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April 22, 2026

VIA FEDERAL EXPRESS

Planning Division
Marin County
3501 Civic Center Drive
San Rafael, CA

Re: Project ID No.: P4134
Appeal of April 20, 2026 Letter Selecting Proposal from LSA to Prepare
Environmental Review Document for Souang Vesting Tentative Map, Which
Exceeds Scope of Lawful Environmental Review

To Whom it May Concern:

As you know, this firm represents 330 Land Company and Lucas Valley Road, LLC (collectively "Applicant") in their housing development project application to construct 36 market rate and affordable homes at 1501 Lucas Valley Road in the County ("Project"). The County's processing and consideration of the Project is subject to the requirements of Senate Bill 330 ("SB 330"), the Housing Accountability Act ("HAA", Gov. Code § 65589.5), and the state Density Bonus Law ("DBL", Gov. Code § 65915.).

This appeal¹ is filed pursuant to Section X of the County of Marin Environmental Impact Review Guidelines ("EIR Guidelines") and County Code section 22.114.030(B)(3).² While we appreciate the County's recent efforts to seek additional proposals to complete environmental review, pursuant to the CEQA Guidelines section 15183 Streamlining exemption, we remain concerned that the County again selected a proposal that exceeds the scope of appropriate environmental review under Guideline 15183. In many regards, LSA's proposal would convert the Project's Guideline 15183 checklist into the type of delayed and

¹ The Applicant anticipates that it will be submitting additional written materials in support of this appeal prior to the appeal's consideration by relevant decisionmakers.

² Again, we note that the County's April 20, 2026 letter references Section VII of the EIR Guidelines, however this section references the appeal procedures for Mitigated Negative Declarations. Section X discusses the County's more general appeal provisions for Environmental Impact Review. We note that both the County's EIR Review Guidelines and County Code section 22.114.030 allow for appeals of the County's environmental determinations under CEQA, with the EIR Guidelines requiring appeals to be filed within 5 working days and the County Code requiring appeals to be filed within 8 business days.

costly review associated with a full-blown EIR or IS/MND. We respectfully request that the County – as is the common practice in most other jurisdictions in California – work with the Applicant to refine LSA's proposal and/or select an alternative proposal that accurately adheres to the requirements of CEQA and state housing law.

Although we are still reviewing LSA's proposal and reserve our right to identify additional bases of appeal, our appeal includes but is not limited to the following points:

- **The LSA Proposal Includes A Scope of Environmental Review Beyond That Which is Appropriate Under CEQA Guidelines Section 15183.** Like the problematic proposal from Sicular, the LSA proposal calls for circulation of a draft 15183 Guideline checklist for 20 days for public comment. The proposal then anticipates 94 hours of LSA time be spent preparing responses to public comment. While a Guideline 15183 checklist would appropriately be published with the staff report in advance of a hearing on the Project like any other exemption document, requiring the project to undergo this extensive level of draft circulation would effectively convert the Project's Guideline 15183 streamlining checklist into an IS/MND and/or EIR level analysis. Similarly, the LSA checklist erroneously calls for more than one month to conduct a formal AB 52 tribal consultation. Formal AB 52 tribal consultation is *only appropriate* for projects that are *not exempt* from CEQA review. (See Public Resources Code section 21080.3.1, [providing that AB 52 consultation shall be done “[p]rior to the release of a *negative declaration*, *mitigated negative declaration*, or *environmental impact report* for a project...”].) We note that there appear to be other aspects of the LSA proposal that exceed the appropriate scope, cost, and time to complete a Guideline 15183 checklist and we reserve the right to identify and detail these items in advance of an appeal hearing.
- **The County Has Refused To Accept Proposals That More Appropriately Adhere To CEQA's Mandated Guideline 15183 Streamlining.** In an April 21, 2026 email, County staff provided the applicant three other proposals it received to complete the Project's environmental review. At least one such proposal provides a materially reduced timeline and cost structure, while more accurately complying with applicable law. Selecting a proposal that imposes unnecessary process, cost, and delay—when a lawful alternative exists—undermines the State's clear mandate to streamline housing development and avoid unnecessary barriers. While we recognize that the County is the lead agency responsible for completing environmental review for the Project, such review must be done within the lawful confines of CEQA and state housing law. As we detailed in prior correspondence, Guideline 15183 is a *mandatory* streamlining

exemption, and the County lacks authority to require the Project to undergo more detailed review associated with a non-exempt project. (See *Hilltop Group v. County of San Diego* (2024) 99 Cal.App.5th 890.).

Again, the Applicant reserves its right to supplement this appeal with additional written materials and testimony before relevant County decision-making bodies should it not be resolved with County staff prior to an appeal hearing.

We look forward to resolving the important issues raised in this appeal and working with the County to complete the appropriate level of review under the California Environmental Quality Act ("CEQA"), and delivering this critically needed housing development Project to the community in a manner consistent with binding state law.

Please feel free to contact me regarding the contents of this letter. I can be reached by email at travis.brooks@msrlegal.com

Very truly yours,

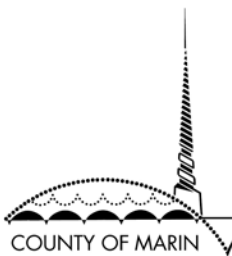
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Enclosure: April 22, 2026 Appeal Application



COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

PETITION FOR APPEAL

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

1. The undersigned, SB 330 Land Co. / Lucas Valley Road, LLC, hereby files an appeal
(Appellant/Petitioner)
of the decision issued by the Planning Division
(Director, or Deputy Zoning Administrator, or Planning Commission)
regarding the County's April 20, 2026 Letter Purportedly Selecting LSA Proposal For CEQA Guidelines Section
15183 Checklist
relating to property described and located as follows:
a) Assessor's Parcel Number 164-280-35
b) Street Address _____
1501 Lucas Valley Road

2. The basis of this appeal is:

Please refer to the attached letter from Miller Starr Regalia.

(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 _____ (Print Name) _____ (Signature)

(Address) _____ (Telephone)

(City/State/Zip Code) _____ (Email)