

CLERK OF THE
BOARD OF SUPERVISORS



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET - Room 500
SANTA CRUZ, CALIFORNIA 95060
(408) 454-2323

Agenda: March 7, 2000

February 10, 2000

Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

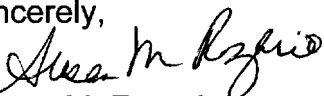
Re: Scheduling a public hearing on an appeal by Attorney William Parkin of Application No. 99-0288

Members of the Board:

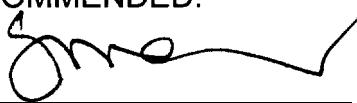
Pursuant to Section 18.10.340 of the Santa Cruz County Code, Attorney William Parkin has filed an appeal on behalf of his client James Gerard of the Planning Commission's approval of Application No. 99-0288; APN: 040-012-12. The application is a proposal to create four single-family residential parcels, and one remainder parcel. It requires a Minor Land Division and a Residential Development Permit to allow parcel averaging. The property is located on the southwest corner of Fairway Drive and Coyote Canyon. The owner of the property is Alan Goldstein.

IT IS THEREFORE RECOMMENDED that the Board schedule a public hearing for Tuesday, March 21, 2000 at 1:30 p.m. or thereafter to consider this matter.

Sincerely,


Susan M. Rozario
Chief Deputy Clerk

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

cc: Planning Department
Attorney William Parkin

Jonathan Wittwer
William P. Parkin
Christiane Sinclair

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
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February 7, 2000

HAND DELIVERED

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060



Re: Notice of Appeal of Planning Commission Decision
Application No. 99-0288; APN No. 040-012-12;
Owner, Alan Goldstein; Applicant, Michael Zelter

Dear Board of Supervisors:

This office submits the following Notice of Appeal on behalf of James Gerard, who is also a member of Upper Monterey Bay Heights Neighbors, appealing the decision of the Planning Commission to the Board of Supervisors concerning the approval of the above-referenced project. The Planning Commission approved the above referenced project on Wednesday, January 26, 2000. Thus, this appeal is timely filed pursuant to County Code.

The approval of the above-referenced project violates a number of provisions of the County Code and state law, which include, but are not limited to, the following:

- 1) Approval of the subdivision as a minor land division, instead of as a subdivision of five parcels;
- 2) Violation of the California Environmental Quality Act by failing to perform adequate environmental review pertaining to, but not limited to, an adequate evaluation of biotic impacts and adequacy of analysis concerning septic suitability;
- 3) Failure to properly evaluate and score the site according to the Rural Density Matrix and improper density averaging, and therefore, allowing a division of land in excess of what is permissible;
- 4) Failure to conduct an adequate Design Review pursuant to Chapter 13.11.
- 5) Failure to comply with minimum site frontage and width requirements pursuant to the County Code; and,
- 6) Failure to comply with all provisions of the General Plan and the County Code.

Board of Supervisors
Re: Appeal of Planning Commission Decision
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For the foregoing reasons, the Planning Commission abused its discretion by failing to proceed in a manner required by law.

Thank you for your attention to this matter.

Very truly yours,

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William P. Parkin

cc: James Gerard

RECEIPT # 43946
DATE 2/07/00
INITIAL WJ