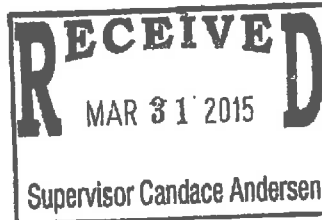


Exhibit #16



Sydney Drive Neighbors
Alamo, CA
94507

County Supervisor Candace Andersen
309 Diablo Road
Danville, CA 94526

RE: 200 Sydney Drive, Alamo County File #VR14-1021

March 27, 2015

Dear Supervisor Andersen:

This letter is the combined effort of neighbors on Sydney Drive. It is signed by every property owner in the immediate vicinity of the proposed construction at 200 Sydney Drive, Alamo. We are seeking your assistance on this matter.

About our neighborhood:

The proposed project is in a planned community on a hilltop/hillside (est. 1960). The Sydney developer engineered and placed a finished lot/building pad on each parcel. The building pads are intended for the placement, elevation and size of future construction. The neighborhood plan is conveyed in CC&Rs, including a 2-story limit; that we know the Planning Department does not enforce. Over time, the homes that have been built or remodeled have adhered to the plan. *The applicant's proposal does not.*

Sydney neighbors have actively participated in the public hearings, with 8-12 at each hearing. Eleven attended the Planning Commission, even though most were aware of Mr. Rassai's documented threat to use County code enforcement against anyone who appealed. Public hearings are the only way we are able to engage the applicant to explain the proposal and answer related questions. *There has been a growing concern that the proposed plans do not accurately reflect what will ultimately be built and will be in violation of certain ordinances.*

Proposed Plan is a 3-story structure and does not comply with the County Ordinance:

This has been an issue in every meeting. We have been concerned because the original Plan showed the space under the house as only 4 feet high. This four-foot measure was inconsistent with other parts of the Plan.

The newest Plan was submitted December 2014, and clearly shows that the space under the house exceeds the 6-foot "story" ordinance. [According to 82-4.266, "a story is defined asIf the finished floor level directly above a basement or cellar is more than six feet above grade at any point, such basement or cellar shall be considered a story"]. To clarify further, the Zoning Administrator and other expert testimony, have been explicit that enclosure is not a factor in determining a story of building height. *Therefore if the height under the building is more than 6 feet above grade at any point, it shall be considered a story.*

Because staff failed to include the newest December 2014 Plan in the Planning Commission's meeting materials, the Commissioners relied solely on verbal testimony. This is an excerpt of when the applicant was specifically asked about the space under the house:

Commissioner Wright: "Let me make it real simple. Anything that exceeds 6 feet, by my understanding, is considered a story. So I'm just trying to understand. How many feet do you have underneath there?"

The applicant answered: 3 - 5 feet.

As a result, the meeting's Chair stated that since the applicant had said it was no more than 5 feet, the third story did not "come into play."

The answer the applicant provided was wrong. The building not only exceeds 6 feet above grade at any point, it exceeds the limit at many points far in excess of 6 feet. The Commission made a decision without essential and current information due to the staff report excluding this information from the meeting. That too is very wrong. Reference Exhibits 1 & 2.

Similar problems before:

The order in which comments are taken in public hearings make it difficult to correct misstatements like what occurred at the Planning Commission. The hearings are arranged as follows: a) applicant presents, b) public comments taken and c) applicant makes final comments ("rebuttal"). If there are misstatements in the applicant's final comments, the public is not allowed to correct them.

We had a similar situation at the Alamo MAC. In closing comments Mr. Rassai claimed the house is only 3,900 square feet and not very big compared to other Alamo homes. But he failed to disclose the areas planned to be finished later. At this meeting there was an "out of order" public appeal to clarify square feet. However, many left the meeting confused. Afterward we reviewed the plans and could see the actual size exceeds 6,000 square feet.

Likewise, the applicant's claim he is "building on a sloped lot" is inaccurate. There is a very large, flat building pad on the lot. It was designed to accommodate homes like you see along Sydney Drive (2,000 – 4,000 square feet). *This is really not the same as building on a sloped lot.*

Protected trees:

We have not opposed removal of three large trees; although one is a healthy 100-year old Valley Oak. By removing these three trees to comply with setbacks, it allowed the applicant to shift the house to increase his home's view corridor from 180 to 270 degrees. This is an extremely valuable benefit.

However, at the Planning Commission inaccuracies in the applicant's tree plan were reported. There are two protected trees not shown on the plan. They now lay in the path of the recently revised driveway. These trees provide valuable visual effect to the neighborhood. Removal can easily be avoided by returning the driveway to its originally proposed path. *These two newly identified trees should not be approved to be removed.*

Concluding remarks and request:

We all want to live in our "dream home." The applicant's challenge has been to fit that dream home onto this lot. This neighborhood is not like some newer developments (such as Legacy Ridge or Blackhawk) that are designed for very large homes. Our homes are much closer to one another. We cannot accommodate 3-story structures and the R-20 district does not allow them. This would be a terrible precedent for the other vacant lot on Sydney Drive, or if someone decides to renovate an existing home.

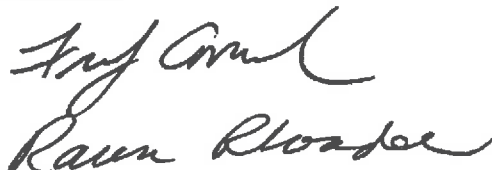





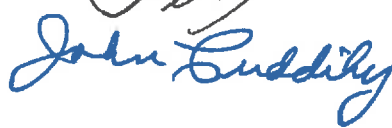
The County has few limits on how much a person can build on their property, but those limits do exist and should be properly enforced. Efforts to build beyond the planned capacity, in fact to *maximum capacity*, should trigger more scrutiny to assure ordinances are followed. Ordinances contain benefits and protections for neighbors that should be preserved.

It is not our purpose to make things more difficult for the applicant or the County, we just believe the applicant should be held to the same standards and ordinances as everyone else. Please know this process has been arduous and costly for all. Nevertheless, this is our neighborhood and we hope you will understand why this matters so much to us.

The Proposed Plan is to build a three story structure; out of compliance with code.

As our elected County official, we respectfully request your assistance in assuring that the County enforces its own ordinances, and that the Proposed Plan be revised to comply with the County Ordinance.

Thank you for taking the time to read this. And, thank you for your service to our community.

<u>Name (print)</u>	<u>Address</u>	<u>Signature</u>
FRANK J. AMARAL Sandra Rawn Rhodes	236 SYDNEY DR. ALAMO, CA. 94507	 Rawn Rhodes
Gwen Gallagher	231 Sydney Dr Alamo	 Gwen Gallagher
David Ross	231 Sydney Dr Alamo	 David Ross
Daniel Moore	215 Sydney Dr.	 Daniel Moore
Jacklyn Chandler Jaelyn Chandler	218 Sydney Dr. Alamo	 Jacklyn Chandler
PAUL HUNTER	218 SYDNEY DR.	 Paul Hunter
JOHN CUDDIHY (LOT OWNER) 210 Sydney	210 SYDNEY DR 1759 IVANHOE AVE LA-SAYETTE, 94549	 John Cuddihy

<u>Name (print)</u>	<u>Address</u>	<u>Signature</u>
David Richter	377 Castle crest road	David Richter
Barbara Richter	377 Castle Crest Road	Barbara Ann Richter
FRANK RINELLA	207 SYDNEY DR	Frank Rinella
MARILYN KELLY	207 SYDNEY DR	Marilyn Kelly
Jim Farrell	206 Sydney Dr.	Jim Farrell
Dennysse Farrell	206 Sydney Dr	Dennysse Farrell
Roger Kuhnke	238 Sydney Dr	Roger Kuhnke
Rosa Hill	219 Sydney Dr	Rosa Hill
Beth Hill	219 Sydney DR	Beth Hill
Brian Granger	224 SYDNEY DR.	Brian Granger
Ruth Cranston	201 SYDNEY DR	Ruth Cranston

Exhibit 1: Analysis by Milani & Associates shows space under the house is a story

If it is more than 6 feet at any point, it shall be considered a story

- Majority of space is 6 feet or more
- Many "at any point" measures are up to 10 feet or more
- Prepared by Milani & Associates - Engineers

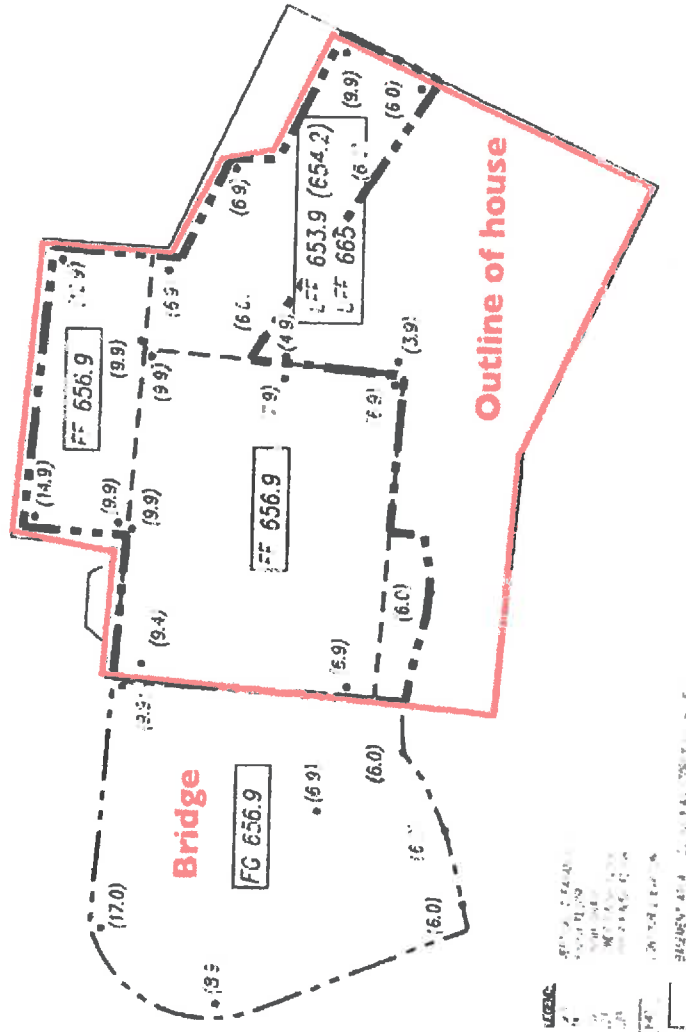
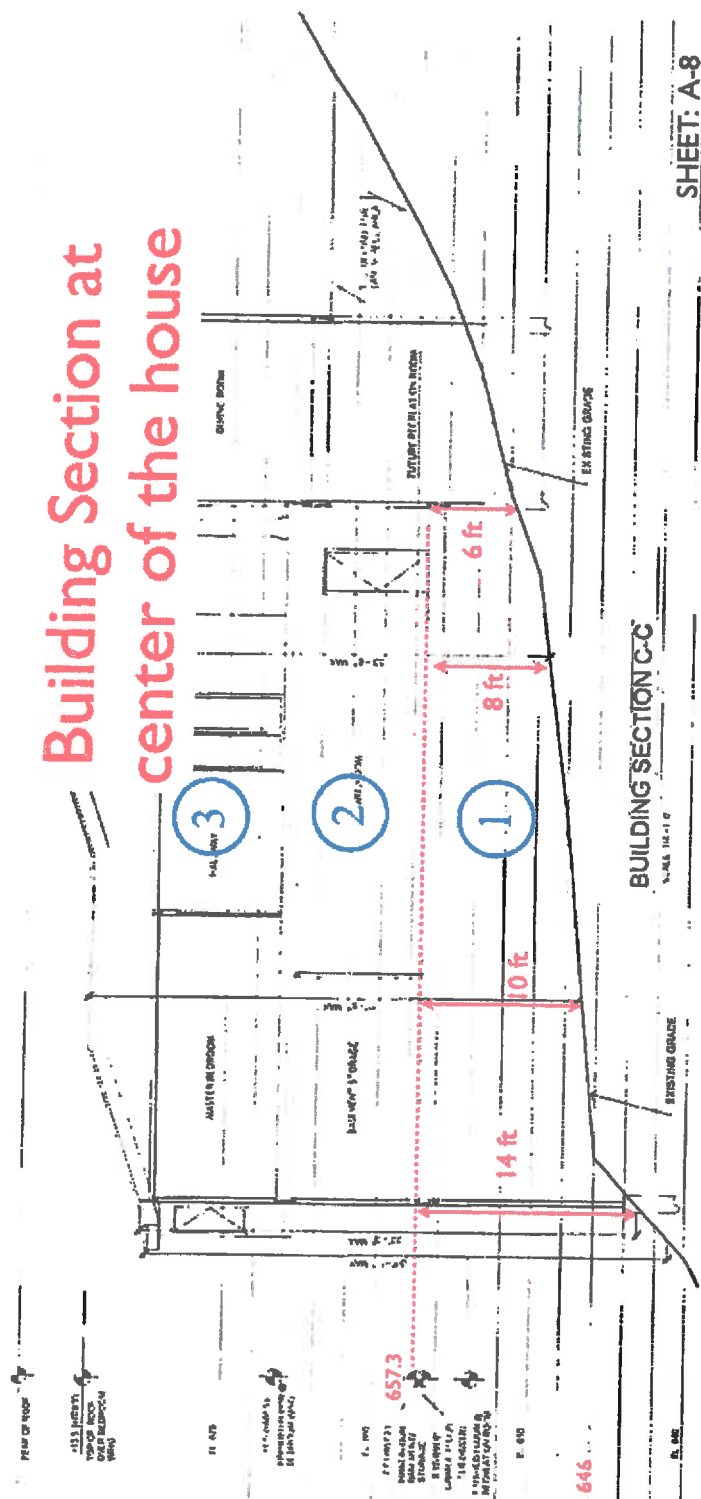


Exhibit 2: The newest plans for this project (which were not included for the Planning Commission) clearly show this is a 3-story structure.



Zoning Ordinance:
If it is 6 feet above grade at any point, it shall be a story