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HOWARD F WILKINS III

November 10, 2005

Via hand-delivery

Ms. Shirley Concolino, City Clerk  
City of Sacramento  
915 I Street, Historic Building  
Sacramento, CA 95814

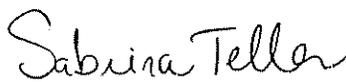
Re: Islands at Riverlake project (P05-004)

Dear Ms. Concolino:

Enclosed please find twenty (20) copies of a recent letter from the Riverlake Community Association (RCA) to Mr. William "Bill" Parker conveying the RCA Board's views on Mr. Parker's proposal to resurrect his previous townhouse project for the Islands at Riverlake project site, as well as his heretofore-undisclosed financial involvement in the Pocket Protectors' litigation.

I would appreciate your assistance in distributing the enclosed copies to each Councilmember and relevant staff. Thank you for your assistance in these matters.

Sincerely,

  
Sabrina V. Teller

cc: Susan Brandt-Hawley, for Pocket Protectors  
Bill Heartman, Regis Homes of Northern California  
Joe Cerullo, Senior Deputy City Attorney  
Kimberly Kaufmann-Brisby, Associate City Planner

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# Riverlake Community Association

November 8, 2005

William "Bill" Parker  
Parker Development Company

**Re: Islands at Riverlake Project**

Dear Mr. Parker:

*Bill*

As a follow-up to your meeting with Peter Chin, Richard SooHoo and me on October 27, I briefed the Riverlake Community Homeowners Association ("RCA") Board on November 3 regarding the information you presented. In particular, I discussed your proposal to resurrect the 1994 townhouse project in hopes of resolving the current (apparent) community conflict over the Regis project. Jim Parker excused himself from this portion of the Board meeting.

No formal action was taken, as the board members felt comfortable letting our last expression (the August 17, 2005 Resolution) remain as our current position. They elected not to take an advocacy role at the city council meeting on November 15.

The Board was not particularly enthused about changing projects at this point and supporting your townhouse project. The additional 18 month to 2 year delay securing necessary approvals, etc., on top of the 2 year construction build-out for that project or the current project) was viewed as very undesirable. This factor outweighed any merit that the townhouse proposal *might* have over the Regis proposal. The increase in density from 139 to 164 units was also regarded as a negative factor. Further, there is no certainty that other residents might not object to the townhouse proposal, which could further delay project completion.

In addition, the Board remains concerned about the potential for a significantly higher density project, should the Regis project be derailed. The legal efficacy of the (expired) Development Agreement on this issue remains very much in doubt. As you are aware, the city recently abandoned its share of responsibility for greenbelt maintenance, citing the expiration of that agreement.

Finally, I must report that Board members were very disturbed by your financial support of the Pocket Protectors' legal actions, and especially the late disclosure of same. It was felt that your failure to communicate this important factor to the Board in a timely manner dishonored the time and effort expended by the RCA Board exercising the 'approval' role conferred on it by you.

Respectfully,



Jeff Marschner  
President

Cc: RCA Board of Directors  
Kimberly Kauffman-Brisby, City Planning  
Bill Heartman, Sares-Regis

TO: Sam Jackson  
K7455

BRANDT-HAWLEY LAW GROUP

Environment/Preservation

Chauvet House PO Box 1659

Glen Ellen, California 95442

November 9, 2005

From: S. Concolino

Legal Assistants

Sara Hews

Shannen Jones

Law Clerk

Rachel Howlett

Susan Brandt-Hawley  
Paige J Swartley

Ms. Shirley Concolino, City Clerk  
City of Sacramento  
915 I Street, Historic Building  
Sacramento, CA 95814

Re: Islands at Riverlake Project  
Request for Continuance of November 15, 2005 City Council hearing

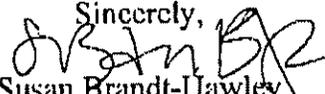
Dear Ms. Concolino:

As you know, on September 26, 2005, the Pocket Protectors requested a continuance of a City Council hearing. In part, that request was based on our Public Records Act request for documents relating to the environmental review for this project. The City Council hearing has now been continued to November 15, 2005, at the request of the applicant.

We received incomplete response to our Public Records Act request. After receiving a number of additional documents just today, we have sent a follow-up records request to the City. The City's response is due on November 19<sup>th</sup>, four days after the scheduled City Council hearing, after which we will arrange to view the documents at the City's convenience. The content of these records is highly relevant to the CEQA process followed for this project, and additional time is fairly required for their review before the City Council hearing. We want to be able to explain all issues to the Council to exhaust remedies prior to consideration of project approval.

On behalf of the Pocket Protectors, I respectfully request that the Council hearing be continued to a December date at least two weeks after we receive responsive documents to our Public Records Act request.

Thank you for your attention to this request.

Sincerely,  
  
Susan Brandt-Hawley

cc: Joe Cerullo  
Tina Thomas

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November 8, 2005

Susan Brandt-Hawley  
Brandt-Hawley Law Group  
Chauvet House  
P.O. Box 1659  
Glen Ellen, CA 95442

Re: *Pocket Protectors v. City of Sacramento*; administrative draft DEIR and  
FEIR, contract for EIR preparation

Dear Susan:

We understand from speaking to City staff recently that you and Bill Parker<sup>1</sup> have demanded that the City produce a copy of Sycamore Environmental Consultants' contract for the preparation of the EIR for the Islands at Riverlake project and administrative drafts of the EIR for the project. We also understand from staff that it is the City's policy not to retain administrative drafts, and therefore, none were produced in response to your Public Records Act request. As a courtesy to you, and to put an end to speculation regarding the City's role, we are enclosing copies of the final, executed contract between Regis Homes of Northern California and Sycamore, as well as a draft of that contract that was reviewed by City staff and shows Lezley Buford's handwritten revisions to the proposed scope and procedures to be followed under that contract.

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<sup>1/</sup> We are copying this letter to Mr. Parker's attorneys because we have recently learned of his significant financial involvement in the Pocket Protectors' litigation against the City, a significant and relevant fact (given that Mr. Parker was a reluctant seller of the subject property to Regis, forced to sell after being sued by his own business partners) which your declaration in support of your fees request failed to reveal.

Susan Brandt-Hawley

November 8, 2005

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Additionally, we are enclosing Sycamore's copies of the administrative draft DEIR and Final EIR that were provided to City staff and show City staff's comments on, and revisions to, those drafts. We are providing these administrative draft documents as a courtesy to you because, having been released to the City, and notwithstanding the fact that the City apparently did not keep its copies of these administrative drafts, these particular documents are not protected by the attorney-client and attorney-work product privileges provided in the California Evidence Code section 952 and Code of Civil Procedure section 2018. Because they were released to City staff for their review and revisions, the evidentiary privileges that would otherwise attach to these particular documents were waived.

Although the only parties to the contract were Regis and Sycamore, staff's comments on the draft contract, the provisions of the final contract requiring City staff to have final review authority and judgment over the contents of any environmental documents produced by Sycamore for the project, demonstrate that the City ensured its ability to exercise its duty under CEQA of independent review and judgment over the final conclusions and representations of the EIR. (Pub. Resources Code, § 21082.1; CEQA Guidelines, § 15084.) The City's comments and revisions to the administrative draft DEIR and FEIR further demonstrate that the City did, in fact, undertake independent review of the proposed representations of those documents and exercised its independent judgment in accordance with CEQA's requirements. (*Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452-1456; see also *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 908; *Concerned Citizens of Palm Desert, Inc. v. Riverside County Board of Supervisors* (1974) 38 Cal.App.3d 272, 287-288; *City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037, 1042.)

By copying this letter and its attachments to the City Clerk, we are also hereby requesting that these documents be included in the official administrative record of proceedings for this project.

Sincerely,



Tina A. Thomas

Enclosures

Susan Brandt-Hawley

November 8, 2005

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cc: Lezley Buford, City Environmental Planning Services (w/o enclosures)  
Joseph P. Cerullo, Senior Deputy City Attorney (w/o enclosures)  
Shirley Concolino, Sacramento City Clerk (w/enclosures)  
Michael Cook, Hefner, Stark & Marois, Attorney for Bill Parker (w/o enclosures)  
Bill Heartman, Regis Homes of Northern California, Inc. (w/o enclosures)  
Kimberly Kaufmann-Brisby, Associate City Planner (w/o enclosures)  
Jeff Little, Sycamore Environmental Consultants, Inc. (w/o enclosures)

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