judgment or deliberation. An extension is therefore a ministerial act.

The County's prior course of action on extension requests demonstrates the ministerial nature of the approvals. Specifically, the County has twice extended the Master Plan, first to January 1, 2013, then to January 1, 2018, by letters dated October 21, 2009, and March 7, 2012, respectively. These extensions were both based on the consistency of the Master Plan with the Countywide Plan and the Strawberry Community Plan, and continued efforts to realize the potential for use and development of the property under the 1984 Master Plan.

2. THE COUNTY'S DECISION TO PREPARE AN EIR IS PROPER, AND AS A MATTER OF SOUND LAND USE PLANNING AND POLICY, THE EIR PREPARATION SHOULD PROCEED

At the outset, the Appellant mischaracterizes or implies that the proposed Project is nearly the same proposal that was considered by the County in 2011 and later considered in 2016. To clarify, the current proposal is distinguishable from those projects and reflects revisions that have been made over time with input from the County and the community. The current proposal reflects community outreach efforts that followed the withdrawal of the Branson School proposal earlier this year. As noted by Appellant, a new series of community meetings took place earlier this year, in an effort to find common ground between the applicant and the community in regards to project scope and intensity.

Accordingly, the proceedings for the 2011 proposal are not "highly instructive" and the current proposal has not been heard four times by the Strawberry Design Review Board as the Appellant contends. Without delving into the merits of the proposed Project, we would point out that the current proposed Project eliminates components of the 2011 proposal that Appellants vigorously opposed at the time. In part, the 2011 project, which was proposed by an entirely different applicant with no affiliation to North Coast, involved a drastically different concept that included moving the locations of a majority of the housing to several locations on the campus periphery and developing areas, such as the protected forested knoll area, that were designated for lower density or no development under the Strawberry Community Plan and 1984 Master Plan. Unlike the 2011 proposal for the full build out of an area designated primarily as open space in the Strawberry Community Plan, the current proposal preserves those areas and is otherwise consistent with the uses permitted under the Master Plan.

While the Appellant attempts to rely on the same arguments put forth in 2011 and again in 2016, the basic premise of the Appellant's argument that "little has changed" since the Strawberry Design Review Board considered an entirely different project for the full development and buildout of the Strawberry Point area is flawed. (NOP Appeal, p. 2.)

a. The Project Description Satisfies the Requirements of CEQA and Provides Adequate Information for the County to Proceed With the Preparation of an EIR.

The Project Description provides the information necessary to evaluate and review the Project's environmental impact and satisfies the requirements of the California Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA"). The updated Project Description provides a stable, finite, accurate and detailed description of the Project as the redevelopment of the existing academic campus and residential area comprising the Seminary site, and to include the following improvements: (1) a 12,000 square foot academic building; (2) a 12,000 square foot student center; (3) a 17,000 square foot gymnasium/health center; (4) a 25,000 square foot, 1,200 seat chapel/auditorium; (5) a 3,000 square foot day care center; (6) a 3,000 square maintenance building addition; (7) replacement of 198 of 211 existing residential units; and (8) construction of 93 new residential units. The Project Description includes a discussion of the Project location, detailed Project characteristics and objectives, conceptual drawings, a list of the required approvals and planning context. Therefore, the content requirements for a project description under CEQA Guidelines Section 15124 are satisfied.

The Appellant's assertion that environmental review is premature is without merit. As stated in the Staff Report, while additional data may be needed to ensure the environmental consultant has all relevant information to complete its analysis, both CEQA and the County EIR Guidelines clearly provide the opportunity for this information to be supplied and addressed through the evaluation process. (Staff Report, p. 6.) Under CEQA, a project description should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. (14 Cal.Code Regs., Sec. 15125.) This is consistent with the purpose of an EIR, which CEQA provides "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment." (14 Cal.Code Regs., Sec. 15004(b) ["With private projects, the Lead Agency shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time."].) The Project Description, as proposed, provides a sound basis for the County to conduct environmental review at this time to assess the potential impacts of the proposed Project and project alternatives and identify and incorporate appropriate mitigation measures.

b. The CEQA Exemption for Disapproved Projects Does Not Apply Because the Proposed Project Substantially Conforms to Applicable Planning Policies and Ordinances and the County is Not Required to Deny the Project

The Appellant next argues that the proposed Project cannot be approved because it violates the Strawberry Community Plan, the Master Plan and the 1953 Use Permit and that as a result, the County must bypass environmental review and set the application for a denial hearing. Section IV(D)(6)(e) of the County EIR Guidelines states, in part, "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..." As discussed below, the proposed Project substantially conforms to the applicable planning policies and ordinances, including the Master Plan, which was approved through the adoption of Ordinance No. 2818. It can be approved with the minor amendments requested.

A project need not be precisely the same project that was previously approved for a public agency to determine it substantially conforms to the prior approval. (*See Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th 481, 492, 515 [upholding city's determination of substantial conformance where project involved construction of a big box retail store on a site approved for multi-family housing]; *Sierra Club v. County of Napa* (2004) 121 Cal.App. 4th 1490, 1510 ["[I]t is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan. An agency, therefore, has the discretion to approve a plan even though the plan is not consistent with all of a specific plan's policies. It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan."]; *Save Our Heritage Organisation v. City of San Diego* (2015) 237 Cal.App.4th 163, 185-186 [concluding that precise conformity is not required for a finding of consistency in rejecting argument that a project necessarily violated applicable land use plans].)

The Staff Report properly concludes that denial of the proposed Project is not mandated because it is "premature at this time to summarily conclude that any conflict with the community plan and master plan shall serve as the basis for denial of the project," especially when the applicant has submitted an application specifically to make necessary amendments. (Staff Report, p. 7.) Here, the Project requires approval of a Master Plan Amendment, Precise Development Plan including Use Permits, Vesting Tentative Map, and Tree Removal Permit. The fact that certain amendments to existing plans are required does not render the proposed Project out of conformance. The County Development Code prescribes the process for review and consideration of such amendments, and requires that in approving a Master Plan amendment, for example, a finding be made that the amendments are consistent with the goals, policies, objectives, and programs of the Countywide plan and applicable Community Plan. (MCC 22.44.030.C.1.c(1).) The Appellant's contention that the County should circumvent this process and deny the Project without making requisite findings supported by substantial evidence is contrary to applicable law and implicates due process protections.

As further explained in the Staff Report, the "underlying nature of the proposed uses (educational and residential) are consistent with the Countywide Plan, the RMP-2.47 zoning, and the 1953 Use Permit." (Staff Report, p. 7.) The Appellant's contention that the original Use Permit only permits theological seminary use is incorrect. The Development Code defines a school use as a land use consisting of public and private educational institutions, including boarding schools, vocational schools, colleges and universities, elementary, middle and junior high schools, establishments providing courses by mail, high schools, military academies, professional schools (law, medicine, etc.), seminaries/religious ministry training facilities, and pre-schools. (MCC 22.130.030.) The Use Permit did not, and legally cannot, limit the permitted underlying educational land use to a more specific, religious educational use. Furthermore, in approving the Master Plan extensions in 2009 and 2012, the County previously made determinations of consistency.

Additionally, the proposed Project conforms with and Implements current County housing goals and policies contained in the updated Housing Element of the Countywide Plan, which identifies Golden Gate Seminary as an Affordable Housing Combining District Site containing 73.61 acres for potential development, and also indicates that based on the input provided at the community workshops on housing, Golden Gate Seminary was among the sites most frequently recommended for future housing. (Housing Element, p. III-28, App. C, p. C-4.) The Countywide Plan serves as the constitution for land use in the unincorporated portions of Marin County and policies contained in community plans, including those related to housing, must be consistent with those in the Countywide Plan, and, by extension, its Housing Element. (Housing Element, p. I-7.) The Strawberry Community Plan itself was last amended over 35 years ago, and likely requires amendment for consistency with the current housing policies contained in the Countywide Plan regardless of whether the proposed Project is ultimately approved.

Finally, and as a related matter, scheduling a denial hearing, as requested by the Appellant, would involve a significant waste of resources, which the CEQA exemption is intended to avoid. The CEQA exemption for projects that are disapproved is designed to allow public agencies to conduct an initial screening of a proposed project before the start of the CEQA process and to avoid CEQA review if it is determined that the project cannot be approved. (Pub. Resources Code, Sec. 21080(b)(5); 14 Cal.Code Regs., Sec. 15270(a) [CEQA does not apply to projects which a public agency rejects or disapproves.]) CEQA Guidelines Section 15270 is not intended to be a tool for project opponents to compel public agencies to deny projects. The exemption was originally added to CEQA to clarify that a public agency could turn down a permit application without first preparing an EIR.

If the County schedules a denial hearing in accordance with the Appellant's request, it is likely that substantial evidence of the Project's conformity with applicable policies and ordinances will require the Project to be returned for environmental review. The County's EIR Guidelines state that if an application is referred to the Planning Commission and/or Board of Supervisors for denial and "the decision making body finds, based on substantial evidence in the record, that the project does substantially conform with County Planning policies and/or ordinances, the project shall be returned to the Lead County Department for environmental review and processing..." (EIR Guidelines, Sec. IV(D)(6)(e); see 14 Cal.Reg., § 15384 [defining "substantial evidence" to mean "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."].)

The County has proceeded well beyond the initial screening of the proposed Project, and in continuing to work with the developer to refine the Project, has taken numerous actions demonstrating that the Project does not necessarily require denial. The County has conducted numerous workshops and hearings on the Project, and accepted and provided feedback and comments that are addressed in the current proposal. Under the substantial evidence standard of review, proceeding in the manner requested by the Appellant will not likely result in terminating the application process but rather further delay the County's processing of the Project application.

The Appellant rehashes the same arguments and opposition strategy it employed to oppose the prior proposals despite the fact that the current, revised proposal resolves many of the concerns raised at that time. This demonstrates the type of community resistance to

residential development that the County recognizes as a significant political barrier to the implementation of the County's goals, policies, and programs aimed to increase the supply, diversity and affordability of specialized housing stock, such as senior living. (Housing Element, p. III-3.) The environmental review process will provide an opportunity for additional community participation based on information and analyses of the potential environmental effects of the proposed Project, and allow decisionmakers to avoid or reduce those environmental effects by implementing feasible alternatives or mitigation measures.

* * *

For the reasons set forth above and as may be submitted prior to and at the hearing on October 30, we respectfully request that the Commission approve the requested extension for an additional four years, under Option A of the Staff Report, deny the NOP Appeal, and proceed with the preparation of an EIR in accordance with CEQA. We appreciate your consideration of these comments, and look forward to discussing these matters with you next week.

Very truly yours,



Kristina D. Lawson

KDL:rsc

cc: North Coast Land Holdings LLC



KRISTINA D. LAWSON
PARTNER
DIRECT DIAL (925) 746-8474
DIRECT FAX (925) 746-8490
E-MAIL klawson@hansonbridgett.com

November 13, 2017

VIA E-MAIL AND HAND DELIVERY

Chairman John Eller and Members of the
Planning Commission
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: November 13, 2017 Planning Commission Agenda Items 5A and 5B

Ratification of Resolution Denying The North Coast Land Holdings Master Plan Extension

Ratification of Resolution Granting the Riley Hurd Appeal of the Notice of Preparation of Environmental Impact Report for North Coast Land Holdings Community Plan Amendment, Master Plan Amendment, Design Review, Master Use Permit, Tentative Map, Tree Removal Permit

Dear Chairman Eller and Members of the Commission:

As you know, this firm represents North Coast Land Holdings, LLC ("North Coast") in connection with its pending application for entitlements to redevelop the property generally located at 201 Seminary Drive in unincorporated Marin County ("Project Site"). At your October 30, 2017 special meeting, you took action to deny North Coast's request for a master plan extension. If granted, the requested master plan extension would have allowed North Coast sufficient time to process the pending application, and would have allowed the County to consider the Project Site as a whole during the entitlement process. Also at your October 30, 2017 meeting, you took action to grant an appeal by Riley Hurd challenging the County's issuance of a Notice of Preparation of Environmental Impact Report for North Coast's proposed project.

In connection with today's meeting, we have reviewed staff's memorandum to the Planning Commission dated November 8, 2017, and the attached proposed resolutions. As noted in the staff memorandum, in the County's opinion the Planning Commission's actions of October 30 have the result of allowing North Coast to continue the residential and school uses of the Project site under the existing zoning and vested Project Site entitlements. Thus, no new or modified entitlements are required to untether the residential uses from other site uses, or to immediately re-commence operation as a school. Frankly, while from a land use entitlement perspective this result clearly benefits North Coast, this is not the result North Coast desired, nor do we believe it is a result that benefits the greater Strawberry and Marin County communities.

I. THE PLANNING COMMISSION SHOULD RECONSIDER ITS DECISION TO LET THE MASTER PLAN EXPIRE BECAUSE KEY FACTS WERE OMITTED FROM THE STAFF REPORT AND THE OCTOBER 30 HEARING

The staff report provided to you in advance of your October 30, 2017 meeting, as well as the subsequent presentation by staff at the hearing, omitted key elements of the planning and entitlement process that have been on file with the County for many months. The omitted elements are pertinent to the Commission's decision to suspend the applicant's application because they demonstrate North Coast's willingness to address concerns raised by the community and more importantly, a willingness to work together with the community to develop a comprehensive plan for the Project Site that meets both community and project objectives.

Nearly one year ago, County staff provided North Coast the opportunity to develop an alternative plan for the Project Site that was to be based on the elimination of a large, commuter high school as well as additional community input and involvement. At the direction of staff, the plan was to be studied in conjunction with the proposed plan and other plan alternatives developed by staff, the County's environmental consultants, and the community as part of the environmental review process. (See attached January 3, 2017 Correspondence from the County to North Coast.) The January 3 letter from staff states, in part, that the County will consider including in the environmental review document an alternative that "...may reflect development options you identify in response to input received through the Strawberry Design Review Board and other means of community engagement."

In response to the County's letter, in conjunction with County staff North Coast immediately engaged in a six-month process that focused on community outreach and formulated an alternative plan that responded to community input. North Coast engaged community members, hosted a day-long open house attended by nearly 400 people, and provided flyers with information about the proposed project to every resident in Strawberry (see attachment). Public input was collected and considered throughout the process. The comments received focused primarily around traffic concerns, limiting the academic use, and exploring the addition of senior housing. This community outreach effort culminated in the alternative plan that is currently on file with the County, which alternative plan North Coast (and County staff) intended to be evaluated during the entitlement and environmental review process. The alternative plan proposes to reduce the physical scale of the academic campus approved in the 1984 Master Plan by approximately 40%, commits to operational restrictions that reduce that impact of traffic through high levels of integrated housing, online education, and staggered start times, proposes senior housing, and maintains many of the unique aspects of the Master Plan, including public access, open space, preservation of Seminary Point, community playing fields, and the concept of integrated, cohesive uses that have lasting benefit to the community. The alternative plan would substantially modify the underlining entitlements outlined in the 1984 Master Plan, but was submitted at the request of County staff to address precisely the types of concerns that were voiced by the Commission on October 30. The alternative plan is a plan that moves away from some of the less desirable elements of the Master Plan and replaces them with a more relevant, forward thinking combination of uses. The plan was submitted in the spirit of cooperation, transparency, and compromise, and with the expectation that it would be fully evaluated as part of the EIR process as outlined in the County's January 3 letter.

The Planning Commission was not made aware of the facts demonstrating North Coast's community engagement or the resulting alternative plan, and in light of this new

information, we request the Planning Commission reconsider its October 30, 2017 actions in order to facilitate continued dialogue and progress between North Coast, the County and the community at large. The alternative plan on file with the County accomplishes precisely what the Commission referred to as a "revised master plan" during its deliberations two weeks ago.

II. IN ORDER TO ENSURE THE PROJECT SITE IS EVALUATED AND ULTIMATELY ENTITLED AS AN INTEGRATED SITE, THE PLANNING COMMISSION SHOULD RECONSIDER ITS DECISION TO LET THE MASTER PLAN EXPIRE

North Coast filed its entitlement application (including the alternative plan described above), and the subsequent master plan extension request, in order to commence a collaborative, public review of its proposal for the Project Site. In the more than two years that the County has been processing North Coast's entitlement application, the project has been the subject of a significant level of public scrutiny – from public hearings, to large community outreach meetings, to individual review and comment by County staff and members of the public. This entitlement process has been beneficial, and resulted in the revised project submittal that was submitted to the County just this past August. That revised project submittal included both a proposal to redevelop the Project Site with the uses permitted in the 1984 Master Plan, as well as the alternative plan described in detail above. Because entitlement processing takes a long time, North Coast also requested that the 1984 Master Plan be extended so that the revised application and the alternative plan could be properly and thoroughly vetted by the County and the community. Unfortunately, your decision of October 30, 2017 stops that process just as it was commencing.

Extending the 1984 Master Plan allows the County to consider the pending entitlement application in the context of the Project Site as a whole. This holistic approach, founded in sound land use planning policy, is the right approach for the Project Site, and we urge the Planning Commission to reconsider its October 30, 2017 decision to deny the master plan extension request.

With respect to draft Resolution PC17-011, we note that it fails to reference or consider key evidence in the record indicating that substantial work has been completed and substantial liabilities have been incurred by North Coast and the site's prior owners in furtherance of the 1984 Master Plan. In 1990, a portion of the site was subdivided and single family residences were developed – vesting the master plan under the applicable County regulations. The legal standard applicable to the Planning Commission's decision is whether substantial evidence supports the findings made, and whether the findings support the ultimate conclusion. (*Topanga Ass'n for a Scenic Cmty. vs. County of Los Angeles* (1974) 11 Cal. 3d 506, 514.) In practice, this legal standard means that the Planning Commission must set forth clear findings, rooted in substantial record evidence, that apprise the public of the basis for the Commission's decision. The draft resolution makes only bare and conclusory findings, lacks reference to record evidence, and fails to connect the Commission's decision to the bases for the decision articulated at the October 30 hearing.

III. THE PLANNING COMMISSION SHOULD ALLOW EIR PREPARATION TO PROCEED, AS THE COMMISSION'S OCTOBER 30 DECISION IS NOT AUTHORIZED BY LAW

The environmental review process mandated by the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs., §§ 15000 et seq.) has been a hallmark of California's environmental legacy for more than forty years. When an environmental impact report is prepared pursuant to CEQA, the potentially significant effects of a project are identified, analyzed and mitigated. (See Pub. Resources Code, § 21002.1(a).) Further, alternatives to the project that might have less significant environmental impacts are identified and considered. (Id.) The fundamental purpose of this process is to provide meaningful public disclosure, and to elicit comments and feedback from the public and public agencies. By stopping the environmental review process for North Coast's pending entitlement applications before that process has started thwarts the purposes of CEQA and does a tremendous disservice to the public.

Moreover, according to draft Resolution PC17-012, the Planning Commission apparently wants to take an action that CEQA neither contemplates nor authorizes. Specifically, in its resolution the Planning Commission purports to "suspend" environmental review while the County awaits minor revisions to North Coast's pending application. CEQA does not include a provision authorizing "suspension" of environmental review, and such suspension is contrary to the fundamental purposes of CEQA.

Resolution PC17-012 also fails to connect its ultimate conclusion – to sustain the Riley Hurd appeal – to the regulation under which Mr. Hurd filed his appeal or to any substantial record evidence. Citing section 15270 of the CEQA Guidelines, Mr. Hurd contended that CEQA review must be halted because the project proposed by North Coast should be disapproved. Section 15270 directs that it is "intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved." The Planning Commission conducted no screening whatsoever of the underlying project, and specifically determined that it was not going to consider the issue of disapproval of the pending application. As a result, there is no legal basis on which to sustain Mr. Hurd's appeal.

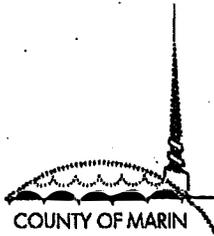
On behalf of North Coast, we urge the Planning Commission to reconsider the actions it took on October 30, 2017, and to allow the entitlement and environmental review process for the Project Site to proceed.

Very truly yours,


Kristina D. Lawson

Attachments

cc: North Coast Land Holdings, LLC
Andrew Giacomini, Esq.
Jordan Lavinsky, Esq.



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

January 3, 2017

Bruce Jones
North Coast Land Holdings LLC
2350 Kerner Blvd. Suite 360
San Rafael, CA 94901

RE: North Coast Land Holdings LLC Community Plan Amendments, Master Plan Amendment, Precise Development Plan, Tentative Map, Use Permit, and Tree Removal Permit
201 Seminary Drive, Strawberry
Assessor's Parcels 043-261-25, 043-261-26, 043-262-03, 043-262-03, 043-262-06, 043-401-05, 043-401-10, 043-401-16, 043-402-03, 043-402-06
Project ID 2015-0343

Dear Mr. Jones,

Based on your most recent submittal on September 8, 2016, the Planning Division is confirming that the description of your proposed project is stable, finite, accurate, and sufficient to proceed to environmental review. The appropriate level of environmental review for your project is a full scope Environmental Impact Report (EIR), which you have agreed to fund during our past discussions on this issue. The Community Development Agency's Environmental Review section will take the lead in this effort.

Preparing an EIR involves a number of important steps, beginning with the County selecting an EIR consultant. Once the consultant is selected, you will be asked to fund the whole of the contract at the outset. Please note that the EIR selection process is administered solely at the County's discretion, including decisions regarding the scope, the cost and the consultant selected to prepare the EIR. The consultant selection process will be initiated by the Community Development Agency (CDA) in January 2017.

Once a contract for the EIR consultant has been executed, the CDA's Environmental Review staff will distribute the Notice of Preparation of the EIR and one of the consultant's first tasks will be to participate in a public scoping meeting and gather comments from the public and other agencies to refine the scope of the EIR before commencing with the environmental impact and project alternatives analysis by early April 2017.

Our EIR consultants will begin the impact analysis by reviewing the information in your application, having the various studies you have submitted peer reviewed by their experts and identifying any additional information that needs to be obtained. All of the information necessary will need to be either provided by you or prepared independently by our EIR consultants and their experts. While additional information is often provided by applicants, in the case of this project, the County's consultants will conduct any additional traffic studies necessary. As an early part of the impacts analysis, our consultants will fully evaluate the proper baseline to use

for the EIR, and for the traffic analysis in particular. This determination will be based on our consultant's independent review, legal review, and the County's best practices in this regard. The process of identifying additional information and the proper baseline is closed, and you will not have an opportunity to negotiate the County's determinations.

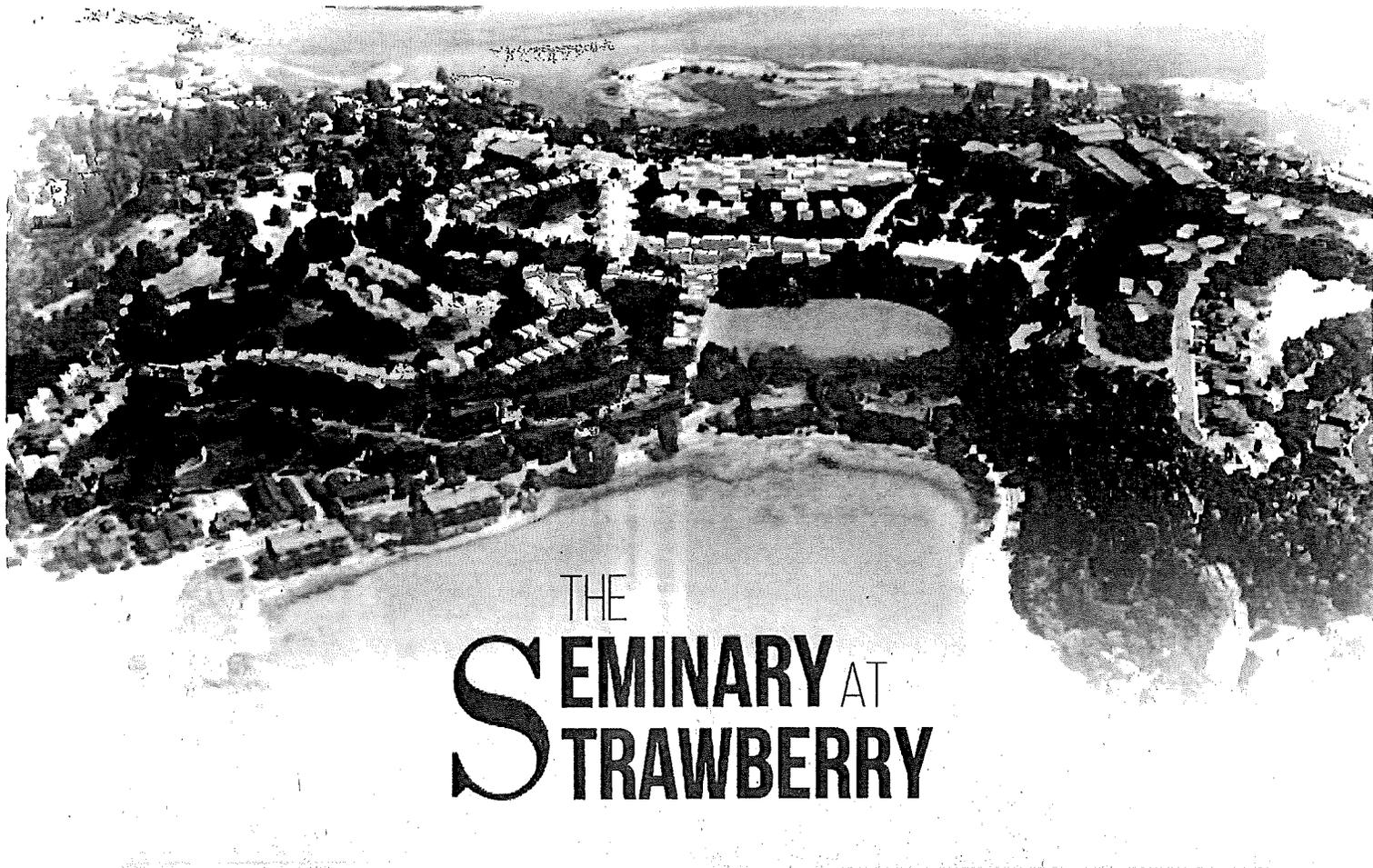
In addition to evaluating the impacts of the project, our consultants will prepare an analysis of several alternatives to your current proposal. In some cases, such as in the "alternative site" and the "no project" alternatives, the options to evaluate are required by CEQA. Further, the County includes a "mitigated alternative," which reflects the proposed project with all the mitigations imposed and the project modified to meet all the County's standards. For example, the mitigated alternative could include design and layout changes to reflect the mitigation measures as well as changes to reflect the project as it would be modified to meet the Department of Public Works standards regarding parking and road width. These standard alternatives will be supplemented by a variety of other alternatives, as determined by the County and our EIR consultant.

While the number and scope of alternatives to be evaluated in the EIR are determined by the County, we will consider including an alternative that may reflect development options you identify in response to input received through the Strawberry Design Review Board and other means of community engagement. The EIR is not contingent upon you providing this information nor is the County's willingness to consider the information a predetermined endorsement of any alternative.

If you intend to provide information that may help inform the alternatives analysis portion of the project EIR, then please let us know within two weeks and submit information to the CDA within three to four months from the date of this letter. As noted above, while our consultants may conduct some initial work on the EIR, they will not begin the substantive impacts and alternatives analysis for up to three months from the date of this letter.

Sincerely,

Jeremy Tejirian
Planning Manager



THE **S**EMINARY AT STRAWBERRY

**AN OPPORTUNITY TO CREATE AN
INTER-GENERATIONAL COMMUNITY IN STRAWBERRY**

What is it?

An integrated community for youth, families, and older adults that utilizes the wisdom of connecting generations rather than separating them into age-segregated programs and facilities.

The community will facilitate a strong bond among generations by providing a vibrant and meaningful place to live and work for all ages and walks of life. The inter-generational community concept also promotes programs, policies and practices that increase cooperation, interaction, and learning amongst residents and students.

Why here?

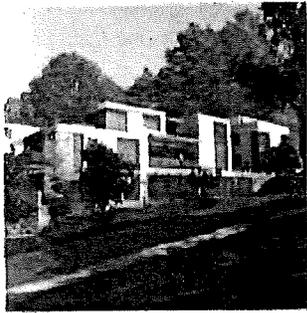
Extensive seminary grounds and facilities under one master plan allow for a coordinated vision with day-to-day on-site management.

A Plan That Enhances Strawberry



Inter-Generational Community

- Integrated living for youth, families, and older adults from all walks of life
- A park-like setting with a pre-school for young families, residences for seniors, families and students, and shared dining facility, community arts center, gym and playing field



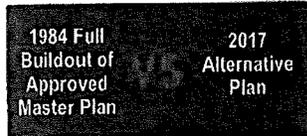
Residential Component – Housing for All Segments of Marin

- A live/work community where employees and staff can walk to work
- Boarding component for students
- Compact senior housing opportunities with a care component
- 61 Affordable Housing units
- Workforce housing units for families, school faculty, staff, and on-site senior care providers



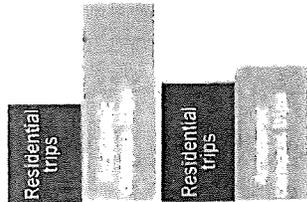
Academic Use – From Theology to Technology

- Hybrid learning model – 50% on-line instruction, 50% on-site instruction
- A STE(A)M-focused academy that prepares our youth for the technological challenges of the future
- Limited on-site school sports program
- Joint academy/neighborhood advisory board



Traffic Management

- More flexible class scheduling to avoid local peak traffic commutes
- Downsizing the 1,200-seat auditorium adjacent to neighboring homes to a 600-seat Arts Center within the existing Library
- Closed campus policy for students
- Integrated shuttle system similar to the PresidiGO Shuttle
- A robust traffic management plan with required bussing and carpools



Amenities Shared With the Community

- Additional high-quality walking and biking trails for all of Strawberry
- A landscape management plan that maintains and manages green spaces throughout
- Shared community arts center and renovated playing field
- Preserves key open space, including Seminary Point
- A new recreational facility that would allow for collaboration with the Strawberry Rec Center



Durability & Community Benefits

- A long-term, single ownership model with the capability of managing the synergies of an integrated community
- A low density, park-like setting with shared driveways, no fences or private yards providing accessible open space
- Replaces old housing with high quality units, increasing property values for all

