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May 1, 2026

VIA EMAIL

Tammy Taylor
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Marin County Community Development Agency
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Re: Demand For Immediate Follow Up Regarding County Selection Of LSA's
Guideline 15183 Proposal That Exceeds Lawful Scope Of CEQA Review
And Necessitate An Appeal Which Would Result In 5th Hearing And Violation
of SB 330's 5 Hearing Limit

Dear Ms. Taylor:

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 Project is located on a housing opportunity site the County identified to the Department of Housing and Community Development ("HCD"), in Housing Element Update as suitable and available for residential development to meet critical regional housing needs from 2023-2031. This letter is sent in follow up to our April 22, 2026 appeal of the County's selection of a *second* proposal to complete the Project's Guideline 15183 checklist, which again significantly exceeds the appropriate scope and associated costs and timeline authorized by CEQA. The resulting delays and unnecessary costs - after nearly 3 years of the County processing of the Project application with multiple delays and documented violations of state law - reflects a continued pattern of bad faith, improper delays, and significant unnecessary costs designed to prevent development of critically needed new homes on a Housing Element site that the County *committed* to allowing move forward.

Again, the Project proposes the same density and type of residential development the County planned in its HEU. The development impacts associated with development of the Project and other residential development in the County were already studied comprehensively in the Environmental Impact Report certified for the HEU. The County conceded the Project qualifies for the *mandatory* CEQA Guideline 15183 streamlining exemption for projects consistent with the development density already studied in a General Plan EIR, meaning that any proposed activities that exceed this

streamlined review *violate* CEQA's prohibition against repetitive environmental review. (See Cal. Gov. Code, § 21083.3, 14 CCR, 15183, *Hilltop v. County of San Diego* (2024) 318 Cal.3d 336, 355.)

As we noted in our latest appeal, the LSA proposal calls for months of excessive environmental review, which would effectively convert the Project's Guideline 15183 checklist into an IS/MND or EIR. For example, LSA's proposal calls for public circulation of a draft 15183 checklist for 20 days with extensive public comment. This is entirely inappropriate as CEQA exempt projects *are not required to undergo draft circulation and public comment periods*. (*San Lorenzo Valley v. San Lorenzo Valley SD* (2006) 139 Cal.App.4th 1356, 1385 ("CEQA does not provide for a public comment period before an agency decides a project is exempt.")) The LSA proposal also calls for several weeks of AB 52 tribal consultation, which is only appropriate for *non-exempt* projects requiring preparation of an IS/MND or EIR (Pub. Res. Code, § 21080.3.1.). It is extremely troubling that despite these obvious errors in LSA's proposed scope, the County turned down more than one proposal from CEQA consultants that more accurately proposes an appropriate scope of review under Guideline 15183.

The County indicated that the *soonest* the Planning Commission may hear our appeal related to the LSA scope is nearly two months away, June 15, 2026. This lengthy delay is an unfortunate continuation of the County's pattern of unlawfully delaying this project, and we would like to know why the Commission is unable to consider our appeal sooner

We would like to remind the County that this would be the fifth hearing on the Project, meaning that further, necessary hearings to consider the Project's vesting tentative map, would exceed SB 330's five hearing limit for housing development projects, and result in a clear violation of state housing law. (Gov. Code 65589.5(h)(6)(F), 65905.5)

If the County insists on forcing the applicant to move forward with this appeal of clearly erroneous aspects of the LSA proposal - instead of working with the applicant to either revise LSA's proposal or select an alternate proposal that actually reflects the appropriate scope of environmental review for the Project – we fully intend to add the County's exceedance of the 5 hearing limit to the Applicant's writ action now pending in Marin County Superior Court, and pursue all available remedies under state law.

With the above in mind, please respond no later than May 8, 2026, explaining why the Applicant's appeal cannot be heard before June 15, and whether the County is willing to show reasonableness by selecting an alternative proposal to complete the Project's Guideline 15183 checklist consistent with CEQA, or otherwise work with the Applicant to modify the LSA proposal so that it does the same. Time is of the essence, so if the County is willing to work to refine the LSA proposal related to those aspects of it that the Applicant disputes, the Applicant would

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be willing to fund and immediately get started on those aspects of the LSA proposal that are consistent with CEQA.

The Applicant continues to reserve all of its rights to seek the support of HCD in enforcing the state housing laws that protect the Project, and enforce all of its rights in pending litigation with the County.

Please feel free to contact me directly if you have any questions regarding the above.

Very truly yours,

MILLER STARR REGALIA



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cc: Sarah Jones, Community Development Director
Brandon Halter, Deputy County Counsel
Immanuel Bereket, Planner
Client