



**STAFF REPORT TO THE MARIN COUNTY
PLANNING COMMISSION**

Reilly Appeal of LSA Proposal to Prepare a Section 15183 Checklist for the Souang Tentative Map Project (P4134)

Recommendation: Deny the appeal and require the appellant to fund the environmental review outlined in LSA's proposal or withdraw the project

Hearing Date: June 15, 2026

Application No(s): P4134

Agenda Item:

5.

Owner(s):

Lucas Valley Road LLC

Last Date for Action:

6/26/2026

Assessor's Parcel No(s):

164-280-35

Property Address:

1501 Lucas Valley Road, San Rafael

Environmental Coordinator:

Rachel Reid

Countywide Plan Designation: AG1-HOD

Community Plan Area: San Rafael- Lucas Valley & Marinwood

Zoning District: A60-HOD

Environmental Determination: Checklist pursuant to State CEQA Guidelines Section 15183

SUMMARY:

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

Access to the Project site would be provided from Lucas Valley Road through a single driveway, situated at the southeastern corner of the site. This access point, designated as "A Street" in the Project plans, will diverge into two private roads: "A Street" will extend westward and ultimately

terminate at the western boundary of the Project limits, creating a dead-end. The second road, known as "C Street," will traverse the northern boundary of the Project site and also terminate at a dead-end. Additionally, a private road referred to as "B Street" will connect A Street and C Street, effectively creating a looped private road system.

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

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

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

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

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

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

including the area designated as open space. The proposed improvements would be confined to approximately 9.67 acres of the 61.3-acre site.

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

RECOMMENDATION:

Deny the appeal and uphold the Environmental Coordinator's determination that the appellant must either fund the environmental review for the project or withdraw the Vesting Tentative Map and Tree Removal Permit applications. This determination does not affect the validity of the previously approved Housing Compliance Review application for the housing development project.

POLICY FRAMEWORK:

The entire project is an application for a Tentative Map, Tree Removal Permit, and Housing Compliance Review (HCR) Project number (P4134). The Tentative Map application and Tree Removal Permits are discretionary applications subject to the California Environmental Quality Act (CEQA) environmental review requirements; the HCR application is a ministerial review exempt from CEQA. Under CEQA, environmental review must evaluate a project's potential impacts compared against the baseline of existing physical conditions at or near the time the environmental analysis begins. This "CEQA baseline" reflects the real-world conditions on the ground—not planned, future, or theoretical conditions—and ensures that the analysis meaningfully identifies whether a project may cause a significant change in the environment. Using existing conditions prevents distortion of impact findings and provides decision-makers and the public with a transparent understanding of how the project, as actually proposed, may affect the environment.

In addition, CEQA requires that review encompass the "whole of the action"—that is, the entire activity that may result in a physical change in the environment, regardless of how the project's approvals are divided. For projects involving both discretionary and ministerial components, such as a tentative map paired with a ministerial housing compliance review, CEQA analysis cannot be segmented. Even though the already approved housing component was ministerial and not itself subject to CEQA, it is part of the overall development activity that could cause environmental effects. Thus, CEQA must evaluate the complete project as a unified whole rather than isolating only the discretionary approval. This approach ensures a comprehensive, accurate assessment of potential impacts and maintains CEQA's fundamental purpose of informing decision-makers and the public before the project moves forward.

BACKGROUND

On May 24, 2023, the County received a Preliminary Application for the proposed project, followed by a formal application submitted on November 17, 2023. The formal application included requests for a Housing Compliance Review (HCR), Tree Removal Permit, and Vesting Tentative Map to subdivide the subject property. Following an extensive review process, the application was deemed complete. On May 14, 2025, Planning staff approved the HCR application ministerially, subject to conditions of approval requiring the appellant to comply with minimum public safety standards related to pedestrian sidewalks, roadway width, emergency vehicle

turnarounds, and safe vehicular access to and from the project site (see Attachment No. 2). The HCR approval was based on the project's consistency with the Board-adopted Form Based Code (FBC), adopted on January 26, 2023.

Following a comprehensive review of the project under the California Environmental Quality Act (CEQA), staff determined that no statutory or categorical exemptions applied to the project. Accordingly, on July 8, 2025, staff issued a project status letter informing the appellant that the project would be subject to environmental review pursuant to State CEQA Guidelines section 15183. Section 15183 provides a streamlined environmental review process for projects that are consistent with the development density and policies established by a prior Environmental Impact Report (EIR), in this case the 2023 Housing & Safety Element Final EIR.

On October 17, 2025, staff transmitted a funding request letter to the appellant, Steve Reilly, along with a proposal from Sicular Environmental Consulting to prepare the Section 15183 environmental review checklist. The consultant proposal included a proposed scope of work, schedule, and not-to-exceed cost estimate. On October 22, 2025, the appellant filed a timely appeal of the Environmental Coordinator's determination to request funding for preparation of the Section 15183 checklist, citing several objections.

On December 8, 2025, the Planning Commission conducted a public hearing on the appeal. Following the hearing, the Commission directed the appellant to fund the environmental review identified in the proposal prepared by Sicular Environmental Consulting. The Commission also authorized the Environmental Coordinator, at their discretion and consistent with the Marin County Environmental Impact Review Guidelines, to issue a Request for Proposals (RFP) to solicit additional environmental consultant proposals.

On December 15, 2025, the appellant appealed the Planning Commission's decision to the Board of Supervisors. The appeal asserted that the environmental review proposed by Sicular Environmental Consulting exceeded the requirements of the State CEQA Guidelines and requested that the Board direct staff to further evaluate whether the project qualified for an exemption under recently enacted state laws. The appellant also requested that County staff solicit proposals from additional environmental consultants. Although the Planning Commission did not require additional solicitation, staff subsequently initiated an RFP process in January 2026 to obtain and evaluate additional consultant proposals.

On March 10, 2026, the Board of Supervisors held a public hearing and unanimously upheld the Planning Commission's decision denying the appeal and directing the appellant to fund the environmental review identified in the Sicular Environmental Consulting proposal. Following the Board's action, the required funding was not submitted, and the RFP process continued.

After the close of the RFP response period in March 2026, the County received four additional consultant proposals. Following a thorough review and evaluation of the submissions, the Environmental Coordinator selected the proposal submitted by LSA Associates, Inc. (LSA). On April 20, 2026, staff transmitted a funding request letter to the appellant along with LSA's proposal.

On April 23, 2026, the appellant filed the current appeal challenging the Environmental Coordinator's selection of LSA as the environmental consultant. The appeal raises the following objections:

Appeal Point 1: The LSA proposal requires environmental review beyond what CEQA Guidelines §15183 allows. Similar to the Sicular Environmental Consulting proposal, it calls for a 20-day

public review of a draft §15183 checklist and allocates 94 hours to respond to comments—steps that would effectively elevate the checklist to an IS/MND or EIR-level process, rather than a streamlined exemption document typically published with a staff report. It also incorrectly includes over a month for AB 52 tribal consultation, which applies only to non-exempt projects. Additional elements of the proposal appear to exceed the proper scope, cost, and timeline for a §15183 checklist.

Response:

Regarding the appellant's assertion that the scope of work proposed by LSA exceeds the requirements of CEQA, staff disagrees. LSA's proposal reflects the level of analysis necessary to ensure that the County's environmental review complies with CEQA and is supported by substantial evidence in the administrative record.

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

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

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

Regarding the appellant's contention that inclusion of a public review period and responses to comments improperly "elevates" the Section 15183 checklist to the level of an Initial Study/Mitigated Negative Declaration (IS/MND) or EIR, staff disagrees. As previously explained in response to prior appeals on this matter, the County retains discretion regarding the procedural framework used to support environmental review and public transparency. Consistent with standard practice and within the scope of the County's discretion to ensure the environmental analysis is sufficiently robust to fully inform the County's decisionmakers regarding potential environmental effects, staff intends to make the environmental review document publicly available prior to any hearing on the project. The County's procedures are consistent with State CEQA Guidelines §15002(a)(1) and (j) — General Process / Public Involvement, which explain that the CEQA process generally is intended to include solicitation and involvement of public comment and participation prior to rendering a decision on a project. The general concept as detailed in the

State CEQA Guidelines is not only applicable to initial studies/negative declarations or environmental impact reports.

Further, even though CEQA does not mandate a formal comment period in connection with a Section 15183 evaluation, staff anticipates that public comments will nevertheless be submitted, and CEQA requires the County to accept such comments. Given that fact, the County has full discretion to budget resources in the CEQA evaluation scope of work to respond to such comments to the extent doing so would better inform County decisionmakers. In summary, this process does not convert the environmental review into an IS/MND or EIR; rather, it reflects the County's effort to ensure adequate public disclosure and informed decision-making.

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

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

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

Response:

All proposals received were carefully reviewed by staff for responsiveness to the Request for Proposals (RFP) and consistency with Appendix A of the County's CEQA Guidelines, which

assigns the County, as Lead Agency, responsibility for selecting the environmental consultant based on qualifications, credentials, experience, independence, and demonstrated ability to perform the work in compliance with CEQA requirements. Consistent with Environmental Planning's standard RFP process, staff conducted a thorough and competitive evaluation of multiple consultant proposals and selected the recommended consultant based on overall qualifications, understanding of the project, technical approach, proposed schedule, and overall value. The County is not obligated to select the lowest-cost proposal.

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

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

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

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

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

EQUITY IMPACT SUMMARY:

The purpose of the California Environmental Quality Act (CEQA) is to study potential environmental impacts from a proposed project and to disclose the impacts and potential mitigation measures to the public and public agency decision makers. A key part of the process is receiving feedback from the public. Under CEQA, all members of the public have an equal opportunity to have their voices heard and documented in the public record for decision-makers' consideration.

COMMUNITY ENGAGEMENT: The hearing was announced to the public via a notice published in the Marin Independent Journal, on the Marin County website and through an email announcement to subscribers of the Planning Commission webpages.

PERFORMANCE MEASURE(S): The LSA proposal dated April 17th outlines that the consultant team plans to complete the entire Section 15183 environmental review checklist within 9 months upon award of contract and funding by the appellant. Completing the environmental analysis within the timeframe stated in the proposal would be consistent with Environmental Planning's goals of completing an adequate, complete and defensible environmental review analysis for public disclosure prior to a decision being rendered on the project. Providing the completed environmental review to the project decision-makers will assist them in making an informed decision when approving or disapproving the project, and if approved, will allow the appellant to submit their project applications for building permits in short succession.

CEQA ANALYSIS: As discussed above, the most appropriate CEQA compliance pathway for the project is a tiered environmental review based on the 2023 Housing Element Update EIR, which identified the site as a Regional Housing Needs Allocation (RHNA) site with a Housing Overlay Designation (HOD). This designation is reflected in the property's current zoning. Completion of the CEQA Guidelines Section 15183 checklist is necessary to determine whether the project qualifies for a Section 15183 exemption or whether additional environmental review is required. Accordingly, preparation of the Section 15183 checklist is a necessary step in determining the appropriate level of CEQA compliance for the project.

FISCAL, FACILITY, & STAFFING ANALYSIS:

This appeal process was funded through fees paid by the appellant. If the appellant elects to proceed with funding the consultant contract, all costs associated with the environmental review process would likewise be borne by the appellant. These costs include the County's 30 percent environmental planning administrative overhead fee, the full cost of the consultant contract, and any contingencies that may be required during preparation of the Section 15183 checklist. Environmental Planning staff are funded through the County's General Fund, except for overhead cost recovery fees, which are paid by private applicants to offset a portion of staff administrative costs.

ALTERNATIVES:

As an alternative action, the Planning Commission could direct the appellant to fund the original proposal prepared by Sicular Environmental Consulting, consistent with the Commission's unanimous action at the December 8, 2025 appeal hearing (unanimously upheld by the Board in March), in lieu of the proposal prepared by LSA. Alternatively, the Planning Commission could direct the Environmental Coordinator to select a different consultant proposal or to refine the

scope of LSA's proposal in response to the appellant's requested modifications, including revisions to the characterization of tribal coordination tasks. Funding or implementing any of these alternatives, provided the resulting scope is revised as necessary to adequately address the required technical analysis, would satisfy the project's CEQA review requirements.

Attachments:

1. Recommended resolution
2. April 20, 2026 Funding Request Letter and Scope of Work and Proposal prepared by LSA
3. Appeal filed by the appellant on April 23, 2026
4. Letters from Travis Brooks, on behalf of the appellants, dated April 23, 2026 and May 1, 2026
5. County response to May 1, 2026 letter from Travis Brooks
6. Email response from Travis Brooks, on behalf of the appellants, dated May 11, 2026
7. [Planning Commission Staff Report, December 8, 2025](#) (link provided to project webpage)
8. [Board of Supervisors Staff Report, March 10, 2026](#) (link provided to project webpage)
9. Public comments