

11/28/2017

Fwd: Notice of Zoning Violation - 2884 Estates Drive, Aptos, CA 95003 - ae crane2700@gmail.com - Gmail

On Tue, Oct 3, 2017 at 10:30 AM, Wanda Williams <Wanda.Williams@santacruzcounty.us> wrote:

Good morning Ivaylo,

I need to revise my October 2, 2017 response. I have been in contact with County Counsel and received additional information regarding the use of the structure.

California Health and Safety Code Section 1566.3(a) does not apply to this project, which is not a "residential facility" licensed under the California Community Care Facilities Act. Rather, the project is authorized by SB 63, the Mental Health Services Act, specifically Part 3.6 (Prevention and Early Intervention Programs) of Division 5 of the Welfare and Institutions Code, as implemented by the County. Division 5 (Community Mental Health Services), at section 1516, states that any "state-authorized, certified or licensed family care home, foster home, or group home serving six or fewer persons with mental health disorders or other disabilities or dependent and neglected children, shall be considered a residential use of property for the purposes of zoning if the homes provide care on a 24-hour-a-day basis." (Welf. & Inst. Code, § 5116(a), emphasis added.)

Additionally, the current grant authorizes expansion to 8 beds, although the current use as confirmed by the Building Inspector is for six beds.

I apologize if my previous response caused any confusion. Thanks.

From: Ivaylo Datchev [<mailto:idatchev@gmail.com>]

Sent: Tuesday, October 03, 2017 8:36 AM

To: Wanda Williams <Wanda.Williams@santacruzcounty.us>

Cc: Kathy Previsich <Kathy.Previsich@santacruzcounty.us>; Martin Heaney <Martin.Heaney@santacruzcounty.us>;

Steven Guiney <Steven.Guiney@santacruzcounty.us>; Corin L. Kahn, Esq. <CLKESQ@mindspring.com>; Patrick

Mulhearn <Patrick.Mulhearn@santacruzcounty.us>

Subject: Re: Notice of Zoning Violation - 2884 Estates Drive, Aptos, CA 95003

Hi Wanda,

Thank you for your response. Can you please let us know who at Encompass Community Services provided you this information? We just want to make sure it was not a junior level employee who may be confused about or unaware of the scope of the project and the intentions of the company which is operating the facility at 2884 Estates Drive.

Thank you,

Ivaylo

On Mon, Oct 2, 2017 at 3:50 PM, Wanda Williams <Wanda.Williams@santacruzcounty.us> wrote:

Dear Ivaylo Datchev,

The Planning Department has confirmed that the property located at 2884 Estates Drive, Aptos (APN 03916145) has obtained all required building and electrical permits for work performed. There are no outstanding violations. There is a six bed adult mental health residential facility at 2884 Estates Drive. Building Inspection staff verified through inspections that it is a six bed (resident facility) and we have asked the local Fire District to verify this as well. I have taken additional steps to warn the facility operator against operating an eight bed facility and based on her response that there was never any discussion about operating an eight bed facility at this location—coupled with a Building Inspection to substantiate this, I am satisfied that the operator has no intent to do so. I reviewed your information regarding the respite care and believe that it may pertain to another site.

The facility is NOT a nursing home or convalescent home as defined by the State Code and is exempt from further public review under California HSC 1566.3 and does not require a Level 5 permit approval.

A Building Inspector determined that there is no outstanding un-permitted construction. The State and County Health Agencies are not able to provide further information that is considered protected by law. I apologize in the delayed response but had to wait on scheduling of an inspection and needed to then make multiple calls to verify information.

Thanks.

From: Ivaylo Datchev [<mailto:idatchev@gmail.com>]

Sent: Friday, September 29, 2017 8:36 AM

To: Wanda Williams <Wanda.Williams@santacruzcounty.us>; Kathy Previsich <Kathy.Previsich@santacruzcounty.us>;

Martin Heaney <Martin.Heaney@santacruzcounty.us>; Steven Guiney <Steven.Guiney@santacruzcounty.us>

Cc: Corin L. Kahn, Esq. <CLKESQ@mindspring.com>

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