

# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
ALVIN JAMES, DIRECTOR

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December 5, 2001

AGENDA: December 11, 2001

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

SUBJECT: Schedule a Continued Public Hearing for the evening of January 8<sup>th</sup>, 2002 to further consider an Appeal of the Planning Commission's Denial of Application #98-0148, at Atherton Place in Aptos, including the submission of a revised proposal by the applicant to construct 4 semi-detached townhouses and 29 detached townhouses, in two phases, on a common parcel with a minimum restricted common area of 3,000 square feet minimum per dwelling unit; 2 new roads: Bower Court and Bowman Court and an emergency access drive; 5 parking areas totaling 24 spaces; drainage systems discharging to an existing gully along Porter Creek; two retaining walls up to four feet in height and one retaining wall up to six feet in height; grading of 7,690 cubic yards of cut and fill, balanced on the site; the rear of both parcels, an area totaling 8.537 acres, would be maintained as open space; and a Lot Line Adjustment to transfer approximately 5.05 acres from APN: 037-251-21 to APN: 037-251-22 to result in two parcels of 3.38 acres and 14.5 acres respectively.

APN: 037-251-21, -22

Owner: Atherton Place Development LLC

Applicant: Richard Beale Land Use Planning, Inc.

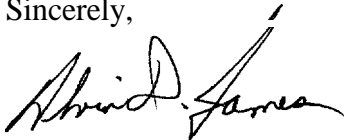
Members of the Board:

On August 28<sup>th</sup> this project was scheduled for further consideration of an appeal before your Board but was cancelled due to project revisions and the need for further review by the Environmental Coordinator. The project has now completed the environmental review process and is ready for review by your Board. Pursuant to your direction to schedule this application for an evening meeting, and in view of your Board's policy of scheduling evening meetings at your first meeting of the month, the first available agenda is January 8<sup>th</sup>, 2002.

It is therefore RECOMMENDED that your Board:

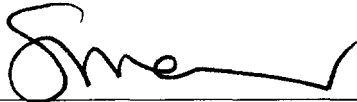
1. Schedule a continued public hearing at 7:30 p.m. on January 8<sup>th</sup>, 2002 to consider the appeal of the Planning Commission's recommendation regarding the Atherton Place Subdivision, and a revised proposal by the applicant; and
2. Direct the Clerk of the Board to provide the required noticing of the public hearing.

Sincerely,



ALVIN D. JAMES  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

Attachment: Board of Supervisors letter dated August 21, 2001

cc: Atherton Place Development LLC, 2980 Stevens Creek Blvd., San Jose, CA 95128  
Brad Bowman, 2516 Samaritan Drive, Suite K, San Jose, CA 95124  
Richard Beale Land Use Planning, Inc., 100 Doyle Street, Suite E, Santa Cruz, CA 95062  
Charlene Attack, Esq., 133 Mission Street, Suite 280, Santa Cruz, CA 95060  
Wendy Richardson, 6362 Baseline Drive, Aptos, CA 95003  
Ken Hart, Environmental Coordinator



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# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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(83 1) 454-2580 FAX: (83 1) 454-2131 TDD: (83 1) 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

APPROVED

BOARD OF SUPERVISORS

DATE: 8/21/01  
COUNTY OF SANTA CRUZ

SUSANA MAURIELLO

CLERK OF THE BOARD

BY: *[Signature]* DEPUTY

SUBJECT: Continued public hearing to consider an Appeal of the Planning Commission's Denial of Application No. 98-0148 (Atherton Place)

APN: 000000000  
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

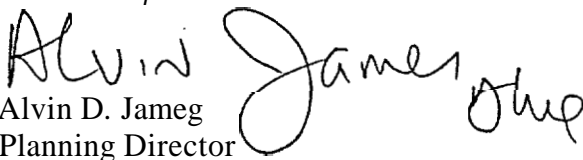
previously utilized such agreements for the acquisition and use of right-of-ways for development projects.

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. Jameg  
Planning Director

RECOMMENDED:

  
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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 Attack, 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