

Alta Way Grading Permit

The Marin County Community Development Agency's Planning Division (CDA) is a regulatory agency responsible for implementing State and local land use laws through the entitlement process. While the CDA is not the permitting authority for a Grading Permit, we prepared this informational document to provide responses to several common questions that we received about the proposed Alta Way Grading Permit.

1. Why does the project not require a "Master Subdivision Plan"?

Response:

The County does not have the legal authority to require a **Master Plan** for the project due to the type of zoning district (R1:B1) that governs the properties that abut the Alta Way right-of-way. Rezoning the properties to a zoning district that requires Master Plans would constitute "spot zoning" and is considered unlawful under California State Law.

A **Subdivision Map** is not required because the project applicant is not proposing to create any new lots. The proposal will provide access to a number of existing lots that were created by a prior subdivision map (Map of Garden Valley Park Subdivision 1, filed for record on October 9, 1919 in Volume 5 of Maps at page 4 in the Office of the Recorder, Marin County Records).

2. Why are you not evaluating the impacts from future development of all 32 vacant parcels that are accessed by the 2 paper streets?

Response:

The California Environmental Quality Act (CEQA) requires that a public agency consider the whole of an action during the preparation of an environmental review document. This provision includes consideration of reasonably foreseeable future development. Therefore, the vacant properties that would potentially be affected by development of the paper street will be taken into account during preparation of the Initial Study.

The 32 parcels identified by comments received from the Friends of West Tam Valley does not take into account approximately 10 mergers that occurred in the late-1990's that reduced the number of vacant lots. For purposes of the CEQA review, we estimate that the proposed roadway improvements could provide access to up to 10 lots.

- 3. The proposed roadway extension will serve the 10 parcels and other related lots. Some of these lots are on an ancient subdivision map with no Certificates of Compliance. Why is the County not determining whether the lots can be developed?**

Response:

The CDA is a regulatory agency that is neither for, nor against, development. The burden of answering the question of whether the lot is buildable is borne by the project applicant and cannot be fully answered until the applicant completes the permitting process.

A Certificate of Compliance (COC) is necessary when it is unclear how a lot was created in its current size and configuration. In this instance, each one of the lots that could be accessed by the proposed Alta Way roadway improvement was involved in a Merger. As a result, the size and configuration of these lots were clarified through a legal process prescribed by the Subdivision Map Act.

- 4. Why are you not requiring the applicant to provide all ownership interests or other agreements which potentially provide access to the paper street pursuant to Section 23.08.026(5)(a)?**

Response:

That information is available to us in the Assessor's Office. Topographic information for the length of the paper street which services all the parcels under such ownership, legal interest or control is available to us.

- 5. Why is the county using taxpayer dollars to prepare an Initial Study when this project requires a full EIR under CEQA?**

Response:

The fees associated with environmental review will be paid by the applicant (not the taxpayer). The question of whether an Environmental Impact Report (EIR) will be required will be determined through the Initial Study consistent with the provisions of CEQA.

On February 1, 2017, the County of Marin (herein referred to as "County") received payment from the project applicants in the amount of \$125,733.40. This amount includes the cost to prepare an Initial Study, \$96,718.00, and a 30% administrative fee of \$29,015.40. The County chose Sicular Environmental Consulting and Natural Lands Management (herein referred to as the "Consultant") to prepare the initial study, which the applicant had agreed to. On March 7, 2017, the Marin County Board of Supervisors approved the contract between the County and Consultant in the amount of \$96,718.00 for preparation of an Initial Study for the Alta Way Extension Project. The contract specifies that the Consultant will prepare the Initial Study in accordance with the Marin County Environmental Impact Review Guidelines and the State California Environmental Quality Act Guidelines. The Consultant is contractually obligated to the County and responds to direction only from the County for the preparation of the Initial Study.

Although the County has a separate contract with Mr. Sicular as the Acting Environmental Coordinator, Mr. Sicular will be preparing, but not be approving the Initial Study for final publication. The County's Environmental Planning Staff will review the document and comment as necessary prior to final publication.