

CALIFORNIA COASTAL COMMISSION

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Th21a



Prepared December 6, 2011 (for December 8, 2011 hearing)

To: Commissioners and Interested Persons
From: Dan Carl, District Manager
Susan Craig, Coastal Planner
Subject: **STAFF REPORT ADDENDUM for Th21a**
Appeal Number A-3-SCO-10-033 (Arthur SFD)

The purpose of this addendum is to modify the staff report for the above-referenced item. Specifically, in the time since the staff report was distributed, two points have been clarified based on submittals by the Applicant and by the Appellant regarding the appeal contention related to the number of stories. The first clarification is that the proposed residential structure does not include a story on top of a story on top of a story for a portion of the project near the rear of the garage, as indicated in the distributed staff report. Although the plans that were part of the County's action (and attached as exhibits to the staff report) appeared to demonstrate this phenomenon, the Applicant's more recently submitted oblique simulation of the elevation of the structure shows that the area in question is actually a 'void space' between the garage and the topmost story, with the topmost story cantilevered out over this void area (see attached).

The second clarification is that the LCP's definitions section includes a definition of "first story", and this definition affects the way in which the number of stories is understood in an LCP context. LCP Section 13.10.700-S states:

Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

Thus, the LCP establishes a clear framework for identifying the first story, including that the first story is the lowest story of a building. As applied, different elements of projects are first determined to be stories or not, and then qualifying stories are numbered. If the lowest qualifying story is the first story, then the next higher story, even in a stepped application, cannot also qualify as the first story. In that situation, the next higher story would be the second story, and then the third, fourth, fifth, etc. Thus, the staff report discussion on how stories are calculated needs to be slightly modified, and it appears that the County's (and the Commission's, albeit more limited) general past practice has not been entirely on point in relation to the LCP's story definitions.

As applied to this appeal case, it means that the Applicant's design (as clarified – see attached), does not constitute three stories per the County's general past practice (only counted as consecutive stories if atop



one another in cross-section), but it does count as three stories per the LCP's definitions section. Thus, consistent with the conclusion in the distributed staff report, the proposed project includes three stories. The LCP limits the number of stories in single-family residential projects to two. Even so, staff continues to believe, as indicated in the distributed staff report, that the proposed project would not result in significant public viewshed impacts, and that the number of stories in this case does not rise to the level of a substantial issue.

To address this additional clarifying information that has been submitted, the staff report dated prepared November 17, 2011 is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strike through~~ format indicates text to be deleted):

1. Add the following text on staff report page 14 after the definition of “Mezzanine” as follows:

The LCP also provides a definition for a first story, as follows:

Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.

2. Revise the following text on staff report pages 14-15 as follows:

Thus, although the definition of stories and first story seems relatively clear, the way in which it does not provide detail on how stories should be counted on sloping sites like the one in question in this appeal has been subject to some debate. Historically, the County's general practice (and the Commission's own practice on appeal in recent Santa Cruz County cases)¹³ has been to base story count on the number of stories in relation to one another in cross-section view. Specifically, those portions of a house with different stories stacked atop one another (e.g., as seen in a cross section) are counted separately (as first, second, third, etc), but portions of a house with different stories not stacked atop one another (e.g., as is often the case on sloping sites) are not.

For non-sloping sites, this “in practice” story count methodology is fairly clear and obvious, but for sloping sites it can be confusing because houses that “step” down sloped sites can present as three-story (or more) structures as seen from certain views (e.g., looking towards the slope), but these haven't always historically been counted as three stories because there are no sections of the house in cross-section with a story on top of a story on top of a story. The County landscape includes many examples of such stepped single-family residential development that may appear in some views as greater than two stories but that were may have been counted as two stories based on the cross-section methodology (see pages 19-21 of Exhibit 3A for photos provided by the Applicant of stepped residential structures

¹³ For example, appeals A-3-SCO-08-010 (Vaden SFD) in 2008 and 2009 and A-3-SCO-09-019 (Lloyd SFD) in 2009.



located on sloped properties in Santa Cruz County). Of course, taken to the extreme, such LCP interpretation of stories could lead to development considered to be one-story but that extended in many, many steps (e.g., even 5, 6, 7 steps) up a slope, thus presenting as a much more massive structure.

The alternate LCP interpretation is that the lowest portion of a house constituting a story per the LCP definition is called the first story, the next lowest portion the second story, and so on. Under this alternate interpretation, story counts would be about the same as the first methodology above for most relatively flat sites, but they would increase substantially per the alternate interpretation on sloped sites, like the subject site. Although the County may have generally historically applied the first methodology in practice, it is this alternate LCP interpretation that makes better sense in terms of the LCP definitions. These definitions establish a clear framework for identifying the first story, including that the first story is the lowest story of a building. As applied, different elements of projects are first determined to be stories or not, and then qualifying stories are numbered. If the lowest qualifying story is the first story, then the next higher story, even in a stepped application, cannot also qualify as the first story. In that situation, the next higher story would be the second story, and then the third, fourth, fifth, etc.

In the case of the County-approved residence, the property slopes gently uphill from Oakhill Road toward the coastal bluff edge. The proposed project includes a garage that is mostly offset from the rest of the SFD's living space. The garage meets the definition of story per the LCP,¹⁴ as do the two different levels of living space. The offset garage is at a lower grade than the two stories of living space that constitute the remainder of the house (see pages 15-17 of Exhibit 7). Using the cross-section methodology described above, the house would be ~~mostly two stories~~ considered a two-story residence because there are no sections of the house in cross-section with a story on top of a story on top of a story. Although the portion of the structure near the rear of the garage appears to meet this criteria in cross-section (see Exhibit 7 pages 15-16), there is actually a "void" space between the garage and the second level of living space (i.e., the rear wall of the garage is located forward of the wall of the first level of living space, and the kitchen that is located on the upper level of the living space is cantilevered over this area). Although the cantilevered upper living space level is above the garage, there is air space between the top of the garage and the kitchen (see Exhibit 8). ~~but a portion of the house would be three stories at the point where there are two living space stories above the rear portion of the garage (see Exhibit 7 pages 15-16); this area accounts for about 1/5 of the proposed house. Thus, the cross-section methodology applied by the County in its approval identifies the proposed project as a two-story residential project. Using the alternate methodology that is more consistent with the LCP's definitions, the house would be considered a three-story house. This is (because the garage, as the lowest qualifying story, would be the first story per the LCP's definition of first story. ~~and~~ The first level of living space also constitutes a story, and, because it is higher than the garage story, it is counted as the second story. Finally, ~~and~~ the upper floor level of living space is higher still and also a story, and thus is counted as the third story).~~ As a result, ~~in either case~~ using this LCP definition methodology, the County-approved project is a three-story residence, which is not consistent with the LCP because the LCP limits single-

¹⁴ Although partially below grade, the garage does not qualify as a basement per the LCP because it does not meet the 50% and 20% criteria. As a result, the garage is a story per the LCP definition.



family residential development at this location to 2 stories maximum.

3. Revise the following text on staff report page 16 as follows:

...On the issue of the number of stories, even though the project includes three-story single-family residential development (~~under any LCP interpretation~~), the three stories in this case do not result in significant public view impacts and thus there are no significant coastal resources affected by the decision. ...

4. Add the attached oblique elevation view of the proposed residence as staff report Exhibit 8.



Th21a

A-3-SCO-10-033 (Arthur) Oakhill Road Aptos, Santa Cruz County

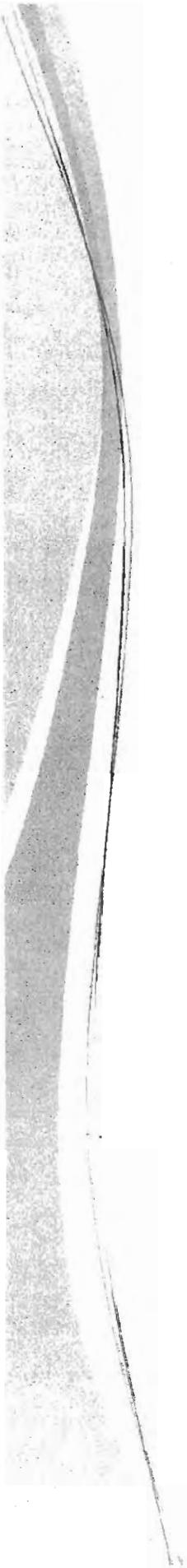
Th 21a

Item Th21a
December 8, 2011
CCC Hearing

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California Coastal Commission,
Central Coast Area



Location



Image 201009341, California Coastal Records Project

Proposed Project

Construction of 2-story, single-family home and related improvements on vacant blufftop lot.

- No beach frontage: rock revetment, row of houses and street located between subject site and ocean.

Subject Site



Project History

- Project considered at five (5) local hearings, including Planning Commission and Board of Supervisors (6/15/10)
- Appellant/Petitioner presented same arguments at each local hearing and Superior Court:
 - Lot Legality (claiming improper issuance of 2003 CoC for pre-coastal lot split)
 - Number of Stories (claiming terraced 2-story residence w/lower level garage constitutes 3 stories)
- Superior Court of California denied claim (1/5/11)
 - Court determined CoC properly issued



Lot Legality—Site History

- **1952:** Property subdivided into two parcels (89 & 90). Residence exists on Parcel 90. Parcel 89 (subject parcel) remains vacant.
- **1963:** Addition made to residence on Parcel 90 that extends beyond property line onto Parcel 89.
- **1981:** Construction approved by County that further encroaches onto subject parcel (89).
- **1988:** APNs combined for tax purposes.
- **2003:** Unconditional Certificates of Compliance (CoC) issued by County recognizing Parcel 89 and Parcel 90 as separate parcels.
- **2005:** Grant of Easement and Easement Agreement made between owners of Parcel 89 and Parcel 90. Requires demolition of major encroachment and allows minor encroachment to remain (roof eaves).
- **2007:** Applicant purchases subject parcel (89) and initiates permitting effort to construct residence.

Lot Legality—CCC Standard

- *“The threshold question for the Commission, when examining lot legality under the Coastal Act and the LCP, is the legal status of the lot at the time it became subject to coastal permitting requirements (in this case, February 1973) and the manner in which subsequent development affecting lot status was or was not countenanced by CDPs since that time. In this case, it appears that the lot at issue was a legal lot in February 1973.”*

Staff Report, p. 11

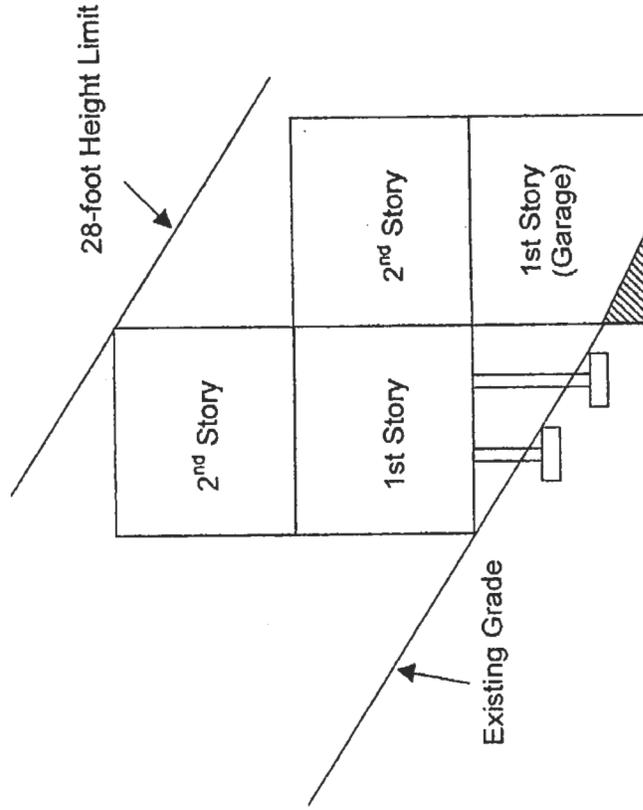
Lot Legality—CCC Standard

- *“The Commission is not aware of any evidence that an application for a CDP for merger or combination of Parcel 89 with Parcel 90 was ever submitted, processed or issued by the Commission or the County. As a result, because the two parcels were legal parcels at the time when CDP requirements commenced, the two parcels are still legal parcels under the Coastal Act and LCP today.”*

Staff Report, p. 12

Number of Stories

Historically, the practice of the Planning Department has been to interpret these two Code Sections as allowing a design such as that shown in Figure 1. This design employs either the use of piers or a stepped conventional foundation, and requires minimal excavation into the hillside.



*Excerpt from County
Planning Department
Staff Report to Board
of Supervisors,
June 15, 2010*

Figure 1

Here you can see that stepping the structure up the slope follows the contour of the hillside, minimizes the amount of required grading (the dashed area), and preserves the 28-foot height limit. FAR, lot coverage and setback requirements act to control the overall size and location of a structure(s) on a parcel.

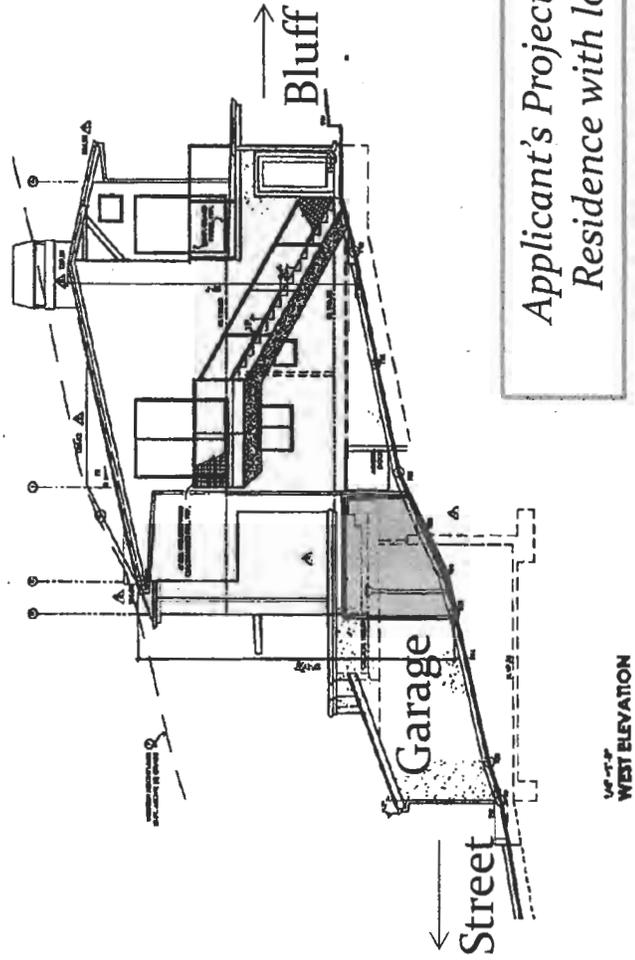


Number of Stories

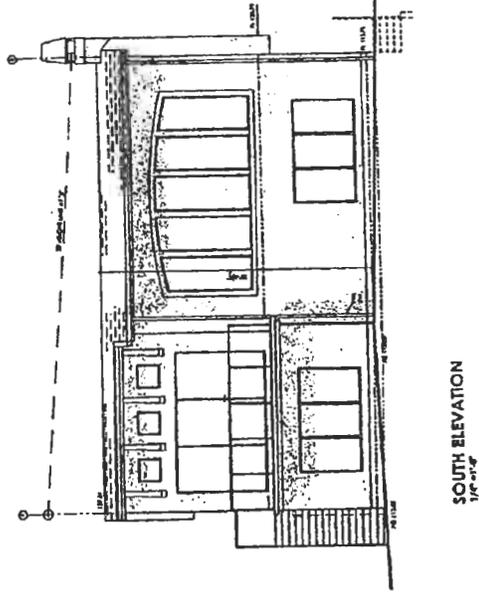
- Property owners encouraged to step house up the slope, keeping each part of house not more than 2 stories high and not more than 28 ft. high.
- Design results in lower level single story garage in front of 2-story house.
- Many homes of similar design approved by County in surrounding area (all within Coastal Zone) and not appealed to CCC.

Number of Stories

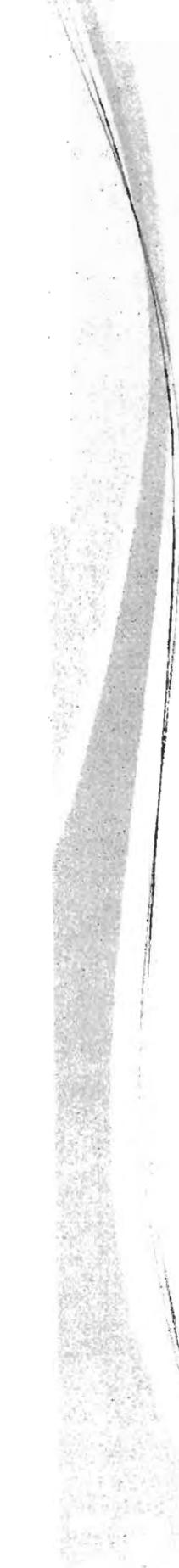
Cross Section



Seaward Elevation

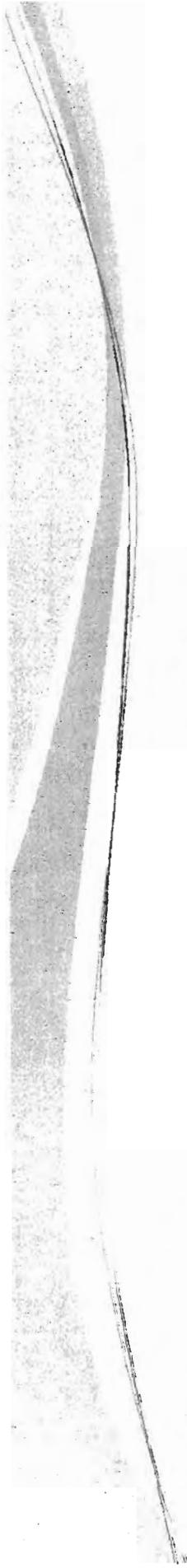


*Applicant's Project Plans for 2-Story
Residence with lower level garage*

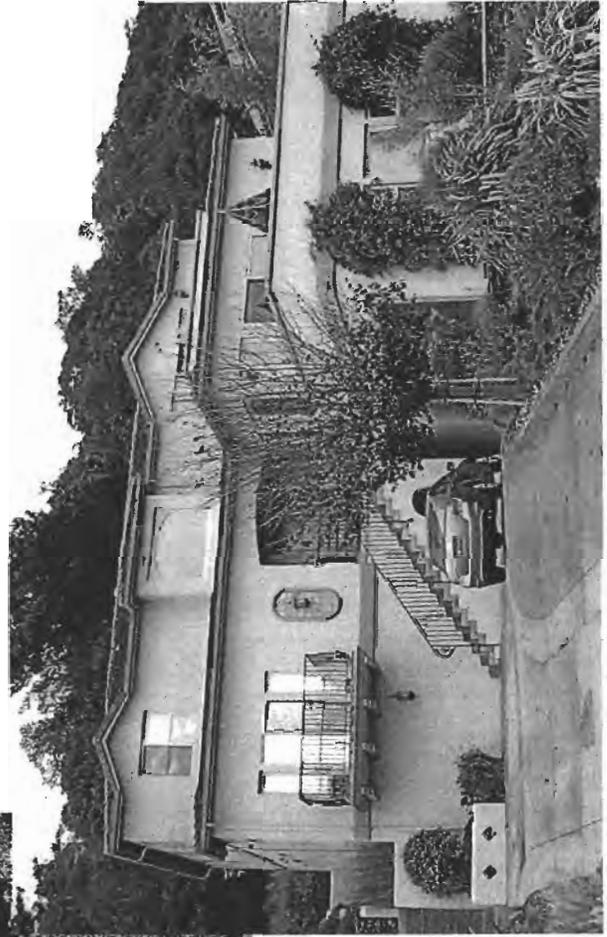


Visual Resource Protection

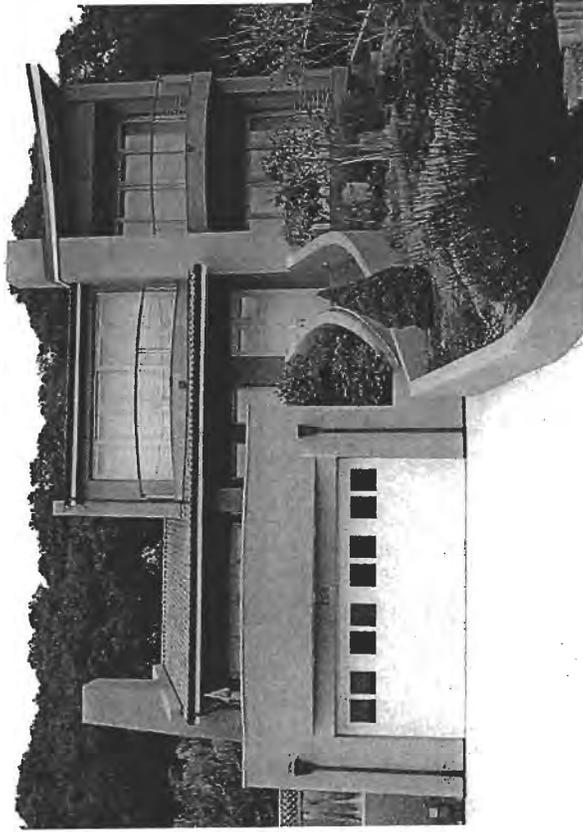
- Community Character
 - Design of proposed residence consistent with surrounding development
 - Bulk and scale similar to neighboring structures
 - Infill development within residential area
- Public Views
 - No public view blockage
 - Only uppermost story visible from beach below



Surrounding Development



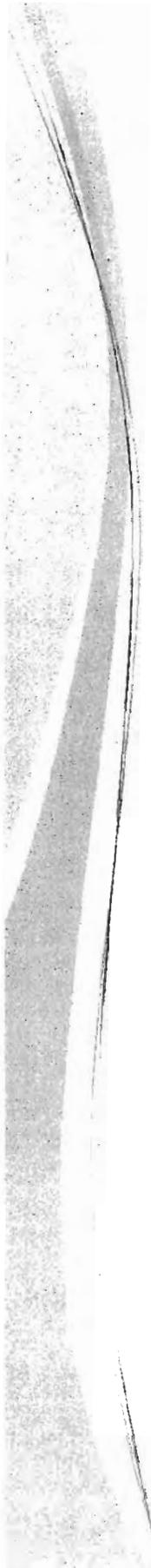
Surrounding Development





Surrounding Development

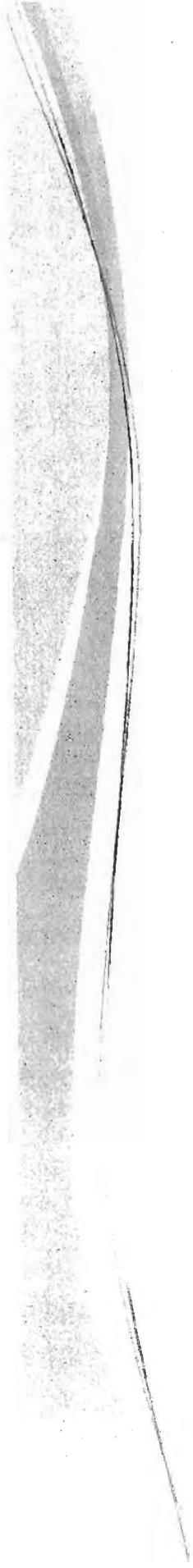
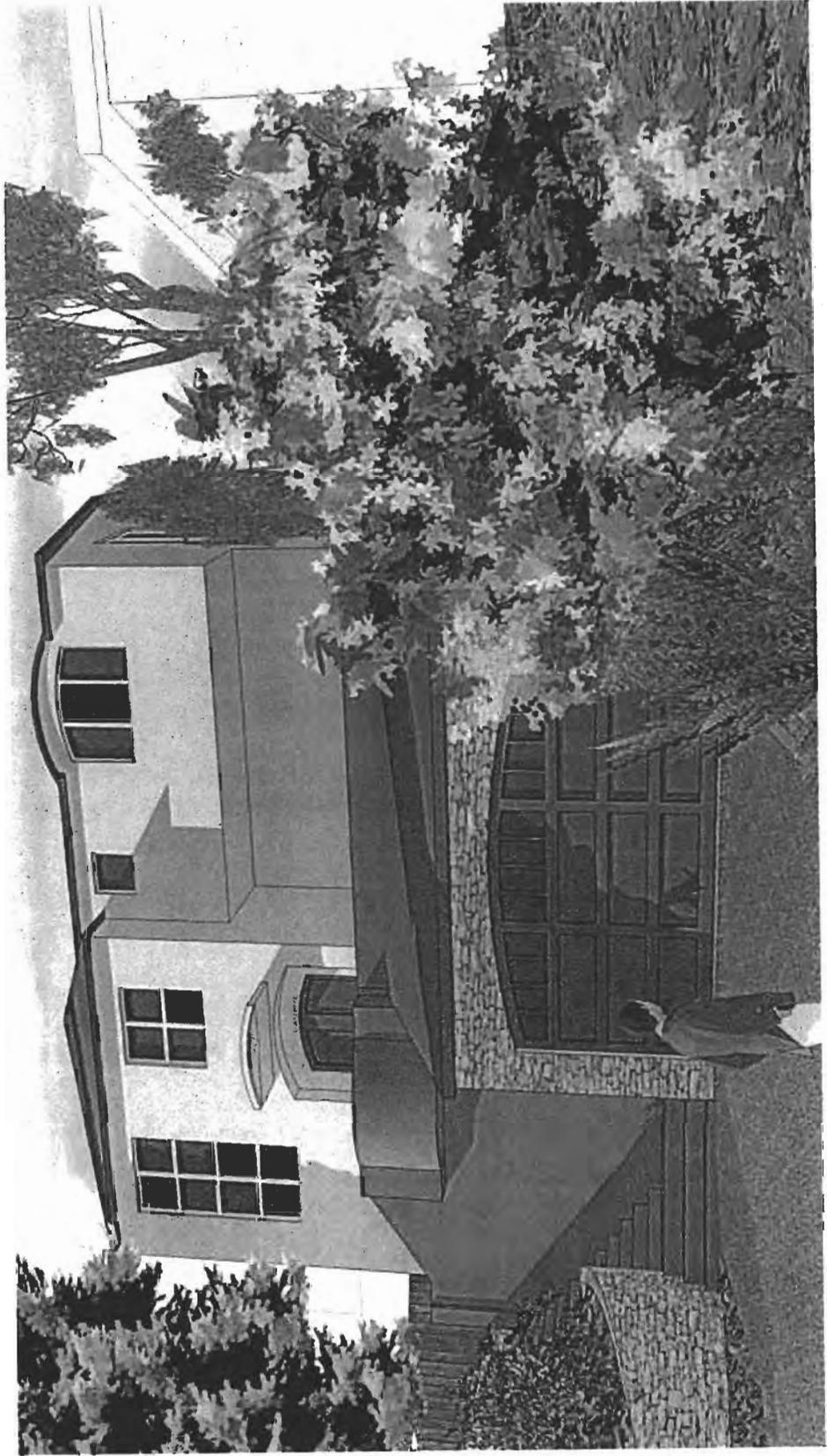




Surrounding Development



Proposed Residence



Th21a

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OF COUNSEL
Gary A. Patton

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DEC 01 2011

California Coastal Commission,
Central Coast Area

December 1, 2011

VIA HAND DELIVERY

California Coastal Commission
c/o Dan Carl and Susan Craig
725 Front Street, Suite 300
Santa Cruz, California 95060

**RE: Appeal Number A-3-SCO-10-033, Arthur SFD
Thursday, December 8, 2011; Item No: Th21a**

Dear Members of the Commission:

This office represents Patrick Murphy in his appeal to the Commission of Santa Cruz County's approval of the above referenced Project. While the Staff Report recommends a finding of No Substantial Issue, this letter offers reasons why this appeal is important and the Commission should find Substantial Issue and take jurisdiction of the appeal. Indeed, the Staff Report's analysis of parcel legality issues creates a potentially dangerous precedent.

A) The Staff Report's Reasoning Regarding Lot legality Will Have Serious Unintended Consequences

In the matter before you, we contend that the County's issuance of two COCs in 2003 required a Coastal Development Permit (CDP). The two reasons for this are because the COC was actually "conditional" in nature, not unconditional, and because the parcels were combined by operation of law years earlier. We contend that the property consists of one lot, not two.

The property in question has been treated as one lot for decades and a home was built across the entirety of the property, some of which was constructed prior to the Coastal Act. The County permitted partial demolition of the home to allow the lots to be separated. However, a home on what is now considered a separate lot still encroaches over the boundary line of the lot that is before you. As a condition of the COC, the encroachments were suppose to be removed. However, at a later date, the County simply required the owner to record a Notice of Acknowledge of the encroachments. Thus, this matter has created the odd situation where a home can be permitted to cross a property boundary, the County has recognized the encroachment, and is allowing a new home to be built on the new lot with the encumbrance from the adjacent lot. This results in not only a zero setback, but a negative setback.

The Staff Report contends that the lots were separate lots beginning in approximately 1938. The Appellant argues that these lots were combined under the County Code by operation of law when the home was built over the separate lots. The Staff Report concludes that because these lot combinations required a CDP, the lots were not recognized as one for purposes of the Coastal Act. Thus, for purposes of the Coastal Act, these lots remain separate lots. **The dangerous precedent set by this reasoning could lead to serious unintended consequences.** A number of parcels along the entire California coastline have been merged and combined by actions of owners over time. Underneath many existing homes throughout the state lie two, or sometimes, three parcels that have been combined or merged by operation of law. Some of these combinations have occurred prior to the Coastal Act, and some after. Nonetheless, the current layout of communities throughout the state are based on these actions. The result of the Staff's recommendation could be a barrage of attempts to "parcel mine." This is what has been occurring in Santa Cruz County and **the Staff Report's logic potentially unleashes a torrent of applications for COCs for previously combined or merged lots.**

In Santa Cruz County, the lots before you were combined because the County Code states that a parcel is considered combined when a "[p]arcel on which a dwelling or commercial structure or portion thereof has been built across the common boundary line of such lots or parcels ..." Santa Cruz County Code § 14.01.110(a)(5). If these parcels are not considered combined for purposes of the Coastal Act because a CDP was not obtained, then the County's ordinance becomes meaningless in the Coastal Zone and landowners now have ammunition to "mine" for ancient lots. For valuable coastal real estate, this could result in a veritable "subdivision" boom. Developers will tear down existing homes and claim that they have two or three lots under existing homes that do not require a CDP. And, like the Appellant in this case, it causes disruption in long-established neighborhoods. For this reason alone, the Commission should reject the Staff Report's reasoning. Moreover, in the matter before you, the pre-existing home still crosses the property line even though some improvements have been demolished. It is a planning nightmare to allow landowners to claim individual parcels for lots with boundaries that cut through a portion of a house.

B) The Staff Report Agrees with Appellant that the Proposed Home is Three Stories, But Nonetheless Finds That There is No Substantial Issue. However, the Commission Should Be Concerned With the County's Internal Policies Interpreting the Local Coastal Program (LCP) That Contradict the LCP

Under County Code § 17.10.700S, a "First Story" is "[t]he lowest story in a building which qualifies as a story... ." However, the Applicant and the County have asserted that the rear portion of the garage (over which two additional stories are built) is somehow not part of the first story because it is a "basement." This conclusion directly conflicts with the County Code

California Coastal Commission
Re: Item No: Th21a
December 1, 2011
Page 3

definition of "basement" which states that "[t]o qualify as a basement more than 50% of the basement exterior perimeter wall area must be below grade and no more than 20% of the perimeter exterior wall may exceed 5 feet - 6 inches above the exterior grade." In this case, it is undisputed that the garage floor exterior perimeter wall is not more than 50% below grade - in fact nearly all of it is above grade. The Staff Report agrees with Appellant.

The County maintains that the basement in the Applicant's plans met the code requirements based on an internal Staff "policy interpretation" of July 2009 of the Code's "basement" definition. This internal policy determination, which was never approved by the Board of Supervisors or the Commission, allows the perimeter calculation to be based on a measurement of "interior" walls. (This internal policy is attached hereto). This policy interpretation is contrary to the zoning ordinance approved by the Board of Supervisors, and allows homes greater than two stories. Because the County has an internal policy interpretation that is intended to evade the requirements of the LCP, the Commission should find that there is a Substantial Issue. The County will continue to use the policy interpretation unless told that the interpretation is invalid.

Thank you for your consideration.

Very truly yours,
WETWER & PARKIN, LLP.



William P. Parkin

Encl.

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: BASEMENT-03 (Basement definition - perimeter exterior wall)
Effective Date: July 27, 2009
Revised: none

Question

How are the "basement exterior perimeter wall area" and the "perimeter exterior wall" as referred to in the definition of basement (13.10.700-B) calculated, for the purpose of determining if a portion of a structure qualifies as a basement for planning and zoning purposes?

Applicable Ordinance Section(s)

13.10.700-B

13.10.700-G

INTERPRETATION:

In order for a portion of a structure to qualify as a basement for planning and zoning purposes, the basement definition in Section 13.10.700-B requires in part that "more than 50% of the basement exterior perimeter wall area must be below grade and no more than 20% of the perimeter exterior wall may exceed 5 feet – 6 inches above the exterior grade." In the definition, the phrases "basement exterior perimeter wall" and "perimeter exterior wall" both refer to the perimeter walls of the basement, regardless of whether the perimeter basement walls are exterior walls of the structure as a whole. A basement wall located entirely underground, or abutting another portion of the structure such as an under floor, is still considered a perimeter wall of the basement. In figure A below, walls a, b, c, and d represent the basement perimeter walls.

Therefore, to qualify as a basement, more than 50% of the perimeter wall area of the basement must be below grade and no more than 20% of the perimeter wall area of the basement may exceed 5 feet 6 inches above the exterior grade, regardless of the relationship of the basement perimeter walls to the exterior walls of the structure as a whole. (Note: Garages with interior access that are on the same level as the basement will be considered as part of the basement. Garages without interior access to a portion of the structure will be considered as separate accessory structures, consistent with the definition of garage in Section 13.10.700-G.)

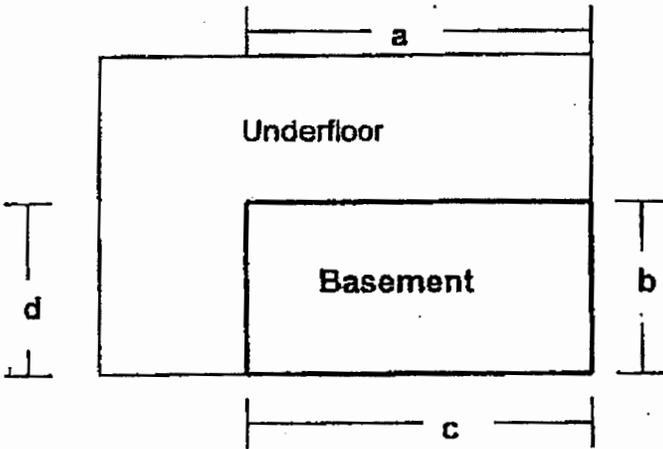
As is consistent with the procedure for measuring structure height outlined in policy interpretation HT-01 (Building Height), when a perimeter basement wall is not located at the exterior of the structure, the height of that basement wall will be measured from the original (natural) grade, as it exists at the outside of the basement perimeter wall. When a perimeter basement wall is located at the exterior of the structure, the height of that basement wall will be measured from the finished grade or natural grade, whichever is lower, as it exists at the outside of the basement wall (see Figure B: Section View).

The location of the exterior grade at the outside of the basement perimeter walls should be included in submitted plans. To determine the location of the exterior grade for perimeter basement walls that abut another portion of the structure instead of facing directly outside, an elevation and/or sectional view may be required.

EXHIBIT

Figure A: Basement Perimeter Walls

Perimeter basement walls =
 $a+b+c+d$



2 Basement Tests

To qualify as a basement:

1) More than 50% of the perimeter wall area of the basement (walls $a+b+c+d$) must be below the exterior grade;

and

2) No more than 20% of the perimeter wall area of the basement (walls $a+b+c+d$) can exceed 5'6" above the exterior grade.

Reason:

The intention of the basement definition is to ensure that the basement be located primarily underground. A basement that does not meet this requirement is considered a story or an underfloor instead of a basement.

In order for the basement to be located primarily underground, it is necessary for the perimeter walls of the basement to meet the criteria contained in the definition, regardless of whether the perimeter basement walls are located at the structure exterior. The word perimeter refers to the entire perimeter of the basement, including portions of the perimeter that face directly outside and portions of the perimeter that face another portion of the subterranean area. This requirement flows logically from the definition, which reads in part, "To qualify as a basement more than 50% of the basement exterior perimeter wall area must be below grade and no more than 20% of the perimeter exterior wall may exceed 5 feet – 6 inches above the exterior grade" (underlining added). Since the entire sentence refers to the basement, the reference to the "perimeter exterior wall" refers to the perimeter walls of the basement, and not to some other portion of the structure.

Tom Burns, Planning Director

Date

Th21a

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DEC 02 2011

California Coastal Commission,
Central Coast AreaItem #Th21a
Permit# A-3-SCO-10-033
OPPOSED
Josephine Little
753 Oakhill Rd.
Aptos, Ca 95003
December 2, 2011California Coastal Commission
Central Coast District Office
725 Front St, Suite 300
Santa Cruz, Ca 95060

RE: Appeal # A-3-SCO-10-033

I am writing once again in opposition to the above noted appeal. Enclosed is my previous letter to the Commission including attachments. To summarize, my position is based mainly on the following four issues:

Compatibility with the neighborhood:

At the March 24, 2010 Planning Commission hearing, I asked if any member of the Commission had visited Oakhill Road. The one person who had visited described the area as peaceful, almost rural. In fact, the vacant property on the right side of the road has been designated as open space. As I will describe further, squeezing a 2544 square foot house into a space where a one-car carport formerly stood would drastically change the neighborhood. It was shocking to all of the neighbors that a legal lot was ever created in this space.

History 1956-1990: Oakhill Road was created and named by the Hanchetts in 1956 when they bought all of the property on the north side of the road and everything west of 735 Oakhill Road on the south side. They first built their house at 735 Oakhill, then the house at 751, the pool and the pool house, and finally the house at 755. The Little house (753 Oakhill, built in 1965) was the last house on the road to be built from the ground up.

Two houses that have been built since have seriously affected the neighborhood. The house at 743 Oakhill was not a new construction, but a major remodel that tripled both the size of the house and the lot coverage. Neighbors objected. Also against neighbor's objections, the planning commission allowed the property at 737 Seacliff to be developed by raising the lot level three feet. As a result, drainage was diverted onto Oakhill Road, resulting in serious drainage and erosion problems in wet weather.

Drainage:

At the March 24, 2010 zoning commission hearing when the issue of drainage was brought up, the Commission suggested forming a street association to solve any drainage problems. From the beginning, neighbors have found it easy to solve problems. The lots were large enough in proportion to the structures that the uncovered land absorbed the majority of the water. The property that now causes the drainage problem isn't on Oakhill Road, but is the overbuilt property at 737 Seacliff.

The lot coverage proposed for the Arthur property would compound the drainage issues we already face from overbuilding.

Geological Hazard:

During the zoning hearing, it was decided that future buyers of the property would be warned of the geological hazard specific to this property. Was Mr. Arthur given notice of this hazard before he bought the property? Since Mr. Arthur has the property for sale, I presume that he will have to inform any buyer of this hazard.

Also at the hearing Mr. Arthur's lawyer said that two truckloads of soil would be removed. Upon closer examination, I see that the notice proposes that 160 cubic yards of soil be removed. That would mean a minimum of sixteen truckload of ten yards each. Removing this much soil from this cliff side site can't help but worsen the geological hazards that have already been identified.

Building Height:

At the March 24, 2010 meeting, a new interpretation of the height restrictions was cited by the planner to refute the claim that the structure in question exceeded the height limit. Has this interpretation been used for other properties, either before or since?

To squeeze a house into the space between 735 and 749 Oakhill Road would change the nature of this road, and at the same time cause serious drainage problems and compound potentially grave geological risk. All would significantly reduce the value of the surrounding properties. I urge any of you who have not seen the property to visit and see what is very hard to describe in mere words. If there is any further information you may contact me at any time at the above address, and my telephone number is (831) 688-5385. Thank you for your consideration.

Respectfully submitted,

Josephine F. Little

Josephine F. Little

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DEC 02 2011

753 Oakhill Road
Aptos, CA 95003
July 15, 2010California Coastal Commission,
Central Coast AreaDan Carl, District Manager
California Coastal Commission
Central Coast District Office
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FAX (831) 427-4877

RE: Commission Appeal No. A-3-SCO-10-033

I am writing in response to your Notification of Appeal dated July 7, 2010, to correct and amplify the records which you already have. I am enclosing a list of residents, a map of Oakhill Road and the one-page advertisement for the property in question in this appeal.

The correction to the record: Mr. Goldspink, the project architect, said that there were roughly a dozen or more houses on Oakhill Road. In actuality there are seven on the cliff side, and one on the north side. Of these seven houses, three are clustered at the entrance to Oakhill Road; at number 749 the hill dips sharply and the remaining lots are larger. Mrs. Hanchett (#755) owns all of the north side property excepting the property at #751, which is also at the entrance to the road. (see map)

The following residents have written letters and spoken against the proposed structure in at least one, and many at several of the earlier hearings on this matter:

- #743 Katharine Minott
- #749 Amy Love/ Marilee Robinson
- #735 William Parkin (attny for) Laura & Pat Murphy
- #753 Josephine Little (Mrs. Henry Bailey Little)
- #755 Jim Wilder (attny for) Gwynn Hanchett

On the attached map you will see the property held by the above-named individuals. As you can see, they represent all who live anywhere near the plot in question. As you likely know, the plot was carved out of the property at #749 Oakhill Road, without notification to any of the neighbors.

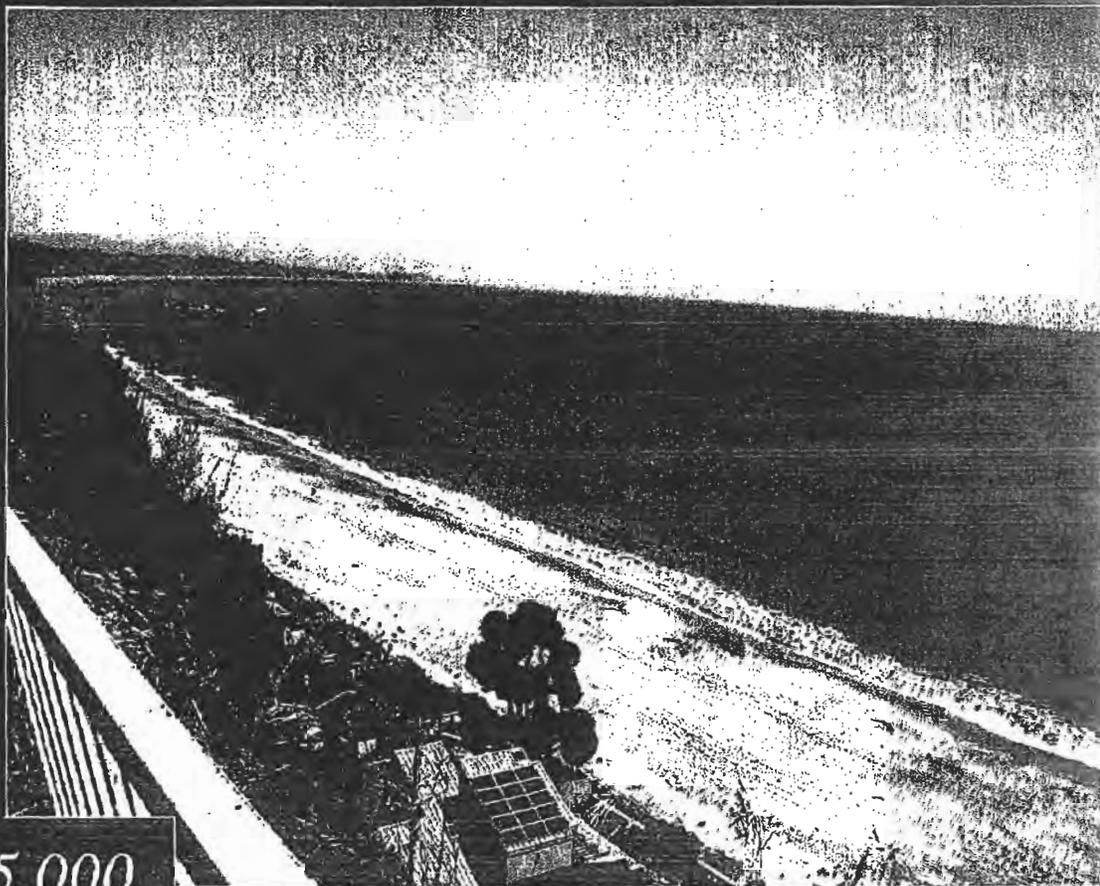
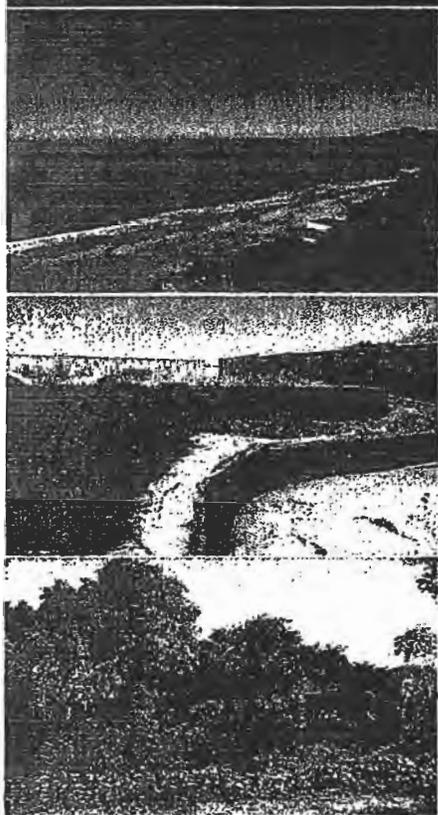
I am also enclosing the flyer that depicts the property at issue, which is now for sale. The flyer represents sweeping beach views, which would only be visible from the house if it were excessively tall.

Please let me know if I can answer further questions. Thank you for your attention in this matter.

Sincerely,

Josephine Little

0 Oakhill Road, Seacliff



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- Gas Available at Street
- Paved Road
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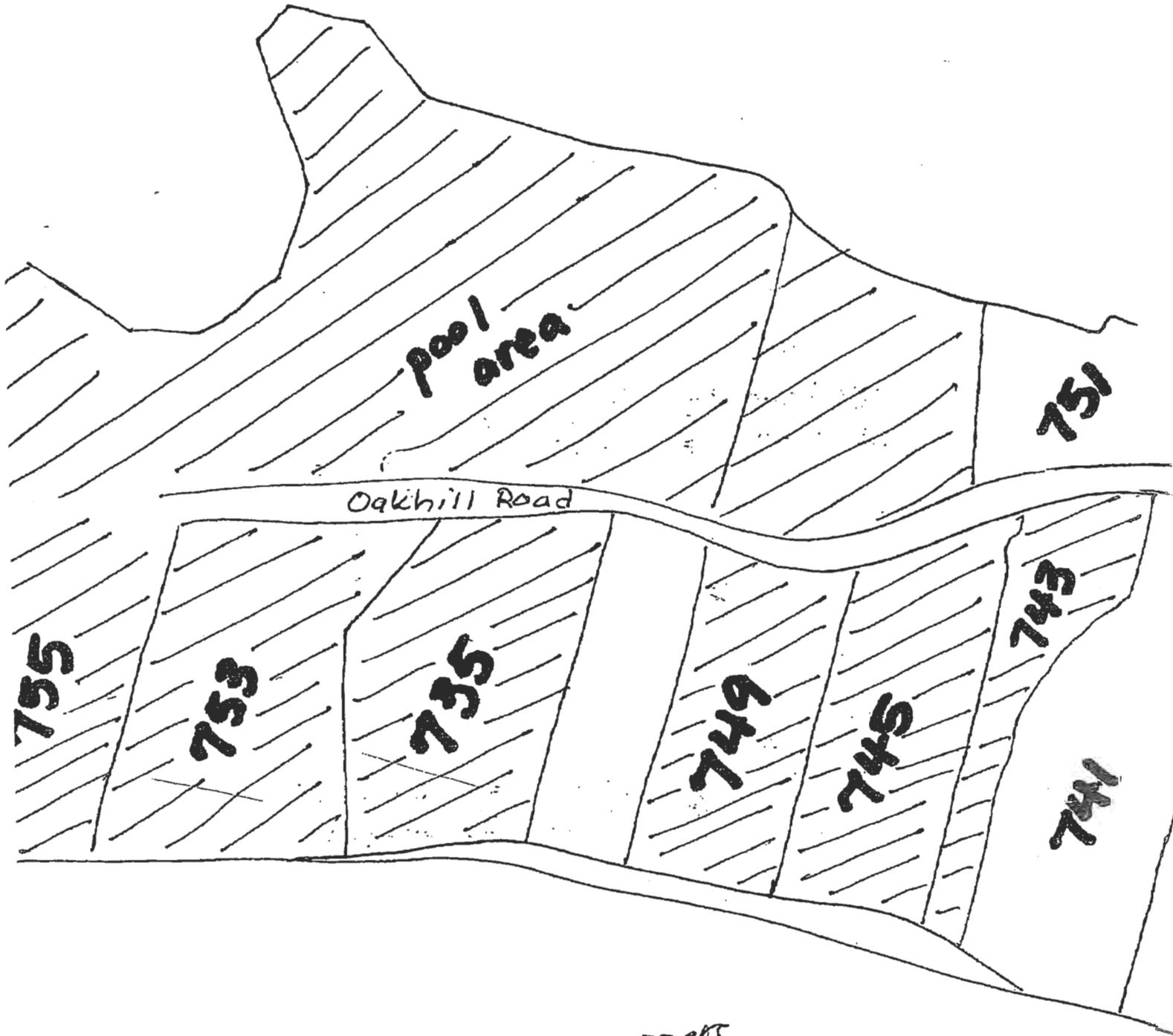
Email kt@c21lad.com

Visit my website at www.SantaCruzEstates.com

DRE # 01113597



re Appeal # A-5-2000-033




 property whose owners
 oppose development of this property