26

REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

PUBLIC HEARING
January 10, 2006

Honorable Mayor and
Members of the City Council

Subject: Appeal: Islands at Riverlake (P05-004)

Location/Council District:

Located along the north and south sides of Pocket Road between East and West Shore drives. Assessors Parcel Numbers (APNs): 031-1210-003; 031-1200-073; 031-1210-061; 031-1030-015; 031-1030-031; and 031-1300-048 (Attachments A and B), Council District 7.

Recommendation:

Planning staff recommends the City Council approve the Islands at Riverlake project and take the following actions: 1) Adopt the Resolution certifying the Environmental Impact Report and Mitigation Monitoring Plan; 2) Adopt the Resolution approving the Pocket Area Community Plan-South Pocket Specific Plan Amendment to clarify that the "Townhouse and Related Development" designation of the South Pocket Specific Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone including attached and detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects; 3) Adopt the resolution approving the LPPT PUD Guidelines Amendment to clarify that the "Townhouse and Related Development" (R-1A) designation allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone including attached and detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects; and 4) Approve the Notice of Decision and Findings of Fact approving the Special Permit to develop 139 detached alternative single-family homes and 27 common lots in the Alternative Single-family Planned Unit Development (R-1A PUD) zone, the Tentative Subdivision Map to subdivide 21.4± vacant acres into 166 lots, and the Subdivision Modification to reduce the standard 53 foot right-of-way for a private street.

Contact: Kimberly Kaufmann-Brisby, Associate Planner, (916) 808-5590;
Thomas S. Pace, Senior Planner, (916) 808-6848
Presenter: Kimberly Kaufmann-Brisby, Associate Planner
Thomas S. Pace, Senior Planner
Department: Development Services
Division: Planning Division
Organization No: 4875

Summary:

The current proposal is based on the previously approved project design which subdivided ±21.4 vacant acres into 166 lots of which 139 petite lots will be developed with alternative style patio homes and the remaining lots would be designated and developed as common lots for private drives and parking areas, mini-parks or landscape lots.

Committee/Commission Action:

The project was heard by the City Planning Commission on September 15, 2005. Of the eight (8) commission members, there is one vacancy on the commission, one commissioner recused himself from the proceedings and two commissioners were absent. With a voting quorum of five (5) planning commissioners the outcome of the hearing was as follows: The Pocket Community Plan text amendment goes forward with a report of votes taken without a recommendation due to a lack of the required five (5) affirmative votes. The amendment obtained three (3) aye and two (2) nay votes; The LPPT Planned Unit Development Guidelines Amendment goes forward to the City Council for consideration with a Planning Commission recommendation for approval. The amendment obtained three (3) aye and two (2) nay votes; The Special Permit was denied because four (4) affirmative votes were required for approval and three (3) aye and two(2) nay votes were recorded. The remaining requested entitlements were approved with a 3-2 vote-certification of the Environmental Impact Report (EIR), approval of the Mitigation Monitoring Plan, approval of the Tentative Map and approval of the Subdivision Modification.

The applicant filed an appeal on September 16, 2005 and the Pocket Protectors filed an appeal on September 23, 2005. The appeals are provided as Attachment E and Attachment F, respectively. The grounds for the Pocket Protectors appeal are: 1) Testimony on the EIR was limited. Based on their CEQA consultant's review, the Pocket Protectors believe the FEIR is not adequate; 2) Bias by the Vice-chair of the Planning Commission. Opponents were limited and interrupted and longer testimony was afforded the applicant. Lack of fair public due process; 3) The project does not adhere to sound land use principles. Emergency vehicle access is limited when weekly service vehicles are on the private street as noted in the EIR. 4) PUD Amendment should not be approved to allow a project that does not fit under the terms of the existing document; 5) Question if there were enough commissioners voting on the EIR hearing. Are a majority of the nine member commission (one seat vacant) required?

Background Information:

The original Islands at Riverlake project (P01-133), very similar to the current application, was denied by the Planning Commission on August 22, 2002, and was subsequently approved by the Sacramento City Council on June 17, 2003, after the applicant revised the project to the current layout. Subsequent to the approval, a neighborhood group interested in the project, the Pocket Protectors, filed a petition for writ of mandamus requesting the Superior Court of California for the County of

Sacramento to set aside the City Council's decision due to alleged CEQA violations. The Superior Court determined there was not a fair argument showing unmitigated significant environmental impacts may occur and the City Council's project approval was upheld.

Various permits necessary for construction were issued to the applicant by the City and other public entities in 2004 and project grading began in mid-August 2004. The Pocket Protectors appealed the Superior Court's decision to the Third District Court of Appeal. The Pocket Protectors' first request for a stay of construction pending appeal was denied by the Court of Appeal and the applicant commenced construction. Following oral arguments, the Third District Court of Appeal granted the Pocket Protectors' second request for a stay of construction on November 22, 2004. The Third District Court of Appeal reversed the Superior Court on the subject of CEQA compliance and ordered the project be remanded to the Superior Court on December 7, 2004. The Third District Court of Appeal directed the Superior Court to enter a new judgment directing the City to rescind the original project approval and to undertake an Environmental Impact Report (EIR) for the proposed project. The City Council then rescinded the prior approvals on June 28, 2005.

Financial Considerations:

Approval of the resolutions imposes no additional expense upon the City. No new funds are requested.

Environmental Considerations:

The Third District Court of Appeal directed the Superior Court to enter a new judgment directing the City to rescind the original project and undertake an EIR for the proposed project in December, 2004. Pursuant to this order, an EIR was prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code, §21000 et seq.) and the State Guidelines (California Code of Regulations, §15000 et seq.). The report also complies with the rules, regulations, and procedures for implementation of CEQA adopted by the City of Sacramento.

The Draft EIR (DEIR) identified potentially significant impacts for traffic, air quality, biological resources and cultural resources. Mitigation measures were identified to reduce all project impacts to a less-than-significant level. A Mitigation Monitoring Plan (MMP), listing all the mitigation measures and required implementing actions, was prepared and is an exhibit for the Environmental Impact Report Resolution. For purposes of comparison, the effects of the proposed project were compared to the effects of the "no project" alternative, and the following additional alternatives: Pocket Road Manor Houses, Riverlake Park Homes, Pocket Protectors' Plan, Zero Lot Line, R-1 Rezone, and R-1A Mixed.

The Draft EIR (DEIR) was released for a 45-day public review period on June 21, 2005. The DEIR was circulated to the Office of Planning and Research for state agency review and posted at the County. The project site was posted regarding availability of

the document for review. Property owners within 500 feet of the project site and other interested parties were mailed notification as to the document's availability. Notification was placed in the County and City Clerks' offices as well as the city's official newspaper. The comment period advertised was from June 21, 2005, to August 5, 2005. Comments were received from members of the public and one responsible agency. Responses to these comments are contained in the Final EIR.

During the DEIR review period, comment letters were received but were omitted from the Final EIR (FEIR). Those letters and associated responses are included with the September 15, 2005, Planning Commission staff report and are attached to this report as Attachment D.

Policy Considerations:

General Plan: The General Plan (SGPU) designates the project site for Low Density Residential, 4-15 dwelling units per net acre (du/na), and the Pocket Community Plan designates the site for Residential 7-15 du/na. For a more detailed explanation regarding the density calculation, please see Attachment D "Additional Responses to Comments", item 37-8.

The project is consistent with the following General Plan goals:

- Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources (SGPU, 2-15).
- Maintain orderly growth in areas where urban services are readily available or can be provided in an efficient, cost effective manner (SGPU, 2-17).

The project is surrounded by residential development and all required services are readily available.

The proposed project also supports Goal 3 of the SGPU Housing Element which encourages the promotion of a variety of housing types within neighborhoods to encourage economic diversity and housing choice (SGPU, 3.10-13).

Pocket Area Community Plan-South Pocket Specific Plan: The City proposes to amend the text of the South Pocket Specific Plan (SPSP) to clarify that the "Townhouse and Related Development" designation of the Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone. The housing types would include, but not be limited to: attached and detached units, townhouses, cluster housing, patio homes, condominiums, cooperatives or other similar projects.

The text amendment would make the "Townhouse and Related Development" designation consistent with the alternative housing types allowed in the project site zoning of Single-family Alternative (R-1A). Staff finds this clarification is appropriate in that it would remove doubts as to the interpretation of the SPSP "Townhouse and Related Development" designation.

LPPT Planned Unit Development Guidelines: Similarly, the LPPT PUD Guidelines are proposed to be amended to specify that the "Townhouse and Related Development" designation of the PUD Schematic Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone. Staff finds this clarification is appropriate in that it would remove doubts as to the interpretation of the PUD's land use designation for the subject site.

Smart Growth Principles: City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. The following Smart Growth principles apply to the proposed project:

- Concentrating new development and targeting infrastructure investments within the urban core of the region;
- Fostering a walkable community.

Strategic Plan Implementation: The recommended action conforms with the City of Sacramento Strategic Plan, specifically by advancing the goal to enhance and preserve urban areas by supporting existing development (and supportive infrastructure) within existing developed areas, allowing for efficient use of existing facilities, features and neighborhoods.

Emerging Small Business Development (ESBD):

City Council approval of these proceedings is not affected by City policy related to the ESBD Program. No goods or services are being purchased.

Respectfully Submitted by: _____
David Kwong, Interim Planning Manager

Approved by: _____
William Thomas
Director of Development Services

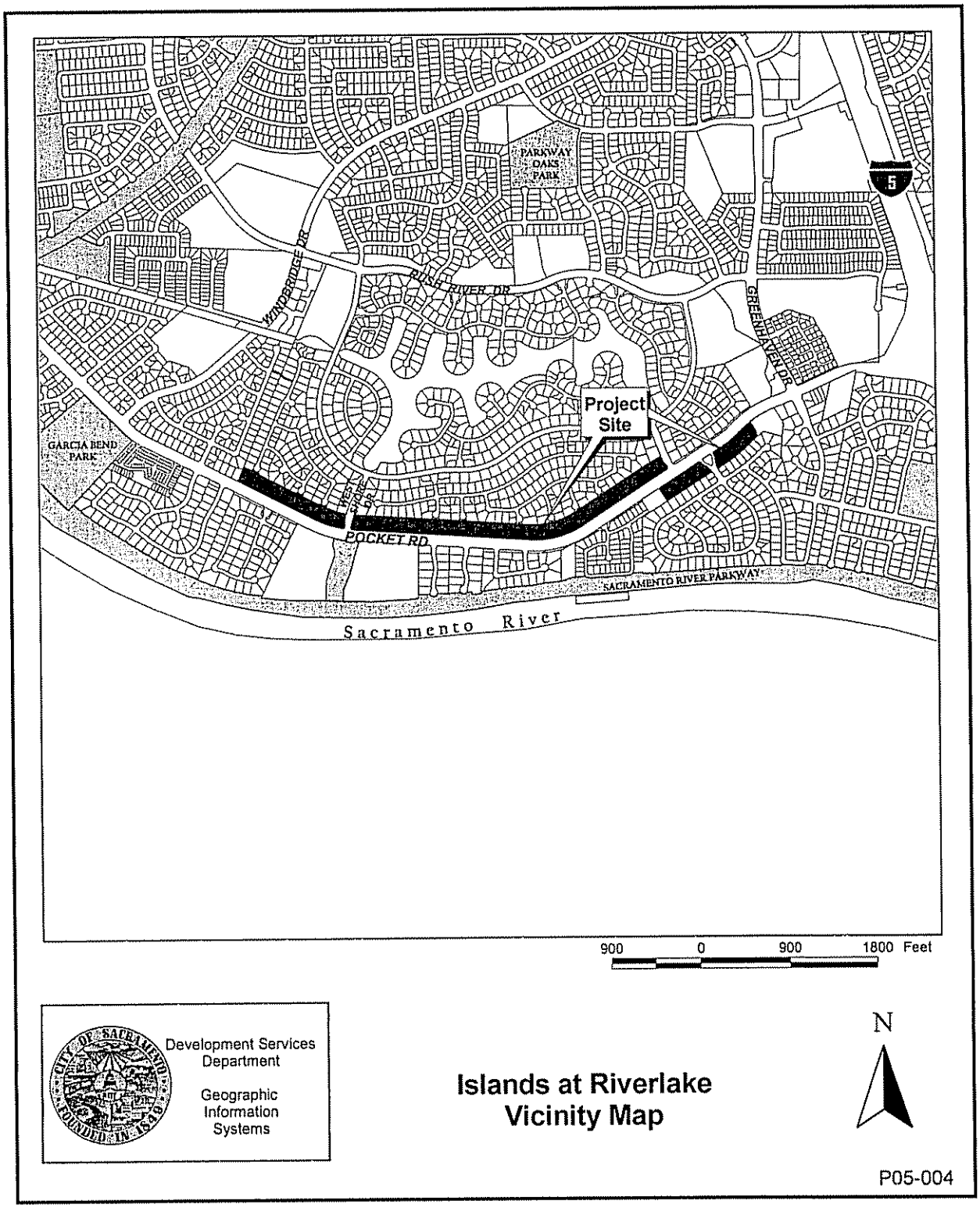
Recommendation Approved:

_____
RAY KERRIDGE
Interim City Manager

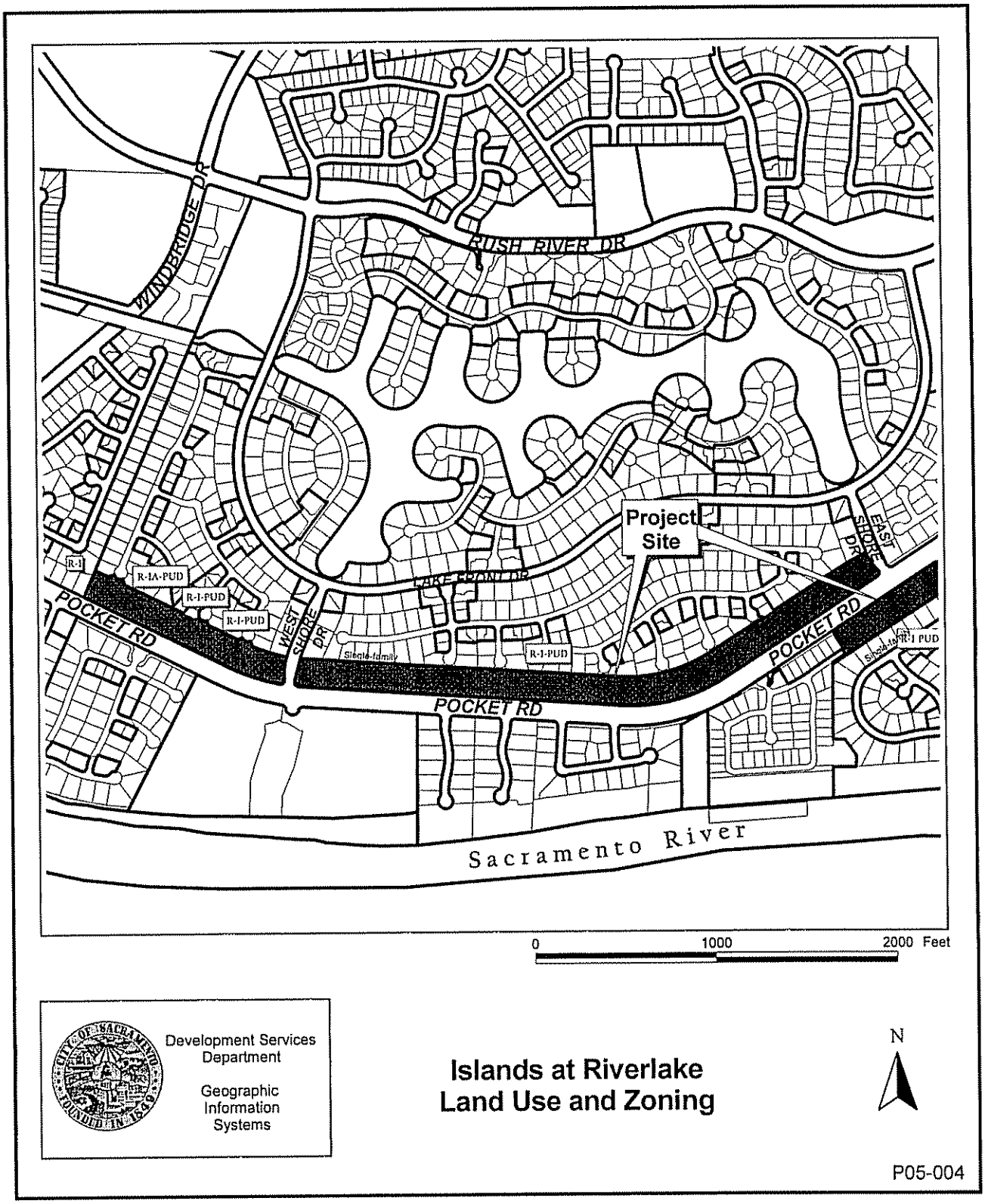
Table of Contents:

Pg. 1 - 6	Report
Pg. 7	Attachment A- Vicinity Map
Pg. 8	Attachment B - Land Use & Zoning Map
Pg. 9-24	Attachment C - Staff Report to Planning Commission – Sept. 15, 2005
Pg. 25-61	Resolution Certifying the Environmental Impact Report (EIR) and approving the Mitigation Monitoring Plan
Pg. 62-67	Exhibit A – Mitigation Monitoring Plan
Pg. 68-69	Resolution Approving the Pocket Area Community Plan-South Pocket Specific Plan Text Amendment
Pg. 70	Exhibit A – Pocket Area Community Plan-South Pocket Specific Plan Text Amendment
Pg. 71-72	Resolution Approving the LPPT PUD Guidelines Amendment
Pg. 73	Exhibit A – PUD Guidelines Amendment
Pg. 74-90	Resolution Approving the Notice of Decision and Findings of Fact
Pg. 91-94	Exhibit A – Tentative Subdivision Map
Pg. 95	Exhibit B – Private Street Details
Pg. 96-108	Exhibit C – Landscape Exhibits
Pg. 109	Exhibit D – Typical Site Plan
Pg. 110	Exhibit E – Linear Parkway Pedestrian Access Plan
Pg. 111	Exhibit F - Special Plot Plan-Lot 14
Pg. 112	Exhibit G - Special Plot Plan-Lot 29
Pg. 113	Exhibit H - Special Plot Plan-Lot 139
Pg. 114-196	Exhibit I – House Plans
Pg. 197-220	Attachment D – Response to Additional DEIR Comments
Pg. 222-223	Attachment E – Applicant's Appeal
Pg. 224-225	Attachment F – Pocket Protector's Appeal

ATTACHMENT A – Vicinity Map



ATTACHMENT B – Land Use & Zoning Map



Attachment C - Staff Report to Planning Commission – Sept. 15, 2005

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM #1
SEPTEMBER 15, 2005
PAGE 1

P05-004 Islands at Riverlake

REQUEST:

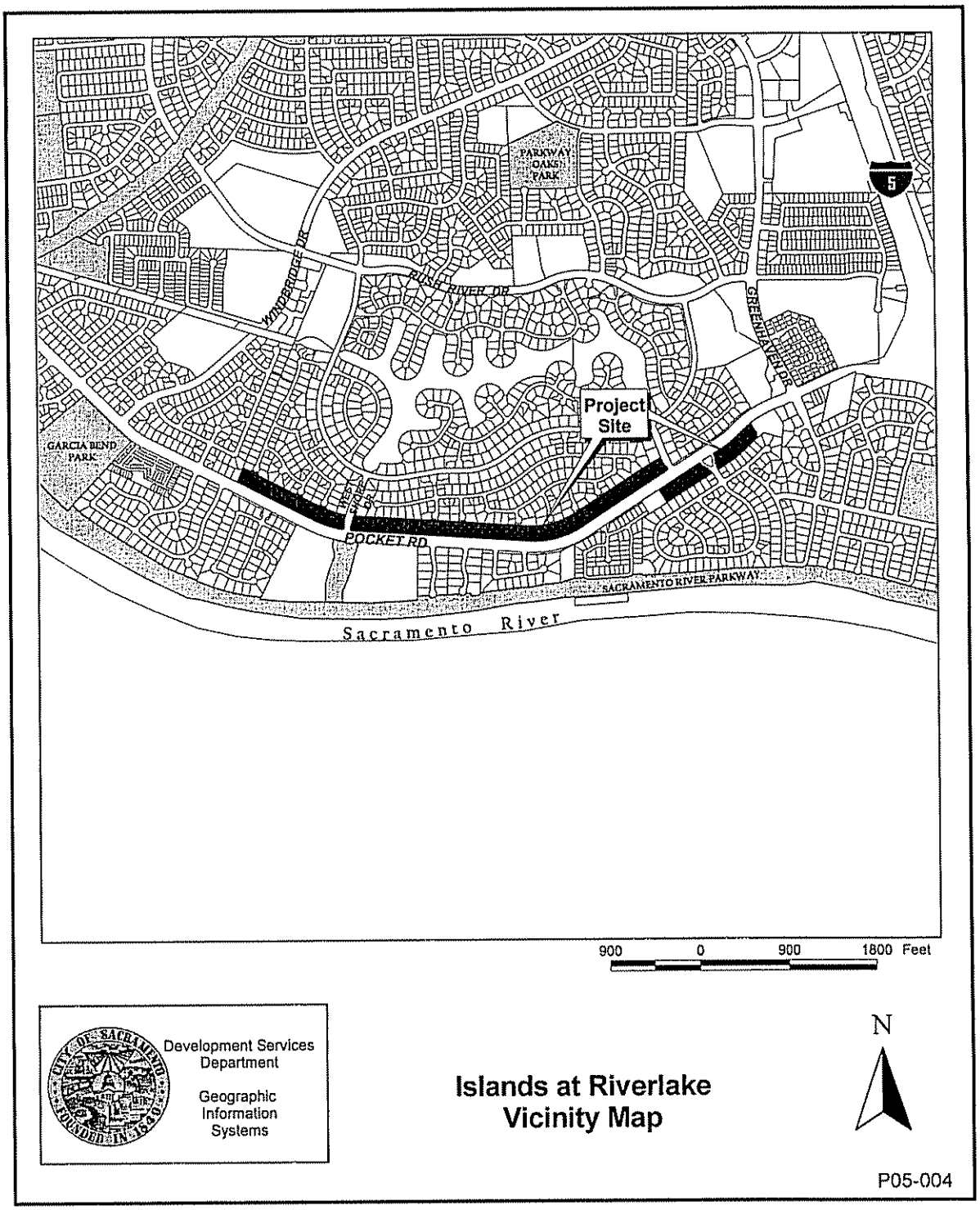
A. **Environmental Determination**: Environmental Impact Report (EIR);
B. **Mitigation Monitoring Plan;**
C. **Pocket Community Plan-South Pocket Specific Plan Amendment** to clarify that the "Townhouse and Related Development" designation of the South Pocket Specific Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone including attached and detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects;
D. **PUD Guidelines Amendment** to clarify that the "Townhouse and Related Development" (R-1A) designation allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone including attached and detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects;
E. **Special Permit** to develop 139 detached alternative single-family homes and 27 common lots in the Alternative Single-family Planned Unit Development (R-1A PUD) zone;
F. **Tentative Subdivision Map** to subdivide 21.4± vacant acres into 166 lots;
G. **Subdivision Modification** to reduce the standard 53' right-of-way for a private street.

LOCATION: Located along the north and south sides of Pocket Road between East and West Shore drives.
Assessors Parcel Numbers (APNs): 031-1210-003; 031-1200-073; 031-1210-061; 031-1030-015; 031-1030-031; and 031-1300-048
Pocket Community Plan-South Pocket Specific Plan
Sacramento City Unified School District
City Council District 7

APPLICANT: Regis Homes of Northern California-Bill Heartman
1435 River Park Drive, Suite 415
Sacramento, California 95815
916-929-3193, ext. 18

OWNER: Riverlake Land Associates, L.L.C.
1435 River Park Drive, Suite 415
Sacramento, California 95815

APPLICATION FILED: January 13, 2005
APPLICATION COMPLETED: January 27, 2005
STAFF CONTACT: Kimberly Kaufmann-Brisby, 916-808-5590


PARKWAY OAKS PARK
WINDRIDGE DR
RUSH RIVER DR
GREENHAVEN DR
Project Site
GARCIA BEND PARK
WEST LAKE DR
POCKET RD
SACRAMENTO RIVER PARKWAY
Sacramento River
5
900 0 900 1800 Feet
Development Services Department
Geographic Information Systems
Islands at Riverlake
Vicinity Map
N
P05-004

SUMMARY: The Planning Commission heard the staff report at the August 25, 2005, hearing. The hearing was continued when it was discovered two Draft Environmental Impact Report (DEIR) comment letters had been omitted from the Final Environmental Impact Report (FEIR) response to comments. The Response to Additional Comments is included as Attachment 3.

The applicant proposes to subdivide 21.4± vacant acres into 166 lots then develop 139 detached alternative single-family homes along a 22' wide private street. To date, environmental staff has received written comments regarding the Environmental Impact Report (EIR) from individuals opposing the project. Those comments have been addressed in the Final EIR. Planning staff has not received written opposition regarding the project from project opponents but anticipates there to be project opposition consequently it is considered to be controversial.

RECOMMENDATION: Staff recommends approval of the project, subject to conditions of approval in the Notice of Decision. This recommendation is based on: 1) The project 's consistency with the General and Pocket Community Plans; 2) Its adherence to the LPPT PUD Development Guidelines as well as the Single Family Residential Design Principles; and, 3) the project's compliance with Zoning Ordinance requirements.

PROJECT INFORMATION:

General Plan Land Use Designation:	Low Density Residential (4-15 du/na)
Pocket Community Plan Land Use Designation:	Residential 7-15 du
Existing Land Use of Site:	Vacant land
Existing Zoning of Site:	Single-family Alternative Planned Unit Development (R-1A-PUD)

Surrounding Land Use and Zoning:

North:	Residential;	R-1
South:	Residential;	R-1
East:	Residential;	R-1
West:	Residential;	R-1

Setbacks	Required	Provided
Front:	20'	±9' to ±11' with ±0' along Pocket Rd. contiguous with the 40' landscape easement
Side (St):	12.5'	±18' to ±20'

Side (Int):	5'	±3.5' to 6'
Rear:	15'	12' to 15±0' along Pocket Rd.; ±10' adjacent to existing Riverlake and Dutra Bend properties
Property Dimensions:		Irregular
Property Area:		±21.4 gross acres; ±19.4 net acres
Density of Development:		7 dwelling units per net acre (du/na)
Parking Provided:		2 spaces per single family home, 2 spaces typical in the driveway plus 50 to 55 guest spaces
Parking Required:		1 space per home
Topography:		Flat
Street Improvements:		Existing and To Be Constructed
Utilities:		Existing and To Be Constructed

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

Permit	Agency
Final Map	Development Engineering and Finance
Driveway Permit	Development Engineering and Finance
Building Permit	Building Division
Off-site Improvements Permit	Development Engineering and Finance
Tree Permit	City Arborist
NPDES General Permit for Storm water Discharges associated with Construction Activities	Obtain copy of permit application from Dept. of Utilities to file with State Water Resources Control Board (SWRCB)
Notice of Intent (in connection w/NPDES Permit above)	Obtain copy of permit application from Dept. of Utilities -to be filed with the SWRCB
Encroachment Permit	Development Engineering and Finance Division

BACKGROUND INFORMATION: On August 27th, 1985, the City Council approved the 373 acre L.P.P.T. PUD (P85-165), and adopted the Development Agreement between the City and L.P.P.T. Also included in the approval was the rezoning of the current application site from Agricultural (A) to Single-family Alternative (R-1A). On May 12, 1987, the City Council approved three separate applications covering the subject site (P87-129, P87-130, and P87-131). The approvals included Special Permits for the

development of 155 townhouse units and a Tentative Map. The townhouse proposal was designed with three-unit buildings comprised of one single-story unit and 2 two-story units. Each unit was then set at an angle to Pocket Road to diminish the row effect associated with linear townhouse development. Access to the development was provided via three driveways off Pocket Road and one drive off both East and West Shore drives.

The City Council approved a one-year time extension for the Special Permit on April 13, 1989, and for the Tentative Map, on April 25, 1989. An additional time extension for the Tentative Map and Special Permit for a portion of the current project site, between East and West Shore drives, was approved by the City Planning Commission on September 26, 1991 (P87-129). Subsequent to the approvals, the Tentative Map was not recorded and the Special Permit expired.

A similar townhouse project was approved by the Planning Commission on January 27, 1994 (P93-089). This application increased the number of townhouse units from 155 to 167. The building design consisted of three and four unit clusters. Each cluster was designed to look like a large "Manor house" with one unit providing an entrance facing Pocket Road and the remaining unit entrances facing the side or rear of the property. Vehicular access was to be provided via a 25-foot wide private drive, running along the rear of the property, with a 5-foot wide planter providing a buffer between the private drive and the adjacent single family development.

The LPPT development agreement received a time extension from the City Council on December 12, 1995 (Ordinance No. 95-071). The development agreement expired on August 25, 2002.

The original Islands at Riverlake project (P01-133), virtually identical to the current application, was denied by the Planning Commission on August 22, 2002, and was subsequently approved by the Sacramento City Council on June 17th, 2003, after the applicant revised the project to its current layout. Subsequent to the approval, a neighborhood group interested in the project, the Pocket Protectors, filed a petition for writ of mandamus requesting the Superior Court of California for the County of Sacramento to set aside the City Council's decision due to alleged CEQA violations. The Superior Court determined there was not a fair argument showing unmitigated significant environmental impacts may occur and the City Council's project approval was upheld.

Various permits necessary for construction were issued to the applicant by the City and other public entities in 2004 and project grading began in mid-August of 2004. The Pocket Protectors appealed the Superior Court's decision to the Third District Court of Appeal. The Pocket Protectors' first request for a stay of construction pending appeal was denied by the Court of Appeal and the applicant commenced construction. Following oral arguments, the Third District Court of Appeal granted the Pocket

Protectors' second request for a stay of construction on November 22, 2004. The Third District Court of Appeal reversed the Superior Court on the subject of CEQA compliance and ordered the project be remanded to the Superior Court on December 7, 2004. The Third District Court of Appeal directed the Superior Court to enter a new judgment directing the City to rescind the original project and undertake and EIR for the proposed project. The City Council then rescinded the prior approvals on June 28, 2005. However, the Superior Court has not yet entered final judgment.

The applicant submitted the current application on January 13, 2005. The new application is based on the previously approved project design.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan (SGPU) designates the project site for Low Density Residential, 4-15 dwelling units per net acre (du/na) and the Pocket Community Plan designates the site for Residential 7-15 du/na. The proposed development has a net density of 7 du/na including the linear parkway and the private drive areas as those areas were included in the overall LPPT PUD density calculations. The LPPT PUD allows a combined total of 164 dwelling units for the six parcels, with which the project also complies. Finally, the maximum density for the Single Family Alternative (R-1A) zone is 15 du/na. The project falls under the density threshold and is thus within the allowable range for the R-1A zone.

The project is consistent with Goal C of the Sacramento General Plan Update's (SGPU) Residential Land Use Element Goal C to "Develop residential land uses in a manner which is efficient and utilizes existing and planned urban resources." (SGPU, 2-15) and Goal D to "Maintain orderly growth in areas where urban services are readily available or can be provided in an efficient, cost effective manner" (SGPU, 2-17). The project is surrounded by residential development and all required services are readily available.

The proposed project also supports Goal 3 of the SGPU Housing Element which encourages the promotion of a variety of housing types within neighborhoods to encourage economic diversity and housing choice (SGPU, 3.10-13). The proposed development will fill a niche for the individual who wants a new, well-designed home with a small yard near both passive and active open space which will be more affordable than the existing adjacent developments. The proximity to the passive open space of the 40 foot wide linear parkway, running along the entirety of the project, coupled with the mini-parks affords the residents

outdoor recreation options.

Pocket Community Plan-South Pocket Specific Plan

The City proposes to amend the text of the South Pocket Specific Plan (SPSP) to clarify that the "Townhouse and Related Development" designation of the Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone. The housing types would include, but not be limited to: attached and detached units; townhouses; cluster housing; patio homes; condominiums; cooperatives or other similar projects.

The text amendment would make the "Townhouse and Related Development" designation consistent with the alternative housing types allowed in the R-1A zone. The project, as proposed, embraces all applicable criteria set forth in the SPSP for townhouse development including: conforming with major and collector street patterns, not exceeding the average density of 8 units per net acre, compatibility with and not adversely affecting existing, proposed or surrounding parcels. Also, the site development should integrate structures, common and private open spaces, pedestrian and vehicular circulation, parking and other site features in a way that produces a development which provides for all desirable residential features and environmental amenities. The SPSP also states "problem parcels" of unusual configuration would also be appropriate for townhouse uses.

By amending the text there would be no question as to the appropriateness of developing the "Islands" detached patio-style homes in the "Townhouse and Related Development" designated area.

LPPT Planned Unit Development Guidelines

Similarly, the LPPT PUD Guidelines are proposed to be amended to specify that the "Townhouse and Related Development" designation of the PUD Schematic Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone. Staff finds that this clarification is appropriate to remove all doubt as to the intention of the PUD's land use designation for the subject site.

B. <u>Tentative Map Design</u>

The applicant proposes to subdivide 21.4± vacant acres into 166 lots and then develop the parcels with 139 one-or two- story detached alternative style homes and 27 common lots. A linear configuration is proposed for the 139 single-family

"Patio homes". Two rows of houses will straddle a 22-foot wide private drive with a 40 foot wide linear parkway and 20 feet of Pocket Road right-of-way landscaping serving as a buffer between the proposed development and Pocket Road. The homes on the north side of Pocket Road will be accessed via the 22 foot-wide private drive with three full-access driveways onto Pocket Road. Driveways limited to right in, right out turns, will be available onto West Shore Drive with a traffic signal installed to control movements at the intersection of West Shore Drive and Pocket Road. The homes on the south side of Pocket Road will also be accessed via a 22-foot wide private street with two (2) limited-movement, right in, right out, driveways onto Pocket Road.

A 22-foot wide private street allows a single lane of traffic for each direction with no parking allowed except in the parking pockets interspersed throughout the development. Traffic-calming circles, will be located at each limited-access point as well as midway between East and West Shore drives.

The applicant proposes a Subdivision Modification to construct a 22-foot wide private drive. Parking will be prohibited along the entirety of the private drive except in designated parking pockets interspersed throughout the development. The Fire Department has no objection to the private drive width, provided a 20-foot wide path is available for the department vehicles to safely navigate. The project will be conditioned to design all roadway features to the approval and sign-off of the Fire Department. As the proposed private drive can safely accommodate two-way traffic, utility, and emergency vehicles, staff supports the Private Drive Subdivision Modification.

The applicant has provided a series of "mini parks" throughout the project to provide passive open space area for the future residents.

Guest parking has been placed at regular intervals throughout the development. 25 guest spaces grouped in 4 and 5 space units, are located on the north side of Pocket Road. An additional 30 spaces are located between individual lots, also at regular intervals. The Zoning Ordinance requires one covered 10' x 20' parking space for each single family dwelling. Each house plan includes a two-car garage for a total of 278 covered parking spaces. Temporary parking will also be available in the driveways of many homes, provided the useable driveway depth is a minimum of 18 feet.

A four foot wide sidewalk will run along one side of the private street. Along the portion north of Pocket Road, the walk will be on the north side of the private drive, and on the portion south of Pocket Road, the walk will be located along the south side of the private street. Pedestrian access to the linear parkway will be provided through pedestrian access paths along the northern portion of the

development, connecting the private street and the parkway with a 5 foot wide pathway. The access pathways will be landscaped with low growing shrubbery and groundcover. Specially stamped and colored asphalt will cross the private drive at each of three access points, providing an indication of the pathway location and pedestrian crossing. In addition, a 3 foot wide walk will connect the homes fronting Pocket Road to each other and to the 5 foot wide access path.

The map, as proposed, is consistent with the allowed densities for the R-1A zone in the LPPT PUD, the Pocket Community Plan and the General Plan. It is compatible with regard to the overall circulation with the existing adjacent residential subdivisions and involves 26 fewer parcels than were approved for the same parcels of land in 1994 (P93-089). Staff recommends approval of the Tentative Map, subject to the attached conditions.

C. Site Plan Design/Zoning Requirements

1. Setbacks

The project has varying setbacks depending on the house plan and lot combinations. Along the private street, front yard setbacks range from 8 to 12.5 feet, while back yard setbacks range from 5 feet to 9.5 feet for lots located adjacent to existing lots and zero feet for lots adjacent to the linear parkway on Pocket. These lots would use a larger front yard facing the private street for semi-private outdoor space. Side yards range from 3.5 feet to 6 feet in width.

Table 1: Setbacks for Lots Adjacent to Existing Lots

	67 x 50				79 x 50		
Plan Number	**Stories**	**Side setbacks**	**Front Setback**	**Rear Setback**	**Side Setbacks**	**Front Setback**	**Rear Setback**
7110	1	n/a	--	--	3.5' & 5'	9'	10'
7120	1	n/a	--	--	3.5' & 5'	9'	10'
5710	2	6' & 4'	11'	12'	n/a	--	--
5713	2	6' & 4'	11'	12'	n/a	--	--
5730	2	6' & 4'	9'	12'	n/a	--	--

Table 2: Setbacks for Lots Adjacent to Pocket Road

	64 x 45				67 x 45			79 x 45		
Plan Number	**Stories**	**Side setbacks**	**Rear Setback**	**Front Setback**	**Side Setbacks**	**Rear Setback**	**Front Setback**	**Side Setback**	**Rear Setback**	**Front Setback**
7110, 7120	1	n/a	--	--	n/a	--	--	3.5' & 5	0'	13'
5710, 5713	2	3.5' & 3.5'	0'	15'	6' & 4'	0'	15'	n/a	--	--
5720	2	3.5' & 3.5'	0'	13'	6' & 4'	0'	13'	n/a	--	--
5730	2	3.5' & 3.5'	0'	13'	6' & 4'	0'	13'	n/a	--	--

The lots "fronting' on Pocket Road are 40 feet in back of the property / right-of-way line, however, the actual street curb and gutter is another 20 feet distant from the property line for a total distance between the proposed lot lines fronting on Pocket Road and the edge of the street of approximately 60 feet. This includes the 25 foot wide landscape easement and the 15 foot wide parkway easement which comprise the 40 foot wide linear parkway and the additional 20 feet between the property line and the roadway of Pocket Road.

To accommodate the zero setbacks for the homes fronting on Pocket Road, a "No Build" easement will be dedicated along the entirety of the lots fronting on Pocket Road. This easement will allow construction within three (3) feet of the property line(s) and will prohibit any construction within the linear parkway.

The front setbacks off the private drive range between nine (9') and eleven (11') feet, with the majority of plans employing the nine foot front setback, which will accommodate a small private yard. The driveways throughout the development will be required to have a setback minimum of 18 feet to allow for guest parking and/or temporary parking in the driveway, any driveway less than 18 feet in useable depth will be conditioned to not allow parking in the driveway. All sideyard setbacks exceed the 3 foot minimum with the smallest measuring 3.5 feet and the largest measuring 6 feet.

The rear setbacks are controversial adjacent to the existing single family home subdivisions. To accommodate privacy concerns, the applicant agreed to construct primarily one-story homes along the existing residences. The trade-off with constructing the single-story homes is a larger building footprint on one level with smaller setbacks versus the two-story home which have smaller footprints and larger setbacks but may intrude on adjacent owner's privacy. The minimum rear setback for all the plans fronting on the private drive is 10 feet to the garage and 12 feet to the home, with varying percentages of the house at that distance.

The two story plans are designated on the tentative map exhibit and will be restricted to lots which have only the adjacent existing residence's side lot proximate or those lots opposite existing cul-de-sacs, to limit the privacy intrusion.

Given the depth of the project site, access requirements, housing design constraints, and the avoidance of impacts on the linear parkway, the rear setback area bears the impact of the proposed development. The house plans which are proposed to be constructed along the existing residences are limited and the project will be conditioned to plot each building footprint for each lot and receive planning staff approval prior to the issuance of building permits. Given the physical constraints, the R-1A zoning of the project site, and the conditions which will be placed on the project, staff supports the proposed setbacks.

3. Landscaping

The applicant proposes to remove as few existing trees as possible for the construction of the development. Where heritage trees are proposed for removal, mitigation developed by the City Tree Arborist will apply. The proposed parking areas will be subject to the Zoning Ordinance's 50 percent shading requirement and will be conditioned to comply with same. The applicant has provided an enlarged site plan showing the proposed typical tree planting layout for the individual lots. The proposed trees will add a needed landscape dimension to the lots and some shade, but the trees are limited in the area in which they can be planted and grow so are accordingly more ornamental in nature. Two trees are proposed for each lot, planted at semi-regular intervals, softening the streetscape and adding dimension.

D. Building Design

The applicant proposes to construct six (6) different house plans within the Islands at Riverlake development. Of the six plans, Plans 7110 and 7120 are single story plans, and Plans 5710, 5713, 5720 and 5730 are two-story plans.

The two-story plans will be used primarily along the Pocket Road sides of the development as they all have second story windows which face the rear of the properties. Single story plans are proposed for lots abutting existing homes. Where a Riverlake cul-de-sac abuts a proposed lot, the two-story plan would also be used to provide a change from the predominantly single story streetscape along the existing Riverlake properties.

Table 3: Floor Plan Summary

Plan	7110	7120	5710	5713	5720	5730
Size	1,428 sqft	1,500 sqft	1,638 sqft	2,034	2,154 sqft	2,244
Height	1 story	1 story	2 stories	2 stories	2 stories	2 stories

Each of the six proposed plans has three elevations, consisting of Elevation A, Spanish Colonial, Elevation B, Norman Cottage, and Elevation C, California Bungalow. The Spanish Colonial theme will employ roofing of barrel concrete tile, with archways and shutters on the front facade, and shelves accentuating the windows. The exterior walls will be finished with stucco and a ledge stone wainscoting. The Norman Cottage concept has gray flat concrete tile as roofing material, stucco on the exterior wall treatment, with a ledge stone wainscot, which will be used for the chimney as well. A gable end finished with Hardie-Plank (a wood-like siding material that is more durable and lower in maintenance than wood) accentuates the front entry and windows with shutters on all the front windows. The third style employed is the California Bungalow

which uses a flat, brown blend concrete tile for roofing material. A gable end covered with shingle patterned siding emphasizes the Bungalow concept, with aspen dressed field stone wainscoting accentuating the front entryway columns.

All the proposed plans comply with the Single Family Residential Principles. They will provide a variation in residences through the use of quality materials and design details, lending visual interest, distinctive character and identity to the Island community. This quality in detail and design will contribute both to the long term value of the homes and the neighborhood. The scale of the homes is somewhat smaller than the existing adjacent residences, providing a greater mix of housing opportunities for this portion of the Pocket community. The houses were designed to complement the adjacent residences, both in materials and design, if not scale, and in all aspects staff finds the efforts to be successful.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The Third District Court of Appeal directed the Superior Court to enter a new judgment directing the City to rescind the original project and undertake and EIR for the proposed project in December, 2004. Pursuant to this order, an Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code, §21000 et seq.) and the State Guidelines (California Code of Regulations, §15000 et seq.). The report also complies with the rules, regulations, and procedures for implementation of CEQA adopted by the City of Sacramento.

The DEIR identified potentially significant impacts for traffic, air quality, biological resources and cultural resources. Mitigation measures were identified to reduce all project impacts to a less-than-significant level. A Mitigation Monitoring Plan (MMP) that lists all of the mitigation measures and required implementing actions was prepared and is attached. For purposes of comparison, the effects of the proposed project were compared to the effects of the "no project " alternative, and the following additional alternatives: Pocket Road Manor Houses, Riverlake Park Homes, Pocket Protectors' Plan, Zero Lot Line, R-1 Rezone, and R-1A Mixed.

The Draft EIR was released for a 45-day public review period on June 21, 2005. The DEIR was circulated to the Office of Planning and Research for state agency review and posted at the County. The project site was posted regarding availability of the document for review. Property owners within 500 feet of the project site and other interested parties were mailed notification as to the

document's availability. Notification was placed in the County and City Clerks' offices as well as the city's official newspaper. The comment period advertised was from June 21, 2005 to August 5, 2005. Comments were received from members of the public and one responsible agency. Responses to these comments are contained in the Final EIR.

B. Public/Neighborhood/Business Association Comments

Comments on the EIR were received and have been incorporated into the Final EIR with responses.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The comments have been incorporated as conditions of approval and are listed in the Notice of Decision and Findings of Fact.

D. Subdivision Review Committee Recommendation

On August 3, 2005, the Subdivision Review Committee, by a vote of three ayes, voted to recommend approval of the proposed Tentative Map subject to the conditions of approval in the attached Notice of Decision.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A through G. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 calendar days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

A. Adopt the attached Notice of Decision and Findings of Fact certifying the Environmental Impact Report;
B. Adopt the attached Notice of Decision and Findings of Fact approving the Mitigation Monitoring Plan;
C. Adopt the attached Notice of Decision and Findings of Fact recommending approval of the Pocket Community Plan-South Pocket Specific Plan Amendment to clarify that the "Townhouse and Related Development" designation of the South Pocket Specific Plan allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone including attached and detached

units, townhouses, cluster housing, condominiums, cooperatives or other similar projects;

D. Adopt the attached Notice of Decision and Findings of Fact recommending approval of the PUD Guidelines Amendment to clarify that the "Townhouse and Related Development" (R-1A) designation allows the full range of residential uses allowed under the zoning code for alternative single-family residential housing types as allowed in the Alternative Single-family (R-1A) zone including attached and detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects;

E. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to develop 139 detached alternative single-family homes and 27 common lots in the Alternative Single-family Planned Unit Development (R-1A PUD) zone;

F. Adopt the attached Notice of Decision and Findings of Fact approving the Tentative Subdivision Map to subdivide 21.4± vacant acres into 166 lots;

G. Adopt the attached Notice of Decision and Findings of Fact approving the Subdivision Modification to reduce the standard 53' right-of-way for a private street.

Report Prepared By,

Kimberly Kaufmann-Brisby, Associate Planner

Report Reviewed By,

Thomas S. Pace, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	EIR Findings of Fact
Exhibit 1B	Mitigation Monitoring Plan
Exhibit 1C	Tentative Map
Exhibit 1D	Private Streets
Exhibit 1E	Landscape Plans
Exhibit 1F	Typical Site Plan
Exhibit 1G	Linear Parkway Pedestrian Access Plan
Exhibit 1H	Special Plot Plan Lot 14
Exhibit 1I	Special Plot Plan Lot 29
Exhibit 1J	Special Plot Plan Lot 139

Exhibit 1K	House Plans
Attachment 2	Land Use & Zoning Map
Attachment 3	Responses to additional DEIR comments

PLEASE NOTE: THE REMAINING PAGES OF THE PLANNING COMMISSION STAFF REPORT, INCLUDING EXHIBITS AND ATTACHMENTS, ARE CONTAINED WITHIN THIS CITY COUNCIL REPORT AS ATTACHMENTS AND RESOLUTIONS. AS A RESULT, THOSE PAGES OF THE PLANNING COMMISSION STAFF REPORT ARE NOT REPEATED WITHIN THE CITY COUNCIL STAFF REPORT. A COMPLETE COPY OF THE ORIGINAL PLANNING COMMISSION STAFF REPORT IS AVAILABLE AT THE CITY PLANNING DIVISION, 915 I STREET-ADMINISTRATION BUILDING, ROOM 300, SACRAMENTO, CALIFORNIA, 95814.

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

DATE

A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND APPROVING THE MITIGATION MONITORING PLAN FOR THE ISLANDS AT RIVERLAKE PROJECT, LOCATED ALONG THE NORTH AND SOUTH SIDES OF POCKET ROAD PRIMARILY BETWEEN EAST AND WEST SHORE DRIVES IN SACRAMENTO, CALIFORNIA. (P05-004) (ASSESSORS PARCEL NUMBERS (APNS): 031-1210-003; 031-1200-073; 031-1210-061; 031-1030-015; 031-1030-031; AND 031-1300-048.

BACKGROUND

I. CEQA FINDINGS

A. The City Council finds that the Environmental Impact Report for the Islands at Riverlake Project (herein EIR) which consists of the Draft EIR, and Final EIR (Response to Comments) and Appendices, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

B. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures.

C. The Planning Commission certifies that the EIR has been presented to it and that the Planning Commission has reviewed it and considered the information contained therein prior to acting on the proposed project.

D. Pursuant to CEQA Guidelines Sections 15091 and in support of its approval of the Islands at Riverlake project, the City Council hereby adopts the attached Findings of Fact and a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

II. PROCEDURAL FINDINGS

A. The City of Sacramento caused an Environmental Impact Report ("EIR") on the Project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California

Regulations, Title XIV, Section 15000 et seq., and the City of Sacramento environmental guidelines.

B. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research on February 25, 2005, and was circulated for public comments from February 25, 2005, to March 30, 2005.

C. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the State Clearinghouse on June 21, 2005, to those public agencies that have jurisdiction by law with respect to the Project and to other interested parties and agencies. The comments of such persons and agencies were sought.

D. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The public review period began on June 21, 2005, and ended on August 5, 2005.

E. A Notice of Availability (NOA) was distributed to all interested groups, organizations, and individuals on June 21, 2005, for the Draft EIR. The Notice of Availability stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, Development Services Department, 1231 I Street, Room 300, Sacramento, California 95814. The letter also indicated that the official forty-five day public review period for the Draft EIR would end on August 5, 2005.

F. A public notice was placed in the Daily Recorder on June 21, 2005, which stated that the Islands at Riverlake Project Draft EIR was available for public review and comment.

G. A public notice was posted with the Sacramento City Clerk's Office on June 21, 2005.

H. Following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received and the City's responses to said comments, including additional information included in the Final EIR.

I. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the City Council makes the following determinations:

1. The EIR consists of the Draft EIR, and Final EIR (Responses to Comments) with appendices.

2. The EIR was prepared and completed in compliance with CEQA.

3. The EIR has been presented to the City Council which reviewed and considered the information therein prior to acting on the Islands at Riverlake project, and they find that the EIR reflects the independent judgment and analysis of the City of Sacramento.

J. The following information is incorporated by reference and made part of the record supporting these findings:

1. The Draft and Final EIR and all documents relied upon or incorporated by reference including:

- City of Sacramento General Plan, City of Sacramento, January, 1988
- Draft Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987
- Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988
- Zoning Ordinance, City of Sacramento
- Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004
- Pocket Area Community Plan, South Pocket Specific Plan, City of Sacramento, 1976
- LPPT PUD Schematic Plan and Development Guidelines, City of Sacramento, 1985
- Single Family Residential Design Principles, City of Sacramento, September, 2000

2. The Mitigation Monitoring Plan dated August, 2005.

3. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project, including but not limited to, City of Sacramento General Plan and the Draft and Final Environmental Impact Report for the City of Sacramento General Plan Update.

K. As required by PRC Section 21081(a)(2) and Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the Planning Commission.

III. FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE ISLANDS AT RIVERLAKE PROJECT

The Environmental Impact Report for the Islands at Riverlake project, prepared in compliance with the California Environmental Quality Act, evaluates the potentially

significant and significant adverse environmental impacts that could result from adoption of the project or alternatives to the project.

The Islands at Riverlake project is located on the north and south sides of Pocket Road from approximately 1,200 feet west of West Shore Drive to approximately 580 feet east of Dutra Bend Drive. The project would subdivide six parcels, totaling ±21.4 gross acres, into 166 lots of variable size in the L and P – Pacific Teichert Planned Unit Development (LPPT PUD). The project would construct 139 detached single-story and two-story single-family alternative residential units in the Single-family Alternative Planned Unit Development (R-1A PUD) zone. An interior, 22-foot wide private road with a four-foot wide sidewalk on one side would provide access to the houses. The project includes improvements to Pocket Road and its intersection with West Shore Drive, East Shore Drive, Dutra Bend Drive, and Coleman Ranch Way.

Adoption of the Plan requires amendments to the LPPT PUD and Pocket Area Community Plan South Pocket Specific Plan (PACP_SPSP) to clarify that the "Townhouse and Related Development" (R-1A) designation allows the full range of residential uses allowed under the City zoning code for single-family residential alternative designation (R-1A), i.e., single-family attached or detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects.

Because the Initial Study indicated that implementation of the project (or project alternatives) might result in potentially significant impacts, the City is required under CEQA, and the State and City guidelines adopted pursuant thereto, to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant impacts, as identified by the City's Initial Study, the Third District Court of Appeal, and as analyzed in the EIR. The following further identifies and summarizes the potentially significant impacts that can be avoided due to implementation of mitigation measures as identified in the EIR. The EIR concluded that there would be no significant and unavoidable impacts resulting from the project. These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

A. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED AND IMPACT AREAS IDENTIFIED BY THE THIRD DISTRICT COURT OF APPEAL

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code § 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potentially significant environmental impacts identified in the EIR. The City further finds that these changes or alterations in the project are within the jurisdiction of the City to require, and that these measures are appropriate and feasible.

In this section of the Findings of Fact for the proposed Islands at Riverlake project, the City identifies the areas where the Initial Study and the Third District Court of Appeal found that there was a fair argument the project may result in significant impacts and the

potentially significant impacts that can be reduced through mitigation measures to a less-than-significant level. The referenced mitigation measures are hereby incorporated into the description of the project and their implementation will be tracked through the Islands at Riverlake Project Mitigation Monitoring Program.

These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1. **LAN-1 Impact: SACOG Blueprint Growth Principles**

(a) Potentially Significant Impact

Inconsistency with the SACOG Blueprint Preferred Scenario for 2050 could result in a **potentially significant** land use impact on the Sacramento region.

(b) Facts in Support of Finding

The proposed project is considered consistent with the building type identified for the project site in the Blueprint Preferred Scenario. The SACOG identified the building type for the project site as "Single Family Small Lot" on the Blueprint Preferred Scenario for 2050 Map. On the lower end of the density range is medium density single-family product on lots from 3,500 square feet to 5,500 square feet. On the higher end of the range is detached town home product running from 12-24 dwelling units per net acre (personal communication, Kacey Lizon-Sacramento Area Council of Governments). The proposed project would construct residential dwelling units on lots ranging from 2,812 square feet up to 6,056 square feet (average lot size is 3,628 square feet). Only two of the 139 proposed single-family residential alternative lots exceed the "Single Family Small Lot" lower density range of lot sizes (6,056 square feet and 5,905 square feet respectively). The SACOG stated in a letter to the Supreme Court of California dated 27 January 2005, that the proposed project provides the kind of "Single Family Small Lot" development for which the Blueprint designates the project site. Adopted in December 2004, the Blueprint represents a trend to promote more dense, infill residential development, while the City's minimum lot standard (5,200 square feet) dates back earlier when the preference of the policy decision makers was for larger lots than they now prefer. Therefore, the proposed project is considered consistent and Impact LAN-1 is considered **less-than-significant**. No mitigation is required.

2. **LAN-2 Impact: SACOG Blueprint Growth Principles**

(a) Potentially Significant Impact

Inconsistency with SACOG Blueprint Growth Principles could result in **potentially significant** land use impacts.

(b) Facts in Support of Finding

The proposed project is considered consistent with this SACOG Blueprint Growth Principles:

(i) Transportation Choices. The proposed project includes design features that encourage people to sometimes walk, ride bicycles, or ride the bus. A concrete path would provide each residential unit a connection with the concrete pathways in the mini-parks. The concrete pathways in the mini-parks connect with the existing walkway in the Linear Parkway. The Linear Park pathway provides pedestrian opportunities to commercial development east of the project site and Garcia Bend Park west of the project site. Both sides of Pocket Road have a striped bike lane. Regional Transit bus stops are located on both sides of the Pocket Road adjacent to the project site. The proposed project integrates with existing transportation choices. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(ii) Mixed-Use Developments. The LPPT PUD Schematic Plan designates a number of land uses including houses, apartments, senior housing, commercial uses, business, and open space. The proposed project would provide slightly less dense housing than identified on the LPPT PUD Schematic Plan (7.15 dwelling units per net acre proposed versus 8 dwelling units per net acre designated). The proposed transportation and circulation plan for the project integrates with existing surface connections with the other land uses in Riverlake. The proposed project contributes to the variety of land uses indicated on the LPPT PUD Schematic Plan and nearly achieves the density target. The project integrates with the other land uses in Riverlake. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(iii) Compact Development. As discussed under Impact LAN-1, 135 of the proposed single-family alternative lots are smaller than the 5,200-square foot City standard lot size. The proposed project would be more compact than the standard R-1 residential development. If the project site were developed at the density designated by the LPPT PUD Schematic Plan, 164 dwelling units would be constructed. The proposed project would construct 139 dwelling units. Build out of the project at the maximum density identified in the LPPT PUD Schematic Plan (164 dwelling units) would be more compact than the proposed project. As previously discussed, the proposed project would provide connections with existing alternative transportation modes. The project provides the connections through the passive use, landscaped mini-parks. Benches are proposed for the miniparks to encourage use of the mini-parks. The proposed project is more compact than standard R-1 residential development and would be

slightly less compact than indicated on the LPPT PUD Schematic Plan. The project provides open space mini-parks to provide aesthetic connections with alternative modes of transportation. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(iv) Housing Choice and Diversity. The original LPPT PUD Schematic Plan provided a variety of places to live. Over the years, land use designations on the LPPT PUD Schematic Plan have been revised (section 4.1.4.4 "LAN-7 Impact" of the DEIR details changes to the LPPT PUD Schematic Plan). Major revisions included approving the development of halfplexes on corner lots and changing five of the eight "Townhouse and related R-1A" designated subdivisions to "Single-Family R-1." In addition to the "Single-Family R-1" and halfplexes, the apartments, senior housing, commercial, and office uses have been constructed. The proposed project nearly achieves the density requirement of the LPPT PUD Schematic Plan and offers a housing type that is different than "Single-Family R-1" products, halfplexes, and garden apartments. With smaller houses on smaller lots (average 1,841-square foot house on an average 3,514-square foot lot), the 4.0 Environmental Evaluation proposed project is expected to sell for less than the typical houses in Riverlake (average 3,230-square foot house on an average 9,107-square foot lot). The proposed project is a component of a PUD that provides housing choice and variety. The housing type proposed for this project is different than other housing types in Riverlake and is expected to be more affordable than the average R-1 zoned Riverlake house. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(v) Use of Existing Assets. The proposed project is located on some of the last undeveloped parcels in the LPPT PUD. The project would preserve most of the existing trees in the Linear Parkway, add connections to the existing pathway through the parkway, and locate new housing near existing transit stops. Although the project does not qualify as "infill development" as defined in Policy 5 of the City's Overall Urban Growth Policies (SGPU page 1-37), the project satisfies the definition of "infill site" in California Public Resources Code 21061.05 because it is surrounded by "qualified urban development" and no parcel has been created on the project site. Based on the state's definition of infill under CEQA, the proposed project is an infill development in an urbanized area. The proposed project is considered consistent with this SACOG Blueprint Growth Principle.

(vi) Quality Design. The City of Sacramento adopted "Single-Family Residential Design Principles" (SFRDP) in 2000 to assist developers, homebuilders, and architects design and build quality residential subdivisions. The evaluation of project consistency with the Design Principles in section 4.5 "Aesthetics" of the DEIR found the project to be

designed consistently with the principles. When the project was previously approved by the Planning Commission in 2003, the City made a finding that the project was consistent with the SFRDP. These principles include general architecture; garages; porches/entries/courts; driveways/entry walks; setbacks/lot widths; landscaping/sidewalks; street view walls/monument entries/access; and orientation to parks/public open space. Project design that is consistent with the SFRDP ensures that the proposed project is consistent with this SACOG Blueprint Growth Principle.

(vii) Natural Resources Conservation. When the LPPT PUD Schematic Plan was approved, a 15-foot wide parkway easement was granted to the City of Sacramento and a 25-foot wide landscape easement was granted to the Riverlake Community Association. Taken together, both easements comprise a "Linear Parkway" that provides an open space buffer between Riverlake and Pocket Road. The proposed project would include seven mini-parks totaling 0.36 acre where mitigation trees would be planted. The mini-parks would have a concrete pathway connection to the concrete walkway in the City parkway easement. Additional natural resources conservation incorporated in the proposed project includes off-site preservation of 10.3 acres of Swainson's hawk foraging habitat to mitigate for the conversion of foraging habitat on-site to residential use. Storm water management will be designed and constructed in accordance with City standards. A Conceptual Landscape Plan identifies the locations on the proposed lots where Riverlake Community Association approved shade trees would be planted as well as the locations in the mini-parks to be planted with shade trees. The proposed project provides open space and opportunities for residents to use the Linear Parkway. The proposed project includes off-site habitat preservation and shade trees on-site. Moreover, development of vacant parcels in urban areas limits development on agricultural and other undeveloped lands at the urban edge.

The project is consistent with all of the SACOG Blueprint Growth Principles. Therefore, Impact LAN-2 is considered **less-than-significant.** No mitigation is required.

3. **LAN-3 Impact: Sacramento General Plan**

(a) Potentially Significant Impact

Inconsistency with the Sacramento General Plan Land Use Designation could result in a **potentially significant** land use impact.

(b) Facts in Support of Finding

The project site is designated Low Density Residential (4 – 15 dwelling units per net acre) on the November 2003 SGPU Land Use Map. The net acreage of the project site is 19.44 acres. The project would construct 7.15 residential units per net acre (total 139 dwelling units). No General Plan Land Use amendment is needed. Therefore, Impact LAN-3 is considered **less-than-significant**. No mitigation is required.

4. **LAN-4 Impact: Sacramento General Plan**

(a) Potentially Significant Impact

Inconsistency with Sacramento General Plan Overall Urban Growth Policies, the Residential Land Use Element, or the Housing Element could result in **potentially significant** land use impacts.

(b) Facts in Support of Finding

The project is consistent with all of the applicable Sacramento General Plan land use goals and policies. Therefore, Impact LAN-4 is considered **less-than-significant**. No mitigation is required.

5. **LAN-5 Impact: Pocket Area Community Plan**

(a) Potentially Significant Impact

Inconsistency with the Pocket Area Community Plan (PACP) Land Use Designation could result in a **potentially significant** land use impact on the Pocket Community in the City of Sacramento.

(b) Facts in Support of Finding

The project site is designated Residential (7-15 dwelling units per net acre) on the December 2003 PACP Land Use Map. The project would construct 7.15 residential units per net acre. No Community Plan land use map amendment is needed. The project is consistent with the PACP Land Use Designation. Therefore, Impact LAN-5 is considered **less-than-significant**. No mitigation is required.

6. **LAN-6 Impact: Pocket Area Community Plan**

(a) Potentially Significant Impact

Inconsistency with the Pocket Area Community Plan – South Pocket Specific Plan (PACP-SPSP) goals and policies could result in **potentially significant** land use impacts on the Pocket Community in the City of Sacramento.

(b) Facts in Support of Finding

The project is consistent with the applicable land use goals and policies of the PACPSPSP. The requested amendment to the text of the PACP-SPSP clarifies the longstanding interpretation of the City that the "townhouse and related development" designation overlying properties zoned R-1A is intended to allow the full range of housing types allowed under the R-1A zone. The amendment does not, therefore, pose a risk of generating any significant physical environmental impacts. Therefore, Impact LAN-6 is considered **less-than-significant**. No mitigation is required.

7. **LAN-7 Impact: LPPT PUD Schematic Map and Development Guidelines**

(a) Potentially Significant Impact

Inconsistency with the LPPT PUD Schematic Map could result in a **potentially significant** land use impacts.

(b) Facts in Support of Finding

The maximum density for subdivisions designated Townhouse (R-1A) on the LPPT PUD Schematic Plan is 8 dwelling units per net acre. At 7.15 dwelling units per net acre, the Islands at Riverlake project is less dense than the 8 dwelling units per net acre maximum density allowed for these parcels and more than the maximum density for the Townhouse (R-1A) designation. No Schematic Plan map amendment is needed. The project is consistent with the LPPT PUD Schematic Map designation for the project site. Therefore, Impact LAN-7 is considered **less-than-significant**. No mitigation is required.

8. **LAN-8 Impact: LPPT PUD Schematic Map and Development Guidelines**

(a) Potentially Significant Impact

Inconsistency with LPPT PUD Development Guidelines could result in **potentially significant** land use impacts.

(b) Facts in Support of Finding

The proposed housing product is consistent with the range of housing types identified in the zoning code for R-1A and the LPPT PUD Development Guidelines is a supplement to City Ordinances. The proposed amendment would clarify that the range of housing products allowed in the LPPT PUD "Townhouse (R-1A)" designation is the same range that is defined in the zoning code for the R-1A zone. The amendment does not, therefore, pose a risk of generating any significant physical environmental impacts. The project is consistent with the five Development Guidelines required of all development in the LPPT PUD.

Therefore, Impact LAN-8 is considered **less-than-significant**. No mitigation is required.

9. **LAN-9 Impact: Sacramento Zoning Ordinance**

(a) Potentially Significant Impact

Inconsistency with the Sacramento City Code (SCC) zoning ordinance could result in a **potentially significant** land use impact on the City of Sacramento.

(b) Facts in Support of Finding

The project site is zoned R-1A (maximum density 15 attached or detached dwelling units per net acre). The project would construct 7.15 detached residential units per net acre. The R-1A zone "is a low to medium density residential zone intended to permit single-family, individually owned, attached or detached residences where lot sizes, height, area and/or setback requirements vary from standard lot sizes, height, area, and/or setback in the R-1 zone. This zone is intended to accommodate alternative single-family designs which are determined to be compatible with standard R-1 areas and which might include single-family attached or detached units, townhouses, cluster housing, condominiums, cooperatives or other similar projects" (SCC 17.20.010). The R-1A zone is often used for odd-sized or shaped parcels when the lot size, area, or setback requirements vary from the standard R-1 zone, or where the applicant seeks more compact development, pursuant to the SACOG Blueprint goals. The 7.3-net acre Stillwater A & B project (P95-066) is an example in Riverlake of detached houses built in the R-1A zone. The average lot size in Stillwater A & B is 6,067 square feet. The proposed single-family detached units on small lots are consistent with the range of housing types allowed in the R-1A zone and the project does not exceed the maximum density set forth for the R-1A zone. Therefore, the proposed project is consistent with SCC Title 17, Zoning. Impact LAN-9 is considered **less-than-significant**. No mitigation is required.

10. **LAN-10 Impact: Compatibility with Adjacent Land Uses**

(a) Potentially Significant Impact

Constructing houses at the proposed density of 7.15 dwelling units per net acre could be incompatible with existing land use or planned growth in the vicinity or with existing long-term uses on adjacent properties.

(b) Facts in Support of Finding

Because the proposed density is consistent with densities identified in the General Plan, Community Plan, and LPPT PUD Schematic Plan; is consistent

with previous findings and planning decisions made in other parts of the LPPT PUD, and is consistent with the development of Bridgeview, Dutra Bend, and Southshore, the proposed project density is considered compatible with existing land use or planned growth in the vicinity and with long-term uses on adjacent properties. The LPPT PUD Schematic Plan also sought a mix of housing types, and this project helps to diversify the existing housing mix. Therefore, Impact LAN-10 is considered **less-than-significant**. No mitigation is required.

11. **LAN-11 Impact: Compatibility with Adjacent Land Uses**

(a) Potentially Significant Impact

Constructing houses with the proposed mass/bulk could be incompatible with existing land use or planned growth in the vicinity or with existing long-term uses on adjacent properties.

(b) Facts in Support of Finding

The dwelling units proposed by the Islands at Riverlake project are smaller than the average sized dwelling unit located on abutting parcels. The mass/bulk statistics have a proportional relationship to lot size. The proposed lot sizes are smaller than the average lot sizes of abutting parcels due to the density required by the LPPT PUD Schematic Plan. Mass/bulk statistics are directly proportional to lot sizes. Therefore, the Islands at Riverlake mass/bulk statistics are higher than abutting parcels due to the density requirement. However, the average mass/bulk statistics for the proposed project is slightly higher than the difference between the average mass/bulk statistics of abutting parcels and other R-1A alternative developments in the same subdivisions. The proposed mass/bulk of the Islands at Riverlake project is within the range of other previously approved and constructed R-1A development abutting R-1 development. Because the City previously determined the range of mass/bulk of those other R-1A alternative housing products compatible with the abutting R-1 standard housing products, the proposed mass/bulk is considered compatible. Therefore, LAN-11 Impact is considered **less-than-significant**. No mitigation is required.

12. **LAN-12 Impact: Compatibility with Adjacent Land Uses**

(a) Potentially Significant Impact

Providing less than R-1 standard 15-foot rear yard setbacks could cause the proposed project to be incompatible with long-term uses on adjacent properties.

(b) Facts in Support of Finding

With the design features and existing regulations incorporated into the project and because the proposed rear yard setbacks meet or exceed the rear yard setbacks established for R-1A halfplexes on reverse frontage lots, and in many instances, exceed setbacks of existing R-1 homes, LAN-12 is considered a **less-than-significant impact**. No mitigation is required.

13. **AIR-1 Impact: ROG, NOX, and PM10 emissions during construction (short term)**

(a) Potentially Significant Impact

Construction of the project would contribute ROG, NOx, and PM10 emissions into the non-attainment area.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a **less-than-significant** level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

AIR-1 Mitigation:

(i) The project shall provide a plan for approval by the City of Sacramento, in consultation with SMAQMD, demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction.

(ii) The project representative shall submit to the City of Sacramento and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date,

and name and phone number of the project manager and on-site foreman.

(iii) The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately, and the City of Sacramento and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supersede other SMAQMD or state rules or regulations.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

14. **TRAN-2 Impact: Transportation/Circulation**

(a) Potentially Significant Impact

Substandard street width could result in exposing residents to safety hazards.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR.

TRAN-2 Mitigation: (i) On-street parking shall be prohibited on the private roads. The private roads shall be signed and striped for no parking at all times. A homeowner's association shall be responsible for enforcing the no parking rule.

(ii) The Covenants, Codes and Restrictions (CC&Rs) shall require that all trash and recycle bins are placed on the same side of the private road on pick-up day.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

15. **BIO-1 Impact: Biological Resources**

(a) Potentially Significant Impact

Construction of the proposed project could result in the disturbance of nesting Swainson's hawk (Buteo swainsoni) or other nesting raptors if present.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

BIO-1 Mitigation:

(i) If construction begins outside the 1 March to 15 September breeding season a preconstruction survey for active nests does not need to be conducted.

(ii) If construction is scheduled to commence during the breeding season, a preconstruction survey will be conducted by a qualified biologist to determine if raptors are nesting within 0.25 mile of the project site.

(iii) The applicant will conduct a preconstruction survey at least 2 weeks prior to construction.

(iv) If no active nests are found, no additional mitigation will be necessary.

(v) If active raptor nests are found within 0.25 mile of the project site, the Department of Fish and Game (DFG) will be notified and no project activities that could result in nest abandonment (e.g., noise generated from the operation of heavy equipment) will be conducted without DFG approval.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

16. **BIO-2 Impact: Biological Resources**

(a) Potentially Significant Impact

Construction of the project could result in the need to remove, trim or cut the roots of trees covered by City ordinances.

(b) Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

BIO-2 Mitigation:
(i) Plant replacement trees at the ratios and locations identified in the City tree removal permit during the landscaping phase of the project.
(ii) Project plans shall note that all roots shall be cut clean. Any roots greater than two inches in diameter will require inspection by an ISA certified arborist prior to severing. The applicant shall provide the City Arborist with a report demonstrating that severed roots greater than two inches diameter were inspected by an ISA certified arborist before cutting.

With implementation of the above mitigation measures, this impact would be reduced to **less-than-significant** levels.

17. **AES-1 Impact: Aesthetics**

(a) Potentially Significant Impact

The Islands at Riverlake project proposes building setbacks in an R-1A zone that are less than the standard setbacks for R-1 development and proposes lot coverages that exceed the standard lot coverage for R-1 development. Project opponents have made a "fair argument" that the proposed setbacks may result in a demonstrable negative aesthetic effect.

(b) Facts in Support of Finding

With the design features and existing regulations incorporated into the project and because the proposed rear yard setbacks meet or exceed the rear yard setbacks established for R-1A halfplexes on reverse frontage lots, and in many instances, exceed setbacks of existing R-1 homes, AES-1 is considered a **less-than-significant** impact.

The City's zoning code states that the minimum yard requirements in the R-1A zone "shall be the same as that specified in the R-1 zone, except that the Planning Commission [or on appeal to the Planning Commission] may vary the provisions in their review and determination of the required special permit" (SCC Title 17.060.020). The Islands at Riverlake project has applied for a special permit to construct 139 residential units with reduced setbacks, including 65 units on interior lots with reduced rear yard setbacks of 12 feet from the house and 10 feet from the garage.

As discussed under LAN-12 Impact in Section 4.1.5 of the DEIR, if the Islands at Riverlake project were built with a standard R-1 rear yard setback of 15 feet, the minimum expected distance from a new house to an existing house would be 30 feet for abutting rear yard houses (15 feet rear yard setback plus 15 feet rear yard setback) and 20 feet for an adjacent side yard house (5 feet side yard setback plus 15 feet rear yard setback). Of the 35 adjacent lots with abutting back yards, 11 existing houses would be located closer to the proposed project than the R-1 standard minimum distance of 30 feet between houses. The remaining 24 rear yard adjacent houses would have at least the R-1 minimum distance of 30 feet between buildings. Of the 24 adjacent lots with abutting side yards, 13 existing houses would be located closer to the proposed project than the R-1 standard minimum of distance of 20 feet. The remaining 11 side yard adjacent houses would have the R-1 minimum distance of 20 feet between buildings. A total of 24 existing houses would have less distance between the proposed houses than would be provided by standard R-1 minimum setbacks.

The previously approved Pocket Road Manor Houses project (evaluated in Chapter 5 of the DEIR as Alternative A2) included 10-foot rear yard setbacks for two-story single-family alternative detached units abutting existing houses. For two-story single-family alternative halfplexes on reverse frontage lots in other parts of Riverlake, including the Bridgeview, Southshore, and Dutra Bend subdivisions, rear yard setbacks were established at 7.5 feet for the first floor and 15 feet for the second floor. The proposed project would have rear yard setbacks for single-story houses of 12 feet from the house and 10 feet from the garage. This meets or exceeds setbacks established for a project previously approved for the project site as well as other single-family alternative (R-1A) developments in the LPPT PUD. The setbacks were determined by the Planning Commission to be based on sound principles of land use for compatibility with the existing community and would not be detrimental to the public welfare or result in a public nuisance.

Because neither the zoning code nor the LPPT PUD Development Guidelines assign any quantifiable aesthetic values to setbacks, the determination of whether the setbacks create any adverse aesthetic impacts is ultimately a subjective one. Because of the subjective evaluation of the relationship between setbacks and aesthetic appearance, it is ultimately a matter for the discretion of the Planning Commission and the City Council to determine whether the setbacks proposed for the project create an undesirable aesthetic effect. The setbacks previously approved were considered adequate to provide necessary screening and privacy for residents of both housing types. The proposed project design avoids placing two-story units adjacent to existing houses on abutting lots. This design feature was included to avoid privacy intrusions resulting from locating second-story windows overlooking the adjacent houses.

Under LAN-12 Impact in Section 4.1.5 of the DEIR, four design features of the proposed project and one existing regulation reduces impacts resulting from

locating new houses next to 24 existing houses with less than the R-1 minimum distance between buildings.

(i) The project proposes only single-story units on the lots abutting these 2 existing houses, as well as for all lots abutting existing houses. This design feature ensures that no second-story windows overlook the existing house.

(ii) The rear yard setbacks proposed by the project are greater than minimum rear yard setbacks approved for reverse lot R-1A halfplex developments in Riverlake and a previously approved project for the project site. As evaluated under LAN-4 Impact in Section 4.1.4.2 Sacramento General Plan, Residential Strategy, Goal A, Policy 6 for halfplexes on reverse lots the rear yard setbacks were established at 7.5 feet (Findings of Fact for P86-432, City Planning Commission 31 October 1986). The project proposed 12-foot setback from the house and 10-foot setback from the garage exceeds this previously used standard. The first project approved for the project site, the Pocket Road Manor Houses project, provided a 10-foot rear yard setback for a single-family alternative detached dwelling unit abutting lots with existing houses.

(iii) The 6-foot high good neighbor fence provides privacy to residents when they are in the yard. It also provides sightline screening when looking out from the first floor windows.

(iv) The lots are situated so that the lot lines are staggered. Houses would not be directly in line with one another.

(v) The Riverlake Community Association requires five 15-gallon trees to be planted in each yard in Riverlake. The interior lots of the Islands at Riverlake project will have landscaped front yards. Between 1 and 2.5 Riverlake Community Association-approved shade trees will be planted in the front yards. The responsibility of landscaping the backyard would be the new homeowner's. The Quadriga Conceptual Landscaping Plan identifies trees allowed for planting and the Riverlake Community Association approved the Plan. Planting of Riverlake Community Association approved trees by the new homeowners in the backyards would increase screening between the new houses and the existing houses. A copy of the Riverlake Community Association Approved Shade and Palm Tree List (January 2004) is in Exhibit E of the DEIR.

Therefore, AES-1 is considered a **less-than-significant** impact. No mitigation is required.

18. **AES-2 Impact: Aesthetics**

(a) Potentially Significant Impact

The Islands at Riverlake project proposes lot sizes that are less than the minimum size required for the R-1 zone in the City Zoning Code and proposes floor plans that exceed the R-1 standard lot coverage. Project opponents have made a "fair argument" that the lot sizes and coverage proposed for the Islands at Riverlake project may result in a demonstrable negative aesthetic effect.

(b) Facts in Support of Finding

The proposed typical lot plans exceed the minimum amounts of landscaping required under the LPPT PUD Development Guidelines. The variation in lot size, lot coverage and landscaping that the different proposed lot plans provide, as well as the seven mini-parks located throughout the development, serve to break up potential uniformity of the project's appearance. Therefore AES-2 impact is considered **less-than-significant**.

The City's zoning code states that the maximum lot coverage and minimum lot area per dwelling unit requirements in the R-1A zone "shall be the same as that specified in the R-1 zone, except that the Planning Commission may vary the provisions in their review and determination of the required special permit" (SCC Title 17.060.020). The zoning code sets maximum lot coverage at 40% and minimum lot size at 5,200 square feet for R-1-zoned lots (Ibid.) The City calculates "lot coverage" as the footprint of the building, and does not include uncovered porches, walkways, driveways or patios in this calculation (SCC Title 17.17.010.) The zoning code also states, however, that the R-1A zone is intended to permit "alternative single-family designs" with lot sizes and area requirements that vary from standard single-family requirements (SCC Title 17.20.010.). Therefore, the R-1A zone is expressly intended to be a flexible designation with respect to lot coverage and size. The LPPT PUD Development Guidelines do not specify any maximum lot coverage requirements for "Townhouse and related development" (R-1A) parcels.

The average lot coverage proposed by the Islands at Riverlake project is 46%. The average proposed lot coverage would exceed the average building coverage of other R-1A developments in the LPPT PUD Schematic Plan area. However, the maximum lot coverage proposed by the Islands at Riverlake project, 54%, does not exceed the maximum lot coverage area in the Bridgeview (65% BCA), Westshore (62% BCA), and Stillwater (56% BCA) subdivisions. The average lot coverage area of the proposed project (46% BCA) is below the maximum lot coverage areas of the abutting subdivisions Bridgeview (65% BCA), Southshore (53% BCA), and Dutra Bend (53% BCA) and the maximum Islands at Riverlake lot coverage area is only 1% more than Southshore and Dutra Bend.

The zoning code does not set minimum landscaping coverage for developments within either the R-1 or R-1A zones. The LPPT PUD Development Guidelines require a minimum of 25% landscaping coverage. With an average landscape coverage area of 43%, all of the typical lot plans proposed for the project exceed the LPPT PUD's minimum requirements of 25% landscaping coverage.

The project's inconsistency with the R-1 zone lot coverage requirement does not, however, in and of itself, create a significant adverse aesthetic impact. Neither the City's regulations nor the LPPT PUD assign any qualitative aesthetic relationship to the minimum lot coverage requirement. Moreover, because lot coverage and size are intended to be flexible in an R-1A zone, the question for the Planning Commission or City Council is whether, in considering the lot coverage of the proposed lot plans in the context of the special permit required for any development within the R-1A zone, the proposed plans comply with "sound principles of land use," are not "detrimental to the public health, safety or welfare, or do not create a nuisance, and comply with the objectives of the general or specific plan for the area" (SCC Title 17.212).

The proposed lot sizes are smaller than the average lot sizes of abutting parcels. This is a result of the density required by the LPPT PUD Schematic Plan for the project site. The lot coverage area is directly proportional to lot sizes. Therefore, the Islands at Riverlake lot coverage areas are higher than abutting parcels due to the density requirement. Because the City previously determined that the range of lot coverage area of the other R-1A alternative housing products did not result in a demonstrable negative aesthetic effect, the proposed lot coverage areas are considered consistent with the City's previous findings for the Bridgeview, Westshore, and Stillwater subdivisions.

For the foregoing reasons, any aesthetic impacts associated with lot sizes, lot coverage and landscaping are considered **less-than-significant**. No mitigation is required.

19. **AES-3 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the Islands at Riverlake project may have a demonstrable negative aesthetic effect if it conflicts with the City's Single-Family Residential Design Principles.

(b) Facts in Support of Finding

The proposed project is consistent with all of the guidelines in the Single-Family Residential Design Principles (SFRDP). The City's Single-Family Residential Design Principles set forth general design goals expected by the Planning Commission. The project's consistency with each of these principles and the

guidelines/design approaches recommended to achieve these principles is set forth in the Islands at Riverlake Project DEIR:

The proposed project incorporates most of the SFRDP's recommendations. The project applicant proposes six different floor plans (two 1-story plans and three 2-story plans) with three elevations each, ranging from a 1,428 square-foot, single-story house to a 2,250-square-foot, two-story house (Floor plans and elevation drawings are in Exhibit D of the DEIR). The proposed designs incorporate consistent levels of detailing and finishes on all sides of the structure, with particular attention to publicly visible facades. No side-by-side or cross-private road duplication of a house elevation would occur.

The garages are recessed two feet from the front house elevation. In addition, the 74 houses that front on Pocket Road have garages that are attached to the rear of the houses, thereby virtually eliminating the view of garages from those traveling on Pocket Road (the main travel road into the LPPT PUD). Several of the floor plans include second stories above garages and also include windows and other architectural detailing that have the effect of reducing the dominance of the garage doors.

The proposed designs prominently feature front entries or rear facades that are designed to approximate a front-entry appearance, oriented to the street, and many also include covered porches. Additionally, the proposed units that front on Pocket Road feature a dual "front-door" appearance to both Pocket Road and the interior private street.

Most of the proposed home designs feature separate pedestrian access to the front doors from the driveway, interior private-street, and the existing Linear Parkway. Of the total 139 units, the 65 lots fronting on the interior private-street would have 16-foot wide and 18-foot long driveways; 72 of the lots fronting on Pocket Road would have 16-foot wide and 20-foot long driveways; two of the specialty lots would have 16-foot wide and 15-foot long driveways. Since the houses are a minimum of 57-feet wide, the driveways will comprise ±28% of the front width and this would not dominate the visual appearance of the front elevations of the proposed units. The driveways lead straight into the private street and do not encroach into the front yard area between the front entries and the street.

The front yard setbacks from the lots fronting on the interior, private street are "reduced" -- approximately 9-to-11 feet, with a typical 18-foot driveway. The front yard setbacks of the houses fronting on Pocket Road and the landscape easement are zero feet because there are two landscape easements totaling 40 feet between the proposed houses and the Pocket Road right-of-way. These setbacks bring the houses with their windows and "eyes on the street" closer to the streets and sidewalks for a sense of security for pedestrians. The proposed plans feature nine different elevation designs, with a varied palette of colors, trim

materials, and roofs. The yards of the lots fronting on Pocket Road will be completely landscaped. The front yards of the lots fronting on the interior private street will be completely landscaped. Landscaping of the backyards of the interior lots will be the responsibility of the homeowner. The Conceptual Landscape Plan is in Exhibit D of the DEIR. These features, plus the varied home sizes and heights, will prevent any sense of homogeny.

The project will plant between 1 and 2.5 Riverlake Community Association approved shade trees in each yard abutting the interior private street. Shade trees exist already in landscape easement along Pocket Road and additional shade trees will be planted in the mini-parks throughout the development. Because the private drive is narrower than a standard City street section, the proposed shade trees are expected to provide adequate cover of the street's hard surface. A landscape strip between the private street and the interior sidewalk is not proposed. When the Islands at Riverlake project was previously approved by the Planning Commission, it was not subject to conditions of approval requiring the use of drought-tolerant landscaping.

Most of the existing shade trees within the landscape easement will be preserved; larger shade trees may be planted in the mini-parks, and the proposed landscaping coverage well exceeds the 25% minimum coverage requirement of the LPPT PUD Development Guidelines (proposed landscape coverage averages 44%).

Of the 139 proposed units, 74 houses will front on the landscape easement on Pocket Road. The project will be accessed through five new driveways and the Linear Parkway and one connection in West Shore Drive. None of the ingress/egress locations would be gated and no walls are proposed for the perimeter of the project.

The project is located immediately adjacent to an existing landscape easement along Pocket Road and is designed to front on this Linear Parkway. The project proposes seven passive use mini-parks scattered throughout the development to provide access and integration with the City walkway in the Linear Park.

Overall, the proposed project is considered consistent with the SFRDP. Therefore, this impact is considered **less-than-significant**. No mitigation is required.

20. **AES-4 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the density and intensity of the detached units in the Islands at Riverlake project may result in a

demonstrable negative aesthetic effect as compared to previously approved attached-unit projects.

(b) Facts in Support of Finding

At 7.15 dwelling units per acre, the proposed project is less than the maximum 8 dwelling units per net acre density designation of the LPPT PUD. The proposed density is consistent with the density designated by the SGPU (4-15 du/net acre), PACP-SPSP (7-15 du/net acre), and the R-1A zone (15 du/acre maximum) (LAN-10 Impact under Section 4.1.5 of the DEIR).

Based on the evaluation under LAN-11 Impact in Section 4.1.5 of the DEIR, the intensity (mass as it relates to density) of the proposed project is consistent with City findings for similar R-1A housing products abutting standard R-1 projects. The Islands at Riverlake project proposes smaller houses than the typical houses in the LPPT PUD on smaller than typical lots. The project uses smaller lots to achieve the required density. The smaller lots result in greater mass/bulk statistics. The Alternatives Analysis in Chapter Five illustrates that the intensity of the development is directly proportional to the number of residential units located on the project site.

The proposed project will be more dense than the adjacent existing neighborhoods; however, the project site has been slated for this density of development for at least 20 years. In the opinion of the City planning staff, there is no further objective valuation that can be made regarding the aesthetic effect associated with the proposed project's density. Because the project is consistent with the City's goals and policies encouraging denser residential infill development and is consistent with objective City criteria governing maximum density, any aesthetic impact associated with the project's density is therefore considered **less-than-significant**. No mitigation is required.

21. **AES-5 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the Islands at Riverlake project could have a demonstrable negative aesthetic effect if it would obstruct a significant view or view shed in a location that is visible from a public gathering or viewing area.

(b) Facts in Support of Finding

(i) Views from Pocket Road. The proposed project consists of two rows of wide and shallow lots with garage access off a private drive between the Linear Parkway and the existing houses. On the proposed houses along the Linear Parkway, the front door/elevation will face the linear parkway and Pocket Road.

The existing character of the site is a graded vacant lot, bordered on one side by residential development and by a 60-foot wide linear parkway on the other. The character of the proposed project is congruous with the neighboring residential development. Passers-by of the project on Pocket Road would see the front elevations of detached houses and would not consider the development visually disruptive because urban residential development is a common and accepted part of the landscape in the City.

The existing view from Pocket Road is of the Linear Parkway in the foreground, homes in the midground, and sky in the background. The proposed project will not substantially change this view. The view from Pocket Road after project construction will be of the Linear Parkway in the foreground, homes in the midground, and sky in the background.

The Linear Parkway is maintained by the Riverlake Community Association (RCA) with contribution from the project. The RCA voted to tentatively include the Islands at Riverlake subdivision into the homeowners association (final approval would occur during the final map phase). The City will condition the project to have a homeowners association, if not the Riverlake Community Association. Implementation of, and adherence to, a homeowners association or Riverlake Community Association CC&Rs for front yard maintenance would ensure that the residential development and the Linear Parkway are maintained in a manner consistent with the rest of the Riverlake community. Therefore, the potential aesthetic effect associated with the view of the project from Pocket Road is considered to be **less-than-significant**. No mitigation is required.

(ii) Private Views from Residential Development: Some existing residents have expressed the opinion that the proposed project would conflict with their visual expectations for the site. Some residents previously expressed an expectation for larger, manor-style homes or attached townhomes. The proposed project would figure prominently in the foreground of the private view sheds from the rear of the neighboring houses and would in some cases obstruct their view of the Linear Parkway. Clustered manor homes or townhouses would possibly result in different private view sheds being affected, but it cannot be reasonably argued that the effect would be "more" or "less" under the subject project. Clustered manor homes could block similar private view sheds as the proposed combination of single- and two-story single-family homes. Townhouses could conceivably be similar or block more views because of their height.

To characterize these private views and potential impacts to them as triggering mitigation under CEQA is inappropriate, however, as the subject property has been designated for over 20 years for two-story residential development. As such, the private views under consideration were interim beneficial conditions. The loss or impairment of these views with proposed development of the subject site is **not a significant impact** under CEQA.

(iii) Public views down length of interior street of project. Some project opponents have expressed the view that passersby looking down the length of the interior street of the project will experience a "canyoning" or "tunneling" effect, due to the narrower width of the private street and the reduced front setbacks of the proposed lot plans. It should be noted that this assessment first arose when the applicant first proposed predominantly two-story homes, with shorter setbacks, throughout the project site. That proposal has since been revised to include a greater mix of single- and two-story houses, and greater setbacks. The City has no established, objective or quantifiable criteria by which to measure this subjective perception of "tunneling." As discussed above, however, the project has been determined to be consistent with the quantifiable criteria for density, setbacks, lot coverage, landscaping requirements, and building heights and styles.

The City Fire, Development Services, and Transportation Departments considered the width of the private street and determined that the narrower width would not pose any significant public safety risks or traffic hazards. The length of the interior street will be interrupted by periodic wider, "hammerhead" turnouts and concrete "islands" which will minimize the potential adverse visual effect that a long, uninterrupted stretch might otherwise create. Shade trees will be planted in the mini-parks proposed throughout the development and in the yards facing the interior street. In consideration of all of these factors, the potential "canyoning" or "tunneling" effect is determined to be **less-than-significant** from a CEQA perspective. The ultimate determination of the desirability of the proposed design and the appropriate balancing of the needs of existing and future residents will be decided by the Planning Commission and City Council and guided by the standards for the issuance of a special permit. No mitigation is required.

22. **AES-6 Impact: Aesthetics**

(a) Potentially Significant Impact

Project opponents have made a "fair argument" that the Islands at Riverlake project proposal to construct houses and plant trees could have demonstrable negative aesthetic effects if they excessively shade the Linear Parkway, locate existing adjacent residences in complete shade, or incorporate landscaping that is incompatible with the existing character of the neighborhood.

(b) Facts in Support of Finding

A total of 65 houses would be built on interior lots. Of the 65 houses, 55 would be single-story and 10 would be two-story. The two-story lots are lots 14, 45, 51, 54, 55, 69, 75, 79, 80, and 86. The majority of the lots proposed for two-story plans are located adjacent to cul-de-sacs and a small portion of an existing home's front and/or side yard. Lot 14 would have the detached garage located

approximately 5 feet away from the side yard property line with the nearest portion of the adjacent existing home located approximately 17 feet distant from the property line. Two lots are adjacent to just a cul-de-sac, lots 51 and 86. The single-story houses would be a maximum of 16 feet high, and the two-story houses would be a maximum of 24.5 feet high. Of the 59 existing houses, 11 are single-story and 48 are two-story houses. A majority of the houses along the north side of Pocket Road, adjacent to existing residences, will be constructed on level ground between 1 and 2 feet above adjacent existing houses ground levels. A retaining wall will be installed to compensate for the difference between grade levels with a 6-foot tall fence on top of the retaining wall. The homes along the south side of Pocket Road, adjacent to the existing residences, will range from 1 foot above to one foot below the existing homes ground level. The City's Zoning Ordinance limits the height of buildings in the R-1 to 35 feet.

The Islands at Riverlake project proposes greater setbacks and lower building heights than have been approved and constructed in Bridgeview, Southshore, and Dutra Bend. The proposed setbacks are greater than and the height less than what has been approved and constructed in other subdivisions in the LPPT PUD. The Guidelines require each front yard have a minimum of one 15-gallon shade tree that has been selected from the RCA's Approved Shade Trees list. The CC&Rs require a minimum of five trees per lot. One of the five required 15-gallon trees must be a shade tree located in the front yard. The back yards of the abutting houses appear to comply with the requirement. At maturity, the shortest approved shade tree is 20 feet (Trident Maple) and the tallest is 80 feet tall (Red Oak, Scarlet Oak, and Maidenhair). The average mature tree height of the approved tree list is ± 50 feet.

The Islands at Riverlake project would plant 1 to 2.5 shade trees in the front yards of the existing interior lots. The new homeowners of interior lots are required to landscape their backyards. It would be the homeowner's responsibility to plant the remaining 4 – 2.5 required trees in the backyard. The average tree height is 34 feet higher than the proposed single-story house and ± 25 feet higher than the two-story house. If there were shade impacts, they would result from shade trees planted in backyards not from the buildings. Shade impacts resulting from shade trees are not considered a significant impact because the Riverlake Community Association has expressly identified shade trees as a community benefit. Therefore, AES-6 is considered a **less-than-significant** impact. No mitigation is required.

23. **AES-7 Impact: Aesthetics**

(a) Potentially Significant Impact

The Islands at Riverlake Project could result in a demonstrable negative aesthetic effect if it would cast glare light or glare into traffic or residential uses in

such a way that it causes a public hazard or annoyance for a sustained period of time.

(b) Facts in Support of Finding

The project will include the installation of outdoor lighting. Compliance with SCC Titles 17.24 and 17.68.030 Part B will ensure that exterior lighting is consistent with similarly zoned and developed areas in the City. Among the restrictions of these regulations are: light must be reflected away from neighboring land uses (SCC 17.68.030 Part B). Therefore, AES-7 is considered a **less-than-significant** impact. No mitigation is required.

24. **CUL-1 Impact: Cultural Resources**

(a) Potentially Significant Impact

Previously unidentified artifacts could be discovered during trenching to install underground utilities.

(b) Facts in Support of Finding

The **potentially significant** impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Islands at Riverlake Project EIR:

CUL-1 Mitigation: If subsurface archaeological or historical remains (including, but not limited to, unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work within 100 feet of the discovery shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a **less-than-significant** level before construction continues.

With implementation of the above mitigation measure, this impact would be reduced to **less-than-significant** levels.

25. **CUL-2 Impact: Cultural Resources**

a. Potentially Significant Impact

Previously unidentified human remains could be unearthed during construction.

b. Facts in Support of Finding