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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.

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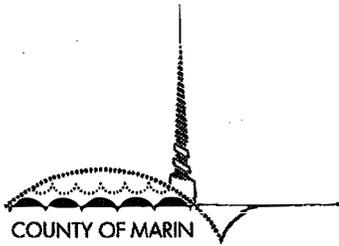
On behalf of North Coast, we urge the Planning Commission to reconsider the actions it took on October 30, 2017, and to allow the entitlement and environmental review process for the Project Site to proceed.

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.

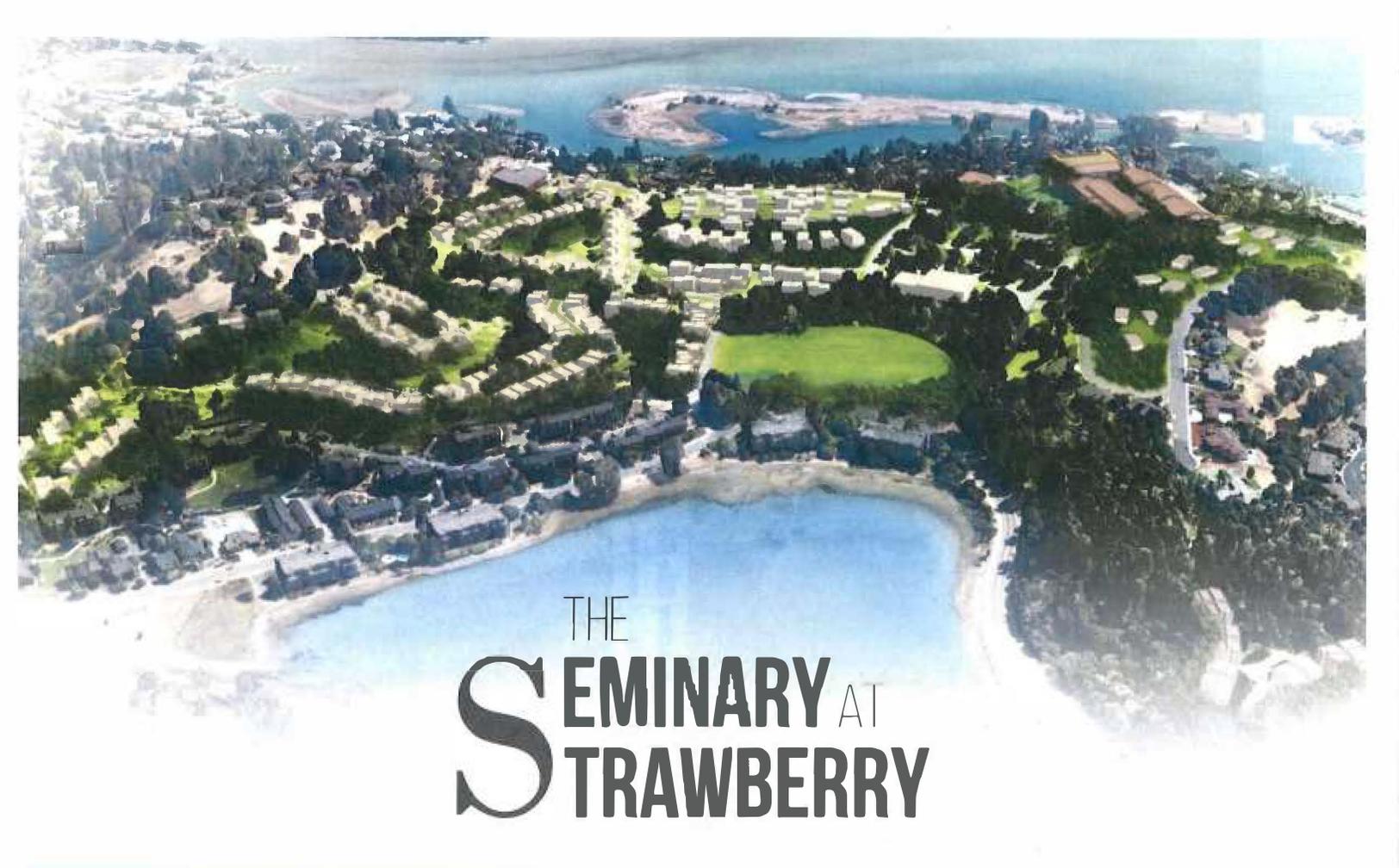
In addition to evaluating the impacts of the project, our consultants will prepare an analysis of several alternatives to your current proposal. In some cases, such as in the "alternative site" and the "no project" alternatives, the options to evaluate are required by CEQA. Further, the County includes 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 SEMINARY AT STRAWBERRY

AN OPPORTUNITY TO CREATE AN INTER-GENERATIONAL COMMUNITY IN STRAWBERRY

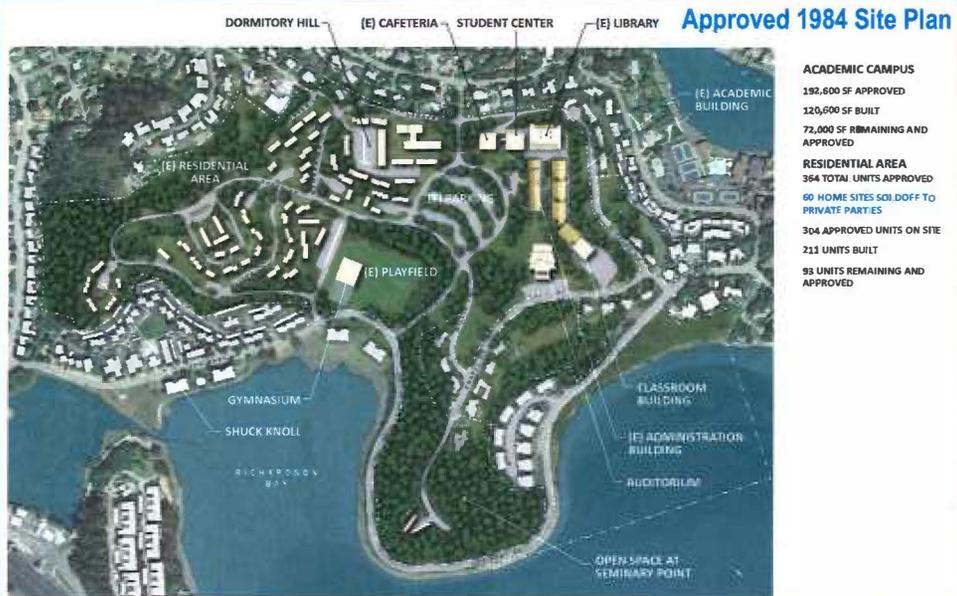
What is it?

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.



Transitioning to the 2017 Alternative Site Plan, An Inter-Generational Community



Proposed 2017 Alternative Site Plan, AN INTER-GENERATIONAL COMMUNITY



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

