

MASTER

July 17, 2008

To Members of the Planning Commission,

**Subject:** Appeal of the Zoning administrators Decision for <sup>2015</sup>~~2011~~ Edgewater Road (Z08-097)

On behalf of the Woodlake Neighborhood Association and neighborhood residents, both collectively and individually, I object to the granting of the proposed variance for reasons herein described. It is our intent that this letter both express our opposition to the granting of the proposed variance, and to secure the ability both collectively as the Woodlake Neighborhood Association and as individuals to challenge this matter further in court, should this prove to be necessary

**Objections raised by Staff Report:**

1. The original plans showed a front setback dimensioned to the back of the sidewalk. There were no property lines shown. We believe that we should not suffer due to this error, and affirm that the front yard setback was always and should remain 25'
2. This project does not conform with the interim ordinance, but for being overridden by the design director.
3. The propose project does not comply with the Conditions of Approval In the Design Review Record of Decision. As such, it should be referred back to Design Review for approval and public hearings.
  - a. Reference Design Review ROD Item A2. The project shall have building setbacks, utility easements and entries per approved plans.
  - b. Reference Design Review ROD Item A4. The Applicant must be in compliance with the City Arborists requirements regarding Heritage trees on the property per City Code Chapter 12.64. (12.64.040) The applicant has built too close to the tree already and not complied with this condition.
4. Design Review approval and neighborhood sentiment was based on the fact that no entitlements were being requested. If there were notice of the setback entitlement as part of the design, we would have objected more strenuously at that time.
5. Neighbors pointed out numerous times early in the project that the front setback is 25' The Applicant had ample time to apply for a variance or redesign as needed to conform with Appropriate guidelines.
6. It is our contention that the area around the Heritage trees was never a build-able portion of the lot and should not be considered for moving an unnecessarily large structure into the front yard setback.
7. The Staff report states that the project meets the North Sacramento Interim Ordinance Requirements, but for all these requirements being overridden by the Design Director's approval.
8. The staff report quotes infill standards. The proposed project does not comply with the following infill goals and policies as set forth in the City of Sacramento Infill Standards:
  - h. Optimizes site
  - i. Preserves existing resources (e.g., heritage trees, creeks)
  - k. Has design and massing in scale with neighborhood
  - l. Provides street-level pedestrian activity

9. The Staff Report is erroneous based on the required height restriction. The interim ordinance states that the height restriction is 30'. The proposed project is 31. Please note that this measurement should be taken from adjacent grade, and not the top of the slab as shown in the drawings, which is higher.
10. Please note that the parcel mentioned in the staff report is a side yard on a corner lot, and that only the corner of this building is forward. The garage is kicked at an angle for driveway access, and such that the street massing is minimized. The adjacent property and numerous surrounding properties have deep setbacks, many of which are 50'.
11. We disagree wholeheartedly that the proposed setback reduction will not have a negative impact on the street. Reduce this one, and reduce the one two doors down, and we have created a significant 31' deep hole at the front elevation that is not consistent with good neighborhood planning practices. Additionally, this hole once created effectively changes the front setback for the adjacent property to the average of the 2 adjacent properties, changing the character of the neighborhood forever.
12. The entire 2 story massing is being brought forward. note on the elevations that there is only a minimal second story at the front setback at the middle of the proposed project. The covered porch is projecting 6' further beyond the face to 12' from the property line.
13. The second story setback at the left side is non existent.

#### **Objections to the Findings of Fact**

1. Item B-1:
  - a. The proposed variance represents a significant impact to the surrounding residential uses. The massing and lot coverage are not consistent with other adjacent properties on all sides.
2. Item B-4:
  - b. The tree could remain without changing the setback. The Applicant can develop a project that is of similar size to adjacent properties
  - c. See Comment 12 above.
3. B-5: See Item 7 aboveP

We, as residents of Woodlake cherish the qualities intrinsic in our neighborhood, characterized by mature trees, deep front yard setbacks, and tasteful traditional homes.

This project is a prime example of the "McMansion" trend. Overbuilding a lot to the detriment of the surrounding neighborhood.

Please help us to save our neighborhood our appeal and Deny these variances..

Woodlake Neighbors