



# FAX TRANSMISSION

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FROM: LE Buford  
SUBJECT: Riverlakes

DATE: 8/15/05  
PAGES: 5 incl cover pg  
PHONE: 808-5935

COMMENTS:

Comments on FEIR (pgs ~~14-32~~)  
12-15

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ADMINISTRATIVE DRAFT (11 August 2005) Not For Circulation

30 Comments and Responses

3.2 Comments and Responses to Comments

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Written comments received on the DEIR are reproduced on the following pages. To assist in referencing comments and responses, each commenter has been assigned a number and each comment a corresponding number. Responses correspond to the numbers used in the margin of the comment letter.

Where changes to the DEIR text result from responding to comments, those changes are presented in Chapter 4.0 with revisions marks (underline for new text, ~~strike through~~ for deleted text). Comments which present opinions about the project or which raise issues not directly related to the substance of the EIR are noted without response (in some cases, a response is also provided as it relates to issues discussed in the EIR).

3.2.1 Master Responses to Thematic Comments

Many comments and concerns reoccur as a theme through the different letters. In this subsection, a response to a common theme is provided to the comments that repeatedly appear in many of the letters. In response to the specific comments, the reader may be referred to the one of the master responses. When appropriate, the reader may be referred to the master response with additional information provided to address a specific concern.

3.2.1.1 Master Response 1: Street Design and Public Safety

Definition of a Private Street

Some commentors allege that a private road narrower than a standard street means "substandard," as if it were structurally or operationally deficient. This is a mischaracterization of the meaning of "public" vs. "private" streets. A private street is a street that is maintained by a Community Association or Homeowner's Association rather than the City. For the City to accept a street right-of-way (ROW) dedication, the street must be designed according to the City's minimum design standards for the type of street proposed. The range of daily traffic expected on the proposed street defines which design standard is to be used for the street. The City's standard design for Local-Residential Streets (0 - 4,000 average daily traffic) is provided in Table 7 on page 89 of the DEIR. If any project proposes a design that differs from the standard, that is less or more than a 5-foot wide sidewalk on both sides of the street, less or more than a 6.5-foot wide planter strip on both sides of the street, rolled curbs, less or more than a 7-foot wide parking lane on both sides of the street, less or more than an 8-foot wide travel lane on both sides of the roadway centerline, then the project requires a subdivision modification from the Planning Commission. In Riverlake, the City streets are: Rush River Drive, Northland Drive, Stonefield Court, Lake Front Drive, West Shore Drive, East Shore Drive, and the roads in Dutra Bend. All of the other streets in Riverlake are private streets.

Evaluation of Adequacy of Private Street

Table 7 compares the proposed private street with the City Standard Local - Residential Street. The proposed private street would be 22 feet wide with 9-foot wide travel lanes with a 2-foot wide rolled curb on each side of the street providing 20 feet of level surface. A four-foot wide sidewalk is located on the internal side of the private street. The proposed combined 18-foot wide travel lanes are two feet wider than the combined 16-foot wide travel lanes of the City standard.

The Sacramento Fire Department and the City Public Works Development Services Traffic Division reviewed the proposed private street design within the project. The Public Works Development Services Traffic Division had conditioned the 22-foot wide private street design to prohibit on-street parking and to require that trash and recycle bins be placed on the same side of the street on pick-up

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day. The Sacramento Fire Department was satisfied that the private street would be adequate if designed with a 20-foot wide road, with on-street parking prohibited, and turn radii with 45-foot inside and 55-foot outside dimensions (Sacramento Fire Department 18 January 2002). The proposed 22-foot wide road satisfies both the Public Works' and the Fire Department's conditions.

Because the private street will be posted as "no on-street parking" and the private street provides travel lanes slightly wider than the travel lanes required by the City standard, the private street design is not expected to significantly impact the circulation of garbage trucks, fire engines, service vehicles, and residential traffic, or to pose significant safety hazards. The City Public Works Department confirmed that the width of the proposed street is adequate for its service vehicles during the review process for the previous approval of this project, and the Fire Department also confirmed the adequacy of the street for its fire trucks at that time.

### Design Specifications in General

Several comments relate to the DEIR's reliance on comments of City department staff that became conditions of the originally approved Islands at Riverlake project. The initial project review process by Public Works, City Utilities, and the Fire Department identify specific engineering design specifications that appear as conditions of approval. These design specifications include elements such as minimum street width; turning radii for driveways; site lines for intersections and approaches; hammer-heads and emergency access requirements; ADA compliant handicap ramps at intersections requirements; minimum residual water pressure; a sanitary sewer study; a drainage study and shed maps; grading and water quality requirements; and the location, number, and type of fire hydrants required among many others. The design requirements specify how the infrastructure is to be designed and built. Often the design requirements address and minimize potential impacts evaluated under CEQA. Because of the scrutiny of the project review and specificity of the conditions of approval for the previously approved project, and the fact that the City department reexamination of the project during the February 2005 Initial Study process did not elicit any new comments, it was assumed that the conditions of approval would be essentially the same.

Several comments request proof that the proposed tentative map depicts engineering design specifications that were required in the conditions of approval for the originally approved Islands at Riverlake project and relied upon in the DEIR, such as turn radii. The City Building Division, Planning Division, Utilities, and Fire Department will review the final design before any final improvement plan is approved for construction. Compliance with the conditions of approval is required to obtain the construction permits. If the applicant has not complied with those conditions, it will not be granted approval to begin construction.

### Worst-Case Scenarios

CEQA does not require the evaluation of worst-case scenarios, but rather, simply, a range of reasonably foreseeable situations. (*Napa Citizens for Honest Government v Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342, 373.) The EIR notes that the Sacramento Fire Department reviewed the width of the proposed private street and determined that it would provide adequate access for its emergency vehicles and equipment under reasonably foreseeable conditions (page 126 of the DEIR). In addition,

Multiple commentors express concerns that garbage trucks will be breaking down or passing one another on the private street interrupting emergency service. They pose questions such as: Can the Sacramento Fire Department respond to an emergency call if a garbage truck breaks down in the middle of the street after attempting to pass an illegally parked sports utility vehicle, thereby blocking both travel lanes? This is not actually a "worst-case" scenario. The circulation plan includes multiple points of access including emergency access at the hammerheads (see Figure 5 in the DEIR).

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A "worst-case" scenario would be if a moving truck and a commercial delivery truck were both broken down blocking the hammer-head emergency access, at the same time that a garbage truck was broken down in the middle of the street after attempting to pass an illegally parked sports utility vehicle, thereby blocking both travel lanes. It is presumed that the Sacramento Fire Department has contingency plans and procedures to deal with "worst-case" scenarios such as this hypothetical, including using the fire engine to push the illegally parked sports utility vehicle forward until the engine could reenter the travel lane. In any event, CEQA does not require the analysis of the full universe of worst-case scenarios that can be dreamed of. Rather, CEQA requires analysis of "reasonably foreseeable" events or conditions. Complete blockage of all access routes and travel lanes during multiple non-functioning vehicles simultaneously with an emergency situation is not a "reasonably foreseeable" event requiring consideration under CEQA.

With regard to potential congestion resulting from queuing behind garbage and recycle trucks during pick-up days, the reasonably foreseeable delay does not rise to a significant impact on the environment because the delay would be infrequent (at most, weekly) and would not be long in duration. The farthest house from an egress/ingress driveway is 11 houses. The CC&Rs require homeowners to place all the trash bins on one side of the street. Therefore, it is possible that one person may get behind the garbage truck that needs to empty 21 cans. It takes a garbage truck approximately 7 minutes to serve 21 houses. A 7 delay for one, or even two or three cars for 7 minutes once a week is statistically imperceptible for traffic counts and emissions of criteria air pollutants. Most houses have multiple points of egress, so if the garbage truck is traveling on one side of the street, the homeowner can exit the neighborhood from another direction. Therefore, this is not a significant impact.

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3.2.1.2 Master Response 2: Traffic Study

The City determined that a traffic study was not warranted (City of Sacramento 26 June 2002) based on the facts that the project proposes residential development at the density specified for the site by the CEQA-evaluated LPPT PUD Schematic Plan, and assuming the proposed project was approved, the LPPT PUD Schematic Plan would have 933 fewer dwelling units than were approved for the PUD overall. (DEIR, p. 97). The Third District Court of Appeal did not find a fair argument of potentially significant impacts to traffic levels and circulation, and the Pocket Protectors waived this issue on appeal by not raising it at the Court. The Court did not, on its own, identify traffic congestion as an issue warranting evaluation in an EIR. Nevertheless, the City reexamined its original conclusions during the preparation of the second Initial Study prepared for the DEIR. The City determined again that a traffic study was not warranted (City of Sacramento 15 February 2005). The City issued a Notice of Preparation (NOP) on 25 February 2005. Caltrans requested that a traffic study be prepared to evaluate potential project impacts to I-5 on-/off-ramps. Although not required by CEQA or the Court of Appeal, as a courtesy to Caltrans, the City retained Fehr and Peers to prepare the traffic study appended to this FEIR as Appendix A, with input and final review from City staff.

Based on the procedures in Highway Capacity Manual (2000 HCM), a traffic impact analysis was conducted of the project and documented in a Traffic Impact Study (Fehr and Peers 8 August 2005). The Traffic Impact Study (TIS) examines the roadway, transit, and bicycle/pedestrian components of the overall transportation system. The TIS evaluated existing conditions without the project; existing conditions plus the project, cumulative conditions without the project, and cumulative conditions with project build-out. The analysis provides a Level of Service (LOS) analysis for the freeway ramps and ramp terminal intersections. Merge/diverge analysis was performed for the freeway and ramp junctions based on AM and PM peak hour volumes. The analysis includes LOS and traffic volumes at all study approaches and turn movements based on traffic counts conducted in June 2005.

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30 Comments and Responses

Based on analysis of the data and forecasts of the cumulative traffic conditions in 20 years (year 2025), the trips generated by the proposed project do not result in any potentially significant impacts requiring mitigation. Please refer to the TIS in Appendix A of this FEIR for a full explanation of the methods, data collected, analysis, and conclusions.

*The following explains the*

**3.2.1.3 Master Response 3: Waivers and Special Permits**

A few commentors raised concerns about the use of "waivers" or special permits for the proposed project. ~~Some of these comments reflect misunderstandings about the City's planning and development review process, permitting requirements and terminology.~~ The project applicant does not seek, nor does it require, any "waiver" or variance from City standards for the housing product proposed to be built, other than the subdivision modification for a narrower-than-standard street (see Master Response 1, above). Setbacks, lot coverage and area, and building height and massing are flexible standards under the R-1A zone that overlays the project site. (See SCC Title 17.020.010, 17.60.020, and 17.060.040.) Therefore, no variance or "waiver" from City zoning requirements is needed or sought by the applicant.

All development within the PUD boundaries is required to obtain a "special permit." "Special permit" is a defined term and specific type of development entitlement (like a tentative map or conditional use permit), provided in the City Code. The term "special permit" does not mean "special" or favorable treatment for a project applicant; rather, a special permit is required for all development and would be required for any of the alternatives. City Code section 17.212 provides:

A Special Permit may be granted at the discretion of the zoning administrator, Planning Commission or City Council and is not the automatic right of any applicant. In considering an application for a Special Permit, the following guidelines shall be observed:

- A. Sound Principles of Land Use. A Special Permit shall be granted upon sound principles of land use.
- B. Not Injurious. A Special Permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.
- C. Must Relate to a Plan. A Special Permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The Planning Commission or City Council must make findings based on substantial, factual evidence regarding the three guidelines ~~for~~ a special permit.

*prior to issuance of*

**3.2.1.4 Master Response 4: Recreational Resources**

The 60-foot wide Linear Parkway has three parallel strips of ownership and easements. Page 21 of the DEIR describes the City Pocket Road ROW (20 feet), the parkway dedication to the City (15 feet), and the landscape easement to the RCA (25 feet). The three strips are graphically represented on Figure 6 in the DEIR.

*commentors said nothing about*

~~Several commentors misconstrue~~ the City's conditions of approval of the Pocket Road Manor House application (Alternative A2 in the DEIR) and conclude that no sidewalks are allowed in the landscape easement portion of Linear Parkway. The City approved Alternative A2 and the Riverlake Park Homes project (Alternative A3 in the DEIR) with sidewalks or private paths in the Linear Parkway as described below.



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*prior to issuance of*

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this FEIR for reference. ~~The well-maintained high quality of the Riverlake subdivisions is evidence that RCA is capable and willing to enforce the CC&Rs.~~

**Rec-2 Impact: Adjacent private residential development may affect recreational opportunities in the Linear Parkway.**

Some commentors express concern that future project residents will think that the Linear Parkway is their own front yard and will view others as trespassers. The DEIR's conclusion that the proposed project would have less than significant impacts on recreational opportunities in the Linear Parkway is consistent with the City's findings of fact for previously approved projects for this site. Both the Riverlake Park Homes and the Pocket Road Manor House projects were approved with mitigated negative declarations. Both projects showed pathways in the landscape easement, either connecting the proposed units or connecting with the sidewalk in the parkway dedication. Both projects situated the housing units on the lot line. Neither of the previously approved projects proposed a fence or sound wall along the landscape easement. Each of the floor plans proposed for lots abutting the Linear Parkway (7110, 7120, 5710, 5720, and 5730) provide enclosed courtyards on the side of the house opposite of the Linear Parkway. Based on evaluation of the Typical Home Conceptual Landscape Design (Quadriga) and comparison of the proposed project with the previously approved projects, it was determined that the proposed project would not be significantly intrusive on people using the Linear Parkway.

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Child safety is a reoccurring concern among many commentors. The commentors are concerned that placing houses 60 feet away from the Pocket Road curb and gutter raises safety issues. Because child safety is a major concern for the City, the City evaluated the proposed project in the context of other developments along Pocket Road. The City compared the proposed project with the Alternatives A2 and A3 to determine if the proposed project results in a less-safe environment than the projects the Planning Commission found were based on sound principles of land use and were not injurious to public health and safety.

Between I-5 and the Pocket canal, Pocket Road is a four-lane road approximately two miles long with a posted speed of 40 miles per hour. The Islands at Riverlake project fronts about a mile of this stretch of Pocket Road. Not including houses behind security gates or with backyards that abut Pocket Road, over 66 houses and duplexes have their front or side yards along Pocket Road. An apartment complex, two townhouse developments, and Garcia Bend Park abut Pocket Road. House setbacks from Pocket Road vary, but they average between 25 and 35 feet for the detached units and 10 to 20 feet for the halfplex units. None of the houses have fences in the front yards. There is no fence separating Garcia Bend Park from Pocket Road. There is no fence separating the Linear Parkway from Pocket Road.

Both the previously approved Pocket Road Manor House project (A2) and the Riverlake Park Homes project (A3) had zero-lot lines on the landscape easement. They were set back 60 feet from Pocket Road. Neither project proposed a fence on the Linear Parkway. Given that Pocket Road is not fenced off from existing houses, sidewalks, parks, or the Linear Parkway, the City determined that the 60 feet of separation between the proposed houses and Pocket Road is not injurious to public health and safety. The potential risk of a child chasing a ball onto Pocket Road is ultimately a function of raising children in an urban setting and not a significant impact on the environment, or a significant factor for the guidelines the Planning Commission and City Council must follow to issue a special permit.

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**3.2.1.5 Master Response 5: Net Acreage Calculation**

Several commentors requested clarification as to how net and gross acreage was identified and calculated. The method that the City used to calculate net acreage for determining allowed density for the project site is described on pages 49 and 94 of the DEIR. The City's definition of net acreage is provided on page 232 of the DEIR: "*Lot Area, Net. 'Net lot area' means the area of a lot excluding publicly dedicated land, private streets which meet city standards, and other public use areas, as determined by the Planning Commission*" (Sacramento City Code section 17.16.10).

The City approved the LPPT PUD and adopted a Negative Declaration in 1985. The LPPT PUD subdivided 325.5 acres into 26 large lots. The net acreage for each of the large lots was illustrated on Exhibit A "Tentative Map for South Pocket L.P.P.T.," Exhibit B "South Pocket L.P.P.T. Schematic Plan Land Use Exhibit," and described on Exhibit C "Site Information" (City Planning Department File No. P85-165 dated 11 July 1985). The large lots were designated for further subdivision and development as specific land use types at specified densities. Publicly dedicated land, such as the parkway easement to the City, was subtracted from the gross acreage of the large lots to determine the net acreage. The densities were calculated based on the net acreage of the large lots.

The Islands at Riverlake project site encompasses parcels 21, 22, and 23 of the original large lot subdivision. The net acreage of Parcel 21 (5.4 net acres), Parcel 22 (11.2 net acres), and Parcel 23 (3.9 net acres) totaled 20.5 acres. Exhibits A, B, and C of the LPPT PUD Development Guidelines identify the net acreage of the City parkway easement and Pocket Road ROW as separate from the net acreage of Parcels 21, 22, and 23.

After the approval of the LPPT PUD in 1985, approximately 1.06 net acres were removed for the Dutra House lot-line adjustment and the Dutra Bend Drive intersection with Pocket Road. Therefore, the net acreage of the Islands at Riverlake project site used for density calculations is 19.44 net acres. The project engineer, Morton & Pitalo, Inc., provided the net acreage calculation. The net acreage includes the proposed residential lots, the private road, and the 25-foot wide (3.6-acre) landscape easement to RCA. The 19.44 net acres does not include the 15-foot wide parkway easement to the City.

**3.2.1.6 Master Response 6: Aesthetics****Views from Pocket Road**

The conclusion that the proposed project would have less than significant aesthetic impacts on views of the project site from Pocket Road is consistent with the City's findings of fact on previously approved projects for this site. Both the Riverlake Park Homes and the Pocket Road Manor House projects proposed the construction of single- and two-story buildings and landscaping including trees. Both projects were approved with mitigated negative declarations. The proposed project would construct single- and two-story buildings and provide landscaping. Under any development plan the view of the project site from Pocket Road would change from an undeveloped lot to a lot that is developed with residential uses. Opinions vary on what type of buildings would look best on the site. However, the purpose of the EIR is to evaluate the impact of the proposed project on the visual environment, not on the subjective merits of the design. The City has consistently determined that the development of the project site with single- and two-story residential units would not have a significant impact on the visual environment.

**Shade Trees**

Commentors express concerns that the project will 1) not have enough shade trees and 2) that the project might result in too much shade. Shade trees are discussed on pages 39 and 146 of the DEIR.

Question of too much shade not addressed -

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### 3.2.1.7 Master Response 7: Alternatives Analysis

Several commenters <sup>had concerns about</sup> criticized the selection and adequacy of the assessment of the project alternatives. CEQA requires an EIR to describe and analyze a "reasonable range" of alternatives to the proposed project that could feasibly attain the objectives of the project and reduce or avoid project impacts. (CEQA Guidelines, Section 15126.6(a)) A "reasonable range" is not numerically defined in CEQA, but it is generally understood by CEQA practitioners to mean at least three project alternatives (i.e., not including the required "No Project" alternative or the project itself). The DEIR presented and evaluated six project alternatives, plus the required "No Project" alternative.

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Because the DEIR was prepared pursuant to the order of the Third District Court of Appeal determining that the Pocket Protectors' concerns about the project's land use planning consistency, aesthetics, and associated recreational resources impacts amounted to a "fair argument" under CEQA that potentially significant impacts in these areas that might result from the project. The second Initial Study prepared following the Court order did not find any new, potentially significant impacts. The selection of the project alternatives was driven primarily by the court's and community's focus on these three areas. At various times in the three-year process for this project, the Pocket Protectors and other neighbors have asserted that previously approved developments for the project site would be more acceptable or less environmentally significant than the proposed project. For that reason, Alternatives A2 and A3, both previously approved projects determined by previous City decision making bodies to meet the requirements for a special permit (including the requirement that they shall comply with "sound principles of land use") were selected for analysis in this EIR. The designs of these alternatives and the resulting analysis were based on the previously approved tentative maps for these projects, showing the projects' layouts and amenities and the design details that were available in the City's records of these projects.

Prior to the City Council's original approval of the proposed project, the Pocket Protectors proposed a new alternative consisting entirely of halfplexes, which the group argued would be preferable and environmentally superior to the proposed project. Therefore, this alternative was included in the DEIR as Alternative A4. The site layout of the A4 Alternative was based on the information provided by the Pocket Protectors at the City Council's May 2003 meeting on the Islands at Riverlake project. As noted in the DEIR, this A4 Alternative was scanned, scaled and placed on a digital basemap of the project parcels to determine how many units could be constructed under this alternative plan. That process showed that 126 units, in 63 halfplexes, could be constructed on the project site under this Alternative.

The Zero Lot Line Alternative (A5) was developed in order to compare the proposed project to an alternative housing development that would be allowed under the existing R-1A zone, at nearly the maximum density allowed by the LPPT PUD Schematic Plan (8 du/acre maximum). This alternative was included also to show a single family residential alternative, detached housing design that incorporates the location of the private street along the existing fence, as suggested by the Pocket Protectors, with the narrow and deep lot configuration that was approved for the Coleman Ranch subdivision (R-1A zoned) that was annexed into the Riverlake Community Association, across Pocket Road to the south of the proposed project site. The lot width of 30 feet would be narrower than the 45 - 50-foot typical lot width in Coleman Ranch.

The Rezone Alternative (A6) was developed as a result of the notice taken by the Court of the previously adopted (but now expired) Development Agreement for the project site that required a rezoning from R-1A to R-1 for single-family detached housing to be built on the site. Earlier in the City's review and approval process, several commenters also recommended that the developer obtain a rezone to R-1. The request for rezone was based on the opinion that the proposed housing product

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was standard single-family detached housing that required a rezone to R-1. Commentors cited their own preference for such housing product and their views that the Development Agreement required it. The City interpreted the Development Agreement to require a rezone to R-1 only if R-1 standard-sized lots were being proposed for the site. Therefore, this alternative was included in the DEIR to assess the project site's suitability for R-1 standard single family detached housing, where 100 units could be constructed on standard, 5,200-square-foot lots.

Alternative A7 (R-1 A Mixed) evaluates a synthesis of the proposed project and Alternative A2. The lot and road layout would be the same as the proposed project but would introduce a mix of detached and halfplex units like Alternative A2. The overall number of units, 139, would be the same as the proposed project.

All of the project alternatives included an interior private street that is narrower than the City's standard street width because the City is moving away from approving such streets in residential neighborhoods in an effort to facilitate slower traffic speeds and corresponding increased pedestrian, bicycle and motorist safety in these areas. Wide streets are increasingly discouraged by urban planners because they are considered inviting to increased speeds and riskier driving.

Several commentors asserted that insufficient design details were provided for the project alternatives, such that the resulting analysis paints an unfair or incomplete picture of the alternatives. Other commentors <sup>stated</sup> complained that the City should have altered the previously approved projects in ways to make them more preferable, or incorporated different details for the proposed alternatives, or should have consulted with the neighbors and Pocket Protectors during the drafting of the DEIR regarding the details of the alternatives. CEQA does not require EIRs to present as much detail about project alternatives as may be available for a proposed project, nor must an EIR include every possible variation of alternatives to a project. CEQA requires that enough detail about each alternative be presented to allow meaningful evaluation, analysis, and comparison with the proposed project regarding the relevant environmental aspects (CEQA Guidelines, section 15126.6 (d).) Sufficient detail was already available or was developed for each alternative studied in this EIR to allow quantitative comparisons of lot coverage, setbacks, open space and landscaping, building heights and massing, street width, parking and other comparisons of more subjective planning consistency and aesthetic issues.

A few commentors also stated that the DEIR's identification of the proposed project as the "environmentally superior alternative" was incorrect or unlawful under CEQA. Nothing in CEQA requires that the EIR identify a clear "runner up" to the proposed project if it is the "environmentally superior alternative." CEQA does not prohibit the City from determining that the proposed project is the environmentally superior alternative. The DEIR (at pages 213-214) identified the following reasons the City determined the proposed project to be superior:

- The project satisfies the LPPI PUD and Community Plan density targets;
- The placement of homes adjacent to homes is preferable to placing a road adjacent to the back and side yards of the existing houses, within the 12.5-foot street side, side yard minimum setback of the adjacent R-1-zoned homes;
- The project places single-story homes opposite existing R-1 homes or else locates its proposed two-story homes far enough away so as not to intrude on the privacy of the existing homes;
- The proposed project has setbacks and mass/bulk that are consistent with approved requirements for other, adjacent Riverlake subdivisions;
- The proposed project has fewer private road ingress/egress points than the previously approved Alternatives A2 and A3; and

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- The proposed project achieves the City's and the applicant's objectives for the project site without causing any significant and unavoidable environmental impacts.

Additionally, some commenters <sup>questioned</sup> criticized the absence in the DEIR of any cost or financial feasibility information for the various alternatives. This kind of information, however, was not available to the City, nor is it required under CEQA to be developed and included in an EIR. (See *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4<sup>th</sup> 656, 690-691.)

The DEIR concluded that there were no significant and unavoidable environmental impacts or any significant impacts requiring mitigation associated with the proposed project's land use planning consistency, aesthetics, or recreational resources. Therefore, the City is not required to make findings regarding the feasibility or infeasibility of any of the project alternatives. The alternatives analysis demonstrates that there are a wide range of designs possible for the project site that are more or less consistent with existing plans and policies, with minor differences in lot coverage, setbacks, number of units, street width and location, orientation, height and massing, none of which result in substantial benefits or improvements for the environment over the proposed project, which has no significant, unmitigated environmental impacts.

### 3.2.1.8 Master Response 8: Proposed Fence

Several letters express a concern that the proposed project's new fence would result in maintenance problems. A new fence would be constructed along the existing fence in order to secure the new residential yards. The fence would be installed as close as possible to the existing fence to minimize the potential for the problems raised by the commentors. This is a very common practice used by builders when they are building next to existing neighborhoods because the coordination of tearing down a fence that provides security for the existing neighbors is extremely inconvenient and disruptive to the established neighbors. The neighbors can remove their old fence and tie-in to the new fence. If the existing neighbor does this and later sells the home, however, the seller must disclose to the buyer that the fence does not designate the true property line.

### 3.2.1.9 Master Response 9: Infill Definitions and Concepts

A few commentors objected to the inclusion of the state's definition of "infill" in the discussion of various infill policies and plans. The inclusion of the state's definition was not intended to mislead or to signify that the project site is considered to be blighted or eligible for redevelopment funds, as was suggested in a few comments. The DEIR makes clear that the site does not meet the City General Plan's definition of "infill," which is defined as a vacant and under utilized site of five acres or less.

Because the EIR is a document prepared under CEQA, a state law, the CEQA statute and guidelines, also state law, are relevant to the project site. Therefore, the definition of "infill site" set forth in Public Resources Code section 21061.0.5 was noted in the Regulatory Setting discussion at page 43 and other places in the EIR in order to provide as thorough a presentation of applicable law as possible. The applicability of the state's definition of "infill site" is relevant to an understanding of the physical and environmental context of the project site. At some other places in the EIR, the term "infill" is used more loosely in the common sense of the meaning of the term, as a site surrounded by existing development. The fact that the project site meets the state's definition of "infill site" does not trigger any finding by the City of blighted conditions, nor does it qualify the applicant for public funding for redevelopment, as was suggested in some comments. Additionally, as noted in the DEIR at pages 54-56, the proposed project is consistent with the Sacramento Area Council of Government's

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(SACOG's) Blueprint Growth Principle encouraging infill development. As some of the last undeveloped parcels within the PUD boundaries, the project site falls within the common understanding of the term "infill."

### 3.2.1.10 Master Response 10: Scope of the EIR

The scope of the EIR was limited to the areas where the Third District Court of Appeal concluded that the administrative record supported a fair argument that potentially significant impacts could result from the construction of the Islands at Riverlake project. (See *The Pocket Protectors v City of Sacramento* (2004) 124 Cal.App.4th 903, 939 (available online at [http://ceres.ca.gov/ceqa/cases/2004/The\\_Pocket\\_Protectors-C046247.htm](http://ceres.ca.gov/ceqa/cases/2004/The_Pocket_Protectors-C046247.htm).) This range of potentially significant impacts was confirmed through the second Initial Study prepared for this EIR. That study confirmed that the only potentially significant impacts for which it was unclear whether mitigation measures could reduce the level of significance of the impact, or whether mitigation measures would be necessary, were Consistency with Land Use Plans and Policies; Aesthetics; and Recreational Resources. (See DEIR, pp. 3-4.) Neither the existing record, nor the comments received during the scoping process and comment period for the DEIR, provide any substantial evidence for any new potentially significant impacts not already addressed in the DEIR or initial study.

### 3.2.1.11 Master Response 11: No Significant Impacts with Current Project

Some of the commentors ~~expressed doubts or criticisms about~~ <sup>questioned</sup> the conclusions of the DEIR with respect to the visual and land use impacts, citing early staff or Planning Commission assessments of the project that were made in 2001 and 2002. The project evaluated in the DEIR has changed in substantial ways from the project as proposed in 2001. The project proposed in 2001 constituted 143 single-story, two-story, and quasi-two-story houses. The quasi-two-story house plan located the second story towards the front of the house. Single-story and quasi-two-story units were located five feet off of the existing fence. The Planning Commission, relying on, and consistent with, previous findings in the LPPT PUD specifying that the first floor of two-story buildings should be set back a minimum of 7.5 feet from the lot line, found that the proposed two-story buildings with only five-foot setbacks did not meet the guidelines for a special permit and denied the project. The Applicant subsequently revised the project by:

- Reducing the number of dwelling units from 143 to 139;
- Providing seven passive use parks;
- Reducing the width of the private street from 25 feet to 22 feet to provide an interior sidewalk;
- Relocating ingress and egress points to eliminate modifications to existing medians;
- Eliminating the quasi-two-story plan in favor of more single-story dwelling units, particularly along the existing fence line and adjacent to existing houses; and
- Providing minimum 10-foot setbacks for all proposed homes adjacent to the fence line.

The Applicant appealed the Planning Commission's denial of the project to the City Council and proposed changes to the project noted above. The project went through additional changes during the course of the City Council hearings. Most notably, the setbacks for the houses were increased from 10 feet to 12 feet. The garages were kept with the 10-foot setbacks to ensure that a car could park in the driveway. Applicant retained Quadriga to prepare a Conceptual Landscape Plan (DEIR Exhibit D). The plan had not been prepared at the time of the Planning Commission hearings or the Third District Court of Appeal reviewed the project. The Conceptual Landscape Plan identifies the location and species of shade trees for each yard in the proposed project, since this was an issue raised by the *Pocket Protectors* and the Court.

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The "fair argument" noted by the Court that the project may result in significant impacts resulting from the "tunneling" effect of two rows of two-story houses was resolved through design modifications. The fair argument that the project may result in significant impacts due to inadequate setbacks was resolved through additional design modifications that bring the project into conformity with other R-1A development in Riverlake. With adoption of the proposed Community Plan and Development Guidelines amendments, any remaining ambiguity surrounding the "and related" part of the PUD's term, "townhouse and related development," would be resolved. The Community Plan and PUD Development Guidelines would be made consistent with the City's General Plan and zoning code definition of R-1A development types.

The project, as currently proposed, does not have any impacts on the physical environment not identified as less than significant for projects previously approved for this site. There are no appreciable differences in the physical environmental impacts resulting from any of the project alternatives, except perhaps the R-1 Rezone alternative (A6), the density of which would not be consistent with the City's plans for the site. The comments received on the DEIR and throughout the review process for this project reveal that there are significant differences of opinion about how the development for the project site should be designed. As demonstrated in the DEIR's alternatives analysis, each design, including the proposed project, results in minor planning and aesthetic trade-offs, which relate to personal preferences, but which are not significant physical impacts on the environment.

### 3.2.2 The Letters

#### 3.2.2.1 Letter 1. Amy Skewes-Cox, 3 August 2005

1-1 The comment is general and does not identify specific issues relating to the adequacy of the DEIR. Potential impacts on the physical environment are evaluated in the two initial studies (26 June 2002 and 15 February 2005) and the DEIR.

1-2 1) As this is a summary comment, it is assumed that "key impacts" will be identified later in the comment letter. 2) Thresholds of Significance were identified in the two initial studies and the DEIR. See Response to Comment 1-38. 3) Changes to the project site were identified and evaluated for significance. The DEIR also evaluated the proposed project within the context of the surrounding built environment. Planning decisions made for subdivisions in Riverlake were reviewed in order to establish setbacks, land use, and building coverage precedents, particularly as they informed the DEIR's analysis of land use and aesthetics concerns. 4) This comment is too vague to address, but it is assumed that "true impacts" commenter says were "explained away" will be identified later in the comment letter. 5) See Master Response 7 for a discussion of the alternatives analysis.

1-3 The comment is a general criticism alleging a lack of creativity in devising the mitigation measures presented in the DEIR. However, the comment does not identify specific areas of inadequacy in the DEIR. Furthermore, the ruling of the Third District Court of Appeal identified that there was a "fair argument that significant impacts may result" in the areas of land use and aesthetics, and directed that an EIR must be prepared to evaluate potential impacts in those areas. The fact that a "fair argument" is deemed to exist, however, is not equivalent to a finding that "significant impacts" will result. See Master Response 11.

Not  
Answer  
Correct

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- 1-4 See Master Response 7 for a discussion of the alternatives analysis. Additionally, as noted in Master Response 7 and elsewhere in the DEIR, ~~contrary to commentor's opinion~~, the neighbors expressed preferences for the previously approved attached and clustered projects and for designs that located the private street along the existing fence. Several of the alternatives, therefore, included these features. Many neighbors also expressed opposition to the idea of smaller home plans, stating instead a preference for a housing product, whether attached or detached, that was, or appeared to be, much larger than the proposed project's plans.
- 1-5 Comment does not identify specific issues related to the adequacy of the DEIR.
- 1-6 Rezoning the property to R-1 was evaluated as project alternative A6. All project alternatives evaluated are single-family residential alternative housing products. The project alternatives compare physical impacts on the environment resulting from detached, halfplex, triplex, quadplex, and mixed detached/ halfplex housing products.
- 1-7 See elevations at Exhibit D of the DEIR. Visual simulations are not required by CEQA. Visual simulations will be part of staff report for consideration of the merits of the design.
- 1-8.1 The DEIR evaluated views from Pocket Road, existing residences, and the proposed interior street on pages 144-145 of the DEIR. The discussions of each view category are nearly identical in length and thoroughness. *↳ # for the hearing & available to the public @ the time*
- 1-9 The City's thresholds of significance are identified at the beginning of each subchapter.
- 1-10 "Alternative residential units" are those housing types for situations described in Sacramento City Code 17.20.010. Definition provided on page 51, in Section 9 Glossary, and discussed on page 100 of the DEIR.
- 1-11 The alternative design presented by the Pocket Protectors to City Council was evaluated as project alternative A4 Pocket Protectors' Plan. See Master Response 7.
- 1-12 See Master Response <sup>S</sup>A for a discussion of net acreage.
- 1-13 Comment noted. See Master Response 7 for a discussion of the alternatives analysis. All of the alternatives satisfy the purpose of the project and all but A6 R-1 Rezone meet the Applicant's stated objective. No significant and unavoidable impacts were identified. Therefore, CEQA does not require discussion of alternatives to minimize impacts. See Master Response 11.
- 1-14 The first column <sup>of the</sup> identifies the Riverlake subdivision. The second column identifies the number of single-story and two-story units in the subdivision. The third column provides the average lot size and average liveable area (square footage excluding garage) for single-family detached units. The fourth column provides the average combined lot size and average combined liveable area (square footage excluding two garages) for single-family halfplex units. The fifth column is the average of the lot size and liveable area averages of the detached and halfplex units.

The lot size and livcable area for halfplex units could have been treated as separate units in the lot size and livcable area averages. The halfplex units were combined because Article 8.03.Z of the Master Riverlake CC&Rs require halfplex squarc footage to be calculated as one

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building. Because of the community interest in the project, it was considered important to show the data in a way that Riverlake residents were used to seeing it.

The proposed project is compared to the Riverlake average lot and building sizes in Chapter 4.0 Environmental Evaluation.

1-15 The purpose of Figure 4 is to depict existing lots. Figure 5 Tentative Subdivision Map shows the abutting parcels and streets.

1-15a The estimated population is provided on page 11 of the Initial Study (15 February 2005) in Exhibit A of the DEIR. The PACP-SPSP uses a factor of 3.4 to estimate population. Therefore, the project may result in an estimated population increase of approximately 472.6 people (3.4 residents per dwelling unit x 139 dwelling units).

1-16 The neighborhood identified as Glide Ferry on page 28 of the DEIR is actually Carriage Estates. The label for Chicory Bend, which is west of Carriage Estates, was inadvertently left off of Figures 3 and 4. The Carriage Estates and Chicory Bend neighborhoods are accurately shown on sheets 2 and 3 of Figure 5 Tentative Subdivision Map. The incorrect sentence on page 28, paragraph 2 is amended as follows:

Chickory Bend and ~~Glide Ferry~~ Carriage Estates, non-Riverlake subdivisions<sup>s</sup> are standard R-1 single-family subdivisions located across from the project site south of Pocket Road.

1-17 Comment noted. The City evaluated the project proposed by the Applicant. See Response to Comment 1-4.

1-18 Page 36 refers reader to Figure 5 Tentative Subdivision Map, which identifies lots that have two-story houses proposed.

1-19 Sheets L.1.10 – L.1.12 of the Conceptual Landscaping Plan prepared by Quadriga in Exhibit D of the DEIR depicts the location of the garages on the lots fronting Pocket Road. The garage for Plans 7110, 5710, 5720, and 5730 is shown set back approximately five feet from the landscape easement area. Plan 7120 shows the garage with a zero-foot setback from the landscape easement area.

Potential parking impacts were evaluated on page 33 of the Initial Study (15 February 2005) in Exhibit A of the DEIR. Each lot plan would provide three parking spaces, two in the garage and one in the driveway. A total of 417 off-street parking spaces are located on the lots. A total of 55 additional guest parking spaces are provided. The total number of parking spaces provided is 472. Based on evaluation of the proposed site design it was determined that the project provided sufficient parking.

1-20 The conditions of approval (Condition 16) of the originally approved project required 2.5 shade trees per lot "as feasible," but only in the front yards of those lots fronting the private street. Since that approval the Quadriga Conceptual Landscape Plan was prepared. A minimum of one RCA-approved shade tree is shown for each lot.

1-21 The name of the map was provided with a web address for viewing it on the SACOG website.

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- 1-33 The DEIR states in paragraph generating the comment, "The applicant is not seeking a density bonus" (DEIR page 76) The proposed project is not intended to serve as low-income housing.
- 1-34 The "areas of controversy" section is found on page 6 of the DEIR. Comments on the NOP were provided in Exhibit B of the DEIR.
- 1-35 Improvements to a previously unimproved lot add value to the lot. The market determines what the added value will be. The conclusion that the project would add value to adjacent homes is supported by the project's consistency with the Single-Family Residential Design Principles, which "promote quality design and innovative solutions that in turn encourage viable neighborhoods of enduring value" (SFRDP p. 4) (See DEIR p. 143).  
*page 4* *page 6*
- 1-36 Table 4 reports the average building and lot sizes for halfplexes combined and Table 9, and subsequent tables 10, 11, 12, and 13 report the Mass/Bulk statistics as separate units. Located in the "Project Location and Characteristics" section of the DEIR, Table 4 is presented to characterize Riverlake in terms that the Riverlake Master CC& Rs require (See Response to Comment 1-14 above). The mass/bulk statistics were based on individual lots of measuring and analyzing the compatibility of R-1A with R-1 land uses. This method was consistently applied throughout the section. In the alternatives analysis, both the average building and lot sizes for combined attached units were compared with the proposed project and the mass/bulk statistics based on individual lots were reported. The average lot and building size for the Islands at Riverlake was provided and the reader is encouraged to compare the average with the information provided in Table 4.
- 1-37 Refer to Master Response 6 and DEIR pp. 145-146 regarding potential shade impacts.
- 1-38 Because of the specificity of the neighbors' comments and the Court of Appeal's opinion regarding "fair arguments" of potentially significant aesthetic impacts, the City believed that its standard criterion -- "demonstrable negative aesthetic effect" -- did not provide any useful way to quantify this effect with objective data. Therefore, the City developed the additional criteria noted by the commenter, basing them on the specific factors identified by the neighbors and the Court as the ones that raised a "fair argument" of potentially significant aesthetic impacts. These factors included setbacks, landscaping and lot coverage, and density. The City included others, such as the Single-Family Residential Design Principles, that it considered relevant to an analysis such as this one that is focused heavily on issues that are traditionally considered in the context of the design review process, in an attempt to quantify this subjective impact to the extent possible.
- 1-39 Refer to Response to Comment 1-7 above.
- 1-40 The projects referred to in paragraph two on page 135 were approved by the City with negative declarations and findings of fact that locating the first story of a two-story building closer to the back or side yard of adjacent residential development does not result in significant visual impacts. Impacts to 11 houses with rear yards abutting the project and to 13 houses with side yards abutting the project and features of the project incorporated by design or regulation are addressed in numbered paragraphs 1 – 5 on pages 135 and 136. Increased setbacks for 2<sup>nd</sup> floor areas were not considered because the project proposes only single-story units adjacent to existing homes.

03056



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COMMENTS:

Comments on FEIR (pgs 35-55)  
pgs 56-72

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- 1-46 The project does in fact incorporate all of the above recommendations into project design. Therefore the first sentence of the last paragraph on page 138 is amended as follows:

The proposed project incorporates ~~most~~ all of the above recommendations.

- 1-47 Refer to Response to Comment 1-19 regarding garage setbacks and DEIR page 144 regarding the view from Pocket Road.
- 1-48 Please refer to page 144 of the DEIR and Master Response 6 for discussion of views of the project site from Pocket Road. ~~Please refer to comment 1-41 above for a discussion of~~ set setbacks. Refer to Master Response <sup>6</sup> regarding landscaping. Refer to comment 1-40 for a discussion of setbacks for second floors. With respect to window height, the proposed project minimizes any privacy concerns identified in earlier project designs, and thus, no additional design restrictions are necessary.
- 1-49 Since approval of the LPPT PUD, the visual expectation of the site has been residential units at a density of between 7 and 8 dwelling units per net acre. Based on the analysis of LAN-11 (DEIR pp. 104 – 111) for building massing, LAN-12 (DEIR pp. 111 – 115) for setbacks, and the Aesthetics analysis on pp. 132-143, the City determined that neither R-1A attached nor R-1A detached residential development would result in a significant impact on the visual environment. For R-1A housing types to achieve the designated density, whether detached or attached, greater building coverage area and greater flexibility with setbacks is required. The City determined that no significant impact on the visual environment occurs with attached or detached housing. The issue is reduced to design preferences.
- 1-50 See Master Response 9. This paragraph of the DEIR discusses the relationship between density and visual impacts, and the term “infill” is used in the context of the City’s goals and policies for encouraging denser development.
- 1-51 Refer to Master Responses 6, 10, and 11, <sup>and</sup> pages 144-146 of the DEIR for a discussion of views and potential light impacts. No mitigation measures are required where the analysis in the DEIR concludes there are no significant impacts. See also Response to Comment 1-40 regarding second story setbacks.
- 1-52 The visual context of the Linear Parkway, since its approval in 1985, has been landscaped open space with residential dwelling units situated behind it. The City has approved two previous projects to achieve the expected context. The City has not made a finding that the Linear Parkway is a significant view or viewshed with an unimproved lot behind it. The City has determined that locating residential dwelling units on the lot at the designated density does not result in a significant impact on a significant view or viewshed.
- 1-53 The commentor’s statement that views down the length of the private road are not relevant to impacts on the neighbors, as such views would be more likely to affect the proposed project’s residents than its neighbors, is noted. As stated at other places in the City’s record for the project, this issue is more of a marketing issue for the developer than a physical environmental impact within CEQA’s scope. This issue, however, was one that was raised repeatedly by the neighbors during the previous review and approval process as a potentially significant impact that would affect them as they drove past the entrance to the project and into the existing adjacent neighborhoods. Therefore, it was analyzed in the DEIR. Moreover, it is not solely the inclusion of the mini-parks that results in the conclusion that the tunneling or canyon effect will be minimized. This potential effect was first raised in 2001 during early consultations

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between the City planning department and the applicant. At that time, the applicant was proposing a design that was predominantly two-story homes along both sides of the street. The subsequent revisions to the project, including the inclusion of the mini-parks, but also the greater mix of one and two-story homes, minimize this potential effect such that the City considers it to be less than significant.

1-54 Please refer to Master Comment 6 for a discussion of shading impacts.

1-55 See Master Response 7.

1-56 See Response to Comment 1-13.

1-57 See Master Response 10 for an explanation of the scope of the DEIR.

1-58 The project will have no significant, unmitigated impacts. See Master Response 7.

1-59 It is not correct that all of the alternatives look at a new road along the fenceline, or that the location of a central road for the proposed project is a feature that gives rise to a significant impact that requires mitigation. As explained at several places in the DEIR, the location of the private road along the fenceline was considered for several of the proposed alternatives because this was a feature of the previously approved designs for the site and of the Pocket Protectors' proposed alternative. The discussion of the R-1 Rezone alternative notes that the project's road could be located either next to the fence or the linear parkway, and discusses the trade-offs associated with both designs. The location of a road along the fenceline is considered less desirable for a variety of reasons, but primarily because it intrudes into the 12.5-foot street side, side yard setback for the existing R-1 adjacent homes, and it does not promote the safer, "eyes on the street" design increasingly favored by urban planners. See also Master Response 7.

1-60 The neighborhood building coverage ratio for the proposed project is 27% compared to 26% for alternatives A2 and A3. The ratio is related to the number and density of dwelling units per net acre. The two alternatives, A4 and A6, which do not meet the minimum PACP-SPSP goal of 7 dwelling units per net acre, have neighborhood building coverage ratios of 23% and 24% respectively. The neighborhood building coverage ratio appears lower than the average lot building coverage area (BCA of 46% for the proposed project) because open space is concentrated in the Linear Parkway.

1-61 The final paragraph in Section 5.3.1.2 on page 158 of the DEIR notes that all potentially significant impacts can be mitigated to less than significant. Table 29 identifies that the No Project alternative will have an insubstantial improvement to the physical environment compared to the proposed project.

1-62 Comment noted. The title of section 5.3.1.2 on page 157 is amended as follows:

Less than Significant Impacts and Potentially Significant Impacts That Can Be Mitigated

1-63 Paragraph one on page 170 identifies the approved design of Alternative A2, which incorporated mitigation measures to reduce privacy concerns and potential land use conflicts of placing the road along the fenceline. The approved site plan is evaluated in Table 29. Page 170, paragraph 2 identifies another design solution and identifies potentially significant

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impacts that would result from the alternate design solution. The impacts are not evaluated in Table 29 because Table 29 evaluated the approved project, not a variant of the approved project.

- 1-64 Table 26 provides the Neighborhood Building Coverage ratio. The Neighborhood Building Coverage provides a method of comparing neighborhoods by calculating the portion of the neighborhood covered by buildings (DEIR p. 159). Building Coverage Area examines the ratios of coverage on the individual lot (DEIR p. 104). Because the ratios examine different aspects of the built environment, it is correct to say that Alternative A2 has a Building Coverage Area of 0.575 and a Neighborhood Building Coverage ratio of 26%. Also refer to Response to Comment 1-43 regarding evaluation of impacts resulting from exceeding R-1 maximum building coverage area.
- 1-65 The method of calculating building coverage area (DEIR ~~p.~~ <sup>page</sup> 159) was used to calculate the average lot and building sizes.
- 1-66 The increased demand on parks is considered less than significant for the reasons set forth in the DEIR, ~~p.~~ <sup>page</sup> 151, and the Initial Study, page 75 (Exhibit A to the DEIR).
- 1-67 See DEIR, ~~pp.~~ <sup>pages</sup> 152-153 and Master Response 4 regarding the terms of the landscape easement allowing driveway entrances. The City determined that seven driveway cuts into the Linear Parkway was a less than significant impact when the Planning Commission approved the project in 1987. Consistent with that previous determination, the driveway cuts for the proposed project are also considered a less than significant impact.
- 1-68 Comment noted. The DEIR utilized the Design Guidelines as benchmarks for evaluating the significance of potential aesthetic impacts.
- 1-69 See Response to Comment 1-52.
- 1-70 The evaluation of Alternative A4, the Pocket Protectors Plan beginning on page 186 of the DEIR evaluates the site design and concludes that there are no significant immitigable impacts. For all of the alternatives, including Alternative A2, the distance between the buildings was measured from the closest point.
- 1-71 If Alternative A4 provides connections to the Linear Parkway via pathways, the level of intrusion would likely be similar to the proposed project and alternatives A2, A3, A5, and A7. Intrusion in the Linear Parkway from private residences to the City sidewalk has been determined by the City to be a less than significant impact on recreational resources. See DEIR ~~pp.~~ <sup>pages</sup> 152-153 and Master Response 4.
- 1-72 Comment noted. Please see Table 26 for comparison of Neighborhood Building Coverage of the project alternatives.
- 1-73 ~~Comment overstates the facts.~~ Refer to Table 26 on page 215 of the DEIR. Neighborhood building coverage for the proposed project is 27%, 26% for A2 and A3, and 23% for A4.
- 1-74 Alternative A4 does allow area for planting shade trees. ~~Comment incorrectly states that the proposed project does not provide shade trees.~~ See Master Responses 6 and 11.

↳ for the planting ☺

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consistent position of City staff that this designation, coupled with the fact that the site is zoned R-1A, was intended to include a broad variety of alternative housing types, other than standard-sized-lot, single-family detached homes or multi-family. The list of housing types allowed under the R-1A zone includes attached and detached units, as well as townhouses, cluster housing, condominiums, cooperatives or similar projects. (SCC Title 17.20 010.) Neither the term "townhouse," nor "related development," was defined in the PUD Development Guidelines or elsewhere in the City's zoning ordinance. At the time that the PUD designation was made, the term "townhouse" was being used to broadly describe housing products that were more densely arranged or smaller than the standard, 5,200-square-foot-lot single-family detached developments. It is the City planning staff's understanding of the "townhouse and related development" designation that at the time it was adopted, it was aimed more at achieving a certain density for the project site (maximum 8 du/acre) and less at requiring a specific housing product, such as attached townhomes. Moreover, other "townhouse (R-1A)" designated areas within Riverlake have been developed with detached, single-family homes on smaller-than-standard lots and were determined to be consistent with this designation. Therefore, it is the planning staff's interpretation that the type of housing product allowed under the "townhouse and related development" designation includes the type of housing proposed by the project applicant. Because this was an area of ambiguity identified by the Court of Appeal, however, the City has required the additional proposed revisions to the PUD Guidelines and the PACP-SPSP to clarify any remaining confusion. The language of the proposed revisions to those plans is not specific to the proposed project, although the project site is likely to be the only parcels within Riverlake to be affected by the change because it has the only remaining undeveloped lots designated for "Townhouse R-1A" within the PUD boundaries.

6-11 Comment noted

### 3.2.2.7 Letter 7. Earl and Glenda Crabbe, 5 August 2005

7-1 The DEIR evaluated the relative amounts of hardscape and open space for the proposed project and alternatives. See DEIR, pp. 84, 142-143, 215-216. See also Master Response 6

7-2 See Master Response 1.

7-3 The DEIR included analysis of the amount of open space included in the proposed project and the alternatives. See DEIR, pp. 84, 142-143, 215-216. See also Master Responses 6 and 7.

7-4 See Master Response 1.

7-5 See Master Response 4.

7-6 See Master Response 1. Orienting the proposed dwelling units facing Pocket Road not primarily to provide an added measure of safety for Pocket Road. The Single-Family Residential Design Principles (City of Sacramento 2001) indicates that houses should be oriented to parks/public open space and encourage "Residential units should front or side onto parks and public open space (including creeks and wetlands) providing 'eyes' on active and passive open space" (DEIR pages 142 and 143). Review

7-7 Neither Applicant nor the City has suggested that home ownership will or should be restricted to childless families. Moreover, any such proposed restrictions would be unenforceable and

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- unconstitutional. Applicant has suggested in prior proceedings that the project will be marketed to, and perhaps preferred by, younger and older families without young children. Regardless of who ends up purchasing the homes in the Islands at Riverlake, the City has determined that the proposed design poses no significant safety hazards. See also Master Response 1.
- 7-8 Noise was not identified as a significant impact requiring mitigation (see Initial Study, pp. 49-53, in Exhibit A of the DEIR). Therefore, a masonry sound wall is not necessary to mitigate potential noise impacts.
- 7-9 Stormwater pollution controls are in place pursuant to the applicant's NDPES permit. Despite the stay of construction, the project site is required to be kept in compliance with its permit.
- 7-10 The City has inspected the site several times over the last three years. Additionally, there have been over 30 meetings with various stakeholders, including the applicant, RCA board, project neighbors, and members of the Pocket Protectors, many of which City staff or Council members attended or hosted.
- 7-11 Comments or concerns regarding the health of the trees in the linear parkway should be directed to the City arborist or the Riverlake Community Association, depending on the precise location of the tree and which entity is responsible for its health and maintenance. To the extent Regis is responsible for any potential damage to trees in the parkway, these are enforcement issues that should be addressed by the City, but they are outside the scope of this EIR.
- 3.2.2.8 Letter 8. Richard L. and Karen G. Dickinson, 29 July 2005**
- 8-1 Comment noted.
- 8-2 See Master Response 1.
- 8-3 See Master Response 4.
- 8-4 See Master Response 7. The commenter asserts that Alternative A4 was inadequately analyzed or unfairly treated in the alternatives analysis, but does not state any specific concerns about that analysis that can be addressed in these responses.
- 8-5 Economic effects such as effects on property values are not issues warranting study in an EIR unless there is a fair argument that the proposed project could cause such a decline in surrounding property values as to create blight or other adverse physical environmental conditions. (See CEQA Guidelines, section 15131.) There is no evidence that the proposed project would cause the surrounding neighborhood to become blighted.
- 3.2.2.9 Letter 9. Lisa Driver, 3 August 2005**
- 9-1 The proposed plan consists of two rows of houses along both sides of an interior, private street parallel to Pocket Road. See DEIR, Figure 5 (Tentative Subdivision Maps) at pp. 30-34 of the DEIR, Figure 6 (Typical Floorplans Shown on Lots), DEIR, p. 37.
- page*

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- 9-2 The front yard setbacks are listed in Table 5 at page 36 of the DEIR. Generally, the lots fronting on the interior private drive will have front setbacks of 9 or 11 feet. The lots fronting on Pocket Road will have front setbacks of zero from the linear parkway and 13 or 15 feet from the interior private street. Since the houses that front on Pocket Road will have a dual "front" appearance, the 13 or 15-foot setback from the interior private street is technically the rear setback, but it will also appear to be a front yard, similar to the homes across the private street. See also Figure 6 at page 37 of the DEIR.
- 9-3 The rear yard setbacks are also set forth in Table 5 at page 36 of the DEIR. The lots fronting on the private drive (with the rear of the house facing the existing fenceline) will have 12-foot setbacks from house to the existing fence and 10-foot setbacks from the garages to the fenceline. As noted for comment 9-2 above, the rear setbacks for the houses fronting Pocket Road will be 13 or 15 feet, depending on the lot plan.
- 9-4 See Master Response 6.
- 9-5 See DEIR, pages 38-39. The project will provide 55 off-street guest parking spaces distributed throughout the project in spaces between residential lots and also perpendicular to roundabout entryway on the interior side of the private street. Homeowners will be required under the CC&Rs to park their cars in their two-car garages; therefore, guests may also utilize the driveways of the homes they are visiting. Total proposed parking capacity is approximately 600 parking spaces, of which 472 are off-street, including the homes' driveways. The Sacramento City Code requires a minimum of one space per residential dwelling, or 139 spaces for this project.
- 9-6 The Initial Study addresses the proposed project's contribution to local traffic conditions as well as the ingress and egress points, including the intersection of Pocket and West Shore. See Initial Study, p. 32, at Exhibit A to the DEIR, and DEIR, pp. 125-126. See also Master Response 2. *page*
- 9-7 The DEIR includes an analysis of six project alternatives, with varying levels of lot coverage, home sizes and type, and density. See, generally, DEIR, Chapter 5.
- 9-8 The DEIR's alternatives analysis includes a design (Alternative A6) proposing R-1-zoned, standard 5,200-square-foot lots that could accommodate homes averaging 2,080 square feet in size. For comparison purposes, the homes in the proposed Islands at Riverlake project will average 1792 square feet, on 3598-square-foot lots (avg.). See DEIR, pp. 199-209. *pages*

### 3.2.2.10 Letter 10. Mark S. Drobny, 30 July 2005

- 10-1 Comment noted. Commenter does not pose questions or raise criticisms of the EIR's analysis; therefore, no response is warranted.
- 10-2 Comment noted.

### 3.2.2.11 Letter 11. Stacy Eurie, 4 August 2005

- 11-1 See Master Response 4.
- 11-2 See Master Response 1.

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- 13-10 See Master Response 7.
- 13-11 Please refer to the Sacramento City Code section 17.20.010 for the definition of the single-family residential alternative on page 51 and in the Glossary (Chapter 9.0) of the DEIR.
- 13-12 Please refer to the "Environmental Noise Analysis, Islands at Riverlake Subdivision" prepared by Brown Buntin Associates, Inc and provided in Appendix E of the Initial Study (15 February 2005) for the data upon which the City determined that noise impacts would be less than significant, and therefore was scoped out of the DEIR. The Initial Study is Exhibit A in the DEIR.
- 13-13 Please refer to pages 93 – 100 of the DEIR for the full analysis upon which the determination of less than significant for LAN-7 and -8 is based. Please see also Master Response 11
- 13-14 Please refer to pages 101 – 115 of the DEIR for the full analysis upon which the determination of less than significant for LAN-10, -11, and -12 is based. Please see also Master Response 11.
- 13-15 Please refer to Master Response 1.
- 13-16 Please refer to page 126 of the DEIR and page 33 of the Initial Study provided as Exhibit A to the DEIR for the full analysis upon which the determination the project would have less than significant parking impacts.
- 13-17 Please refer to comment 13-12 above.
- 13-18 The net acreage calculation does not include the 15-foot wide publicly dedicated parkway. Please refer to Master Comment 4.
- 13-19 ~~Comment is incorrect.~~ The City Arborist did not designate Tree 152 for protection. Tree 152, a Valley oak that is 30 inches at breast height, satisfies the statutory definition of heritage oak tree. However, during a cite inspection attended by Jeffery Little with Sycamore Environmental Consultants, Inc. on 13 May 2002 the City Arborist identified a large split in a main trunk of Tree 152 and determined that it would be permissible to remove (personal communication Dan Pskowski, City Arborist, City of Sacramento).
- 13-20 Please refer to Response 1-14. Portrayal of lot sizes and building sizes was not provided to analyze affordability, but rather to characterize the type of developments that have been built in Riverlake. Average lot and building sizes establishes the visual expectation of Riverlake.
- 13-21 Refer to Response to Comment 1-21. The proposed project includes a Conceptual Landscape Plan. The previously approved project did not.
- 13-22 Refer to Response to Comment 1-26.
- 13-23 It would be inappropriate to not identify relevant regional plans (Sacramento Area Council of Governments), of which the City of Sacramento is a party or State law.
- 13-24 Refer to Response to Comment 1-21. The proposed project includes a Conceptual Landscape Plan. The previously approved project did not.

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- 13-25 Comment noted.
- 13-26 With approval of the LPPT PUD Schematic Map, the City determined that residential development at five dwelling units per net acre is compatible with residential development at eight dwelling units per net acre. The lot coverage, and building mass/bulk land use statistics in the DEIR reveal differences between low density and medium density residential development, not flaws with the project.
- 13-27 The DEIR is correct. The paragraph describes 7.5-foot rear yard setbacks for two-story halfplexes on reverse frontage lots in Bridgeview, Southshore, and Dutra Bend (DEIR page 86 <sup>page 88</sup>). It also describes the Pocket Road Manor House project (evaluated as project alternative A2 in the DEIR), which included two-story, single-family detached units 10 feet off of the fence. The halfplex units approved in the Pocket Road Manor House project were located further from the fence.
- 13-28 Higher density dwelling units per net acre will have higher lot coverage area. The analysis revealed that the average lot coverage would not exceed the range of lot coverage for the adjacent neighborhoods. The proposed project includes a Conceptual Landscape Plan, which demonstrates compliance with the LPPT-PUD Development Guidelines requirement for 25% minimum landscaping coverage. These two factors lead to the conclusion that no significant aesthetic impact results from the proposed lot coverage.
- 13-29 Rezoning is not appropriate. Please refer to the zoning code definition of the Single-family Residential Alternative (R-1A) zone on page 51 of the DEIR (SCC Title 17.20.010).
- 13-30 Comment noted. See Master Responses 6 and 7.
- 13-31 Refer to Master Response 4 regarding the landscape easement and City parkway easement.
- 13-32 Comment noted. Attaching some units may provide greater distance between buildings, based on site layout. However the dwelling units are configured on the lot: all attached, all detached, or a combination of attached and detached, no significant impacts were identified based on the analysis.
- 13-33 ~~Comment is misleading~~ Rear "setbacks" for these alternatives included a 24-25 foot wide private road/alleyway and a five-foot landscape buffer.
- 13-34 ~~Comment overstates the facts.~~ <sup>please</sup> Refer to Table 26 on page 215 of the DEIR. Neighborhood building coverage for the proposed project is 27%; 26% for A2 and A3, and 23% for A4.
- 13-35 ~~Comment is incorrect.~~ <sup>please</sup> Refer to Table 26 on page 215 of the DEIR. The project proposes more parking spaces than were approved for A2 and A3 and more than were estimated for A4.
- 13-36 Comment noted.
- 13-37 Refer to Master Comment 10 regarding the scope of the DEIR.
- 13-38 Refer to Master Comment 10 regarding the scope of the DEIR.

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**3.2.2.14 Letter 6. Bruce Heathcote, 27 July 2005**

- 14-1 Comment noted.
- 14-2 Comment noted. The commentor expresses an opinion and speaks to policy issues, but does not address the adequacy of the DEIR.
- 14-3 Comment noted.
- 14-4 Comment noted. The commentor expresses opinion and policy issues, but does not raise a specific question regarding the adequacy of the DEIR.
- 14-5 See Master Responses 1, 2. Commenter refers to an existing problem of drivers speeding on Pocket Road. This is not a physical impact resulting from the proposed project and is therefore not evaluated under CEQA. This is an enforcement issue.
- 14-6 Comment noted. The commentor expresses an opinion regarding his personal preferences, but does not identify a specific issue related to the adequacy of the DEIR.
- 14-7 Comment noted. Additionally, the minimum rear setback along the existing fenceline will be 10 feet from the new homes' garages and 12 feet from the homes, not five feet.

**3.2.2.15 Letter 15. Thomas C. and Dorothy C. Hughes, 2 August 2005**

- 15-1 Comment noted.
- 15-2 Comment noted. The commentor expresses a generalized opinion about the quality of the analysis in the DEIR, but does not raise a specific question.
- 15-3 See Master Response 7.
- 15-4 See Master Responses 1, 4, and 6.
- 15-5 Comment noted.

**3.2.2.16 Letter 16. Mr. and Mrs. Rudy and Jeanann Jandera, 2 August 2005**

- 16-1 See Master Response 1. Additionally, the project's street will be required to be built to the City's standards regarding load-bearing capacity.
- 16-2 See DEIR, pp. 130-132 regarding tree removal and mitigation. Comments and/or concerns regarding the health of the trees in the linear parkway should be directed to the City or the Riverlake Community Association, depending on the precise location of the tree and which entity is responsible for its health and maintenance. To the extent Regis is responsible for any potential damage to trees in the parkway, this is an enforcement issue for the City, but it is outside the scope of this EIR.

**3.2.2.17 Letter 17. Elbert Kwong (two letters), 1 August 2005**

- 17-1 The Islands at Riverlake project is outside the airport land use planning area for Sacramento Executive Airport. Compare attached Figure 2 with DEIR Figure 2. See also, DEIR, Exhibit

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### 3.2.2.18 Letter 18. Gene Kwong, 2 August 2005

18-1 Comment noted.

18-2 See Master Response 8. The Initial Study prepared for the project evaluated construction-related noise impacts. (See Initial Study, pages 51-52, at Exhibit A to the DEIR.) The Initial Study concluded that construction activities would generate noise greater than current ambient noise levels, but that such noise would be temporary and subject to city codes regulating noise levels and hours. If the project applicant exceeds or violates these standards, the City has enforcement mechanisms available. [What about rodents? Mere presence of rodents is not a significant impact?] The commentator's concerns regarding the fence is addressed in Master Response 8.

18-3 School impacts were addressed in the Initial Study at pages 54-58 and it was determined that the impacts would be less than significant because the estimated 97 new students generated by the proposed project do not constitute or cause a significant impact under CEQA. Moreover, the developer will be required to pay development fees established by state law for school impacts at the time of the issuance of a building permit.

18-4 See Master Response 1.

18-5 Comment noted. Commentor's suggestion to limit the number of homes in the project to 60 units would not be consistent with the existing plans calling for a development density of 7-8 dwelling units per acre. The Pocket Area Community Plan designation calls for 7-15 dwelling units; the PUD establishes a maximum of 8 dwelling units per acre. 60 units on 19.44 net acres would yield a density of a little over 3 units per acre, a less dense development than most of the rest of the surrounding community.

### 3.2.2.19 Letter 19. Allan Lind & Paula Pattison, 5 August 2005

19-1 Comment noted. Please refer to Master Response 10 regarding the scope of the DEIR.

19-2 Refer to Master Comment 7 regarding the scope and purpose of the alternatives analysis. Project alternative A4 also fails to meet the density target. A4 would meet density targets by adding 36 more units (that is 13 more attached buildings).

19-3 Refer to Master Comment 7 regarding the scope and purpose of the alternatives analysis. Refer to Land Use discussion in the DEIR for each of the project alternatives that propose a road along the fence. In summary, the zoning code states that there is a 12.5-foot minimum street side, side yard setback for the R-1 and R-1A zones.

The DEIR concluded that the proposed project is the environmentally superior alternative, in part because it places houses against houses instead of placing a road along the back and side yards of existing homes. (DEIR, pp. 213-214.) Based on the City's history with other projects, for safety and crime prevention reasons, the Police Department is advising against residential development with alleyways that allow vehicle access to the backs of homes with no facing windows. For example, an alleyway behind the existing homes behind the project site would allow a car to drive down the alley and a person to jump the fence and enter the backyard of one of those homes without being seen from the house across the alley. In

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addition, the City's Single-Family Residential Design Principles encourage layouts that provide for "eyes on the street" to encourage pedestrian safety and neighborliness. (DEIR, pp. 138-141, 211.)

The DEIR fairly reports that the City has previously determined that the fence mitigates potential impacts resulting from that alignment. Therefore, locating the street along the private road does not result in a significant physical impact on the environment. The location of the road alignment is ultimately a matter of design preference.

- 19-4 Refer to Master Comment 7 regarding the scope and purpose of the alternatives analysis. Please refer to page 159 of the DEIR regarding two-story single-family detached units being located adjacent to existing houses. The DEIR does not conclude that locating two-story buildings adjacent to existing houses is a significant impact. Pages 86 – 88 of the DEIR reports that the minimum standard setback for two-story halfplexes on reverse lots in Bridgeview, Southshore, and Dutra Bend is 7.5 feet for the first floor and 15 feet for the second floor. No significant impacts result from any configuration of the type of housing evaluated, single-story, two-story, attached, or detached. Housing types, provided they satisfy the established minimum standard setbacks, is ultimately a matter of design preference.
- 19-5 Refer to Master Comment 7 regarding the scope and purpose of the alternatives analysis. Please refer to pages 86 – 88 of the DEIR regarding the basis upon which its consistency was determined for setbacks of R-1A units from R-1 units.

Members of the community expressed concern over the mass/bulk of the proposed project. The FAR, FAR plus Garage, and BCA provided a numerical method of characterizing Riverlake as well as the project alternatives. Commenter is correct, there are no mass/bulk "requirements." The analysis provided on pages 105 – 111 of the DEIR lead to the conclusion that the project is consistent with mass/bulk that is typical of R-1A development. The number of dwelling units per net acre is the City's requirement for residential land use intensity. So long as a project achieves the designated dwelling units per net acre, the mass/bulk character of the proposed development is a matter of design preference, not impacts on the physical environment.

- 19-6 The comparison of ingress/egress impacts on the Linear Parkway. Because none of the project alternatives result in significant impacts, the number of ingress/egress driveways in the Linear Parkway is a matter of design preference.

19-7 Comment noted.

19-8 Comment noted.

19-9 No "sympathetic response" was intended. Section 1.3 Background <sup>of the DEIR</sup> is amended as follows:

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 heard the Petition on 19 December 2003. The Superior Court decided that there was not a fair argument that unmitigated significant environmental impacts may occur and upheld the City Council's approval of the project. The Pocket Protectors appealed the Superior Court's decision to the Third District Court of Appeal on 26 February 2004.

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The applicant obtained an NPDES permit (WDID 5S34C325437) on 12 January 2004. The Pocket Protectors' first request for a stay of construction pending appeal was denied by the Court of Appeal on 29 April 2004. The City of Sacramento issued a grading and underground utilities installation permit on 29 July 2004. The City Arborist issued a heritage and street tree removal permit on 29 July 2004. Project grading and the removal of 2 heritage trees commenced 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 on 29 April 2004, 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 22 November 2004. The Third District Court of Appeal reversed the Superior Court on the subject of CEQA compliance and ordered the project to be remanded to the Superior Court on 7 December 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 undertake an EIR on the proposed project.~~

19-10 Section 1.3 Background <sup>of the DEIR</sup> is amended as follows:

~~The City rescinded the prior approvals. However, the Superior Court has not yet entered final judgment.~~

The City rescinded the prior approvals on 28 June 2005. The developer ceased all grading and underground utility installation, pursuant to the stay ordered by the Court of Appeal on 22 November 2004. The Court ordered an immediate halt to all activities except those necessary to (1) secure the site and (2) to comply with the terms of the developer's stormwater control permit. The graded portions of the site are currently fenced with orange mesh construction fencing, and some construction materials and equipment remain on the site.

### 3.2.2.20 Letter 20. Jeff Marshner, 7 July 2005

Comments in support of project are noted, but do not require responses, as they do not pose questions or criticisms of the EIR or of the City's CEQA compliance.

### 3.2.2.21 Letter 21. David K. Milton, 3 August 2005

21-1 There were more than 30 meetings between the representatives of the RCA board, members of Pocket Protectors, other neighbors, and representatives of the City and applicant during the 2003 approval. In addition, members of this group had opportunity to provide written comments on the NOP and EIR for the project, and will ~~undoubtedly~~ <sup>can</sup> appear at any public hearings.

21-2 See Master Response 6.

21-3 See Master Response 7.

21-4 See Master Response 1.

21-5 See Master Responses 1 and 4. "Impediments to family activities" are not environmental impacts requiring review in an EIR.

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- 21-6 Based on "Environmental Noise Analysis, Islands at Riverlake Subdivision" prepared by Brown Buntin Associates, noise was determined to be a less than significant impact not requiring mitigation (see Initial Study, pp. 49-53, in Exhibit A of the DEIR). Therefore, a masonry sound wall is not necessary to mitigate potential noise impacts.
- 21-7 See Master Response 11

### 3.2.2.22 Letter 22. Kenneth L. Neal, 27 July 2005

- 22-1 The DEIR utilizes a variety of formats including maps, tables and text to present information regarding relative lot sizes. (See DEIR, pp. 23-34.) It is difficult, if not impossible in a document this size, to show every comparison between the project and neighborhoods on the same map. The DEIR, however, does contain the data requested by the commenter.
- 22-2 See Master Response 1.
- 22-3 See Master Response 3.
- 22-4 See Master Response 9.
- 22-5 <sup>The</sup> Applicant has not suggested that home ownership will be restricted to childless families. Moreover, any such proposed restrictions would be unenforceable and unconstitutional. Applicant has suggested in prior proceedings that the project will be marketed to and perhaps favored by younger and older families without children. Regardless of who ends up purchasing the homes in the Islands at Riverlake, they are expected to provide adequate safety.
- 22-6 See Master Response 3.
- 22-7 Comment noted.

↳ Regis or ?  
Purchasers

### 3.2.2.23 Letter 23. Dale Parker, 3 August 2005

- 23-1 Comments noted.
- 23-2 See Master Responses 1, 2. The project proposes driveway connections with Pocket Road instead of via collector streets because coordination with community stakeholders revealed that it was preferable to preserve the medians and circulation on the collector streets. The City of Sacramento Traffic Division has reviewed the proposed circulation plan and has determined that the project would not result in significant traffic hazards (DEIR page 126).
- 23-3 See Master Responses 1, 4.
- 23-4 See Master Response 1.
- 23-5 See Master Response 4.
- 23-6 See Master Response 4. The project does not restrict the ability of RCA members and the public to continue to use the greenbelt for recreational purposes.

*re word*

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23-7 CEQA does provide a basis for regulating interpersonal relationships. The Riverlake Community Association CC&R's, however, provide a framework for preventing and resolving conflicts among neighbors. As explained in Master Response 4, these CC&R's will most likely be applied to the Islands at Riverlake through annexation into the RCA.

23-8 See Master Response 1.

**3.2.2.24 Letter 24. Robert Pecora, 1 August 2005**

24-1 It is unclear what commenter means by "density of half of what is being proposed." The DEIR did evaluate alternatives with varying numbers of units and densities. (See DEIR, Chapter 5; Master Response 7.) The proposed project has an overall density of 7.15 dwelling units per acre. If commenter proposes an alternative with a density of 3.57 dwelling units per acre, such a project would be inconsistent with the City's preferred density for this site. (See DEIR, pp. 46, 49 (PACP target density of 7-15 du/ac; LPPT PUD maximum density of 8 du/ac).)

**3.2.2.25 Letter 25. Bob and Sandra Puliz, 25 July 2005**

25-1 Sycamore Environmental Consultants, Inc., prepared the DEIR under contract to the Applicant, with input from the Applicant's consultants and the City staff listed at pages 226, 227, 229, and 230 of the DEIR. Sycamore Environmental was chosen to prepare the EIR because of the firm's previous experience with the project and presumed familiarity with the project specifics, the surrounding neighborhood, and City plans and policies affecting the site. The DEIR, however, represents the independent review and judgment of the City's planning staff.

25-2 See Master Response 1.

25-3 See Master Response 1.

25-4 See Master Response 1.

25-5 See Master Response 1.

25-6 See DEIR, pp. 125, 127; Exhibit A, page 34 (Initial Study) The project will not result in any significant impacts to bicycle safety.

25-7 See Master Response 1.

25-8 Noise was not identified as a significant impact requiring mitigation (see Initial Study, pp. 49-53, in Exhibit A of the DEIR). The acoustical analysis performed by Brown-Buntin Associates, Inc., did not reveal any evidence that an echo effect will occur as a result of the physical layout of the proposed project.

25-9 See Master Response 1.

25-10 See Master Response 1.

25-11 See Master Responses 1, 4.

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25-12 See Master Response 6.

25-13 See Master Response 5.

25-14 See Master Response 8.

25-15 See Master Response 7. The EIR discusses several alternatives that include angled townhomes.

25-16 Comment noted.

25-17 Comment noted.

### 3.2.2.26 Letter 26. "Riverlake Resident", 22 July 2005

26-1 See Master Response 4.

26-2 The DEIR includes diagrams showing the proposed interconnections between sidewalks in front of the new homes that face Pocket Road and the existing sidewalk. See DEIR, Exhibit D (Conceptual Landscape Plans).

26-3 See Master Responses 1 and 4.

26-4 See Master Response 1.

26-5 As the commenter acknowledges, there <sup>existing</sup> exist homes in the vicinity of the proposed project that front directly onto Pocket Road. Unlike those homes, however, the Islands at Riverlake project will not have individual driveways for each home such that cars pull directly from garages onto Pocket Road. Instead, the project design facilitates ingress and egress at specific points along Pocket Road. (See DEIR, p. 38.)

### 3.2.2.27 Letter 27. Ron Rohde, 22 July 2005

27-1 See Master Response 5.

27-2 See Master Response 7.

27-3 Comment noted.

### 3.2.2.28 Letter 28. Linda Sauer, 3 August 2005

28-1 See Master Response 11.

28-2 See Master Responses 1-2.

28-3 See Master Response 1. >[Andrew: Can you address the u-turn comment?]

28-4 See Master Response 1.

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28-5 See Master Response 4.

### 3.2.2.29 Letter 29. Tamai@jps.net, 3 August 2005

29-1 See Master Response 1.

29-2 See Master Response 4.

29-3 The backyard landscaping choices of individual homeowners is an enforcement issue that would be governed by the CC&Rs of the Riverlake Community Association and as such, are not a proper subject for analysis in this EIR.

29-4 See Exhibit A, Initial Study, pp. 17-22 (the on-site drainage system and connections to the City's storm drain system are adequate to address project runoff).

29-5 See Master Response 8.

29-6 Comment noted.

### 3.2.2.30 Letter 30. Helen Y. Wong, 4 August 2005

30-1 Sycamore Environmental Consultants, Inc., prepared the DEIR under contract to the Applicant, with input from the Applicant's consultants and the City staff listed at pages 226, 227, 229, and 230 of the DEIR. Sycamore Environmental was chosen to prepare the EIR because of the firm's previous experience with the project and presumed familiarity with the project specifics, the surrounding neighborhood, and City plans and policies affecting the site. The DEIR, however, represents the independent review and judgment of the City's planning staff.

30-2 See Master Response 4.

30-3 See Master Response 8.

30-4 See Master Response 1.

30-5 The DEIR concluded that there are no significant impacts resulting from the yard sizes of the project homes. The size of the yards is a marketing issue for the applicant, and potential homebuyers will decide whether small yards are consistent with their personal preferences.

30-6 It is unclear which alternative plans the commenter is referring to. The commenter is directed to Chapter 5 of the DEIR for a discussion of alternatives to the proposed project.

### 3.2.2.31 Letter 31. Alan Hockenson, 5 August 2005

31-1 CEQA does not require a scoping meeting to be held for this project, and the opinions and concerns of the neighbors regarding the project were already well documented in the existing record. Moreover, the scope of the EIR was limited by the Court of Appeal through its assessment that the only issues for which there was substantial evidence of a "fair argument" that there may be significant impacts resulting from the project were in the areas of land use planning consistency, aesthetics and recreational resources (as they related to the proximity to,

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and use of, the linear parkway). As explained in the DEIR, for that reason, and the fact that a new Initial Study did not reveal any new, potentially significant effects, the scope of the DEIR was limited to those three issues. See also Master Response 10 and response to comment 13-1, above.

- 31-2** The DEIR evaluated the project proposal for which the City received a new application from Regis on 13 January 2005. As directed by the writ of the Sacramento County Superior Court, pursuant to the opinion of the Third District Court of Appeal, the City rescinded all of the prior project approvals granted to Regis on 28 June 2005. CEQA does not require an agency to analyze all of the versions of a project that have ever been considered.
- 31-3** Remy Thomas responded that the firm does not have a current or past business relationship with former Commissioner Kennedy.
- 31-4** See Master Response 10. The Court's opinion is available online at [http://ceres.ca.gov/ceqa/cases/2004/The\\_Pocket\\_Protectors-C046247.htm](http://ceres.ca.gov/ceqa/cases/2004/The_Pocket_Protectors-C046247.htm)
- 31-5** As a general response to comments 31-5 through 31-22, please first see Master Response 7. Additionally, most of the information requested by the commentor in comments 31-5 through 31-22 is already provided in the DEIR in the narrative for each alternative and in Tables 26-29 of the DEIR; however, that information is summarized or provided where available for each comment below. CEQA provides that "significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." (CEQA Guidelines, section 15143.) "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." (CEQA Guidelines, section 15151.) The DEIR provides sufficient detail about the project alternatives to afford a comparison between the proposed project and the alternatives of the potential environmental consequences identified by the Court of Appeal as the basis for a "fair argument." Further detail is not required for the City's decision makers to intelligently evaluate the relative merits and consequences of each alternative.
- Regarding the commentor's question about hardscape percentages, please see DEIR, page 215, Table 26, "Neighborhood building coverage" percentages. As noted in that table, the percentages of building coverage will range from 23% (A4) to 32% (A5), with the proposed project providing 27% coverage. Separate analysis of all hardscape (i.e., buildings, plus roads and sidewalks) was not performed for each alternative.
- 31-6** See DEIR, page 215, Table 26, "Minimum shade trees per lot." A minimum of one shade tree could be planted on each lot under each alternative, including the proposed project, except for the R-1 Rezone Alternative (A6), which could accommodate a minimum of five trees per lot.
- 31-7** The EIR analyzes the shade trees for the proposed project and speculates that all other alternatives could provide a similar number of shade trees.
- 31-8** See, generally, DEIR, page 217, Table 29, Comparison of Environmental Impacts of Project Alternatives, "Recreational Opportunities." The proposed project will have zero-foot setbacks from the boundary of the Linear Parkway, i.e., the homes will not intrude into the landscape easement. The potential for intrusion into the landscape easement was discussed for each

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alternative in the DEIR. The City approved Pocket Road Manor Houses project (evaluated as Alternative A2 in the DEIR) located halfplexes at an angle to Pocket Road so that the corners of the buildings abutted the zero lot line of the landscape easement. As approved by the City in 1994, Alternative A3 would have zero-foot setbacks from the landscape easement. Both Alternative A2 and A3 would place the interior road within the 12.5-foot minimum street side, side yard setback for the existing homes. It was noted for these alternatives that one way to achieve standard street side, side yard setbacks for these designs would be to shift the entire projects three feet toward Pocket Road. This would result in a reduction in the Landscape Easement from 25 to 22 feet, and reduce the total width of the Linear Parkway from 60 feet to 57 feet for both of these alternatives.

The Pocket Protectors' alternative (A4) would set the corners of the buildings 3 feet from the Linear Parkway. The Zero Lot Line Alternative (A5) would locate the front edge of the row houses three feet off the Linear Parkway. As noted for Alternatives A2 and A3, however, these designs would place a road within the 12.5-foot standard street side, side yard setbacks required under the R-1 (and the default starting point for the R-1A standard). A similar shift of the entire projects as for Alternatives A2 and A3 would have a similar effect of a 3-foot intrusion into the Linear Parkway.

Two variations of the R-1 Rezone alternative were considered. One would locate the street along the fenceline and would result in an encroachment of the resulting 5,200-square-foot minimum lots seven feet into the Linear Parkway. The other option would locate the street adjacent to the Linear Parkway, but would still require encroachment of two feet of the road width into the Linear Parkway to accommodate R-1 standard lots on the site.

The R-1A Mixed alternative (A7) is essentially the same as the proposed project with the exception that some of the units would be attached and some would be detached. The buildings would be located on the zero lot line of the landscape easement but would not encroach into the easement. The rear yard setbacks of the interior lots from the existing fence were assumed the same as the proposed project (10 feet for the garage and 12 feet for the main building). The road alignment would be the same as the proposed project.

- 31-9 The distances of the setbacks from the interior drive for the homes in each alternative and the proposed project were provided in the DEIR. The proposed homes would have 9-foot or 11-foot setbacks from the interior drive for the homes along the existing fenceline, depending on the particular lot plan. (DEIR, <sup>page</sup> p. 36, Table 5.) For lots fronting on Pocket Road, the homes would be set back from the interior street by 13 or 15 feet. (ibid.)

As noted above, the A2 Alternative was set on an angle to Pocket Road. For the clustered halfplex units, the corners of the buildings were set back five feet from the private street. The A3 Alternative also would have had 5-foot setbacks from the interior street. The A3 Alternative was oriented so that some of the units set back from the private street were the front and some were the sides of the buildings. Like the A2 Alternative, the A4 Alternative angles the units. The corners of the buildings under A4 Alternative would have 10-foot setbacks from the interior street. The A5 Alternative would have three-foot setbacks from the interior street to the garages. (DEIR, <sup>page</sup> p. 196, Figure 19.) Depending on how the A6 Alternative homes were oriented, these designs would have the R-1-lot, LPPT PUD minimum front yard setbacks of 20 feet. The A7 Alternative would be the same as the proposed project. The A7 Alternative would located 9 or 11 feet from the interior drive for the units along the existing fenceline and for lots fronting on Pocket Road, the units would be set back from the interior street by 13 or 15 feet.

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26 at page 215 in the DEIR (see data regarding "Landscape buffer along fence," the presence of parks or mini-parks in each alternative, and the presence of sidewalks in each alternative's design.) See also, responses to comments 31-8 and 31-9, above.

- 31-18 All of the project alternatives were assumed to need a landscaping plan that would meet the planting requirements of the Riverlake Community Association, as well as the RCA's minimum of one shade tree per lot. The same level of landscaping detail that was developed for the proposed project (see Exhibit D of the DEIR: Conceptual Landscaping Plan) was not prepared for each alternative, nor is such detail required by CEQA. See also Master Responses 4 and 6.
- 31-19 See response to comment 31-18. See also Master Responses 4 and 6.
- 31-20 See response to comment 31-18. See also Master Responses 4 and 6.
- 31-21 Each alternative was evaluated for its relative land use planning consistency as compared to the proposed project. Where the alternative posed a potential conflict with the PUD Guidelines or other, more specific design principles, such as the City's Single Family Residential Design Principles (SFRDP) this was noted. (See, e.g., DEIR, ~~pp~~ <sup>page</sup> 184, 185 (A3 inconsistent with SFRDP), ~~pp~~ <sup>page</sup> 192, 193 (A4 potentially inconsistent with SFRDP), ~~pp~~ <sup>page</sup> 197, 198 (A5 inconsistent with SFRDP), ) It was also noted where the alternatives were consistent with the PUD Guidelines or SFRDP. (See, e.g., DEIR, ~~p~~ <sup>page</sup> 169 (A2 consistent with PUD), ~~p~~ <sup>page</sup> 208 (A6 consistent with SFRDP), ~~p~~ <sup>page</sup> 211 (A7 consistent with "development standards" in PUD Guidelines) )

Additionally, the commentor suggests that the analysis should have addressed what "measures will be taken to ensure that each [alternative] conforms to 'the minimum design standards set in the LPPT PUD Development Guidelines.'" The purpose of an alternatives analysis is to explore different configurations of a project or modified designs to avoid or lessen significant environmental impacts. Since the proposed project has no significant impacts associated with land use planning consistency, aesthetics or recreational resources, alternatives were assessed to provide the decision makers with distinct design choices. It is assumed that each alternative will meet LPPT PUD minimum design standards, except where specifically noted in the DEIR.

- 31-22 All of the alternatives except the R-1 Rezone alternative could meet the City's understanding of what a "townhouse development" is under the LPPT PUD Schematic Plan's and PUD Development Guidelines' use of the term "townhouse and related development" for this site. Previously approved projects for this site included mixed, detached and attached single-family dwelling units. Therefore, the City has previously determined that this broad range of housing products is consistent with the term "townhouse," and continues to interpret the PUD designation in this fashion. As explained above, the amendment to the PUD and PACP to clarify the term is sought to resolve the potential ambiguity in the term that was identified by the Court of Appeal as supportive of a "fair argument" of potential land use planning consistency impacts. See also, response to comment 6-10 above.
- 31-23 See responses to comments 31-22 and 6-10 above.
- 31-24 See Master Response 10 and response to comments 31-1 above.

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- 31-25** Commentor's opinion disagreeing with the DEIR's conclusions is noted. The difficulty of fitting a design that includes R-1 standard setbacks (the default starting point for an R-1A development), a garage and driveway, sidewalks, and a narrow street on the project site is explained in detail in the analysis of the R-1 Rezone alternative. (See DEIR, pages 199-210.) As stated therein, depending on where the private street was located within the design, development of an R-1-standard lot and housing product on the site would result in either a seven- or two-foot intrusion into the landscape easement. (DEIR, <sup>page</sup> p. 207.) Given the misunderstandings about whether the proposed project actually will encroach on the landscape easement (see Master Response 4 above), it was assumed that a project design that allowed such intrusion by the footprint of the homes would be less preferred by the neighbors and users of the Linear Parkway.
- 31-26** The information requested by the commenter is not relevant to the Planning Commission or City Council's consideration of the currently proposed project. The mitigation measures relating to air quality, street width safety, and biological resources proposed in the DEIR for the currently proposed project are set forth at pages 120, 127, 131-132 of the DEIR.
- 31-27** The thresholds of significance and criteria used to assess the project are stated and explained in detail in Chapter 4 at the beginning of the discussion of each resource topic. The research and data collection that formed the basis for the determination of the level of significance of each impact is also explained therein.
- 31-28** See Master Response 7.
- 31-29** See Master Response 10.
- 31-30** See Master Response 7. Additionally, Chapter 5 of the DEIR explains in further detail the assumptions made for the Pocket Protectors' plan to develop it into a full project alternative. See pages 186-191 of the DEIR, which set forth the assumptions made for the plan, the Pocket Protectors' conceptual plan that was submitted to the City Council in May 2003, and the full site plan layout sheets that were developed from the conceptual plan.
- 31-31** Commentor's opinions about the No Project alternative and personal preferences are noted.
- 31-32** See response to comment 31-27 above.
- 31-33** The air quality mitigation measures have been revised since the City's previous approval of the project. The second Initial Study used an updated manual from Sacramento Metropolitan Air Quality Management District (SMAQMD) that was not available when the project was first evaluated in 2002. The impacts and their level of significance have not changed; although the language of the mitigation measures is different, the same impacts are being targeted with similar mitigation.

The biological mitigation measures changed since the 2002 mitigated negative declaration. The Applicant purchased mitigation measures for Swainson's hawk foraging habitat prior to issuance of the grading permit. The bill of sale is in Appendix C of this FEIR. The Swainson's hawk foraging habitat mitigation measure was therefore removed. The Applicant obtained a permit for the removal of heritage trees prior to issuance of the grading permit. Grading is completed and only two of the permitted trees required removal. Therefore, tree preservation measures are the only mitigation measures the City deemed necessary for the

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proposed project. A copy of the tree permit and its conditions are in Appendix C of this document.

Mitigation measures for cultural resources were revised by the City to conform to its standards for protecting previously unidentified cultural resources or human remains.

- 31-34** Commentor's opinions about, and preferences for, a different project design are noted. The requested information about comparative distances to the existing fence lines from the proposed alternative designs is included in the alternatives section of the DEIR. The rationale for the determination that the variations in setbacks between the proposed project and the alternatives do not rise to the level of significant impacts is explained in the impacts analysis for the setback issue identified as AES-1, evaluated at pages 134-136 of the DEIR. To summarize that analysis generally, the conclusion regarding the aesthetic significance of the proposed project's setbacks is based on the fact that the rear yard setbacks for the project do not differ significantly from, and in many cases, exceed, the setbacks for both R-1A and R-1 existing developments adjacent to and elsewhere in the PUD and exceed the setbacks approved for previous projects on the same site.
- 31-35** The briefs to the Third District Court of Appeals are part of the record of the project and are not generally relevant to the adequacy of the analysis in an EIR. Regarding the commentor's request to identify the standards against which the project and the alternatives have been measures, see response to comment 31-27 above.
- 31-36** The community's CC&Rs already address the potential aesthetic issue of clutter and provide remedies for aggrieved Riverlake residents. See Master Response 4.
- 31-37** See Master Response 1. Additionally, communications from the relevant City departments with input regarding the width of the street and potential safety issues associated with the width are noted in pages 61-64.
- 31-38** The proposal for amendments to the LPPT PUD and PACP-SPSP is to clarify the City's interpretation of the housing types allowed by the PUD and PACP-SPSP. See also, response to comment 6-10 above.
- 31-39** Any statements of the RCA Board of Directors regarding their personal feelings about their responsibilities and obligations are not relevant to the description of the existing physical state and legal status of the linear parkway. Such statements are also not relevant to the DEIR's assessment of the physical impacts of the project.
- 31-40** The status of construction activities before or after the stay of construction was issued, and subsequently modified, is not relevant to an assessment of the proposed project's impacts at buildout. To the extent that the commentor is alleging that either the City or the applicant failed to comply in all respects with the stay order, the City would note that the Pocket Protectors had the legal remedy available to them at the time of any alleged illegal activities of applying to the Court of Appeal for contempt proceedings or sanctions.
- 31-41** The commentor is correct that the two-story home proposed for Lot 14 will be located adjacent to an existing single-story home, as shown in Figure 5, Map Sheet 5, at page 34, and also in Table 14, at page 114 of the DEIR. As Table 14 indicates, the distance between Lot 14's house and the existing house on the other side of the fence that has a 20-foot rear yard setback will be 32 feet. This distance, which is one and half times as wide as the proposed

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interior street, was not considered to result a situation where the new two-story structure would "tower" over the existing adjacent home, and therefore, the City does not consider this particular plan to pose a significant impact. Moreover, under CEQA, the height, view or privacy impact of a single house on only one or even a few neighbors does not affect "the environment of persons generally," and therefore, is not a significant impact requiring mitigation. (*Association for the Protection of Environmental Values in Ukiah v. City of Ukiah* (1992) 2 Cal App.4th 720.)

- 31-42 CEQA is concerned with physical impacts on the environment. Therefore, comments regarding potential additional costs to existing homeowners for the responsibilities of a homeowners association are irrelevant to the analysis of physical impacts.
- 31-43 The commentor is referred to the Conceptual Landscaping Plan prepared for the project, included as Exhibit D in the DEIR, and approved by the RCA. See also Master Response 6.
- 31-44 See Master Response 6 and page 146 of the DEIR. Additionally, the Conceptual Landscaping Plan shows the proposed landscaping for each of the mini-parks. The mini-parks are the interspersed lots shown on the Conceptual Landscaping Plan between every few individual lots, with colored symbols indicating the type of landscaping proposed for each park. (See, e.g., Sheets L1.02, L1.03, L1.04, and L1.07 of the Conceptual Landscaping Plan.)
- 31-45 Comparisons to the adjacent R-1A Coleman Ranch development of both the proposed project and the alternatives are provided at several places throughout the DEIR as requested by the commentor. (See, e.g., pp. 42, 112, 156, 170, 199.) The commentor is correct that both the Coleman Ranch development and the proposed project consist of single-family detached houses on smaller lots than R-1 standard.
- 31-46 The Court of Appeal opinion did not reach judgment on any of the applicant's beliefs stated in the project objectives to which the commentor objects. The Court of Appeal merely determined that substantial evidence supported a "fair argument" that potentially significant impacts may occur as a result of construction of the project, and therefore, further study was warranted in an EIR. The City has required the instant EIR to be prepared. The Court of Appeal did not reach any independent conclusions regarding the merits of the project, nor did it make any ultimate determinations of the significance of any of the impacts in controversy. See response to comment 31-13 above. ?
- 31-47 The commentor's opinions are noted. See also Master Response 7.
- 31-48 The commentor is referred to the discussion of the proposed project's consistency with the SACOG Blueprint principles set forth at pages 54-57 of the DEIR. The City has no data indicating what the levels of "non-auto use" might be for future residents of the proposed project. The SACOG Blueprint principles do not require a project to achieve any certain targeted level of non-auto use; rather, they recommend that projects be designed so as to encourage the use of non-single-car-occupancy transportation. By connecting the project with walkways to existing pathways and major streets such as the Pocket, and locating the proposed project in proximity to existing retail uses at Pocket and Greenhaven, the City concludes that the proposed project meets this recommendation. Additionally, as noted in the DEIR, the proposed project is located close to Regional Transit bus stops. The City has no evidence that the additional riders from the proposed project would strain the service capacity of the existing bus routes. Regarding the commentor's comments on infill, please see Master Response 9.

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- 31-49 The applicant has won awards for its residential developments and was recognized as recently as December 2004 by SACOG as its Regional Business of the Year, for “exemplary infill development of smart growth communities offering single-family detached housing and live/work lofts in the Cities of Sacramento and West Sacramento.” Based on Regis’s reputation and the proposed designs presented for the City’s review on this project site, the City believes that the proposed project meets SACOG’s “quality design” criteria. Additionally, as evaluated in the DEIR, the proposed project also complies with the City’s Single Family Residential Design Principles.
- 31-50 See Master Response 9.
- 31-51 See Master Responses 4 and 6.
- 31-52 *Commentor's opinion is noted.*  
~~The City disagrees with the commentor's opinions about the kinds of activities or design qualities that contribute to or cause blight.~~ See Master Responses 4 and 6.
- 31-53 See Master Response 9.
- 31-54 See Master Response 1 and response to comment 31-37. Additionally, because the proposed project does not pose significant safety or traffic hazard risks, the City’s relevant public safety departments were not asked to review and comment on each proposed alternative.
- 31-55 Commentor’s opinion is noted.
- 31-56 Neither the City nor the applicant has claimed that the proposed homes will be “affordable” as that term is understood in the context of housing for low-income persons, nor is the project subject to the City’s inclusionary housing ordinance that would otherwise mandate a percentage of the homes to be made available at reduced costs. By virtue of being smaller homes than are typical on R-1 standard lots on smaller-than-R-1-standard lots, however, it is intuitive that the proposed homes will sell for less than larger homes on larger lots. Therefore, they will be more affordable to buyers of more modest means than larger housing products.
- 31-57 As noted above, the project site is located near Regional Transit lines. Therefore, nearly any project proposed for the site that would not impede access to those transit stops could be considered to meet the standard of promoting the use of mass transit.
- 31-58 “Sprawl” is commonly understood to mean development on previously undeveloped land at the edges or beyond an existing urban boundary. This project does not facilitate or constitute sprawl since it would develop one of the few remaining undeveloped parcels surrounded by a largely developed community.
- 31-59 The proposed project provides a housing product that is not in large supply within Riverlake – modestly sized homes on smaller lots. The fact that the Coleman Ranch development is nearby does not negate the fact that Riverlake is built out with predominantly R-1 standard lots with larger homes. Some of the parcels originally designated for R-1A and “townhouse” development were rezoned and built out with standard R-1 development. Increasing the supply of smaller lot, smaller homes would help diversify the existing mix of housing products in the community and provide housing opportunities for a range of income levels.

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- 31-60 The future residents will likely walk or bike to the same places in the neighborhood that their neighbors walk – the Linear Parkway, bus stops, neighbors' homes, retail uses at the corner of Pocket and Greenhaven, to name a few.
- 31-61 See Master Response 6.
- 31-62 The "urban environment" is the areas of the City with non-agricultural development, such as established residential neighborhoods like Riverlake. The project site is not located at the urban edge; as explained in Master Response 9, it is "infill" development under the common understanding of the term.
- 31-63 The history of the project's review by the City and the courts is provided at pages 1-3 of the Introduction of the DEIR. The commentor's statements regarding the project opponents' beliefs are noted.  
*opinions*
- 31-64 The location and name of a swim and tennis club are not relevant to a description of the nature of the proposed project. The commentor is also referred to Master Response 9.
- 31-65 The RCA took a vote of its membership regarding annexation of the proposed project and received a 97% vote in favor of annexation. The final decision to annex is decided when the final map is recorded.  
*will be*
- 31-66 ~~The commentor's personal opinions are noted.~~ *Comments noted.*
- 31-67 See response to comment 31-59. Analysis of a project's physical environment impacts under CEQA does not require the kind of detailed cost information that the commentor requests. See also Master Response 7 on this point.
- 31-68 The DEIR concluded that the policy to which the commentor refers is not applicable to the project.
- 31-69 See Master Response 9. Further, the City is not aware of any transcript of the Court of Appeal's hearing that could be made available.
- 31-70 The proposal for amendments to the PACP-SPSP is not an "admission" of anything. Please see response to comment 6-10 above. The DEIR's discussion of the alternatives in Chapter 5 provides the requested information about the alternatives' consistency with existing plans, policies and development guidelines. See also response to comment 31-21.
- 31-71 The "CC" and "CPC" acronyms used in the "Approval" column of Table 7.2 stand for the City Council and City Planning Commission, respectively. The acronyms in the "Project Description" column stand for the following entitlements:
- CPA means Community Plan Amendment.
  - RZ means Rezone
  - TM means Tentative Map
  - SM means Subdivision Map
  - SP means Special Permit
  - V means Variance
  - PUD-SCHPA means PUD Schematic Plan Amendment

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- 31-81 The proposed project is not expected to contribute significantly to any conditions of overcrowding at area schools such that it would cause adverse effects on people at the school. Furthermore, the project would not add enough students to trigger the construction of a new school, which is the only kind of impact on the physical environment that would be considered significant under this category.
- 31-82 Citation of written comments and personal communications with these agencies is provided on pages 77 and 71 of the Initial Study in Exhibit A of the DEIR.
- 31-83 The commenter's suggested standard of significance is already contemplated at a different section of the Initial Study, the cumulative impacts consideration, assessed at pages 73-74 of the Initial Study as less than significant.
- 31-84 The commentator's disagreement is noted; however, the commentator offers no evidence of the basis for his opinion; therefore, no further response is necessary.
- 31-85 The project will already be required by state law to mitigate for its contribution to school populations, through the payment of state-law-mandated fees of \$1.93 per square foot of residential construction. Commentor's opinions regarding the effectiveness of recently enacted legislation. It is not the place, nor the purpose, of the City's EIR to opine as to the wisdom of the Legislature's policy decisions.
- 31-86 This comment is <sup>9</sup>generally addressed by Master Response 7 and response to comment 6-10. More specifically, the drawbacks of a rezone alternative are addressed in the DEIR at pages 204-209
- 31-87 See response to comments 31-40 and 31-77, above.
- 31-88 See responses to comments 8-5, 31-13, and 31-42, above.
- 31-89 Construction during the rainy season requires dewatering and stormwater runoff control measures. Any issues relating to stormwater control are addressed in the applicant's NPDES permit, which remains in effect. The Initial Study assessed the project's potential for flooding or other stormwater issues and concluded that there would not be any significant impacts.
- 31-90 See response to comment 31-89 above. [Can the City provide the documentation for the Swainson's Hawk report and tree removal permits?] 22
- 31-91 The proposal for buildout of the last undeveloped parcel in the Riverlake PUD at a density that is consistent with existing plans and expectations is not cause for a wholesale evaluation of the success or failure of 20-year old plans for the area. Moreover, as noted in the DEIR, the PUD area has actually been built out at a significantly lower density than planned, therefore, any contributions of this project to service level demands should be considered in light of that context. Furthermore, the "socioeconomic status" of the community is not a relevant factor in determining the physical impacts of the project. (See CEQA Guidelines section 15064(c) (economic and social changes resulting from a project shall not be treated as significant effects on the environment))
- 31-92 The City considered the letters received on the Notice of Preparation in determining the scope and analysis of the DEIR.

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31-93 This conclusion paragraph raises several comments that have already been addressed at several places above. See generally, Master Responses 7 and 10

31-94 Commentor's contact information is noted.

### 3.2.2.32 Letter 32. Timothy Antonoplos, 5 August 2005

32-1 See DEIR, pages 38-39. The project will provide 55 off-street guest parking spaces distributed throughout the project in spaces between residential lots and also perpendicular to roundabout entryway on the interior side of the private street. Homeowners will be required under the CC&Rs to park their cars in their two-car garages; therefore, guests may also utilize the driveways of the homes they are visiting. Total proposed parking capacity will be approximately 600 parking spaces, of which 472 are off-street, including the homes' driveways. The Sacramento City Code requires a minimum of one space per residential dwelling, or 139 spaces for this project. During the public hearings on the project in 2002-2003, the Department of Public Works expressed comfort with the size of the driveways planned for the project. The planned visitor parking spaces conform to the City's dimensions for standard and compact off-street parking spaces. The City currently does not require oversized parking spaces for large SUVs and trucks.

32-2 As described in Master Response 5, the net acreage for the project was calculated using the City's definition.

32-3 See DEIR, <sup>page</sup> pp. 104-111. Tables 9 and 10 and accompanying text explain the range of mass/bulk statistics that exist within the Riverlake PUD and where the proposed project falls within that range. Please refer to Response to Comment 19-5 regarding the purpose of the analysis as it relates to the City's evaluation of intensity.

### 3.2.2.33 Letter 33. Claudia C. Bonsignore, 5 August 2005

33-1 Comment noted. The commenter expresses an opinion regarding her personal preferences, but does not raise a specific question relevant to CEQA.

33-2 See Master Response 6.

33-3 The Pocket Protectors' alternative was evaluated in Chapter 5 of the DEIR. CEQA does not require evaluation of the cost of constructing each alternative.

33-4 *The commenter's question is unclear*  
It is unclear what the commenter is asking, and thus, is difficult to provide a meaningful response. The commenter is directed to Chapter 5 of the DEIR for an analysis of alternatives to the proposed project, including the Pocket Protectors' proposal and several previously approved projects for the site.

33-5 See Master Response 1. See Master Response 5 regarding safety of the park without a fence.

33-6 See Master Response 1.

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### 3.2.2.34 Letter 34. Mary Wiberg, 5 August 2005

- 34-1 Comment noted. The comment expresses the commentor's opinion regarding her personal preferences, but does not raise a specific question relevant to CEQA.
- 34-2 Comment noted. See Master Response 1 for a discussion of street width
- 34-3 See Master Response 1.
- 34-4 See Master Response 1 and DEIR, Chapter 5 (Alternatives). The DEIR includes analysis of plans with different street widths, but because the 22-foot street planned for the proposed project causes no significant and unavoidable impacts, the City is not required to select an alternative with a wider street.
- 34-5 See DEIR, <sup>page</sup> pp. 130-132 regarding tree removal and mitigation. Comments and/or concerns regarding the health of the trees in the linear parkway should be directed to the City or the Riverlake Community Association, depending on the precise location of the tree and which entity is responsible for its health and maintenance. To the extent Regis is responsible for any potential damage to trees in the parkway, this is an enforcement issue for the City, but it is outside the scope of this EIR.
- 34-6 The City circulated the Notice of Preparation for the Islands at Riverlake EIR from February 25, 2005, to March 30, 2005, during which time the City accepted written comments regarding the scope of the EIR. A public scoping meeting is not required by CEQA, and the neighborhood has had numerous opportunities to provide input into the planning process for this project.
- 34-7 See Master Response 9.
- 34-8 Sycamore Environmental Consultants, Inc., prepared the DEIR under contract to the Applicant, with input from the Applicant's consultants and the City staff listed at pages 226, 227, 229, and 230 of the DEIR. Sycamore Environmental was chosen to prepare the EIR because of the firm's previous experience with the project and presumed familiarity with the project specifics, the surrounding neighborhood, and City plans and policies affecting the site. The DEIR, however, represents the independent review and judgment of the City's planning staff.
- 34-9 See Master Response 8.

### 3.2.2.35 Letter 35. Daniel A Weitzman, 9 August 2005

- 35-1 Please refer to Master Response 4 for a discussion of the Linear Parkway and details of ownership and easements involved. Recreational resources for the project are discussed in the DEIR on pages 149-153 and in the Initial Study, pages 75-76 (Exhibit A to the DEIR). Garcia Bend Park is located within 0.5 miles of the project site. Therefore, Riverlake residents do have access to parks. The DEIR concluded that the proposed project would not impede existing uses of the Linear Parkway.
- 35-2 The comment is general and does not identify specific issues regarding the adequacy of the DEIR. Please see Master Response 11 for a discussion of the project's history.