

COMMUNITY DEVELOPMENT AGENCY

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Building and Safety
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November 10, 2020

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

SUBJECT: Appeal of the Environmental Planning Manager's Determination-Notice of Preparation (NOP) of Environmental Impact Report (EIR)-North Coast Land Holdings LLC Community Plan Amendment, Master Plan, Design Review, Master Use Permit, Vesting Tentative Map and Tree Removal Permit (P1490), on the former Golden Gate Baptist Seminary Site

**201 Seminary Drive, Mill Valley
Assessor Parcel Nos. 043-261-25 and -26; 043-262-03 and -06;
043-401-05, -10, and -16; and 043-402-03 and -06**

Dear Supervisors,

RECOMMENDATION:

Staff recommends that your Board deny the Seminary Neighborhood Association's appeal of the Environmental Planning Manager's determination that the North Coast Land Holdings Community Plan Amendment, Master Plan, Design Review, Master Use Permit, Vesting Tentative Map and Tree Removal Permit application requires the preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) and the County's Environmental Impact Review Guidelines.

SUMMARY:

The property has been used as a graduate school by the prior owners (Golden Gate Baptist Seminary) and current owners (North Coast Land Holdings LLC) under a Use Permit approved in 1953. In 1984, the County approved a Master Plan for various campus buildings along with subdivision of portions of the property to create 24 single-family residential and 36 condominium units. The Master Plan expired on January 1, 2018.

On February 5, 2020, North Coast Land Holdings LLC submitted a revised application for development on the former Golden Gate Baptist Seminary property. The proposed project includes a residential care facility for senior citizens and would replace a majority of the existing residential housing, as well as provide new residential housing. In addition, a pre-school and fitness center that would both be open to the public are proposed. Twenty percent of the proposed units would be reserved as below market rate housing. More than 75 percent of the 127-acre

campus would be preserved as open space, athletic fields, paths and plazas. No change to the scope of the existing use permit for higher educational use is being proposed.

On September 21, 2020, the Strawberry Design Review Board (SDRB) held a duly noticed public hearing to consider the planning application and recommended that the application be denied. After careful review and consideration of the SDRB's recommendations, the Environmental Planning Manager determined that the proposed project may have a potentially significant impact on the environment and that the preparation of an EIR pursuant to CEQA was required for the project. A Notice of Preparation (NOP) of Environmental Impact Report was issued on September 25, 2020.

On October 1, 2020, Riley F. Hurd III, on behalf of the Seminary Neighborhood Association, submitted an appeal of the Environmental Manager's determination and asserts the following: (A) The appellant asserts that the Board should deny the application, rendering it statutorily exempt from CEQA; (B) The appellant asserts that the 1953 Conditional Use Permit for the property "limits the entire property, and all the uses thereon" and that the proposed housing development project cannot be allowed without an amendment to the Conditional Use Permit; (C) The appellant asserts that the proposed project requires an amendment of the 1953 Conditional Use Permit related to the educational use of the property; (D) The appellant asserts that the amendments proposed to the Strawberry Community Plan involve the educational use of the property and must be analyzed if an EIR is conducted; and (E) The appellant asserts that the determination to require an EIR is premature because "the project description is not "stable, finite, accurate, and sufficient," due to the exclusion of the educational component from the detailed portion of the application."

In December of 2017, the Board upheld a prior appeal and suspended preparation of an EIR for a prior proposal by North Coast Land Holdings LLC on this property. The Board directed staff to refer future appeals regarding conducting an EIR for the project directly back to the Board for final action. The attached recommended Resolution provides responses to the assertions of the appellant and denies the appeal.

The various iterations of the project have been under review since the original application was submitted on October 20, 2015. Since that time, an extensive record of application materials, appeal information, and public input has been compiled, all of which is available in the County Community Development Agency (CDA) offices. The CDA also has maintained web pages with much of the information related to the application on the Planning Division's website:

https://www.marincounty.org/depts/cd/divisions/planning/projects/alto-strawberry/north-coast-land-holdings-llc_mp_dp_tr_up_15_343_mv

CEQA-related project information is maintained on the environmental review website: <https://www.marincounty.org/depts/cd/divisions/environmental-review/current-eir-projects/north-coast-land-holdings-llc>.

The information provided online includes a brief summary of the project, project plans, technical studies, staff reports and attachments, various public notices, and the NOP which is at the heart of the appeal. Although these websites are not mandated by law, the CDA maintains them as a convenience for stakeholders and other agencies to improve transparency and public information.

Enclosed with this letter are documents pertaining directly to the appeal. These include a recommended Resolution denying the appeal, the appeal itself, the NOP, correspondence received from the applicant about the school and from the applicant's legal representative about the appeal, minutes from the most recent Strawberry DRB meeting about the project, the Board's Resolution from the last time the County's CEQA determination was appealed, and comments from the public received since the NOP was distributed. All comments received after this Board letter and attachments are distributed will be forwarded to the Board before the hearing on the appeal.

If your Board denies the appeal as recommended, staff will commence the EIR scoping process. Responsible agencies, trustee agencies and the public are encouraged to provide input to the County on potentially significant environmental issues, project alternatives, and mitigation measures that should be considered in the EIR. This information will be reviewed and considered in developing the EIR.

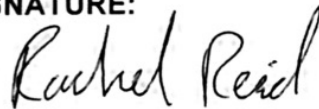
FISCAL/STAFFING IMPACT:

None.

REVIEWED BY:

<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:



Rachel Reid
Environmental Planning Manager

Attachments:

1. Proposed Resolution Denying the Seminary Neighborhood Association's Appeal of the Environmental Planning Manager's NOP Determination
2. Petition of Appeal-Seminary Neighborhood Association, received October 1, 2020
3. Notice of Preparation of an EIR for the North Coast Land Holdings project
4. Correspondence between the CDA and applicant related to the school dated December 17, 2019 and February 10, 2020, respectively
5. Correspondence received from Hanson Bridgette, the applicant's legal representative, dated October 16, 2020

6. Minutes from the most recent Strawberry Design Review Board meeting related to the project, held on September 21, 2020
7. Previous Resolution approved by the Board on December 12, 2017 related to the last appeal on the County's CQA determination for the project
8. Comments received from the public since the NOP was distributed

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

A RESOLUTION DENYING THE SEMINARY NEIGHBORHOOD ASSOCIATION’S APPEAL OF THE ENVIRONMENTAL PLANNING MANAGER’S DETERMINATION TO PREPARE AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE NORTH COAST LAND HOLDINGS COMMUNITY PLAN AMENDMENT, MASTER PLAN, DESIGN REVIEW, MASTER USE PERMIT, VESTING TENTATIVE MAP AND TREE REMOVAL PERMIT, ON THE FORMER GOLDEN GATE BAPTIST SEMINARY SITE

201 SEMINARY DRIVE, MILL VALLEY
ASSESSOR’S PARCELS: 043-261-25 and -26; 043-262-03 and -06; 043-401-05, -10, and -16; and 043-402-03 and -06

SECTION I: FINDINGS

- 1. **WHEREAS**, on September 25, 2020, the Marin County Environmental Planning Manager determined that the North Coast Land Holdings Community Plan Amendment, Master Plan, Design Review, Master Use Permit, Vesting Tentative Map and Tree Removal Permit application on the former Golden Gate Baptist Seminary Site, requires the preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) and the County’s Environmental Impact Review Guidelines.

The Seminary property is located at 201 Seminary Drive, Mill Valley and further identified as Assessor’s Parcel 043-261-25 and -26; 043-262-03 and -06; 043-401-05, -10, and -16; and 043-402-03 and -06.

- 2. **WHEREAS**, on October 1, 2020, Riley F. Hurd III, on behalf of the Seminary Neighborhood Association, submitted a timely appeal of the Environmental Planning Manager’s determination.
- 3. **WHEREAS**, on November 10, 2020, the Marin County Board of Supervisors held a duly noticed public hearing to take public testimony and consider the appeal.
- 4. **WHEREAS**, the bases of the appeal are insufficient to overturn the Environmental Planning Manager’s determination, for the reasons discussed below.
 - A. The appellant asserts that the Board should deny the application, rendering it statutorily exempt from CEQA.

The appellant has requested that the Board deny the North Coast application, consistent with the recommendation of the Strawberry Design Review Board. Related to this request is a description of the legal basis for the appeal, which accurately refers to key sections of the State CEQA Guidelines, the Marin County Environmental Impact Review Guidelines, and the Marin County Development Code section related to summary denials. Normally, such appeals would be heard by the Planning Commission before the Board, but in this

case the Board's decision on the previous appeal on the issue of conducting an EIR (Resolution No. 2017-139) specifically calls for subsequent appeals on this subject to return directly to the Board for a final decision. Pursuant to State CEQA Guidelines Section 15270(a)(b), projects that a public agency denies are statutorily exempt from CEQA. Ultimately, the Board determines whether a CEQA analysis is required because the Board has the discretion to summarily deny the application before the CEQA analysis even begins.

Proposals for the use and development of the property have been highly controversial since the inception of the application in October 2015. Multiple appeals have been filed over the course of the last several years by both the applicant and opponents to the proposals, and the project has undergone several iterations of modifications. While there are some who believe that the project has improved over the course of the process so far, many detractors continue to believe that the current proposal should not be approved. The appeal submitted by the Seminary Neighborhood Association reflects many of the concerns voiced by the broader community.

However, it would be premature to render a decision on the merits of the application before a comprehensive EIR is completed to provide decision makers with an objective analysis of the environmental impacts of the project. In addition, State laws regarding housing development projects, such as the North Coast proposal, establish a high threshold for the County to meet before denying the application.

A variety of State housing laws pertain to housing development projects, especially those that include affordable housing such as the proposed project, which would dedicate at least 20 percent of the proposed units to affordable housing, in accordance with County requirements. Key provisions of state law include the State Housing Accountability Act (HAA)(Govt. Code section 65589.5) and legislation regarding density bonuses (Govt. Code section 65915). The HAA places the burden on the County to establish certain facts and only allows denial of residential projects that provide affordable housing when findings are made regarding those facts. Specifically, the HAA requires that the project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development financially infeasible.

Moreover, the applicant has also applied for a density bonus and the other concessions and incentives provided for under density bonus law. A density bonus is an increase over the otherwise allowable maximum residential density on a property based on a sliding scale depending on the range of housing affordability. The County can only deny a density bonus, concession, or incentive by demonstrating that it would cause a public health or safety problem, harm historical property, or would be contrary to law. The last section of the statute states: "This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units."

In combination, the various State laws make it abundantly clear that the legislature regards housing as a matter of statewide concern and requires that local jurisdictions conduct an in-depth analysis of housing development projects before seeking to deny them or reduce their proposed density. The information in the record does not support a summary denial

because it cannot be demonstrated that the project would result in a specific, adverse impact on health or safety.

- B. The appellant asserts that the 1953 Conditional Use Permit for the property “limits the entire property, and all the uses thereon” and that the proposed housing development project cannot be allowed without an amendment to the Conditional Use Permit.

The property is zoned Residential, Multiple Family, Planned (RMP), which allows several principally permitted residential uses by right such as multiple family dwellings, including duplexes, affordable housing, residential care facilities, and single-family dwellings. The RMP zoning district allows schools as a conditionally permitted use, and a Conditional Use Permit for educational uses on the property was approved in 1953. Pursuant to Development Code section 22.10.030 (Residential District Land Uses and Permit Requirements), principally permitted uses do not require any Conditional Use Permit approval. The 1953 Conditional Use Permit allows educational uses in addition to residential uses, not instead of residential uses. Therefore, the proposed residential uses do not require an amendment to the 1953 Conditional Use Permit.

- C. The appellant asserts that the proposed project requires an amendment of the 1953 Conditional Use Permit related to the educational use of the property.

The 1953 Conditional Use Permit allows a seminary to be established and operated on the site, and there is currently a seminary established on the site that is operating in a manner that is consistent with the existing use permit. The appellant argues that the property owner will seek to establish a different kind of educational institution on the site in the future. However, no proposal for a different educational institution has been submitted by the applicant and the specifics necessary to make any determination regarding the nature of a future educational institution are not reasonably foreseeable. The appellant is speculating on the future rather than relying on the evidence in the record.

- D. The appellant asserts that the amendments proposed to the Strawberry Community Plan involve the educational use of the property and must be analyzed if an EIR is conducted.

Consistent with State CEQA Guidelines Section 15378, defining the term “Project,” the educational use of the property and the amendments proposed to the Strawberry Community Plan are included in the “whole of the action” that constitutes the project to be evaluated in the EIR. The policies of the Strawberry Community Plan serve as a framework for regulatory determinations in conjunction with State laws, other County policy documents including the Countywide Plan, the regulations in the Marin County Code and the specific ordinances adopted by special districts that provide services to the property. However, there is a distinction between the policy framework that applies to use and development of the property and a specific proposal, which provides a greater degree of detail.

The educational use of the property is an existing condition, but any reasonably foreseeable changes to that use stemming from the proposed amendments to the Strawberry Community Plan will be evaluated in the EIR. Those amendments generally reflect the key objectives of the proposal, including the development of market-rate and

affordable housing, the establishment of a residential care facility, and the continued use of the school.

- E. The appellant asserts that the determination to require an EIR is premature because “the project description is not “stable, finite, accurate, and sufficient,” due to the exclusion of the educational component from the detailed portion of the application.”

The Notice of Preparation (NOP) of EIR for the North Coast application contained the contents required under State CEQA Guidelines 15082(a)(1), including a brief description of the project. In compliance with CEQA and the Marin County EIR Guidelines, the project description at the initiation of environmental review incorporates all of the proposed project’s main features. This is distinguished from the requirements for a project description in an EIR, and the numerous cases starting with County of Inyo v City of Los Angeles (1977) 71 CA3d 185, that have repeated the general principle that an "accurate, stable and finite project description" is the indispensable prerequisite to an informative and legally sufficient EIR. The case law provided by the appellant is specific to the legal adequacy of a project description contained in an EIR, which is a premature argument at this point in the environmental review process. No case law exists regarding the legal adequacy of a project description at the issuance of a NOP.

Additionally, the Board concurs that an accurate, stable and finite project description is an essential element of an EIR. Consistent with CEQA and the County’s EIR Guidelines, a lengthy and detailed project description chapter will be prepared as part of the Draft EIR for public review and comment, including project alternatives. In addition, the public has the opportunity to seek clarification in the EIR of any component of the project, including the educational use, and to provide input on potentially significant environmental issues, project alternatives, and mitigation measures that should be considered in the EIR as part of the scoping process. This project description in the EIR will do the following: 1) Depict the project accurately, 2) Include reasonably foreseeable activities associated with the project, and 3) be consistent throughout the EIR. However, the brief description of the project included in the NOP is sufficient for purposes of determining that an EIR is required and commencing preparation of that EIR.

As previously discussed, the existing educational component of the North Coast application is part of the baseline for purposes of the environmental analysis, and any reasonably foreseeable changes to that component, including changes to intensification of use, will be analyzed in the EIR. Pursuant to the requirements established in State CEQA Guidelines Section 15124, the project description in the EIR will include all integral components of the project that will allow for a complete and informed evaluation of the project’s environmentally significant effects, assess ways to mitigate them, and consider project alternatives.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors denies the Seminary Neighborhood Association’s appeal of the Marin County Environmental Planning Manager’s Determination to prepare an EIR for the North Coast Land Holdings Community Plan Amendment, Master Plan, Design Review, Master Use Permit, Vesting Tentative Map and Tree Removal Permit application and directs that an EIR be prepared for the proposed project.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 10th day of November, 2020, by the following vote to wit:

AYES: SUPERVISORS

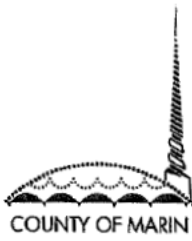
NOES:

ABSENT:

KATIE RICE, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

Matthew H. Hymel
Clerk of the Board of Supervisors



Appeal ~ ~

P2923

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

- The undersigned, Riley F. Hurd III, Esq., hereby files an appeal
(Appellant/Petitioner)
of the decision issued by the Environmental Coordinator
(Director, or Deputy Zoning Administrator, or Planning Commission)
regarding the Notice of Preparation of EIR
relating to property described and located as follows:
 - Assessor's Parcel Number 043-261-25; 043-261-26; 043-262-03, 043-262-06; et seq.
 - Street Address 201 Seminary Drive, Mill Valley, CA 94941

2. The basis of this appeal is:

PLEASE SEE ATTACHED LETTER.

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COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

(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 Riley F. Hurd III
(Print Name)
1101 5th Ave, Suite 100
(Address)
San Rafael, CA 94901
(City/State/Zip Code)

Riley F. Hurd III
(Signature)
(415) 453-9433
(Telephone)
rhurd@rflawllp.com
(Email)

Digitally signed by Riley F. Hurd III
DN: cn=Riley F. Hurd III, o=Reggie's Petal LLP, ou
email=rhurd@rflawllp.com, c=US
Date: 2020.10.01 08:53:27 -0700



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Riley F. Hurd III
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October 1, 2020

Via Hand Delivery

Board of Supervisors
c/o Community Development Agency
County of Marin
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903

Re: North Coast Land Holdings Community Plan Amendment/Master Plan/Design Review/Master Use Permit/Tentative Map/Tree Removal Permit on the former Golden Gate Baptist Seminary property (P1490)

APPEAL OF DECISION TO COMMENCE ENVIRONMENTAL REVIEW

Dear Members of the Board of Supervisors:

Our office continues to represent the Seminary Neighborhood Association in connection with North Coast Land Holdings' proposal to redevelop the old Seminary site. This letter sets forth the bases for our appeal of the County's decision to commence environmental review of this project.

EXECUTIVE SUMMARY:

The crux of this appeal is that the project description proposed for the EIR is woefully inadequate because it does not include the new 1,000 student college being sought by the applicant. Failure to analyze this massive, and central, component of the project will result in a deficient and meaningless EIR that does not inform your Board of the true impacts of this project. The EIR should not be permitted to proceed until the details of the college are made a part of the project description.

Assertions that there is "no change" being proposed to the academic use are contradicted by the application itself, which seeks to amend the Strawberry Community Plan to allow a 1,000 student "college/university," instead of a self-contained seminary. These are two *very* different things.



I. BACKGROUND

This project and property has such a lengthy past of community compromise and County review, that a full recitation of the history is not possible in the context of this appeal. Accordingly, the currently relevant background is set forth below.

A. Two Years of Community Compromise

In 2017, your Board was presented with an appeal of a Notice of Preparation of an EIR similar to this one. At the time, NCLH had submitted the most extreme and intensive proposal ever made for the Seminary site, which had galvanized Strawberry residents to take action in the form of unprecedented participation in the public process over the prior years. The outcome of your appeal hearing was to suspend the environmental review, and to require the applicant to submit a new master plan for the property. Perhaps as important as the outcome of the hearing, was the direction your Board gave the applicant, the staff, and the community – to come out of their corners and “Get Real!”

This direction was not taken lightly. Over the past two years, there has been an unprecedented attempt by members of the Strawberry community to engage with North Coast Land Holdings in an effort to bring forward a workable project. The community’s willingness to accept sizable amounts of housing, a significant percentage of low-income units, a robust senior facility, and a tailored educational use, was truly the antithesis of NIMBYism.

After these intense community efforts and extreme levels of compromise, for NCLH to return with an even more intense plan, felt like a slap in the face of the community members who volunteered hundreds of hours towards what they thought was a good faith discussion with the applicant. This was **not** “getting real.”

B. The “New” Project

The newly submitted iteration of the project is more intense than the one previously deemed unapprovable by the SDRB and the County’s Planning Commission. The current proposal seeks:

- 336 new residential units for rental to the general public
- A “college/university” with 1,000 students (but with no further information)
- A 267,000 square foot residential care facility with 150 units
- A 41,000 square foot school administration building



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COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
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- A 17,000 square foot fitness center
- A 3,000 square foot preschool

What the proposal **doesn't seek**, is an amendment to the 1953 CUP that approved only a Seminary. Instead, the applicant brashly asserts that the 1953 CUP for the property -- "broadly allows for a college/university campus with a maximum student population of approximately 1,000 students." Rather than go into detail about how this statement could be found misleading, it is easiest to simply let the language of the 1953 CUP speak for itself:

USE PERMIT

Under the provisions of Section 20 of
Ord. No. 264, the Zoning Ordinance of the
County of Marin, State of California.

A USE PERMIT is hereby granted authorizing Edward D. Landais
(Name of person)
to permit the construction of a Theological Seminary and dormitories and
~~and other buildings incidental to such use, subject to the attached con-~~
dition.
(Use of land, building or structure proposed to be conducted)

The CUP limits the entire property, and all the uses thereon. It is exceedingly clear when it notes that the housing and other buildings were required to be "incidental" to the educational use. The minutes from the meeting where the CUP was approved are also exceedingly clear: **the seminary use was only acceptable because of its "self-contained nature."** Also, the fact that it was a post-graduate institution made it an asset to the area. A school without these characteristics generates significantly more vehicle trips, noise, and other impacts, at a level far greater than the self-contained post-graduate institution contemplated in 1953.

There **must** be a new CUP in order to transform the housing currently required to be incidental to the academic use into market-rate housing. There also **must** be a new CUP to change the school into a 1,000 student commuter college as opposed to a self-contained seminary. The failure to update the CUP adds to the deficiency of the project description for the EIR.

C. Strawberry Design Review Board Recommendation

Shortly after the submittal of the new application, it was referred to the Strawberry Design Review Board for input. In October of 2016, in conjunction with the last application, the SDRB had found the following:



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“After extensive community input on multiple hearings, with hundreds of Strawberry residents, **the proposed development does not conform to the original Use Permit or the Strawberry Community Plan and its proposed amendments are not acceptable.**”

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PLANNING DIVISION
AGENCY

Accordingly, this time around the SDRB asked the applicant - what's changed??

Upon hearing that the project was more intense, and that the college use was not going to be analyzed, the SDRB made the following unanimous recommendation to your Board:

“**Recommendation:** After extensive community input on multiple hearings, with hundreds of Strawberry residents, the proposed development AGAIN does not conform to the original Use Permit, or the Strawberry Community Plan, and its proposed amendments are not acceptable. Therefore the Strawberry Design Review Board recommends:

Deny the proposed amendments to the Strawberry Community Plan, Master Plan Amendment, Precise Development Plan, Use Permit, Vesting Tentative Map, and Tree Removal Permit **and do NOT proceed** with the Environmental Impact Report for this project.

This recommendation is based on our findings that the application (1) is incomplete, (2) does not address the graduate institution activities, (3) even with the proposed amendments it is inconsistent with the Strawberry Community Plan, (4) is even more intensive than the previously proposed plan that was denied, and (5) does not respond to the direction from the Board of Supervisors.

The proposed project is not stable, finite, accurate, nor sufficient as required to proceed, and the proposed project is lacking operational characteristics for the 1,000 person graduate institution, among many other deficiencies.”

(Draft SDRB Minutes, September 21, 2020, all emphasis in original.)

This recommendation made perfect sense. After clearly telling the applicant their proposal was too intense, and did not conform to nearly a single portion of the SCP, the applicant came back with a more intense project that conformed even less, while also hiding the ball on the educational use. Again, this was **not** “getting real.”



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D. The County Issues a Notice of Preparation Anyway

What happened next is perhaps more offensive than NCLH walking out of the community process and submitting their more intense application. Just three days after the unambiguous recommendation from the SDRB to not proceed with an EIR, the County issued a Notice of Preparation of EIR. The message was clear: **the County didn't care about the SDRB's input**, or the unanimous community opposition underpinning the SDRB recommendation. The entire SDRB hearing process was an exercise in futility that was always going to be promptly ignored by County staff if it did not suggest moving forward. The exact reasons for this disregard are unknown, but it is our hope that the Board, as elected representatives of the community, will take the SDRB recommendation more seriously.

E. The Deficient Project Description

The project description proposed for the EIR is as follows:

"North Coast Land Holdings, LLC has submitted an application for development on the former Golden Gate Baptist Seminary property on the Strawberry Peninsula in Mill Valley. The proposed project includes a residential care facility for senior citizens and would replace a majority of the existing residential housing, as well as provide new residential housing. In addition, a pre-school and fitness center that would both be open to the public are proposed. Twenty percent of the proposed units would be reserved as below market rate housing. More than 75 percent of the 127-acre campus would be preserved as open space, athletic fields, paths and plazas. No change to the scope of the existing use permit for higher educational use is being proposed."

(Source: <https://www.marincounty.org/depts/cd/divisions/environmental-review/current-eir-projects/north-coast-land-holdings-llc>)

That's it. The description makes no mention of the proposed "college/university" with 1,000 students proposed to be inserted into the Community Plan. Instead, the very misleading statement is made that "no change" is proposed to the scope of the existing CUP. Even the briefest read of the existing CUP reveals its true nature, and that it only permitted a self-contained Seminary use. However, the proposed community plan amendment, in and of itself, requires the college use to be considered by the EIR:



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COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
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~~LAND USE – A combination of student/faculty housing, educational and religious uses and activities~~
college/university use with a student population of approximately 1,000
~~were~~ was granted for this property by Use Permit in 1953 overlaid on the site's base zoning of RMP 2.47. Extensive facilities including housing, administrative and

Clearly the applicants seek to change the SCP's treatment of the property from "student/faculty housing, educational and religious uses and activities," to a "college/university use with a student population of approximately 1,000." **The effect of this change must be analyzed.** This is particularly true given that the rest of the application seeks to decouple what was approved only as student housing from the academic use:

in a Master Plan because it is now subject to a Planned District classification. In general, it is recommended that ~~Seminary religious,~~ educational buildings, and uses and ~~student~~ housing be located on the central portion of the property. The areas located at the

This single strikethrough edit of the SCP seeks to unwind the entire concept approved for the property based on decades of community and County input.

The EIR project description needs to reflect the entirety of the project, and not obscure a major component from review.

II. LEGAL BASES FOR APPEAL

This appeal is brought pursuant to two primary sections of the County's regulations. The first is Section X of the County's 1994 Environmental Impact Review Guidelines ("EIR Guidelines"), which permits appeals of actions by the County's Environmental Coordinator. Here, the decision to commence environmental review is the decision being appealed.

The second legal basis for this appeal is Section 22.114.020(B)(3) of the County Code, which permits appeals of project approvals, project denials, **"or determinations regarding compliance with environmental review requirements,** pursuant to the California Environmental Quality Act and the County Environmental Impact Review Guidelines." The decision being appealed here also fits within this category of appealable determinations.



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COUNTY OF MARIN
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III. MERITS OF THE APPEAL

This appeal is based on one major contention: the description of the project is missing critical information required to conduct a meaningful environmental review. Specifically, failure to analyze the college use would violate the law in regards to CEQA project descriptions.

Numerous cases have repeated the general principle that **an accurate, stable, and finite project description is the indispensable prerequisite to an informative and legally sufficient EIR.** (*County of Inyo v City of Los Angeles* (1977) 71 CA3d 185; 14 Cal Code Regs, Section 15124.)

CEQA Guidelines § 15378(a) defines the term "project" expansively as, "the whole of an action, which has the potential for resulting in either a direct or indirect physical change in the environment." Changing from a Seminary with on-campus housing to a 1,000 student college with zero proposed on-campus housing will absolutely result in direct and indirect physical changes in the environment. Where will these students and faculty live? How will they get there?

CEQA Guidelines § 15379(c) goes on to state that that **the term "project" refers to "the underlying activity being approved by one or more agencies."** Here, the County is being asked to approve a Community Plan amendment that drastically changes the intensity, impact, and use of the educational component of the Seminary Property. Piled on top of that change is all-new unrelated housing, an all-new large senior care facility, and a number of other new significant uses. The "project," rather obviously includes the change in the school use. To ignore it completely is not only illegal, but downright perplexing.

Using ITE and SANDAG trip estimates, the proposed project, inclusive of the school, would generate approximately **6,200 vehicle trips per day**. Of the 6,200 trips, 2,400 would be from the new college. **Just based on traffic alone, excluding the school from review misses almost 40% of the project.** For comparison, there were 1,470 daily trips counted for a full week in March 2010 on all five driveways that served the Golden Gate Baptist Theological Seminary when it was in operation.

It is surprising an NOP was issued with the school use missing completely from the project description. The entire purpose of CEQA is to provide information to decision makers about environmental impacts of proposed projects. That purpose will be completely stymied if a third of the project is simply ignored. Furthermore, the EIR will then be subject to legal challenge due to the inadequate project description.



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IV. MERITS OF THE PROJECT

COUNTY OF MARIN
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The merits of the project are relevant to merits of the appeal because CEQA Guidelines § 15270 states that CEQA does not apply to projects a public agency is going to disapprove. Subsection (b) of this Guideline explains its rationale by noting 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 current application continues to be so inconsistent with County policies, particularly the SCP, that we feel it will not, and cannot, be approved. Critical Community Plan language is proposed to simply be deleted. The remainder of the Community Plan, including language related to housing and capacity, is untouched, thereby resulting in a wholly inconsistent document.

Today's situation was predicted by the County's Planning Commission all the way back in 2011. On December 19, 2011, the previous owner of the Seminary property brought forward an application for a significant amount of housing at the site. The minutes summarizing the outcome of that meeting are incredibly instructive, while also showing just how little progress there has been in regards to crafting a compliant application. Specifically, the minutes from that meeting state:

"The Commission expressed concerns about the proposed project, including non-compliance with the SCP and the lack of community-based involvement in the process; the proposed change of use by exchanging unbuilt student housing for market rate homes; and development proposed on lands designated for open space."

The minutes went on to note

"At the request of the Seminary President, the Commission decided to not address the issue and indicated that the project should not go forward to the environmental review process until the SCP has been updated. The Commission encouraged the applicant to work with the community to assess what changes should be made."

It's beyond disappointing that a genuine update of the community's plan never occurred and we find ourselves back at square one. We feel there is ample grounds for the County to simply bypass environmental review and deny the project. However, should the EIR process move forward, it absolutely **must** look at the entirety of the proposal, including the college. It also **must** analyze a new CUP that actually covers the use proposed, as opposed to a 67 year old document approving a different use.



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COMMUNITY DEVELOPMENT AGENCY
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V. CONCLUSION

The project description is not "stable, finite, accurate, and sufficient," due to the exclusion of the educational component from the detailed portion of the application. While an SCP amendment is sought to pave the way for a "college/university" with 1,000 students, zero details are provided about this use. What type of school will it be? What are its operational characteristics? How many students will live on site? How many faculty and staff will there be? What is the event schedule? These kinds of details are necessary for any type of meaningful environmental review.

If the applicant refuses to have the college analyzed, or if the Board can see the project would never be approved, then we would request that the EIR be skipped and the project denied. Otherwise, we ask that you grant this appeal, and direct the EIR move forward only with a project description that includes the new college, and a CUP application seeking the same.

Thank you.

Very Truly Yours,

A handwritten signature in black ink that reads "Riley F. Hurd III".

Riley F. Hurd III

CC: Seminary Neighborhood Association
Strawberry Community Association
Supervisor Kathrin Sears
Tom Lai

Notice of Preparation of Environmental Impact Report

North Coast Land Holdings, LLC Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit
Project ID: P1490

APN(s): 043-261-25; 043-261-26; 043-262-03; 043-262-06; 043-401-05; 043-401-10; 043-401-16; 043-402-03; 043-402-06

Project Address: 201 Seminary Drive, Mill Valley, CA 94941 Applicant: North Coast Land Holdings, LLC.

Project Planner: Michelle Levenson, Senior Planner Phone: (415) 473-6269

Email: envplanning@marincounty.org

Project Summary: The applicant, North Coast Land Holdings, LLC, is supplementing its previously submitted Community Plan Amendment request with an application for Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit approval to allow the redevelopment of portions of the existing Seminary campus (please see project details on website links referenced below).

Comment period commences: September 25, 2020 **Comment period deadline:** October 26, 2020

Project details: Available on the environmental and planning project webpages under current projects:
<https://www.marincounty.org/depts/cd/divisions/environmental-review>

Appeal Rights: If you disagree with the foregoing determination regarding environmental review of the project, you may appeal it to the Board of Supervisors. A Petition for Appeal and a \$1,408.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, within five business days, or no later than 4:00 P.M., October 2, 2020.

More information about this application is available online at
<http://www.marincounty.org/depts/cd/divisions/planning/projects>, where projects are listed for the Alto Strawberry area.





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North Coast Land Holdings, LLC. Environmental Impact Report

Community Development Agency



Subscribe to this page

Summary

Location

201 Seminary Drive
Mill Valley, CA 94941

Assessor Parcel Numbers: 043-261-25; 043-261-26; 043-262-03, 043-262-06; 043-401-05; 043-401-10; 043-401-16; 043-402-03; 043-402-06

Status

10/1/2020: Appeal of the Environmental Review Determination*

SCOPING SESSION

Date to be determined and announced separately.

NOTICE OF PREPARATION

**Due to a recently filed appeal of the environmental determination for this project, the Notice of Preparation and the accompanying comment period are on hold pending a hearing by the Board of Supervisors. More information will be updated on this website after the appeal hearing is scheduled.*

Marin County will be preparing an Environmental Impact Report (EIR) for the North Coast Land Holdings, LLC. Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit project (see project description below and the link to the planning project webpage for more information).

Marin County is the lead agency, pursuant to the State Guidelines for the California Environmental Quality Act (State CEQA Guidelines Section 15050) for the preparation of an EIR. This EIR is being prepared by Marin County in accordance with CEQA, the State of California CEQA Guidelines, and County Environmental Impact Review Guidelines. The EIR will evaluate the project with respect to all of the following topical issues, but will focus on some issues more than others such as:

1. Aesthetics
2. Agricultural and Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Energy
7. Geology and Soils
8. Greenhouse Gas Emissions
9. Hazards and Hazardous Materials

10. Hydrology and Water Quality
11. Land Use and Planning
12. Mandatory Findings of Significance
13. Mineral Resources
14. Noise
15. Population and Housing
16. Public Services
17. Recreation
18. Transportation
19. Tribal Cultural Resources
20. Utilities and Service Systems
21. Wildfire

To ensure that the EIR for this project is thorough and adequate, and meets the needs of all agencies reviewing it, we are soliciting comments on specific issues to be included in the environmental review. Public comments on the scope of issues to be evaluated in the EIR are encouraged. Details of the proposed project are posted on the current project webpage (link below).

If you wish to comment during the Notice of Preparation (NOP) comment period we will accept written comments about the scope of the environmental report until the close of the NOP comment period at **4:00 p.m. on Monday, October 26, 2020**. Commenters are advised to mail written comments postmarked on or before October 26, 2020 to the attention of Rachel Reid, Environmental Planning Manager at 3501 Civic Center Drive, Suite 308, San Rafael, CA 94903. Comments can also be submitted via email to envplanning@marincounty.org before the end of the comment period deadline. If you have any questions, or need additional information, please contact Tammy Taylor, Environmental Planner at (415) 473-7873. Please direct questions about the project merits to Michelle Levenson, Project Planner at (415) 473-3615.

If you disagree with the foregoing determination regarding environmental review of the project, you may appeal it to the Board of Supervisors. A Petition for Appeal and a \$1,408.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, within five business days, or no later than 4:00 P.M., Friday, October 2, 2020.

Planning Project Page

[North Coast Land Holdings LLC MP DP TR UP](#)

Project Description

North Coast Land Holdings, LLC has submitted an application for development on the former Golden Gate Baptist Seminary property on the Strawberry Peninsula in Mill Valley. The proposed project includes a residential care facility for senior citizens and would replace a majority of the existing residential housing, as well as provide new residential housing. In addition, a pre-school and fitness center that would both be open to the public are proposed. Twenty percent of the proposed units would be reserved as below market rate housing. More than 75 percent of the 127-acre campus would be preserved as open space, athletic fields, paths and plazas. No change to the scope of the existing use permit for higher educational use is being proposed.

Zoning: RMP-2.47 & RMP-2.47-AH, Residential Multiple Planned

Countywide Plan Designation: MF2, Low Density Residential

Community Plan: Strawberry

Public Notice

[View Public Notice](#) - NOTICE OF MARIN COUNTY BOARD OF SUPERVISORS HEARING

Environmental Review Documents

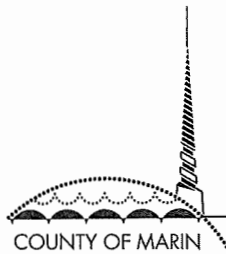
[Notice of Preparation postcard](#)

If you are a person with a disability and require an accommodation to participate in a County program, service, or activity, requests may be made by calling (415) 473-4381 (Voice), Dial 711 for CA Relay, or by [email](#) at least five business days in advance of the event. We will do our best to fulfill requests received with less than five business days' notice.

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COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

December 17, 2019

North Coast Land Holdings, LLC
Bruce W. Jones
201 Seminary Drive
Mill Valley, California 94941

Dear Mr. Jones,

The December 16, 2019, issue of the San Francisco Chronicle contained an article regarding the Seminary property. The article states that according to several sources whose names were withheld, North Coast Land Holdings is in negotiations with an affiliate of Oxford University to establish a center for advanced study on the Seminary property. The article goes on to state that the center would be part of a mixed-use development proposal that would include 234 units of housing (47 of which would be "affordable"), a 150-unit continuing care retirement community and 84 acres of open space that would be submitted to the County in the upcoming months.

We are hoping to better understand the validity of the statements in the Chronicle and future use of the site by the University . To that end, please provide information you may have regarding any reasonably foreseeable future use of the site by Oxford University and whether you intend to include the project component in your future application.

Sincerely,

Michelle Levenson
Senior Planner

North Coast Land Holdings, LLC

RECEIVED

February 10, 2020

Michelle Levenson, Senior Planner
Community Development Agency
County of Marin
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

FEB 10 2020
COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

RE: 201 Seminary Drive, Mill Valley

Dear Ms. Levenson:

Thank you for your correspondence regarding the San Francisco Chronicle article from December 16, 2019. As you know, the academic portion of the site is currently leased to Olivet University, which is lawfully operating pursuant to site entitlements issued in 1953. North Coast has deliberated potential ideas for uses that might follow after the expiration of Olivet's lease, and it is reasonably foreseeable that an educational use that is compliant with the 1953 conditional use permit will continue. Any additional ideas beyond that, including the referenced reporting from unnamed sources, are purely speculative.

As you may know, North Coast delivered a revised submittal to the County last week. We look forward to continuing to work with the County as the application progresses. Please do not hesitate to reach out with any additional questions.

Sincerely,



Bruce W. Jones
North Coast Land Holdings, LLC

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



October 16, 2020

VIA E-MAIL AND U.S. MAIL to envplanning@marincounty.org

Board of Supervisors
c/o Community Development Agency
County of Marin
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903

Re: Response to Appeal of Notice of Preparation of Environmental Impact Report for North Coast Land Holdings, LLC Seminary Project (Project ID: P1490)

Dear President Rice and Honorable Supervisors:

As you know, our office represents North Coast Land Holdings, LLC in connection with its proposal to redevelop the former Golden Gate Baptist Theological Seminary property ("Project").¹ The purpose of this correspondence is to formally respond to the Seminary Neighborhood Association's meritless appeal (dated October 1, 2020) of Marin County's ("County") decision to issue a notice of preparation of an environmental impact report ("EIR") for the Project. We understand the Board of Supervisors will be considering this appeal at its meeting of November 10, 2020.

As we will explain in further detail below, the Seminary Neighborhood Association's legal arguments lack any merit, and we respectfully urge you to deny their appeal. The County's notice of preparation fully complies with the requirements of the California Environmental Quality Act ("CEQA;" Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines ("Guidelines;" Cal. Code Regs., tit. 14, § 15000 et seq.). Furthermore, CEQA does not permit local agencies to suspend the comment period following the publication of a notice of preparation, and the County must carry out its mandatory duty to prepare a draft EIR.

This Project reflects a long, collaborative process with community stakeholders, and it incorporates careful revisions to harmonize the Project with existing development in the surrounding neighborhood. We look forward to working collaboratively with County staff and Strawberry residents to transform the Seminary property into a mix of uses that meet the needs and expectations of twenty-first century Marin.

¹ Specifically, North Coast Land Holdings, LLC has applied for a Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit to redevelop the Seminary Campus at 201 Seminary Drive, Mill Valley, CA 94941 (Assessor Parcel Nos. 043-261-25; 043-261-26; 043-262-03; 043-262-06; 043-401-05; 043-401 10; 043-401-16; 043-402-03; 043-402-06).

1. Project Background

The Project consists of a proposal to redevelop the former Golden Gate Baptist Theological Seminary property on the Strawberry peninsula in Marin County. The Project will construct a new residential care facility for senior citizens, it will replace most of the existing residential housing at the Seminary property, and it will bring new residential housing to the community. Twenty percent of the units would be reserved as below market rate housing. In addition, a pre-school and fitness center that would both be open to the public are proposed. More than 75 percent of the property would be preserved as open space, athletic fields, paths, and plazas. No change to the scope of the existing use permit for higher educational use is being proposed.

This Project and the alternatives presented represent the culmination of years of community outreach and collaboration. Elements of the current iteration of the Project have been refined to reflect a comprehensive community engagement process, known as *Seminary Tomorrow*, which included over 18-months of outreach and over 50 meetings with Strawberry residents and other community stakeholders (including the Seminary Neighborhood Association). Through this process, the Project has been refined to ensure that it is consistent with existing community character and local residents' desires for high-quality, low-impact residential development.

Following the conclusion of the Seminary Tomorrow process, our client agreed to submit an alternative plan for environmental review that reduced the base zoning (RMP-2.47) unit count from 249 to 234 total units. It is our client's understanding that the composition and quantity of the proposed housing types addresses the community's initial goal of responding to regional housing needs.

Ultimately, the Project expresses a vision for a multi-faceted environment that combines living, working, and learning into a cohesive whole. It offers a sustainable and realistic vision for implementing building site improvements that preserve and enhance the unique qualities of the site, while addressing land use, open space, mobility, infrastructure, and much-needed housing. This proposal offers a unique opportunity to accomplish these goals, and it will bring positive change to the community for generations to come.

2. CEQA Does Not Authorize Agencies to Suspend the Public Comment Period or to Delay their Duty to Prepare an EIR Following the Release of a Notice of Preparation

The County's Environmental Impact Review Guidelines allow members of the public to appeal "a preliminary review determination" or "any determination as to the scope, content, or processing of an EIR." (Environmental Impact Review Guidelines, §§ (IV)(D)(6) & (V)(E); see also County Code, § 22.114.020, subd. (B)(3).) However, these County rules are preempted by mandatory provisions in CEQA and the Guidelines and require public agencies to publish notices of preparation, to solicit comments within 30 days of the delivery of that notice of preparation, and to prepare an EIR.

Specifically, Public Resources Code section 21092 provides that agencies have a *mandatory* duty to publish a notice of preparation after determining that an EIR will be required for a project. (*Id.* at subd. (a) ["A lead agency that is preparing an environmental impact report . . . shall provide public notice of that fact"; emphasis added.]) Likewise, responsible and trustee agencies have a mandatory duty to provide comments within 30 days of receiving the notice of

preparation. (Guidelines, § 15082, subd. (b) ["Within 30 days after receiving the notice of preparation under subdivision (a), each responsible and trustee agency and the Office of Planning and Research shall provide the lead agency with specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR."] After carrying out this process, lead agencies then must prepare a draft EIR. (Guidelines, § 15084 ["The draft EIR shall be prepared."] The County cannot adopt local rules or procedures that suspend (or permanently halt) these mandatory processes.

Indeed, CEQA prohibits lead agencies from establishing or utilizing procedures during the EIR review and certification process that directly conflict with CEQA or the Guidelines. Public Resources Code section 21082, in no uncertain terms, states that the procedures adopted by public agencies to evaluate projects under CEQA "shall be consistent with the provisions of [CEQA] and with the [G]uidelines . . ." Courts have consistently held that local procedures are invalid if they do not conform to the strict requirements of CEQA and the Guidelines. (See *Vedanta Society of So. California v. California Quartet, Ltd.* (2000) 84 Cal.App.4th 517, 530, 532 [the Guidelines "trump any local custom" which would effectively obviate Guidelines requirements]; *Kleist v. City of Glendale* (1976) 56 Cal.App.3d 770, 778-779 [trial court properly set aside project approvals where a local CEQA ordinance violated CEQA by delegating consideration and review of EIRs to a nonelected board]; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 803 [local regulations implementing CEQA must conform to CEQA and the Guidelines].)

If the text of CEQA is silent with respect to specific procedures, local agencies must still follow the CEQA guidelines, which function as "regulations for the implementation of CEQA[.]" are "authorized by the Legislature [citation]," and are "prescribed by the Secretary for Resources to be followed by all state and local agencies in California in the implementation of [CEQA]." [Citation.]" (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 380, fn. 2, quoting CEQA Guidelines, § 15000.) The CEQA Guidelines should be accorded "great weight except where they are clearly unauthorized or erroneous. [Citation.]" (*Id.*; see *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 390 [the Guidelines "bind public agencies" unless a particular provision is found to be "clearly erroneous or unauthorized under CEQA"; citing Pub. Resources Code § 21083, subd. (e) and Guidelines, § 15000].)

On the County's webpage for this Project, the County has indicated that the "Notice of Preparation and the accompanying comment period are on hold pending a hearing by the Board of Supervisors."² This manner of proceeding is not authorized by CEQA, and the County must immediately comply with its mandatory duty to solicit comments from responsible and trustee agencies, and the County must also move forward with its mandatory duty to prepare a draft EIR for the Project.

² See <https://www.marincounty.org/depts/cd/divisions/environmental-review/current-eir-projects/north-coast-land-holdings-llc>.

3. Both the Notice of Preparation and the Project Itself Comply with CEQA and All Other Applicable Laws

The Seminary Neighborhood Association makes two arguments in its appeal, neither of which has any merit. First, the Association argues that the description of the Project in the notice of preparation is legally inadequate. (Appeal Letter at p. 7.) Not so. Notices of preparation are only required to provide a "a brief description of the proposed project and its location" (Pub. Resources Code, § 21092, subd. (b)(1)), and the County's notice of preparation complies with all relevant legal requirements.

Second, the Seminary Neighborhood Association argues that there is no need for the County to circulate a notice of preparation (or to prepare an EIR) because the Project is inconsistent with the Strawberry Community Plan ("SCP") and "cannot be approved" as proposed. (Appeal Letter at p. 8.) Again, the Association is wrong. If the County approves our client's application for a community plan amendment, the Project will comply with all relevant portions of the SCP and all other legal requirements.

We will discuss each of these arguments in further detail below, demonstrating that the County's notice of preparation complies with content requirements set forth in CEQA and the Guidelines.

a. The Notice of Preparation Provides a Legally Adequate Project Description

While CEQA and the Guidelines mandate strict content requirements for project descriptions that appear in EIRs (see Guidelines, § 15124), there are no such requirements for project descriptions that appear in notices of preparation. CEQA merely requires that lead agencies provide "a brief description of the proposed project and its location." (Pub. Resources Code, § 21092, subd. (b)(1).) Public agencies are given broad discretion when drafting notices of preparation, and agencies "are free to devise their own formats" for the contents of notices of preparation. (Guidelines, § 15082, subd. (b)(1).)³ Furthermore, the description of the proposed project does not need to be included in the notice itself, and it can be made available in a separate document. (See Guidelines, Appendix I.)

Guidelines section 15375 explains that notices of preparation are not intended to provide an extensive description of every facet of a proposed project. Rather, notices of preparation only need to provide enough information to solicit feedback regarding the scope of an EIR:

"Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. Public agencies are free to develop their own formats for this notice. The contents of this notice are described in Section 15082.

³ The Seminary Neighborhood Association cites *County of Inyo v City of Los Angeles* (1977) 71 Cal.App.3d 185 and Guidelines section 15124 to support its argument that "an accurate, stable, and finite project description is the indispensable prerequisite to an informative and legally sufficient EIR." Both *County of Inyo v City of Los Angeles* and Guidelines section 15124 discuss the content requirements for project descriptions *in EIRs*, not notices of preparation.

Here, the Seminary Neighborhood Association argues that the project description in the notice of preparation is inadequate because "the school use [is] missing completely from the project description." (Appeal Letter at p. 7.) The Association is incorrect. The County's notice of preparation informs readers that detailed information about the Project is available "on the environmental and planning project webpages," and the notice provides a URL that directs readers to that information. In fact, the Community Development Agency's webpage for the Project includes detailed narrative descriptions about the Project's scope, conceptual site plans, architectural illustrations, and a detailed description of the Project's history (including the history of community outreach).⁴ The County's website describes the extent of proposed site modifications at the Seminary campus, and the website clarifies that "[n]o change to the scope of the existing use permit for higher educational use is being proposed."⁵

In any event, the issuance of a notice of preparation cannot be invalidated when "there has been substantial compliance with the notice content requirements" for notices of preparation. (Pub. Resources Code, § 21092, subd. (b)(2).) As we have shown, the County's notice of preparation substantially complies with CEQA's content requirements, and responsible and trustee agencies have been provided sufficient information to enable them to respond with meaningful comments about the future scope and contents of the Project's EIR.

b. The Project Complies with CEQA and All Other Applicable Laws

The Seminary Neighborhood Association argues that there is no need to prepare a notice of preparation (or an EIR) because the Project does not comply with the SCP. (Appeal Letter at p. 8, *citing* Guidelines, § 15270 ["CEQA does not apply to projects which a public agency rejects or disapproves."].) The Association's argument overlooks the fact that our clients have applied for a community plan amendment, which will ensure that the Project is consistent with the SCP.

As explained in further detail in the project description on the County' website:⁶

An amendment to the Strawberry Community Plan is necessary to modify language in the Community Plan specifically related to the Seminary site. [¶] The proposed amendment would modify the Community Plan such that the residential unit count would be revised, and the residential units and other site uses would no longer be exclusively dedicated to students, faculty and staff of the site school.

This is not the type of circumstance where an "initial screening" prior to the initiation of the CEQA process reveals that "the project cannot be approved" at all. (See Guidelines, § 15270, subd. (b).) On the contrary: the County's initial screening has determined that the Project complies with all relevant legal requirements and that the preparation of an EIR is appropriate at this time.

⁴ See https://www.marincounty.org/depts/cd/divisions/planning/projects/alto-strawberry/north-coast-land-holdings-llc_mp_dp_tr_up_15_343_mv.

⁵ See <https://www.marincounty.org/depts/cd/divisions/environmental-review/current-eir-projects/north-coast-land-holdings-llc>.

⁶ See https://www.marincounty.org/depts/cd/divisions/planning/projects/alto-strawberry/north-coast-land-holdings-llc_mp_dp_tr_up_15_343_mv.

4. Conclusion

For the foregoing reasons, we respectfully urge you to deny the Seminary Neighborhood Association's appeal of the County's proper issuance of a notice of preparation of an EIR for the Project. We look forward to working collaboratively with County staff and community stakeholders to ensure a complete and comprehensive environmental analysis is conducted and completed, and to bring this Project to fruition.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Kristina D. Lawson

KDL

cc: North Coast Land Holdings, LLC
Brian Washington, Esq.
Brian Case, Esq.
Andrew G. Giacomini, Esq.
Ellis Raskin, Esq.

Strawberry Design Review Board
118 E. Strawberry Drive, Mill Valley, CA 94941
Strawberry Recreation Center
September 21, 2020

DRAFT SUMMARY MINUTES

The meeting was called to order at 7:30PM by Joe Sherer, Chair

MEMBERS PRESENT (via video conference)

Joe Sherer, Chair (JS)	Penna Omega (PO)	
Julie Brown (JB)	Matt Williams (MW)	Rebecca Lind (RL)

MEMBERS ABSENT

None

OPEN TIME / PUBLIC COMMENTS

NONE

MINUTES REVIEW

NONE

AGENDA ITEMS

<u>ITEM #1</u>	<u>APPLICANT</u>	<u>PLANNER</u>
Seminary Property	North Coast Land Holdings	Michelle Levenson

APPLICANT PRESENTATION

Please see the Zoom Webinar for 9/21/20 by clicking on [this link](#). Passcode: B5!PmgKd

ACTION:

Motion by: JB / Second by: MW to make the following recommendation for the project:

Recommendation: After extensive community input on multiple hearings, with hundreds of Strawberry residents, the proposed development AGAIN does not conform to the original Use Permit, or the Strawberry Community Plan, and its proposed amendments are not acceptable. Therefore the Strawberry Design Review Board recommends:

Deny the proposed amendments to the Strawberry Community Plan, Master Plan Amendment, Precise Development Plan, Use Permit, Vesting Tentative Map, and Tree Removal Permit **and do NOT proceed** with the Environmental Impact Report for this project.

This recommendation is based on our findings that the application (1) is incomplete, (2) does not address the graduate institution activities, (3) even with the proposed amendments it is inconsistent with the Strawberry Community Plan, (4) is even more intensive than the previously proposed plan that was denied, and (5) does not respond to the direction from the Board of Supervisors.

The proposed project is not stable, finite, accurate, nor sufficient as required to proceed, and the proposed project is lacking operational characteristics for the 1,000 person graduate institution, among many other deficiencies.

Vote 5-0 motion carries. JS: yes, PO: yes, RL: yes, MW: yes, JB: yes

RESOLUTION NO. 2017-139
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
DENYING THE NORTH COAST LAND HOLDINGS APPEAL AND SUSPENDING THE
COMMUNITY DEVELOPMENT AGENCY'S DETERMINATION TO PREPARE AN
ENVIRONMENTAL IMPACT REPORT
201 SEMINARY DRIVE, MILL VALLEY
ASSESSOR'S PARCELS: 043-261-25; 043-261-26; 043-262-03, 043-262-06; 043-401-05;
043-401-10; 043-401-16; 043-402-03; 043-402-06

SECTION I: FINDINGS

1. WHEREAS, Bruce Jones, on behalf of North Coast Land Holdings, LLC, submitted an application for the proposed redevelopment of the project site with a graduate school campus that would allow up to 1,000 students, in addition to the construction of academic buildings and residential units. Proposed construction includes a 25,000 square foot Chapel/Auditorium, 20,000 square foot Gymnasium/Health Center, 12,000 square foot Student Center, 12,000 square foot addition to, and interior remodeling of, the Administration Building (resulting in a 63,200 square foot building), 5,200 square foot maintenance building (replacing a 2,200 square foot maintenance building), and interior remodeling of the Library and Cafeteria. In addition, 93 new housing units will be constructed, and 198 of the existing 211 units of housing will be replaced, resulting in a total of 304 residential units on the property. The applicant also seeks approval to continue the following nonpermitted uses on the property: (1) on-site property management offices; (2) a pre-school; (3) a catering company; and (4) renting out of residential units to the general public. Existing community use of the campus for social, civic, and athletic events will be continued. The proposed Vesting Tentative Map includes a resubdivision of a portion of the map entitled "Map of Seminary Ridge- Phase 1," filed in book 20 of maps page 84, Marin County Records, including subdividing Lot 28 into seven lots ranging in size from 0.72 to 32.02 acres. The applicant reserves the right to seek a 35% density bonus as allowed by State law with concessions that allow for a residential density that is above the low end of the general plan's density range. The property is located at 201 Seminary Drive, Mill Valley, further identified as Assessor's Parcels 043-261-25; 043-261-26; 043-262-03, 043-262-06; 043-401-05; 043-401-10; 043-401-16; 043-402-03; and 043-402-06.

2. WHEREAS, on September 29, 2017, the Community Development Agency issued a Notice of Preparation (NOP) indicating that an Environmental Impact Report (EIR) will be required for the project and opening a 30-day-public review and comment period (October 1 to October 31) on the scope of issues that are to be addressed in the EIR.

3. WHEREAS, on October 9, 2017, Riley Hurd filed a timely appeal of the NOP determination on behalf of the Seminary Neighborhood Association. The appeal asserts that: (1) the application is incomplete and insufficient in order for the County to prepare an EIR; and (2) the project should be denied because it is inconsistent with the Strawberry Community Plan, the Master Plan, and the 1953 Use Permit.

4. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on October 30, 2017, and after hearing testimony in favor of, and in opposition to, the appeal, decided to partially sustain the Riley Hurd Appeal by suspending the Community Development Agency's determination to prepare an Environmental Impact Report. The Planning Commission ratified a resolution reflecting their action on November 13, 2017.

5. WHEREAS, on November 13, 2017, Bruce Jones filed an appeal of the Planning Commission's action, on behalf of North Coast Land Holdings, LLC.

6. WHEREAS, the Marin County Board of Supervisors held a duly noticed public hearing on December 12, 2017 to consider the appeal, and to hear testimony in favor of, and in opposition to, the request.

7. WHEREAS, the Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing. This notice has been mailed to all property owners within 600 feet of the subject property, and project applicants.

8. WHEREAS, the determination that an Environmental Impact Report is required for the proposed project is consistent with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

9. WHEREAS, the Marin County Board of Supervisors disagrees with the appellant's assertion that the Planning Commission's action to suspend the environmental review process creates substantive and procedural due process concerns. After deliberating carefully on the merits of a concurrent request submitted by the appellant to extend a 1984 Master Plan and denying that request, the Planning Commission determined that any further work to prepare an Environmental Impact Report for the current proposed project (which is predicated on the basic framework of the 1984 Master Plan) is moot since the applicant will need to submit a new Master Plan in order for the County to conduct any additional analysis of both the revised project and potential environmental impacts associated with it. This in effect suspends the County's actions to initiate environmental review on the existing project.

10. WHEREAS, since the Marin County Board of Supervisors is the final decision-making body on environmental review determinations for legislative actions, such as a Master Plan, general plan, and community plan, the Board directed the Community Development Agency to refer any future appeal of the next NOP for North Coast Land Holdings' revised project directly to the Board of Supervisors for a final determination pursuant to Section X of the County's Environmental Impact Review Guidelines.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED, the Marin County Board of Supervisors hereby denies the North Coast Land Holdings Appeal and sustains the Planning Commission's action by suspending the preparation of an Environmental Impact Report for the project.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 12th day of December 2017, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Katie Rice, Damon Connolly, Kathrin Sears,
Judy Arnold

NOES: NONE
ABSENT: NONE



PRESIDENT BOARD OF SUPERVISORS

ATTEST:



CLERK



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 19, 2020

Ms. Michelle Levenson
County of Marin
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
envplanning@marincounty.org

Subject: North Coast Land Holdings, LLC, Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020090488, Marin County

Dear Ms. Levenson:

The California Department of Fish and Wildlife (CDFW) reviewed the County of Marin's (County) Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the North Coast Land Holdings, LLC, Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal (Project) located at 201 Seminary Drive, Mill Valley, CA 94941, Marin County.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

Proponent: North Coast Land Holdings, LLC

Objective: The Project will develop a residential care facility for senior citizens, residential housing, pre-school, and fitness center on the 127-acre Golden Gate Baptist Seminary property. Pre-existing buildings, including seminary dorm rooms, residences, and a maintenance building will be demolished or renovated.

Location: The Project is located at 201 Seminary Drive, Mill Valley, CA 94941. While identified as within Mill Valley, the Project occurs in unincorporated Marin County in census-designated Strawberry. The Project is approximately bounded by Richardson

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Bay to the west, Seminary Drive to the south, Storer Drive to the east, and Ricardo Road to the north. It is east of U.S. Route 101.

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Encroachments into riparian habitats, wetlands, or other sensitive areas.
- Tree removal, including the number of trees by species, diameter at breast height, and health status.
- Area and plans for proposed buildings/structures, demolition of existing structures, renovation of existing structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise and greenhouse gas generation, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Tiburon jewelflower (*Streptanthus glandulosus* ssp. *niger*), state and federally listed as endangered, California Rare Plant Rank (CRPR) 1B.1
- Salt marsh harvest mouse (*Reithrodontomys raviventris*), state and federally listed as endangered, California fully protected species
- California Ridgway's rail (*Rallus obsoletus obsoletus*), federally and state listed

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as endangered, California fully protected species

- California black rail (*Laterallus jamaicensis coturniculus*), state listed as threatened, California fully protected species
- Longfin smelt (*Spirinchus thaleichthys*), state listed as threatened and federal candidate for listing
- Pallid bat (*Antrozous pallidus*), California Species of Special Concern (SSC)
- Townsend's big-eared bat (*Corynorhinus townsendii*), SSC
- Western red bat (*Lasiurus blossevillii*), SSC
- Hairless popcorn flower (*Plagiobothrys glaber*), CRPR 1A
- Franciscan thistle (*Cirsium andrewsii*), CRPR 1B.2
- White-tailed kite (*Elanus leucurus*), California fully protected species
- Oak woodland (*Quercus* spp.), Areas of Conservation Emphasis-Terrestrial Significant Habitat¹ and sensitive natural community²

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that during Project planning and prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://wildlife.ca.gov/Conservation/Plants>.

¹ CDFW Areas of Conservation Emphasis (ACE) Fact Sheet for Terrestrial Significant Habitats: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150834>

² CDFW maintains a list of vegetation alliances considered sensitive natural communities based on state and global rarity ranks: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153609&inline>

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IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for “take” of special-status species.
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks, and anthropogenic habitat such as buildings).
- Loss or modification of sensitive natural communities or vegetation associations.
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document also should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the project’s contribution to the impact (CEQA Guidelines, §15355). Although a project’s impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels. Fully protected species such as California black rail and white-tailed kite may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species. CDFW recommends the following mitigation measures be incorporated into the draft EIR to reduce potentially significant impacts to special-status species:

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Mitigation Measure 1: Special-Status Plant Surveys and Avoidance

A Qualified Biologist shall conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site the season prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018³. If special-status plants are found during surveys, the Project will be re-designed to avoid impacts to special-status plants to the greatest extent feasible. If impacts to special-status plants cannot be avoided completely during construction, the draft EIR should outline adequate compensatory mitigation, and, for species listed as threatened or endangered pursuant to CESA, the Project will apply for an Incidental Take Permit from CDFW.

Mitigation Measure 2: California Ridgway's Rail and California Black Rail Habitat Assessment, Surveys, and Avoidance

The CEQA document should outline the location of salt marsh habitat relative to the Project activities. Any Project activities within or adjacent to tidal marsh or suitable California Ridgway's rail (CRR) or California black rail (CBR) habitat shall be avoided during rail breeding season, (January 15 to August 31 for CRR, February 1 to August 31 for CBR), each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted by CDFW, or, the Project implements noise and vegetation avoidance measures below. Surveys shall focus on suitable habitat that may be disturbed by Project activities during the breeding season to ensure that CRR or CBR are not nesting in these locations.

If breeding rails are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where CRR or CBR have been detected during the breeding season. If surveys have not been conducted, all work shall be conducted 700 feet from rail habitat during nesting season.

If work must be done during the breeding season within 700 feet of CRR or CBR habitat, noise levels cannot exceed 10 dBA over existing ambient noise levels and a noise attenuating fence or visual barrier must be installed to reduce visual and/or acoustic impacts.

Mitigation Measure 3: Salt Marsh Harvest Mouse Habitat Assessment and Avoidance

The CEQA document should outline the location of salt marsh habitat relative to the Project activities. Prior to impacting salt marsh habitat, a Qualified Biologist or Biological

³ <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

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Monitor, familiar with salt marsh harvest mouse (SMHM), shall walk through and inspect suitable habitat prior to vegetation removal and search for signs of harvest mice or other sensitive wildlife and plants. Following inspection, personnel, under the supervision of the qualified biologist, will disturb (e.g., flush) vegetation to force movement of SMHM into adjacent marsh areas. Flushing of vegetation will first occur in the center of the site then progress toward the two sides away from the open water areas or in this case, away from impacted habitat. Immediately following vegetation flushing, personnel, under the supervision of the qualified biologist or biological monitor, will remove vegetation with hand tools (e.g. weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than two inches.

After vegetation removal, a mouse-proof barrier shall be placed along the edge of the area removed of vegetation to further reduce the likelihood of SMHM returning to the area prior to construction. The fence shall be made of a heavy plastic sheeting material that does not allow salt marsh harvest mice to pass through or climb, and the bottom shall be buried to a depth of 4 inches so that salt marsh harvest mouse cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot wide de-vegetated buffer shall be created along the habitat side of the exclusion fence. The SMHM exclusion fencing shall remain in operating condition throughout the duration of the Project. The Qualified Biologist or Biological Monitor shall daily inspect the integrity of the exclusion fencing to ensure there are no gaps, tears or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. Any mice found along or outside the fence shall be closely monitored until they move away from the Project area.

Mitigation Measure 4: Nesting Bird Surveys and Protections

If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season of protected raptors and migratory birds, February 1 to August 31, a focused survey for active nests of such birds shall be conducted by a Qualified Biologist within 7 days prior to the beginning of Project-related activities. If an active nest is found, Permittee shall consult with USFWS and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in Project-related work of 7 days or longer occurs, another focused survey shall be required before Project work can be reinitiated.

Mitigation Measure 5: Roosting Bat Surveys and Protections-Buildings

Buildings shall be surveyed for bats by a Qualified Bat Biologist within 15 days prior to any building demolition or renovation. Demolition or renovation plans shall cease if bats are found roosting within the buildings until proper eviction and exclusion plans have

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been implemented. Eviction and exclusion of bats shall consist of daytime installation of blockage material or one-way exits between March 1 and April 15 or September 1 and October 15 (outside of maternity season and hibernation season). Exclusion materials shall be re-evaluated for effectiveness by the Qualified Biologist up to two weeks prior to building demolition.

Mitigation Measure 6: Roosting Bat Surveys and Protections-Trees

Removal of trees containing suitable potential bat roosting habitat in the form of crevices, cavities, or exfoliating bark, as with exclusion/eviction from buildings, must be conducted only during seasonal periods of bat activity, and under supervision of a Qualified Bat Biologist. Trees within the Project area shall be assessed by a Qualified Bat Biologist within 15 days prior to any tree removal. If trees are identified as potential bat roost trees, tree removal shall occur outside of the maternity season and hibernation season and via a two-step method conducted over two consecutive days. On day one, create noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery). The noise and vibration disturbance, together with the visible alteration of the tree, is effective in causing bats that emerge nightly not to return to the roost that night. On day two, the remainder of the tree will be removed.

Mitigation Measure 7: Tree Removal Mitigation

Live trees removed from the Project area shall be replaced on-site at the following ratios:

Oak trees:

- 4:1 replacement for trees 5 to 10 inches diameter at breast height (DBH)
- 5:1 replacement for trees greater than 10 inches to 15 inches DBH
- 15:1 replacement for trees greater than 15-inch DBH, which are considered old-growth oaks

Replacement oaks will come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.

Other tree species greater than or equal to 6-inch DBH will be mitigated at the following ratios:

- 1:1 replacement for non-native trees
- 3:1 replacement for native trees

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Sea Level Rise

The Project should assess potential sea-level rise in the area and evaluate development location and habitat impacts with future conditions in mind. The State of California Sea-Level Rise Guidance/2018 Update⁴ provides a science-based methodology for state and local governments to analyze and assess the risks associated with sea-level rise and incorporate sea-level rise into their planning, permitting, and investment decisions. The Marin Shoreline Sea Level Rise Vulnerability Assessment/Bay Waterfront Adaptation & Vulnerability Evaluation (BayWAVE)⁵ provides context and estimates of the physical and fiscal impacts across the County's bayside shoreline over the coming decades. It includes sea level rise scenarios ranging from 10 inches in the near-term (15 years) to 20 inches in the medium-term (mid-century) and to 60 inches in the long-term (end of century). Since the purpose of the Project is to provide long-term residential and associated structures and it is located on a small peninsula in Richardson Bay, CDFW recommends incorporating the long-term (end of century) scenarios for sea level rise to fully evaluate Project impacts.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take⁶ of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC).

⁴ California Natural Resources Agency. 2018. State of California Sea-level Rise Guidance. https://opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

⁵ Marin County. 2017. Marin Shoreline Sea Level Rise Vulnerability Assessment/Bay Waterfront Adaptation & Vulnerability Evaluation. Prepared by BVB Consulting LLC for Marin County Department of Public Works, June 2017. https://www.marincounty.org/-/media/files/departments/cd/planning/slr/baywave/vulnerability-assessment-final/final_allpages_bvbconsulting_reduced.pdf?la=en

⁶ Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds without authorization. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503, 3503.5, and 3513. Fully protected species may not be taken or possessed at any time (Fish and Game Code, § 3511). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB online field survey form and other methods for submitting data can be found at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

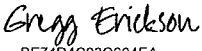
FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Ms. Michelle Levenson
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If you have any questions, please contact Ms. Amanda Culpepper, Environmental Scientist, at amanda.culpepper@wildlife.ca.gov, or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
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*Making Conservation
a California Way of Life.*

October 21, 2020

SCH # 2020090488
GTS # 04-MRN-2020-00188
GTS ID: 20703
Co/Rt/Pm: MRN/101/4.65

Michelle Levenson, Senior Planner
County of Marin
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

North Coast Land Holdings – Notice of Preparation (NOP) of an Environmental Impact report (EIR)

Dear Michelle Levenson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the North Coast Land Holdings project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2020 NOP.

Project Understanding

The proposed project includes the following components: 1) construct a new 20,000 square feet (s.f.) facility to house a pre-school and fitness center; 2) replace a majority of the existing residences and dorm rooms with a mixture of single-family and multi-family residences and construct new single-family and multi-family residence (336 units in total); 3) construct a new 267,354 s.f. residential care facility; 4) renovate and expand the Administration Building; 5) demolish the existing maintenance building and construct a new 2,200 s.f. one in a different location; 6) install landscape and hardscape improvements associated with the school campus and residential development; and 7) provide open space and establish a network of trails throughout the project area. This 123-acre project site is located north of the Golden Gate Bridge and adjacent to US-101 and the Seminary Drive exit.

Travel Impact Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' [Transportation Impact Study Guide](#). The detailed Vehicle Miles Traveled (VMT) analysis should include the following:

- A VMT analysis pursuant to the County's guidelines or, if the County has no guidelines, the Office of Planning and Research's Guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

Additionally, potential impacts due to the project generated trips on the US-101 should be analyzed, given that the project is in proximity to US-101. Please submit the transportation impact study to Caltrans when it becomes available.

Sea Level Rise

The effects of sea level rise may have impact on the transportation facilities located in the project area. California Executive Order (EO) S-13-08 directs State agencies planning construction projects in areas vulnerable to sea level rise to begin planning for potential impacts by considering a range of sea level

rise scenarios for years 2050 and 2100. Higher water levels may increase erosion rates, change environmental characteristics that affect materials durability, lead to increased groundwater levels and change sediment movement along shores and at estuaries and river mouths, as well as affect sole pore pressure at dikes and levees on which the transportation facilities are constructed. All these factors must be addressed through the geotechnical and hydrological studies conducted in coordination with Caltrans.

Construction-Related Impacts

Because the project area is within close vicinity of US-101, potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified in the DEIR. Project work that requires movement of oversized or excessive load vehicles on state roadways requires a transportation permit that is issued by Caltrans. To apply, visit: <https://dot.ca.gov/programs/traffic-operations/transportation-permits>.


Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to US-101.

Lead Agency

As the Lead Agency, the County of Marin is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at Yunsheng.Luo@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,



Mark Leong
District Branch Chief
Local Development - Intergovernmental Review
cc: *State Clearinghouse*

Damazyn, Michele

Subject: FW: North Coast Land Holdings Community Plan Amendment/Master Plan Amendment/Design Review/Tree Removal Permit/Master Use Permit/Tentative Map on the Golden Gate Baptist Seminary property Update

From: Barbara Rowe <barbrowe@aol.com>

Sent: Thursday, September 24, 2020 4:11 PM

To: EnvPlanning <EnvPlanning@marincounty.org>

Subject: Fwd: North Coast Land Holdings Community Plan Amendment/Master Plan Amendment/Design Review/Tree Removal Permit/Master Use Permit/Tentative Map on the Golden Gate Baptist Seminary property Update

I have been a resident of Strawberry for 44 years.

This incredible piece of property **MUST HAVE MAXIMUM NUMBER** of low cost and affordable homes for the many people who work in Marin and need them (teachers, medical workers, caregivers, fire fighters, postal workers.....you know what I mean. The development plan should not be determined by a few nearby neighbors.

PLEASE MAKE IT HAPPEN.

Thank you

Barbara Rowe
100 Ricardo Rd, Mill Valley
415-686-1549, 415-383-8006

-----Original Message-----

From: Marin County Subscriptions <camarin@public.govdelivery.com>

To: barbrowe@aol.com

Sent: Thu, Sep 24, 2020 3:51 pm

Subject: North Coast Land Holdings Community Plan Amendment/Master Plan Amendment/Design Review/Tree Removal Permit/Master Use Permit/Tentative Map on the Golden Gate Baptist Seminary property Update

Greetings Subscriber,

This is to announce that the Notice of Preparation of an Environmental Impact Report for the North Coast Land Holdings, LLC Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit (Project ID P1490) has been released and is available to review online. Please review the environmental project webpage through this [link](#) for more information. The Planning project page can also be viewed through this [link](#). If you wish to comment during the Notice of Preparation (NOP) comment period we will accept written comments about the scope of the environmental report until the close of the NOP comment period at **4:00 p.m. on Monday, October 26, 2020**. Commenters are advised to mail written comments postmarked on or before October 26, 2020 to the attention of Rachel Reid, Environmental Planning Manager at 3501 Civic Center Drive, Suite 308, San Rafael, CA 94903. Comments can also be submitted via email to envplanning@marincounty.org before the end of the comment period deadline. Please visit the above linked webpages for more information. If you disagree with the foregoing determination regarding environmental review of the project, you may appeal it to the Board of Supervisors. A Petition for Appeal and a \$1,408.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, within five business days, or no later than 4:00 P.M., Friday, October 2, 2020.

Stephen Disenhof
Joanne Hom, M.D.
34 Topside Way
Mill Valley, CA 94941
family@disenhof.com

23 October 2020

Board of Supervisors
c/o Community Development Agency
County of Marin
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903

Re: North Coast Land Holdings Community Plan Amendment/Master Plan/Design Review/Master Use Permit/Tentative Map/Tree Removal Permit on the former Golden Gate Baptist Seminary property (P1490)

Dear Members of the Board of Supervisors,

I write to you as a past President of the Strawberry Point Homeowners Association. While I no longer speak for the HOA, I am confident my views reflect my fellow homeowners.

I consider myself neither naïve, nor particularly cynical, yet am astonished at the Planning Department decision to go ahead, again, with an environmental review of the North Coast Plan.

Thirty years ago, I had the honor to work with Al Aramburu and the Planning Department on a solution to long-standing issues in our community and was delighted in the thoughtfulness and professionalism of the Department. Yet this current decision leaves me incredulous. The Strawberry Design Review Board again unanimously rejected the North Coast Plan, given that it was even more intensive than the plan originally presented and rejected by your Board. And how can North Coast's simply lining out sections of our Community Plan possibly be acceptable?

In the intervening years between the 1953 adoption of the CUP, Strawberry Point was developed. Strawberry Spit was developed. Seminary Cove was built out. Homes were added on Chapel and Storer Drives. And throughout Strawberry, undeveloped lots were turned into homes. Meanwhile, the two roads leading in and out of Strawberry remain essentially as they were in 1953. Narrow and frequently congested. Occasionally impassable on East Strawberry when the elementary school is transitioning.

When Branson briefly considered moving into the Seminary property, its own traffic study indicated that it would need to take extreme measures to mitigate the additional traffic. And that was for a day school where carpooling was an option and where thoughts of going beyond 400 students was something for the far distant future, it at all.

In the experience of our 33 years in Strawberry, the Baptist Seminary never had more than a few hundred students on campus, and overwhelmingly they lived on site. To move to a 1,000 student (plus

staff) college, plus all of the additional non-student housing and recreational activities being proposed, this plan should be a non-starter.

What the thinking is of North Coast does make me feel cynical. Perhaps this is how things are done in Texas? Perhaps one of the wealthiest families in America believes it can buy whatever it wants? Perhaps it is believing that the residents' concerns of this unincorporated area served by a single member of the Board won't be taken seriously by the other members of your Board? I don't know.

However, I ask your Board to take into consideration the unanimous recommendation of the Strawberry Design Review Board and the points elaborated in the Appeal by Mr. Hurd and again reject the environmental review by the Planning Department.

Thank you for your time and consideration.

Regards,

-sd

Stephen Disenhof

Levenson, Michelle

From: Taylor, Tammy on behalf of EnvPlanning
Sent: Monday, October 26, 2020 3:06 PM
To: Reid, Rachel; Levenson, Michelle
Subject: FW: North Coast Land Holdings

FYI:

From: Penny Crow <pennyec10@gmail.com>
Sent: Sunday, October 25, 2020 11:43 PM
To: EnvPlanning <EnvPlanning@marincounty.org>
Subject: North Coast Land Holdings

As a 25 year resident of Strawberry, I am appalled to know that you are going ahead with the EIR.

The disregard for the Strawberry Design Review Board recommendation and Strawberry community input is shameful.

I am in complete support of Riley Hurd's letter of appeal to the Board of Supervisors, dated October 1, 2020.

Penny Crow

Levenson, Michelle

From: Lai, Thomas
Sent: Monday, October 26, 2020 8:38 AM
To: Levenson, Michelle
Subject: FW: Board of Supervisors Contact Form

For the file and record, Michelle.

-Tom

From: BOS <BOS@marincounty.org>
Sent: Monday, October 26, 2020 8:18 AM
To: BOS - Aides <BOS-AidesNOT@marincounty.org>
Cc: Lai, Thomas <TLai@marincounty.org>
Subject: FW: Board of Supervisors Contact Form

The message below was received through the email addressed to all Supervisors. Please forward as you deem appropriate.

From: Steve Disenhof <noreply@formresponse.com>
Sent: Monday, October 26, 2020 8:16 AM
To: BOS <BOS@marincounty.org>
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Steve Disenhof
Your Email Address: family@disenhof.com
Subject: North Coast Land Holdings / Seminary Hearing on November 10
Select a Routing Method: Address
What City/Town Do You Live In? Mill Valley
Message: Please enter my letter into the documents for the Supervisors' hearing scheduled for November 10th. Please route a copy to each of the Supervisors. Thank you.
Attachment: [Seminary letter 23 Oct 2020.pdf](#)

Stephen Disenhof
Joanne Hom, M.D.
34 Topside Way
Mill Valley, CA 94941
family@disenhof.com

23 October 2020

Board of Supervisors
c/o Community Development Agency
County of Marin
3501 Civic Center Drive, Suite #308
San Rafael, CA 94903

Re: North Coast Land Holdings Community Plan Amendment/Master Plan/Design Review/Master Use Permit/Tentative Map/Tree Removal Permit on the former Golden Gate Baptist Seminary property (P1490)

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When Branson briefly considered moving into the Seminary property, its own traffic study indicated that it would need to take extreme measures to mitigate the additional traffic. And that was for a day school where carpooling was an option and where thoughts of going beyond 400 students was something for the far distant future, it at all.

In the experience of our 33 years in Strawberry, the Baptist Seminary never had more than a few hundred students on campus, and overwhelmingly they lived on site. To move to a 1,000 student (plus

staff) college, plus all of the additional non-student housing and recreational activities being proposed, this plan should be a non-starter.

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However, I ask your Board to take into consideration the unanimous recommendation of the Strawberry Design Review Board and the points elaborated in the Appeal by Mr. Hurd and again reject the environmental review by the Planning Department.

Thank you for your time and consideration.

Regards,

-sd

Stephen Disenhof

October 26th, 2020



Protecting Marin Since 1934

Michelle Levinson, Senior Planner
Marin County Planning Dept.
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Scoping comments for the North Coast Holdings LLC at 201 Seminary Drive

Dear Ms. Levinson:

Thank you for this opportunity to submit comments on issues that should be considered in the environmental review of impacts of the proposed project at 201 Seminary Drive, in the Strawberry area of Marin.

Marin Conservation League (MCL) has monitored and commented on previous planning concepts to replace the Golden Gate Baptist Seminary that occupied this large open space in Southern Marin for so many years. We believe that although the site is located within the Strawberry community, the proposed school and housing could have region-wide impacts, given the site's strategic location near already burdened interchanges with Highway 101. Topics of concern to MCL include both the calculation of residential units and the need for more specific details on the proposed educational institution that the plan envisions. In addition, we are also proposing site-specific discussion of re-landscaping the site in accordance with contemporary practices.

Correct unit number calculation. It is important that the number of proposed residential units be calculated correctly in order to accurately assess related impacts, including traffic, grading, noise, and other construction-related impacts. The applicant proposes to remove some existing housing. Does the housing to be removed qualify as affordable housing? Does the calculation of new proposed affordable units include subtraction of affordable units lost to demolition? Unless this is done accurately, the number of affordable units credited to the project will be over-counted. The calculation of any density bonus should also be based on the net of new affordable units minus those lost due to project construction. The senior housing proposed – up to 150 units – should be counted to reflect the number of actual units. The count should not be manipulated to produce some fraction of what actually is proposed to exist. While these units may be smaller than average, they generate considerable service/visitor/resident traffic and should not be discounted on such bases.

Potential school impacts. The specifics of the proposed educational institution may not be known until after plans are finalized. However, its potential impacts should be evaluated on a gradient or a series of scenarios to account for a range of possible educational models,

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

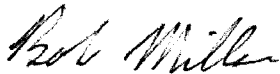
including distance learning, and student and faculty numbers and living arrangements. These should include, among others, the availability/number of student/faculty residential housing; parking; hours of use; number of students, number of faculty; class size, high school/undergraduate/post graduate institution, in-school and public athletics and competition fields and associated lighting, grading, parking and traffic. Other public uses of campus facilities should be anticipated and included in analysis of impacts.

Campus re-landscaping.

The project landscaping should be reviewed in accordance with new standards for wildfire protection. Photographs of past decades reveal that all of the pines were planted many years ago and are reaching the end of their normal life span. To the extent possible, trees being removed should be replaced by native trees that are known to be disease-free, are species that are expected to adapt to changes in climate, will provide a canopy of shade, and will sequester carbon. Also a more diverse pallet of native shrubs should be introduced to improve the biodiversity of campus vegetation to support local birds and other wildlife as well as pollinators. Qualifying native species should be identified.

Please keep Marin Conservation League informed as the environmental review advances. We would appreciate notice of any documents produced for this project.

Thank you,



Robert Miller
President



Nona Dennis
Chair, Parks and Open Space
Committee

SEATTLE
(206) 497-1188
WASHINGTON, DC
(202) 241-1316
SAN MATEO
(650) 349-0700

PAUL M. DAVIS
ATTORNEY AT LAW
1 BLACKFIELD DRIVE #193
TIBURON, CALIFORNIA 94920-2053
TELEPHONE: (415) 884-2555

PAUL M. DAVIS
ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA
AND THE
STATE OF WASHINGTON
RECEIVED

OCT 28 2020

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

October 26, 2020

BY EMAIL TO: envplanning@marincounty.org
AND BY FIRST-CLASS MAIL

Michelle Levenson
Senior Planner
County of Marin
3501 Civic Center Drive
Room 308
San Rafael, California 94903

In re: Project ID no. P1490

OBJECTION AND OPPOSITION TO APPLICATION

Dear Michelle Levenson:

I, by and through my Trust, am the owner of residential real property located entirely within the unincorporated CDP of the County of Marin commonly known as Strawberry and/or Alto Strawberry, which is within the scope of Project No. P1490.

Without waiving any of the objections set forth below to the fatally defective purported Notice of Preparation of Environmental Impact Report ("Notice") I hereby OBJECT to the application of North Coast Land Holdings, LLC relative to the referenced project and further object to the preparation of the proposed environmental review and preparation of an Environmental Impact Report ("EIR").

First of all, I was not provided with proper or adequate notice of the application because, for the reasons I shall discuss below, the Notice I received was improperly addressed to me, inadequate and legally insufficient. I include herewith as Exhibit "A" a true copy of the document I received on Saturday September 24, 2020, purporting to be the Notice. Even though the Notice was allegedly mailed to me on September 25, 2020, I did not receive it in a timely manner because it was addressed to me at "160 Seminary Drive, Unit 3C, Mill Valley, California 94941." That is not now, nor has it ever been, my address for any purpose; I have no idea where that address and have never been there.

October 26, 2020

Page Two

Next, the Notice states that the “comment period” for anyone choosing to offer comments on the proposal set forth in the Notice opens on September 25, 2020, the same day it was allegedly mailed. The Notice further states that the comment period closes on October 26, 2020. Inasmuch as the Notice was not mailed *before* the opening of the comment period (September 25, 2020), it is fatally defective because the full thirty day period for comment was not afforded.

Additionally, because the Notice was mailed to me at an incorrect address I was not provided with proper or timely notice of the proposed action, thus the Notice is fatally defective in that regard as well.

Moreover, the Notice is vague and uncertain. It does not adequately describe the scope of the project under consideration as it simply refers the reader to some vague and obscure websites for further vague and obscure information, which requires the reader to attempt to figure out, from vague and incomprehensible data, what the scope of the proposed project is. It also assumes everybody has online access so such vague and obscure information, a false assumption. Notwithstanding that, most lawyers could not figure this out; I doubt any non-lawyer who is not trained in urban planning would even have a clue. The absence of adequate information in the Notice is, in and of itself, a fatal defect that should bar the proposed review and ensuing EIR.

Next, the Notice also states that an administrative appeal may be taken “within five business days, or no later than 4:00 P.M., October 2, 2020.” For the reasons stated above, it would have been impossible to file an appeal “within five business days” because (i) the defective Notice does not state when the “five business days” begins to run, and (ii) it was not properly addressed to me in any event. Additionally, the last day to file an appeal, according to the Notice, was October 2, 2020, twenty-four days *before* the close of the comment period of October 26, 2020, rendering the comment period a sham. Accordingly, the Notice is fatally defective in these respects as well.

Finally, the Notice is thus fatally defective for each, every, and all of the reasons set forth above. Accordingly, the County cannot proceed with the applicant’s Application an EIR report or if one has been prepared is must be recalled, set aside and vacated.

October 26, 2020

Page Three

IMPROPER CONDUCT BY COUNTY BUREAUCRATS

I am absolutely convinced that the way this matter has been handled by Marin staffers and the Board of Supervisors as well, and the decision to proceed with the review set forth in the Notice, the outcome was predetermined long before the Notice was sent out, and that the act of sending out the Notice was nothing more than a pretext, sham in the form of a lame and hollow attempt to give the mere appearance of compliance with the law solely for the purpose of providing some county bureaucrat with an empty and disingenuous means of stating they followed the law when in fact they had not.

It is absolutely crystal clear to me that the entire Board of Supervisors and the Marin Planning Department, collectively and individually, are not acting in good faith or in the best interests of those of us who elected the several members of the Board of Supervisors who are supposed to act in our best interest; rather, their goal and motive was, and it still is, to embrace, adopt and advance the flawed policy of the far-left state government in its quest to impose its far-left agenda on every city and county in this state. They accomplish this by enacting state laws to circumvent local zoning and other local controls in order to replace local controls with incompatible and inconsistent state controls thereby usurping local control and subordinating the rights of homeowners and businesses to those of the unfortunate ranks of the homeless population. The state's way of handling the unfortunate homeless crisis is to simply shove it down our throats without regard to local needs and desires. There are plenty of venues throughout this state, such as the Central Valley, that are better suited to handle the unfortunate homeless problem. But the state politicians, including Newsom, cannot get cities and counties to implement what they want. These politicians are not interested in examining such alternative venues because their goal is a total egalitarian state, so they simply enact state legislation to put the clamps on local governments' right to govern locally. Marin, which for decades has been a unique and very safe place to live, will soon be indistinguishable from San Francisco with all the crime and blight that prevails there. This is a major concern of many, perhaps most, residents of Marin.

Michelle Levenson (. . . cont'd.)

October 26, 2020

Page Four

I am most hopeful that the horrible things that are now taking place in Marin will bring about major changes in the elected composition of every city council in Marin and the Marin Board of Supervisors as well so that those who are elected to hold office to represent us actually represent the interests of only the residents of Marin, not the entire state of California, and when the state attempts to usurp local power and shove down our throats problems occurring outside Marin we can at least be assured that our elected local officials will have our backs and will zealously defend our interests against the state.

Nothing contained herein is in any way intended to, nor should it be deemed as, a waiver of the defects discussed above as well as all rights and remedies I have or may have.

Very truly yours,

LAW OFFICES OF PAUL M. DAVIS



Paul M. Davis
Attorney at Law

Enclosure (Exhibit "A")

cc: Kathrin Sears (Supervisor)
Michael McGuire (State Senator)
Marc Levine (Assemblyman)

Community Development Agency
Planning Division
Civic Center Drive, Suite 308
San Rafael, CA 94903-4157
73-6269 T
73-7880 F
73-2255 TTY
marincounty.org/planning



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SEP 25 2020

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

DAVIS PAUL M REVOC TRUST
~~160 SEMINARY DR UNIT 3C~~
MILL VALLEY, CA 94941

*Belvedere
94920*

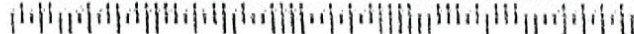
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Dr. # 33*

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RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 94903415799 *0440-06411-25-45



Notice of Preparation of Environmental Impact Report

North Coast Land Holdings, LLC Community Plan Amendment, Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit
Project ID: P1490

APN(s): 043-261-25; 043-261-26; 043-262-03; 043-262-06; 043-401-05; 043-401-10; 043-401-16; 043-402-03; 043-402-06

Project Address: 201 Seminary Drive, Mill Valley, CA 94941 Applicant: North Coast Land Holdings, LLC.

Project Planner: Michelle Levenson, Senior Planner Phone: (415) 473-6269

Email: envplanning@marincounty.org

Project Summary: The applicant, North Coast Land Holdings, LLC, is supplementing its previously submitted Community Plan Amendment request with an application for Master Plan, Design Review, Vesting Tentative Map, Master Use Permit, and Tree Removal Permit approval to allow the redevelopment of portions of the existing Seminary campus (please see project details on website links referenced below).

Comment period commences: September 25, 2020

Comment period deadline: October 26, 2020

Project details: Available on the environmental and planning project webpages under current projects:
<https://www.marincounty.org/depts/cd/divisions/environmental-review>

Appeal Rights: If you disagree with the foregoing determination regarding environmental review of the project, you may appeal it to the Board of Supervisors. A Petition for Appeal and a \$1,408.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, within five business days, or no later than 4:00 P.M., October 2, 2020.

More information about this application is available online at
<http://www.marincounty.org/depts/cd/divisions/planning/projects>, where projects are listed for the Alto Strawberry area.



EXHIBIT " A "

Levenson, Michelle

From: Paul Kayfetz <paulkayfetz@yahoo.com>
Sent: Tuesday, October 27, 2020 10:44 AM
To: Marin IJ - Opinion
Subject: Strawberry Seminary EIR Appeal Supervisors Nov 10

Editor:

337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

Not included in the Environmental Review is the claimed existing right to also build and operate a 1000 student commuter college.

The 1000 students and 2000 staff -- not afforded on-campus housing -- would be looking for housing in Marin.

These 1200 individuals, some with thus would be displacing that many others seeking Marin housing.

Or, they would be added to the bridge traffic in the morning and afternoon rush hours.

A primary reason for the Appeal in front of the Supervisors on November 10 is that the College and its 1200 person housing/traffic impact are excluded from the Project Environmental Review.

Paul Kayfetz
405 East Strawberry Dr.
Mill Valley, CA 94941

415 380-8494

Levenson, Michelle

From: Taylor, Tammy on behalf of EnvPlanning
Sent: Friday, October 30, 2020 4:57 PM
To: Reid, Rachel; Levenson, Michelle
Subject: FW: NORTHCAL EIR PREPAREDNESS

FYI:

From: paulkayfetz@yahoo.com <paulkayfetz@yahoo.com>
Sent: Friday, October 30, 2020 4:54 PM
To: EnvPlanning <EnvPlanning@marincounty.org>
Subject: NORTHCAL EIR PREPAREDNESS

Paul Kayfetz would like information about:

337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

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Paul Kayfetz
405 East Strawberry Dr.
Mill Valley, CA 94941

415 380-8494

Levenson, Michelle

From: Paul Kayfetz <noreply@formresponse.com>
Sent: Friday, October 30, 2020 5:26 PM
To: BOS
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Paul Kayfetz
Your Email Address: paulkayfetz@yahoo.com
Subject: SEMINARY EIR

Select a Routing Method: District
What District Do You Live In? District 3 - Kate Sears

Message: 337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

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A primary reason for the Appeal in front of the Supervisors on November 10 is that the College and its 1200 person housing/traffic impact are excluded from the Project Environmental Review.

Levenson, Michelle

From: Paul Kayfetz <noreply@formresponse.com>
Sent: Friday, October 30, 2020 5:27 PM
To: BOS
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Paul Kayfetz
Your Email Address: paulkayfetz@yahoo.com
Subject: SEMINARY EIR

Select a Routing Method: District

What District Do You Live In? District 4 - Dennis Rodoni

Message: 337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

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These 1200 individuals, some with thus would be displacing that many others seeking Marin housing.

Or, they would be added to the bridge traffic in the morning and afternoon rush hours.

A primary reason for the Appeal in front of the Supervisors on November 10 is that the College and its 1200 person housing/traffic impact are excluded from the Project Environmental Review.

Levenson, Michelle

From: Paul Kayfetz <noreply@formresponse.com>
Sent: Friday, October 30, 2020 5:28 PM
To: BOS
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Paul Kayfetz
Your Email Address: paulkayfetz@yahoo.com
Subject: SEMINARY EIR
Select a Routing Method: District
What District Do You Live In? District 2 - Katie Rice
Message:

337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

Not included in the Environmental Review is the claimed existing right to also build and operate a 1000 student commuter college.

The 1000 students and 2000 staff -- not afforded on-campus housing -- would be looking for housing in Marin.

These 1200 individuals, some with thus would be displacing that many others seeking Marin housing.

Or, they would be added to the bridge traffic in the morning and afternoon rush hours.

A primary reason for the Appeal in front of the Supervisors on November 10 is that the College and its 1200 person housing/traffic impact are excluded from the Project Environmental Review.

Levenson, Michelle

From: Paul Kayfetz <noreply@formresponse.com>
Sent: Friday, October 30, 2020 5:29 PM
To: BOS
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Paul Kayfetz
Your Email Address: paulkayfetz@yahoo.com
Subject: SEMINARY EIR
Select a Routing Method: District
What District Do You Live In? District 1 - Damon Connolly
Message:

337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

Not included in the Environmental Review is the claimed existing right to also build and operate a 1000 student commuter college.

The 1000 students and 2000 staff -- not afforded on-campus housing -- would be looking for housing in Marin.

These 1200 individuals, some with thus would be displacing that many others seeking Marin housing.

Or, they would be added to the bridge traffic in the morning and afternoon rush hours.

A primary reason for the Appeal in front of the Supervisors on November 10 is that the College and its 1200 person housing/traffic impact are excluded from the Project Environmental Review.

Levenson, Michelle

From: Paul Kayfetz <noreply@formresponse.com>
Sent: Friday, October 30, 2020 5:30 PM
To: BOS
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Paul Kayfetz
Your Email Address: paulkayfetz@yahoo.com
Subject: SEMINARY EIR

Select a Routing Method: District

What District Do You Live In? District 5 - Judy Arnold

Message: 337 to 546 townhouses, a quarter of a million square foot set of buildings for 150 seniors with attendants, and several business structures are proposed.

Not included in the Environmental Review is the claimed existing right to also build and operate a 1000 student commuter college.

The 1000 students and 2000 staff -- not afforded on-campus housing -- would be looking for housing in Marin.

These 1200 individuals, some with thus would be displacing that many others seeking Marin housing.

Or, they would be added to the bridge traffic in the morning and afternoon rush hours.

A primary reason for the Appeal in front of the Supervisors on November 10 is that the College and its 1200 person housing/traffic impact are excluded from the Project Environmental Review.