

November 2, 2007

Council Members
Carmichael – Old Foothill Farms Community Council
c/o Clerk of the Board
700 H. Street, Suite 2450
Sacramento, CA 95814

Re: 04-CZB-SDP-EXP-0407 (Dyer/Carmichael) Community Plan
Amendment, Rezone, Tentative Subdivision Map, and Exception

Ladies and Gentlemen:

This letter is written on behalf of the Carmichael Creek Neighborhood Association in opposition to the proposed rezone and tentative subdivision map. The staff's recommendation to approve the proposed rezone is in direct contradiction to the Carmichael Creek Neighborhood Preservation Area (NPA) ordinance that was enacted to *expressly discourage upzones* within the area defined. The policies set forth in the 1975 Carmichael Community Plan, and the more recent Carmichael Action Plan are consistent with and in furtherance of the goals established by the NPA. Approval of the proposed rezone would entirely negate the purpose of the NPA and render it meaningless. Moreover, approval would establish a precedent for rezoning the few remaining RD-1 parcels in Carmichael.

To fully appreciate the importance of the NPA to the Carmichael Creek area, it is important to understand the history of the NPA and the overwhelming support from the community for its enactment. The year 1986 was an important year for the Carmichael residents living between Sutter and Stanley Avenues from California Avenue to the river. It was the year that developers attempted to override the Carmichael Community Plan and secure CCPAC approval for an upzone of a 12-1/2 acre parcel between Grant and Landis Avenues from RD-1 to RD-3. A group of neighbors, the nucleus of the Carmichael Creek Neighborhood Association (CCNA), prevailed upon the CCPAC (and County Planning staff) to maintain the RD-1 zoning. This nucleus then expanded, formed boundaries, and

began a year-long exhaustive survey of every parcel within these boundaries. Over 90% of the landowners supported the formation of a neighborhood association and the request to the Board of Supervisors to form an NPA within these boundaries.

In adopting the NPA on April 6, 1988, the Board of Supervisors concluded in finding (c) of the ordinance that:

It is in the best interest of the residents of the area . . . and the County of Sacramento that the semi-rural residential character of the existing *neighborhoods be preserved, protected and maintained, by restricting development not consistent with the existing zoning designations.*

Since then, the CCNA has incorporated as a non-profit corporation to maintain and uphold the objectives of this NPA and to protect the integrity of the 1975 Carmichael Community Plan (1975 Plan). The area's unique identity, as established in the 1975 Plan, is as important today as when it was adopted, if not more so. Fewer and fewer of the large parcels that are representative of the semi-rural character of Carmichael exist. Of the 1000 parcels within the NPA only 63 remain designated RD-1.

Key statements from the 1975 Plan which demonstrate the quality of life that the NPA and CCNA were established to preserve include the following:

- Carmichael's major asset as an attractive community are those portions of its residential areas which are sparsely populated and have substantial areas of private open space.
- Carmichael's community identity is eroding away. The open spaces are subdivided and important buildings are torn down.
- [T]he new development which takes place should reflect the character and feelings of the best of Carmichael.
- In Carmichael, the most significant natural resource areas are the natural stream courses, rolling terrain and major tree groves.

- It is most important to preserve what is left so that Carmichael does not become one monotonous, unidentifiable suburb of asphalt, channels and buildings.

The NPA is an important tool to be utilized in approving newly proposed development to ensure that the values established by the 1975 plan are maintained. As noted above, the NPA works by restricting rezones. Since enacted, there have been no rezones within the NPA. The proposed rezone would be the first to occur in almost twenty years the NPA has been in existence.

The proposed rezone should be denied on the basis that it contradicts the NPA. The request to rezone the parcel from RD- 1 to RD-2 conflicts with the express language of the NPA that seeks to protect the semi-rural character of Carmichael by “restricting development not consistent with the existing zoning designation.”

The Board of Supervisors reinforced the concept of NPAs in the 1993 General Plan by recognizing them as tools for neighborhoods to nurture and maintain their own characters and identities. See Zoning Code Sec. III – LUE - IIIc DG - 12/15/93. The General Plan for Sacramento County reaffirms the objectives of the 1975 Plan and the NPA with the following language:

- LU-20: Neighborhood identity should be maintained in existing and developing areas.
- LU-21: Support the efforts of individual neighborhoods to maintain their identities through strategies such as NPA’s or Neighborhood Associations. Nothing in the [General] Plan is intended to supersede the objectives of these efforts.

The more recent Carmichael Action Plan supplements the 1975 plan and similarly identifies policies faithful with the goals of the NPA to preserve the semi-rural character of Carmichael. (Carmichael Action Plan at page 28.) Much of the area designated semi-rural in the 1975 Plan was not adequately protected and land was allowed to be converted to higher densities leaving a mixture of large lots and smaller lots. This occurred despite important policies in place in the 1975 Plan, and is very similar to what is being proposed herein.

To preserve what remains of the semi-rural areas of Carmichael became

an essential priority of the Carmichael Action Plan. Policy L1 of the Carmichael Action Plan states: *“Projects within semi-rural neighborhoods should be built using the existing zoning of one (1) or two (2) homes per acre. Discourage rezones to preserve the semi-rural character and encourage retention of larger lot sizes and setbacks consistent with the neighborhood.”*

It is important to emphasize that the Carmichael Action Plan does not state that rezones from RD-1 to RD-2 are appropriate. Staff’s interpretation of the Carmichael Action Plan is not reflective of the explicit language of the plan or of the desires of the community. The Carmichael Action Plan sought to protect both RD-1 and RD-2 designated parcels by encouraging development that was consistent with the *existing* zoning for each individual parcel, i.e. one house per acre on RD-1 and two houses per acre on RD-2. It expressly discouraged rezones of either RD -1 or RD- 2 parcels. The fact that both zoning designations were to be protected does not equate to a policy of allowing RD-1 parcels to be rezoned to RD-2.

Furthermore, there is nothing in the Carmichael Action Plan that discusses or promotes rezones to provide *transitional* areas between RD-1 zoned parcels and higher density neighborhoods. Were this the case every RD-1 parcel within the NPA would simply be in transition to be rezoned to RD-2. Why then would RD-1 parcels even have been singled out for protection by the Carmichael Action Plan if it were acceptable for these parcels to be upzoned to RD-2?

Part of the eclectic charm of Carmichael is the diversity of neighborhoods and the variation of zoning within neighborhoods. A decision to allow the proposed rezone will establish a precedent of allowing upzones as transitions to higher density development. Once the RD-1 parcels have been rezoned to RD-2, then the RD-2 parcels will be logically rezoned to RD-3 as transitions to even higher density neighborhoods. When taken to its logical conclusion, the Carmichael Creek area, supposedly protected by the NPA, would eventually become one homogenous subdivision losing entirely the distinctive charm the NPA, the 1975 Plan and the Carmichael Action Plan were all intended to preserve.

County staff dismisses the Carmichael Creek Neighborhood Association’s concerns regarding the precedent this decision will establish by responding to comments stating that each land use decision is reviewed on an individual basis. However, anyone remotely familiar with past land use decisions within

Carmichael knows and can provide examples where development was approved at least in part because of the precedent established by earlier decisions made.

While not opposed to the development of the parcel, the Carmichael Creek Neighborhood Association does oppose the rezoning of the parcel. Carmichael has continuously supported policies and goals to maintain its semi-rural character through the preservation of existing zoning whether it is through the 1975 Plan, the Carmichael Action Plan or the NPA. A vote to approve the propose rezone makes inconsequential the voice of the community who has worked long and hard to improve the quality of life for all who call it home. Please show your support by voting to deny the proposed rezone.

Very truly yours,

CARMICHAEL CREEK
NEIGHBORHOOD ASSOCIATION

By _____
Richard Humphrey, President