

From: [Travis Brooks](#)
To: [Tammy Taylor](#); [Karen Irias](#)
Cc: [Brandon Halter](#); [Sarah Jones](#); [Immanuel Bereket](#); [Rachel Reid](#); [andre souang](#); [Brad McFarlane](#); [Steve Reilly](#); [Miguel Mauricio](#)
Subject: Re: 2026-05-01 Letter to Environmental Coordinator re Lucas Valley Road [IMAN-IMANAGE.FID1080903]
Date: Monday, May 11, 2026 5:39:36 PM

Hi Tammy,

We are extremely frustrated that the County is not willing to work in a reasonable and in good faith way with the Applicant to navigate the appropriate, comprehensive but necessarily streamlined review of the Project under CEQA Guideline 15183. As set out in more detail below, you appear to be misinterpreting the binding state laws that prohibit redundant environmental review and seek to remove barriers to housing production.

Regarding the County's demand that the Applicant formally appeal the County's unlawful CEQA: "Delay is the deadliest form of denial." The fact that the County is *again* forcing the Applicant to attend formal appeal hearings to simply direct the County to follow the mandated streamlined scope of review reflects an intent by the County to use these delays and redundant EIR level procedues, to effectively deny the project. The County told HCD that it already performed the comprehensive environmental review to allow those critically needed projects consistent with the Housing Element Update ("HEU") to move forward efficiently and without unnecessary roadblocks. A far more appropriate course would be to work with the Applicant, without requiring a formal appeal hearing, to adjust LCA's proposal so that it no longer includes the obviously unlawful components that we pointed out in our appeal. At the very least, the County should allow the Applicant to move forward with the uncontested portions of LCA's proposal while those smaller problematic portions of LCA's scope are discussed.

Regarding the County's refusal to request appropriate modifications to LCA's scope of work. We understand that as the lead agency, the County has discretion when deciding which environmental consultant it selects. However, CEQA prohibits redundant environmental review, especially for critically needed housing projects. As multiple courts confirmed, CEQA *does not* give the County discretion to require repetitive EIR level review when such review has already been done, including AB 52 consultation and lengthy public comment periods. This work was already done when the County prepared the HEU EIR. As the County already recognized, the Project is consistent with the development density established in the County's General Plan and zoning, which was studied in a comprehensive EIR. Guideline 15183 mandates that the project generally be exempt from EIR level review, and "*shall not* require additional environmental review, *except as might be necessary* to examine whether there are project-specific significant effects which are peculiar to the project or its site." (See Pub. Res. Code 21080.3, *Hilltop v. County of San Diego* (2024) 99 Cal.App.5th 890, and *Olen Properties v. City of Newport Beach* (2024) 93 Cal.App.5th 270.) Instead of limiting environmental review to a comprehensive process to examine whether

there are project-specific peculiar effects, the County is instead demanding that the Project undergo time consuming AB 52 consultation and formal comment processes *that were already done as part of the HEU EIR, and which are entirely inappropriate for exempt projects.*

The County's hearings on the Project's CEQA scope are most definitely "hearings" subject to SB 330's 5 hearing limit. Your email appropriately cites Government Code section 65905.5. For projects like the instant one, that section prohibits local agencies from conducting more than five hearings "in connection with the approval of [a] housing development project." Section 65905.5 then goes on to broadly define a "hearing" as:

Any public hearing, workshop, or similar meeting, including any appeal, conducted by the city or county with respect to the housing development project, including any meeting relating to Section 65915, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof. "Hearing" does not include a hearing to review a legislative approval, including any appeal, required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

The County's claim that multiple appeal hearings to ensure the County adheres to state law are somehow not hearings "in connection with a housing development project", is farcical and made in bad faith. Of course, the County must complete the appropriate level of environmental review. However, state law *does not* authorize the County to require the Applicant to go through more than 5 hearings, especially when at least 3 of those hearings would be spent trying to bring the County into compliance with state law. (Nothing in subd. (d) of Section 65905.5 allows the County to exceed the 5-hearing limit; also, see Code 65589.5(h)(6)(F) [defining a violation of the 5-hearing limit as a basis for an HAA lawsuit for unlawful disapproval].) Again, a far more appropriate course would be for the County to work with the Applicant to modify LCA's scope of work so that it results in a defensible CEQA document that follows state requirements.

Again, if the County refuses to follow the directives of state law we already discussed in detail, the Applicant will have no option but to enforce its rights through legal action and outreach to HCD, with the County exposed to several potential penalties. Such penalties could include hundreds of thousands or even millions of dollars in attorneys' fees if the Applicant is successful in an action to bring the County in compliance with state housing law, up to \$10,000 per unit if the County fails to comply with a court order, and potentially significant multipliers (up to 5x) if the County acts in bad faith. It would be far better for the County and

the Applicant to resolve our differences without requiring the Applicant to undergo unnecessary appeals.

Please respond to this email indicating whether the County is willing to have a discussion about modifying LSA's scope of work this week.

Thanks,

Travis A. Brooks | Miller Starr Regalia

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From: Tammy Taylor <Tammy.Taylor@MarinCounty.gov>

Sent: Thursday, May 7, 2026 12:54 PM

To: Karen Irias <karen.iras@msrlegal.com>; Travis Brooks <travis.brooks@msrlegal.com>

Cc: Brandon Halter <Brandon.Halter@MarinCounty.gov>; Sarah Jones <Sarah.Jones@MarinCounty.gov>; Immanuel Bereket

<Immanuel.Bereket@MarinCounty.gov>; Rachel Reid <Rachel.Reid@MarinCounty.gov>; andre souang <asouang@me.com>; Brad McFarlane <brad@promanas.com>; Steve Reilly <sreilly@landadvisors.com>; Miguel Mauricio <miguel.mauricio@msrlegal.com>

Subject: [EXT] RE: 2026-05-01 Letter to Environmental Coordinator re Lucas Valley Road [IMAN-IMANAGE.FID1080903]

EXTERNAL SENDER

Dear Travis Brooks,

I write in response to your letter dated May 1, 2026.

Regarding your request for more information regarding our decision to calendar the hearing for June 15th on your client's appeal regarding the funding request letter, I note that date is the earliest possible Planning Commission hearing date considering other pre-existing demands on the Planning Commission's calendar and the County's administrative resources.

Regarding your request that the County reconsider its consultant proposal selection, we respectfully decline. As we have previously noted, and consistent with Environmental Planning's RFP process, staff conducted a thorough and competitive review of multiple consultant proposals and selected the recommended proposal based on qualifications, project

understanding, technical approach, schedule, and overall value. LSA's proposal best aligned with the County's needs through a clear understanding of the project scope, a well-structured and responsive work plan, a realistic schedule, and a transparent and well-supported budget. While several other proposals included strong elements, other submissions were not selected due to weaknesses or deficiencies such as less complete scope understanding, less responsive work plans, staffing or scheduling concerns, and/or costs that were not aligned with the level of effort required.

Regarding your assertion that the upcoming hearing on your client's appeal of the funding request letter would constitute the fifth "hearing" regarding this project for purposes of calculating the five-hearing limit under SB 330 (Gov. Code § 65905.5(a)), we respectfully disagree. The upcoming June 15th hearing, like the hearings held in connection with your prior appeals before the Planning Commission on December 8, 2025 and Board of Supervisors on March 10, 2026, relates solely to the environmental review process for the project required under CEQA and the County's EIR Guidelines. As a result, these hearings do not count toward the five-hearing limit. *See* Gov. Code § 65905.5(d).

We will provide further information and responses to your client's specific arguments in support of its appeal in connection with the upcoming Planning Commission hearing.

Sincerely,

Tammy Taylor (she/her)
Senior Planner

Environmental Planning

County of Marin
Community Development Agency
415 473 7873 Direct

415 473 6269 Office

Tammy.Taylor@MarinCounty.gov

From: Karen Irias <karen.iras@msrlegal.com>

Sent: Friday, May 1, 2026 1:32 PM

To: Tammy Taylor <Tammy.Taylor@MarinCounty.gov>

Cc: Brandon Halter <Brandon.Halter@MarinCounty.gov>; Sarah Jones <Sarah.Jones@MarinCounty.gov>; Immanuel Bereket <Immanuel.Bereket@MarinCounty.gov>; andre souang <asouang@me.com>; Brad McFarlane <brad@promanas.com>; Steve Reilly <sreilly@landadvisors.com>; Miguel Mauricio <miguel.mauricio@msrlegal.com>; Travis Brooks <travis.brooks@msrlegal.com>

Subject: 2026-05-01 Letter to Environmental Coordinator re Lucas Valley Road [IMAN-IMANAGE.FID1080903]

You don't often get email from karen.iras@msrlegal.com. [Learn why this is important](#)

This email is sent on behalf of Travis Brooks.

Replies may be directed to Mr. Brooks at Travis.Brooks@msrlegal.com. Thank you.

Karen Irias | Miller Starr Regalia

Legal Assistant to Travis Brooks

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