

May 19, 2026

Dear Members of the Marin County Planning Commission,

I am writing regarding the proposed development at 1501 Lucas Valley Road.

I am a resident of Mt. Muir Court, and my home backs up to Lucas Valley Road. As I write this, we have just experienced several days of very strong winds, fires burning in Simi Valley, a small fire in the Marin Headlands reported this morning, and neighbors who have had their homeowner's insurance cancelled because of the high fire-risk area in which we live. And summer is not officially here!

I am opposed to the current design of this project, which features narrow streets with no sidewalks and is wedged up against a hillside. It would be irresponsible for the County to approve this as proposed. I am also very concerned about the many daily dump trucks that would be required to haul away dirt for this project. This level of construction activity, potentially lasting a year or more, would significantly increase traffic and could put my family, as well as many others along the Lucas Valley Road corridor, at risk due to delayed emergency response times and potential evacuation delays.

Please reconsider this proposed development as presented and deny the current application in its current form. The amount of hillside that would be removed, combined with the access and traffic constraints, would pose too great a danger to valley residents to make this project acceptable.

Thank you for your consideration.

Sincerely,

Ginny Pheatt

Robin Fies

From: MSOFC <MSOFC@mspaldinglaw.com>
Sent: Wednesday, May 20, 2026 12:18 PM
To: Immanuel Bereket
Cc: Tammy Taylor; Rachel Reid
Subject: 1501 Lucas Valley Road
Attachments: 1501 lucas valley rd - 5 20 26 ltr & pix.pdf; immanuel Bereket ltr # 5RRR (photos only).docx

Attached is my letter in support of a requested denial of the developer's petition for appeal to the planning commission & suggestions for expansion of & detailing of the LSA proposal to address my/the community's concerns. Hopefully you/the commission will find it helpful. I wish it wasn't as long as it has turned out to be, but there are so many matters of concern that need to be addressed.

Thanks. MS

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38 Mt. Muir Ct.
San Rafael, CA 94903
May 20, 2026

Marin County Planning Commission
c/o Immanuel Bereket, Project Planner
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Immaneul.bereket@marincounty.gov

Re: 1501 Lucas Valley Road
Developer's Appeal of Designation of LSA to Prepare CEQA Checklist

Dear Mr. Bereket/Members of the Planning Commissions

I am writing in response to the appeal filed by Andre Souang, ostensibly on behalf of SB 330 Land Company and Lucas Valley Road LLC and request that the planning commission deny the appeal, confirm the selection of LSA Associates, Inc., with a revised and more detailed/expanded scope of work.

The Developer's Appeal Should Be Denied

As admitted by the applicant,¹ a Section 15183 checklist is required in order to determine if there are any environmental effects that **(1)** are peculiar to the project or parcel; **(2)** were not analyzed in the Housing Element EIR; **(3)** are potentially significant off-site impacts or cumulative impacts; or **(4)** there is new information that makes the previously studied impacts more severe. In other words, the appeal seems to be over the scope of work included in the LSA

¹ I question whether the applicant, Mr. Souang, a resident of the State of Washington, has **standing to appeal**. He does not own the subject property. According to the Recorder's Office, a deed was recorded on February 2, 2023 memorializing the sale of his ownership interest therein to the Lucas Valley Road LLC for \$5,000,000.00 (presumed sales price based on \$5,500.00 transfer tax) Filings with the California Secretary of State do not identify him as an organizer, manager or member of 330 Land Company LLC. The same is true as to the applicant, Lucas Valley Road LLC, a Michigan-based entity. In the absence of an affirmative showing that he should be required to make to establish that he is an interested person, the appeal should be denied for lack of standing.

proposal (which the applicant believes is too expansive and time consuming), and not whether a checklist is required.

The California Environmental Quality Act (CEQA) has four related purposes: (1) to inform the government and the public about the potential environmental impact of a proposed activity; (2) to identify ways to reduce or avoid environmental damage, (3) to prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible, and (4) to disclose to the public the rationale for governmental approval of a project that may significantly impact the public. As you are undoubtedly well aware, CEQA imposes an obligation on all agencies to regulate so that major consideration is given to preventing environmental damage. (see Hilltop Group, Inc. v. County of San Diego (2024) 99 Cal.App.5th 890, 907, cited by the developer in support of its Petition for Appeal).

First, LSA's proposal to allow a period of 20 days and a total of 96 hours of its staff's time to public comment on its work is reasonable, appropriate, consistent with CEQA's objectives, and necessary to meet its goals. The developer's claim that no time should be spent on public comment is, simply put, outrageous.

Second, the developer's objection to a tribal consultation is without merit – more fairly characterized as a “nuisance objection” because the amount of time it will take to consult is but a small part of LSA's proposed Cultural Resources and Tribal Cultural Resources analysis, and because LSA proposes completing that task at the same time as or shortly after finalizing the project description. (see page 21 of its proposal.)

Third, the Hilltop case cited by the developer does not support its position on appeal. It effectively stands for the proposition that while all conflicts in the evidence are resolved in support of the agency's action, and that courts will indulge all reasonable inferences in support of the agency's findings regarding a project's peculiar environmental impacts, those findings must be supported by substantial evidence. (Hilltop, at 910-911, 914) The opinion being quite lengthy, a summary follows.

The case involved a proposal for construction of a recycling facility. The project was projected to maintain visual separation from local landmarks.² An initial CEQA study was done,³ and it found potentially significant impacts in the areas of aesthetics, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, hazards and hazardous materials, and noise.

² This would distinguish it from the subject project, which, as staff and the Planning Commission know, proposes excavation of the hillside that will result in a widely visible scar.

³ The study was apparently done without objection by Hilltop, which would again distinguish it from the subject project.

Hilltop then submitted a draft EIR to the County.⁴ It concluded that mitigation measures would reduce the project's potential environmental impacts below significant levels, and asked the County to process the project as a CEQA exemption under Guidelines Section 15183.

The County identified deficiencies in the analyses in the draft EIR, told Hilltop that if they revised technical studies to address those deficiencies to the satisfaction of County staff, the County would reconsider its request. After Hilltop complied,⁵ and after considering over 500 public comments, County staff concluded that Hilltop qualified and recommended approval of the exemption, subject to two conditions: (1) enclosure of the project's processing operations, and (2) limiting hours of operation to the period from 7:00 am to 7:00 pm. After receiving objections at a public hearing, the zoning administrator approved the exemption.

The County's planning and development services then approved the project's site plan, subject to 65 conditions of approval that were required to assure that its impact would remain less than significant.⁶ Interested parties, including the City of Escondido, community groups and homeowner's associations then appealed to the planning commission. A public hearing was held, and the planning commission voted unanimously to deny the appeals.

The planning commission's denial was appealed to the Board of Supervisors. Following a public hearing, the Board concluded, without identifying what specific aspects of the project would create the potential for significant environmental impacts, that an EIR was warranted, and voted to grant the appeal.

Hilltop filed a petition for writ of mandate. The superior court denied the petition, finding there was a "fair argument" to be made that the project would have significant non-mitigatable effects on the environment that would be peculiar to the project, not addressed as significant in the prior EIR, and for which new information showed would be more significant than described in the prior EIR.

The court of appeal rejected the "fair argument" test applied by the trial court, found a substantial evidence test governed its review of a CEQA exemption request, and after considering public comment, concluded that the record contained no substantial evidence that would support the Board of Supervisor's decision to grant the appeals and deny Hillside's exemption request, and as a result, reversed the trial court judgment.

⁴ Unless otherwise noted, all references to the "County" in this summary of the Hilltop opinion are intended to refer to the County of San Diego.

⁵ Hilltop's compliance again distinguished that case from the present case, where the developer seems loathe to work collaboratively with the County of Marin on any issue.

⁶ There is nothing in the opinion that would support a conclusion that Hilltop objected to any of the conditions of approval – which would once again distinguish it from the present case, wherein the developer objected to and filed suit over two conditions of Marin County's approval: (1) widening of roadways to comply with countywide standards, and (2) adding sidewalks on both sides of the streets within the development.

LSA'S Proposal Should be Further Expanded and Detailed to Assure that All Matters of Concern Are Appropriately Identified and Addressed

Consistent with CEQA's purposes, and for the following reasons, we believe the scope of work in the LSA proposal may need to be further expanded to adequately determine if the Guideline Section 15183 factors referenced above exist.

I. Initial Evaluation of the Project Did Not Consider the Alternative Grading Plan

The Alternative Grading Plan represents a substantial change in the proposed project. It was not considered as a part of the Preliminary Arborist Report, the Biological Resources Constraints Analysis, the Preliminary Geotechnical Exploration, Hydrology and Hydraulic Report, Stormwater Control Plan, or the Stormwater Treatment Facilities Operation and Maintenance Plan. Because each is inadequate and incomplete, the scope of CEQA inquiry and analysis must be expanded to assure that those issues are appropriately addressed.

II. The Project Will Require Excessive Grading

The original Grading Plan called for 70,165 cubic yards of material to be cut from the hillside and 27,590 yards (roughly 2,000 dump truck loads, by the County's estimate) to be removed from the jobsite. The Alternative Grading Plan turbocharges those numbers, more than doubling the cut to 165,970 cubic yards, and more than quadrupling amount of off haul, to 128,900 cubic yards of material (roughly 11,000 dump truck loads, per the County's estimate).⁷

The developer has provided no information regarding the amount of time it will take to remove the spoils from the jobsite. If one were to assume that removal would take place five days/week over the course of a year, no exceptions for holidays, that would **take 7.7 dump truck loads, every day for a year** to dispose of the 2000 dump truck loads of material called for by the original grading and drainage plan, and more than **42 dump truck loads, every day for a year**, to dispose of 11,000 the dump truck loads of material called for by the alternative grading and drainage plan. If it does nothing else, the developer should be required to tell LSA, the County, and through the County, members of the to be affected public, how much time it expects to take to remove and dispose of the spoils, so all concerned will know what to expect if the project is allowed to proceed.

⁷ A cubic yard of dirt and rock typically weighs between 2,400 and 3,200 lbs. As of October 2025, Waste Management was charging \$36.74/ton for clean dirt (and presumably more for dirt and rock, and/or dirt and rock containing asbestos, assuming they would accept it at all). Depending on what the developer ultimately decides to do, **dump fees alone** (i.e. excluding loading and transporting, and assuming Waste Management would agree to accept the material at all) can be expected to range from, at an absolute minimum of a least **\$1,216,387.92** (27,590 yards x 1.2 tons/yard x \$36.74/yard), to more than **\$5,682,943.20** (128,900 yards x 1.2 tons/yard x \$36.74/yard) Under the circumstances, the developer can hardly be heard to complain about the cost of the CEQA guidelines review.

Given the tremendous volume of material in issue (enough to create a cube 165 feet on each side, or to fill 80 houses of the size proposed by the developer to a depth of 20 feet), and the scar that it will leave (rising 234 feet above the Lucas Valley roadbed) the consequences the proposed grading must be very carefully considered in connection with several elements of the CEQA guidelines Section 15183 checklist.

III. The Excessive Grading Will Result in the Removal of More Than 100 Trees

The Preliminary Arborist's Report identified 113 trees that would have to be removed to develop the property as originally proposed (i.e. with 36 structures and 50+ vertical feet of retaining walls called for by the original grading and drainage plan.) It recommended the potential preservation of another 55 trees, 54 of which were "at edge of project area" and one of which (a 61" diameter Nicholas willow leaf peppermint), would require a grading plan revision in order to be preserved (as recommended by the arborist).

The developer's Alternative Grading Plan **ignored the arborist's recommendation** (at page 14 of her report) for preservation of the peppermint tree and would result in its removal and many other trees that could potentially have been preserved along with many others that (it appears) were not included in the arborist's original inventory. It also **ignored the biological resources constraints analyst's recommendation** (at page 12 of their report), to "adjust the grading envelope to minimize or eliminate any impacts to sensitive communities, including coast live oak woodland and California bay woodland, to the greatest extent possible." In other words, the developer ignored the recommendation that the grading and drainage footprint as originally proposed (that would result in 2000 dump truck loads of off fill) be reduced to something smaller and less disruptive.

IV. The Excessive Grading Will Result in the Substantial Degradation of the Existing Visual Character and Quality of the Site and Its Surroundings

The original grading plan called for a series of retaining walls around two sides of the proposed development, rising to as much as 55 feet in total height, with tops at an elevation of roughly 110 feet above the roadbed of Lucas Valley Road, and cuts another 60 feet up the hillside, to an elevation of about 160 feet above the roadway and 310 ft above sea level. (The functional equivalent, in height, of a 16 story apartment building.) The Alternative Grading Plan calls for a single retaining wall of up to 15 feet in height, topping out at an elevation about 70 feet above Lucas Valley Road, and cuts up the hillside to an elevation of approximately 234 feet above Lucas Valley Road and 394 feet above sea level. (Envision a 24 story apartment building) Under either scenario, the result will be a massive, un-mitigatable scar.⁸

⁸ The LSA proposal notes that no mitigation measures were identified in the HESE FEIR to reduce visual impacts. While the original submitted plans included a "Site Wide Planting Plan", those plans did not include the all of the area that will be subjected to proposed cut by the Alternative Grading Plan, and they are far too generic to be of any utility to make any informed determination as to whether the proposed mitigation measures would be sufficient.

This hideous scar will be widely visible – not only from Lucas Valley Road, but the Terra Linda Fire Road – a major trail through the public open space above the project – and the residential areas of Lucas Valley as well. (See photos attached as Exhibits to this letter)

The LSA proposal (at page 9), says the project will be portrayed using visual simulations from Lucas Valley Road.⁹ This is inadequate and it is a material change from the Sicular proposal that (at page 6) said it would include visual simulations from “*publicly accessible key observation points*”, including Lucas Valley Road, the Terra Linda fire road, and some residential areas in Lucas Valley. The LSA proposal should be revised or clarified to add additional views (e.g. from the Terra Linda Fire Road and from residential areas in Lucas Valley.

The proposed Street Light and Amenities Plan identifies 14 different street lights, including two at/near the connector with Lucas Valley Road. The Lucas Valley and Lucas Valley Estates subdivisions were both purposefully designed and built without streetlights, to minimize light pollution. (Artificial light at night is in many ways harmful to wildlife, as well as humans.) LSA’s proposal says it will address light spillover and glare issues. It does not say how it plans to address them. That should be spelled out to assure that those issues are addressed meaningfully, objectively and in a manner that will provide all interested persons with an opportunity to comment on the findings and on such mitigation measures, if any, as may be proposed.

V. **LSA Cannot Meaningfully Analyze Air Quality and Greenhouse Gas Emission Issues in the Time Allotted or With Presently Available Information**

LSA proposes the completion of nine different Air Quality and Greenhouse Gas Emissions tasks in just 53 hours. The Sicular proposal previously approved by the County of Marin allocated a more reasonable 84 hours (i.e. 50% more time) to complete the task, which raises concerns that shortcuts will be taken.¹⁰ The LSA proposal makes no reference to asbestos, which was identified in previously studies as a potential problem, due to the presence of serpentine rock. Concerns relating to asbestos must be meaningfully addressed in compliance with Bay Area Air Quality Management District rules (e.g. Rule 2.5).

In particular, the planting plans do not identify the number of Coast Live Oak, Valley Oak and California Bay to be planted to replace those that are to be removed. Nor do they offer any information regarding the proposed size or location of those trees, their irrigation, other forms of care, or any estimate or prediction regarding the likely survival on disturbed ground, with or without care. Without that information, there would be no foundation for any prediction and/o visual stimulation of what the scar would look like five years after the project is completed and the damage is done.

⁹ The simulations will include “as destroyed” and “as speculated” based on what they think the scar will look like after five years vegetative growth. It should be noted that the “plans” prepared by Integrated Design Studios are different from those submitted by Stuber Stroeh (i.e. represent a third version), as they contemplate preservation of the Fire Road, and B Street with double dead ends,

¹⁰ The bid submitted by EMC proposed 90 hours and the bid by Dudek 101 hours to address air quality, energy and greenhouse gas emissions.

Project construction emissions, including those associated with soil hauling, are among the tasks to be analyzed. LSA proposes using the latest version of the California Emissions Estimator Model to complete that task, but does not say whether it will engage in project specific customization (i.e. details regarding construction equipment types, schedules and other locally tailored data). For the project construction and other elements of the analysis to be meaningful, project specific data, including data collected by remote sensing devices (i.e. a fence line monitoring program) must be provided.

Insofar as we are aware, the developer has not determined (or communicated any determination as to) how long it will take to cut and remove the up to 165,970 cubic yards of material from the hillside, and it has not identified where the up to 128,900 cubic yards of earthwork off haul (11,000 dump truck loads, by the County's estimate) are to be taken. Without that information, it is impossible to know how many miles the dump trucks will be driven, and thus, what the resulting diesel exhaust, asbestos, particulate and other toxic emissions will be generated, and whether such emissions will be in compliance with State law regulating Toxic Air Contaminants (17 CCR § 9300), peculiar and specific.

Likewise, the developer does not appear to have identified any proposed building design features that would contribute to a reduction in greenhouse gas emissions. If anything, given the absence of driveways, limited number of "visitor" on site parking places (just nine), and absence of any provision for bicycle parking, it is impossible to envision this project doing anything but adding to greenhouse gas emissions.

VI. LSA Cannot Meaningfully Address Geology, Soils and Hazardous Materials Issues Because the Preliminary Geotechnical Report that it Intends to Review Did Not Consider the Alternative Grading and Drainage Plan

The preliminary geotechnical exploration report was prepared for the developer in December 2023. The report pre-dates the Alternative Grading Plan, did not consider the massive amount of grading it proposes and did not consider the fact that a large amount of serpentine rock will be disturbed and hauled off site. Until such time as a determination has been made regarding the location and volume of serpentine rock to be removed, no informed decision can be made regarding the significance of the hazards that would be created by its excavation, its use as fill material, or its ultimate disposition or the means by which they might be mitigated.

The LSA proposal for geology and soils appears to be limited to a "peer review". Since the Alternative Grading Plan was not reviewed by the developer's geotechnical experts there is nothing to peer review and the LSA proposal must include a full geotechnical analysis.

In that regard, the report notes, at Section 6.0 on page 13, that a design level geotechnical report should follow once development plans are finalized (which hasn't happened according to recent public statements made by the developer's representative), and that it should include additional borings, test pits, lab testing, design level earthwork, improvement design and construction recommendations, development of corrective grading plans and cross sections, and design recommendations for cross sections.

Further to the point, the report states, at Section 7.0 on page 14, that it is not subject to unauthorized use because of concerns regarding new circumstances (with the Alternative Grading Plan most certainly fitting the bill), not the least of which is the passage of time (the report is now nearly 2 ½ years old).

VII. **LSA Cannot Meaningfully Analyze Hydrology and Water Quality Issues in the Time Allotted or With Presently Available Information**

LSA proposes completion of the Hydrology and Water Quality in just 11 hours. The Sicular proposal previously approved by the County of Marin allocated 46 hours (i.e. four times as much time) to complete the task, which again raises concerns that shortcuts will be taken.¹¹

LSA says it intends to rely, at least in part, on the Hydrology and Hydraulic Report, the Stormwater Control Plan, and the Stormwater Treatment Facilities Operation and Maintenance Plan prepared by Stuber-Stroeh Engineering in July 2024, none of which considered the Alternative Grading and Drainage Plan as a part of their analyses.¹²

Given that the Alternative Grading and Drainage Plan proposes to materially expand the disturbed surface area (which will presumably mean less rainwater percolating into the soil and an increased rate of flow off the hillside¹³), extend one of the storm drains more than 70 feet in vertical elevation, and more than double the cut, from 70,165 cubic yards to 165,970 cubic yards, it does not take an expert to recognize that it completely invalidates the operative assumptions upon which Stuber-Stroeh's opinions, conclusions and recommendations are based. Stated a little differently, there is no foundation for a considered CEQA analysis of hydrology and drainage issues under the alternative plan.

Under such circumstances, how can questions of erosion, siltation, the adequacy of bioretention areas, as currently designed, the capacity of the existing culvert and earthen swale to handle the runoff that will be concentrated by the proposed development be meaningfully addressed? As designed (i.e. relying on the original grading and drainage plan, and operating on the assumption that the yet-to-be constituted homeowner's association would properly maintain them into perpetuity), the bioretention plans were, by Stuber-Stroeh's own analysis, barely adequate to meet a 10 year storm event. In their report, they noted that the Marin County code provides that the analysis should be based on **100 year storms**. Accordingly, and if LSA is able to do so, it should required to assess the adequacy/inadequacy of the proposed bioretention facilities to handle such storms.

¹¹ The bid submitted by Dudek proposed 54 hours. The other submissions did not include a breakdown.

¹² Stuber Stroeh was led to believe that the developer intended to preserve existing hillside topography "to the extent possible." (see Stormwater Control Program, page 3)

¹³ The stormwater plan, at page 2, notes that the soils are impermeable and that steep slopes on site will require mitigation measures to ensure runoff doesn't increase erosion.

Insofar as hydrology is concerned, there is one other issue that needs to be addressed - the impact of the proposed project, its scalping of the hillside, its extended drain lines, and its under-designed retention facilities on the percolation of water downhill and towards Miller Creek in its natural direction of flow. (i.e. where it went before it was diverted by the earthen swale.) Once again, it doesn't take an expert to recognize that the water table will rise and that homeowners and residents on Mt. Muir Court will be adversely affected. Stated a little differently, LSA should address the fact that the current under-designed drainage plan will, as to those persons, create a nuisance at the very least and may lead to flooding and property damage to homes on Mt. Muir Court.

VIII. LSA's Ability to Assess Short Terms Construction Noise and Vibration Impacts is Limited by the Lack of Available Information

LSA's proposal is based on assumptions as to the type of equipment that will be used, the power source for the equipment that will be used, and the amount of time it will be used. It apparently assumes that no blasting will be required to remove the up to 165,970 cubic yards of material contemplated by the Alternate Grading and Drainage Plan. Insofar as we are aware, the developer has not made this information available to the public or to LSA. There is also the matter of the time of day that such noise/vibrations will be generated, which should be constrained to the extent possible to avoid the creation of unnecessary nuisance. This is of particular note, given that there is an elementary schoolyard within approximately 750 feet of the project site.

The conclusions that LSA may reach will only be as good as the assumptions upon which they are based. The developer should be required to provide LSA (and the public) with additional information on its plans in this regard to assure that the CEQA analysis is a meaningful exercise.

IX. LSA's Proposed Transportation Study Needs to be Expanded in Scope

LSA's proposal states that it will limit its analysis to the four intersections previously analyzed (i.e. the intersections of Lucas Valley Road with Mt. Muir, Mt. Lassen, Hwy 101 south bound ramp and Hwy 101 northbound ramp). Since the Kaiser facility opened on Las Gamos the traffic in the area has materially worsened, sometimes backing up during morning commute hours as far west as the intersection with Miller Creek Road. To meaningfully assess the cumulative effect of the delay the analysis should, at an absolute minimum be extended to the Las Gallinas and Las Gamos intersections with Lucas Valley Road.

The prior study assumed traffic congestion peaked in the afternoon. It does not. It is at its worst in the morning, when Lucas Valley Road is being used to take children to school¹⁴ and

¹⁴ In recent years the Miller Creek School District eliminated its bus service. As a result many if not most parents now drive their children to school, resulting in a substantial increase in morning traffic.

to take adults to their places of employment. The proposed study should be conducted in a manner that evaluates the morning peak.

The prior study was flawed because it failed to consider the fact that the proposed development will include 15 JADU's, and that the residents of those units will use Lucas Valley Road. It was also flawed as a result of the assumptions that it used in preparing its sight distance analysis – that drivers would not exceed the posted speed limit by more than 5 mph. Not all do, and LSA should take that into consideration as a part of its analysis.

While the LSA proposal states that it will review and comment on the project's on site circulation as well as transit, bicycle and pedestrian access, it is not clear what they have in mind in that regard, and it would be helpful if they could provide clarification. For example, the likely daily impact of US mail, Amazon and UPS deliveries; the likely weekly impact of garbage trucks, and the as-needed impact on the delivery of police, fire, and emergency medical services on circulation within the proposed subdivision.

LSA's proposal does not address the impact that from **2000** (original grading and drainage plan) to **11,000 dump truck loads** (alternative grading and drainage plan) of off fill and other construction related traffic¹⁵ will have on transportation up and down Lucas Valley Road. The duration and extent of that disruption should definitely be evaluated, and if necessary, a plan proposed for mitigation of the deleterious effects of such traffic, which could include prohibition or limitation on the number of dump truck and other construction related traffic during morning commute hours.

LSA's proposal does not address the impact that the proposed widening of Lucas Valley Road at Mt. Muir Court (that favors the development and disfavors residents living on Mt. Muir Court) will have on traffic at that intersection and up and down Lucas Valley Road. It needs to be addressed.

LSA's proposal does not include a future conditions analysis that takes into consideration the impact that development of 130 or more units at the juvenile hall and Big Rock Market sites will have on traffic at the intersection of Mt. Lassen and Lucas Valley Road. Or the further delay that will result if the Miller Creek School, Marinwood Plaza, and St. Vincent's sites are developed. In that regard, we already have problems with southbound morning traffic on US 101 using Las Gallinas Road as a hoped-for time saver to get where they want to go. Nor does it propose to consider the probable consequences to traffic of adding 1422 units of townhomes and apartments at the Northgate Mall site and another 193 units at 555 Northgate Drive.

¹⁵ Such traffic could include, but not necessarily be limited to traffic related to street and lot grading, paving, construction of retaining walls, sewers, water, and stormwater retention facilities, as well as construction of the actual homes.

X. LSA Should Thoroughly Evaluate Risks Associated with Wildfire

As a preliminary matter, it defies logic to conclude that impacts related to wildfire in areas that have been identified as being in high fire hazard severity zones could possibly be less than significant.

Be that as it may, LSA should consider the fact that Lucas Valley is effectively surrounded on three sides by relatively steep vegetated hillsides,¹⁶ that those hillsides create a unique wind tunnel effect¹⁷ (aka peculiar risk), and that there is but one “safe route” out,¹⁸ with “safe” being defined as being able to reach Highway 101. As we know from a prior evacuation drill, it is debatable whether, in the event of a fire, Lucas Valley Road, which has been defined as the sole “safe route”, will prove to be safe. It becomes even more debatable when one considers the fact that a fire requiring evacuation of the “Berry’s”, Marinwood, the “Stones” and/or Monte Marin neighborhoods, would call for evacuation to Las Gallinas and then eastbound on Lucas Valley Road and out to US 101.

LSA should consider the fact that the subject proposal calls for development of the to-be “improved” portion of the property with narrow roadways that could limit fire department access to the property.¹⁹ It should consider the probable consequences, in the event of fire, of requested waivers from form base code requirements, including those related to setbacks.²⁰

LSA should consider the fact that the developer’s proposal calls for elimination of the Nunes Fire Road, which currently provides access to that part of the property (33.7 acres, more or less) that is not the subject of the proposed development, and at the same time calls for the project’s yet-to-be created homeowners’ association to be responsible for maintaining that portion of the property without means of vehicular access.

¹⁶ They are heavily vegetated on the south side of Lucas Valley Road, as shown in photographs 9, 10 and 11 attached hereto, which were taken at the intersections of Lucas Valley Road at Mt. Shasta, at Mt. McKinley, and Bridgegate.

¹⁷ As of 5:00 pm on May 15th, and again on May 16th, winds were gusting at more than 25 mph. That is not uncommon for the area.

¹⁸ Per the Urban Wildland Interface and Evacuation Routes Map, referenced at page 19 of LSA’s proposal.

¹⁹ Insofar as the request for a variance for roadways is concerned, no consideration has been given to the substantially certain presence of Amazon and UPS delivery trucks that will park in the middle of and clog the residential roadways.

²⁰ The code requires 20 feet minimum setbacks front and back, and 10 feet minimum on the sides. The developer proposes just 5 feet in the front, 10 feet in the back, and just 4 feet on each side. Not a whole lot of room for firefighters to operate in. As to parking areas, the code requires a minimum setback of 50 feet, and the developer proposes just 5 feet.

LSA should also consider the fact that the subject proposal calls for just one means of ingress and egress, and the chaos, confusion and increased risk of harm that will undoubtedly result from people trying evacuate the proposed development, and competing for space on the “safe route” with people living west of the proposed development and for people trying to reach it from Mt. Muir Court.

The proposed project presents a peculiar risk because it has limited access to water. On March 5, 2020 the former owner, Mr. Souang executed an agreement, binding on the present owner, limiting water supply from MMWD to 1.02 acre feet/year²¹ At Section 2.8, Mr. Souang agreed that “at no time in the future shall the District grant any additional water service connections to the Parcel or the Property regardless of the number of structures or residences on the Parcel or the Property and regardless of what the Marin County or any other local agency zoning ordinances allow.”

Finally as to wildfire, LSA should consider the fact that the proposed project site is not within the jurisdiction of the Marinwood Fire Department. It instead falls within the County’s jurisdiction, with the closest fire station located 14 miles and a 20-25 minute drive away in Woodacre. That is inadequate to meet the needs of the proposed development. Given the consistent state policy against having one group of taxpayers subsidize another, annexation to Marinwood Fire, located about 1.6 miles and a 4 minute drive away would appear to be a necessary condition precedent to reaching any favorable conclusions relating to the wildfire issue.²² Given the number of community members who have previously expressed their grave concerns regarding the risk of fire, LSA should conduct a very thorough analysis of this issue.

XI. Conclusion

For all the reasons stated, the Planning Commission should deny the developer’s appeal and direct LSA, as a part of its scope of work, to address all of the issues raised by this letter and all material issues that may be raised by members of the community.

This is particularly important where, as here, the County is dealing with an out-of-state developer with no ties to the community, who has represented that it will be proceeding on the thinnest of margins,²³ and who has elected to proceed in the form of a limited liability company

²¹ This is the amount determined by the parties to be necessary to supply one family unit with an attached junior ADU unit, agricultural worker housing for up to six employees, and a water trough for up to 20 animals. The 36 homes (and 15 JADU’s) that are being proposed would likely require 18-36 acre feet of water/year, and the MMUD agreement makes it clear that it has no obligation to provide more than the 1.02 acre feet/year.

²² Before the County can approve the development, it will have to make findings supported by substantial evidence in the record that “structural fire protection and suppressions services will be available to the subdivision.” (see Govt. Code § 66474.02)

²³ This is evidenced by, among other things: **(a)** the requests for multiple concessions and/or waivers, including a request for “relaxation” of the County’s 1.7 acre base lot coverage restriction on residential

in order to immunize its principals in the event of losses or other adverse consequences arising from the development. It would not be out of the realm of possibility for the developer to **gouge** a giant scar **out of** the hillside, discover that asbestos was present in quantifies sufficient to justify abandonment, leaving the County and this community holding the metaphorical “bag.”

Very truly yours,

Michael Spalding

development at the site, without which, the developer contends, the project would not be economically viable, and **(b)** the allegations of its complaint against the County, verified under penalty of perjury.

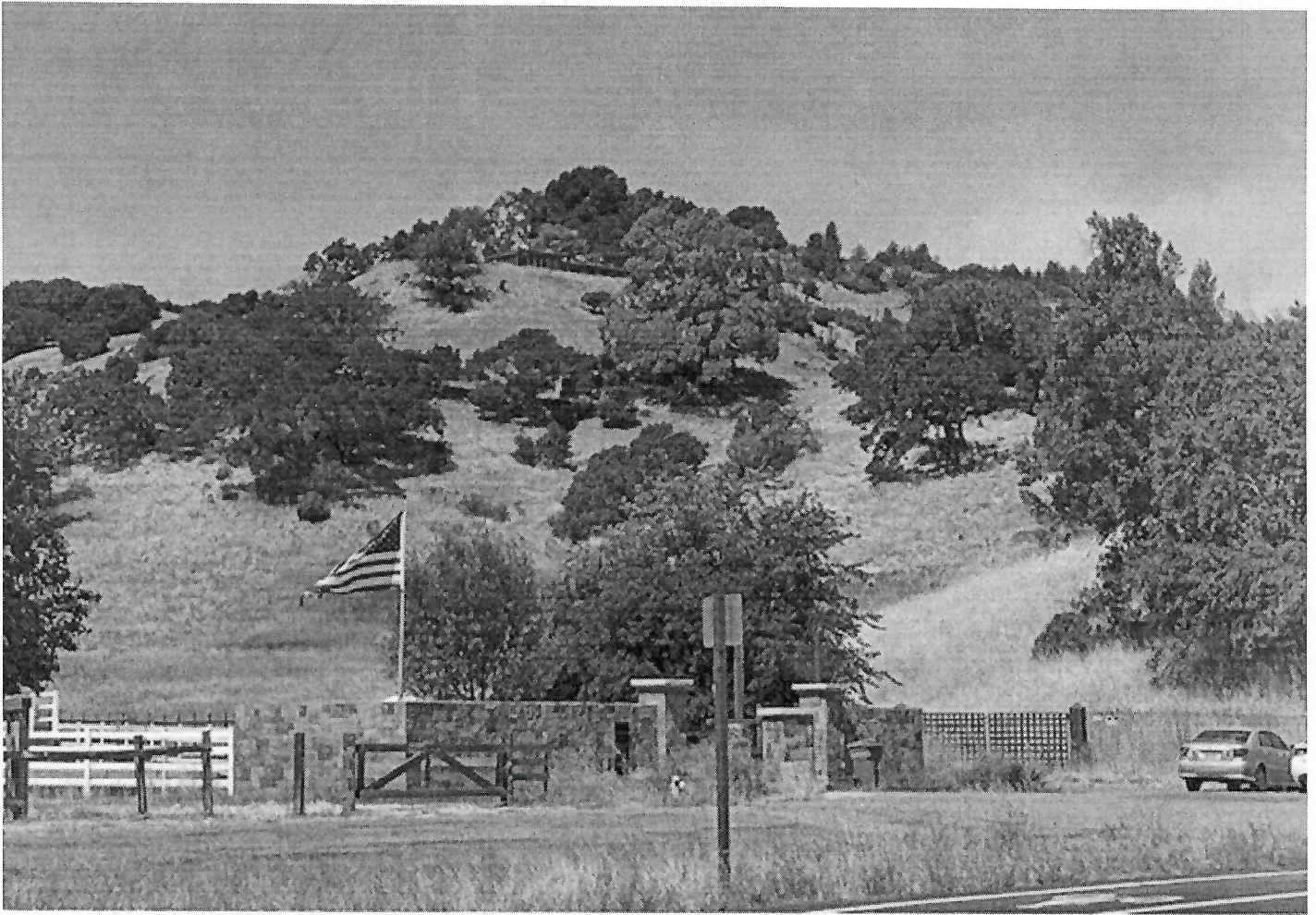


Photo 1 – taken from Lucas Valley Road just east of proposed project site, and the hillside subject to developers proposed grading and drainage plans, and the trees that will be removed if the project is approved

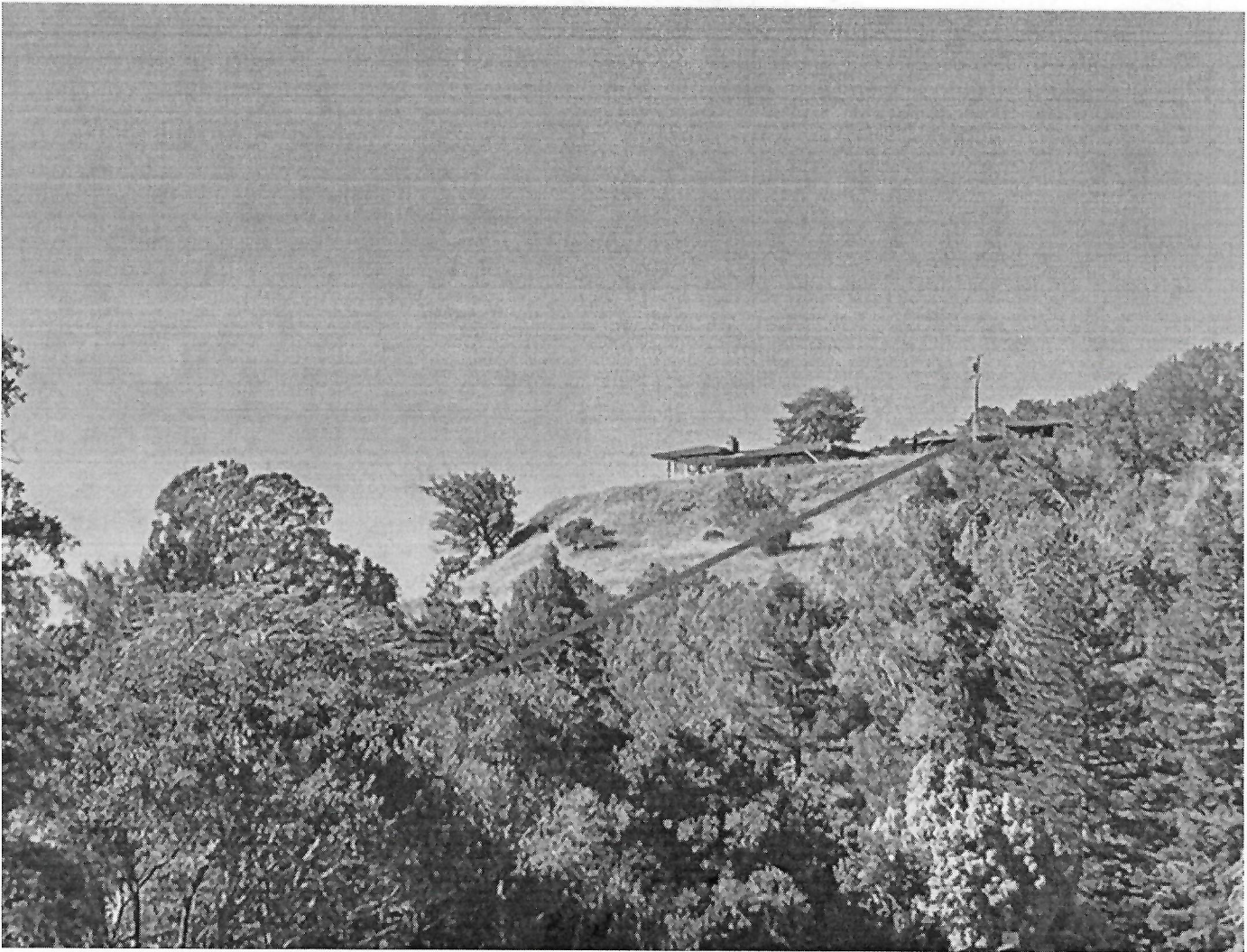


Photo 2 – taken from Lucas Valley Road just west of Mt. Muir Court, depicting the hillside subject to developers proposed grading and drainage plans, some of the trees that are to be removed, and the abandoned structure at the top of the cut proposed by the Alternative Grading and Drainage Plan that is to be taken down as a part of the project, if it is approved . Line roughly depicts 2:1 slope

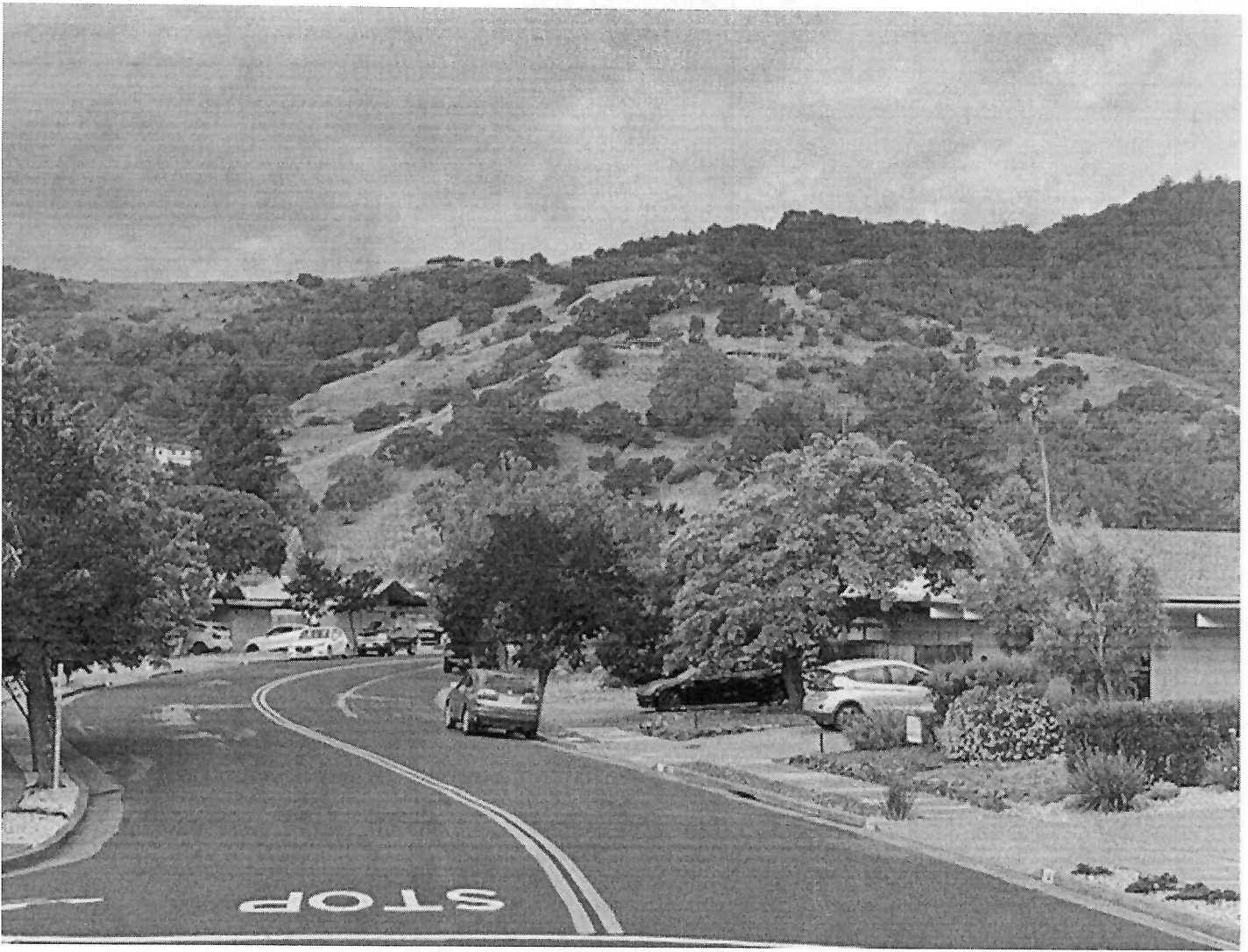


Photo 3 – taken from the intersection of Mt. Lassen and Idylberry and depicting the hillside subject to the developer’s grading and drainage plan, the trees and the residential structure that are to be removed.

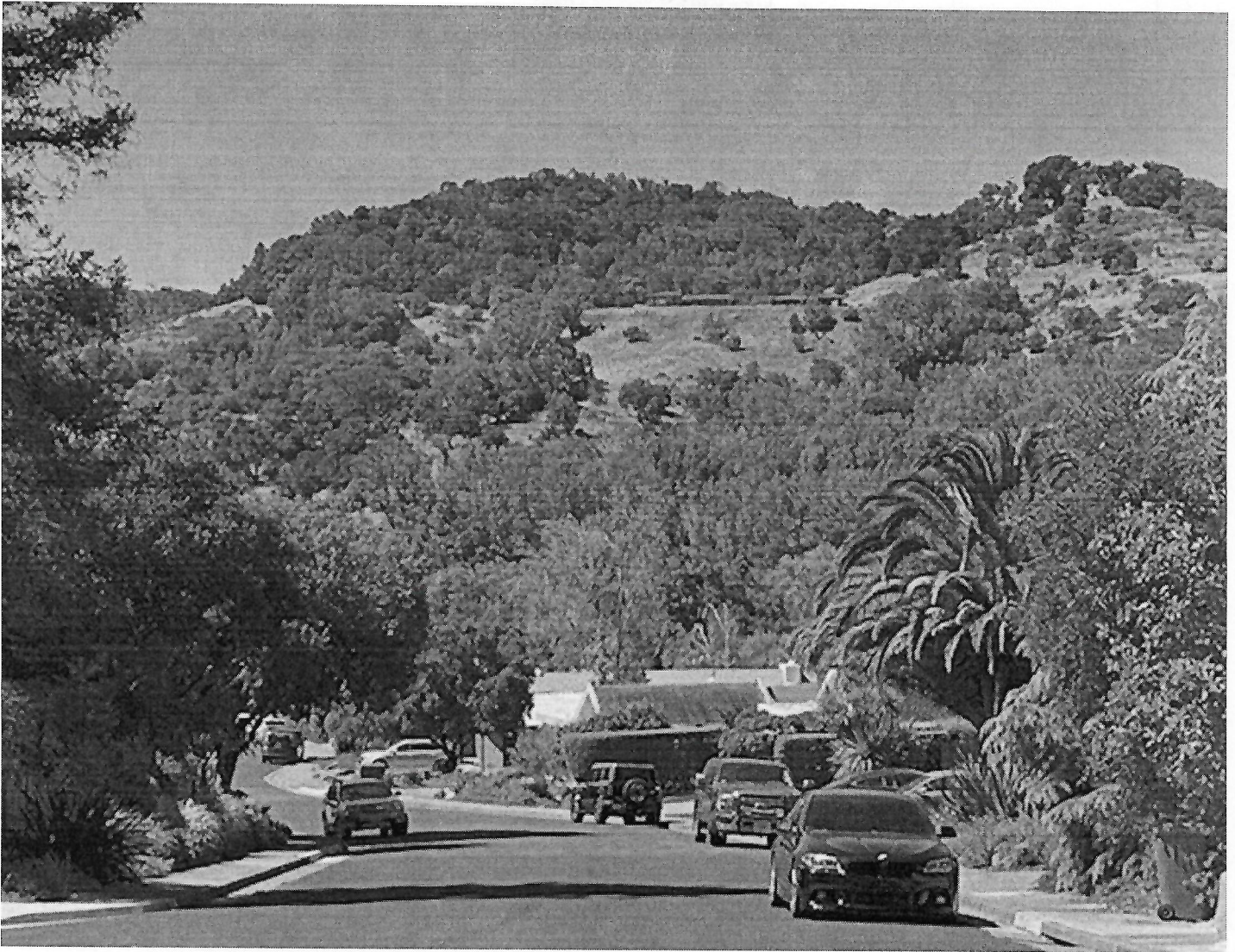


Photo 4 – taken from the north end of Pikes Peak Drive, depicting the structure and hillside trees to be removed as a part of the proposed development.

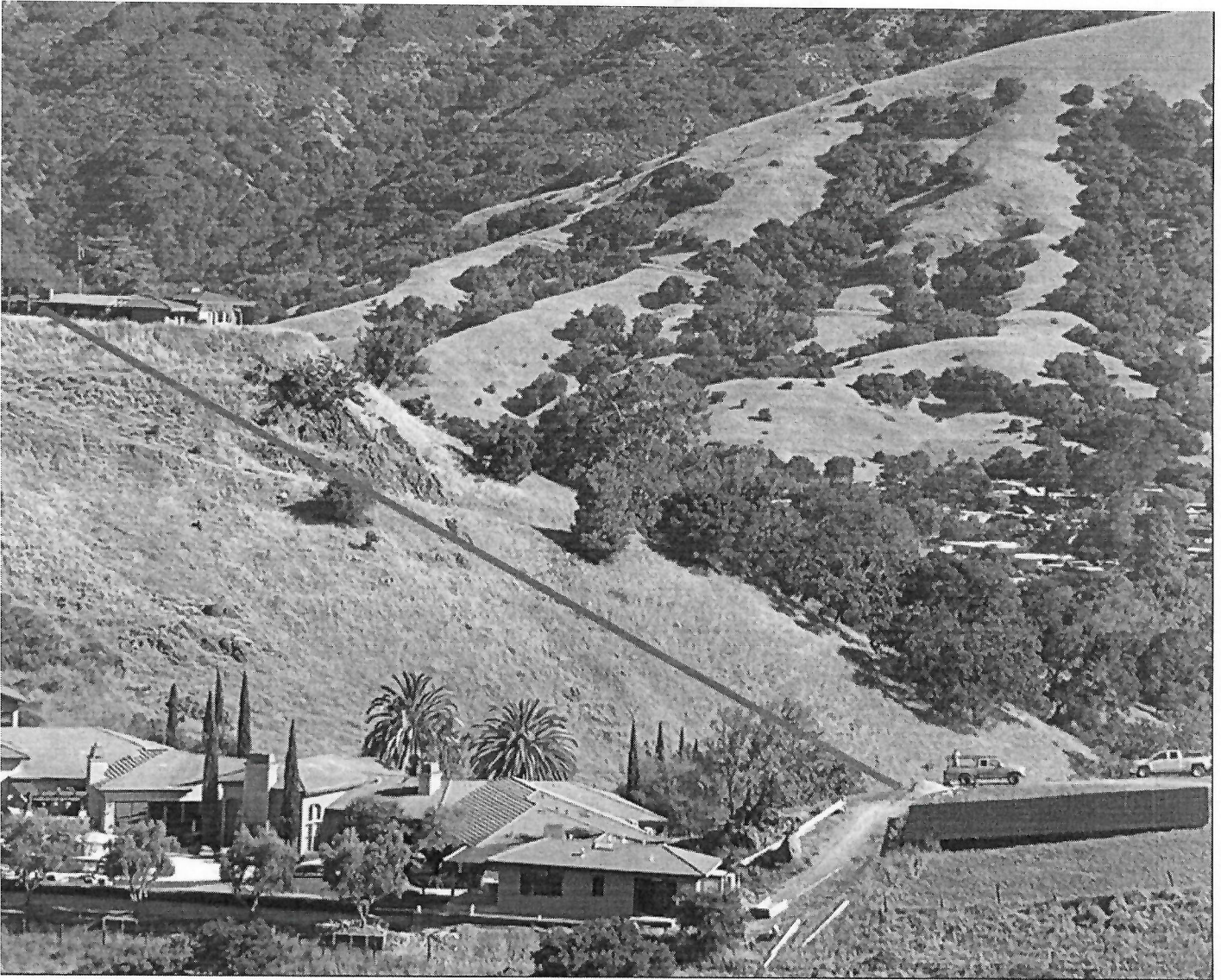


Photo 5 – taken from the Terra Linda fire road and depicting slope of hillside subject to developers proposed grading and drainage plans, and trees that will be removed, with Mike Stone’s residence in the foreground, and the existing home to be demolished in the left background. The line roughly depicts a 2:1 slope and the trees to be removed are depicted beyond the drawn line.

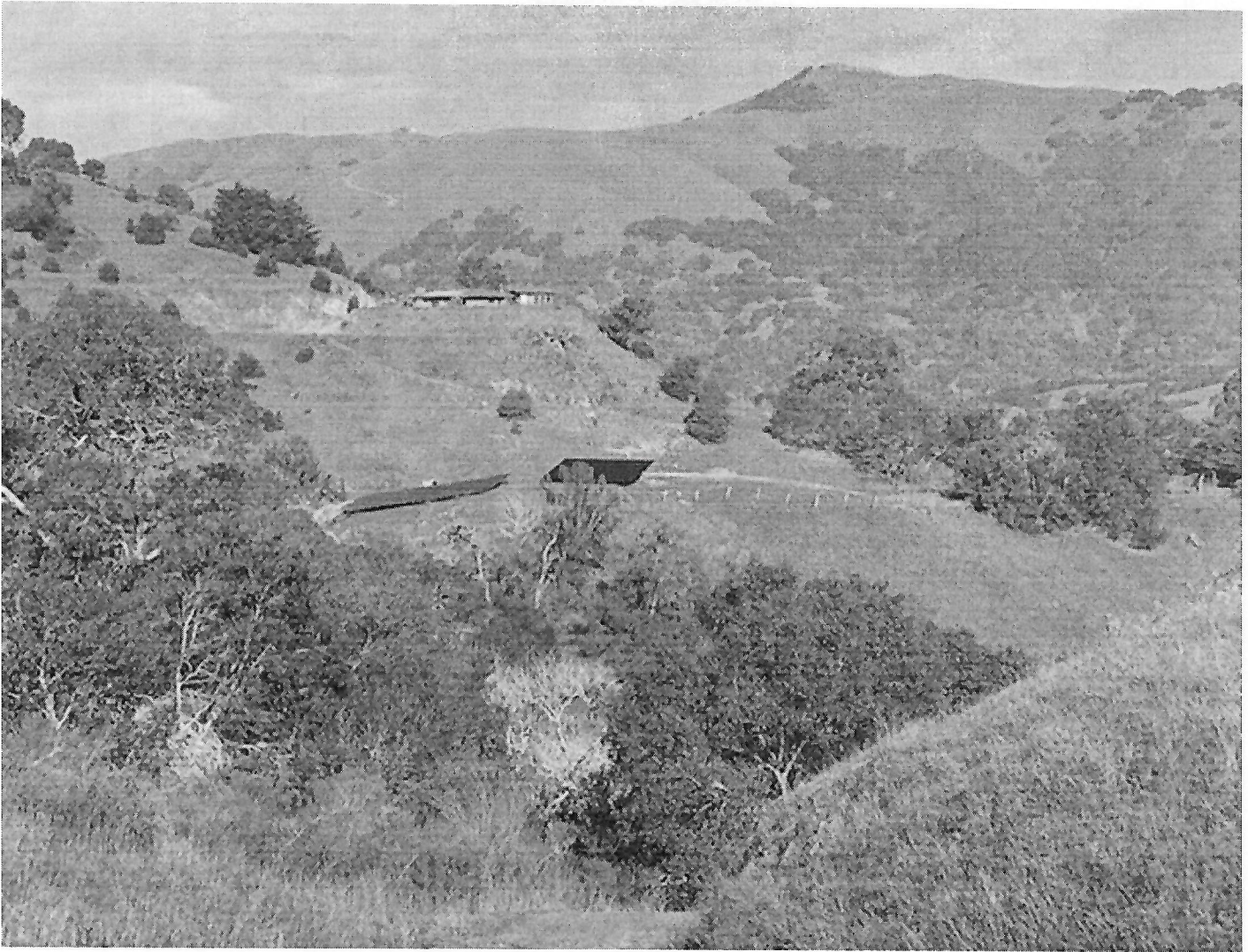


Photo 6 – taken from the Terra Linda fire road, depicting slope of hillside subject to developers proposed grading and drainage plans and trees that will be removed, with the existing home to be demolished in the left background

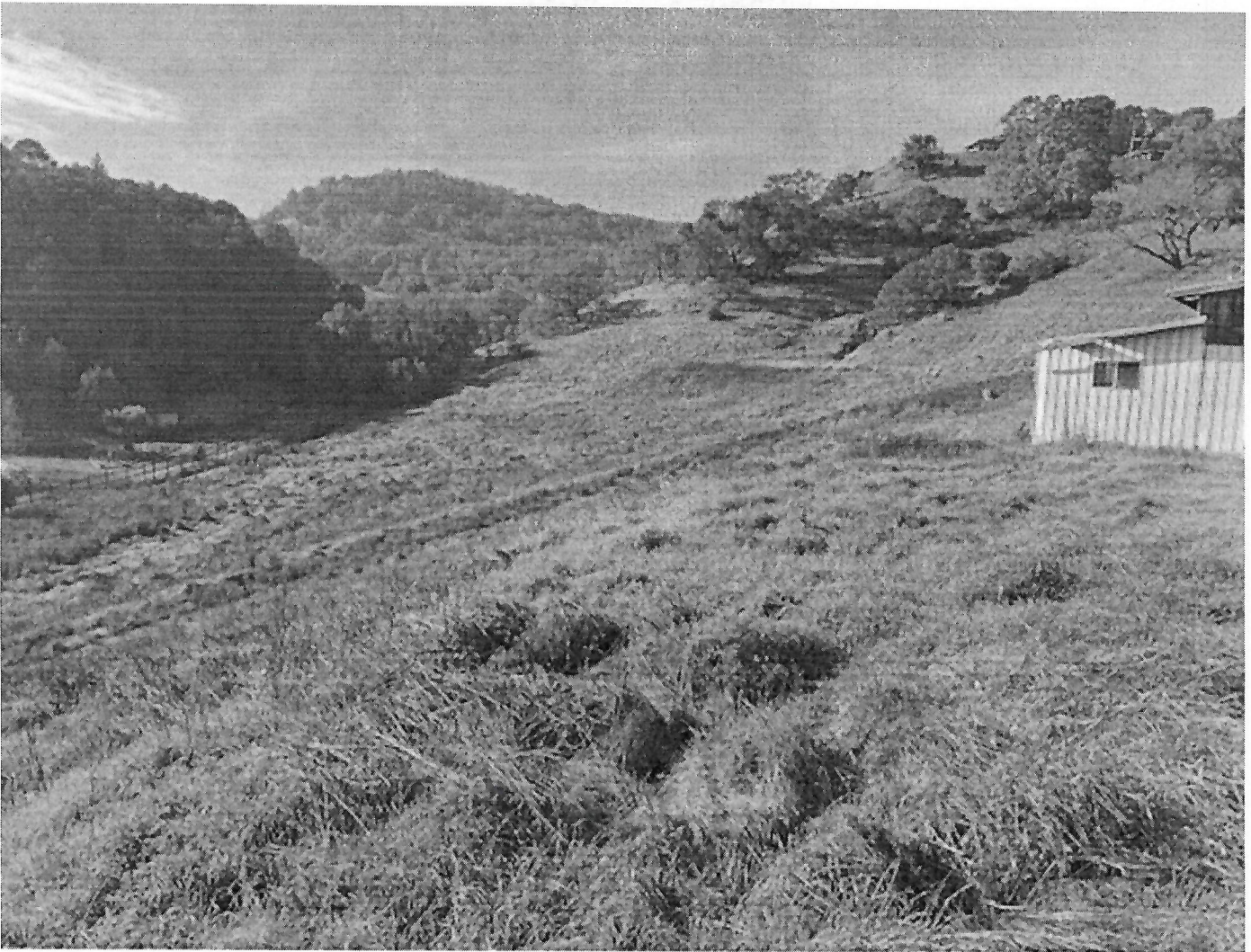


Photo 7 – taken from rock outcropping outside project boundary and depicting the hillside to be subject to grading and removal of trees.

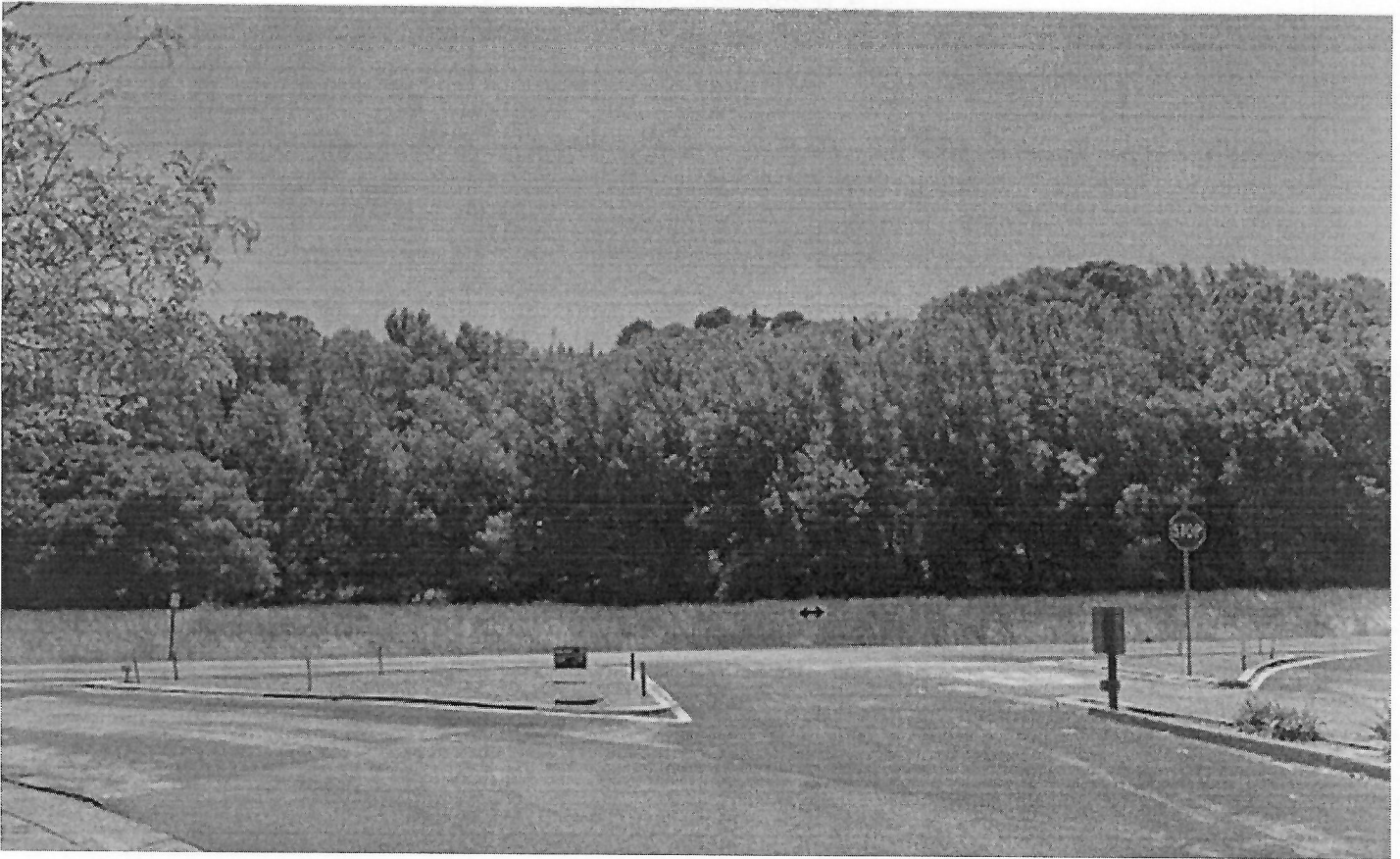


Photo 8 – taken from intersection of Mt. Shasta and Lucas Valley Road, depicting vegetation/fuel load just west of the proposed project

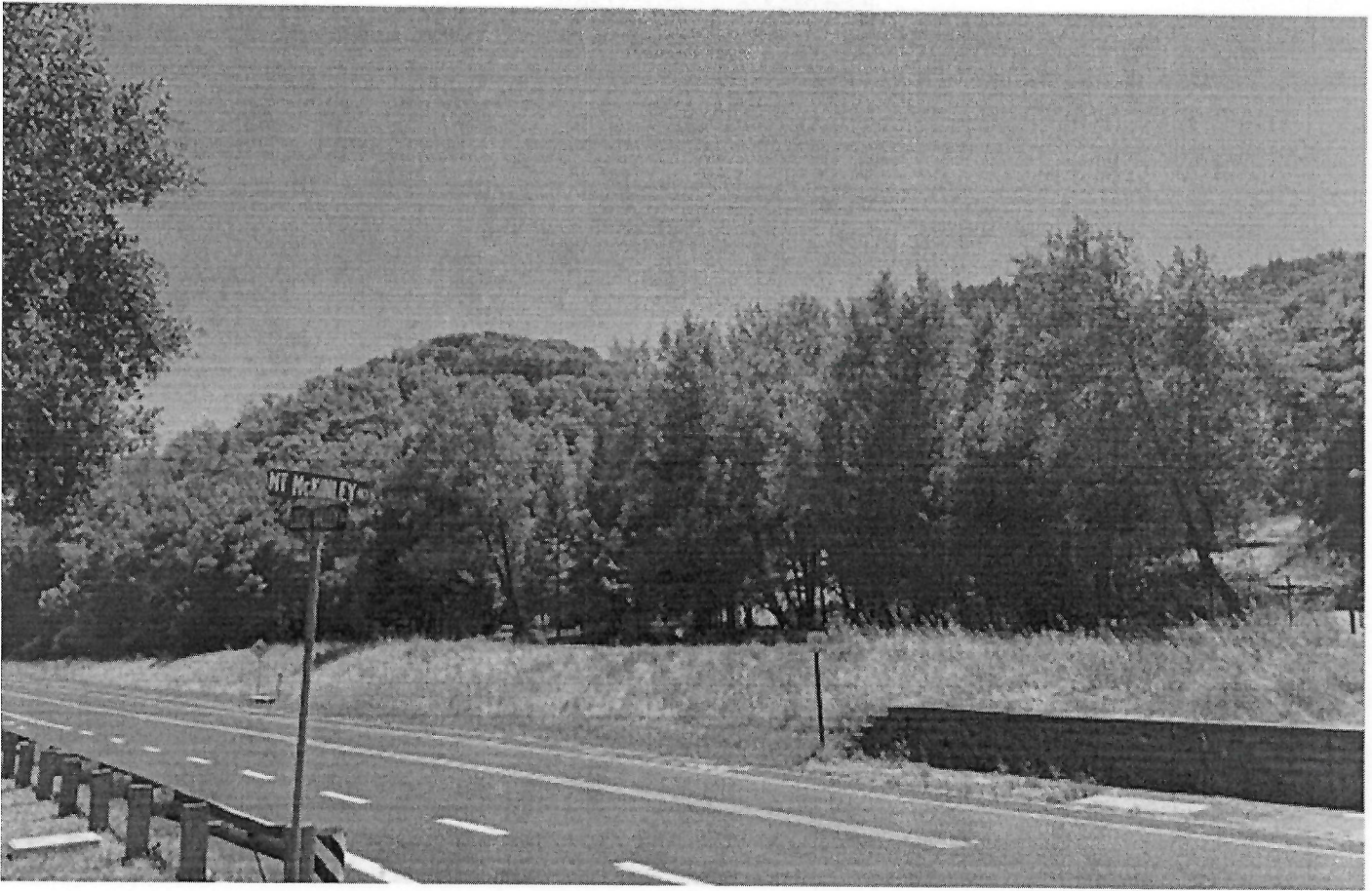


Photo 9 – taken from intersection of Mt. McKinley and Lucas Valley Road, depicting vegetation/fuel load, roughly 3/4 of a mile west of the proposed project

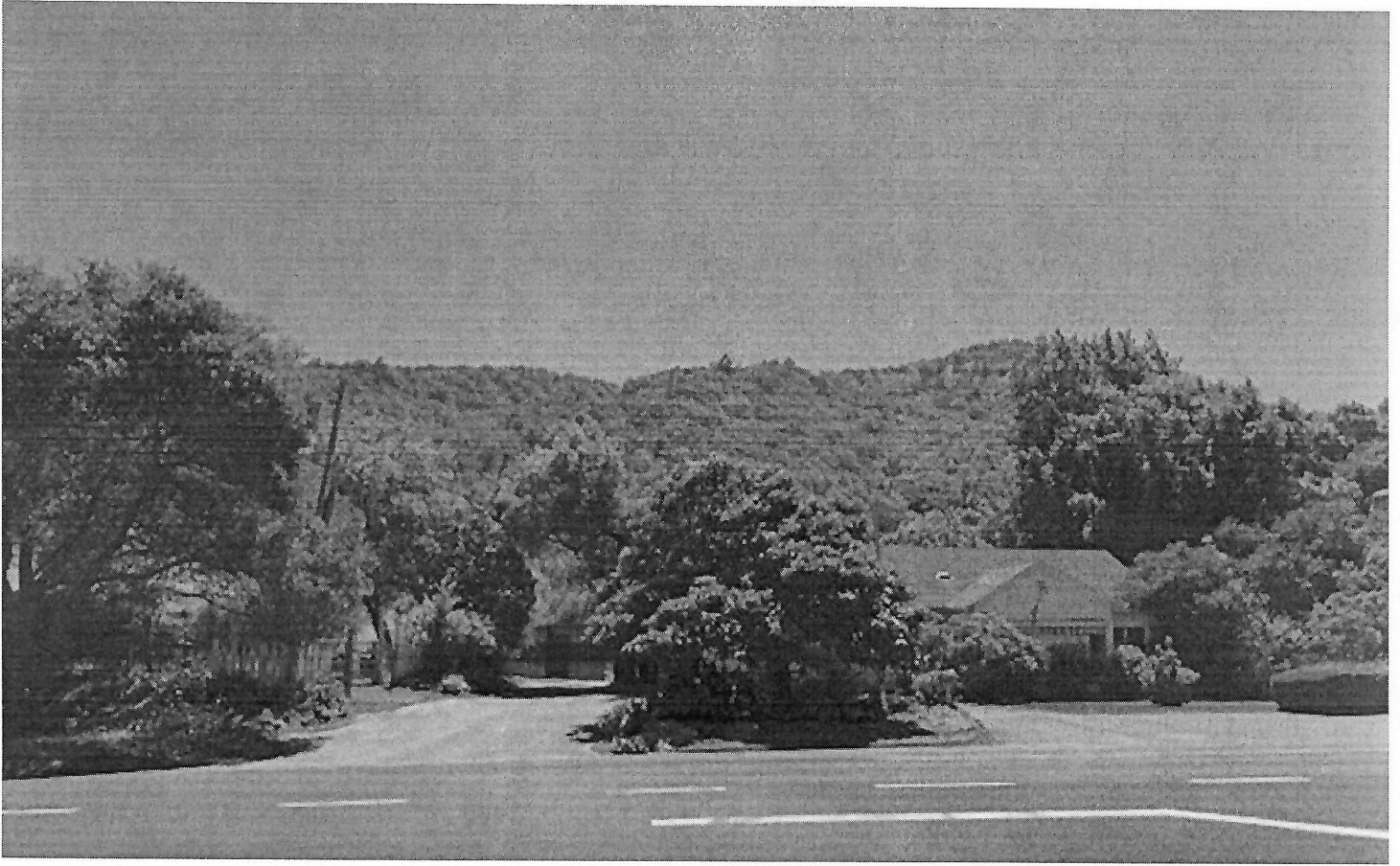


Photo 10 – taken from intersection of Bridgegate and Lucas Valley Road, depicting vegetation/fuel load approximately one mile west of the proposed project

1501 LUCAS VALLEY ROAD – PHOTO EXHIBITS TO MAY 16, 2026 LETTER



Photo 1 – taken from Lucas Valley Road just east of proposed project site, and the hillside subject to developers proposed grading and drainage plans, and the trees that will be removed if the project is approved



Photo 2 – taken from Lucas Valley Road just west of Mt. Muir Court, depicting the hillside subject to developers proposed grading and drainage plans, some of the trees that are to be removed, and the abandoned structure at the top of the cut proposed by the Alternative Grading and Drainage Plan that is to be taken down as a part of the project, if it is approved . Line roughly depicts 2:1 slope



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Photo 4 – taken from the north end of Pikes Peak Drive, depicting the structure and hillside trees to be removed as a part of the proposed development.



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Photo 7 – taken from rock outcropping outside project boundary and depicting the hillside to be subject to grading and removal of trees.



Photo 8 – taken from intersection of Mt. Shasta and Lucas Valley Road, depicting vegetation/fuel load just west of the proposed project



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Photo 10 – taken from intersection of Bridgegate and Lucas Valley Road, depicting vegetation/fuel load approximately one mile west of the proposed project

Robin Fies

From: Dr Louise Gaston, PhD <lgaston.traumatys@gmail.com>
Sent: Monday, May 11, 2026 1:36 PM
To: Immanuel Bereket
Subject: 1501 Lucas Valley Rd

Dear Marin Supervisors,

I will be short.

"The developer's principal complaint is that the work to be done to complete the CEQA review (Environmental Impact Review or EIR) will take too long and cost too much."

Well, this is too bad because an EIR is 'part of the game' in order to minimally proceed in an ethical way regarding the residents and the environment of Lucas Valley. The developers need to ascertain via an EIR that there is no asbestos in the hills at 1501 Lucas Valley Rd.

These developers just had to do their homework prior to investing in this property.

Sincerely,

Dr. Louise Gaston, PhD
(415) 900-9339

Robin Fies

From: Angela Heckler <angelamheckler@gmail.com>
Sent: Sunday, May 10, 2026 3:11 PM
To: Immanuel Bereket
Subject: Public Comment Regarding CEQA Review Process - 1501 Lucas Valley Road

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

Dear Mr. Bereket and Members of the Planning Commission,

My name is Angela Colombo Heckler, and I am a lifelong Lucas Valley resident living at 39 Mount Muir Court directly across from the proposed development at 1501 Lucas Valley Road. I am also the owner of SolGrace Home, a Marin-based home design company specializing in exterior and interior renovation projects with a strong focus on thoughtful site planning, landscape integration, and neighborhood compatibility. I am writing regarding the developer's appeal related to the County's selection of LSA Associates to conduct the CEQA review for the proposed 1501 Lucas Valley Road project.

I strongly support the County maintaining a comprehensive, independent, and publicly reviewable CEQA process. I am deeply concerned by the developer's objections to the amount of time allocated for public comment review and response, as well as the suggestion that the public should not be entitled to comment on the findings of the Environmental Impact Report. For a project of this scale and complexity, public review is not optional, it is positively essential.

The proposal involves extraordinary alteration of the existing landscape, including the excavation of approximately 165,970 cubic yards of hillside material and an estimated 11,000 dump truck loads traveling through a residential corridor. The magnitude of grading alone warrants careful and transparent environmental analysis.

As both a resident and a design professional who works closely with site conditions, drainage, grading, circulation, and neighborhood integration, I believe the following issues deserve especially rigorous review:

- Air quality impacts related to excavation, diesel traffic, and particulate matter
- Hydrology and stormwater impacts from major topographic alteration
- Hazards associated with potential asbestos and heavy metal disturbance
- Wildfire evacuation and emergency access limitations
- Traffic impacts during both construction and long-term occupancy
- Visual and environmental impacts of extensive retaining walls and hillside cuts

I am particularly troubled by any attempt to minimize opportunities for community participation during this process. Residents who live adjacent to this project will directly experience the consequences of these decisions for decades. Public comment is a critical part of ensuring that the environmental review is complete, balanced, and accountable.

CEQA exists to provide transparency, informed analysis, and public engagement, especially for projects involving significant grading, environmental disturbance, and public safety concerns. Reducing or

limiting that process because it is inconvenient, time consuming, or costly for a developer undermines the purpose of environmental review altogether.

I respectfully urge the County and Planning Commission to preserve a full and robust CEQA review process, including meaningful opportunities for public review and comment on the Environmental Impact Report and all related findings.

Thank you for your time, consideration, and continued service to our community.

Respectfully,

Angela Colombo Heckler
Owner, SolGrace Home
Lifelong Lucas Valley Resident

www.solgracehome.com

Robin Fies

From: Karen Irias <karen.iriass@msrlegal.com>
Sent: Friday, May 1, 2026 1:32 PM
To: Tammy Taylor
Cc: Brandon Halter; Sarah Jones; Immanuel Bereket; andre souang; Brad McFarlane; Steve Reilly; Miguel Mauricio; Travis Brooks
Subject: 2026-05-01 Letter to Environmental Coordinator re Lucas Valley Road [IMAN-IMANAGE.FID1080903]
Attachments: 2026-05-01 Letter to Environmental Coordinator.pdf

*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

1331 North California Boulevard, Suite 600, Walnut Creek, CA 94596

t: 925.935.9400 | d: 925.942.4541 | f: 925.933.4126 | karen.iriass@msrlegal.com | www.msrlegal.com

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T 925 935 9400
F 925 933 4126
www.msrllegal.com

Travis Brooks
travis.brooks@msrllegal.com

May 1, 2026

VIA EMAIL

Tammy Taylor
Senior Environmental Planner
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Email: tammy.taylor@marincounty.gov

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

Tammy Taylor
Marin County Community Development Agency
May 1, 2026
Page 3

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



Travis Brooks

TZB:kli

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

Robin Fies

From: msofc@aol.com
Sent: Monday, April 27, 2026 3:33 PM
To: Rachel Reid; neilsorensen21
Cc: 'Rob Scofield'; Tammy Taylor; Immanuel Bereket
Subject: RE: 1501 Lucas Valley Road

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

Thanks.

BTW, developer's counsel's letter refers to receipt of three other proposals, "At least one of which such proposal provides a materially reduced timeline and cost structure ..."

Could you please send me/us copies of those proposals as well.

Tx/MS

From: Rachel Reid <Rachel.Reid@MarinCounty.gov>
Sent: Monday, April 27, 2026 3:25 PM
To: msofc@aol.com; neilsorensen21 <neilsorensen21@gmail.com>
Cc: 'Rob Scofield' <rxscofield@gmail.com>; Tammy Taylor <Tammy.Taylor@MarinCounty.gov>; Immanuel Bereket <Immanuel.Bereket@MarinCounty.gov>
Subject: Re: 1501 Lucas Valley Road

Attached are the County's 4/20 funding request letter and accompanying proposal from LSA. In response, the applicant filed the attached appeal petition and 4/22 letter.

Thanks,
Rachel

From: msofc@aol.com <msofc@aol.com>
Sent: Monday, April 27, 2026 3:07 PM
To: Rachel Reid <Rachel.Reid@MarinCounty.gov>; neilsorensen21 <neilsorensen21@gmail.com>
Cc: 'Rob Scofield' <rxscofield@gmail.com>; Tammy Taylor <Tammy.Taylor@MarinCounty.gov>
Subject: RE: 1501 Lucas Valley Road

I was aware of the fact of the appeal from the earlier correspondence.

If you have & can send a copy of the appeal document, that would be great.

Tx/MS

From: Rachel Reid <Rachel.Reid@MarinCounty.gov>
Sent: Monday, April 27, 2026 1:38 PM
To: neilsorensen21 <neilsorensen21@gmail.com>
Cc: 'michael spalding' <msofc@aol.com>; Rob Scofield <rxscofield@gmail.com>; Tammy Taylor

<Tammy.Taylor@MarinCounty.gov>

Subject: Re: 1501 Lucas Valley Road

Hi Neil,

Thanks for checking in. Sounds like Mike brought you up to speed. Unfortunately, following the entire RFP process and selection of a new CEQA consultant, we received yet another appeal from the applicant. I can forward that to you, if Mike hasn't already. This means we're tentatively scheduling the appeal for June 15 at the Planning Commission.

Happy to meet in the next few weeks to answer any questions. Tammy will reach out tomorrow with some potential times that we're available.

Best,

Rachel

From: neilsorensen21@gmail.com <neilsorensen21@gmail.com>

Sent: Monday, April 27, 2026 12:10 PM

To: Rachel Reid <Rachel.Reid@MarinCounty.gov>

Cc: 'michael spalding' <msofc@aol.com>; Rob Scofield <rxscofield@gmail.com>

Subject: 1501 Lucas Valley Road

You don't often get email from neilsorensen21@gmail.com. [Learn why this is important](#)

Hi Rachel,

As you may know, I live in Lucas Valley about a mile from this proposed project and have been following it closely - appearing at most of the public hearings and reviewing all the materials.

Mike Spalding sent me the latest environmental review proposal chosen by the County for the project (LSA Proposal). After reviewing it and discussing with Mike, I think we are both somewhat confused

about the proposal, have some questions, and want to better understand the County's thinking in choosing this proposal.

We would like to come in and meet with you (it shouldn't take long). I think a meeting would be more efficient than multiple email exchanges.

Are you available in the next few weeks? Let us know some good dates and times.

Thanks.

Neil Sorensen

415 308-8217

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Email Disclaimer: <https://www.marincounty.gov/privacy-policy>

Robin Fies

From: Immanuel Bereket
Sent: Tuesday, May 26, 2026 10:27 AM
To: Robin Fies
Subject: Fw: 1501 Lucas Valley Road project

Another one.

From: jrp931@gmail.com <jrp931@gmail.com>
Sent: Tuesday, May 26, 2026 10:26 AM
To: Immanuel Bereket <Immanuel.Bereket@MarinCounty.gov>
Cc: Tammy Taylor <Tammy.Taylor@MarinCounty.gov>; Rachel Reid <Rachel.Reid@MarinCounty.gov>; jrp931@gmail.com <jrp931@gmail.com>
Subject: 1501 Lucas Valley Road project

You don't often get email from jrp931@gmail.com. [Learn why this is important](#)
Good morning,

I live at 30 Maoli Drive in San Rafael (a street that empties into Lucas Valley Road). Maoli is about .25 miles west of 1501 Lucas Valley Road, so the proposed project will affect my access to and from highway 101.

I would like to request that the planning commission deny the developer's appeal and also that it keeps LSA Associates on the project. It is my belief also that a more detailed (and expanded) scope of work is necessary for this project to proceed. I am not opposed to housing being built on the lot, but simply seek for the construction:

1. to be safe for the community (i.e., size the project properly so that our already dangerous escape route on LVR in case of wild fire does not become even more dangerous – I participated in an evacuation drill and it indicated that the valley residents are already in trouble if a major fire erupts),
2. to make sense in terms of living conditions (e.g., adequate parking so that residents do not start parking in existing communities),
3. to be environmentally consistent with the area (e.g, does the developer really need to remove all of those trees – there seems to be empty land that is part of the lot which does not require such destruction of trees; is there a way to reduce the impact on air quality and greenhouse emissions from the project, etc.), and
4. to disrupt the community as little as possible during construction (e.g., a year or noise, dust clouds and congested LVR while approximately 11,000 dump trucks to remove the excess cutting into the hill to fulfill the developer's plan).

I would hope that the planning commission can help the developer find a less disruptive and more environmentally friendly means of building housing on that lot. I appreciate anything that you can do to work toward that goal.

Best wishes

Jerry Peters

Jerry
415) 990-2324 (c)
415) 492-2299 (h)

Robin Fies

From: Rachel Reid
Sent: Tuesday, May 26, 2026 1:53 PM
To: Robin Fies
Cc: Tammy Taylor; Immanuel Bereket
Subject: Fw: 1501 Lucas Valley Road
Attachments: Letter to Planning Commission 5.26.26 with exhibit.pdf

Hi Robin,

Can you please save/include as correspondence for the Souang staff report attachment? There was an earlier letter from Mike Spalding too. Manny may be receiving more in the next few weeks, so we'll need to coordinate.

Thanks,
Rachel

From: neilsorensen21@gmail.com <neilsorensen21@gmail.com>
Sent: Tuesday, May 26, 2026 1:15 PM
To: Rachel Reid <Rachel.Reid@MarinCounty.gov>; Tammy Taylor <Tammy.Taylor@MarinCounty.gov>
Cc: 'michael spalding' <msofc@aol.com>
Subject: 1501 Lucas Valley Road

Hi Rachel,

Please see my attached letter re the appeal for 1501 Lucas Valley Road.

Thanks.

Neil Sorensen

**Neil Sorensen
17 Creekside Drive
San Rafael, CA 94903**

May 26, 2026

Marin County Planning Commission
c/o Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Appeal by 1501 Lucas Valley Road re LSA Proposal

Dear Members of the Planning Commission:

This letter is written with respect to the appeal filed by the applicant for the project at 1501 Lucas Valley Road, which once again seeks to avoid the requirements of CEQA to prepare an environmental checklist for the project.

I am a long-time resident of Lucas Valley (35+ years) and drive by the project on a daily basis. Rather than repeat the well-reasoned arguments set forth by Michael Spalding, in his letter of May 20, 2026 (attached), which clearly articulates a basis for denial of the appeal, I will incorporate those arguments into my letter and (with Mr. Spalding's permission) adopt them as my own.

I have some expertise in this area: my undergraduate degree from the University of California is in Environmental Planning; my first job out of college was to prepare environmental documents under CEQA for projects in Los Angeles County; I worked as a land use planner for the County of Marin processing entitlement applications and reviewing CEQA documents; and I practiced land use law for over 36 years in the Bay Area.

I urge the Planning Commission to deny the appeal, confirm the selection of LSA, and request a revised and more detailed scope of work as detailed in Mr. Spalding's letter.

Sincerely,

NEIL SORENSEN

cc: Michael Spalding

38 Mt. Muir Ct.
San Rafael, CA 94903
May 20, 2026

Marin County Planning Commission
c/o Immanuel Bereket, Project Planner
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Immaneul.bereket@marincounty.gov

Re: 1501 Lucas Valley Road
Developer's Appeal of Designation of LSA to Prepare CEQA Checklist

Dear Mr. Bereket/Members of the Planning Commissions

I am writing in response to the appeal filed by Andre Souang, ostensibly on behalf of SB 330 Land Company and Lucas Valley Road LLC and request that the planning commission deny the appeal, confirm the selection of LSA Associates, Inc., with a revised and more detailed/expanded scope of work.

The Developer's Appeal Should Be Denied

As admitted by the applicant,¹ a Section 15183 checklist is required in order to determine if there are any environmental effects that **(1)** are peculiar to the project or parcel; **(2)** were not analyzed in the Housing Element EIR; **(3)** are potentially significant off-site impacts or cumulative impacts; or **(4)** there is new information that makes the previously studied impacts more severe. In other words, the appeal seems to be over the scope of work included in the LSA

¹ I question whether the applicant, Mr. Souang, a resident of the State of Washington, has **standing to appeal**. He does not own the subject property. According to the Recorder's Office, a deed was recorded on February 2, 2023 memorializing the sale of his ownership interest therein to the Lucas Valley Road LLC for \$5,000,000.00 (presumed sales price based on \$5,500.00 transfer tax) Filings with the California Secretary of State do not identify him as an organizer, manager or member of 330 Land Company LLC. The same is true as to the applicant, Lucas Valley Road LLC, a Michigan-based entity. In the absence of an affirmative showing that he should be required to make to establish that he is an interested person, the appeal should be denied for lack of standing.

proposal (which the applicant believes is too expansive and time consuming), and not whether a checklist is required.

The California Environmental Quality Act (CEQA) has four related purposes: (1) to inform the government and the public about the potential environmental impact of a proposed activity; (2) to identify ways to reduce or avoid environmental damage, (3) to prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible, and (4) to disclose to the public the rationale for governmental approval of a project that may significantly impact the public. As you are undoubtedly well aware, CEQA imposes an obligation on all agencies to regulate so that major consideration is given to preventing environmental damage. (see Hilltop Group, Inc. v. County of San Diego (2024) 99 Cal.App.5th 890, 907, cited by the developer in support of its Petition for Appeal).

First, LSA's proposal to allow a period of 20 days and a total of 96 hours of its staff's time to public comment on its work is reasonable, appropriate, consistent with CEQA's objectives, and necessary to meet its goals. The developer's claim that no time should be spent on public comment is, simply put, outrageous.

Second, the developer's objection to a tribal consultation is without merit – more fairly characterized as a “nuisance objection” because the amount of time it will take to consult is but a small part of LSA's proposed Cultural Resources and Tribal Cultural Resources analysis, and because LSA proposes completing that task at the same time as or shortly after finalizing the project description. (see page 21 of its proposal.)

Third, the Hilltop case cited by the developer does not support its position on appeal. It effectively stands for the proposition that while all conflicts in the evidence are resolved in support of the agency's action, and that courts will indulge all reasonable inferences in support of the agency's findings regarding a project's peculiar environmental impacts, those findings must be supported by substantial evidence. (Hilltop, at 910-911, 914) The opinion being quite lengthy, a summary follows.

The case involved a proposal for construction of a recycling facility. The project was projected to maintain visual separation from local landmarks.² An initial CEQA study was done,³ and it found potentially significant impacts in the areas of aesthetics, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, hazards and hazardous materials, and noise.

² This would distinguish it from the subject project, which, as staff and the Planning Commission know, proposes excavation of the hillside that will result in a widely visible scar.

³ The study was apparently done without objection by Hilltop, which would again distinguish it from the subject project.

Hilltop then submitted a draft EIR to the County.⁴ It concluded that mitigation measures would reduce the project's potential environmental impacts below significant levels, and asked the County to process the project as a CEQA exemption under Guidelines Section 15183.

The County identified deficiencies in the analyses in the draft EIR, told Hilltop that if they revised technical studies to address those deficiencies to the satisfaction of County staff, the County would reconsider its request. After Hilltop complied,⁵ and after considering over 500 public comments, County staff concluded that Hilltop qualified and recommended approval of the exemption, subject to two conditions: (1) enclosure of the project's processing operations, and (2) limiting hours of operation to the period from 7:00 am to 7:00 pm. After receiving objections at a public hearing, the zoning administrator approved the exemption.

The County's planning and development services then approved the project's site plan, subject to 65 conditions of approval that were required to assure that its impact would remain less than significant.⁶ Interested parties, including the City of Escondido, community groups and homeowner's associations then appealed to the planning commission. A public hearing was held, and the planning commission voted unanimously to deny the appeals.

The planning commission's denial was appealed to the Board of Supervisors. Following a public hearing, the Board concluded, without identifying what specific aspects of the project would create the potential for significant environmental impacts, that an EIR was warranted, and voted to grant the appeal.

Hilltop filed a petition for writ of mandate. The superior court denied the petition, finding there was a "fair argument" to be made that the project would have significant non-mitigatable effects on the environment that would be peculiar to the project, not addressed as significant in the prior EIR, and for which new information showed would be more significant than described in the prior EIR.

The court of appeal rejected the "fair argument" test applied by the trial court, found a substantial evidence test governed its review of a CEQA exemption request, and after considering public comment, concluded that the record contained no substantial evidence that would support the Board of Supervisor's decision to grant the appeals and deny Hillside's exemption request, and as a result, reversed the trial court judgment.

⁴ Unless otherwise noted, all references to the "County" in this summary of the Hilltop opinion are intended to refer to the County of San Diego.

⁵ Hilltop's compliance again distinguished that case from the present case, where the developer seems loathe to work collaboratively with the County of Marin on any issue.

⁶ There is nothing in the opinion that would support a conclusion that Hilltop objected to any of the conditions of approval – which would once again distinguish it from the present case, wherein the developer objected to and filed suit over two conditions of Marin County's approval: (1) widening of roadways to comply with countywide standards, and (2) adding sidewalks on both sides of the streets within the development.

LSA'S Proposal Should be Further Expanded and Detailed to Assure that All Matters of Concern Are Appropriately Identified and Addressed

Consistent with CEQA's purposes, and for the following reasons, we believe the scope of work in the LSA proposal may need to be further expanded to adequately determine if the Guideline Section 15183 factors referenced above exist.

I. Initial Evaluation of the Project Did Not Consider the Alternative Grading Plan

The Alternative Grading Plan represents a substantial change in the proposed project. It was not considered as a part of the Preliminary Arborist Report, the Biological Resources Constraints Analysis, the Preliminary Geotechnical Exploration, Hydrology and Hydraulic Report, Stormwater Control Plan, or the Stormwater Treatment Facilities Operation and Maintenance Plan. Because each is inadequate and incomplete, the scope of CEQA inquiry and analysis must be expanded to assure that those issues are appropriately addressed.

II. The Project Will Require Excessive Grading

The original Grading Plan called for 70,165 cubic yards of material to be cut from the hillside and 27,590 yards (roughly 2,000 dump truck loads, by the County's estimate) to be removed from the jobsite. The Alternative Grading Plan turbocharges those numbers, more than doubling the cut to 165,970 cubic yards, and more than quadrupling amount of off haul, to 128,900 cubic yards of material (roughly 11,000 dump truck loads, per the County's estimate).⁷

The developer has provided no information regarding the amount of time it will take to remove the spoils from the jobsite. If one were to assume that removal would take place five days/week over the course of a year, no exceptions for holidays, that would **take 7.7 dump truck loads, every day for a year** to dispose of the 2000 dump truck loads of material called for by the original grading and drainage plan, and more than **42 dump truck loads, every day for a year**, to dispose of 11,000 the dump truck loads of material called for by the alternative grading and drainage plan. If it does nothing else, the developer should be required to tell LSA, the County, and through the County, members of the to be affected public, how much time it expects to take to remove and dispose of the spoils, so all concerned will know what to expect if the project is allowed to proceed.

⁷ A cubic yard of dirt and rock typically weighs between 2,400 and 3,200 lbs. As of October 2025, Waste Management was charging \$36.74/ton for clean dirt (and presumably more for dirt and rock, and/or dirt and rock containing asbestos, assuming they would accept it at all). Depending on what the developer ultimately decides to do, **dump fees alone** (i.e. excluding loading and transporting, and assuming Waste Management would agree to accept the material at all) can be expected to range from, at an absolute minimum of a least **\$1,216,387.92** (27,590 yards x 1.2 tons/yard x \$36.74/yard), to more than **\$5,682,943.20** (128,900 yards x 1.2 tons/yard x \$36.74/yard) Under the circumstances, the developer can hardly be heard to complain about the cost of the CEQA guidelines review.

Given the tremendous volume of material in issue (enough to create a cube 165 feet on each side, or to fill 80 houses of the size proposed by the developer to a depth of 20 feet), and the scar that it will leave (rising 234 feet above the Lucas Valley roadbed) the consequences the proposed grading must be very carefully considered in connection with several elements of the CEQA guidelines Section 15183 checklist.

III. The Excessive Grading Will Result in the Removal of More Than 100 Trees

The Preliminary Arborist's Report identified 113 trees that would have to be removed to develop the property as originally proposed (i.e. with 36 structures and 50+ vertical feet of retaining walls called for by the original grading and drainage plan.) It recommended the potential preservation of another 55 trees, 54 of which were "at edge of project area" and one of which (a 61" diameter Nicholas willow leaf peppermint), would require a grading plan revision in order to be preserved (as recommended by the arborist).

The developer's Alternative Grading Plan **ignored the arborist's recommendation** (at page 14 of her report) for preservation of the peppermint tree and would result in its removal and many other trees that could potentially have been preserved along with many others that (it appears) were not included in the arborist's original inventory. It also **ignored the biological resources constraints analyst's recommendation** (at page 12 of their report), to "adjust the grading envelope to minimize or eliminate any impacts to sensitive communities, including coast live oak woodland and California bay woodland, to the greatest extent possible." In other words, the developer ignored the recommendation that the grading and drainage footprint as originally proposed (that would result in 2000 dump truck loads of off fill) be reduced to something smaller and less disruptive.

IV. The Excessive Grading Will Result in the Substantial Degradation of the Existing Visual Character and Quality of the Site and Its Surroundings

The original grading plan called for a series of retaining walls around two sides of the proposed development, rising to as much as 55 feet in total height, with tops at an elevation of roughly 110 feet above the roadbed of Lucas Valley Road, and cuts another 60 feet up the hillside, to an elevation of about 160 feet above the roadway and 310 ft above sea level. (The functional equivalent, in height, of a 16 story apartment building.) The Alternative Grading Plan calls for a single retaining wall of up to 15 feet in height, topping out at an elevation about 70 feet above Lucas Valley Road, and cuts up the hillside to an elevation of approximately 234 feet above Lucas Valley Road and 394 feet above sea level. (Envision a 24 story apartment building) Under either scenario, the result will be a massive, un-mitigatable scar.⁸

⁸ The LSA proposal notes that no mitigation measures were identified in the HESE FEIR to reduce visual impacts. While the original submitted plans included a "Site Wide Planting Plan", those plans did not include the all of the area that will be subjected to proposed cut by the Alternative Grading Plan, and they are far too generic to be of any utility to make any informed determination as to whether the proposed mitigation measures would be sufficient.

This hideous scar will be widely visible – not only from Lucas Valley Road, but the Terra Linda Fire Road – a major trail through the public open space above the project – and the residential areas of Lucas Valley as well. (See photos attached as Exhibits to this letter)

The LSA proposal (at page 9), says the project will be portrayed using visual simulations from Lucas Valley Road.⁹ This is inadequate and it is a material change from the Sicular proposal that (at page 6) said it would include visual simulations from “*publicly accessible key observation points*”, including Lucas Valley Road, the Terra Linda fire road, and some residential areas in Lucas Valley. The LSA proposal should be revised or clarified to add additional views (e.g. from the Terra Linda Fire Road and from residential areas in Lucas Valley).

The proposed Street Light and Amenities Plan identifies 14 different street lights, including two at/near the connector with Lucas Valley Road. The Lucas Valley and Lucas Valley Estates subdivisions were both purposefully designed and built without streetlights, to minimize light pollution. (Artificial light at night is in many ways harmful to wildlife, as well as humans.) LSA’s proposal says it will address light spillover and glare issues. It does not say how it plans to address them. That should be spelled out to assure that those issues are addressed meaningfully, objectively and in a manner that will provide all interested persons with an opportunity to comment on the findings and on such mitigation measures, if any, as may be proposed.

V. **LSA Cannot Meaningfully Analyze Air Quality and Greenhouse Gas Emission Issues in the Time Allotted or With Presently Available Information**

LSA proposes the completion of nine different Air Quality and Greenhouse Gas Emissions tasks in just 53 hours. The Sicular proposal previously approved by the County of Marin allocated a more reasonable 84 hours (i.e. 50% more time) to complete the task, which raises concerns that shortcuts will be taken.¹⁰ The LSA proposal makes no reference to asbestos, which was identified in previously studies as a potential problem, due to the presence of serpentine rock. Concerns relating to asbestos must be meaningfully addressed in compliance with Bay Area Air Quality Management District rules (e.g. Rule 2.5).

In particular, the planting plans do not identify the number of Coast Live Oak, Valley Oak and California Bay to be planted to replace those that are to be removed. Nor do they offer any information regarding the proposed size or location of those trees, their irrigation, other forms of care, or any estimate or prediction regarding the likely survival on disturbed ground, with or without care. Without that information, there would be no foundation for any prediction and/o visual stimulation of what the scar would look like five years after the project is completed and the damage is done.

⁹ The simulations will include “as destroyed” and “as speculated” based on what they think the scar will look like after five years vegetative growth. It should be noted that the “plans” prepared by Integrated Design Studios are different from those submitted by Stuber Stroeh (i.e. represent a third version), as they contemplate preservation of the Fire Road, and B Street with double dead ends,

¹⁰ The bid submitted by EMC proposed 90 hours and the bid by Dudek 101 hours to address air quality, energy and greenhouse gas emissions.

Project construction emissions, including those associated with soil hauling, are among the tasks to be analyzed. LSA proposes using the latest version of the California Emissions Estimator Model to complete that task, but does not say whether it will engage in project specific customization (i.e. details regarding construction equipment types, schedules and other locally tailored data). For the project construction and other elements of the analysis to be meaningful, project specific data, including data collected by remote sensing devices (i.e. a fence line monitoring program) must be provided.

Insofar as we are aware, the developer has not determined (or communicated any determination as to) how long it will take to cut and remove the up to 165,970 cubic yards of material from the hillside, and it has not identified where the up to 128,900 cubic yards of earthwork off haul (11,000 dump truck loads, by the County's estimate) are to be taken. Without that information, it is impossible to know how many miles the dump trucks will be driven, and thus, what the resulting diesel exhaust, asbestos, particulate and other toxic emissions will be generated, and whether such emissions will be in compliance with State law regulating Toxic Air Contaminants (17 CCR § 9300), peculiar and specific.

Likewise, the developer does not appear to have identified any proposed building design features that would contribute to a reduction in greenhouse gas emissions. If anything, given the absence of driveways, limited number of "visitor" on site parking places (just nine), and absence of any provision for bicycle parking, it is impossible to envision this project doing anything but adding to greenhouse gas emissions.

VI. LSA Cannot Meaningfully Address Geology, Soils and Hazardous Materials Issues Because the Preliminary Geotechnical Report that it Intends to Review Did Not Consider the Alternative Grading and Drainage Plan

The preliminary geotechnical exploration report was prepared for the developer in December 2023. The report pre-dates the Alternative Grading Plan, did not consider the massive amount of grading it proposes and did not consider the fact that a large amount of serpentine rock will be disturbed and hauled off site. Until such time as a determination has been made regarding the location and volume of serpentine rock to be removed, no informed decision can be made regarding the significance of the hazards that would be created by its excavation, its use as fill material, or its ultimate disposition or the means by which they might be mitigated.

The LSA proposal for geology and soils appears to be limited to a "peer review". Since the Alternative Grading Plan was not reviewed by the developer's geotechnical experts there is nothing to peer review and the LSA proposal must include a full geotechnical analysis.

In that regard, the report notes, at Section 6.0 on page 13, that a design level geotechnical report should follow once development plans are finalized (which hasn't happened according to recent public statements made by the developer's representative), and that it should include additional borings, test pits, lab testing, design level earthwork, improvement design and construction recommendations, development of corrective grading plans and cross sections, and design recommendations for cross sections.

Further to the point, the report states, at Section 7.0 on page 14, that it is not subject to unauthorized use because of concerns regarding new circumstances (with the Alternative Grading Plan most certainly fitting the bill), not the least of which is the passage of time (the report is now nearly 2 ½ years old).

VII. **LSA Cannot Meaningfully Analyze Hydrology and Water Quality Issues in the Time Allotted or With Presently Available Information**

LSA proposes completion of the Hydrology and Water Quality in just 11 hours. The Sicular proposal previously approved by the County of Marin allocated 46 hours (i.e. four times as much time) to complete the task, which again raises concerns that shortcuts will be taken.¹¹

LSA says it intends to rely, at least in part, on the Hydrology and Hydraulic Report, the Stormwater Control Plan, and the Stormwater Treatment Facilities Operation and Maintenance Plan prepared by Stuber-Stroeh Engineering in July 2024, none of which considered the Alternative Grading and Drainage Plan as a part of their analyses.¹²

Given that the Alternative Grading and Drainage Plan proposes to materially expand the disturbed surface area (which will presumably mean less rainwater percolating into the soil and an increased rate of flow off the hillside¹³), extend one of the storm drains more than 70 feet in vertical elevation, and more than double the cut, from 70,165 cubic yards to 165,970 cubic yards, it does not take an expert to recognize that it completely invalidates the operative assumptions upon which Stuber-Stroeh's opinions, conclusions and recommendations are based. Stated a little differently, there is no foundation for a considered CEQA analysis of hydrology and drainage issues under the alternative plan.

Under such circumstances, how can questions of erosion, siltation, the adequacy of bioretention areas, as currently designed, the capacity of the existing culvert and earthen swale to handle the runoff that will be concentrated by the proposed development be meaningfully addressed? As designed (i.e. relying on the original grading and drainage plan, and operating on the assumption that the yet-to-be constituted homeowner's association would properly maintain them into perpetuity), the bioretention plans were, by Stuber-Stroeh's own analysis, barely adequate to meet a 10 year storm event. In their report, they noted that the Marin County code provides that the analysis should be based on **100 year storms**. Accordingly, and if LSA is able to do so, it should required to assess the adequacy/inadequacy of the proposed bioretention facilities to handle such storms.

¹¹ The bid submitted by Dudek proposed 54 hours. The other submissions did not include a breakdown.

¹² Stuber Stroeh was led to believe that the developer intended to preserve existing hillside topography "to the extent possible." (see Stormwater Control Program, page 3)

¹³ The stormwater plan, at page 2, notes that the soils are impermeable and that steep slopes on site will require mitigation measures to ensure runoff doesn't increase erosion.

Insofar as hydrology is concerned, there is one other issue that needs to be addressed - the impact of the proposed project, its scalping of the hillside, its extended drain lines, and its under-designed retention facilities on the percolation of water downhill and towards Miller Creek in its natural direction of flow. (i.e. where it went before it was diverted by the earthen swale.) Once again, it doesn't take an expert to recognize that the water table will rise and that homeowners and residents on Mt. Muir Court will be adversely affected. Stated a little differently, LSA should address the fact that the current under-designed drainage plan will, as to those persons, create a nuisance at the very least and may lead to flooding and property damage to homes on Mt. Muir Court.

VIII. LSA's Ability to Assess Short Terms Construction Noise and Vibration Impacts is Limited by the Lack of Available Information

LSA's proposal is based on assumptions as to the type of equipment that will be used, the power source for the equipment that will be used, and the amount of time it will be used. It apparently assumes that no blasting will be required to remove the up to 165,970 cubic yards of material contemplated by the Alternate Grading and Drainage Plan. Insofar as we are aware, the developer has not made this information available to the public or to LSA. There is also the matter of the time of day that such noise/vibrations will be generated, which should be constrained to the extent possible to avoid the creation of unnecessary nuisance. This is of particular note, given that there is an elementary schoolyard within approximately 750 feet of the project site.

The conclusions that LSA may reach will only be as good as the assumptions upon which they are based. The developer should be required to provide LSA (and the public) with additional information on its plans in this regard to assure that the CEQA analysis is a meaningful exercise.

IX. LSA's Proposed Transportation Study Needs to be Expanded in Scope

LSA's proposal states that it will limit its analysis to the four intersections previously analyzed (i.e. the intersections of Lucas Valley Road with Mt. Muir, Mt. Lassen, Hwy 101 south bound ramp and Hwy 101 northbound ramp). Since the Kaiser facility opened on Las Gamos the traffic in the area has materially worsened, sometimes backing up during morning commute hours as far west as the intersection with Miller Creek Road. To meaningfully assess the cumulative effect of the delay the analysis should, at an absolute minimum be extended to the Las Gallinas and Las Gamos intersections with Lucas Valley Road.

The prior study assumed traffic congestion peaked in the afternoon. It does not. It is at its worst in the morning, when Lucas Valley Road is being used to take children to school¹⁴ and

¹⁴ In recent years the Miller Creek School District eliminated its bus service. As a result many if not most parents now drive their children to school, resulting in a substantial increase in morning traffic.

to take adults to their places of employment. The proposed study should be conducted in a manner that evaluates the morning peak.

The prior study was flawed because it failed to consider the fact that the proposed development will include 15 JADU's, and that the residents of those units will use Lucas Valley Road. It was also flawed as a result of the assumptions that it used in preparing its sight distance analysis – that drivers would not exceed the posted speed limit by more than 5 mph. Not all do, and LSA should take that into consideration as a part of its analysis.

While the LSA proposal states that it will review and comment on the project's on site circulation as well as transit, bicycle and pedestrian access, it is not clear what they have in mind in that regard, and it would be helpful if they could provide clarification. For example, the likely daily impact of US mail, Amazon and UPS deliveries; the likely weekly impact of garbage trucks, and the as-needed impact on the delivery of police, fire, and emergency medical services on circulation within the proposed subdivision.

LSA's proposal does not address the impact that from **2000** (original grading and drainage plan) to **11,000 dump truck loads** (alternative grading and drainage plan) of off fill and other construction related traffic¹⁵ will have on transportation up and down Lucas Valley Road. The duration and extent of that disruption should definitely be evaluated, and if necessary, a plan proposed for mitigation of the deleterious effects of such traffic, which could include prohibition or limitation on the number of dump truck and other construction related traffic during morning commute hours.

LSA's proposal does not address the impact that the proposed widening of Lucas Valley Road at Mt. Muir Court (that favors the development and disfavors residents living on Mt. Muir Court) will have on traffic at that intersection and up and down Lucas Valley Road. It needs to be addressed.

LSA's proposal does not include a future conditions analysis that takes into consideration the impact that development of 130 or more units at the juvenile hall and Big Rock Market sites will have on traffic at the intersection of Mt. Lassen and Lucas Valley Road. Or the further delay that will result if the Miller Creek School, Marinwood Plaza, and St. Vincent's sites are developed. In that regard, we already have problems with southbound morning traffic on US 101 using Las Gallinas Road as a hoped-for time saver to get where they want to go. Nor does it propose to consider the probable consequences to traffic of adding 1422 units of townhomes and apartments at the Northgate Mall site and another 193 units at 555 Northgate Drive.

¹⁵ Such traffic could include, but not necessarily be limited to traffic related to street and lot grading, paving, construction of retaining walls, sewers, water, and stormwater retention facilities, as well as construction of the actual homes.

X. LSA Should Thoroughly Evaluate Risks Associated with Wildfire

As a preliminary matter, it defies logic to conclude that impacts related to wildfire in areas that have been identified as being in high fire hazard severity zones could possibly be less than significant.

Be that as it may, LSA should consider the fact that Lucas Valley is effectively surrounded on three sides by relatively steep vegetated hillsides,¹⁶ that those hillsides create a unique wind tunnel effect¹⁷ (aka peculiar risk), and that there is but one “safe route” out,¹⁸ with “safe” being defined as being able to reach Highway 101. As we know from a prior evacuation drill, it is debatable whether, in the event of a fire, Lucas Valley Road, which has been defined as the sole “safe route”, will prove to be safe. It becomes even more debatable when one considers the fact that a fire requiring evacuation of the “Berry’s”, Marinwood, the “Stones” and/or Monte Marin neighborhoods, would call for evacuation to Las Gallinas and then eastbound on Lucas Valley Road and out to US 101.

LSA should consider the fact that the subject proposal calls for development of the to-be “improved” portion of the property with narrow roadways that could limit fire department access to the property.¹⁹ It should consider the probable consequences, in the event of fire, of requested waivers from form base code requirements, including those related to setbacks.²⁰

LSA should consider the fact that the developer’s proposal calls for elimination of the Nunes Fire Road, which currently provides access to that part of the property (33.7 acres, more or less) that is not the subject of the proposed development, and at the same time calls for the project’s yet-to-be created homeowners’ association to be responsible for maintaining that portion of the property without means of vehicular access.

¹⁶ They are heavily vegetated on the south side of Lucas Valley Road, as shown in photographs 9, 10 and 11 attached hereto, which were taken at the intersections of Lucas Valley Road at Mt. Shasta, at Mt. McKinley, and Bridgegate.

¹⁷ As of 5:00 pm on May 15th, and again on May 16th, winds were gusting at more than 25 mph. That is not uncommon for the area.

¹⁸ Per the Urban Wildland Interface and Evacuation Routes Map, referenced at page 19 of LSA’s proposal.

¹⁹ Insofar as the request for a variance for roadways is concerned, no consideration has been given to the substantially certain presence of Amazon and UPS delivery trucks that will park in the middle of and clog the residential roadways.

²⁰ The code requires 20 feet minimum setbacks front and back, and 10 feet minimum on the sides. The developer proposes just 5 feet in the front, 10 feet in the back, and just 4 feet on each side. Not a whole lot of room for firefighters to operate in. As to parking areas, the code requires a minimum setback of 50 feet, and the developer proposes just 5 feet.

LSA should also consider the fact that the subject proposal calls for just one means of ingress and egress, and the chaos, confusion and increased risk of harm that will undoubtedly result from people trying evacuate the proposed development, and competing for space on the “safe route” with people living west of the proposed development and for people trying to reach it from Mt. Muir Court.

The proposed project presents a peculiar risk because it has limited access to water. On March 5, 2020 the former owner, Mr. Souang executed an agreement, binding on the present owner, limiting water supply from MMWD to 1.02 acre feet/year²¹ At Section 2.8, Mr. Souang agreed that “at no time in the future shall the District grant any additional water service connections to the Parcel or the Property regardless of the number of structures or residences on the Parcel or the Property and regardless of what the Marin County or any other local agency zoning ordinances allow.”

Finally as to wildfire, LSA should consider the fact that the proposed project site is not within the jurisdiction of the Marinwood Fire Department. It instead falls within the County’s jurisdiction, with the closest fire station located 14 miles and a 20-25 minute drive away in Woodacre. That is inadequate to meet the needs of the proposed development. Given the consistent state policy against having one group of taxpayers subsidize another, annexation to Marinwood Fire, located about 1.6 miles and a 4 minute drive away would appear to be a necessary condition precedent to reaching any favorable conclusions relating to the wildfire issue.²² Given the number of community members who have previously expressed their grave concerns regarding the risk of fire, LSA should conduct a very thorough analysis of this issue.

XI. Conclusion

For all the reasons stated, the Planning Commission should deny the developer’s appeal and direct LSA, as a part of its scope of work, to address all of the issues raised by this letter and all material issues that may be raised by members of the community.

This is particularly important where, as here, the County is dealing with an out-of-state developer with no ties to the community, who has represented that it will be proceeding on the thinnest of margins,²³ and who has elected to proceed in the form of a limited liability company

²¹ This is the amount determined by the parties to be necessary to supply one family unit with an attached junior ADU unit, agricultural worker housing for up to six employees, and a water trough for up to 20 animals. The 36 homes (and 15 JADU’s) that are being proposed would likely require 18-36 acre feet of water/year, and the MMUD agreement makes it clear that it has no obligation to provide more than the 1.02 acre feet/year.

²² Before the County can approve the development, it will have to make findings supported by substantial evidence in the record that “structural fire protection and suppressions services will be available to the subdivision.” (see Govt. Code § 66474.02)

²³ This is evidenced by, among other things: **(a)** the requests for multiple concessions and/or waivers, including a request for “relaxation” of the County’s 1.7 acre base lot coverage restriction on residential

in order to immunize its principals in the event of losses or other adverse consequences arising from the development. It would not be out of the realm of possibility for the developer to **gouge** a giant scar **out of** the hillside, discover that asbestos was present in quantifies sufficient to justify abandonment, leaving the County and this community holding the metaphorical “bag.”

Very truly yours,

Michael Spalding

development at the site, without which, the developer contends, the project would not be economically viable, and **(b)** the allegations of its complaint against the County, verified under penalty of perjury.

1501 LUCAS VALLEY ROAD – PHOTO EXHIBITS TO MAY 16, 2026 LETTER



Photo 1 – taken from Lucas Valley Road just east of proposed project site, and the hillside subject to developers proposed grading and drainage plans, and the trees that will be removed if the project is approved



Photo 2 – taken from Lucas Valley Road just west of Mt. Muir Court, depicting the hillside subject to developers proposed grading and drainage plans, some of the trees that are to be removed, and the abandoned structure at the top of the cut proposed by the Alternative Grading and Drainage Plan that is to be taken down as a part of the project, if it is approved . Line roughly depicts 2:1 slope



Photo 3 – taken from the intersection of Mt. Lassen and Idylberry and depicting the hillside subject to the developer’s grading and drainage plan, the trees and the residential structure that are to be removed.



Photo 4 – taken from the north end of Pikes Peak Drive, depicting the structure and hillside trees to be removed as a part of the proposed development.



Photo 5 – taken from the Terra Linda fire road and depicting slope of hillside subject to developers proposed grading and drainage plans, and trees that will be removed, with Mike Stone’s residence in the foreground, and the existing home to be demolished in the left background. The line roughly depicts a 2:1 slope and the trees to be removed are depicted beyond the drawn line.



Photo 6 – taken from the Terra Linda fire road, depicting slope of hillside subject to developers proposed grading and drainage plans and trees that will be removed, with the existing home to be demolished in the left background



Photo 7 – taken from rock outcropping outside project boundary and depicting the hillside to be subject to grading and removal of trees.



Photo 8 – taken from intersection of Mt. Shasta and Lucas Valley Road, depicting vegetation/fuel load just west of the proposed project



Photo 9 – taken from intersection of Mt. McKinley and Lucas Valley Road, depicting vegetation/fuel load, roughly 3/4 of a mile west of the proposed project



Photo 10 – taken from intersection of Bridgegate and Lucas Valley Road, depicting vegetation/fuel load approximately one mile west of the proposed project

Robin Fies

From: Immanuel Bereket
Sent: Friday, May 29, 2026 7:45 AM
To: Robin Fies
Subject: FW: 1501 Lucas vallley rd

From: Nik Name <nikgay@gmail.com>
Sent: Thursday, May 28, 2026 8:57 PM
To: Immanuel Bereket <Immanuel.Bereket@MarinCounty.gov>
Subject: 1501 Lucas vallley rd

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

please don't do this. Lucas valley is so great just the way it is, adding in a whole other delecipment with street lights and further burdening traffic in the area is just a mistake. Leave Lucas valley as it is. It's wonderful. Don't ruin it. Don't let these people ruin a good thing for the sake of unaffordable housing. It's nonsense.

Robin Fies

From: Immanuel Bereket
Sent: Friday, May 29, 2026 7:45 AM
To: Robin Fies
Subject: FW: 1501 Lucas Valley Road
Attachments: immanuel Bereket ltr # 6.docx

From: MSOFC <MSOFC@mspaldinglaw.com>
Sent: Thursday, May 28, 2026 7:54 PM
To: Immanuel Bereket <Immanuel.Bereket@MarinCounty.gov>
Cc: Tammy Taylor <Tammy.Taylor@MarinCounty.gov>; Rachel Reid <Rachel.Reid@MarinCounty.gov>
Subject: 1501 Lucas Valley Road

Here's a second letter as to the Petition for Appeal of the designation of LSA.
It addresses the comments made by developer's attorney in their 5/1/26 letter.

If you have received additional communications from them since then, could you please send me copies.
Thanks.
MS

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38 Mt. Muir Ct.
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May 28, 2026

Marin County Planning Commission
c/o Immanuel Bereket, Project Planner
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903
Immaneul.bereket@marincounty.gov

Re: 1501 Lucas Valley Road
Developer's Appeal of Designation of LSA to Prepare CEQA Checklist

Dear Mr. Bereket/Members of the Planning Commissions

This is my second letter in response to the Petition for Appeal filed on behalf of SB 330 Land Company and Lucas Valley Road LLC. It is being offered in further support of a requested denial of that Petition and is intended to address the claim made in its counsel's May 1, 2026 letter that it would be "entirely inappropriate" for LSA Associates, Inc. to make its draft checklist available for public comment, and for LSA to then review and address such comments as the public may make.

The developer's counsel's argument **ignores** Public Resources Code § 21003.1, which contains a finding by the Legislature that it is the policy of the State of California that:

(a) **Comments from the public** and public agencies on the environmental effects of a project **shall be made** to lead agencies **as soon as possible** in the review of environmental documents, including, but not limited to, draft environmental impact reports and negative declarations, in order to allow the lead agencies to identify, at the earliest possible time in the environmental review process, potential significant effects of a project, alternatives, and mitigation measures which would substantially reduce the effects.

(b) Information relevant to the significant effects of a project, alternatives, and mitigation measures which substantially reduce the effects shall be made available **as soon as possible** by lead agencies, other public agencies, and interested persons and organizations.

(c) Nothing in subdivisions (a) or (b) reduces or otherwise limits public review or comment periods currently prescribed either by statute or in guidelines prepared and adopted pursuant to Section 21083 for environmental documents, including, but not limited to, draft environmental impact reports and negative declarations.

The developer's counsel's argument also **ignores** California Code of Regulations, Title 14, § 15022(a)(7), which authorizes public agencies to adopt procedures for, among other things, evaluating and responding to comments, and Title 14, § 15201 which notes that public participation is an essential part of the CEQA process, and that public agencies should include provisions in their CEQA procedures for wide public involvement, formal and informal in order to receive and evaluate public reactions to environmental issues related to the agency's activities.

The developer's counsel cites San Lorenzo Valley Comm. Advocates for Responsible Education v. San Lorenzo Unified School District (2006) 139 Cal.App.4th 1356, for the proposition that it would be "*entirely inappropriate*" to make the draft checklist available for public comment, & for LSA to then review and respond to such comments. The language cited from that case in support of the developer's argument is dicta, and **not on point/irrelevant** to the disposition of the issue here.

The San Lorenzo case involved an issue regarding the application (or not) of a categorical exemption from CEQA for minor additions to schools that was used in an unsuccessful effort to avoid a school closure. (see Title 14, § 15314) The 1501 Lucas Valley Road project is easily distinguishable. It does not involve the application of any categorical exemption under Title 14, §15300 et seq., does not involve a school, and does not involve anything that could fairly be described as "minor." In summary, there is no merit to the developer's attorney's argument, it should be disregarded, and LSA should be allowed to proceed as it has proposed with respect to the issue of public comment.

In closing, I would note that John Bogdasarian, principal for Lucas Valley Road LLC was the subject of an interview in Total Prestige Magazine. In that interview, he was asked: "If you had the power to change just one thing in the world, what would it be?" And his response: "You'll see. I'm going to help eliminate single-use, disposable plastic in my lifetime." That would suggest that he has some environmental consciousness. It is so unfortunate that it does not manifest itself in his/his agent's dealings with the County.

Very truly yours,

Michael Spalding

Robin Fies

From: Immanuel Bereket
Sent: Friday, May 29, 2026 3:01 PM
To: Robin Fies
Subject: FW: 1501 Lucas Valley Rd.

From: 360lotus <360lotus@gmail.com>
Sent: Friday, May 29, 2026 2:43 PM
To: Immanuel Bereket <Immanuel.Bereket@MarinCounty.gov>
Subject: 1501 Lucas Valley Rd.

You don't often get email from 360lotus@gmail.com. [Learn why this is important](#)

Dear Mr. Bereket and Members of the Marin County Planning Commission,

I am writing regarding the Souang Tentative Map Project (P4134) at 1501 Lucas Valley Road and the appeal scheduled for June 15, 2026.

I reside at 1601 Lucas Valley Road, a property owned by my mother, Lynn Tompkins. Our property directly adjoins the project site, and there are no homes between our property and the proposed development. As immediate neighbors, we have a strong interest in ensuring that all environmental, safety, traffic, visual, and quality-of-life impacts are thoroughly evaluated before any approvals are granted.

I am particularly concerned about the scale of grading and tree removal proposed for this hillside property. The natural landscape surrounding Lucas Valley Road is one of the defining features of our community. Mature trees provide wildlife habitat, erosion control, visual screening, and contribute significantly to the rural character and beauty of the area. Any proposal involving extensive grading and removal of large numbers of trees deserves careful scrutiny and a complete assessment of long-term environmental impacts.

I am also concerned about traffic and public safety. Lucas Valley Road already serves as a major corridor, and cumulative impacts from this and other planned developments should be carefully evaluated. Emergency access and evacuation during wildfire events are of particular concern to residents in this area. Any increase in traffic or constraints on evacuation routes could have serious consequences during an emergency.

In addition, our property enjoys a relatively quiet, natural setting and dark nighttime skies that are increasingly rare in Marin County. Increased street lighting associated with the project could affect neighboring residents, wildlife, and the rural character of the surrounding hillsides.

I am also concerned about potential impacts to drainage, runoff, erosion, and hillside stability resulting from extensive grading and vegetation removal. These issues can have long-term consequences for neighboring properties and deserve careful study during the environmental review process.

Finally, I strongly support a CEQA review process that includes meaningful consideration of comments submitted by residents and members of the public. Those who live adjacent to a project often possess firsthand knowledge of local conditions that may not be fully reflected in reports and studies. Public participation is an essential part of a complete and informed environmental review.

For these reasons, I respectfully urge the County to conduct a comprehensive and objective review of all environmental, traffic, wildfire safety, grading, drainage, visual, and community impacts before making any decision regarding this project.

Thank you for your consideration.

Sincerely,

Lori Tompkins
Resident, 1601 Lucas Valley Road
San Rafael, California

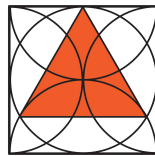


Lori Tompkins

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["All Life is Yoga"](#) – Sri Aurobindo



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