

February 5, 2024

Everett Louie
Planner II
Contra Costa County Community Development Division
Application and Permit Center
30 Muir Road
Martinez, CA 94553

CONTRA COSTA COUNTY

2024 FEB -5 PM 1:06

APPLICATION & PERMIT
CENTER

Re: Appeal of January 24th, 2024, Planning Commission Decision Case File #CDDP-03020
Project Location: 3455 Freeman Road, Lafayette, CA 94595

Dear Mr. Louie,

We hereby request an appeal to the Board of Supervisors of the Planning Commission's 1/24/24 approval of the 3455 Freeman Road, Lafayette, CA development application (File #CDDP-03020).

Background

On January 24th, 2024, the Contra Costa County Planning Commission approved a proposed development application to add a second story to the home at 3455 Freeman Road, Lafayette, CA (an unincorporated part of the County) under case file #CDDP-03020. The Planning Commissioners relied solely on the planning staff's report and the staff's determination that the project is within code requirements.

Grounds for the Appeal

(1) The zoning administrator failed to properly apply code section 82-10.002 (c) Small Lot Occupancy by comparing the proposed dwelling to dwellings which are not within the surrounding neighborhood.

Under a small (i.e. substandard) lot occupancy review, approval is dependent on whether the proposed dwelling is determined to be compatible with the surrounding neighborhood in terms of its location, size, height, and design as noted in the excerpt below from 82-10.002(c):

*"If a small lot qualifies for occupancy by a single-family dwelling, then a building permit can be issued **unless the zoning administrator determines that the proposed dwelling appears not to be compatible with the surrounding neighborhood**". If the zoning administrator makes that determination, the zoning administrator may, but is not required to, schedule a public hearing to **review the proposed dwelling's compatibility with and impact on the surrounding neighborhood, in terms of its location, size, height and design**".*

During the January 24th hearing, dissenting Commissioner Donna Allen noted that the criteria for this determination relies on subjectivity and therefore is subject to how the zoning administrator defines the area of the surrounding neighborhood. Throughout both Staff reports dated October

2, 2023, and January 24, 2024, the zoning administrator consistently compares the proposed dwelling to existing dwellings that are not in the surrounding neighborhood.

As noted in the excerpt below from Staff's report dated January 24, 2024, the zoning administrator stated that it was allowed to use the entirety of Saranap, a residential census-designated place (CDP) that contains 2,257 homes covering more than 700 acres, to determine the proposed dwelling's compatibility.

"County Code 82-10.002(c) requires the Zoning Administrator to determine that the proposed project is compatible with the surrounding neighborhood. In this case, the neighborhood is the Saranap Area which allows Staff to survey all parcels within the boundaries. Therefore, Staff has reviewed all parcels within a reasonable radius of the subject parcel and has determined from the table above that there are multiple two-story homes within 1,000 feet of the subject parcel".

The table lists homes that are two stories or have two-story elements but are one-story homes. The table lists three homes which are on Freeman Road and therefore reasonably qualify as being part of the "surrounding neighborhood":

- **3448 Freeman**, a one-story home.
- **3514 Freeman**, a one-story home.
- **3522 Freeman**, a two-story home. This is the only two-story home on Freeman Road included, and it is 784 feet from the proposed dwelling [Staff incorrectly listed that the home is 621 feet from the proposed dwelling]. This home is on an expansive non-substandard corner lot unlike the substandard lot of the proposed dwelling.

All the other homes listed in the table and otherwise used as comparisons throughout the staff reports cannot be seen from any viewpoint on Freeman Road and therefore should not have been considered to be part of the proposed dwelling's surrounding neighborhood by the zoning administrator.

(2) Failure to Give the Notices Required by Law

Administrative agency decisions are subject to reversal if the agency fails to give the notices required by law (see *Pitts v. Perluss*, cited above). As noted in the previous appeal, only a few neighbors received notice of the initial hearing before the date of the hearing, and many never received the notice. The staff report states that staff signed affidavits attesting that notices were timely mailed. However, an affidavit stating notice was timely completed does not establish that it was done properly or without mistakes. The post office bar codes, ink cross-outs and writing on the late hearing notices suggest a problem with how they were mailed (see 10/12/23 Appeal Letter in Attachment 1).

Of the 15 people surveyed, 9 either never received the notice or received it after the hearing. The fact is the notices were not properly delivered and were not received on time, undermining the public's ability to prepare and participate in this process as legally required. The large number of notices that were not delivered on time or never delivered evidences a problem with how they were mailed. It would be an incredible coincidence for so many undelivered notices to be the result of postal service error.

(3) Other Appeal Grounds Included in the Submissions for the 1/24/24 Appeal Hearing

The grounds for appeal set forth in (1) the October 12th, 2023 Appeal Letter and (2) the January 22nd, 2024 letter responding to the staff report analysis are set forth in Attachment 1 and incorporated herein by reference.

For the above reasons, we respectfully request the Commission's decision be overturned.

Respectfully,

Lindsey and Logan Daniels
3434 Freeman Road
Walnut Creek, CA 94595
logand@gmail.com
Ph. (415) 503-8507

Cc: Candace Anderson, Contra Costa County District 2 Supervisor

[SEE SIGNATURES OF NEIGHBORS SUPPORTING THIS APPEAL ON THE NEXT PAGE]

In support of the Appeal of the Contra Costa Planning Commission Approval Decision from January 24, 2024, County File #CDDP23-03020 re: 3455 Freeman Road, Walnut Creek

| Name | Address (all are in Lafayette, CA 94595) |
|----------------------|------------------------------------------|
| Lindsey Daniels | 3434 Freeman Rd |
| LOGAN DANIELS | 3434 FREEMAN RD. |
| Barbara Schwarz | 3447 Freeman Rd |
| Dom Walterspiel | 3495 Freeman Rd. |
| Jennifer Scott | 3495 Freeman Rd. |
| Geoff Fuster | 3454 Freeman Rd |
| Nicole Jones | 3454 Freeman Rd. |
| Iva Schwartz | 3471 Freeman Rd. |
| Jason Schwartz | 3471 Freeman Rd, |
| Yueh-Chin Hsiang | 3463 Freeman Rd. |
| Adrienne Buhmann | 3448 Freeman Rd |
| Gayle L Schiller | 20 Stanley Ct |
| Carol Allen | 3431 FREEMAN RD. |
| Stuart Broad | 3463 Freeman Rd |
| Fabiola Coy | 3439 Freeman Rd. |
| Matt Coy | 3439 Freeman Rd. |
| Veronica Valencia | 25 Stanley Ct |
| Michael Strittmatter | 25 Stanley Ct |
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| | |
| | |
| | |

→
text saying it is ok

ATTACHMENT 1

January 24th Appeal Hearing

Appeal Letter and Letter Responding to Staff Report Analysis

[SEE NEXT PAGE]

OCT. 12th, 2023 APPEAL LETTER

October 12, 2023

Contra Costa County Community Development Division
Application and Permit Center
30 Muir Road
Martinez, CA

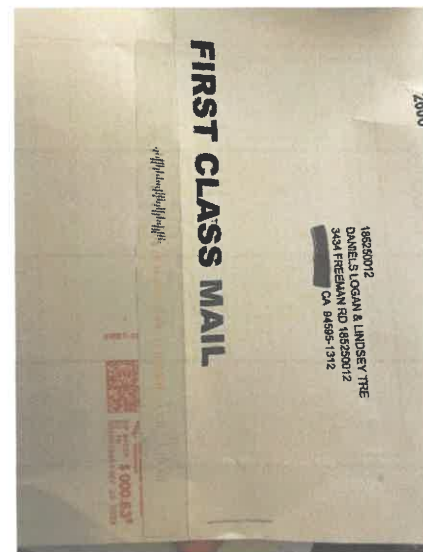
Re: Appeal of Oct. 2nd, 2023 Planning Commission Building Permit Approval Decision
Project Location: 3455 Freeman Road, Walnut Creek, CA 94595

Background. On October 2nd, 2023, the County Planning Commission approved a building permit application to add a second story to the home at 3455 Freeman Road, Walnut Creek, CA (an unincorporated part of the County). The decision was made despite the objections of several neighbors. The commission members based their decision on the fact that the project is within code requirements. Guidelines for a small lot review to confirm compatibility in terms of location, size, height and design were not followed. The home will be 3,600 sf, more than double the average size of homes on this row of small lot homes. The staff report cited the fact that other second story homes exist in the area. However, the small number of two story homes cited in the staff report are all outside of the surrounding neighborhood and fail to account for the different character of the neighborhoods where these homes are located, including substantially larger lot sizes and larger setbacks of those homes. Additionally, there were significant problems with the mailing of the hearing notice. The notice was not received by several neighbors until more than a week after the hearing.

Reasons for the Appeal

(1) Noticing for the public hearing was deficient. Notice of public hearing to residents within 300 feet of the project is required per County Code Section 26-2.2004. Numerous residents within 300 feet of 3455 Freeman Road did not receive written notice of the public hearing until after the hearing occurred. It is apparent a problem occurred with the mailing. Logan and Lindsey Daniels, who reside at 3434 Freeman Road only received the notice on October 10th, eight days after the hearing. As shown at right, the city name was blacked out, indicating the problem may have related to the way the address was written in the initial mailing.

Jason and Iva Schwarz, who reside three houses away from the subject property at 3471 Freeman Road, submitted a request for a public hearing upon receiving the initial notification about the project. Yet they only received the notice by mail on October 11, 9 days after the hearing (see below) with a “FWD” sticker applied and the city name blacked out. (See below image and the attachment to this letter).



Jason and Iva only learned of the hearing from a neighbor the morning of the hearing. This left insufficient time to prepare for the hearing. Jason was on a business trip that he would have rescheduled if he had received adequate notice of the hearing.

Dom and Jenny Walterspiel at 3489 Freeman Road also received the notice on October 11, 2023, 9 days after the hearing. It is likely other residents also received the notice after the hearing occurred.

The public hearing process was defective because noticing requirements under Code Section 26-2.2004 were not met. As a result, residents in the surrounding neighborhood lacked proper notice and the opportunity to be fully heard. The number of residents within 300 feet who signed on to this appeal shows that a much larger turnout to oppose this project would have occurred if proper notice had been given.



(2) The guidelines for a small lot review were not followed. The building permit is for a “small lot” as defined in the County Code 82-10.002(c) (see <https://www.contracosta.ca.gov/DocumentCenter/View/50700/How-to-Calculate-a-Small-Lot-PDF-?bidId=>). For small lot reviews, the Commission should consider the “*proposed dwelling’s compatibility with and impact on the surrounding neighborhood, in terms of its location, size, height and design.*” (County Code Section 82-10.002(c)).

- **(a) Failure to compare the project to other small lots.** In response to public comments about incompatibility of the project with the established pattern in the neighborhood, the Commissioner stated that the project is within code and would therefore be approved. For small lot reviews, the County Code Section 82-10.002 requires that the zoning administrator make a determination that the dwelling appears to be compatible with the surrounding neighborhood in terms of the dwelling’s compatibility with and impact on the surrounding neighborhood, in terms of its location, size, height and design. The staff report and zoning commissioner failed to compare the proposed project with other designated small lots within the neighborhood to determine if the proposed project is compatible with the surrounding neighborhood in terms of (1) location; (2) size; (3) height; & (4) design.

The proposed project’s location, size, height and design are not consistent with the established pattern of modest, single story homes in the surrounding neighborhood, especially when compared to other small lots. For example, all of the homes within a 1,000 foot radius are single story homes. A review of other small lots in the neighborhood would also show that the total square footage of this project is incompatible with the size of homes on small lots in the neighborhood. For example:

- The average square footage of the 10 nearby homes on the same side of Freeman Road, is less than 1,700 square feet compared to this project which will be 3,600 sf, ***more than double the size of the average size of homes*** for this row of small lot homes.

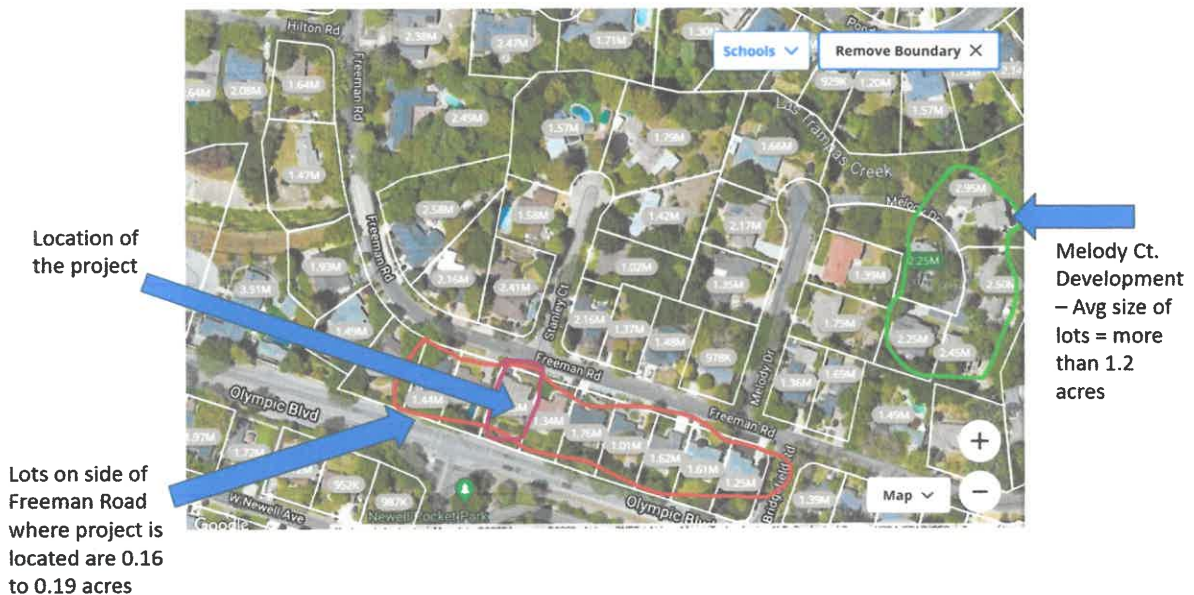
- The staff report refers to two story homes on Juanita Dr. The only two story homes on small lots on Juanita Road are both 2300 ft.² or smaller and the lot sizes on Freeman Road are around 7,000 sf instead of almost 9,000 sf on Juanita.

The commission’s decision should be overturned because the commission failed to compare the project to other small lots in the surrounding neighborhood. A proper analysis would have found that the project is incompatible with the surrounding neighborhood overall and especially with respect to the size and height of homes on other small lots.

- **(b) The staff report analysis relied exclusively on homes outside of the immediate neighborhood.** The staff report analysis determined that a two story home at 3455 Freeman Road is consistent with the character of the neighborhood because there are other two story homes nearby. However, none of the two story homes cited in the staff report are located within the immediately surrounding neighborhood. In fact, the closest two story homes are all at least 1,000 feet, or 0.2 miles, from the project location and are located in neighborhoods with substantially different character. One such home is at the corner of Hilton Court and Freeman Road and the others are on Melody Court, all between 0.2 and 0.3 miles from the subject property. Melody Court’s two story homes are part of a development of high-end homes built off of a *cul de sac*. The development has large lots (averaging over 1.2 acres in size). The neighborhood and homes are in a category of their own and are not relevant points of comparison in the staff report analysis of the character of the surrounding neighborhood.

See the below map for the locations of the closest two story homes and their lot sizes.

Other than the Melody Ct. development, **there are no other 2 story homes in the area shown** by this map. The few that exist in other areas are on larger lots with wide street set backs.



In summary, there are no two story homes within the immediately surrounding neighborhood, and the staff report determination that the proposed project is architecturally compatible with the overall character of the surrounding neighborhood was based on a flawed analysis.

- **(c) The staff report’s analysis failed to account for larger lot sizes of two story homes in the area.** The small number of two story homes that do exist in the broader Saranap community are built on much larger lots than the subject property, which is on a small lot (0.19 acres) not well-suited to a two story home. The two story homes in the Saranap area are also much less obtrusive than the proposed design as they are set back further from the street compared to the proposed project, and often behind tall trees. The subject property at 3451 Freeman Road and other homes on this stretch of Freeman Road are all between 0.16 and 0.19 acres and have narrow setbacks from the street. A two story home on this street that goes against the established pattern of homes in the neighborhood will be especially noticeable and will have a significant negative impact on the character of the neighborhood.

The two closest two story homes and their lot sizes are listed below:

- 3565 Melody Court - 1.19 Acres – 0.2 miles away
- 3522 Freeman Road on the Corner of Hilton Court - 0.36 Acres – 0.2 miles away

A more nuanced and accurate analysis of this neighborhood of predominantly single story homes would show that two story homes are very uncommon in the neighborhood and the few that exist are on much larger lots with wider setbacks. The numerous home remodels that have occurred in the proposed project’s surrounding neighborhood have expanded horizontally towards the rear property lines, not through adding a second story, which has maintained the character of the neighborhood.

No other homes in the surrounding neighborhood are of a height that allows neighbors to look down into the adjoining lots. The privacy afforded by single story homes is an important part of the neighborhood’s appeal. The erection of a two story home in the middle of a row of small lots with only single story homes will be especially intrusive from a privacy point of view. Accordingly, the proposed project is significantly out of character with the homes in the immediate neighborhood and will adversely affect the character of the neighborhood while negatively affecting the appeal and value of neighboring properties.

- **(d) The property owner made no effort to discuss or mitigate design concerns with neighbors.** The owner of 3455 Freeman Road only recently purchased the property and has been renting it out to tenants since they took ownership. Despite the project’s substantial deviation from the design, size and height of other homes on the street, the owner has made no effort to consult neighbors and refine the design to mitigate any concerns.

For the above reasons, we respectfully request the Commission’s decision be overturned.

Jason and Iva Schwarz
3471 Freeman Road
Walnut Creek, CA 94595
Jschwarz22@hotmail.com
Ph. 415-686-7392

[SEE SIGNATURES OF NEIGHBORS SUPPORTING THIS APPEAL ON THE NEXT PAGE]

JANUARY 22nd, 2024 LETTER RESPONDING TO STAFF REPORT ANALYSIS

Jason and Iva Schwarz
3471 Freeman Road
Lafayette, CA 94595

January 22, 2024

Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, CA 94553
Attn: Everett Louie
Re: #CDDP23-03020
Site: 3455 Freeman Road, unincorporated Lafayette, CA

Dear Everett,

After reviewing the staff report recommending denial of our appeal, we are submitting this written response to the points raised in the report:

(1) Arbitrary Application of Small Lot Review Criteria. In California acts of administrative agencies are subject to reversal where the “action has been arbitrary, capricious, or entirely lacking in evidentiary support, or whether he has failed to follow the procedure and give the notices required by law.” *Pitts v. Perluss* (1962) 58 Cal. 2d 824, 832 [27 Cal. Rptr. 19, 377 P.2d 83], citing *Brock v. Superior Court* (1952) 109 Cal. App. 2d 594, 605 [241 P.2d 283].

The staff report arbitrarily deviates from the standard of review followed in prior Small Lot Reviews. We respectfully request that the Commission adhere to the standards applied in prior project reviews, particularly for the “surrounding neighborhood” determination and the weight given to adjacent homes when assessing compatibility with the character of the neighborhood.¹

Surrounding Neighborhood. Past Small Lot Reviews have defined the surrounding neighborhood as nearby homes on the same street (adjoining streets were excluded) (see Application No. CDTP21-03014, Miranda Avenue, Alamo). For the current project, the staff instead elected to adopt a much broader definition, including adjoining streets and homes as far away as 0.4 miles. If the standard in CDTP21-03014 had been followed, the “surrounding neighborhood” radius would include one two story home, at most, making it difficult to argue the project is compatible with the pattern of homes.²

¹ With respect to the compatibility determination, the staff report on page 5 states that “*the code does not distinguish what qualifies as the surrounding neighborhood...*”. As a general matter, there is a great deal of inconsistency in application of Small Lot Review criteria across different projects, specifically with respect to the definition of “surrounding neighborhood.” To avoid the sense of inconsistency and raise public trust in the work of the Commission, the Commission and the public would benefit from the Commission’s adoption of an objective definition of “surrounding neighborhood”.

² The lack of a standard definition of “surrounding neighborhood” allows for no wrong answer by staff when determining the radius. Staff could arbitrarily set a radius of 300 feet and only on the same street, or 0.2 miles, or 1 mile, or more, and there would be no basis for contesting the determination. To the public, it appears that staff can set the radius to wherever is most convenient to their recommendation, which creates a perception of bias and arbitrariness.

Predominant Character of the Neighborhood. Similarly, in past Small Lot Reviews for similar neighborhoods, the Commission has made findings about the predominant character of the neighborhood. In one past review, for example, the Commission found that “the surrounding single-family residential neighborhood is characterized by the predominance of one-story ranch-style homes” (Application No. CDTP21-03014). For this project at 3455 Freeman Road, the staff report is devoid of analysis of the predominant character of the neighborhood – which is unquestionably predominantly one-story homes. Such a finding, commonly seen in past reviews, would be supportive of the appeal, and unsupportive of project approval. This is another example of arbitrariness in how staff report analyses are being conducted, which reduces trust in the legitimacy of this process.

Weight Given to Adjacent Homes. The Commission could formally adopt a principle that homes immediately adjacent to this project should receive more weight in the compatibility analysis than homes further away. For example, for this project, there are no two story homes in the 300 feet radius required to be notified of the hearing. Logically, homes within that 300 feet radius represent the only people officially notified of the hearing, and should be given greater weight than other homes. This principle would reduce arbitrariness for applicants and neighbors, reduce frustration, and avoid everyone wasting their time.

In summary, the arbitrariness in approach and lack of established definitions that are consistently applied creates a perception that the process is not objective or fair. Instead, it feels arbitrary and stacked against anyone opposing a project, undermining public trust in the integrity of this process and the Commission’s work.

(2) Failure to Give the Notices Required by Law. Administrative agency decisions are subject to reversal if the agency fails to give the notices required by law (see *Pitts v. Perluss*, cited above). As noted in the appeal, only a few neighbors received notice of the initial hearing before the date of the hearing, and many never received the notice. The report states that staff signed affidavits attesting that notices were timely mailed. However, an affidavit stating notice was timely completed does not establish that it was done properly or without mistakes. The post office bar codes, ink cross-outs and writing on the late hearing notices suggest a problem with how they were mailed (see Attachment 1).

Of the 15 people surveyed, **9 either never received the notice or received it after the hearing.** The fact is the notices were not properly delivered and were not received on time, undermining the public’s ability to prepare and participate in this process as legally required. The large number of notices that were not delivered on time or never delivered evidences a problem with how they were mailed. It would be an incredible coincidence for so many undelivered notices to be the result of postal service error.

We request that the Commission reschedule the initial hearing, so that concerned neighbors can have the benefit of the full process – a first hearing, with time to properly prepare, followed by an appeal opportunity. People who missed the first hearing due to lack of notice and are making their first appearance at the appeal hearing have essentially lost their appeal rights, as there is no further appeal allowed (except to court which is prohibitively expensive for most).

(3) Staff Report Analysis Not Supported by the Facts and Evidence. An agency decision not supported by the facts and evidence may be overturned upon judicial review. *Cal Cod of Civ Proc 1094.5*. There are multiple material factual inaccuracies in the staff report that the recommendation is based upon.

Inaccurate Description of Two Story Homes. The staff report recommendation hinges on the assertion that there are many two story homes within 1,000 feet of the project. The analysis claims 14 two story

homes exist within 1,000 feet of 3455 Freeman Road. This analysis is misleading. Two of the 14 homes in the list are in fact single story (714 Hilton and 3514 Freeman). Three have only modest two story elements, one of which has only a diminutive two story element (3448 Freeman). All of the homes are at least 0.2 miles away per Google maps; two are 0.3 miles away; and one is 0.4 miles away. Five of the homes are part of the Melody Drive planned development with very large lot sizes, high end architectural design, and set physically apart from the rest of the neighborhood.

Attachment 2 shows the 14 homes' locations and sizes, with photos to show that these homes are not comparable to this current project. The homes are on deep, wide lots, set back from the street, and screened by trees. Many of the houses have very limited two story features and none are very tall two story buildings highly visible from the street. Overall, the analysis is misleading and a more precise analysis of the cited homes would reveal the project is not in character with homes cited in the staff report and in the neighborhood in general.

Inaccurate Analysis of Similarity of Design to Other Two Story Homes. The analysis argues that the other two story homes in the neighborhood are similar in design. However, as shown in Attachment 3, they are all on much larger lots, they are all set back much further and most are screened behind trees. Most have only limited two story elements. Their architectural design is more discrete with pleasing designs that blend in with their environments and add to the charm of the neighborhood. Presumably these projects were not opposed by neighbors because they were designed to blend in. For 3455 Freeman Road, the large number of signators to this appeal is strong evidence that neighbors do not approve of the project design, and do not consider it to blend in with the character of the neighborhood. This is because it will be a very tall two story building, close to the street, and surrounded by single story homes. It will be eye catching, and not in a good way.

Inapplicable Comparison to Homes with Similar Square Footage. The report lists 11 homes in the neighborhood with comparable square footage as the project size. The comparison is again misleading. Seven of 11 homes referenced are single story homes. All of these homes are on much larger lots and set back more discretely. Three of the four two story homes are Melody Drive homes that are in a category of their own, as explained above. The El Curtola home is a 9 minute walk (0.4 miles) from the project location.

In summary, the staff report has multiple material errors on which the recommendation is based and the recommendation is not adequately supported by the evidence.

(4) Arbitrary Finding that Building Upward is the Sole Option for Small Lots. The analysis makes the surprising argument that small lot owners have to build up because of limited space to expand to the rear property line. A more common sense view is that small lots are simply not designed for such large homes. Most people choose a much larger lot if they want to build something as large as this project, which probably explains why there has never been such a large home built on a small lot on Freeman Road since the homes were built in the 1940s. This argument is another example of bending of facts and logic to support an approval recommendation.

(5) Conclusion. The staff analysis includes a number of material factual errors. It arbitrarily deviates from past standards of review for compatibility in order to make a case for approval. If the staff and Commission can choose different standards of review to essentially ensure approval of every Small Lot Review application, the process is meaningless, and a waste of public resources and everyone's time.

The analysis and process, including the flat denial of responsibility for a faulty hearing notification process, is dismissive of the many neighbors who have signed on to this appeal. This is not Nimbyism,

it is about legitimate concerns that this project will substantially reduce the charm and character of our neighborhood. **Of the 16 closest owner-occupied homes on the block, 15 are opposed to the project.** The Commission staff is not acknowledging the deeply felt concerns about this project and why neighbors see it as such a large departure from other homes in the neighborhood.

By voting to approve, the Commission would be working against communities' efforts to preserve their character. Once a neighborhood's charm is lost, it is not easy to regain it. At a minimum, the Commission should encourage the applicant to consider mitigation measures. After the appeal filing, the applicant sent a letter to several neighbors but only to explain why they want support for the project and not as an invitation to discuss mitigation options. It concluded with the statement that the project will be approved regardless.³

Given this Commission's predisposition to approve projects such as these, it is incumbent upon applicants to show restraint and to be respectful of the concerns of community members who have made their lives and homes in their neighborhoods. This is not a suitable project for this location and lot size. To resolve the neighbor concerns, we would encourage the applicants to voluntarily engage in a dialogue about appropriate mitigation measures for this project.

Thank you for your consideration of these points made in response to the latest staff report.

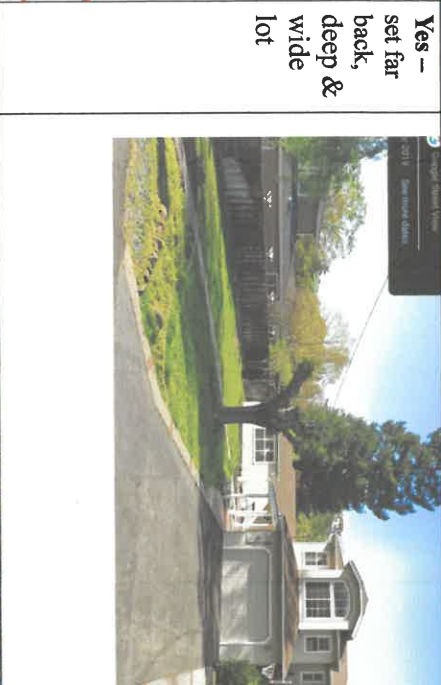
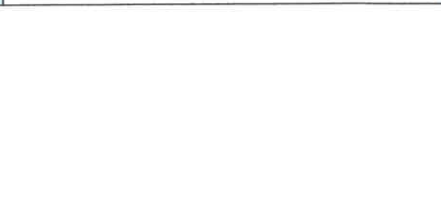

Sincerely,


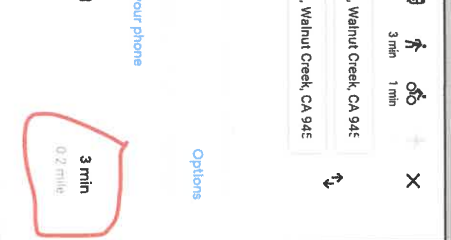

Jason and Iva Schwarz



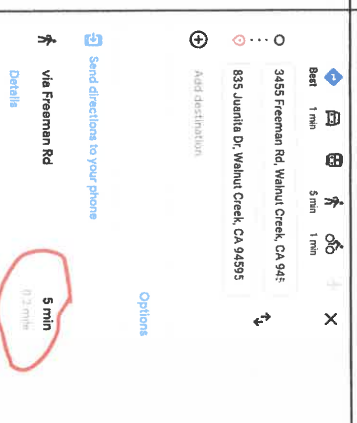
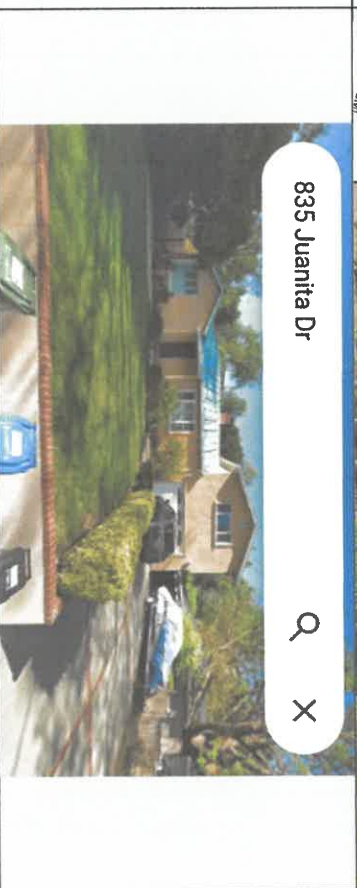
³ The letter to neighbors also included deceptive statements. It claimed that the applicants did not know how much renovation work would be required for this home when they bought it. That statement contradicts a comment made to the appellant outside of the front of the house right after the sale closed. The applicant mentioned that the house needs a large amount of work. This is on top of statements in the first hearing about how the applicants are enjoying the neighborhood and getting to know their neighbors, even though they have never lived there or made any effort to get to know the neighbors and never reached out to the neighbors when designing the project.

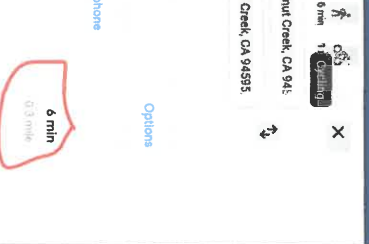

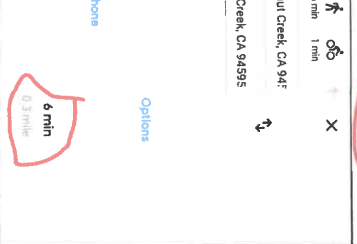

ATTACHMENT 1

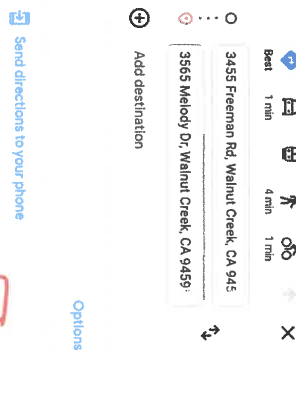



Examples of Problems with Staff Report's Listing of Two-Story Homes in the Neighborhood

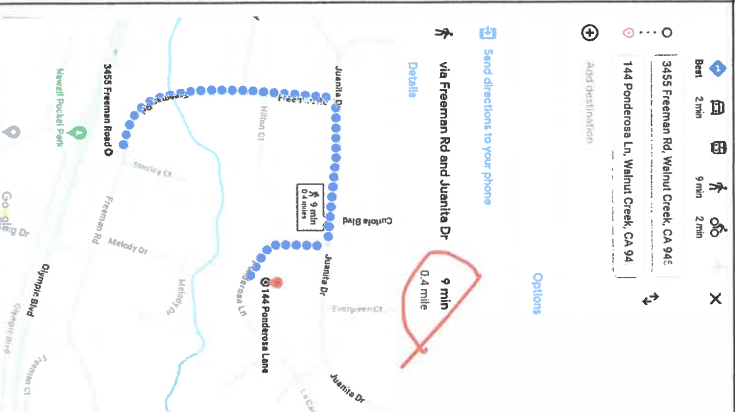

| Address of two-story or with two-story elements | Location from Project | Distance on Map App | Actual Two Story? | Photo |
|-------------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------|
| 25 Hilton Court 185-250-029 | Approx. 617 Feet North of Project |  | Yes - set far back, deep & wide lot |  |
| 741 Hilton Road 185-260-004 | Approx. 871 Feet North of Project | N/A | No - single story, set far back behind trees |  |

| Address of two-story or with two-story elements | Location from Project | Distance on Map App | Actual Two Story? | Photo |
|-------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------|
| 3514 Freeman Road 185-250-024 | Approx .468 Feet North of Project | N/A | No - single story, set far back behind trees |  |
| 3522 Freeman Road 185-250-030 | Approx .621 Feet North of Project |  | Yes - set behind trees, deep & wide lot |  |

| Address of two-story or with two-story elements | Location from Project | Distance on Map App | Actual Two Story? | Photo |
|-------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 3448 Freeman Road 185-250-014 | Approx .57 Feet North of Project |  | Tiny element, set far back behind trees, deep & wide lot |  |
| 835 Juanita Drive 185-270-005 | Approx .957 Feet North of Project |  | 2 story element - limited to portion of house - set far back, deep lot |  |

| Address of two-story or with two-story elements | Location from Project | Distance on Map App | Actual Two Story? | Photo |
|-------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------|
| 860 Juanita Drive 185-250-033 | Approx .715 Feet North of Project |  | Yes – set far back, behind greener y |  |
| 865 Juanita Drive 185-250-033 | Approx .965 Feet North of Project |  | Yes – 0.3 miles – set back behind a tree |  |

| Address of two-story or with two-story elements | Location from Project | Distance on Map App | Actual Two Story? | Photo |
|-------------------------------------------------|----------------------------------|------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------|
| 3565 Melody Drive 185-250-035 | Approx .750 Feet East of Project |  | Yes – large lot planned development |  |
| 3541 Melody Drive 185-250-039 | Approx .570 Feet East of Project |  | Yes – large lot planned development |  |
| 3559 Melody Drive 185-250-036 | Approx .750 Feet East of Project | See above – large lot planned development | | |
| 3547 Melody Drive | Approx .530 Feet | See above – large lot planned development | | |

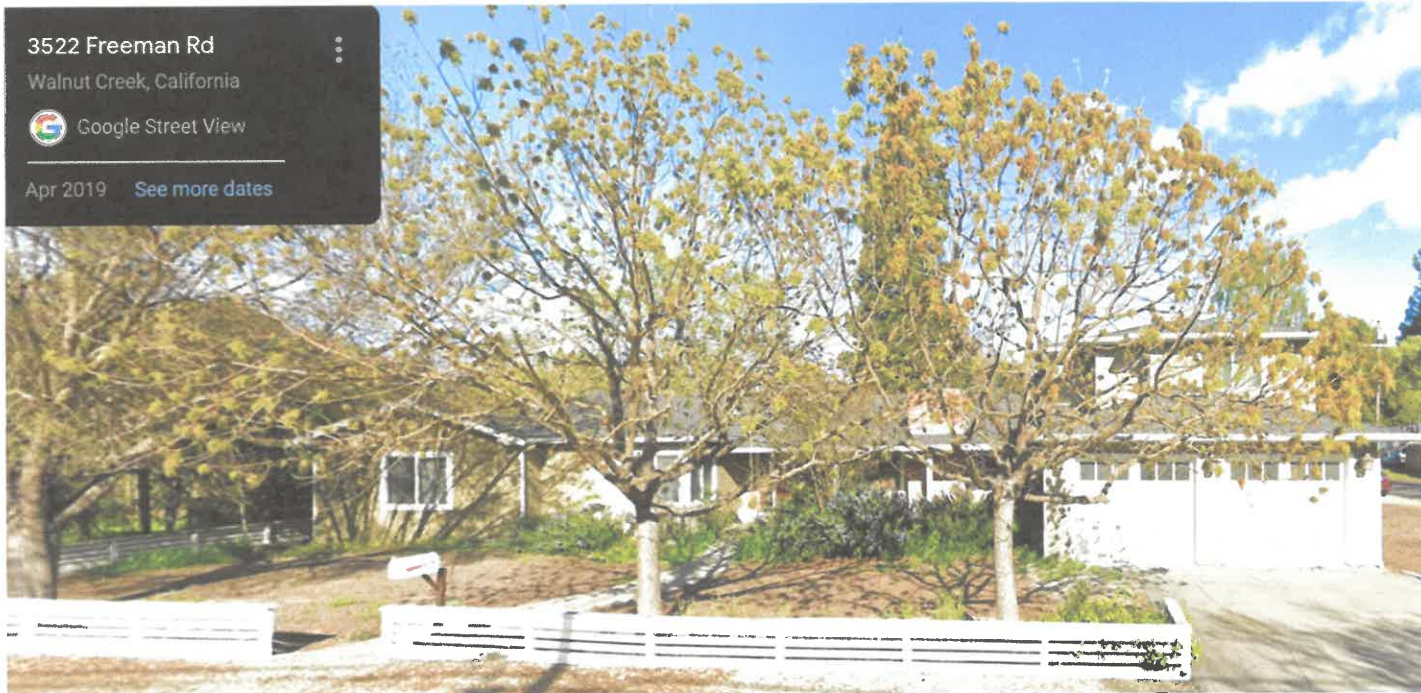
| Address of two-story or with two-story elements | Location from Project | Distance on Map App | Actual Two Story? | Photo |
|-------------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------|
| 185-250-038 | East of Project | | | |
| 3553 Melody Drive 185-250-037 | Approx .615 Feet East of Project | See above – large lot planned development | | |
| 144 Ponderosa Lane 185-241-019 | Approx .766 Feet North of Project |  <p>Send directions to your phone</p> <p>Via Freeman Rd and Juanita Dr Details</p> <p>9.4 min 9.4 mile</p> <p>Options</p> | Second story element, set behind a large tree |  |

ATTACHMENT 2

Comparison of Project vs. Other Two Story Homes which are More Discrete

Versus 3448 Freeman Road





Versus 860 Juanita Drive





Attachment 4
Comparison to Adjacent Homes

