

Exhibit #6



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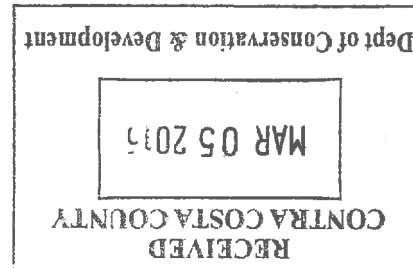
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March 5, 2015

By Hand-Delivery

Contra Costa County
Community Development Division
Application and Permit Center
Attn: Sharon Gong, Project Planner
30 Muir Road
Martinez, CA 94553



Re: Appeal of Planning Commission Decision/February 24, 2015
Contra Costa County Planning Commission
County File #VR14-1021/200 Sydney Drive Variance and Tree Permit (Rassai)

Dear Ms. Gong:

Our office represents Jim Farrell, owner of the residence and property at 206 Sydney Drive in Alamo, California. Mr. Farrell's property is directly adjacent to the (Applicant/Owner) Rassai property at 200 Sydney Drive.

On Tuesday, February 24, 2015, the Planning Commission upheld the ZA decision and approved Application VR14-1021, for a variance to allow a front yard setback of 3 feet (where 25 feet is required), and a tree removal permit for the "Rassai Application" -- thereby allowing a "three story" home in the R-20 District, exceeding 6,200 sq.ft., over twice the average size of homes in the area.

As will be shown at the Board meeting, the Planning Commission recognized that the County Zoning Ordinance requires that a the ground level area (the area underneath the proposed two stories) be "no more than 6 feet above grade at any point" -- or such

March 5, 2015

Page 2

lower area is determined to be a "story." Such determination would make the Rassai residence 3 stories, which is prohibited in the R-20 District.

In making its decision, the Planning Commission relied on the express representation of Rassai that the height of the referenced ground level area is only "3-5 feet" from the "average grade plane." As shown herein, Mr. Rassai's representation is *not based on the County Zoning Ordinance*, but rather on separate references in the California Building Code, and is therefore inaccurate in its application under the R-20 Zoning District and the current County Municipal Code.

Our office is filing this Appeal to the Board of Supervisors on behalf of Mr. Farrell. Please consider this letter and attachment to constitute the Appeal by Mr. Farrell of the Planning Commission decision ("Appeal") regarding the Rassai Application, pursuant to County Code Article 26-2.24.

Reasons for Appeal

1. Specific Findings by the Planning Commission are not supported by the Evidence

We respectfully submit that specific findings by the Planning Commission are not supported by the evidence presented at the hearing and/or evidence in the administrative record. We note at the hearing that the Planning Commission (and the general public) was not in possession of the latest, revised drawings and plans for the project. We understand revised plans will be brought to the Board.

A. The Planning Commission's findings to the effect that the proposed residence does not exceed the 2 and ½ story limit in the R-20 zoning district are not supported by the evidence.

At the Planning Commission hearing, the Commission decided, in reliance on representations made by the applicant (Rassai), that the proposed residence does not exceed the 2 and ½ story limit.

We believe that the proposed residence is three stories, for reasons including the following:

*The County Zoning Ordinance at §84-14.802 and §84-4.802 provides that no single family dwelling within the R-20 single-family zoning district shall be permitted that exceeds *two and one-half stories* or thirty-five feet in height.

*The County Zoning Ordinance at §82-4.266 defines "story" broadly, to include "[T]hat portion of a building included between the upper surface of any floor and the upper surface of the floor next above . . . If 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."

*At the end of the Planning Commission hearing, Rassai was asked by the Commission if any portion of his ground level area was more than 6 feet above grade. Rassai responded by stating that such lower area is "about 3-5 from *average grade plane*." That response is inconsistent with the County's zoning ordinance, which states that if the finished floor 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.

*At the hearing, Mr. Farrell's civil engineer and another appellant confirmed that *the lower area is significantly over 6 feet from grade at many points (and 10 feet above the grade at several points)*, and is considered a "story" under zoning ordinance §82-4.266, as cited above.

*Civil engineers have confirmed that proposed Rassai residence is three stories, exceeding the maximum of two and one-half-stories, and requires a separate variance.

*The proposed Rassai residence is on "stilts," with the lowest, "ground floor" consisting of a relatively "flat" flooring/building pad and a finished floor more than 6 feet (here, 10 feet at several points) directly above. Such "ground floor area" consists of more than 2,000 sq. ft., almost as large as the livable area of adjacent two-story houses. Again, civil engineers have confirmed that such area constitutes a "story" under the County Zoning Ordinance, as cited above.

B. The Planning Commission's findings to the effect that the variance for the raised pathway should be granted are not supported by the evidence.

We do not believe the Planning Commission's decision on the variance are supported by substantial evidence in the record.

*The variance would be a special privilege because the applicant proposes a home exceeding 7,000 sq. ft., with approximately 6,200 square feet of "living area." By comparison, the living areas of neighboring homes are typically 2,500 to 3,000 sq. ft. The average living area of homes on Sydney drive is 2,946 sq. ft. The largest home is 4,039 sq. ft. The

March 5, 2015

Page 4

proposed residence is 210% the size of the average home and 54% larger than the largest home on the street.

*The applicant testified that the proposed residence is "compatible" with such neighboring homes. The evidence does not support such finding. Allowing the oversized home (through the variance) to exceed the setback requirements by such a large margin would be a special grant of privilege.

*There are no special circumstances applicable to the property. The evidence at the hearing showed that other neighboring residences are also on hillsides. Of the eight homes along the northern down slope of Sydney Drive, six of them (75%) have the walkway entrance to the home that comes directly off the driveway -- rather than being a separate entrance from the street as proposed by the Applicant. This more common entrance could be used for the proposed project, eliminating the need for the variance. The subject residence is substantially larger than such neighboring residences, resulting in the need for the variance.

*A grant of variance would not meet the intent and purpose of the land use district. County setback requirements dictate the size and type of home that can be found in the zoning district. The lot was clearly intended for homes similar in size to neighboring homes, rather than one built on "stilts" and exceeding 7,000 sq. ft. in size.

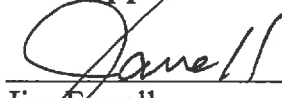
Conclusion

For all these and other reasons to be presented at the Appeal hearing, we respectfully request on behalf of Jim Farrell that the County grant the Appeal and deny the proposed variance.

Very truly yours,


Allan C. Moore

This Appeal Authorized and Agreed to By:


Jim Farrell

Appellant and Owner of Residence at 206 Sydney Drive

Enclosure: Check for \$125.00

cc: Clerk of the Board of Supervisors