



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 310, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
 ALVIN D. JAMES, DIRECTOR

BOARD OF SUPERVISORS AGENDA: AUGUST 21, 2001

August 7, 2001

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

SUBJECT: Continued public hearing to consider an Appeal of the Planning Commission's Denial of Application No. 98-0148 (Atherton Place)
 APN: 037-251-21, 22
 Owner: Atherton Place Development LLC
 Applicant: Richard Beale Land Use Planning, Inc.

Members of the Board:

On May 8, 2001, your Board held a public hearing to consider an appeal of the Planning Commission's denial of Application No. 98-0148, Atherton Place. Following public testimony and discussion by your Board, the matter was continued to June 5, at the applicant's request.

At your June 5, 2001 hearing, your Board indicated that you would continue the hearing to August 28, 2001, at 7:30 p.m. to allow the developer additional time to revise the project and have it reviewed by the Environmental Coordinator. Revised plans and other materials were not received by the Planning Department until July 18, and reviewing departments and agencies are now in the process of formulating comments on the proposal.

Your Board also asked County Counsel to advise whether the County could condition approval of the Atherton Place project on the use of an access across property owned by a third party. County Counsel advises that the State Subdivision Map Act in Government Code Section 66462.5 expressly authorizes a County to condition a subdivision on the provision of offsite improvements on land owned by third parties, and to require the subdivider to bear all costs of the acquisition of the necessary easement or other property interest for the off-site improvements, including, if necessary, all costs involved in an eminent domain action. The County Code expressly provides for such off-site improvement agreements for subdivisions in Section 14.01.513 and for other development projects in Section 18.10.240(d). The County has

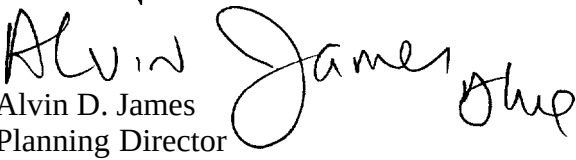
previously utilized such agreements for the acquisition and use of right-of-ways for development projects.

The project is now scheduled for review by the Environmental Coordinator on Monday, August 27, 2001. Pending successful environmental review, with mitigation of environmental impacts associated with the project and additional public comment, the Planning Department will reschedule the project for review by your Board at a future date.

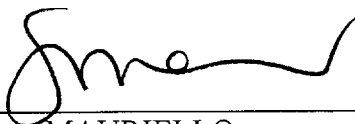
It is, therefore, recommended that your Board:

1. Cancel the public hearing scheduled for your August 28, 2001 agenda and direct the Clerk of the Board to notice the public of the cancellation;
2. Continue the public hearing to an evening meeting at the earliest possible date following completion of the environmental review process; and
3. Direct the Planning Department and the Clerk of the Board to notice the public of the new public hearing date.

Sincerely,


Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Minute Order for Agenda Item No. 67, dated June 5, 2001

cc: Atherton Place Development LC, 2980 Stevens Creek Blvd., San Jose, CA 95128
Richard Beale Land Use Planning, Inc., 100 Doyle St., Santa Cruz, CA 95062
Charlene Atack, Bosso, Williams, et al, 133 Mission St., Suite 280, Santa Cruz, CA 95060
Wendy Richardson, 6362 Baseline Drive, Aptos, CA 95003
Ken Hart, Environmental Coordinator

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of June 5, 2001

REGULAR AGENDA Item No. 067

[Continued public hearing to consider appeal filed by
(Richard Beal Land Use Planning on behalf of Atherton
(Place Development LLC regarding Application No. 98-
(0148;
(continued public hearing to August 28, 2001 at 7:30
(p.m., with additional directives that the project be
(reviewed by the environmental coordinator group, at
(which time they would decide whether a traffic study
(is needed on the new exit road onto Cabrillo Drive,
(the developer return to show efforts that have been
(made to obtain an easement, and County Counsel return
(with information on how to split the project and how
(to get the easement for the developer should the
(project be approved...

Continued public hearing to consider appeal filed by Richard
Beal Land Use Planning on behalf of Atherton Place Development LLC
regarding Application No. 98-0148;

Upon the motion of Supervisor Pirie, duly seconded by Supervi-
sor Wormhoudt, the Board, by unanimous vote, continued public hear-
ing to August 28, 2001 at 7:30 p.m., with additional directives that
the project be reviewed by the environmental coordinator group, at
which time they would decide whether a traffic study is needed on
the new exit road onto Cabrillo Drive, the developer return to show
efforts that have been made to obtain an easement, and County Coun-
sel return with information on how to split the project and how
to get the easement for the developer should the project be approved

CC :

County Administrative Office
Planning Department
County Counsel
Atherton Place Development LLC
Richard Beale Land Use Planning, Inc.
Charlene Attack; Bosso, Williams et.al,
Wendy Richardson

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

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by *Susan A. Mauriello*, Deputy Clerk, ON June 8, 2001

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