



COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

December 12, 2017

Brian C. Crawford  
DIRECTOR

Thomas Lai  
ASSISTANT DIRECTOR

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

Marin County Civic Center  
3501 Civic Center Drive  
Suite 308  
San Rafael, CA 94903  
415 473 6269 T  
415 473 7880 F  
415 473 2255 TTY  
[www.marincounty.org/plan](http://www.marincounty.org/plan)

Re: North Coast Land Holdings Appeals of: (1) Master Plan Extension Denial; and (2) Suspension of Preparation of Environmental Impact Report for North Coast Land Holdings Community Plan Amendment, Master Plan Amendment, Design Review, Master Use Permit, Tentative Map, and Tree Removal Permit  
201 Seminary Drive, Mill Valley

Dear Supervisors:

**RECOMMENDATION:** On behalf of the Planning Commission, staff recommends your Board: (1) deny the extension of the 1984 Master Plan; and (2) not initiate environmental review on the 2015 Project at this time.

**SUMMARY:** The property has been used as a graduate school by the prior property owners (Golden Gate Baptist Theological Seminary) under a 1953 Use Permit. In 1984, the County approved a RMP Master Plan ("Master Plan") for various campus buildings along with subdivision of portions of the property to create 24 single-family residential and 36 condominium units. That Master Plan will expire on January 1, 2018. North Coast Land Holdings acquired the property in 2014, and submitted an application to redevelop the property with proposed amendments to the Master Plan, Strawberry Community Plan, and other land use permits in 2015 (Project).

The Project includes construction of the following buildings related to the academic use (graduate school) of the property: a 25,000 square foot Chapel/Auditorium, 20,000 square foot Gymnasium/Health Center, 12,000 square foot Student Center, 12,000 square foot Administration Building addition, and 5,200 square foot maintenance building. Ninety-three new housing units will be constructed on the approximately 127-acre property, and 198 of the existing 211 units of housing will be replaced. Factoring in 13 additional existing, unmodified units, the Project will result in a total of 304 residential units. The applicant is seeking to amend the Master Plan and Strawberry Community Plan to allow use of the residential units by the general public. The applicant also seeks approval of a Master Use Permit to allow use of existing building space by a pre-school, catering company, and the applicant's property management offices. The applicant convened an open house in June 2017 and submitted an alternative to the Project (Alternative) in August 2017 for evaluation in the Environmental Impact Report (EIR) in response to community concerns about the Project. The Alternative eliminates the expansion of the academic buildings and refines the academic use (to include a student/faculty boarding component, an online educational component, and staggered school hours to avoid peak commute periods), adds a senior retirement

community and a new community athletic center, replaces 198 existing units, and adds 93 additional new residential units, resulting in a total of 304 residential units.

The Community Development Agency issued a Notice of Preparation (NOP) of an EIR for the Project in September 2017. That decision was appealed by Riley Hurd, on behalf of the Seminary Neighborhood Association. Shortly after the issuance of the NOP, the applicant submitted an application for a four-year extension to the 1984 Master Plan in order to provide sufficient time for the proposed Project to be processed.

On October 30, 2017, the Planning Commission voted (5-1) not to extend the 1984 Master Plan and (6-0) to partially sustain the Riley Hurd appeal by suspending work on the EIR since the Project is based on the general development parameters under the Master Plan, including an antiquated zoning method for calculating residential density, and the basic project description used to initiate the EIR will no longer be accurate if a new Master Plan application is filed. The applicant has appealed both of those actions.

#### Master Plan Extension

The appellant asserts that a Master Plan extension is not legally required since the 1984 Master Plan is vested. Vesting generally means the property owner has a right to proceed in accordance with the original approval without regard to a time limit. The Development Code's criterion for vesting contained in Section 22.70.050.B.2 takes into consideration whether the applicant has obtained building and other construction permits and substantially completed the improvements in accordance with the Master Plan. Staff had originally recommended the Planning Commission consider granting a conditional Master Plan extension consistent with the two prior Master Plan extension approvals but with modifications that would utilize the current zoning methodology for calculating residential density (to exclude the 22.5-acre submerged acreage) which would reduce the number housing units for student, staff, and faculty approved in the 1984 Master Plan from 304 to 258 residential units. Currently, there are 211 units on the property.

The Planning Commission supported their decision by noting that a significant amount of time (approximately 33 years), including two prior Master Plan extensions totaling 8 years, has been provided for all of the improvements to be constructed. With exception to those portions of the Master Plan that were subdivided and separately developed, none of the academic buildings or student/staff/faculty housing that were approved under the Master Plan were constructed. The Planning Commission's decision to deny the Master Plan extension does not affect the educational use of the property under the prior 1953 Use Permit or prevent the applicant from submitting a new Master Plan application. Although the current Strawberry Community Plan policies reflect the 1984 Master Plan which required use of the housing by students, staff, and faculty, neither approval modified the conditions of the 1953 Use Permit. However, without a further extension of the Master Plan, the Master Plan restriction to use of the existing housing by students, staff, and faculty would no longer apply since residential uses are permitted under the Residential Multiple Planned zoning district.

Environmental Review

The appellant asserts that the Planning Commission’s decision to suspend the environmental review process is not consistent with the California Environmental Quality Act (CEQA) and raises substantive and procedural due process concerns, but did not elaborate in detail on this basis of appeal. The Planning Commission concluded that preparation of an EIR for the Project is not possible since the applicant will need to submit a new Master Plan application following expiration of the 1984 Master Plan on January 1, 2018.

Next Steps

Should your Board affirm the Planning Commission’s actions and deny the North Coast Land Holdings appeals, the applicant may resubmit the Project with modifications including, but not necessarily limited to, a new Master Plan application, and staff would continue processing the revised Project. Following review and comment by public agencies, the Strawberry Design Review Board, and interested parties, a new determination on the level of environmental review will be made by the Environmental Coordinator, followed by a new NOP. As the Board of Supervisors is the final decision making body on environmental review determinations and legislative actions, such as a Master Plan, general and/or community plan, and presuming the Environmental Coordinator determines an EIR is required for the revised Project, the Board may direct staff to refer any appeal of the subsequent NOP to the Board for a final determination, consistent with Section X of the County’s Environmental Impact Review Guidelines.

**FISCAL/STAFFING IMPACT:** None.

**REVIEWED BY:** (These boxes must be checked)

- |  |                              |
|--|------------------------------|
| <input type="checkbox"/> Department of Finance     | <input type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources           | <input type="checkbox"/> N/A |

**SIGNATURE:**



Tom Lai  
Assistant Director

- Attachments:
- (1) Proposed Resolution Denying the North Coast Land Holdings Appeal and Denying Extension of the “RMP Master Plan”
  - (2) Proposed Resolution Denying the North Coast Land Holdings Appeal and Suspending the Community Development Agency’s Determination to Prepare an Environmental Impact Report
  - (3) Petition for Appeal (received 11/13/17)
  - (4) Planning Commission Minutes and Resolutions PC17-011 and PC17-012 (10/30/17, 11/13/17)
  - (5) Communications
    - a. California Alliance for Retired Americans Letter (11/30/17)
    - b. Kevin Farnham Email (11/29/17)
    - c. David Collman Email (11/30/17)

- d. Renee Shur Email (11/30/17)
- e. Cathy Nourafshan Email (11/30/17)
- f. Jeanne Rizzo Email (12/1/17)
- g. Michael Halloran Email (12/1/17)
- h. Larry Rose Email (12/1/17)
- i. Roy Benvenuti Email (12/2/17)
- j. Jane Berman Email (12/4/17)
- k. Elizabeth Weisheit Email (12/4/17)
- l. Peggy Keon Email (12/4/17)
- m. Mary Ware Email (12/4/17)
- n. Diane Arnone Email (12/4/17)
- o. Robert Chandler Email (12/4/17)
- p. Ray and Mary McDevitt Letter (12/4/17)
- q. Chuck Ballinger Email (12/5/17)
- r. Tom Yurch Email (12/5/17)
- s. Angela Gott Email (12/5/17)
- t. Richard and Kay Harris Letter, (12/6/17)

In order to conserve resources, the following attachments are only provided to the Board of Supervisors. They are available for public review from the Community Development Agency's webpage for this project located at:

<https://www.marincounty.org/depts/cd/divisions/planning/projects/alt-o-strawberry/north-coast-land-holdings-llc mp dp tr up 15 343 mv>

- (6) Planning Commission Staff Report and Memoranda (10/26/17, 10/27/17, 10/30/17, 11/8/17)
- (7) Memorandum regarding Additional Planning Commission Communications (11/3/17)