

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

**A RESOLUTION DENYING THE REILLY APPEAL OF THE LSA PROPOSAL TO PREPARE
A SECTION 15183 CHECKLIST FOR THE SOUANG TENTATIVE MAP PROJECT (P4134)
ASSESSOR'S PARCEL: 164-280-35**

SECTION I: FINDINGS

1. **WHEREAS**, the appellant requests a Vesting Tentative Subdivision Map and Tree Removal Permit ("Project") request to subdivide a 61.33-acre lot into 36 single-family lots, four common areas (private roads, two bio-retention areas, and a bioswale), and a remainder lot. Thirty-one dwelling units would be market-rate units, while five would be provided as deed-restricted below-market-rate (BMR) units (three for very low-income and two for lower-income households). The Vesting Tentative Map application would subdivide a 9.67-acre portion of the site into 36 individual residential lots and a remainder lot. Each market-rate lot would measure 44 feet wide by 66 feet deep and measure approximately 2,904 square feet in area, while the affordable units would measure 36 feet wide by 66 feet deep and measure approximately 2,376 square feet in area. The subdivision would also create common areas such as private streets, sidewalks on one side of the street, guest parking spaces, and bio-retention areas.

Access to the Project site would be provided from Lucas Valley Road through a single driveway, situated at the southeastern corner of the site. This access point, designated as "A Street" in the Project plans, will diverge into two private roads: "A Street" will extend westward and ultimately terminate at the western boundary of the Project limits, creating a dead-end. The second road, known as "C Street," will traverse the northern boundary of the Project site and also terminate at a dead-end. Additionally, a private road referred to as "B Street" will connect A Street and C Street, effectively creating a looped private road system.

Twenty-three lots will be positioned along A Street, while an additional thirteen are proposed at the northern extremity of the Project limits, facing C Street. All lots will be oriented towards the newly constructed private streets and will feature individual driveways. The Project proposes to install sidewalks on one side of A and C Streets, while a sidewalk is proposed on both sides of B Street.

The Tree Removal Permit application proposes the removal of 113 trees. Of these, 45 are classified as Protected Trees under Marin County Code Section 22.120.030. An additional 55 trees may also be removed unless the grading plans are revised. An arborist report prepared by HortScience Bartlett Consulting, dated November 2023, provides a detailed list of the protected trees that would be removed, as well as those that could potentially be preserved if the grading plans are adjusted. This information is summarized in Table 1 below:

Species	Proposed Action		Total
	Remove	Potentially Preserve	
Blue Oak	1	0	1
California Bay	38	25	63
California Buckeye	16	5	21
Coast live oak	43	18	61
Elderberry	1	0	1
Mulberry	1	0	1
Nichol's willowleafed peppermint	0	1	1
Valley Oak	13	6	19

Source: Preliminary Arborist Report, prepared by HortScience | Bartlett Consulting

According to the arborist report, all the trees are located near the perimeter, with California Bay and Coast Live Oak making up 74% of the total population. The California Bay is the most frequently occurring species, with 63 individual trees. Most of these are in poor condition (41 trees), while 21 trees are in fair health, and one is in good condition. The California Bay trees range from young to mature, with stem diameters between 5 and 26 inches, averaging approximately 11 inches. Most trees are growing in dense clusters. Among the 61 Coast Live Oaks, the overall condition is predominantly either fair (35 trees, or 57%) or poor (15 trees, or 25%). There are 10 trees in good condition, and one Live oak is described as dead. The diameters of these oaks range from 4 to 46 inches, with many growing among the bay trees, and a few have trunks that are intertwined with them.

Various other improvements are also proposed, including removal of an existing septic system, abandonment of a domestic well, construction of private streets and guest parking spaces (Parcel A, approx. 1.1 acres), the bio-retention areas, storm drainage, and other private infrastructure (Parcels B, C, and D, approx. 0.6 acre), hillside private open space (Parcel E, approx. 4.2 acres), a remainder parcel designated as private open space (approx. 51.6 acres). The development would create a Homeowners Association (HOA) to oversee and manage the common areas, including the area designated as open space. The proposed improvements would be confined to approximately 9.67 acres of the 61.3-acre site.

Tentative Map approval is required pursuant to Marin County Code (MCC) Section 22.80.030 because the Project proposes to subdivide one lot into more than four lots. Tree Removal Permit approval is required because the project entails removal of three Protected Trees pursuant to Marin County Development Code section 22.62.020.

Previous Approval of a Housing Compliance Review Application

On May 10, 2025, the Marin County Planning Division approved a Housing Compliance Review approval for the construction of new homes. The approved project would entail the construction of 36 new single-family detached dwellings, fifteen of which would include optional Junior Accessory Dwelling Units (JADUs). Thirty-one dwelling units would be market-rate units, while five would be provided as deed-restricted affordable units (three for very low-income and two for lower-income households). The project includes three standard building plans with three alternate exterior finishes. Fifteen of the residences would include approximately 332 square foot JADUs.

2. **WHEREAS**, on April 11, 2025, the project application was deemed complete, and subsequently, a letter initiating environmental review was sent to the appellant. The Environmental Coordinator requested a sole source proposal from Dan Sicular of Sicular Environmental Consulting to prepare a Section 15183 environmental checklist for the project, with the intention to tier the environmental review analysis from the 2023 Housing Element Update Final Environmental Impact Report (EIR). Sicular Environmental Consulting prepared a scope and proposal for the Section 15183 checklist, which was sent by Staff to the appellant on October 17, 2025.

3. **WHEREAS**, on October 22, 2025, the appellant, Steve Reilly submitted a timely appeal of the Environmental Coordinator's decision to request the funding submittal for the Sicular Environmental Consulting's proposal and Section 15183 checklist.

4. **WHEREAS**, on December 8, 2025, the Marin County Planning Commission held a duly noticed public hearing on the grounds of the appeal and unanimously voted to deny the appeal.

5. **WHEREAS**, on December 15, 2025, the appellant filed a timely appeal of the Planning Commission's decision to the Board of Supervisors, arguing that the environmental review proposed by Sicular Environmental Consulting for the project exceeded the requirements outlined in the State CEQA Guidelines and requested that the Board of Supervisors direct staff to further evaluate whether the project qualifies for an exemption under the recently enacted state laws. Additionally, the appellant argued that County staff should solicit proposals from additional environmental consultants. At a March 10, 2026 hearing, the Board of Supervisors upheld the Planning Commission's decision and the Environmental Coordinator subsequently initiated a request for proposals (RFP) process to solicit additional proposals to complete the environmental review. After receiving 4 additional proposals, the Environmental Coordinator selected the proposal submitted by the environmental consulting firm LSA and sent a funding request letter to the appellant on April 20, 2026.

6. **WHEREAS**, on April 23, 2026, the appellant submitted a timely appeal of the Environmental Coordinator's decision to select LSA's proposal to complete the environmental review for this project.

7. **WHEREAS**, the bases of appeal are insufficient to overturn the Marin County Environmental Coordinator's decision, for the reasons discussed below.

Appeal Point 1: The LSA proposal requires environmental review beyond what CEQA Guidelines §15183 allows. Similar to the Sicular Environmental Consulting proposal, it calls for a 20-day public review of a draft §15183 checklist and allocates 94 hours to respond to comments—steps that would effectively elevate the checklist to an IS/MND or EIR-level process, rather than a streamlined exemption document typically published with a staff report. It also incorrectly includes over a month for AB 52 tribal consultation, which applies only to non-exempt projects. Additional elements of the proposal appear to exceed the proper scope, cost, and timeline for a §15183 checklist.

Response:

Regarding the appellant's assertion that the scope of work proposed by LSA exceeds the requirements of CEQA, staff disagrees. LSA's proposal reflects the level of analysis necessary

to ensure that the County's environmental review complies with CEQA and is supported by substantial evidence in the administrative record.

Under State CEQA Guidelines section 15183, a project that is consistent with the development density and policies established by an adopted General Plan, community plan, or zoning for which an Environmental Impact Report (EIR) was previously certified may rely on a streamlined environmental review process. However, use of a Section 15183 checklist does not eliminate the County's obligation to conduct a comprehensive environmental evaluation of the project and to support its conclusions with substantial evidence.

Section 15183 applies only where the project's potentially significant environmental effects were adequately analyzed in the prior program-level EIR and where no new or more severe impacts would occur. Accordingly, the County must evaluate the project as proposed and determine whether it remains within the scope of impacts and assumptions analyzed in the Housing & Safety Element Final EIR. This evaluation necessarily includes consideration of project-specific characteristics, operational details, existing site conditions, and any changed circumstances or new information that could result in impacts not previously analyzed.

In practice, a Section 15183 checklist functions as a focused environmental analysis rather than an exemption. Although the process streamlines review by relying on prior environmental analysis, the County must still evaluate whether additional environmental review may be warranted due to peculiar site conditions, changed circumstances, new information, or potentially significant off-site or cumulative impacts. A comprehensive evaluation supported by substantial evidence ensures that the County's determination is legally defensible and consistent with CEQA's requirements for informed decision-making and public disclosure.

Regarding the appellant's contention that inclusion of a public review period and responses to comments improperly "elevates" the Section 15183 checklist to the level of an Initial Study/Mitigated Negative Declaration (IS/MND) or EIR, staff disagrees. As previously explained in response to prior appeals on this matter, the County retains discretion regarding the procedural framework used to support environmental review and public transparency. Consistent with standard practice and within the scope of the County's discretion to ensure the environmental analysis is sufficiently robust to fully inform the County's decisionmakers regarding potential environmental effects, staff intends to make the environmental review document publicly available prior to any hearing on the project. The County's procedures are consistent with State CEQA Guidelines §15002(a)(1) and (j) — General Process / Public Involvement, which explain that the CEQA process generally is intended to include solicitation and involvement of public comment and participation prior to rendering a decision on a project. The general concept as detailed in the State CEQA Guidelines is not only applicable to initial studies/negative declarations or environmental impact reports.

Further, even though CEQA does not mandate a formal comment period in connection with a Section 15183 evaluation, staff anticipates that public comments will nevertheless be submitted, and CEQA requires the County to accept such comments. Given that fact, the County has full discretion to budget resources in the CEQA evaluation scope of work to respond to such comments to the extent doing so would better inform County decisionmakers. In summary, this

process does not convert the environmental review into an IS/MND or EIR; rather, it reflects the County's effort to ensure adequate public disclosure and informed decision-making.

With respect to the appellant's contention that AB 52 consultation is not required, the Housing & Safety Element Final EIR deferred identification of impacts to cultural resources and tribal cultural resources, as well as development of applicable mitigation measures, to site-specific review of individual housing projects as they are proposed. Consistent with that framework, the County's RFP required consultants to include budget and staff support for coordination related to tribal cultural resource review within the scope of the requirements of Section 15183, including participation by a qualified archaeologist in one virtual tribal consultation meeting and coordination with tribal representatives regarding potential tribal monitoring during pedestrian surveys of the project site.

LSA's proposal acknowledges that the County may elect to conduct formal AB 52 consultation internally and includes optional consultant support for preparing and distributing tribal correspondence and participating in one meeting with tribal representatives. Staff finds the underlying level of tribal coordination contemplated in the proposal reasonable and consistent with the project's needs. However, the proposal's references to "AB 52 consultation" are premature, as formal AB 52 consultation is not currently required for the project if it proceeds solely under CEQA Guidelines Section 15183. At this stage, tribal outreach and coordination are instead appropriate to assess the potential presence of tribal cultural resources within the project area, consistent with the deferred mitigation framework established in the Housing & Safety Element Final EIR. Should subsequent discretionary approvals or additional environmental review later trigger formal CEQA review, AB 52 consultation requirements could become applicable at that time. Accordingly, refining the scope terminology to refer to "tribal outreach and coordination," rather than "AB 52 consultation," would more accurately characterize the current regulatory posture without materially changing the level of effort or scope contemplated in LSA's proposal.

Appeal Point 2: The County has rejected proposals that better align with CEQA Guideline §15183 streamlining. In an April 21, 2026 email, staff shared alternative proposals, at least one of which offered a shorter timeline, lower cost, and closer compliance with the law. Choosing a more burdensome option—despite a lawful, efficient alternative—conflicts with the State's mandate to streamline housing development. Although the County is the lead agency, its review must remain within CEQA and state housing law. As previously noted, §15183 provides a mandatory streamlining exemption, and the County cannot require the more extensive review used for non-exempt projects (see *Hilltop Group v. County of San Diego* (2024) 99 Cal.App.5th 890).

Response:

All proposals received were carefully reviewed by staff for responsiveness to the Request for Proposals (RFP) and consistency with Appendix A of the County's CEQA Guidelines, which assigns the County, as Lead Agency, responsibility for selecting the environmental consultant based on qualifications, credentials, experience, independence, and demonstrated ability to perform the work in compliance with CEQA requirements. Consistent with Environmental Planning's standard RFP process, staff conducted a thorough and competitive evaluation of multiple consultant proposals and selected the recommended consultant based on overall

qualifications, understanding of the project, technical approach, proposed schedule, and overall value. The County is not obligated to select the lowest-cost proposal.

LSA's proposal best met the County's needs by demonstrating a clear understanding of the project scope, a well-structured and responsive work plan, a realistic schedule, and a transparent and adequately supported budget. While several other proposals contained strong elements, other submissions were not selected due to identified weaknesses or deficiencies, including less complete understanding of the project scope, less responsive work plans, staffing or scheduling concerns, and/or costs that did not appear aligned with the level of effort necessary to prepare a legally adequate and defensible CEQA document.

In particular, certain proposals did not sufficiently address key technical issues associated with the project. Staff determined that these proposals would have required substantial refinement, clarification, and additional negotiation to satisfy the County's standards for adequacy and defensibility under CEQA. Accordingly, the proposed costs associated with those submissions likely did not reflect the full level of effort ultimately necessary to complete a compliant environmental review.

As a brief summary of the deficiencies or weaknesses identified in the other proposals, examples include, but are not limited to, the following:

1. First Carbon Solutions — The proposed schedule was longer than several of the other proposals, and the scope did not appear to adequately address geological and hydrogeological analysis related to the extent of proposed grading, biological resource evaluation, cultural resource analysis, and potential aesthetic impacts.
2. EMC Planning Group — The scope similarly appeared insufficient to fully address geological and hydrogeological analysis related to the extent of proposed grading, biological resource evaluation, cultural resource analysis, and potential aesthetic impacts. The proposed schedule was also considered overly optimistic and appeared to rely on the assumption that the project would not result in peculiar, new, or substantially more severe impacts beyond those evaluated in the HESE FEIR.
3. Dudek — The proposal was higher in cost, included a longer schedule, and recommended evaluation of the project through an Initial Study process rather than the Section 15183 checklist process. While it remains possible that subsequent analysis could support the need for an Initial Study or Environmental Impact Report, staff's current approach is limited to the Section 15183 process. At this stage, staff determined it would be premature to assume that a more extensive CEQA review would be required and therefore could not justify further consideration of the proposal.

Appendix A of the County's EIR Guidelines provides that selection of the environmental consultant is made by the County. While appellant input may be considered as part of the process, the decision to select a consultant or revisit alternative proposals remains within the County's discretion. Based on the evaluation conducted, the Environmental Coordinator remains confident in the selection of LSA and recommends the Planning Commission uphold that selection.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the Planning Commission hereby denies the appeal and affirms the determination by the Environmental Coordinator that the appellant must fund the

project environmental review or abandon the Vesting Tentative Map and Tree Removal Permit applications. This determination has no effect on the validity of the approved Housing Compliance Review application for the housing development project.

SECTION III: APPEAL RIGHTS

NOW, THEREFORE, BE IT RESOLVED that this decision is final unless appealed to the Marin County Board of Supervisors. A Petition for Appeal and the required fee must be submitted in the Community Development Agency, Planning Division, Suite 308, Civic Center, San Rafael, no later than eight business days from the date of this decision (June 26, 2026).

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 15th day of June, 2026 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

Claudia Muralles, Chair
MARIN COUNTY PLANNING COMMISSION

Attest:

Sindy Palencia
Planning Commission Recording Secretary