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CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEETING IN RE ISLANDS AT RIVERLAKE
MINUTES - SEPTEMBER 15, 2005, 5:37 P.M.

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COMMISSIONERS PRESENT:

D.E. "RED" BANES
JOHN VALENCIA
MICHAEL NOTESTINE
DARREL WOO
JOHN BOYD

STAFF PRESENT:

KIMBERLY KAUFMANN-BRISBY
THOMAS PACE
SABINA GILBERT, ESQ.
DAVID KWONG

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1 VICE-CHAIRPERSON BANES: P05-004, and we'd like
2 to hear from staff.

3 MS. KAUFMANN-BRISBY: Good evening,
4 Vice-Chairperson Banes and Commissioners. I'm Kimberly
5 Kaufmann-Brisby, with the South Area Planning Committee.

6 On August 25th, 2005, the Islands at Riverlake
7 staff report was presented to the Planning Commission
8 and was continued, ultimately, to today.

9 I would like to bring your attention to the
10 supplemental information packet with the goldenrod cover
11 memo before you. The packet includes two items
12 previously provided you: the Riverlake Community
13 Association's resolution approval of the project and the
14 enlarged exhibit packet.

15 Two new items have also been provided. The
16 first is an exhibit comparing vehicular travelways, and
17 the second item is a letter of opposition to the project
18 received by staff yesterday.

19 As an informational supplement to the letter,
20 staff has attached a copy of the pertinent section from
21 the additional-responses-to-comments document, which
22 addresses the concerns indicated in the letter and is
23 included as attachment D in the staff report.

24 L. E. Buford, an environmental planning
25 principal, will now bring you up-to-date regarding the

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1 environmental document status.

2 VICE-CHAIRPERSON BANES: Questions?

3 COMMISSIONER VALENCIA: The vehicle travelway
4 exhibit is otherwise unentitled. Who generated it?

5 MS. KAUFMANN-BRISBY: That is from our --

6 VICE-CHAIRPERSON BANES: Staff?
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7 MS. KAUFMANN-BRISBY: -- departmental staff from
8 Public Works. Their new name just escapes me.

9 COMMISSIONER VALENCIA: They must not have
10 remembered it either, because they didn't take credit
11 for the exhibit.

12 MS. KAUFMANN-BRISBY: I apologize. I should
13 have noticed that.

14 VICE-CHAIRPERSON BANES: Is there any other
15 questions?

16 Thank you.

17 Next staff person, please. Hello.

18 MS. BUFORD: Hello. Vice-Chair Banes and
19 Commissioners, L. E. Buford, Environmental Planning
20 Services.

21 As you may recall at the meeting on August 25th,
22 we reviewed and presented to the Commission a letter
23 alerting us to the fact that a letter that was
24 prepared -- or sent with regard to comments on the draft
25 EIR had not been responded to in the final EIR.

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1 Upon research of this situation, we found a
2 batch, actually three letters, that had been transmitted
3 to the EIR consultant electronically but evidently never
4 received or somehow did not make it into the final EIR
5 in regard to the responses to the comments as required
6 by the California Environmental Quality Act.

7 Since that time, staff and a consultant has
8 prepared responses to these letters, and they were
9 actually attached to your staff report that was

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10 presented to you at the last meeting, when this item was
11 continued.

12 In addition to that, these responses were sent
13 to those that we had addresses for that had commented on
14 the draft EIR at the same time.

15 I'd be happy to answer any questions, if you
16 have any questions.

17 VICE-CHAIRPERSON BANES: Commissioner Valencia?

18 COMMISSIONER VALENCIA: I'm confused. Wasn't
19 the correspondence you referenced received within the
20 public comment time frame set forth in the Act?

21 MS. BUFORD: The three letters that we have in
22 our response?

23 COMMISSIONER VALENCIA: Correct.

24 MS. BUFORD: Yes, they were.

25 COMMISSIONER VALENCIA: Because you described

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1 them as either not received or --

2 MS. BUFORD: I'm sorry. We did receive them.
3 We did scan them into a pdf file. That was transferred
4 electronically to the EIR consultant, but evidently,
5 somewhere in the process, it was not received or --

6 COMMISSIONER VALENCIA: By the consultant?

7 MS. BUFORD: Correct.

8 COMMISSIONER VALENCIA: Thank you.

9 MS. BUFORD: You're welcome.

10 VICE-CHAIRPERSON BANES: Any other questions?

11 Seeing none, thank you very much.

12 Was there anything else? staff reports?

13 MR. PACE: That concludes the staff's
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14 presentation.

15 VICE-CHAIRPERSON BANES: Thank you very much.
16 okay. Then we'd like to get started with the
17 public presentation.

18 COMMISSIONER NOTESTINE: One question to staff:
19 On page 9, first paragraph of the staff report, the
20 second sentence -- the last sentence in that paragraph,
21 the first paragraph, it talks about the 25-foot
22 landscape easement and a 15-foot -- I'm sorry.

23 It speaks to -- this is on page 9, first
24 paragraph, last sentence. It says: This includes a
25 25-foot landscape easement, 50-foot parkway easement,

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1 which comprises a 40-foot lineal parkway and the
2 additional 20 feet between the property line and the
3 roadway of Pocket Road.

4 That's not real clear to me. So there's a total
5 of 60 foot setback from Pocket Road?

6 MR. PACE: Yes, there is. However, the official
7 setback would be just 40 feet, because the right-of-way
8 line to which that is referring, the roadway is not
9 built out to the entire right of way that it could be.
10 There's an additional 20 feet on either side of the
11 roadway.

12 COMMISSIONER NOTESTINE: okay. Thank you.

13 VICE-CHAIRPERSON BANES: okay. Can we hear from
14 the applicant, please.

15 MS. THOMAS: Good evening, Vice-Chair Banes and
16 members of the Commission. My name is Tina Thomas, with

17 the law firm of Remy, Thomas, Moose and Manley, and I'm
18 here today on behalf of Regis Homes and Bill Hartman.
19 And with me today is Bill Hartman and, also from my
20 office, Rina Teller.

21 I just wanted to make some preliminary comments
22 and then introduce Bill Hartman. He'll go through some
23 of the details of the project and the project design.
24 And I thought I would cover the changes that were made
25 in the project from the time -- the last time this

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1 Planning Commission saw the project; and I'll talk a
2 little bit about the EIR, the decision-making process
3 that you all have to go through, given what are the
4 conclusions in the EIR; and then finally, I wanted to
5 address one or two things that were raised in Susan
6 Brandt-Hawley's letter to you dated August 25th.

7 So starting with the changes that were made from
8 the last time this Commission saw the project -- and I
9 understand there has been a change in the membership of
10 the Commission, but I think it's important for
11 purposes -- for those of you who were on the Commission,
12 and also for purposes of the record, to understand that
13 the applicant has shown a commitment to continue working
14 with the public.

15 And after the Commission saw this project and
16 denied the project, it went to the City Council, and
17 during that period of time, there were changes made to
18 the project. And those changes, I think the staff
19 report says that the project that you're seeing today is
20 virtually the same. It is quite the same, but there are

21 some design details that I think you would find
22 interesting.

23 One hundred forty-six units were approved by the
24 Commission. Today, there is a hundred thirty-nine
25 units. Those seven units that were deleted became small

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1 parklets, so to speak.

2 COMMISSIONER VALENCIA: I'm sorry. Did you say
3 a hundred forty-six units were approved by the
4 Commission?

5 MS. THOMAS: Correct.

6 COMMISSIONER VALENCIA: By this Commission?

7 VICE-CHAIRPERSON BANES: City Council.

8 COMMISSIONER VALENCIA: You meant the City
9 Council?

10 MS. THOMAS: No, by this Commission.

11 COMMISSIONER VALENCIA: You're talking about the
12 earlier history of the project?

13 MS. THOMAS: Yes. I'm talking about -- I wasn't
14 here on the 25th, but I assumed you went through the
15 history that there's been litigation, we're back here on
16 the EIR and rehearing this matter.

17 COMMISSIONER VALENCIA: If you're referring to
18 prior entitlements that were exhausted or expired, let's
19 be clear about that, because the project that was before
20 the Commission entitled, "Islands at Riverlake," in its
21 prior versions were rejected by this Commission.

22 COMMISSIONER BOYD: Madam Chair, I'm going to
23 interrupt this process a moment. It's safe to say this

24 is going to be a long hearing, but I'm going to ask my
25 fellow Commissioners to respect the guidelines of going

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1 through the Vice-Chair before asking questions, just so
2 we can try to get through this as quickly as possible.

3 VICE-CHAIRPERSON BANES: Thank you.

4 MS. THOMAS: I'm sorry. I may not have been
5 entirely clear, but what I was trying to say is it did
6 come before the Commission before. Changes were made
7 after the Commission acted on it. The project that was
8 before you before had a hundred forty-six units. It
9 then went to the City Council.

10 Between the time you last saw it to when City
11 Council approved it, seven units were deleted. So the
12 hundred forty-six became a hundred thirty-nine. Those
13 seven reduced units became parklets, so to speak, small
14 park and green areas, that will be managed by the HOA,
15 that will include landscaping, picnic benches, those
16 type of things.

17 The homes that are up against the existing fence
18 and the existing homes are single family, with the
19 exception of those that are adjacent to the cul-de-sac
20 and lot 14, because there is a specific setback on that
21 lot.

22 Additionally, there was a diversity of floor
23 plans created between about 1400 feet and 2200 feet, a
24 sidewalk was added to the -- one side of the private
25 drive, and finally, and I think importantly, the

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1 setbacks that you approved previously were denied
2 previously -- that were before you previously were 5
3 feet. The Council then approved a setback of -- from 10
4 to 12 feet.

5 I think this is important, because I know that
6 the appellate decision is part of this record. It will
7 be part of the record before the Court, clearly. And in
8 that particular decision, it talks about 5-foot
9 setbacks. But that was changed by the Council from what
10 was proposed by the applicant to a 10- to 12-foot
11 setback, and that was approved by the Council.

12 And that is currently the project that is before
13 you and currently the project that has been analyzed in
14 the context of this environmental document, and it's the
15 project that is before you today.

16 So turning to the EIR. The EIR obviously wasn't
17 before you last time. That was the subject of the
18 litigation we lost. The substance of the EIR -- the
19 contents of the EIR include a biology analysis we
20 mitigated for Swainson's hawk. There are quality
21 analyses, there are mitigation matters for
22 construction-related impacts, a very detailed traffic
23 analysis that was prepared at the request of CalTrans
24 and, also, the residents of Riverlake; an aesthetics
25 visual land-use analysis, a recreation analysis, and a

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1 cultural analysis that also includes mitigation
2 measures.

3 From a procedural standpoint, the document was
 4 prepared by Sycamore Consultants with input from us,
 5 which we acknowledge. We are not hiding that fact.
 6 It's perfectly legal. But the final environmental
 7 documents were prepared by L. E. and her staff.

8 The EIR is an exhaustive analysis. It's a very
 9 numerical analysis, and it includes an analysis of seven
 10 alternatives. But in the end, what that EIR concludes
 11 is that none of the alternatives, nor the project, have
 12 a significant environmental impact.

13 So while the initial study may have identified
 14 that some of them required mitigation, those that I
 15 mentioned, construction, air quality, etc., in the end
 16 none of those projects -- none of those alternatives or
 17 the project result in significant environmental impact
 18 at all.

19 This is interesting, I think, because obviously,
 20 in the court case, there was a fair argument of the
 21 potential for environmental impact, but after you go
 22 through the environmental analysis, the conclusion is
 23 that those impacts are in fact less than significant.

24 So what those alternatives are, they look at
 25 very, very similar types of projects. There's different

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1 layouts, different designs, but they are trying to meet
 2 the requirements of the community plan and the general
 3 plan, the requirements of the PUD guidelines.

4 And just how similar they are, I want to
 5 highlight somewhat, and just focusing on the alternative
 6 that the Pocket Protectors put forth during the Council

7 hearings and the Islands at Riverlake project.

8 If you look at the lot-coverage percentage for
9 Islands at Riverlake, it's 49 percent. That's the
10 average. And for the Pocket Protectors' alternatives,
11 it's 48 percent.

12 If you look at the overall total neighborhood
13 coverage for the entire project, for Pocket Protectors
14 it's 23 percent, and for Islands at Riverlake, it's 27
15 percent. So we're not talking about dramatic
16 differences in what they're proposing and what we're
17 proposing.

18 What does seem to be an issue is the location of
19 the road. We've proposed a private drive in the center
20 with two houses on either side. The Pocket Protectors
21 have proposed tucking that road up against the existing
22 fence line and the existing homes.

23 It's my understanding -- but I'll let staff
24 address this -- that that is not consistent with the
25 single-family design guidelines. I believe that is

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1 actually set forth in the staff report.

2 And with regard to that road, there is a 3-foot
3 difference. We are proposing a 22-foot road. They are
4 proposing a 25-foot road.

5 I personally live in Curtis Park. I'm used to
6 the narrow roads. I lived on East Curtis Drive for a
7 very long time. The travel lanes on East Curtis, which
8 is the street that rings -- Curtis Park is about 17
9 feet, and from gutter to gutter, it's about 21. So this

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10 is not a particularly unusual situation. This is true
11 in a lot of roads in other areas, including Arden Park
12 and Land Park, East Sac, and McKinley.

13 So what does that mean to the decision making,
14 the fact that there are no significant environmental
15 impacts with regard to this project or to the
16 alternatives? That means that you won't be engaging in
17 sort of the traditional analysis under CEQA of trying to
18 determine whether or not mitigation measures are
19 necessary to reduce environmental impacts, because there
20 are none. You won't be looking at alternatives to
21 reduce the environmental impacts or weighing one
22 alternative against another, because there are no
23 environmental impacts associated with this project.

24 Instead, you should be looking at the factors or
25 the prongs that you consider with regard to the approval

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1 of a special permit. And there's three prongs,
2 essentially, to that determination: whether or not the
3 project is consistent with the community plan, the
4 general plan; whether or not the project comports with
5 sound land-use planning, and whether or not there's a
6 health and safety concern.

7 With regard to the community plan and the
8 general plan, the staff has concluded it's consistent
9 with both. Any ambiguity that did exist has been
10 clarified by the text change that has been part of this
11 package.

12 Second, with regard to health and safety issues,
13 public works has looked at this plan and has signed off

14 on this plan so long as conditions are added. We've
15 agreed to those conditions.

16 In the same vein, the fire department has looked
17 at the plan, has agreed to the plan so long as there are
18 certain conditions, and we have agreed to those
19 conditions.

20 with regard to sound principles of land use, I
21 wanted to make sure everyone had a copy of the letter
22 that was submitted by SACOG that looked at this plan and
23 set forth that the plan is consistent with the blueprint
24 for a variety of reasons.

25 And I think a couple of them are pretty

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1 important: one is the fact is it's a very walkable
2 plan, two is it creates a different type of housing
3 product and more affordable housing product in that
4 area, and third is we are trying to get densities into
5 urban and suburban areas that are developed so that we
6 don't have to continue having a lot of pressure at the
7 fringes of the urban edge. So I want to make sure this
8 letter is in the record.

9 Also, with regard to sound principles of land
10 use, I also wanted to make sure that the recent
11 Riverlake Community Association Resolution is in the
12 record. Again, there's some very important points with
13 regard to that determination.

14 The Riverlake Community Association said that by
15 96-percent vote that the members -- the residents of the
16 community had voted to annex the property, if approved,

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17 into their homeowners' association, but they also made a
18 couple of other interesting points. One is that they do
19 not believe that there is a negative aesthetic related
20 to this project. They may have had some quibbles or
21 concerns with regard to certain details, but with the
22 overall aesthetic, they do not believe it's a negative
23 aesthetic. And they also make an interesting comment:
24 that no matter what project is located here, there would
25 be opposition. I wanted to make sure that was in the

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1 record as well.

2 As I said, I wanted to address a couple of
3 issues that were raised by Susan Brandt-Hawley, who is
4 the attorney -- I'm not sure she's here -- for the
5 Pocket Protectors. She raised, in the context of her
6 August 25th letter, that we -- in fact, the
7 real-party-of-interest counsel, so me -- demanded the
8 recusal of Theresa Taylor-Carroll.

9 I want to make it very clear we demanded
10 nothing. We asked for the city staff to investigate
11 whether or not there was a conflict. So I'd like to
12 make sure that that letter is also in the record.

13 what we did in that letter is we pointed out --
14 what we did in that letter is we pointed out that
15 Theresa Taylor-Carroll lived within 500 feet of the
16 project. We also pointed out that there's a state law
17 that prohibits -- or presumption for anyone to vote if
18 they live within 500 feet.

19 when we sent that letter, we also received a
20 response back from Susan Brandt-Hawley saying that our

21 map was incorrect, that she didn't live within 500 feet,
22 and that our analysis was wrong, and that she wanted an
23 opportunity to respond to our letter with regard to the
24 refusal of Theresa Taylor-Carroll. And I want to put
25 that voice mail -- excuse me -- e-mail into the record.

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1 We did not receive a response, that I know of --
2 perhaps Ms. Gilbert can fill us in on that -- as to
3 whether or not there was a response from
4 Ms. Brandt-Hawley.

5 I also have a map that shows where Theresa
6 Taylor-Carroll lives. It's 390 feet from the project.
7 And I want to make sure that is also part of the record.

8 I do this because I want to make sure that we
9 know we are likely to end up back in court on this, and
10 I want to make it clear that we are very concerned about
11 the refusal; in fact, it might be fair to say we're
12 somewhat appalled by the fact that she voted first
13 go-around, given that she lives so close to the project;
14 that there is a state law; that she not only voted on
15 the project and participated, she talked to a number of
16 other Commissioners, and she testified at City Council
17 on behalf of Commission for the project. And as you
18 know from reading the Court opinion, the Court placed a
19 great amount of emphasis on the fact that this Planning
20 Commission originally denied the project. So I wanted
21 to make sure that all those comments and communications
22 were in the record.

23 And finally, before I turn it over to talk about

24 the project, which I know is important to you tonight, I
25 wanted to submit into the record copies of articles with

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1 regard to the trend in urban areas to look at smaller
2 homes on smaller lots so that we can move towards smart
3 growth and all the things that we talk about a lot. But
4 I wanted to submit into the record a copy of these
5 articles. I have two sets, one for Susan and one for
6 the record.

7 Finally, I wanted to talk about the density very
8 quickly, and then I'll close. There's been a lot of
9 discussion in this hearing and the prior hearings about
10 the densities and the lot coverages, that they're
11 unusual and unique. And I wanted to point out for the
12 Commission that in the past probably six or seven
13 months, that there have been a number of projects that
14 you have approved that have very, very similar lot
15 coverages. Natomas Field is 48 to 53.5 percent,
16 depending upon how you calculate that, so let's just
17 take the 48 percent; Candela, that you approved, is 45
18 percent; Riverdale North, 50 percent; Natomas Central,
19 45 percent. And as I mentioned earlier, the Pocket
20 Protectors' proposal is 48 percent; and the Islands at
21 Riverlake, 49.5 percent.

22 This is a copy of all the staff reports, to show
23 that all the lot coverages that you are considering
24 today are not out of the ordinary.

25 I also note, just in case there's an

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1 apples-to-oranges or apples-to-apples discussion, that,
2 in particular, Candela backs up to a gated community
3 with traditional R-1 five unit to the acre or less.

4 with that I'll close, unless there's any
5 questions, and Mr. Hartman can talk about the project.

6 VICE-CHAIRPERSON BANES: Is there questions?
7 Yes, Commissioner Valencia.

8 COMMISSIONER VALENCIA: I have several.

9 In your testimony regarding Ms. Theresa
10 Taylor-Carroll, you said she appeared before the Council
11 and testified for the project. I think you meant
12 against the project, if she was representing the
13 Commission.

14 MS. THOMAS: Yes. I apologize.

15 COMMISSIONER VALENCIA: Just for the record.

16 MS. THOMAS: Thanks so much. She testified on
17 behalf of the Commission.

18 COMMISSIONER VALENCIA: You placed a heavy
19 emphasis in your testimony on the resolution by the
20 homeowner's association board of directors. As I
21 recall, it was established in the initial hearing on
22 this project that, at the time, a substantial number of
23 those members of that board of directors were employed
24 by the applicant. Is that still the case?

25 MS. THOMAS: You know, I don't know. I believe

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1 that there is somebody here from the association. I
2 would probably defer to them. That will be better.

3 COMMISSIONER VALENCIA: We'll hold off on the
4 answer to that one.

5 I guess the content of the resolution, as well,
6 although just for accuracy's sake, the "whereas" clause
7 relating to the vote is 96 percent of the vote of the
8 RCA members voting, not necessarily members of the
9 homeowner's association.

10 MS. THOMAS: Good point.

11 VICE-CHAIRPERSON BANES: Is there another
12 question?

13 COMMISSIONER VALENCIA: Yes. I have several.
14 Bear with me. A lot of paperwork to plow through, Madam
15 Chair.

16 In your discussion of the EIR, it strikes me
17 that it's almost tantamount to the EIR being a final
18 document over which we have no discretion. Is that a
19 fair characterization of your position?

20 MS. THOMAS: No.

21 COMMISSIONER VALENCIA: I didn't think so,
22 because --

23 MS. THOMAS: Absolutely not. Let me clarify
24 that, because I want this record to be crystal clear.

25 You can choose any project you want of those

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1 that were analyzed. I'm just saying this is the one we
2 are proposing, Islands at Riverlake. There are six
3 others that are analyzed, including no project and the
4 traditional R-1. You can choose any project you want.
5 None of them have a significant environmental impact.

6 COMMISSIONER VALENCIA: Correct. I'm glad we're
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7 in agreement on that, because one of the functional
8 decisions to be rendered by the Commission is the
9 certification of the EIR.

10 MS. THOMAS: Absolutely.

11 COMMISSIONER VALENCIA: And if the Commission
12 acts contrary to the certification of the EIR, it's
13 denied as a document. Would you agree with that?

14 MS. THOMAS: Absolutely.

15 COMMISSIONER VALENCIA: I just wanted to
16 establish that.

17 You commented on --

18 MS. THOMAS: There's an appeal right, obviously.

19 COMMISSIONER VALENCIA: Of course, which we
20 fully expect everyone present to do.

21 You discussed in passing, and staff described in
22 particularity, the change which is characterized -- I
23 think it's lightly characterized, somewhat too lightly
24 characterized -- the clarification in terms of the stock
25 that would be permissible under the amendment to the

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1 temp housing-related development designation. In your
2 opinion, is this project possible without that
3 clarification?

4 MS. THOMAS: Yes.

5 COMMISSIONER VALENCIA: How so?

6 MS. THOMAS: The zoning code is quite clear what
7 kind of product types are allowed.

8 COMMISSIONER VALENCIA: Then we should eliminate
9 that clarification?

10

MS. THOMAS: No. Let me finish.

11

In the community plan and in the PUB guidelines, I think there's a little bit of an ambiguity, and the ambiguity says that it's R-1A, and then in other parts it talks about -- so R-1A would assume, not list, the housing product types, which includes both attached and detached and others; but also, that it says that other locations, townhouses and related development.

18

So there was always this sort of tension, does the R-1A trump what this townhouses and related development means. So it truly is a clarification, and I believe staff and others have always thought that the R-1A zoning provision with the list of the housing product types prevails.

24

COMMISSIONER VALENCIA: That's it, Madam Chair.

25

VICE-CHAIRPERSON BANES: Thank you very much.

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1 Are there any other questions at this time?

2 I see none. Would you like to introduce the
3 order, please.

4 MR. HARTMAN: Hi. My name is Bill Hartman, with
5 Regis Homes, 1435 River Park Drive, Sacramento.

6 I'd like to, first of all, indicate that I
7 reviewed the staff report and have accepted all the
8 conditions as written by the staff.

9 I'd like to quickly go through the elevations,
10 because this project, as you know, has been -- has
11 already gone through a lot of the improvement plans, and
12 so we have -- we have gone through the Riverlake
13 Community Association, Architectural Control Board, and

14 they have all the landscape plans approved, as well as
15 all the elevations and color pallets.

16 In the packet that was provided to you earlier,
17 it has some color renderings. So I'll quickly go
18 through that to show you the color pallets as well as
19 some details on the landscaping plans. This may be a
20 little awkward because I have to walk over there.

21 I'm just going to run through the elevations.
22 These are, again, the color pallets on the
23 single-story -- first single-story plan, which is 7110.
24 And there are three different elevations: A, B, C, and
25 D. I'll show you a variety of the various elevations.

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1 It will give you an indication of what they look like
2 across the board. Your packet includes all of the
3 elevations.

4 This is the second single-story plan, which is
5 the 7120, and this is the C elevation. It has different
6 kinds of masonry on the front, a little bit different
7 roof line as well. Again, the color -- all the color
8 pallets on the various schemes is in the lower left-hand
9 corner. Again, they have been approved by the Riverlake
10 Community Association's ACC.

11 This is the first and the smallest two-story
12 plan. Again, it's just showing the color and elevation.
13 This happens to be the B elevation.

14 This is the 5713, which is just a modification
15 of the 5710, which has an extra, bonus room up above the
16 garage and creates a little bit larger square footage.

21 which has been a question to some of the public, the
22 trees -- there are some large trees, shade trees. If
23 you look at -- they are in the mini park areas. If you
24 look at the lot between 75 and 76, that's one of the
25 smaller mini parks. That color designates a large shade

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1 tree. Also, on the lot to the right of lot 113, that
2 darker green color is a large shade tree.

3 The colored ones around the turnstile where we
4 have additional parking -- off-street parking, the
5 purple ones are smaller, ornamental-type trees, and the
6 green ones in the right-hand corner, those are the
7 evergreens. We put those in to match the existing
8 redwood trees, predominantly, that are running along the
9 walkway and the existing landscape area along Pocket
10 Road.

11 To address Commissioner Notestine's question
12 earlier, you can also see in this the -- pretty
13 clearly -- the Pocket Road dimensions; whereby, the red
14 line indicates where the right of way is, and 40 feet
15 from it would be north of that right of way. And the
16 existing sidewalk is -- mostly goes through the right of
17 way but occasionally comes up into the 25-foot easement
18 area.

19 The illustration at the top, of course, is one
20 of the fountains that we're going to build in the
21 turnstile there in the roundabouts that are periodically
22 around the project.

23 This exhibit really shows you the detail of the

24 landscape plan for individual lots. Again, it shows the
25 two larger, circled green trees are medium. It's hard

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1 to read on this, but they're medium-size shade trees.
2 As you can see from this, we have a minimum of one
3 medium-size shade tree on every lot along the private
4 drive, and then between one and two ornamental trees,
5 which are designated in the purple, that run along the
6 private drive to help provide shading.

7 In addition, as you can see in the lot 5730,
8 designated along Pocket Road, there's a courtyard, and
9 those will be landscaped as well. We will have various
10 packages. Because there's enough space in there, we can
11 also put larger trees. Those being on, basically, the
12 south side of the project will provide additional shade
13 over the private drive as they're installed.

14 COMMISSIONER NOTESTINE: Question of
15 Mr. Hartman.

16 VICE-CHAIRPERSON BANES: Yes, Commissioner
17 Notestine.

18 COMMISSIONER NOTESTINE: The courtyards on the
19 properties I guess prominently to the south, the Pocket
20 Road frontage, the courtyard, is that typical for 50
21 percent of the units? 75 of the units?

22 MR. HARTMAN: Every lot away from the fence that
23 runs along Pocket Road predominantly would be south,
24 because they are on the north side of Pocket Road, every
25 single one of those has a courtyard.

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1 And the ones in the back, which would be
2 represented by the one that you see, that would be on
3 the top of the private drive, those all have private
4 yards, and those -- as Ms. Thomas said, they are a
5 minimum of 10 feet from the garage to the property line
6 and 12 --

7 COMMISSIONER NOTESTINE: And the 42-inch wood
8 fence, that's for the courtyard?

9 MR. HARTMAN: Yes. It's not a wood fence.
10 Those are all stucco, masonry-type fences.

11 COMMISSIONER VALENCIA: Madam Chair, may I ask
12 him a question?

13 VICE-CHAIRPERSON BANES: Yes.

14 COMMISSIONER VALENCIA: I was looking at a
15 comparison of the overall presentation of these
16 conceptual designs as against what was presented to us
17 at the hearing in August, and it's as much for staff as
18 it is for you. It appears missing was an exhibit that I
19 commented on at the time that described and represented
20 and provided elevations for a gate that was going to
21 control access. It was represented at the time, at that
22 point in the hearing, it was for emergency access.
23 There was also a monument marker. What has become of
24 that exhibit in this presentation?

25 VICE-CHAIRPERSON BANES: Staff, I think, wants

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1 to go first.

2 MS. KAUFMANN-BRISBY: That exhibit was omitted

3 from the -- come to find out, that exhibit was
4 incorrect. On page 91, the landscaping details,
5 emergency access gates, this is what has replaced that
6 exhibit.

7 COMMISSIONER VALENCIA: Page 91 in the staff
8 report?

9 MS. KAUFMANN-BRISBY: Yes, sir.

10 VICE-CHAIRPERSON BANES: While we're looking
11 that up, I'd like to take a break off the record right
12 now. You have two sick members up here, and we need to
13 take a bathroom break because we don't have a quorum
14 when he leaves. So please bear with us. We'll be just
15 a minute.

16 (Recess.)

17 VICE-CHAIRPERSON BANES: We're now back in
18 session, and someone was looking up something. Can we
19 continue with that?

20 COMMISSIONER VALENCIA: Well, Madam Chair, to
21 staff, although staff -- you didn't generate this
22 exhibit, did you?

23 This is the applicant's exhibit, correct?

24 MS. KAUFMANN-BRISBY: Yes, that is the
25 applicant's exhibit.

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1 COMMISSIONER VALENCIA: I didn't see the
2 applicant mention the difference in the exhibits from
3 that which we opened with in August, or make the
4 correction that there was a substantive difference that
5 was reflected in the staff report, which was the staff's
6 responsibility.

7 How are we supposed to know when something like
8 that changes if it's not commented on? especially since
9 we pointed it out with particularity and it was going to
10 be the subject of some conversation, given the
11 sensitivity about gated communities. Can you help me
12 understand?

13 MS. KAUFMANN-BRISBY: It was an omission on my
14 part. As far as -- I neglected --

15 COMMISSIONER VALENCIA: You said that exhibit
16 was an error. If we proceeded in August, which we
17 didn't, then we would have been acting, in part, on
18 reliance on an erroneous representation, which has now
19 been corrected as a function of the continuance.

20 MS. KAUFMANN-BRISBY: Yes.

21 COMMISSIONER VALENCIA: Thank you, Madam Chair.

22 VICE-CHAIRPERSON BANES: Thank you so much.

23 MR. HARTMAN: I'd also like to respond to
24 Commissioner Valencia's question. The exhibit that was
25 in the original staff report was actually the

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1 predecessor of the gate that goes into Coleman Ranch,
2 which is off of lot 1.

3 When we went through the architectural review
4 committee we modified it, but only slightly. That
5 actually is a protective gate for the existing
6 community, the Coleman Ranch project. So that was -- it
7 was slightly inaccurate, but it actually is a protective
8 gate for a preexisting gated community. This community,
9 we're not proposing a gated community at all. These are

10 simply protective gates for preexisting communities.

11 So in response to Commissioner Valencia's
12 question, in the 25th, because there was some question
13 about what the emergency access gates would look like,
14 we provided an additional exhibit to the staff which
15 clarified and responded to his question, and that's the
16 exhibit on page 91, which shows you not only -- this
17 exhibit here -- which not only shows you the emergency
18 chain-link fence at Coleman Ranch, lot 1, which is,
19 again, is a security device for a preexisting gated
20 community, and then the EVA gates for the emergency
21 access at the end of each hammerhead on the project.

22 So it really doesn't create a big fence on
23 either side. As you can see, it just has big posts, and
24 then we'll fill in with landscaping on each side of the
25 posts. This is simply a requirement of public works in

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1 order to eliminate people from going off of, say, Dutra
2 Bend Road directly onto the project.

3 VICE-CHAIRPERSON BANES: Thank you.

4 Commissioner Valencia has a question.

5 COMMISSIONER VALENCIA: Several issues. First,
6 let me be clear. Each time you refer to the
7 architectural committee, you're talking about the
8 community-association architectural committee, not a
9 city architectural committee?

10 MR. HARTMAN: That's correct.

11 COMMISSIONER VALENCIA: To some degree, they're
12 not relevant, because we often point out that private
13 organizations that do those reviews are not binding on

14 the Commission.

15 I had asked a basic question at the initial
16 hearing, which was stopped for continuation, about why
17 the gate that was represented at the time, the
18 chain-link fence gate that's reflected here now, is even
19 necessary. Did I understand you to say that Public
20 works requires this?

21 MR. HARTMAN: Which gate are you referring to?

22 COMMISSIONER VALENCIA: The gate that we're
23 talking about in your exhibit.

24 MR. HARTMAN: The top gate?

25 COMMISSIONER VALENCIA: Correct.

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1 MR. HARTMAN: That's a requirement of -- there
2 was an existing gate to protect the Coleman Ranch
3 project. That is a gated community, and it preexists
4 out there today. So this -- they had -- their actual
5 fence was on part of our property, and so what we've
6 done is abandoned some easements and then created some
7 new easements for turnaround for the trash trucks and
8 things within their gated community, and then provided
9 emergency access for the -- as required by the city.

10 COMMISSIONER VALENCIA: Now I'm really confused,
11 because when we talked about the gate that was
12 represented to us by demonstration at the prior hearing,
13 we were talking about the gates at -- let me see if we
14 can identify it -- they were gates proposed for
15 yet-to-be-constructed fences on your project at the --
16 what we described as build-outs.

17 Looking at your document entitled, "Typical Site
18 Plan," what appears to be the termination of Linda Isle
19 Lane, which I presume is the proposed private drive, and
20 dead-ends or empties out onto West Shore Drive --
21 they're not numbered, so I --

22 MR. HARTMAN: Maybe this exhibit that I have on
23 the overhead. That way the audience can see. This is
24 from the tentative map exhibit, and this is page --
25 sheet 4 of the tentative map.

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1 If you look at lot 1, which is sort of in the
2 middle, right here, that's the turnaround for Coleman
3 Ranch, which is right here, and that's where the higher,
4 six-foot fence is being placed. And that's to provide,
5 again, security for the Coleman Ranch community, which
6 is an existing gated community.

7 The other, smaller gates, the ones that are, I
8 think, 30 inches, would go at the end of this hammerhead
9 here, which is simply for emergency access to Dutra
10 Bend. So there's one large gate, and that's for the
11 Coleman Ranch security. The rest of the EVA gates are
12 simply at the end of each hammerhead, whether it's west
13 or East Shore Drive as well as Dutra Bend.

14 COMMISSIONER VALENCIA: That's the way I
15 understood it. When we were talking about the
16 hammerheads at your project, they had to be built for
17 proposed fence enclosure in their entirety, made
18 accessible by the formerly represented emergency gates,
19 and now this one.

20 MR. HARTMAN: No. This project as proposed is
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21 not a gated community. The only reason we have EVA
22 gates at the end of each hammerhead is to prevent people
23 from going through, say, Dutra Bend or West Shore Road
24 and driving onto the private drive, say, right here.

25 COMMISSIONER VALENCIA: I asked the question at

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1 the time that we had the initial representation whether
2 or not those hammerheads wouldn't be fully curved out.
3 They're dead ends, aren't they? So how would it be
4 possible for folks to drive through there?

5 MR. HARTMAN: Well, they do. That's what --
6 there's a curve -- well, we have curve cuts onto --
7 let's say Dutra Bend. There are curve cuts to allow for
8 emergency vehicles to get up over them, and we have a
9 lower curve on our private drive, again, to allow
10 emergency vehicles to get over, to access that private
11 drive.

12 And in my experience, if you don't put a gate
13 there -- and I suspect in the Public Works'
14 experience -- if you don't put a gate there, then the
15 new residents and some of the other residents will use
16 that as an ingress and egress.

17 COMMISSIONER VALENCIA: I wanted to distinguish
18 what I now understand to be the Coleman Ranch gate
19 verses the ones you're proposing for the hammerheads and
20 the build-outs. Those are not required by Public Works.
21 You're making the judgment that you need them to deter
22 vehicular traffic?

23 MR. HARTMAN: From Coleman Ranch?

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1 And just to make sure everybody understands, in
2 the original PUD that was approved for the Riverlake
3 community, under the R-1A designation, the minimum
4 setbacks were 7-and-a-half feet. So we're under the
5 R-1A designation, and our minimum setbacks from the rear
6 yards are 12 feet and 10 feet from the units themselves,
7 from the fence to the garage portion of the units.

8 The rest of these exhibits are simply blowups of
9 the tentative maps. If there's any questions, I can
10 refer to those.

11 VICE-CHAIRPERSON BANES: Are there any questions
12 on those maps? No. I think we are all pretty familiar
13 with that.

14 Is Public Works or staff ready for a question?

15 MR. HARTMAN: There have been some questions
16 raised about the parking, and this project, there are
17 two-car garages in every single unit. The city standard
18 is a little over one per unit, which would give us
19 approximately a hundred-fifty required for this project.

20 We have two-car garages, and about 95 percent of
21 the houses have aprons on them that would accommodate
22 cars. So there's approximately 500 in the driveways and
23 in the garages, and we have 53 additional off-site,
24 little units, like you see here or here, that are off
25 the street. So that brings us to approximately 600

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1 units -- 600 parking lots, which is four times what the
2 City requires for a project in this zoning.

3 I talked about the shade trees, and I've talked
4 about the setbacks. With that I'd like to conclude and
5 reserve any time I have for questions at the end.

6 VICE-CHAIRPERSON BANES: Any questions now?
7 Commissioner Valencia, please.

8 COMMISSIONER VALENCIA: Now that we're on to new
9 topics, I have just a couple.

10 Your representative referred, for purposes of
11 density and for purposes of proximity, to other
12 projects -- a series of other projects that the
13 Commission's approved, although they're primarily in
14 Natomas.

15 Can you tell me, since, presumably, you've been
16 in collaboration with her on that, whether any of those
17 projects have housing stock across a common street where
18 one house -- the rear of one house faces the front of
19 another house?

20 VICE-CHAIRPERSON BANES: Ms. Thomas.

21 MS. THOMAS: As I mentioned, the Candela project
22 butts up immediately adjacent to the west Lake existing
23 development. So you have the backside -- the exact same
24 situation -- the backside of the existing west Lake
25 units, and on the other side of the lot line would have

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1 the new, more dense, whatever that density was -- the
2 new Candela lots. It's the exact same situation in
3 Candela.

4 COMMISSIONER VALENCIA: I think I did not
5 articulate my question well enough. In that project,
6 given the proximity and given the density, however, the

7 rear of one set of housing stock in one development
8 faces the rear of the housing stock in the second
9 development. My question had to do with the common
10 drive, aisle, lane, whatever the private drive is that's
11 proposed.

12 The testimony on the project represents the
13 Pocket Drive houses fronting on Pocket Drive; and that
14 the design features are attempting to mitigate the fact
15 that every one of those houses has the rear of the house
16 facing the front door of the homes to the north of those
17 homes. Is that correct? And my question -- that's
18 certainly the way the project is -- the way it's
19 presented to us.

20 MS. THOMAS: Right.

21 COMMISSIONER VALENCIA: My question had to do
22 with, in any of those other projects, setting aside the
23 density and setting aside the proximity to existing
24 projects, whether any one of those approved by the
25 Commission resulted in homes where the rear of one home

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1 faced across the common drive of the front of another
2 home.

3 MS. THOMAS: I didn't do that kind of a
4 comparison. I put it in there solely for showing lot
5 coverage.

6 COMMISSIONER VALENCIA: Thank you.

7 VICE-CHAIRPERSON BANES: Commissioner Notestine.

8 COMMISSIONER NOTESTINE: I'd like to respond to
9 John's question. We recently approved a project on

9-15-0~1
10 Riverside not too far from this one that had that exact
11 same situation, where a front -- its actual rear -- it
12 fronted on the street on one side, and on the other
13 side -- I'll back off again -- and the other side of the
14 street was the front.

15 COMMISSIONER VALENCIA: Thank you.

16 MS. THOMAS: Actually, in Natomas Field, if
17 you'll recall, along East Commerce, there was a product
18 that faced onto East Commerce and had a two-car garage
19 in the back, and across that private drive was the front
20 of the bungalows. So precisely the same situation.

21 COMMISSIONER VALENCIA: It's analogous but not
22 precisely. We're talking about single-family dwellings
23 here.

24 MS. THOMAS: Private drive, alley. They're all
25 privately operated units, similar drives. So it's quite

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1 similar.

2 VICE-CHAIRPERSON BANES: Commissioner Woo.

3 COMMISSIONER WOO: Mr. Hartman, on the
4 elevations where you have less-than-15-foot rear
5 setback, are you absolutely certain that 15 feet is
6 infeasible for those lots?

7 MR. HARTMAN: It's infeasible unless we change
8 the entire configuration of the project and turn it into
9 where you have a drive that runs along the fence, simply
10 because -- unless you make the houses extremely narrow.
11 And those are not particularly marketable. Yes, I could
12 move it, but the whole plan would be difficult to
13 design, because the houses in the front would be very,

14 very narrow in terms of the width. So you'd walk in the
15 front door and you'd basically walk out the back door.

16 VICE-CHAIRPERSON BANES: I think that reason
17 came from the neighbors, saying they did not want a
18 street put along that fence behind them.

19 Okay. We have an answer now from staff for
20 Commissioner Valencia's question.

21 MS. KAUFMANN-BRISBY: I'd like to introduce
22 Jesse Gothan, with Development Engineering and Finance.
23 He can answer this question for you.

24 VICE-CHAIRPERSON BANES: Welcome.

25 MS. GOTHAN: Good evening, Chair Banes and

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1 members of the Commission. To answer Commissioner
2 Valencia's question, page 22 of the staff report talks
3 about hammerheads: All proposed hammerheads and
4 emergency accesses shall be constructed to City
5 standards and to the satisfaction of Development
6 Services and Fire. The hammerhead shall be constructed
7 with a gate equipped -- excuse me. It's page 21, item
8 14.

9 Although this Commission is required to make
10 hammerheads, the hammerheads as proposed are to be
11 constructed in this manner.

12 COMMISSIONER VALENCIA: That's what I wanted to
13 be clear about. Thank you very much.

14 VICE-CHAIRPERSON BANES: Thank you very much.

15 Did anyone else have any question now before we
16 start with the public? Okay. Seeing none, thank you.

17 We would like to start with the public. And I
18 received a letter here with things in order of the way
19 they wanted to go, and they promised they'll speak in an
20 orderly fashion and avoid duplication and redundancy of
21 comments and concerns. And we surely do appreciate
22 that. So I'm going to start with the first on this
23 list, was Susan Brandt-Hawley.

24 And please state your name and address for the
25 record.

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1 MS. BRANDT-HAWLEY: Good evening, Chair Banes,
2 members of the Commission. I'm Susan Brandt-Hawley. My
3 address is P.O. Box 309, Glen Ellen, California, and I
4 am the attorney for the Pocket Protectors. It's nice to
5 be with all of you tonight. I'm sorry to hear that some
6 of you are ill. That brings me to my first point, which
7 is the expedited nature of this hearing.

8 It is extremely unusual, as I'm sure you
9 realize -- and if there are Commissioners that are not
10 feeling well, it would seem to me it would be better not
11 to inconvenience the Commission and have it at another
12 time. It's not a formal request for continuance.

13 VICE-CHAIRPERSON BANES: We just need bathroom
14 breaks once in a while.

15 COMMISSIONER BOYD: I'm fully present, and
16 outside of drinking more fluids than usual, I'm thinking
17 well and strong.

18 MS. BRANDT-HAWLEY: Great. Pursuing that point
19 just a little bit further, I think it's really important
20 that when this project is looked at tonight, that you

21 consider it as a brand-new project, without any kind of
22 entitlement to the developer.

23 There are no entitlements here. This has been
24 going on a while. There was litigation. But basically,
25 this should be looked at just like any other project

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1 that comes before you in terms of, what's the best thing
2 for this site? What's the best thing for the community?

3 VICE-CHAIRPERSON BANES: Excuse me. I think we
4 know what we're supposed to do. Just go ahead and start
5 with your comments. Okay? We know our job very well.
6 Thank you.

7 MS. BRANDT-HAWLEY: My concern was the
8 discussion of litigation and the expedited nature of
9 this proceeding.

10 For the record, I'd also like to mention that,
11 during the EIR process, we have requested equal access
12 to the EIR consultants and what the developer's
13 attorneys have. We have been denied that because of
14 litigation.

15 What I wanted to make sure is, number one,
16 that's not a fair process. We should all have equal
17 access; and that this should be a City process that is
18 completely fair to all sides. There's no reason to have
19 a final EIR done in a week in a process that is this
20 expedited; so that there's a perception, certainly, that
21 the developer started the project, needs to get back to
22 the project, and that there's some entitlement there.

23 The developer chose to go ahead, at his own

24 risk, with this project, ^{9-15-0~1} starting this construction;
25 told the Court of Appeal that he was proceeding at his

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1 own risk. So now, really -- without contradicting the
2 Chair and all; I promise I will move on -- I'm concerned
3 the Commissioners may feel that there are some
4 inequities here and some concern we can't really change
5 this project because there are utilities in place and
6 things in the ground. That's just not before you.

7 I don't know whether the Commission has had a
8 chance to look at the Court of Appeal opinion. It's
9 very long, and I'm a lawyer, so I looked at it and
10 didn't get through it; it's technical. Perhaps you
11 haven't seen it. I wanted to make sure you knew the
12 Court of Appeal was very appreciative and very
13 responsive to the actions of this Commission; and that,
14 in fact, the Court of Appeal has indicated that
15 substantial evidence is in the record that the project
16 conflicts with the objective of the PUD.

17 And the Court was very aware of the record and
18 the history of the PUD and with this project in its
19 final configuration; not just the version before you,
20 but the version that the City Council approved.

21 The Court of Appeal stated -- I'm just going to
22 read a couple of lines from what the Court of Appeal
23 said.

24 VICE-CHAIRPERSON BANES: That's fine. That's
25 moving on. We appreciate it.

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1 MS. BRANDT-HAWLEY: Basically, the Court says:
2 There's substantial evidence that the project conflicts
3 with the objectives of the PUD. Not only did the PUD
4 require townhouses and similar development,
5 quote/unquote, for the site, but the site's unusually
6 narrow shape dictated that only such housing could be
7 built at the desired density without violating the PUD's
8 objectives.

9 And the Court said: In other words -- and this
10 is the Court talking, not a citing to something from the
11 staff. The Court said: Regis' plan to construct as
12 many large, detached houses as possible side by side on
13 minimal lots violated the PUD's intent to preserve
14 greenery and open space while building out the site.

15 That was the Court's view of what kind of
16 project is proposed, basically the project that is
17 before you tonight.

18 The Court also noted concerns about rear-yard
19 setback, the fact you can't have the sidewalks and the
20 amenities that you normally expect in a neighborhood.
21 what the Court said was, quote: The site's physical
22 properties doesn't cause these problems. what causes
23 them --

24 VICE-CHAIRPERSON BANES: I'm sorry. We have a
25 legal question.

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1 COMMISSIONER BOYD: Do we take any of the
2 testimony being read from the Court into consideration

3 in making our judgment tonight?

4 MS. GILBERT: What was your question?

5 COMMISSIONER BOYD: My question is, we're
6 hearing testimony here citing previous existing Court
7 records, and do we need to take these, the decision of
8 the Court, or these comments, into consideration tonight
9 in making our decision?

10 MS. GILBERT: I would suggest you just let the
11 witness continue and present whatever she wants. I'm
12 sure the applicant will have a response to that. It's
13 difficult to answer that question now because we don't
14 have the context.

15 I can understand why you might be a little
16 puzzled by this. I am as well. I will go ahead and say
17 this is a de novo hearing. Whatever happened before
18 really -- unless you can explain why it is relevant --
19 it's not apparent how it's relevant to what you have
20 before you tonight.

21 COMMISSIONER BOYD: That's what I was getting
22 at. Thank you.

23 MS. BRANDT-HAWLEY: I'm only going to read a few
24 more lines. I appreciate the Commissioner's comment.
25 The reason I'm bringing it up is because the Court has

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1 looked at this project and reviewed the record that it
2 had. In the Court's view --

3 VICE-CHAIRPERSON BANES: Yes, we understand
4 that. Please move on. We have our own lawyer here,
5 that we work with, too. Please move on.

6 MS. BRANDT-HAWLEY: The site's physical
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7 properties did not cause the environmental problems.
8 what caused them was Regis' plan to build a type of
9 housing the site could not easily accommodate.

10 So that's the Court's view, that the site can't
11 reasonably accommodate this project without significant
12 environmental impacts. That's basically what the Court
13 said.

14 And it notes this Commission's finding that the
15 project failed to comply with sound principles of land
16 use: either inadequate setbacks in front yards,
17 insufficient possibilities for landscaping as a result,
18 excessive massing of houses along the interior drive,
19 and encroachment on neighboring owners' privacy. Even
20 after the project was modified to increase setbacks, two
21 city councilmembers still found them inadequate for
22 essentially the same reasons.

23 VICE-CHAIRPERSON BANES: Real quick, is that
24 what the judge is saying, or is that what you're saying
25 now on this project?

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1 MS. BRANDT-HAWLEY: I'm reading this from the
2 Court's review of this project.

3 VICE-CHAIRPERSON BANES: I just wanted to make
4 sure. I was confused.

5 MS. BRANDT-HAWLEY: I'll let you know when I'm
6 speaking for myself, and not the Court.

7 The Court also stated that although the
8 mitigated negative declaration that was adopted last
9 time said the project was consistent with the PUD,

10 quote, its findings were devoid of reasoning and
11 evidence.

12 And the Court also said -- I won't go further on
13 that -- that it's clear that the type of development
14 that Regis is proposing is not what the drafters of the
15 PUD had in mind.

16 All right. Moving on. The Court of Appeal
17 opinion -- now I'm going to talk about the adequacy of
18 the EIR, very briefly.

19 There are statements in the EIR that the Court
20 limited the EIR review -- and your attorney may want to
21 speak to this -- only to the two areas: the
22 inconsistency of the land-use plan and aesthetics. But
23 the opinion does not say that, and the Court writ does
24 not say that.

25 So the Pocket Protectors would state that the

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1 EIR is not adequate because the draft EIR does not
2 adequately address all environmental issues. One
3 example of this is traffic. We have a letter from
4 CalTrans in the final EIR saying we don't have enough
5 information about traffic; in response, the EIR says:
6 We don't have to look at traffic. That wasn't something
7 that the Court asked us to look at. There's been a
8 traffic report attached.

9 The draft EIR was required to have an analysis
10 from CalTrans and other agencies, and the public could
11 respond. Adding this at the time of the final EIR is
12 not adequate. It renders the document inadequate.

13 VICE-CHAIRPERSON BANES: We have a question
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14 here. Please hold on.

15 COMMISSIONER BOYD: It's clear that there are
16 probably several points here, so for my own tracking of
17 this, I'd like to go point by point and ask for some
18 clarification.

19 I would actually like staff, if it's possible,
20 to address what's before us, which is the potential of
21 inadequate EIR based upon a traffic study that was done
22 or not done or delayed, in terms of not including it
23 until the final EIR. Could someone address what she has
24 just stated?

25 MS. BUFORD: L. E. Buford, Environmental

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1 Planning Services.

2 Through the initial -- just to back up, first of
3 all, the process, when we determined that an EIR was
4 required, traditionally would be that we would do an
5 initial study. We would look at all issues, resource
6 areas, and determine whether or not further analysis was
7 required in the EIR, whether there were mitigation
8 measures that had been identified and could be
9 implemented or whether the project could include or be
10 redesigned to mitigate impacts.

11 For those issue areas where we feel further
12 analysis is required, there's a more detailed analysis
13 in the EIR. For those that there is not, there's still
14 an analysis or discussion in the initial study, which is
15 part of the environmental impact report.

16 Part of those resources that are determined not

17 to have significant environmental impacts but are not
18 requiring mitigation: Traffic. We determined, through
19 our analysis previously and through this, that --
20 through our Development Engineering and Finance
21 project -- that there were no significant impacts.

22 CalTrans, as a State resource agency, has the
23 opportunity to review this document and to make their
24 comments. We received their comments asking for a
25 detailed study. We had several meetings with CalTrans,

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1 and it was the opinion of the City that a detailed topic
2 study is required.

3 When we received their comments on the draft
4 EIR, we still believed that, but to respond to their
5 comments, there was some preliminary -- or some -- not a
6 full detail analysis, but some analysis in terms of
7 counts, etc., to respond to their comments to
8 demonstrate why we felt a traffic study was not
9 required.

10 That is all part of the response to comments
11 that has been included as part of the final EIR.

12 COMMISSIONER BOYD: If I were to sum up and put
13 it in my own terms, you went ahead and took an extra
14 measure, and you wanted to demonstrate that your earlier
15 conclusion that the traffic wasn't going to be an issue
16 was carried out and included in the report?

17 MS. BUFORD: That's correct.

18 COMMISSIONER BOYD: Thank you.

19 MS. BRANDT-HAWLEY: I would just refer the
20 Commission to the final EIR. The response to the

21 CalTrans comment was -- it's repeated throughout the
22 document -- we don't have to look at certain things
23 because the Court only told us to look at two things.
24 That's what the EIR says.

25 The EIR draft is inadequate, for it failed to

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1 look at the whole range of impacts. You can't just put
2 these into a final EIR. It needs to be in the draft.
3 That's my opinion. Reasonable minds may differ, but I
4 think that's the law. I think the final EIR is
5 inadequate for that reason, among others.

6 VICE-CHAIRPERSON BANES: Excuse me. We have
7 Commissioner Valencia.

8 COMMISSIONER VALENCIA: I don't have a question
9 for the witness, but is the EIR consultant present?
10 When there's a break, I'd like to actually direct a
11 question to --

12 VICE-CHAIRPERSON BANES: Thank you. I will.

13 MS. BRANDT-HAWLEY: I thought that was the EIR
14 consultant.

15 COMMISSIONER BOYD: I really do want to satisfy
16 myself with each of these steps. It will save a lot of
17 time toward the end.

18 Even -- and I apologize. I don't have the EIR
19 right in front of me. It sounds like we went ahead and
20 carried out, examined, looked at all the traffic issues
21 as a part of this, and whether or not it says that the
22 Court wanted us -- it wasn't included. We did cover
23 that. We did look at this issue of traffic?

24 MS. BUFORD: ^{9-15-0~1} Yes. We did a traditional review
25 looking at trip generation. Well, primarily, what we

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1 do, we look at the generation of trips for this type of
2 use and determine whether a detailed analysis is
3 required. It's not like we don't look at the issue;
4 it's just whether or not we have a detailed analysis.
5 It was determined at the point of doing the initial
6 study that no detailed analysis or traffic study was
7 required.

8 In response to CalTrans' comment on the draft,
9 we went ahead and said, you know, we want to make sure
10 this conclusion is correct, so we did do some analysis.

11 COMMISSIONER BOYD: Thank you.

12 MS. BRANDT-HAWLEY: I'd also like to share with
13 you, another big concern of the Court of Appeal that was
14 expressed in oral argument was fire issues and the
15 narrow street and the blocking by garbage trucks, and
16 the fact that you can't have the garbage trucks and the
17 cans and the cars passing at the same time on garbage
18 day. What I understood from the EIR is maybe it's a
19 three- or four-minute delay if the streets are blocked.

20 While you may have narrow streets in places, the
21 odd thing about this project and why it doesn't fit is
22 this mile-long corridor that does create a safety issue.
23 The Court of Appeal, specifically, one of the justices
24 discussed in oral argument his concern about the safety
25 of this, and that this could be a problem that could

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1 affect many more people in the neighborhood in terms of
2 safety.

3 In the EIR there's a reference to a 2002
4 sign-off by the fire department but nothing more current
5 in terms of the analysis in the EIR. I had some concern
6 about that.

7 Many other people, I'm sure, are going to speak
8 and have stated in the EIR their concerns about the
9 incompatibility of this design with the neighborhood.

10 VICE-CHAIRPERSON BANES: Okay.

11 MS. BRANDT-HAWLEY: I'd prefer to wait until the
12 Commissioner is finished speaking.

13 VICE-CHAIRPERSON BANES: We can hear.

14 MS. BRANDT-HAWLEY: Not if the Commissioner is
15 speaking to someone else. Then you cannot hear.

16 VICE-CHAIRPERSON BANES: Ma'am, now, we have --
17 excuse me -- we have 25 people here that want to speak,
18 and there might be others that have turned in speaker
19 slips. The more that you present and talk, we're going
20 to have to cut down the other speakers' times, and we
21 are going to have to time it, because this is getting us
22 nowhere right now. So if you could please continue and
23 stay on point and let me run the Commission here, I
24 would greatly appreciate it. So please continue.

25 COMMISSIONER NOTESTINE: Madam Chair?

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1 VICE-CHAIRPERSON BANES: Yes, Commissioner.

2 COMMISSIONER NOTESTINE: If I'm not mistaken,

3 the speaker, in order to argue these points at a later
4 date, has to get them on the record at this point. So I
5 would wish we wouldn't limit the testimony.

6 VICE-CHAIRPERSON BANES: I'm not limiting it in
7 any way. I'd like it to stay on point, and not tell me
8 how to run this Commission. Thank you.

9 MS. BRANDT-HAWLEY: I'm not trying to run your
10 Commission. I don't want to speak when someone else is
11 speaking, so I was just waiting for the courtesy of a
12 quiet Commission. It's your Commission to run.

13 I appreciate the comments of -- I can't read
14 your name very well.

15 COMMISSIONER NOTESTINE: You couldn't pronounce
16 it, anyway.

17 MS. BRANDT-HAWLEY: Probably not.

18 The other thing that comes to mind that I wanted
19 to state -- and it's probably not for me to do, because
20 I'm just a lawyer; I'm not a planner -- I wanted to
21 remind you of two things that happened at the City
22 Council that I think are relevant to your decision on
23 this project.

24 One is the City arborist came forward -- I read
25 the transcripts -- and stated there was not adequate

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1 room in this project for the significant landscaping
2 that is required as part of this PUD. That's part of
3 the aesthetic and past things that had a problem. I
4 don't see a change in that, because the project hasn't
5 changed.

6 Secondly, there was basically a misstatement
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7 made by Miss Thomas, who may not have remembered the
8 transcript. Theresa Taylor-Carroll came to the City
9 Council meeting. She did not speak on behalf of the
10 Planning Commission in any inappropriate way. What
11 happened was a City Councilmember said that there was
12 disappointment expressed at the action taken by this
13 Commission to deny the project, and the statement was
14 made that it appeared the Commission was under pressure,
15 hadn't really carefully considered the matter and
16 appeared to be under pressure from the community.

17 Ms. Taylor-Carroll got up and spoke on behalf of
18 the Commission. She wanted the Council to know the
19 Commission took its job very seriously and had
20 deliberated at great length. They were not rushed.
21 They were not under pressure. That was what was stated
22 by Ms. Taylor-Carroll. That was it.

23 On behalf of the Pocket Protectors and the
24 residents in the area, I would just ask that you look at
25 the alternative projects and the compatibility with the

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1 neighborhood. Amending the PUD is not in the best
2 interest of the community. This is a very constrained
3 site, and this project will have significant impacts in
4 the opinion of the neighborhood.

5 And as stated by Ms. Thomas, you have the
6 ability to approve any project that you wish, and we ask
7 that you approve an alternative project that fits with
8 the community as in keeping with the longstanding
9 principles and design of the PUD.

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Thank you very much.

VICE-CHAIRPERSON BANES: Thank you very much.

COMMISSIONER VALENCIA: Madam Chair, I have several questions.

VICE-CHAIRPERSON BANES: Can you come back up, please. One of the Commissioners has questions.

Commissioner Valencia.

COMMISSIONER VALENCIA: Thank you, Madam Chair.

I have to comment before I get to my question.

I've always been amused beyond belief that that particular observation by the Council of what we went through on this or any other project -- I'm not sure what they think we do here.

Let me just move to a comment that you made earlier in your testimony with regard to access to draft environmental consultant. It was a general, broad

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1 aside, lacking specificity. For me to make that comment
2 seriously, you're going to have to be much more
3 particular regarding your assertion.

4 MS. BRANDT-HAWLEY: At the beginning of the
5 process, I requested, through the City attorney and
6 through opposing counsel, that I be given equal access
7 to the environmental consultant.

8 From the very beginning, what the Pocket
9 Protectors were seeking was a fair environmental review
10 process. And my hope was -- and I expressed it very
11 clearly -- that we could work together to have an open
12 EIR process; that everyone would feel they had their
13 say, the decision makers could make their decision, and

14 we would be done. To do that, I asked to have equal
15 access.

16 I was denied that. I have not had any direct
17 contact with the EIR consultants. My understanding is
18 that the EIR has been prepared by the developer's
19 attorneys, working with the EIR consultants, including
20 the final EIR in response to comments.

21 It does happen around the State -- I've seen
22 it -- that the developer's attorneys' consultant may
23 prepare the draft EIR. There's nothing in the code that
24 says you can't do that, although it certainly seems
25 improper.

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1 For the final EIR, to respond to comments,
2 decide what's significant, what isn't significant, in
3 this case it's not only being controlled by the
4 applicant's attorney, but it's been incredibly expedited
5 because of the efforts made therein.

6 I specifically wrote to the City's attorney. A
7 response was given to me: because it was in litigation,
8 it seemed appropriate that I not be given access. I
9 object to that. The litigation was just to get a clear
10 EIR process. It turns it on its head and says because
11 we successfully sued to get an EIR process, we're not
12 allowed to equally participate in it.

13 COMMISSIONER VALENCIA: Do you have a copy of
14 that correspondence? Can you produce it?

15 MS. BRANDT-HAWLEY: I certainly can. I'd be
16 glad to provide that to the Commission.

17 COMMISSIONER VALENCIA: So you didn't have
18 access to the consultant at all, is your representation:
19 no meeting, no phone call?

20 MS. BRANDT-HAWLEY: Yes. I e-mailed to the
21 consultant and made a copy to the City attorney saying I
22 would like to have access and was -- the response was I
23 could not do so.

24 COMMISSIONER VALENCIA: That response was from
25 the City?

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1 MS. BRANDT-HAWLEY: I have two letters from
2 Joseph Cerullo, from the City's office. I would be glad
3 to provide those.

4 COMMISSIONER VALENCIA: Thank you very much.
5 There was one other question, and this is
6 actually some homework, so it will involve a deferred
7 response. You raised an observation of dramatic
8 recitation in the EIR. I tried to thumb through some
9 sections of the EIR with which I was particularly
10 familiar and couldn't find the representations that are
11 purported to be in here that, in effect, we the
12 producers of the EIR, the drafters of the EIR, only did
13 what the Court required us to do and nothing more.

14 I need you to take a loaner on these documents,
15 and at some point when time permits and the permission
16 of the Chair, I plan to invite you back up to offer up
17 some specific observations where that can be found.

18 MS. BRANDT-HAWLEY: Certainly, I can do that.
19 Do you want to give me a document now to be leafing
20 through?

21 May I approach the Commissioner?

22 VICE-CHAIRPERSON BANES: Sure. Please bring
23 them up as soon as you're done.

24 Is there any other questions?

25 Do we have any other questions for the speaker?

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1 Seeing none, we'll move on to number two.

2 First of all, while number two is coming up
3 here, which is Liz Magill, we have 25 slips here, and I
4 don't think we can just limit -- let time go by like on
5 this one. Her presentation took almost 23 minutes, so I
6 think we need to limit it. I just want to hear what
7 others have to say. Would you care for that? What's
8 the option?

9 COMMISSIONER VALENCIA: I'll offer an opinion.
10 I don't know what the point is. We cleared the
11 calendar. I made the point at the outset of the hearing
12 we have only one item, and it is as controversial as any
13 number of items that we've seen for which we've
14 dedicated two or three or four hours at a time.

15 In terms of limiting individual testimony, I
16 think Commissioner Notestine made a very excellent
17 observation. Everybody is trying to get well-stated
18 issues on the record, because I think it's as clear as
19 day -- and everyone is kidding themselves if they think
20 otherwise -- the matter will proceed to the Council once
21 again in one format or another, and then, in all
22 probability, it will go to Court. I don't think we
23 should be in the position of denying public access and

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24 limiting public testimony, especially since we only have
25 one matter on the agenda.

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1 VICE-CHAIRPERSON BANES: Thank you.

2 Is there any other comments on that?

3 COMMISSIONER BOYD: No. I just want to make a
4 clarification that, obviously, suggesting some type of a
5 time keeping is in no way trying to keep public opinion
6 or public testimony out of the public record. That's
7 not what this Commission has ever been about. I think
8 we just ask the same instructions that we've given in
9 the past, which is that people not duplicate, try to be
10 as efficient as possible with the time before you. The
11 City Council clearly does have a time-keeping device,
12 and I think public testimony is limited to what: three
13 minutes?

14 VICE-CHAIRPERSON BANES: I've just read our
15 bylaws, and we are allowed to do it. And what I would
16 like to do is, then, keep it voluntary for the people
17 that come up here to around three minutes, please, when
18 you come up here. Then we can hear everyone and have a
19 discussion before it gets past ten o'clock.

20 The next person up is Ms. Magill?

21 MS. OLDEN: No. Commissioners and Vice-Chair, I
22 came in and filled out a slip. I've never been here
23 before. I had no idea there was a list I was supposed
24 to get on. I filled out the slip. I have no idea.

25 VICE-CHAIRPERSON BANES: Your list is here.

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1 MS. OLDEN: Then how is the list made up?

2 VICE-CHAIRPERSON BANES: There's no list; it's
3 paper that you filled out. This is what I'm going from.
4 The hall monitors have a list they presented. I'm not
5 going by that. I'm going by the way you wanted to
6 present it.

7 We have a list here, and that's what we're
8 trying to go by. I see there was a mistake. Staff had
9 to count these. So Miss Amy Skewes-Cox. I apologize.
10 It's just one out of order.

11 No, no. It's a proponent. That's okay. They
12 can speak in time too. There's no reason we have to
13 make them stay here until the end of the night. This is
14 a proponent, and I would like that person to come
15 forward, please. Okay? Then we'll continue with your
16 list.

17 MS. OLDEN: I am not on the list.

18 VICE-CHAIRPERSON BANES: Did you fill out a
19 piece of paper?

20 MS. OLDEN: I did.

21 VICE-CHAIRPERSON BANES: It's here; if not, if
22 you want to feel more comfortable, fill out another one.

23 MS. OLDEN: I am unaware of any list.

24 COMMISSIONER BOYD: Excuse me, Madam Chair. I
25 just have a quick question. What makes this lady

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1 believe that you are not here in this pile of names that
2 we have?

3 MS. OLDEN: I suspect I am. The Vice-Chair
4 keeps referring to a list.

5 COMMISSIONER BOYD: I apologize. We have a list
6 which basically indicates all of the speaker slips that
7 were filled out. If you did fill out a speaker slip, I
8 can guarantee you you will be included and called
9 forward.

10 MS. OLDEN: Thank you for that polite
11 explanation.

12 VICE-CHAIRPERSON BANES: Can we have Liz Magill,
13 please.

14 MS. MAGILL: Thank you for the opportunity to
15 say a couple of words. I appreciate the Commission
16 listening.

17 I live in the property that is next to Regis.
18 It's my side yard. It would be my back yard, but it's
19 my side yard that is about five feet from where the
20 Regis property begins. I've read the analysis and
21 response by the staff and the recommendation to move
22 forward, and I just wanted to make a couple of points.

23 I think that I represent a majority. People
24 like me don't come to talk for a project very often. We
25 don't come. You have your community association that

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1 does this type of thing. In this case I just felt
2 somebody from the community needed to come and say that
3 it's time to move forward on this project.

4 This project has been around in our community.
5 In some ways it's divided the community. It's been
6 discussed. It's been revised. It's been approved by
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7 our elected community association. It was approved by
8 the City Council. It was stopped because the Court said
9 an EIR said it was necessary. The EIR has been
10 completed, as I understand. As I read it, it doesn't
11 find flaws in moving forward. And I guess where I'm
12 coming from is it's time to get on with it. I think I
13 represent many in the community.

14 I, like others, would love to see a greenbelt,
15 but the reality is that piece of land is going to be
16 developed. We all knew it when we moved into our
17 houses, and especially those of us that lived on the
18 end. I'm at the end of the community. It was never
19 written what that piece of property was going to be. We
20 always knew it was a risk. We hoped and we believed it
21 was going to be a good project, and I believe the one in
22 front of you is a good project.

23 In my position as a homeowner there, everybody
24 recognizes it's a difficult piece of land, and it's hard
25 to do anything with it. Is it a perfect project? No.

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1 Is it a good project? Yes. And I think -- I really
2 question if another project comes out that there isn't
3 going to be opposition to that project as well.

4 I think for those of us in the community, it's
5 just time to move on and get the construction going.
6 It's really an eyesore at the moment, and I think a lot
7 of us in the community are tired of it being that way.

8 The second part -- the only second point that
9 I'd like to make is that the 96 percent of the

10 community, of the homeowners, that voted for the
11 Riverlake Community Association agreed to annex the
12 eventual project into Riverlake.

13 I think it's just an acceptance of the project;
14 and more importantly, a trust in your association that
15 you elect to do this on your behalf. And I think that
16 if they exercise the correct architectural controls,
17 which I see they're making every effort to do, that we
18 can be assured that the project is going to fit properly
19 into the community, because that's what we all want. We
20 don't want to be fighting. We just want it to move
21 ahead and have a good project in the community.

22 VICE-CHAIRPERSON BANES: Any questions? Yes,
23 Commissioner Valencia.

24 COMMISSIONER VALENCIA: Could we get the
25 witness' address for the record?

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1 MS. MAGILL: 1060 Gileen Way.

2 VICE-CHAIRPERSON BANES: I have a question,
3 then. So on the overhead map, your house would be
4 located?

5 MS. MAGILL: The last one before the -- in
6 Coleman Ranch.

7 VICE-CHAIRPERSON BANES: Is that the one closest
8 to the river?

9 MS. MAGILL: It's by the tall gate that we
10 talked about for a while.

11 VICE-CHAIRPERSON BANES: Okay. So your house
12 was the last one there, and it looks like there was
13 supposed to be other houses built in there right beside

14 you, anyway, right? That's what you said you knew
15 about?

16 MS. MAGILL: We knew, but it wasn't planned.
17 There was nothing in writing what that was going to be.
18 There was a lot of talk about what was going to be
19 there, but if it's not in writing, my feeling is you
20 don't know what it is.

21 My feeling was -- when we moved into the house,
22 we knew it was going to be a risk it was going to be of
23 higher density than what we're living in. Yes, we want
24 high property values and things that fit into a
25 community and feel like a community, and I think we're

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1 very close to having that.

2 COMMISSIONER BOYD: Madam chair, I have a
3 comment.

4 Ma'am, it's good to see you here tonight. If
5 you could get to your neighbors and have them come to
6 more meetings like this and encourage them to come to
7 meetings like this -- we always welcome community
8 involvement. It's great to see you here. I meant that
9 to everybody.

10 VICE-CHAIRPERSON BANES: Excuse me. I have a
11 list here, and I'm going by that list, but I'm not going
12 to leave all the proponents to the end. They have to
13 have names scattered through this. So I am going in
14 your order, which the gentleman was trying to say
15 before.

16 Our next person will be Amy Skewes-Scott -- Cox.

17 I'm sorry.

18 And your address for the record, please.

19 MS. SKEWES-COX: Good evening, Commissioners.

20 My name is Amy Skewes-Cox, and my address is P.O. Box
21 422, Ross, California. I am not a resident of the city
22 of Sacramento.

23 I have been retained by the Pocket Protectors'
24 group to evaluate the draft EIR and the final EIR. I
25 just want to mention I have over 25 years of experience

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1 in preparing and managing EIRs and now have my own
2 practice, based in Marin County. My areas of specialty
3 are in land-use planning and visual impact analysis.

4 I'd like to begin with what I call the
5 30,000-foot view, a term I recently heard. We are all
6 here because neighborhood residents have had a concern
7 about a change to their neighborhood and wanted to
8 ensure that the best possible development occurred along
9 Pocket Road.

10 This is not a group that wanted no development.
11 This is a group that has expended a lot of effort in
12 identifying new development that would be similar in
13 density but different in design, a design which would be
14 compatible with the existing neighborhood.

15 Having written EIRs for over 25 years, I am part
16 of the people who know a project's potential impact the
17 best are the people who live in the project
18 neighborhood. These are the ones who have invested a
19 lot in their homes and will see their environs every
20 day, walk through it every day, and reside in the

21 neighborhood for many years.

22 The lawsuit that challenged the negative
23 declaration was done for the purpose of ensuring that
24 all potential impacts of this project could be
25 addressed. With that analysis, it was expected that

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1 creative and meaningful mitigation measures could be
2 recommended.

3 The main purpose of CEQA is to provide a public
4 disclosure process so that new development can be
5 objectively reviewed by professionals and the decision
6 makers, such as you, can be provided with meaningful
7 information on which to base their decisions. That
8 information should include design and land-use
9 recommendations that shape how this city appears.

10 The main failing of the draft EIR that you have
11 in front of you tonight is that it provides a lot of
12 information, but it does not constructively evaluate the
13 project in terms of its potential environmental impacts.
14 It is almost as if the consultants were directed to fill
15 out the EIR with background information but to make
16 every effort to point out that absolutely no impacts
17 would result from the proposed cite plan.

18 It is just sad that all the effort that went
19 into this document could not have resulted in a more
20 productive set of recommendations to make minor
21 revisions to the project, revisions that could have both
22 met the applicant's objectives while satisfying many of
23 the neighbors' concerns.

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1 audience.

2 (Pause.)

3 MS. SKEWES-COX: I just wanted you to see. I
4 colored the lots that are proposed by the project in
5 black, just to give you a representative idea of the
6 size of the lots, and the neighboring lots, I colored in
7 brown. The purpose of this is to show that the lots
8 proposed are significantly smaller than any of the other
9 lots in the neighborhood. And I tried to show a
10 representative grouping of lots. I wasn't just going
11 for the biggest one. I was going for a variety of them.

12 So not only are the proposed -- thank you very
13 much for doing that. Not only are the project lots
14 smaller, but they are of a uniform, repetitive size in a
15 development that traditionally has had quite a bit of
16 variation, making it one of the more interesting
17 developments of the city. This box-type lot is fine in
18 another location, but it's not at all representative of
19 the overall Riverlake project. The EIR failed to
20 address this issue in terms of land-use compatibility.

21 In terms of building coverage, I was glad the
22 EIR authors fixed table 9 of the draft EIR, when they
23 did the final EIR, to allow a fair understanding of how
24 building coverage varies throughout Riverlake.

25 This spreadsheet that I will hand out to you --

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1 and I will let you just pass it to each other -- takes
2 the data directly out of the final EIR to show the

3 average building coverage of all the neighborhoods in
 4 Riverlake as compared to the proposed building coverage
 5 for the project.

6 Not only are the lot sizes significantly
 7 smaller, but the building coverage on each lot is much
 8 greater. That results in less area for landscaping and
 9 less compatibility with adjoining lots of residents, two
 10 impacts that were never clarified in the EIR.

11 Mitigation measures could easily have been
 12 included that would have suggested more variation in lot
 13 size and reduced building coverage, to be compatible
 14 with existing surroundings. Alternatively, the Pocket
 15 Protectors' recommendation to include attached units
 16 with various setbacks and more land for open space and
 17 landscaping would have mitigated this cookie-cutter
 18 approach to the design.

19 In terms of variations and setbacks, the small
 20 lots and the large home sizes preclude the public from
 21 having any meaningful setbacks. This, by the way,
 22 directly ties into landscaping. I'm not going to go
 23 into detail with the landscaping.

24 Instead, you will have a wall of homes facing
 25 directly onto a linear parkway. Variances for setbacks

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1 are being proposed without any regard to how this pushes
 2 the envelope in terms of squeezing in a mile-long row of
 3 large homes that will front onto Pocket Road.

4 The applicant seems to be relying on the
 5 existing landscaping of the linear park to screen the
 6 project from the view of motorists without any

7 acknowledgment of the need to add additional landscaping
8 or to set someone's back from the park to create a more
9 visually interesting community.

10 If the EIR had included visual simulations,
11 which are a very common practice in environmental
12 documents, by the way, the potential impact could have
13 been much more clearly conveyed to the reader.

14 My last point I'd like to address is regarding
15 the alternatives. The purpose of addressing the
16 alternatives in the EIR is to evaluate other ways of
17 meeting the applicant's objectives while reducing
18 potential environmental impacts. Because the EIR failed
19 to identify any potential impacts in the areas of visual
20 impacts and visual quality and land-use compatibility,
21 the alternatives were a meaningless exercise in this
22 document.

23 It's quite clear in CEQA that when alternatives
24 are evaluated, an environmental superior alternative
25 must be evaluated. Section 1.126.6 of CEQA states,

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1 verbatim here, quote: If the environmentally superior
2 alternative is the, quote, no project, end quote,
3 alternative, the EIR shall also identify an
4 environmentally superior among the other alternatives.

5 The consultant stated in the draft EIR that the
6 proposed project was the environmentally superior
7 alternative and that this clearly met the intent of
8 CEQA. I beg to differ with this conclusion, primarily
9 because CEQA guidelines quite clearly distinguish

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10 between the words "project" and "alternative."

11 In conclusion, I would suggest that the
12 Commission clearly consider the concern of the nearby
13 residents and consider requiring a redesign that results
14 in reduced building footprints, variations in lot sizes,
15 and increased areas of open space, be that in yards or
16 public open space, that would make this a better project
17 for the City.

18 I would also recommend that you not approve the
19 final EIR until the authors can fully disclose the
20 potential land-use and visual incompatibility concerns
21 that have been expressed by many here in the audience.
22 A revised draft EIR should be -- at a minimum, include
23 visual simulations to show how the project would appear
24 from Pocket Road. And the final EIR should be revised
25 to truly identify the environmentally superior

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1 alternative, which has not been done.

2 We would hope that this would be the
3 alternatives suggested by the Pocket Protectors' group.
4 We would also hope that the City staff and the applicant
5 could work with the neighborhood residents to fine-tune
6 the design so that it continues and enhances the success
7 of the existing Riverlake project.

8 Thank you very much.

9 VICE-CHAIRPERSON BANES: Questions, please.

10 Commissioner Notestine.

11 COMMISSIONER NOTESTINE: Yes. Your first point
12 was relative to the mention that there was a criteria
13 established for aesthetics. What point in your

14 letter -- which number --

15 MS. SKEWES-COX: Oh, in my comments? Oh, my
16 gosh, I don't have it right in front of me. I'd have to
17 go through and identify which one. It would take me a
18 little bit of time to go through.

19 VICE-CHAIRPERSON BANES: Do you have a copy of
20 it with you?

21 MS. SKEWES-COX: Yes, I do.

22 VICE-CHAIRPERSON BANES: Maybe you can come back
23 and answer that, and when you're ready, just hold your
24 hand up, and I'll call you back. Thank you.

25 Any other questions? Seeing none, we're moving

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1 on.

2 Now it is -- excuse me. We have to keep those
3 boards, because they're part of evidence. Thank you
4 very much.

5 Mr. Allan Lind. Welcome.

6 MR. LIND: Thank you. I'm Allan Lind, and I
7 live at 912 South Beach Drive, and I am first of a group
8 that put together a presentation. We've tried to divide
9 the topics up, and we hope to stay within the
10 three-minute time frame and avoid duplication.

11 In hopes this will help serve you better and
12 move the hearing along, I'm going to suggest -- defer to
13 you on how you wish to handle questions and answers from
14 this group of -- at least the group that we put
15 together. If you wish, we could take questions and
16 answers on each speaker as they come along.

17 VICE-CHAIRPERSON BANES: That's the way we're
18 doing it, sir. Thank you.

19 MR. LIND: My role here is, frankly, to
20 introduce the comments in opposition, if you will, of
21 the Pocket Protectors. The Pocket Protectors are what
22 we like to think of as being the neighbors and friends
23 of the people who are going to be moving into this
24 subdivision some day. And we look forward to the day we
25 have a project on this site. We, of course, as you

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1 understand, have problems with the proposal you have
2 before you today.

3 For the purpose of this presentation and from
4 the speakers that you'll hear from, I hope when you hear
5 the term "Pocket Protectors," you'll think of the five
6 or 600 members of the Riverlake community who have
7 signed petitions that oppose position on this; and when
8 you hear reference to the Riverlake Community
9 Association, that you'll think in terms of a property
10 management company who are responsible for managing the
11 common areas within the subdivision, but they are not a
12 policy-making body that reflects, necessarily, the views
13 of the residents there.

14 I want to be sure that you're clear that the
15 Pocket Protectors are by no means opposed to development
16 on this project. We have no quarrel with the density
17 issues that have been raised. We are on record as
18 supporting projects that have a higher density, smaller
19 lots, more affordable housing. So I don't think it
20 would be -- I think that's just an important point to

21 remember here.

22 We're trying to be as constructive as we can.
23 We've had some difficulty getting through to present
24 what CEQA prepared in this case -- [unintelligible].

25 VICE-CHAIRPERSON BANES: Can I ask you a

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1 question, please. So all the people that are on this
2 list, they're all supposed to be consistent with what
3 you just said? because the woman from Ross, California,
4 who was just here, this Amy Skewes-Cox, was saying, I
5 think, just the opposite for her, that it was too dense
6 and too confined. No?

7 MR. LIND: The project before you is too dense
8 and too confined, yes. We have proposed alternatives
9 that actually have a higher density of houses on the
10 project but create more open space.

11 VICE-CHAIRPERSON BANES: Oh, I see. You have a
12 design you would prefer?

13 MR. LIND: The alternatives you were evaluating.

14 VICE-CHAIRPERSON BANES: I'm sorry. That's why
15 I asked the question.

16 MR. LIND: I certainly share Amy's comments that
17 there are superior alternatives the CEQA document, I
18 think, doesn't adequately recognize, that are in the
19 document before you.

20 What the Pocket Protectors, frankly, are asking
21 you to do at this time is to reject this proposal,
22 because the EIR is inadequate; and frankly, there are
23 superior alternatives which we think the EIR identifies

24 but doesn't recognize.

25 At this point -- I want to be sure you

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1 understand this -- I want to express our appreciation
2 for your approval a couple years ago, frankly, at the
3 same time this project originally came through, for a
4 project known as Reflections, on the Russian River.

5 That project was approved in 2003, I believe.
6 It happens to be an almost twin setup to what's before
7 you now. It's on the other side of the north side of
8 the Riverlake community, on a parcel of land of
9 comparable dimensions, and happens to be almost
10 identical to alternative 2 in the proposal. And that
11 project is under construction now and moving along well,
12 and we're supportive of that, and we're glad you
13 approved that. We think that's a model for what will
14 work here.

15 VICE-CHAIRPERSON BANES: Thank you.

16 MR. LIND: As I said, we've tried to organize
17 this presentation so as not to be duplicative. Who you
18 will be hearing from next will be Claudia Bonsignore,
19 who will put herself in the place of people who will be
20 living in the homes if this project was built, and talk
21 about the some of the dysfunctional features for some of
22 the designs.

23 Roger McCardle will be talking about some of the
24 compromises you're being asked to make with regard to
25 how to make this street design work. Martha McCardle

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1 will be speaking about the compromises you're being
 2 asked to make with regard to the project's unprecedented
 3 and inappropriate use of the public's linear parkway
 4 that's out there.

5 Alan Duran is going to be speaking to you about
 6 [unintelligible]. Mary Anderson is going to talk to you
 7 about compromises that you are again going to be asked
 8 to make regarding the parking in order to, quote, make
 9 this project work. Sandra Hockenson will be speaking to
 10 you a little bit about the adequacy of the EIR. And
 11 Christopher Caneles will be speaking to the project's
 12 conflicts with the original Riverlake planned unit
 13 development, and Bob Puliz will be commenting on public
 14 participation in this project. Gary Hartwick is going
 15 to close. He's our clean-up guy.

16 For my close I wish to respectfully remind you
 17 that the staff and the applicant acknowledge this
 18 project is, in the words of the staff, virtually
 19 identical to the project that was before the Commission
 20 a few years ago.

21 And I was going to read to you, but I'm not
 22 going to do that now, the comments of the previous
 23 Commission that were quoted in the Appellate Court
 24 decision. I don't want to go down that path, but I have
 25 copies here. I'm going to hand them out for your

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1 consideration. It quotes Commissioners' comments which
 2 I thought were very thoughtful when this project was

3 originally before you.

4 Finally, what are we asking you to do? I'm
5 going to try to sum up here. We certainly want you to
6 act on the merits and arguments that are before you
7 today and make fact-based decisions. We strongly
8 believe you are being asked to make too many compromises
9 on this project to make it work. There's a host of
10 compromises that are necessary and deviate from the
11 standards that the City is accustomed to relying on.

12 We strongly believe that your independent
13 findings of facts will lead you to the conclusion that,
14 with all due respect to the applicant, this project is
15 really not dedicated on sound principles of land use.
16 The proposed use will adversely affect the general
17 welfare of the community. The design is not consistent
18 with the City general plan, the Pocket community plan,
19 or the LPPT planned unit development. And based on
20 these findings, we believe you have to deny this
21 project.

22 I'm going to respectfully ask that my comments
23 be made part of the record, and I have copies here for
24 your consideration. They were written in a
25 talking-point fashion, so they're not very artful. I'm

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1 not an attorney.

2 VICE-CHAIRPERSON BANES: That's fine. We'll put
3 it in the record.

4 Is there any questions, please.

5 Yes, Commissioner Notestine.

6 COMMISSIONER NOTESTINE: Yes. The alternatives
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7 in the draft environmental impact report have an
8 alternative that shows the Pocket Protectors' proposed
9 site plan.

10 Is that a fair representation?

11 MR. LIND: That is an alternative that was
12 presented as the conceptual idea of how to address the
13 design.

14 COMMISSIONER NOTESTINE: Was this developed by
15 the Pocket Protectors?

16 MR. LIND: Yes, I believe, if you're referring
17 to alternative 4.

18 COMMISSIONER NOTESTINE: Is that your drawing?

19 MR. LIND: That's not our drawing. I think
20 that's an adaptation prepared by, perhaps, the CEQA --

21 COMMISSIONER NOTESTINE: Does it represent --
22 adequately represent your --

23 SPEAKER: No.

24 VICE-CHAIRPERSON BANES: No. We only have one
25 speaker, please. I would appreciate not to have any

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1 more outbursts. Thank you.

2 MR. LIND: If I may defer to some of the
3 other -- witnesses will be coming before you because
4 they are a little more familiar with that than I am.

5 VICE-CHAIRPERSON BANES: Any more questions?

6 Thank you, Mr. Lind. We appreciate it very
7 much.

8 And we have a concern -- I'm sorry. Your hand
9 is up. I see you now. Amy, you have found the

10 necessary information you wanted to give us?

11 MS. THOMAS: Our court reporter needs a break.

12 VICE-CHAIRPERSON BANES: Can we let her speak
13 first? and then we'll do that.

14 MS. SKEWES-COX: Just briefly, it's comments
15 number 1 dash 9 and 1 dash 38.

16 VICE-CHAIRPERSON BANES: Thank you very much.
17 We are going to take a ten-minute break. Thank
18 you.

19 (Recess.)

20 VICE-CHAIRPERSON BANES: I'd like us to come
21 back to order, please. Our court reporter is ready. I
22 hope some people that are standing will get to sit at
23 some time during this. It would be really good for
24 people to change seats with them, or something. Thank
25 you.

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1 Our next speaker is Claudia Bonsignore.

2 MS. BONSIGNORE: That's good.

3 Good evening. Thank you for letting me speak.
4 I'm sorry some of you are feeling unwell. My name is
5 Claude Bonsignore, 7648 Bridgeview Drive. I've lived in
6 Pocket since '87 and in the Riverlake project since '89.
7 I do want to say that I don't live anywhere near the
8 fence.

9 I'm in opposition to the project. I'm concerned
10 about the design of the project and its lack of
11 protection from traffic on Pocket Road, especially with
12 regard to children. Regardless of the posted speed
13 limit of 40 miles per hour, Pocket Road is a four-lane

14 parkway, that encourages higher speeds of 45 miles per
15 hour and greater.

16 The proposed project differs from the prior PUD
17 plan in that it will build large, detached homes, 1900
18 square feet and greater in size, along Pocket Road. All
19 of the homes on the project will be on substandard-size
20 lots, a fraction of the standard or [unintelligible],
21 and none of them will have a large enough lot for
22 children to play in. Nor is there any fence in the
23 design to create a barrier between the homes that will
24 be built along Pocket Road. This design would seem to
25 contradict commonsense elements of planning for

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1 families.

2 I have a photo. I'd like to pass it around.

3 VICE-CHAIRPERSON BANES: Sure. Just give it to
4 our staff, and they'll pass it around.

5 MS. BONSIGNORE: In the photo -- it's a current
6 photo, and you will see that there is currently an
7 orange, kind-of-temporary fence to keep trespassers off
8 the property.

9 COMMISSIONER VALENCIA: Pardon me, Madam Chair.
10 Could you define current?

11 MS. BONSIGNORE: Two days ago.

12 So it's a temporary barrier fence to keep out
13 trespassers. You can see that it's approximately where
14 the lot line -- where those homes will be at.

15 I have no doubt the size of these homes will
16 attract families with children or those planning to have

17 children. The Pocket area is a great place to live, and
18 we have wonderful schools.

19 The majority of the other detached,
20 single-family homes on Pocket Road are zoned R-1 and
21 have a back yard for children to play in. There are
22 some projects, like Coleman Ranch and Villa Palazzo with
23 smaller lots, but those are fenced to keep children from
24 running into the street.

25 The Bergamo School, near the intersection of

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1 Pocket and Greenhaven Road, put up a fence to cover a
2 good portion of their lot, before they acquired the
3 adjoining parcel, because they didn't have a play yard.
4 So while they were walking children to the park, they
5 still put a fence up as a precaution.

6 The River Oaks townhouse project, just down the
7 road on Pocket Road, is fenced, and even the South Shore
8 apartment complex is burmed and partially fenced to put
9 a barrier between many of its building and Pocket Road.

10 To mitigate this exposure, the applicant is
11 proposing a lighted stop sign at the intersection of
12 Pocket Road and West Shore Drive as a means to slow down
13 traffic. I don't think traffic will go slower. How do
14 you explain the speed on other roads like Florin Road,
15 Sunrise, Watt, Howe, Madison? They have a great many
16 stoplights and, yet, many speeding and accident
17 problems.

18 The proposal has included many parks as a way to
19 create more outdoor space in the project. These are
20 interspersed between lots that face Pocket Road, and

21 they hardly seem like parks.

22 From the north side of the project, there are
23 four new parks. One is only 18 feet wide; another, 25
24 feet; a third at 37 feet wide, and a fourth at 40 feet.
25 There hardly seems room to play ball. Plus, they open

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1 up to two streets, the interior street and Pocket Road,
2 and some of them even have parking spots or lots as
3 well. I really don't believe parents will say to their
4 kids, "why don't you go ten doors down to the lot? And
5 watch out for the traffic on the street and people
6 parking."

7 The Islands at Riverlake, in my opinion, is not
8 a good design, and in the opinion of many other people
9 and people with a lot more background than I have. I
10 would ask you to please vote no on the proposed project.

11 I would like to turn this in to the staff.

12 VICE-CHAIRPERSON BANES: Any questions of this
13 witness?

14 Seeing none, thank you very much.

15 The next person is Roger McCardle. Please come
16 up.

17 MR. MCCARDLE: Chair Banes, members of the
18 Council -- Commission, I should say, I have a handout
19 here I'd like to give you, because I'm going to try to
20 accelerate my presentation.

21 VICE-CHAIRPERSON BANES: Okay. People, when you
22 have paper, please don't bring them forward; just give
23 it to our staff.

24 MR. MCCARDLE: My name is Roger McCardle. I'm a
25 resident of Riverlake, and my role this evening is to

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1 briefly discuss two items. I'm an architect with about
2 30 years of experience in designing and planning.
3 First, I'd like to give you a little background on a
4 couple of my comments regarding the street. I'm going
5 to talk primarily about the street and setbacks.

6 In 2001 -- April of 2001, the planning staff did
7 an outstanding job of putting together a criteria
8 document that was transmitted to Regis Homes. In that
9 document they talk at length about the streets,
10 indicating that the City standard right-of-ways is a
11 41-foot-wide street, and they were recommending a
12 31-foot-wide street that would allow for parking on one
13 side of the street. This represents a 30-percent
14 reduction in street width.

15 Previous projects that have been proposed
16 earlier have street widths of 25 feet, so that
17 represented an additional 20-percent reduction in street
18 width. Now the proposal that's before you this evening
19 has a 22-foot-wide street that really has 18-foot
20 pavement, and represents a 30-percent reduction in
21 space -- in clearance, I should say. All the garbage
22 cans under this proposal have to be on one side of the
23 street. That was noted in the EIR.

24 Nowadays, we get down to the practical aspects
25 of the street, 22 feet wide. In my packet there, you

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1 will see -- I think it's the first page of the diagram
2 there, showing the 22-foot-wide street cross section.

3 There are two things that are really important
4 on that particular diagram. It's a scaled diagram. And
5 number one, it shows the garbage truck -- a typical
6 garbage truck. It shows that that garbage truck goes
7 over the center line of the street by two-and-a-half
8 feet. What's left is highlighted, the passing space,
9 which basically indicates that you can't pass the
10 garbage truck on the street. This is verified in the
11 EIR, as well, that you cannot do this.

12 The EIR indicates that you could have to wait up
13 to 21 houses -- for the garbage to be collected from 21
14 houses before you could get past the garbage truck.
15 Now, what they don't tell you is we have two garbage
16 trucks. We have a recycle truck and a garbage truck.
17 So if your luck is really bad, you could be held up
18 twice on different days. Also, this same condition
19 could happen anywhere in that one-mile distance. And
20 this has all been verified in the EIR, so I'd like to
21 commend Sycamore for coming forth with that data -- that
22 supporting data.

23 The last point I'd like to make with regard to
24 the street width is that moving vans cannot get into
25 this development either. That's going to be a real

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1 problem for people that are coming and going; for people
2 who sell their houses, how they are going to get moving

3 vans into this particular piece of property. When you
4 come in there with any type of a moving van, whether
5 it's a small one or large one, you're basically going to
6 be clogging up a good part of that street.

7 So I want to move on as fast as I can here for
8 you, and I'd like to talk a little bit about setbacks.
9 When you go to the same drawing, the same diagram, you
10 will note on the right side it shows a nine-foot house
11 setback, and that's shown on the floor plan 7120. It
12 shows a nine-foot setback.

13 If you go to the engineering drawings that are
14 representing the cross section, you'll note on the right
15 side it says the typical setback is 11 feet. This is a
16 major discrepancy, between 9 feet and 11 feet. It just
17 accentuates the problem of [unintelligible] that was
18 talked about way back when with Sacramento's long-range
19 planner and is outlined in the documents I referred to
20 earlier.

21 So that's a major problem I'd like to bring to
22 your attention. The second thing is that we have very
23 narrow setbacks along the sides of the house too. Some
24 are three-and-a-half feet. Some are five feet. Earlier
25 projects had the air-conditioner condenser located in

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1 the side yard. The current plans that have been shown
2 by Mr. Hartman show the condenser unit at the back of
3 the house. There's nothing in the EIR that talks about
4 the noise contribution to the adjacent properties with
5 this air-conditioning unit, so I'd like to highlight
6 that as a potential issue as well.

7 Then, of course, last, but not least, is the
8 zero setback along the greenbelt. I don't know of any
9 project in Sacramento that has a zero setback to a
10 greenbelt. I think at the last meeting, that was
11 shortened a week or two ago -- I've kind of lost track
12 of time-- I think one of the staff members also
13 indicated, when asked, that there was no project they
14 could think of it that had a zero setback. So I'd like
15 to flag that again as a real issue.

16 Other people are talking about problems with
17 children, safety, fire truck access. Let's hope the
18 20-foot requirement for the fire truck, that we don't
19 have a problem the day of garbage collection, because
20 with garbage cans, you have about 17 feet of clearance,
21 not the 20 feet that's been requested by the fire
22 department.

23 So basically, to abbreviate my comments, I'd
24 like you to reject the project as being not workable. I
25 think the street is really a major issue. I want you to

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1 give it serious consideration this evening. I think
2 it's not only an aesthetic issue, the canyoning effect,
3 but also the safety issue of fire truck and emergency
4 vehicle access. This past week, I've seen two fire
5 trucks and two ambulances on a call, so let's hope that
6 doesn't happen too often in this development.

7 Thank you very much.

8 VICE-CHAIRPERSON BANES: Thank you,
9 Mr. McCardle.

10 Any questions?

11 Our next one will be Martha McCardle.

12 COMMISSIONER NOTESTINE: Madam Chair, while
13 she's coming up, for the record, Ms. Cox gave me the
14 notes -- or the location of her comments. The question
15 I had of her related to her reference to her letter, and
16 her comments she was referring to were 1 dash 9 and 1
17 dash 38.

18 VICE-CHAIRPERSON BANES: Thank you very much.

19 Are you Martha? Please continue.

20 MS. MCCARDLE: Yes, I am Martha McCardle. I am
21 a resident of Riverlake, 800 Cobble Cove Lane. Thank
22 you for listening to me tonight.

23 I am not a technical person, but I am definitely
24 concerned about the negative aesthetic impact this
25 development will have on this project. In 1985 the

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1 development agreement between the developer and the city
2 of Sacramento was drafted. This publicly dedicated
3 linear greenbelt along Pocket Road was part of that
4 agreement and master plan in lieu of more traditional
5 rectangular parks.

6 I have passed out pictures of the trees that are
7 lining the greenbelt, this linear parkway, now, that
8 will show this development will back -- 50 percent of
9 the project, the houses are going to be opening onto the
10 linear greenbelt. And those 60-foot redwood trees are
11 going to have to be pruned, and they will not be able to
12 replant shade trees of any sizable amount.

13 Also, the people that use this parkway, instead
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14 of having regular parks, are all the people in the
15 community that go back and forth. It's been something
16 that everybody takes great pleasure in.

17 I'd like to point out that the Pocket
18 Protectors' name was kind of tongue in cheek in the
19 beginning, but now it's with a lot of pride that we will
20 protect this beautiful green linear beltway. It's a
21 gift we have in the city of Sacramento.

22 And I know that you are a Planning Commission
23 planning for the future, but you also have to preserve
24 what we have. If you can imagine this row of homes that
25 open right on the linear greenbelt now, even the former

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1 City Councilman Jim Yee said he wouldn't want to walk
2 down the sidewalk, because you're going to be looking
3 right into their front window. It's five feet. So if
4 you're walking down, you're going to have to wear
5 blinders so you don't have to look into somebody's front
6 yard. That's not good planning and development for an
7 area that has integrity that was there in the past.

8 The Pocket Protectors have worked this public
9 process for four years, and we've stayed positive, and
10 everything we've been asked to do, we've gone back and
11 tried to work with the builder. We are not here to
12 prevent him from building and making a profit. We all
13 want that, but we want to keep the integrity of
14 Riverlake.

15 I want to thank you for the opportunity to talk,
16 but I also ask that you deny this application so we can

17 come up with a plan that will be a win-win for
18 everybody; the community members who spent their life
19 investing in a home, that they want to preserve the same
20 kind of value in that home that everyone is entitled to.

21 Thank you.

22 VICE-CHAIRPERSON BANES: Thank you very much.

23 Any questions of that speaker?

24 Seeing none, thank you.

25 Alan Duran, please come forward.

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1 MR. DURAN: I have a handout too.

2 Thank you, Commission. My name is Alan Duran.
3 I live at 8 Sand River Court. I don't live up against
4 the fence. Actually, I don't live in the Riverlake
5 community at all. I do live in the Pocket area,
6 however.

7 I'm here to talk about the mass of this project,
8 its incompatibility with the neighborhood, and the
9 negative impact it will have on our city. This is the
10 visual impact of this double row of houses,
11 particularly, fronting Pocket Road.

12 I want to start first by talking about some of
13 the misconceptions I think you might have about the
14 Pocket Protectors. I've heard people say things like,
15 oh, the Pocket Protectors just want a lower density, or
16 the Pocket Protectors want single-family homes instead
17 of multifamily homes.

18 Some of the positive communication that you've
19 received obviously has a misconception about the Pocket
20 Protectors. Let me give you the facts about the Pocket

21 Protectors. The Pocket Protectors' plan in the
22 environmental impact report misrepresents the Pocket
23 Protectors' plan.

24 Now, what happened here was the Pocket
25 Protectors said, Here's an example of what you might be

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1 able to do with this property, and whoever put together
2 the environmental impact report and the staff report
3 rejected the Pocket Protectors' alternative primarily
4 because you couldn't achieve the same density. Let me
5 tell you that nobody from Sycamore or the developer or
6 the City contacted the Pocket Protectors to say, Well,
7 gee, is there any way to achieve the density?

8 I got to tell you this is a really simple
9 concept. Do you know what the Pocket Protectors' plan
10 is? It says nothing more, nothing more, than take every
11 two lots and put them together and combine the two
12 houses on that lot into one house with a smaller
13 footprint and change the angles. That's it.

14 Here's the plan. This is the plan that was
15 turned in. I can leave it out for you to take a look
16 at. But basically, what this thing shows is that it's a
17 multiunit building. The Pocket Protectors don't want
18 single-family homes. This is the proposal. Put the two
19 units together to reduce the footprint and to reduce the
20 visual impact, if nothing else. That's the plan.

21 The City said, You can't do it. If you use this
22 example, well, you can't do it. But if you take each
23 two lots and put them together with smaller houses than

24 this -- these are on the ⁹⁻¹⁵⁻⁰⁻¹ larger lot -- if you do the
25 same thing with the smaller lots, you can achieve the

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1 same density, the exact same density. This is common
2 sense.

3 Now let me ask where the coverage came from that
4 the attorney from Regis said. There is a couple
5 percentage points' difference between the ground
6 coverage of the Islands project versus the alternative.
7 We don't agree with that number. We didn't participate
8 in the development of that number. I don't know where
9 that number came from. Look at the pictures. There's a
10 whole lot less ground coverage from this unit than there
11 is from the other units.

12 Another misconception is that the Pocket
13 Protectors are opposed to any development. That is not
14 true. Everybody keeps saying that. Everybody knows
15 this isn't going to remain a greenbelt. It certainly
16 isn't a greenbelt now.

17 The facts are there have been a lot of projects
18 in the Pocket area, small projects, large projects, that
19 have been built there, and there hasn't been this kind
20 of widespread community protest about this.

21 There are other projects in the area, including
22 the Reflections project, that have similar land
23 constraints, and they're not being opposed. This
24 project is being opposed because the developer is
25 creating visual blight along Pocket Road because of that

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1 double row of houses.

2 The change that was made didn't make much of a
3 change. Put all the two-story houses on Pocket Road,
4 because we are sensitive of the neighbors in the back.
5 Now you have a mile of two-story houses right next to
6 each other, seven feet in between these buildings.

7 Finally, in terms of misconceptions, we're not
8 just NIMBY fence folk here who have our own interests at
9 heart. That isn't what's happened. The fact is, we're
10 mostly Pocket residents looking for the best interests
11 of Sacramento here.

12 This project is wrong because it's drastically
13 incompatible with the surrounding neighbors. The
14 two-story mass of buildings is nearly a mile long, and
15 it's right on Pocket Road. That is the gateway to our
16 community. If you take a look at Reflections, you know
17 what, little infill: 11 homes. You take a look at some
18 of the larger things, they're not right at the gateway
19 to the Pocket area.

20 I'd like to put up a photograph now, the first
21 photograph in your package. This is for the audience.
22 It's a little glossy, so it doesn't show up very well
23 for the audience. But this photograph is of the
24 Reflections project. This is not Islands at Riverlake.
25 This is viewed from the [unintelligible] end of the

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1 project. There are 11 homes here on this land. You can
2 see where the back wall is. Let me tell you, the width

3 of this property, with a single road, similar, 20-,
4 22-foot road over there, and a single row of houses,
5 this property is actually wider than Islands at
6 Riverlake.

7 I have other photographs here of both the
8 Islands project and of the Reflections project so that
9 you can kind of compare these projects.

10 VICE-CHAIRPERSON BANES: Sir, why don't you give
11 that to staff so they can give it to us?

12 MR. DURAN: I don't think you need to look at
13 these. They are very similar to the two photos that are
14 in your package.

15 This photograph is of Islands at Riverlake. The
16 audience has some glare here, but you folks can see.
17 This is looking at the end of the project, and what it
18 shows here is that same 120-foot width of property with
19 a road in the center and two rows of houses on the side.

20 And the final photograph in your package is a
21 view from the street, a view looking -- taken from the
22 sidewalk, looking towards the back fence line. From
23 those weeds to the fence is a hundred and twenty feet.
24 You can see there how close the houses are and where
25 things are going to be.

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1 Now, we can't really tell. We don't know
2 exactly what this thing is going to look like. I'll
3 tell you that the graphic -- if you remember, the
4 original graphic that was shown was very misleading. We
5 know that's not what this is going to look like.

6 VICE-CHAIRPERSON BANES: Sir, let me add to your
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7 -- we're going to be here all night. We're done at
8 10:30, so we take a vote on it. All I'm saying to you
9 is that we need to keep it short. You gave us this for
10 the record, and I assume you're going from this sheet,
11 so it is in the record, and you won't miss a thing.
12 That's all I wanted to add.

13 MR. DURAN: Good. Thanks for letting me finish.

14 This project -- you're being asked to make too
15 many concessions. They're asking you to change the
16 plans and guidelines to allow the single-family homes.
17 We the Pocket Protectors are arguing for more affordable
18 housing, not less affordable housing. The proponents
19 make it seem like that's what we're doing.

20 They're asking you to do a special permit to
21 allow single-family -- we're going to change the
22 definition here of what a townhouse is to be a
23 single-family home. What implications are there in
24 other communities in Sacramento if a developer wants to
25 come in and say, Gee, we're expecting to have townhomes

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1 here, but I should be able to build single-family homes?

2 You're being asked to approve not just this
3 narrow, unsafe street, but substandard lots. You're
4 being asked to approve zero lot lines. You're being
5 asked to approve very narrow side yards between these
6 two-story buildings. You're being asked to allow
7 private infringement on our park.

8 You know where that park came from? Riverlake
9 doesn't have any parks in it. This was the deal the

10 city made with the developer in the first place. Now
11 you're going to allow them to build sidewalks and put
12 their barbecues in our park.

13 You're going to allow them to not meet the City
14 tree requirements, and you're going to allow
15 unreasonable intrusion into the existing homeowners'
16 privacy.

17 The problem here is that they're trying to put
18 too much building on too little space. Both the
19 footprint itself and the mass of these buildings is
20 going to lead to a problem in our area, and that's why
21 we're concerned about it.

22 If you are going to make a decision like this,
23 we would ask you strongly to do a little mock-up. We
24 think that it's important to be able to see what it
25 would look like to have a mile of two-story houses right

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1 next to each other right next to Pocket Road. Put up
2 some grape stakes or 1 x 4s or something or another. Do
3 a little mockup of a few of these buildings if you're
4 inclined to consider this.

5 Don't let this project damage our city. It
6 should be held to the same standards, and you shouldn't
7 have to make the kinds of concessions that you're being
8 asked to make. It doesn't fit on this site; great
9 project, great buildings, lots of demand, all that kind
10 of stuff, in a different kind of configuration.

11 I ask that you not let this project degrade this
12 city. I ask you to reject the environmental impact
13 report as being incomplete based on faulty analysis,

14 being misleading, dismissive of valid concerns, and
15 basically wrong because it lacks objectivity. I ask you
16 not to approve this project.

17 I'll take your questions.

18 VICE-CHAIRPERSON BANES: Any questions?

19 COMMISSIONER BOYD: Chair, I don't think I have
20 a question for this witness per se, but he did reference
21 the alternate, and I was wondering if we were going to
22 be able to hear a little more detail about the
23 alternative or hear from the architect, that first board
24 that you presented to us. Is the architect scheduled?

25 MR. DURAN: The architect is here with us

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1 tonight, and he would be very happy, I'm sure, to speak
2 with you about this.

3 COMMISSIONER BOYD: Sir, did you fill out a
4 speaker slip?

5 MR. DURAN: He's already spoken. Roger.

6 COMMISSIONER BOYD: I have a few questions, I
7 think, for you.

8 VICE-CHAIRPERSON BANES: Please come forward,
9 Mr. McCardle.

10 COMMISSIONER BOYD: Could you very briefly tell
11 me about this alternate? And talk to me about your
12 experience, and point me to some of the other
13 communities that you've been the architect on.

14 MR. MCCARDLE: Thank you very much for having me
15 come back and try to answer some of your questions.

16 First, let me try to stage how this all came

17 together. I'm not taking credit for this project as
18 being the architect per se. This was made up by a group
19 of people that were talking amongst themselves, and they
20 said, "I bet you in a couple of hours, we could come up
21 with a solution that would be better, that the community
22 could might get behind."

23 So we had a group of people sitting around
24 somebody's dining table. Somebody brought over some
25 scissors, another person bought over some paper, and we

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1 cut up little squares. And we basically took the areas
2 that were already existing in the Regis plan, and we
3 just took those squares like paper dolls, basically, and
4 started moving them around. And we tried to identify
5 some things that we felt were really important: have a
6 separation between the existing houses, not having two
7 houses on each side of a very narrow street.

8 So all of these parameters were thrown out on
9 the table in a brainstorming session, and we just put
10 all kinds of wild ideas -- some were thrown out as being
11 too wild or too crazy or unworkable or whatever. We
12 took all of that and condensed it into kind of a
13 background drawing that made some sense.

14 Then I took it and committed it to a CAD program
15 and tried to scale it and make sure it kind of looked
16 reasonable and so forth, and that's how this plan was
17 generated.

18 It's not a design. This is a concept. All we
19 were trying to do, basically, early in this project, was
20 to identify that there are other alternatives, creative

21 alternatives, that could be looked at. We didn't spend
22 two years of design time and hundreds of thousands of
23 dollars in design time. This was a combination of ideas
24 from some local people, and we put it on a piece of
25 paper.

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1 That's basically what that represents. It's a
2 concept. We're asking for Regis to take that concept
3 and take it back to his architect and work with the
4 community, work with the Riverlake Association, work
5 with the community representatives. And we'll all sit
6 down and roll up our sleeves and come up with a good
7 solution. We're not against homes. We're not against
8 anything.

9 VICE-CHAIRPERSON BANES: Can I ask a question
10 here?

11 Is that what you wanted answered there?

12 COMMISSIONER BOYD: I just wanted to get a
13 general idea how this emerged. And to sum up what I
14 think I heard you say was it was a community effort.

15 Have you oversaw an exercise like this before?

16 MR. MCCARDLE: I participated in brainstorming.
17 I was an architect -- planning/design architect with the
18 University of California. This is kind of our
19 bread-and-butter type of referral. It's just
20 brainstorming. I worked for a research institution, and
21 we tried to have a real open mind to come up with good
22 solutions for all kinds of problems. And I've been very
23 much involved over the years, 25, 30 years, of doing

24 that type of thing, trying to get good ideas together.
25 Good projects are made from good ideas from good people.

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1 This is what this represents.

2 COMMISSIONER BOYD: This is the first time you
3 tried to do a community-housing-type concept like this?

4 MR. MCCARDLE: I've done residential housing.
5 I've done individual housing. I've done everything from
6 convalescent hospitals to individual houses. I've done
7 projects as far away as Vancouver, Washington.

8 COMMISSIONER BOYD: When was the last time you
9 tried to do a project like this?

10 MR. MCCARDLE: I haven't done one per se like
11 this. This, like I say, was kind of a real challenge,
12 getting all these people with crazy ideas together and
13 glue these ideas together; and hopefully, we could pass
14 it on to the developer and come up and -- and they could
15 make an improvement on that basic idea, that basic
16 concept. That's what we're looking at.

17 COMMISSIONER BOYD: Sir, I appreciate your
18 clarification.

19 VICE-CHAIRPERSON BANES: Thank you very much.
20 And we need -- are you almost finished?

21 MR. DURAN: I'm done if you're done with me.

22 VICE-CHAIRPERSON BANES: Any questions of this
23 speaker, please.

24 COMMISSIONER VALENCIA: I just have a comment.
25 I earlier asked if the exhibit in the draft EIR which

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1 was the alternative of the Pocket Protectors was
2 representative of what they could come up with. My
3 review of that and the draft EIR is if it's not the
4 same, it's pretty darn close.

5 VICE-CHAIRPERSON BANES: Thank you.

6 Our next person is Jeff Marschner, and he's
7 president of the Riverlake Community Homeowners'
8 Association.

9 would you please come forward.

10 MR. MARSCHNER: Good evening, Chairman Banes and
11 members of the Commission. I am president of the
12 Riverlake Community Homeowners' Association. To clarify
13 a comment made by somebody else, we're not just a
14 property management group. We represent basically the
15 interests of about 1500 homeowners and make decisions
16 all the time that affect all of those homeowners' policy
17 decisions, decisions relative to design standards and
18 things of that nature. I'm sure you're familiar with
19 the role of a homeowners' association. We take our job
20 very seriously.

21 Mr. Valencia, I think you were inquiring earlier
22 as to whether or not there were members who voted for
23 this resolution who might have some kind of a conflict
24 based on employment with Regis. There was one
25 individual on the board who is in a law firm who

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1 represents Regis. He recused himself from the meeting
2 and did not participate. Mr. Parker, who is also on the

3 board, who was part of the LPPT that sold this to Regis,
4 he also abstained from voting on this measure. We tried
5 to keep it as clean as we possibly could.

6 The resolution was adopted at a special meeting
7 August 17th, and it basically encourages this project to
8 go forward. It's not, quote, a kind of approval of the
9 project. That was not our task that night, to review
10 that issue. We were tasked with that several years ago
11 in approving this, and that was the beginning of my
12 three years and some 30-odd meetings on this, and ditto
13 with some of the other board members who became very
14 familiar with this as well as many alternatives that we
15 threw up in the air, shot down, squeezed this, squeezed
16 that, and ultimately came up with the project that was
17 before this Commission the last time.

18 The resolution before you today is regarding a
19 project that everybody admits is slightly different.
20 The rear yard setbacks are different. I think the
21 streets are a little narrower because of the inclusion
22 of the sidewalks. But the two rows of houses are the
23 same; the one row would be visible from Pocket, the
24 other one somewhat in the back.

25 But the resolution recognizes that there are

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1 people in the community who oppose this project, and
2 they do so very sincerely. You can hear that tonight.
3 There are also people in the project who support the
4 project. And there's probably a majority of people in
5 the community who really haven't taken a stand on this
6 but just want to get rid of the mess on Pocket Road.

7 In my eight years on the association, I have
8 never had as many contacts with members of the
9 association as there have been complaints regarding the
10 present condition of Pocket Road. Let's do something
11 about it. Let's get on with it. That's even more
12 complaints or inquiries than about the project itself,
13 which generated many.

14 The resolution contains three main points:
15 Number one, it's the board's opinion, looking at the
16 community as a whole -- we realize this has maybe more
17 significant impacts to those right along the fence line,
18 but looking at the whole community, we do not believe
19 the project will be a detriment to the community. We
20 believe in the resolution. We have stated the
21 completion of the project should be completed as
22 expeditiously as possible. The thought of more hearings
23 and more lawsuits and this thing being tied up for years
24 is just going to be a nightmare to the community.

25 Completion of the project: There are minuses to

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1 the project. There's no question about it. But
2 completion of the project, we believe, will be in the
3 best overall interests of the community.

4 Some of my personal comments now. Those were
5 pretty much expressions of the board as contained in the
6 resolution.

7 It is a difficult piece of property to work
8 with, especially given some of the density limitations
9 and requirements regarding that. There is no perfect

10 project for this parcel. I've been to I don't know how
11 many community meetings where we had folks from the
12 community at large met with Pocket Protectors, met with
13 the developer, trying to squeeze this thing and package
14 this thing and change it in a way that will please
15 everybody, and I'm convinced at this point that that
16 would be an elusive goal. We will never come up with a
17 perfect project for this. To some degree, it's been a
18 victim of compromise already trying to get to the
19 perfect project.

20 The developer and his architect worked
21 diligently to respond to the association board's
22 concerns along the way, which reflect input from the
23 community as well. We believe this project -- I believe
24 this project will be aesthetically attractive along
25 Pocket Road.

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1 There's going to be breaks in this project by
2 the parks, by the entrances. It's not going to be a
3 solid row of houses. I believe the design of this
4 project should be acceptable using reasonable community
5 standards.

6 The 96 or 97 percent who voted to annex this
7 represent -- again, Mr. Valencia, you were sharp on
8 this -- the 96 or 97 percent of those who voted, those
9 represented approximately three-quarters of the members
10 of the community.

11 So if I recall correctly, there were well over
12 900 members out of the 1500 total who actually voted for
13 this, and a mere handful, four percent, voted against

14 annexation. Again, I recognize the vote of annexation
15 was not a vote up or down on the project itself but, I
16 believe, a vote that they wanted the association to
17 exercise strong controls and hopefully maintain
18 architectural compatibility with the community.

19 That's all I have.

20 VICE-CHAIRPERSON BANES: Thank you.

21 Are there any questions? Yes, Commissioner
22 Valencia.

23 COMMISSIONER VALENCIA: Sir, thank you for
24 concurring on the reading of the resolution. I have a
25 question, however, since this project is so incredibly

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1 similar, notwithstanding the fact it's de novo, I recall
2 this board supporting a prior project, and a number of
3 the names you mentioned are startlingly similar to the
4 people who voted on a prior project. I'm just wondering
5 if this matter of history, the niceties of recusal, were
6 attended to at that time as opposed to the recusals
7 painstakingly taken this time.

8 MR. MARSCHNER: As far as I'm aware, the one
9 individual who may have worked for Mr. Parker -- I don't
10 believe there was anybody at that time who had any
11 association with Regis. Parker had somebody who may
12 have worked for him. He was on the board. I don't
13 recall at this point in time whether he participated in
14 that vote.

15 He's no longer on the board. Parker at that
16 time abstained or probably at that point recused himself

17 from participating altogether. Since the deal has gone
18 through, he probably doesn't have a legal conflict
19 anymore, but he's trying to avoid any appearance of a
20 conflict, and that's why he's abstained.

21 COMMISSIONER VALENCIA: I have one other
22 question as to the substance of the resolution, because
23 notwithstanding the introductory clause of this conflict
24 called the "whereas" clause, the conclusion is stated in
25 the negative. I thought that was very odd. This

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1 resolution says: The Islands at Riverlake project will
2 not be an aesthetic detriment to the community at large.

3 Is there a reason why the association board
4 couldn't express this in the affirmative, that it would
5 be an aesthetic additive or complement to the community
6 at large?

7 MR. MARSCHNER: I don't think that reflects any
8 conscious decision of word slipping. That's just the
9 way it came out.

10 COMMISSIONER VALENCIA: I know you took great
11 pains to explore the detail and thoughtfulness that went
12 into this, and it strikes me that was not by accident.

13 MR. MARSCHNER: I can only say it could have
14 been written either way.

15 COMMISSIONER VALENCIA: That's precisely my
16 point.

17 VICE-CHAIRPERSON BANES: Excuse me. Please
18 respect the others' views and don't laugh. I really
19 would appreciate that. Thank you.

20 MR. MARSCHNER: I just can't answer that,
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21 Mr. Valencia.

22 COMMISSIONER VALENCIA: Thank you, Madam Chair.

23 VICE-CHAIRPERSON BANES: Thank you, sir, and
24 thank you for having the gumption to come up and say
25 what you did. I appreciate it very much.

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1 Our next speaker will be Mary Anderson. Please
2 give your name and address for the record. Thank you.

3 MS. ANDERSON: Good evening. I'm Mary Anderson.
4 I live at 800 Shore Breeze Drive, and I'm here to
5 advocate for a potential homeowner and their challenges
6 in regards to parking at the Islands at Riverlake.

7 No street parking is allowed. If someone parks
8 in the street, it will be difficult to get around them.
9 Limited and distant parking from one's house will result
10 in street parking.

11 There are only 50 guest spaces for a hundred and
12 thirty-six homes. That is a mile long. And when they
13 counted guest spaces, it required the homeowners to have
14 their cars parked in the garage so two spaces are
15 available on their driveway. That's considered guest
16 parking. Therefore, there only can be two cars per home
17 if there is to be visitor parking available. Not all of
18 the driveways are 18 feet long, so not all cars are
19 going to fit on the driveway.

20 Four of the seven parks that have been
21 designated have five parking spots, making them car
22 parks. Guest spaces are not large enough for SUVs or
23 trucks.

24 speaking to the fact I'm trying to represent a
25 potential homeowner, imagine the excitement of buying a

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1 home, whether it's your first or second or your last.
2 You're anxiously awaiting the arrival of your moving
3 truck. When the truck arrives, not only can it not park
4 on the street, since street parking is not allowed, but
5 the driveway is not long enough for the truck. So this
6 homeowner has to pay extra for their items to be carried
7 from blocks away.

8 I'm finally in my home, and I'm sending
9 invitations for a housewarming party, and I've invited
10 10 people. There are only 50 guest spaces, and we have
11 just moved in and cannot park our three cars, because we
12 have a teenage son, in our driveway. So our two spaces
13 are not available in our driveway. Our son has to take
14 one of the guest spaces, and that leaves the rest of our
15 guests to find a spot.

16 Two of them are able to find guest parking. Two
17 park on Pocket Road and end up being towed. Two go into
18 the Riverlake community, and the neighbors' homes they
19 parked in front of are ticketed for their cars being
20 parked there. And two of my guests had to leave because
21 they could not find any parking.

22 Then I wanted to have my cable installed. The
23 Comcast truck could not install our cable without having
24 to park blocks away because there's no street parking,
25 and Comcast has a policy not to park in a customer's

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1 driveway.

2 I ask the Planning Commission to please deny
3 this project. Too many concessions have been made, and
4 this is a parking nightmare. I know your reasonableness
5 and common sense will prevail.

6 And on a side note, I would also like to comment
7 in regards to the Riverlake Association; that at no time
8 did they canvass or contact any of the 1500 homeowners
9 for their opinion about this project. So to stand up
10 and say they represent us is really guessing on their
11 part. So I felt I had to say that, because I was never
12 contacted.

13 In response to the blight comment, it's not our
14 community's fault that the blight is there. It's the
15 fact the process to build this project was not followed.

16 So thank you for your time.

17 VICE-CHAIRPERSON BANES: Please, everybody,
18 we've asked you -- I'm going in order the way you want
19 me to, and I'm hearing constant repetitiveness. We
20 understand about the parking issues. We've heard about
21 the blight. We've heard on several things. So please
22 try to limit it to new things, because I'm going by your
23 list.

24 Thank you.

25 Is Mary -- was that Mary Anderson? Okay.

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1 Sandra Puliz. No speaker for that one.

2 Alan Hockenson.

3 Okay. Allen, you're from El Dorado Hills. Give
4 us your address, too, please.

5 MR. HOCKENSON: Excuse me? I didn't hear you.

6 VICE-CHAIRPERSON BANES: I said just give your
7 name and address, please.

8 MR. HOCKENSON: Alan Hockenson. I live at 1212
9 Terracina Drive, El Dorado Hills.

10 My background is I have about 29 years of
11 experience in the electric utility industry. I worked
12 with the development of power plants and transmission
13 lines, so I'm pretty familiar with the environmental
14 impact process and have gone through a lot of that.

15 I spoke before this Planning Commission three
16 years ago and did it basically on the bad information
17 you had on schools and the future of the trees that were
18 there, and I checked, and I gave positive information,
19 correct information, and it's never been documented in
20 the initial studies. The information is still wrong.

21 I asked a question about the trees, and the only
22 response I get is that they will be taken out, so I have
23 no new information over the three years. Nothing has
24 changed from the presentation I gave three years ago.
25 It had no effect.

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1 Now, three weeks ago, staff said that, really,
2 there were no changes in the project from before. And
3 my questions to the -- in the EIR, in essence, I said,
4 "What mitigation is there that's new?" And the response
5 I got back is, well, "The mitigation isn't different."
6 Well, if the project hasn't changed and the mitigation

7 isn't different, in essence, we have the same situation
8 we had three years ago, and nothing has changed.

9 I asked the specific question -- a second
10 question I asked in the comments was, would it be real
11 helpful for decision makers, whether it be planning
12 Commissioners or City Councilmen, if they could compare
13 what the current proposal is so that people could have
14 an easy reference? And I was told we don't have to do
15 that.

16 I was very impressed to see opposing counsel
17 came up and gave all sorts of details of things that
18 have changed and made it positive. I thought that would
19 be in a document, so it's kind of difficult to respond
20 to that when we asked the question and we don't respond,
21 and the information comes out later.

22 This document was very difficult to review. My
23 opinion of it is it was scrubbed so clean of any kind of
24 data that could be used to point at impacts. The types
25 of information that are in the EIR are simply the

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1 comparison of the projects, what's similar between the
2 alternatives, and not really what's different.

3 I thought to myself, if I was in a position of
4 trying to help fix this or trying to get a process where
5 we can come to a common ground, what would I do? So I
6 thought, you need some independent measures of things.

7 So I had a list of questions, basically, in
8 there that said ask to make some physical measurements
9 so we could see how much -- how much of the different

10 alternatives were on the line of the -- from the
11 property lines, both front and back; so that you could
12 start to get some data, so you could start to get
13 visualization.

14 I mean the suggestion that you put mock-ups,
15 that kind of stuff is so you can get a handle on the
16 different alternatives to see what is really there, so
17 you can compare them.

18 So I got a whole bunch of different responses,
19 like refer to a generic answer that wasn't responsive or
20 go to a table when the data isn't really there; or to
21 say the alternatives are so similar, we didn't need to
22 look at it, or that you felt it would take too much
23 time. I just got excuses. There was no additional data
24 that was provided.

25 If you can compare these projects -- that's the

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1 problem, the deficiency in the documents.

2 VICE-CHAIRPERSON BANES: Sir, we understand what
3 you're saying. You want a comparison. We will try to
4 improve that. Thank you.

5 MR. HOCKENSON: I have one more point. My
6 background in the electric and utility industry is --
7 one of the things I found was so completely deficit in
8 here is there was nothing about energy efficiency,
9 anything about the standards of SMUD, PG&E, the utility
10 providers here in Sacramento, nothing about the energy
11 Commission standards, the ISO standards. There's
12 nothing there regarding energy efficiency and
13 recommendations on tree cover and things like that.

14 The issue is, when you take a look at how much
15 density you have in landscaping or in hardscaping, the
16 landscape is limited, a lot of ornamental trees and not
17 a whole lot of shade trees, when it comes down to it, in
18 the hot summers and you get no wind, humidity, suddenly
19 what you have here is just a bunch of giant-size
20 easy-bake ovens, is what you would have. So there's not
21 been anything to address that, with regard to energy
22 efficiency, or even the potential safety of that kind of
23 situation.

24 The last thing I'd like to impress on you is
25 this is a very technical decision on your part. I'm

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1 only speaking to the EIR, and you have to see whether
2 it's adequate, whether it's basically gotten enough
3 analysis, if it's picked out enough numbers so you can
4 actually do a comparative on it to make it work. I
5 don't think it's there, but it's your decision to make
6 your vote.

7 VICE-CHAIRPERSON BANES: Is there any questions?

8 Yes, Commissioner Boyd.

9 COMMISSIONER BOYD: Sir, I appreciate your
10 comments tonight. I have just a couple questions. One
11 is, where do you reside? I missed that, your address.

12 MR. HOCKENSON: 1212 Terracina Drive, El Dorado
13 Hills, California. It's in the Serrano development,
14 which is the sister development of Riverlake.

15 COMMISSIONER BOYD: I think I have a question
16 for staff now, actually, which is if you could just

17 address his concern around the trees or shading.

18 MS. BUFORD: L. E. Buford, Environmental
19 Planning Services.

20 With regard to the energy efficiency, this is
21 another -- an issue that is addressed during the code,
22 through application of standard codes and requirements
23 of the City with regard to energy efficiency, and a
24 landscape plan is part of the approval that you are
25 looking at, so that is something that is somewhat

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1 discretionary on your part.

2 VICE-CHAIRPERSON BANES: Thank you.

3 I have a question. You and -- is this your wife
4 who is speaking next, Cassandra?

5 MR. HOCKENSON: Yes.

6 VICE-CHAIRPERSON BANES: What is your interest
7 in this? since you live in El Dorado. Do you have
8 property here? Are you thinking about moving there?
9 What was the interest?

10 MR. HOCKENSON: We lived there for eight years.
11 We just moved last October.

12 VICE-CHAIRPERSON BANES: I see. Thank you very
13 much.

14 Would Cassandra Hockenson -- excuse me. We're
15 going to have to take a break again for, how about,
16 three minutes?

17 (Recess.)

18 VICE-CHAIRPERSON BANES: Now I'd like to hear
19 from Cassandra Hockenson, please.

20 MS. HOCKENSON: Good evening, Commissioners.
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21 I'm also sorry that some of you aren't feeling well. I
22 can sympathize. I had some dental work done today, so
23 if I drool, please don't laugh.

24 what I was originally going to speak on, I think
25 you guys kind of get. We weren't involved with the EIR

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1 like we should have been. We made requests for the
2 scope of hearings. You got it. I'm not going to go
3 there. What I want to talk about is the mess on Pocket
4 Road. And it is a mess. However, I want the Commission
5 to understand a little bit about what happened here,
6 just briefly.

7 It was in litigation. We were in Superior
8 Court; and of course, we lost at the Superior Court
9 level. It was obvious we were going to go forward, but
10 a restraining order was denied at the time. So Regis
11 Homes proceeded at their own risk, meaning whatever you
12 do, it's at your own risk. If something happens, you
13 have to go back and fix it. Of course, now we have this
14 mess. I have a problem because the City asked them
15 continuously to clean it up, as well as the board, and
16 it never got cleaned up properly.

17 Consequently, I think that's not a reason to
18 approve a bad project, just because it's a mess and we
19 want it cleaned up and we want it fixed. I just don't
20 see the logic there. I really don't.

21 He didn't take the actions he should have to
22 clean it up when he could have, and it's almost -- to
23 me, that's almost like that's kind of by design, and I

24 have a problem with that. ^{9-15-0~1} So if you did it, you live
25 with it. If something needs to be changed, it can still

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1 be changed. There's still plenty of value in that land.
2 He's not going to lose money. He's made plenty of
3 money. That's not the problem.

4 Finally, I just want to say one more thing. The
5 biggest problem with this project is you're putting two
6 pounds of flour into a one-pound bag.

7 Thank you very much.

8 I didn't give you my address. It's 1212
9 Terracina Drive, El Dorado Hills. As my husband
10 explained, we did live there eight years. I grew up in
11 that area, and I do own property in the city of
12 Sacramento as well.

13 VICE-CHAIRPERSON BANES: Questions?

14 Commissioner Valencia.

15 COMMISSIONER VALENCIA: Routinely before the
16 Commission, the concept of the good-neighbor
17 disposition, and now the developer, towards existing
18 residences, the fact it will be considered can be
19 counted. So I would ask you to be more specific
20 regarding your complaints regarding your assertion of
21 nonresponsive to cleanup demands from the City. I need
22 something specific before I can believe that.

23 MS. HOCKENSON: Certainly. They started working
24 on the project. They immediately took out all the trees
25 and, of course, you know, basically dug up all the dirt,

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1 and it was all dirt; grass, everything, was gone. All
2 the big trees were taken out, so you basically had dirt
3 with --

4 COMMISSIONER VALENCIA: Get to the point where
5 the City asked them to do something.

6 MS. HOCKENSON: Actually, we had a letter from
7 Robbie Waters. Robbie Waters had indicated and sent a
8 letter out to the Riverlake community -- and I should
9 probably copy you that letter -- that actually said he
10 had asked the developer to clean up the mess. And that
11 was in the process of trying to work with the developer
12 to try to get it cleaned up.

13 So I know it was asked, and I know several times
14 Robbie had made the comment he had asked to get it
15 cleaned up. There is a letter. It does exist. I could
16 probably get a copy of it for you. That's not a
17 problem.

18 COMMISSIONER VALENCIA: So it was a
19 Councilmember request, not a request from, say, an
20 agency like Neighborhood Services or Code Enforcement or
21 something on that order?

22 MS. HOCKENSON: No. My understanding is -- and
23 I can't speak for the Riverlake board -- my
24 understanding is, from the information that was provided
25 from the Riverlake Association, that they did indeed ask

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1 the developer to clean it up.

2 And there may even be a letter from them. That

3 would be something maybe somebody who is still in the
4 community could address for you. I know that I was told
5 there was a letter from them. I know they had commented
6 several times they had asked the developer to clean up
7 the mess.

8 COMMISSIONER VALENCIA: You see the predicament
9 that you create when you say something occurred but we
10 don't know precisely what it is occurred?

11 MS. HOCKENSON: Certainly. I can get you the
12 letter from Robbie Waters. That's not a problem. I
13 just can't address what the association did or said. I
14 know I was told that, but again, that's hearsay. They
15 told me that. Whether they can provide a copy of the
16 letter, I don't know.

17 COMMISSIONER VALENCIA: Of course, the
18 association is just a neighbor right now. They have no
19 purview over this particular facility.

20 MS. HOCKENSON: Absolutely. If you go by there,
21 you can still see it's not in good condition.

22 VICE-CHAIRPERSON BANES: We have a picture.
23 Thank you so much.

24 Next is Christopher Caneles.

25 MR. Caneles: Chair and Commissioners, good

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1 evening. I'm Christopher Caneles. I reside at 7095
2 Tarmac Way, in Fair Oaks, so your question will be, why
3 am I here?

4 I was a five-and-a-half-year resident of
5 Riverlake, I resided on West Shore Drive, and I'm a
6 proud member of Pocket Protectors. So I have a vested

7 interest in being here tonight, and I do care about the
8 community and have friends there.

9 For the record, I'm opposed to the pacing of the
10 Riverlake project as proposed to you tonight, and as a
11 Pocket Protector, I advocate you choose -- if you
12 choose -- if you don't like one of the alternative
13 projects -- I believe there is demonstrative evidence
14 that one of these projects is better than the project
15 that's proposed.

16 I would like to discuss something else tonight,
17 and I guarantee you it wouldn't be a repeat. I would
18 like to rebut the idea that the amendment to the PUD is
19 necessary. The applicant and the staff are asking you
20 to approve a change in the language that changes what
21 can be built on these parcels.

22 They say the PUD needs clarification. That's
23 the language used, "clarification." Rhetorically, I'd
24 ask you, who is confused? why would clarification be
25 needed? what evidence has been presented to you in the

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1 form of a staff report or other documents, the DEIR, the
2 FEIR, that supports that the language that is in the PUD
3 is not exactly what was intended when the PUD was
4 accepted by the City?

5 The applicant made the argument that the
6 language should be consistent with the City code and its
7 definition of R-1A zoning, and I believe the attorney
8 for the applicant alluded to that earlier.

9 I don't believe that's a valid argument.

10 There's no part of the City code that validates that
11 argument. Title 17 of the Sacramento City code, section
12 12.050 part (c), says: when conflicts occur between the
13 requirement of this type of standards adopted of a part
14 of any community plan or any other specific plan, the
15 requirements of the community plan or other specific
16 plan shall apply; in other words, a specific plan can
17 override the general plan.

18 So the fact that the general plan has different
19 wording, while Ms. Thomas suggests that ambiguity, it's
20 simply a difference, and the specific plan overrides the
21 general plan. That is your code.

22 Section (d) of that says: when conflicts occur
23 between the requirements of this type and development
24 guidelines adopted for an applicable PUD, the
25 requirements of the PUD shall apply. Same reasoning.

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1 If I had to sort of make this simple -- and I
2 did this for me -- I think of this -- all of the
3 requirements of the City code as a funnel. The largest
4 part of the funnel is the City code, the zoning
5 ordinances. That's the requirement that all buildings
6 in the city of Sacramento have to meet.

7 Then the funnel narrows as project-specific
8 plans -- as area-specific plans like the south
9 pocket-specific plan and other plans further restrict
10 the development on a given parcel.

11 The funnel narrows even more when there are PUDs
12 and developer agreements in place that further restrict.
13 That doesn't create an ambiguity. That simply means

14 that it's stating agreements to further restrict
15 developments that go there. What comes out of that
16 funnel is the development that's allowed by all of those
17 pieces, regardless of the language.

18 So I don't think we need clarification. We know
19 what townhouses and related development means, and we
20 don't need clarification to understand that that is not
21 single-family or detached homes.

22 And the staff said in the staff report: The
23 staff finds this clarification is appropriate to remove
24 all doubts as to the intention of the PUD's land-use
25 designations for the subject site.

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1 But they give you no evidence or reason why the
2 intention of the PUD is not exactly what the language is
3 in the PUD.

4 On the contrary, though, there's numerous pieces
5 of evidence that you've heard tonight and in the
6 documentation and for the prior plan that indicates that
7 the entire Riverlake community relied on the PUD as it
8 was written and as it was understood from the April 2001
9 letter that was mentioned earlier -- and I have a quote;
10 I will not use it, to save time -- to the 3rd Circuit
11 Court of Appeals' opinion when they said, as
12 Ms. Brandt-Hawley mentioned, that these attached houses
13 violate the PUD's intent. They seem to know what the
14 PUD's intent was.

15 And there's additional evidence found in the
16 letters that you got in your packets. I just would like

17 to make a couple quotes. Ms. Skewes-Cox said: In
18 standard planning practice, a designation of
19 single-family residences verses townhouses, they are
20 distinguishable.

21 It seems hard to believe that a site that has
22 been designated for townhouses and related development,
23 that single families were considered for the site. It's
24 just -- this is me talking -- it just doesn't seem
25 plausible that that discrepancy exists in anyone's mind.

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1 I'm even going to quote someone who disagrees
2 with the Pocket Protectors, because they said it perhaps
3 better than I did. Mark Drobny, in a letter that's in
4 your documentation, said -- and he wrote this in all
5 caps in the letter -- we all knew when we moved into
6 Riverlake that townhouses slash condos would be
7 eventually built here. Everyone who bought along the
8 fence knew what eventually could be along the fence --
9 the other side of the fence.

10 [Unintelligible] we knew what was going to go
11 here, and this is what it was, townhouses slash condos;
12 didn't reference single-family homes.

13 So back to my initial point. The amendment to
14 the PUD doesn't clarify anything. It's to change the
15 meaning of the PUD so there's one less obstacle to the
16 development. So given that you have no evidence or even
17 an opinion that I can understand as to why a change to
18 the PUD language would be beneficial to the residents of
19 the community or to the City to get this project built,
20 isn't it just to change the rules so that there will be

21 one less objection to the Islands at Riverlake project?
22 Because of that conclusion I have to draw, I
23 urge you to deny sections (c) and (d) of your notes in
24 decision and findings of fact which relate specifically
25 to the amendment to the SPSD and the PUD.

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1 VICE-CHAIRPERSON BANES: Questions?

2 Commissioner Valencia.

3 COMMISSIONER VALENCIA: Are you concluded?

4 MR. Caneles: I am.

5 COMMISSIONER VALENCIA: This, as much as
6 anything, is the crux of the matter, so I'm going to
7 convert your rhetorical question, which, I believe, is a
8 substantive question and warrants a response, because
9 now we have this aspect of the position, staff's
10 recitation earlier, and the applicant's own counsel and
11 her comment saying that change isn't needed.

12 So the gentleman has asked a very specific
13 question. Other than to facilitate this particular
14 stock, as I describe it, reflecting on a discussion
15 several years ago, the de novo hearings notwithstanding,
16 isn't transitional housing of a multifamily nature what
17 was intended in this? And why is the clarification
18 necessary?

19 MR. PACE: The original project that was
20 approved had a batched housing prototype.

21 COMMISSIONER VALENCIA: The original project was
22 denied by the Commission; the City Council approved it.

23 MR. PACE: The first project that was ever

24 proposed and actually got an approval on the property
25 many years ago, in the '80s, was a batch project. I

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1 can't speak to what the original intent of the framers
2 of the community was.

3 COMMISSIONER VALENCIA: I apologize for
4 interrupting. Stop right there.

5 That is the crux of the observation being made.
6 without that capacity, staff's representation to us is
7 that this is a clarification, not a substantive change.

8 MR. PACE: That's what we believe.

9 COMMISSIONER VALENCIA: What is it we are
10 clarifying if it is not the original intent in drafting
11 this PUD?

12 MR. PACE: We are not trying to verify the
13 original intent of the PUD. We're trying to clarify
14 what townhouses and related development means today. We
15 believe that the R-1A zone allows the type of
16 development that is proposed.

17 COMMISSIONER VALENCIA: Detached, single-family
18 dwellings constitute townhouses?

19 MR. PACE: Yes. It's the related development
20 part of it that seems to be unclear, as to what other
21 types of development are encompassed within townhouses
22 and related development. So the purpose of the
23 amendment was to clarify what that related development
24 means; so that the assertion is being made that only
25 attached housing is permissible. So the amendment would

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1 make clear that in order to facilitate this project,
2 should the Commission set aside, that's not the case. A
3 detached product is also permissible.

4 COMMISSIONER VALENCIA: Thank you, Madam Chair.
5 I'll reserve further inquiry on this until the end.

6 VICE-CHAIRPERSON BANES: Just one comment from
7 myself is that I know of houses between Q and P Street
8 that were -- that was the whole thing. They pulled it
9 apart, and there's only like maybe two or three feet
10 between the houses there, but still they're considered
11 townhomes. And it was for insurance reasons at that
12 time that was going in there but still considered
13 townhomes, is the way I understand it.

14 But thank you, anyway.

15 MR. Caneles: I think the question was valid.
16 Mr. Pace may say it's not the intention of the PUD in
17 question, but I am quoting from page 7 of the staff
18 report, when it says: Staff finds that this
19 clarification is appropriate to remove all doubt as to
20 the intention of the PUD's land-use designation for the
21 subject site.

22 And I believe on the next page of the document,
23 it sort of repeats that again in the PUD agreement that
24 was in the SPSD one, and basically it says the same
25 thing. It says it's needed for this project.

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1 VICE-CHAIRPERSON BANES: Thank you very much,
2 sir.

3 Now I would like Bob Puliz.

4 Name and address, please, for the record.

5 MR. PULIZ: My name is Bob Puliz. I reside at
6 1006 South Beach Drive, and I'd like to pass this out to
7 the staff and Commissioners. I'd also like my speech,
8 as well. There's a letter I'm giving you Commissioners.
9 It's coming from some quotes that I'm going to be
10 quoting tonight.

11 VICE-CHAIRPERSON BANES: Yes, sir, that's fine.
12 Thank you.

13 MR. PULIZ: This project started out with three
14 town-hall meetings, led by the Riverlake Community
15 Association Board, with a full school auditorium at each
16 meeting. The community voiced opposition to the
17 proposed project with a double row of houses on
18 substandard lots on each side of a narrow, private road
19 that is nearly a mile long.

20 While the developer heard community comments,
21 they never translated it into significant changes to
22 this project. Vocal opposition fell on deaf ears. Our
23 Riverlake board has gone from supporting the Islands
24 project to withdrawing their support at the City Council
25 meeting.

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1 At many board meetings, and most recently at the
2 July 2005 board meeting, homeowners asked them what
3 their position on the project is, and they flip-flopped
4 or gave no answer at all, evading the question
5 altogether.

6 Despite numerous requests, the association has
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7 refused to submit to the homeowners the question of what
8 kind of development they would like to see on this land.
9 Homeowners like myself have asked the board to recognize
10 the polling that we the Pocket Protectors have done to
11 understand the views of the community on this project.
12 They have refused.

13 At the July RCA board meeting, the acting board
14 president stated that the RCA board does not represent
15 the community; rather, it's responsible for conducting
16 the business of the Riverlake Community Association.

17 The board told the homeowners they would remain
18 neutral on this project; however, on August 17th, 2005,
19 three individual board members met in a private meeting
20 where they wrote resolution 05 dash 001, which should be
21 in your file, supporting the Islands at Riverlake
22 project.

23 Please take note this policy decision was
24 adopted at a late-night, emergency session, without
25 public notice or the benefit of public input. By

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1 adopting the resolution, the Riverlake board has acted
2 outside its authority and against the will of an
3 overwhelming majority of Riverlake homeowners.

4 One of the items -- and this has been brought up
5 several times, but I'm going to read it real quick --
6 one of the items in this resolution states that the
7 Islands at Riverlake project has tentatively been
8 approved for annexation by 96-percent vote of its member
9 voting, evidencing a strong sentiment by members for the

10 RCA controls of this substantial addition to the
11 Riverlake community.

12 I just want to make this very clear. This does
13 not represent that the -- if this project is to be
14 built, that they want -- all they want is to annex
15 everything into the Riverlake community for control to
16 maintain current standards.

17 Now, Mr. Bill Parker, developer of Riverlake,
18 wrote a letter to the board of directors, with copies to
19 the community, dated September 2nd, 2005. This letter
20 states -- and I quote -- I am proud of the Riverlake
21 development and concerned that the Islands project,
22 Riverlake's final and most visible increment, will
23 impact the community negatively.

24 And he goes on to say: The double lotting
25 necessary to achieve a hundred and thirty-nine detached

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1 houses -- homes causes the Islands project to be too
2 tight. Even greater density and affordability could be
3 achieved by a manor-home project, which would afford a
4 streetscape appearance of large, nicely setback,
5 single-family homes. The Pocket Protectors have
6 advocated such a project, and I think that a vast
7 majority of your members would prefer it.

8 Mr. Parker continues to say: I am disappointed
9 by the resolution, because I think that it evidences a
10 reluctant acceptance of an undesirable project.

11 And that goes to -- that's a very accurate
12 answer to the question that was asked earlier.

13 When the City Planning Commission last heard the
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14 Islands Riverlake proposal, the project was denied by a
15 vote of six to one. It was stated that this project
16 does not work on this site. The concept of the proposed
17 plan before you tonight is no different than the plan
18 previously presented to you.

19 Alternatives to the Islands project have not but
20 should be seriously considered. We the Pocket
21 Protectors also endorse manor or cluster homes in a
22 density that exceeds the proposed project before you;
23 however, it is the Planning Commissioners' job to
24 represent the best interests of the community, not the
25 Riverlake board.

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1 So on behalf of the residents of Riverlake, I
2 respectfully ask that you ignore this resolution of the
3 RCA and disapprove the Islands at Riverlake project that
4 is before you tonight.

5 VICE-CHAIRPERSON BANES: Is there any questions?

6 So that was the Riverlake's -- was that the
7 other gentleman up here before?

8 MR. PULIZ: Yes. He's our president.

9 VICE-CHAIRPERSON BANES: He's your president,
10 but you're coming up here and saying that nobody else
11 agrees with it? even though you took a vote. Am I
12 understanding that right?

13 MR. PULIZ: which gentleman are you talking
14 about?

15 VICE-CHAIRPERSON BANES: The Riverlake gentleman
16 here, I thought.

17 MR. PULIZ: This was a vote to annex the Islands
18 at Riverlake project.

19 VICE-CHAIRPERSON BANES: Are you in the same
20 neighborhood group as the other fellow that spoke?

21 MR. PULIZ: I'm a member of the Riverlake
22 Community Association.

23 VICE-CHAIRPERSON BANES: You're going against
24 what your president said, is basically what you're
25 telling me?

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1 MR. PULIZ: That's correct.

2 VICE-CHAIRPERSON BANES: wait a minute.

3 Commissioner Woo has a question.

4 COMMISSIONER WOO: The letter that you provided
5 us dated September 2nd, 2005, purported to be from
6 William R. Parker, president. It's unsigned. Is there
7 a signed copy available? It purports to be from him.

8 SPEAKER: I do not have a signed copy with me,
9 but I have the original e-mail sent to me directly from
10 Mr. Parker.

11 VICE-CHAIRPERSON BANES: still no signature, so
12 thank you.

13 SPEAKER: I do have a copy.

14 VICE-CHAIRPERSON BANES: who was speaking?

15 SPEAKER: I was.

16 VICE-CHAIRPERSON BANES: sir, you are not
17 allowed to speak, please. You will have a turn to
18 speak. Thank you.

19 MR. PULIZ: Just for the record, there is a
20 signed copy there.

21 VICE-CHAIRPERSON BANES: Is that it,
22 Commissioner Woo?

23 COMMISSIONER WOO: It looks very much like it.
24 Yes, it is. I would say this is a copy of his
25 signature.

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1 VICE-CHAIRPERSON BANES: Thank you, sir. I
2 appreciate it. This is part of the record now.
3 Our next speaker will be Kacey Lizon, part of
4 SACOG. Thank you.

5 MS. LIZON: Thank you. I am Kacey Lizon, the
6 print coordinator for the Sacramento Area Council of
7 Governments. SACOG was asked, in a letter by
8 Councilwoman Hammond, to review this project as it
9 relates to the blueprint map and goals.

10 We submitted a comment letter dated August 18th,
11 which you received earlier tonight, and I'm here to
12 underscore the main findings of our evaluation, which
13 found the Islands at Riverlake consistent with the
14 blueprint.

15 Through the blueprint, we identified
16 [unintelligible] co-opportunities. This project would do
17 that with the build-out at medium density that is
18 consistent with the blueprint density for that area. It
19 offers a small single-family product, which is in small
20 supply in the region, is different than what's offered
21 in the area, and which is also expected to be more
22 affordable than the average homes in the Pocket area.

23 Finally, the project's connection of new parks

24 and townhomes to existing facilities offers nonmotorized
25 transportation opportunities.

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1 VICE-CHAIRPERSON BANES: Thank you.

2 Are there any questions? Yes, Commissioner
3 Valencia.

4 COMMISSIONER VALENCIA: As you say, we only just
5 received the letter. What is it that we are finding
6 this project consistent with that SACOG -- what is the
7 source of the reference point?

8 MS. LIZON: Sure. The blueprint-preferred
9 scenario map and the blueprint goals, which are a set of
10 seven common principles related to having a choice on
11 development, a transportation choice.

12 COMMISSIONER VALENCIA: Produced by SACOG?

13 MS. LIZON: Yes, in collaboration with all of
14 our member jurisdictions and the public involvement we
15 had throughout the process.

16 COMMISSIONER NOTESTINE: And adopted by the City
17 of Sacramento? And accepted or adopted by the City of
18 Sacramento?

19 MS. LIZON: Yes. The City of Sacramento is
20 represented by a member on the SACOG board, and then
21 we'll be adopting a [unintelligible] strategy by the end
22 of this year.

23 COMMISSIONER VALENCIA: The observations you
24 make imply a detailed review. I'm just curious. Did
25 you engage in the review yourself?

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1 MS. LIZON: Yes.

2 COMMISSIONER VALENCIA: So you evaluated the
3 project, saw the tensions, and still decided it was
4 consistent with the SACOG blueprint?

5 MS. LIZON: We were asked to review it.

6 COMMISSIONER VALENCIA: I understand.

7 MS. LIZON: And we were asked to review it
8 against the map and the goals. So in that context we
9 found it consistent.

10 COMMISSIONER VALENCIA: Okay. Thank you.

11 VICE-CHAIRPERSON BANES: Commission Woo?

12 COMMISSIONER WOO: Were you asked to opine on
13 whether or not the alternatives would meet that approval
14 as well?

15 MS. LIZON: No.

16 VICE-CHAIRPERSON BANES: Thank you very much.

17 I don't see any other questions. Our next
18 speaker will be Gary Hartwick.

19 Name and address, please, for the record.

20 MR. HARTWICK: Gary Hartwick. I reside at 1128
21 Rio Cidade Way.

22 I was actually going to close, but I feel that
23 some of the comments may be considered to be redundant,
24 so I need to go into a different direction, even though
25 I think they're important.

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1 I think the central theme here tonight is really
2 good land-use planning, what is known as sound land-use

3 planning. Mrs. Thomas started her presentation this
4 evening by stating how important sound land-use planning
5 is. I totally agree with that, and I think most of the
6 people in this room agree with it, including the
7 Commissioners.

8 I question sound use planning in this
9 development for several reasons. When the City Council
10 approved this project, they required a sidewalk to be
11 put in, that was not included originally. The only way
12 to include that sidewalk was by two means: reducing the
13 size of the street and reducing the sizes of the front
14 setbacks. I'm not sure that's considered good land-use
15 planning.

16 The trees: We talked about shade trees tonight.
17 I'm going to discuss it in a little different vein.
18 Mr. Hartman portrayed to you that medium shade trees
19 could be planted in this project, when, in fact, in
20 public record at the City Council meeting a couple years
21 ago, the City arborist got up and gave testimony that
22 the setbacks on this property are not sufficient to
23 plant shade trees as required by the City of Sacramento.

24 The only type of trees that are allowed to be
25 planted -- or that are possible to be planted in this

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1 development are ornamental trees. Ornamental trees by
2 definition are not shade trees. I think it's important
3 that you understand that.

4 There is a five-foot easement. That's the other
5 thing that has not been brought up this evening by
6 everybody. There is a five-foot easement on the front

7 setbacks of these properties. It's a public utility
8 easement. You cannot plant a tree within the public
9 utility easement. That's why you cannot get a shade
10 tree in these front yards.

11 So you've been told tonight, by both staff and
12 the project owner, that shade trees will be planted.
13 Your own City arborist has told the City Council it's
14 not possible.

15 VICE-CHAIRPERSON BANES: Excuse me. Do we have
16 a City arborist here or that person that said all this?
17 because I don't recall that.

18 MR. PACE: No, we don't have a City arborist
19 this evening.

20 VICE-CHAIRPERSON BANES: Was this an old
21 comment, or did he make one on this new project? I guess
22 is what I'm trying to ask. Since there was a comment on
23 the old one, did he make one on the new one?

24 MR. PACE: We don't have any new comments on the
25 new one.

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1 MR. HARTWICK: Again, the five-foot easement has
2 not changed on this project from the City Council
3 hearing. So while the arborist is not here, I think it
4 would be acknowledged that that five-foot easement still
5 exists in the front yards, and the result is there would
6 be no shade trees.

7 Parking: I would challenge, actually anybody in
8 this room, to go to any residential development in this
9 City of Sacramento, County of Sacramento, or any other

10 city and tell me where you do not see homeowners' cars
11 parked in the driveway during the day and at evening.

12 The only way to make this project work -- and
13 again, are we going to consider this sound land-use
14 planning? -- is to require the homeowners to park their
15 car, which they can only own two, in the garage. That's
16 the only way the parking works in this development.
17 Again, I would ask, is that true sound land-use
18 planning? I would say it's not.

19 The first proponent for the project that came up
20 and spoke -- and I think that this is an important
21 item -- mentioned there is nothing that evidences when
22 any of the homeowners bought their properties that there
23 existed a plan of what would be developed on these
24 parcels. That's inaccurate. I personally have seen
25 them. I personally know the developer. And I

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1 personally know they exist. I personally know you can
2 go to his office and pick them up today.

3 So there was a project that was presented to all
4 the homeowners that purchased especially against the
5 fence line or any property adjacent to the fence line.
6 So that is fact.

7 I think it's -- again, it's important. I
8 believe the whole crux of this, as I go back and talk
9 about it, is really with respect to the sound land-use
10 planning. You've been presented here tonight with
11 letters from Mr. Parker.

12 Mr. Parker is an award-winning, nationally
13 recognized developer. He's been recognized for the Lake

14 Greenhaven development, the Riverlake development -- and
15 these are national awards -- and the Serrano
16 development, which he's currently developing.

17 He has stated in these letters these parcels do
18 not fit this project, in a sense. It's not said in so
19 many words, but he is stating in his letters that this
20 project does not fit these parcels.

21 These parcels were not originally designed, and
22 while it can easily be said this doesn't apply -- I
23 think this is a very important point that hasn't been
24 brought up -- when this project was originally conceived
25 and the original development proposal was submitted to

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1 the City planning department, it was submitted under a
2 development agreement which was part of the PUD. That
3 development agreement was very specific in language.
4 I'm going to get to a point here that's important. I'll
5 mention it now.

6 My point is, this project should never have been
7 brought forth by the planning department under the
8 zoning that was required at the time of the
9 presentation. The development agreement stated if
10 anything other than townhouses is to be built on this
11 property, the property must be rezoned. That was a
12 development agreement between the City of Sacramento and
13 L&P Pacific Teichert, the original developer.

14 Now, yes, I will admit that development
15 agreement expired, just coincidentally, three days after
16 the Planning Commission denied the project. But the

17 fact was it was in effect when the development was
18 brought forth. It should not have been brought forth
19 without a rezoning request.

20 The purpose of that description in that
21 development agreement -- and I have had personal
22 conversation with the developer -- is just this: The
23 City approved a master-planned development out there
24 known as Riverlake.

25 Part of that master plan was the requirement to

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1 have alternative housing, alternative not being
2 detached, single-family residences. There's probably
3 1500 of those out there. The alternative was a
4 townhouse cluster project, and if something other than
5 that was to be built, it required rezoning.

6 Now, you can say, because the development
7 agreement expired, it's not an issue. That goes right
8 to the intent of what the City of Sacramento originally
9 approved when this project was approved as a
10 master-planned development. And that's my point.

11 I'd like to now -- I'm on the list as one of the
12 Pocket Protectors' list of individuals. I'm now going
13 to speak off of that list as a private homeowner, and I
14 want to talk about this package. This package contains
15 an outright misstatement in it, and I think it's been
16 done to mislead. If you turn to page, if you have it,
17 56 of the document, this document states that the
18 only --

19 COMMISSIONER NOTESTINE: Which package are you
20 referring to?

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21 MR. HARTWICK: It is the planning
22 department's -- the staff report. I'm sorry.

23 COMMISSIONER WOO: 8?

24 MR. HARTWICK: Page 56 of the staff report.

25 COMMISSIONER NOTESTINE: What date:

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1 September 15th?

2 MR. HARTWICK: The one I have is August 25th,
3 but I believe they're identical.

4 COMMISSIONER NOTESTINE: What page?

5 MR. HARTWICK: Page 56.

6 The planning department has led all of you to
7 believe that two-story houses would only be built in one
8 location. That location is at the end of cul-de-sacs
9 where there is not a home directly behind it.

10 They have put an exception in this document
11 without telling you. The exception is lot 14, that is
12 stated in item -- paragraph 22, item B, facts in support
13 of findings. Two-story lots -- lot 14 backs up to an
14 existing home along the fence line. It is not at the
15 end of a cul-de-sac, and yet it is not designated as an
16 exception in this document.

17 It is, in a sense, hidden in that paragraph. It
18 backs up to a resident that lives on that fence line.
19 That person is being singled out by putting a two-story
20 house on it.

21 And I would state that -- and I'm sure
22 Mr. Hartman is going to get back up and tell you -- the
23 only way to build on that lot is to put a two-story

24 house on it. That really is not my issue. If that lot
25 is not buildable --

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1 The other fact here is, not only is Mr. Hartman
2 is aware, Mr. Paste and Kimberly Kaufmann-Brisby are
3 aware, the City Council, actually in their public
4 record, made a change to their document. They did not
5 allow that to be done, and it is now back before you, in
6 a hidden manner, being done.

7 The City Council's findings in their resolution
8 said no building structure could be built within ten
9 feet of a fence line. He has placed the garage of this
10 home five feet from the fence. If you can imagine, that
11 happens to my house.

12 I have been involved in this for four-and-a-half
13 years, and I find it odd that my house has the two
14 story, which is against what the City Council required,
15 and has a garage five feet from the fence -- the only
16 homeowner in the entire development that has to put up
17 with this.

18 VICE-CHAIRPERSON BANES: We're aware of that
19 now.

20 MR. HARTWICK: What I am requesting is that that
21 error -- that this document be noted by each of you that
22 there's a discrepancy in here. It's not accurate, and
23 it is not listed as an exception. It was not pointed
24 out to anybody.

25 VICE-CHAIRPERSON BANES: Okay. We will hear

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1 from staff and from the applicant when they want to
2 speak for their closing remarks. Okay? So we
3 appreciate it. Is there more comments you'd like to
4 give us?

5 MR. HARTWICK: No. I was waiting for any
6 questions.

7 VICE-CHAIRPERSON BANES: Are there any
8 questions?

9 Seeing none, thank you very much.

10 And our next speaker will be Patricia
11 Antonopolous. I can't read it. Is there a Patricia
12 here that lives on Bridgeview Drive?

13 SPEAKER: That lady had to leave.

14 VICE-CHAIRPERSON BANES: Next speaker is Ron
15 Ronde.

16 COMMISSIONER VALENCIA: Madam Chair, while the
17 witness is approaching, I just want to give the staff a
18 heads-up. I wouldn't prolong the prior testimony, but
19 obviously, we'll pursue the representation regarding
20 Council and that particular lot; but also, an objective
21 assessment of the tree locations as it relates to the
22 staff report.

23 Thank you.

24 VICE-CHAIRPERSON BANES: Go ahead, sir.

25 MR. RONDE: My name is Ron Ronde, and I reside

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1 at 7701 West Shore Drive.

2 I'm not against the fence line, but I am in the

3 Riverlake community.

4 VICE-CHAIRPERSON BANES: I'm sorry. I didn't
5 understand you.

6 MR. RONDE: I'm not against the fence line, but
7 I am in the Riverlake community. I'm in detached
8 housing, not one of these larger homes that have been
9 referenced.

10 I'd like to address two issues with the
11 community association before I was going to say what I
12 was going to say: One, you asked what was done with the
13 requests to have some of this stuff cleaned up. I was
14 at a community meeting where one of the members of the
15 association said, If all of you e-mail me your concerns
16 about things like the sidewalk being torn up, storage
17 being needed, the orange tape that was around,
18 everything overgrown, all the issues the community had,
19 that he would consolidate that to avoid the repetition
20 and redundancy and send a letter to Mr. Hartman to have
21 these things resolved.

22 So that's where I think some of the loss was of
23 not really knowing what happened after we submitted our
24 letters. I can provide my letter that I sent to our
25 association.

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1 The other issue I wanted to touch on briefly is
2 the 96-percent approval rating for the annexation.
3 There was a letter that went out to all of the Riverlake
4 residents basically saying: whether or not you approve
5 of this project or not, if it does get passed, you
6 better make sure we have control; otherwise, we can't

7 tell you what it's going to look like.

8 I wouldn't go so far as to call that a scare
9 tactic, but a lot of people looked at that and said,
10 hey, whether I support this or not, including myself, I
11 better vote for annexation. So I wouldn't say voting
12 for annexation is mutually exclusive of voting for the
13 project itself.

14 With that, I'll get back to my original
15 comments. I'm really not part of the Pocket Protectors.
16 I live in the community. I've attended very many
17 meetings. A lot of this stuff was very new to me when I
18 first came on board with this, and I had a great
19 opportunity from the City of Sacramento for something
20 called the City Planning Academy, and that was just an
21 awesome experience.

22 I had the opportunity to spend time with the
23 City planning staff, some of your predecessors on the
24 Commission, and learn all these smart-growth principles
25 and things that involve transit-oriented development and

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1 higher-end housing and really looking at the components
2 it would take to make this motto of Sacramento being the
3 most livable city in America.

4 But I also understand, when you look at this, we
5 need higher-density housing to make this successful. I
6 don't disagree with that at all. I think most of the
7 members of this community don't disagree with that. But
8 one of the other things that I found that was brought up
9 quite a bit during this process is the inclusion of

10 multiple stakeholders in the decision-making process.

11 I get things in the mail all the time asking me
12 to be [unintelligible], some of the Sac State hot
13 blueprint stuff, things like the master -- the
14 riverfront master plan. And I attend this stuff. It's
15 great. It's good to have community involvement.

16 It seems like with this particular project here,
17 community involvement has been a little kind of frowned
18 upon. Even tonight, I sense some animosity from some of
19 the people up here. And I understand it's late, and
20 we've heard a lot of repetition, and I sympathize with
21 you on those issues, but this is a lot of work on our
22 side too.

23 I'm very proud of this community. They have
24 worked very hard the last several years to learn all the
25 ins and outs on this and to try to represent us in the

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1 best manner possible and certainly follow up the
2 process.

3 With that in mind, I'd also like to state that
4 Mr. Hartman has not acted like somebody who agrees with
5 a multiple stakeholder model. There have been several
6 occasions when this community has tried to work with
7 him; not to be adversaries, but to actually work with
8 him on common ground, and each time, his response has
9 been dictatorial and unilateral in nature.

10 After the previous Planning Commission voted
11 against this project in 2002, we knew there would be an
12 appeal process. Again, the community reached out to him
13 and tried to work with him. We really made an effort to

14 resolve our differences with efforts via dialogue and
15 diplomacy. We wanted to get something built, and we
16 wanted to get something built that met the needs of the
17 community.

18 His response was to bring in a very prominent
19 land-use attorney at that time and pretty much cut off
20 discussions with us. It was clear at this point that
21 the multiple shareholder model was not going to work
22 with Mr. Hartman and that he preferred to see the
23 members of our community be forced to litigate rather
24 than sit down with us and simply communicate. Because
25 of this, all of us are here in front of you today.

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1 I'm aware of Regis projects in the Sacramento
2 area, and there are some great ones. And I've seen some
3 plans of future projects that Regis has on the road map
4 that I'm sure will be equally successful, but this
5 particular project, I truly believe, is wrong for this
6 parcel of land. As challenging as the parcel is, this
7 project is wrong for this parcel, it's wrong for the
8 neighborhood, and it's wrong for the Pocket community,
9 and it's really wrong for the City of Sacramento.

10 If you vote in favor of this project, you're
11 validating this unilateral approach that he's taken over
12 the past several years, and you're really setting
13 precedent for future Regis projects. But most
14 importantly, you're telling people that public outreach
15 is a facade and community involvement is simply a waste
16 of time. I don't think that's the way to promote

17 Sacramento as the most livable city in America. I'm
18 asking you vote no for this project.

19 And thank you for your time.

20 VICE-CHAIRPERSON BANES: Thank you very much.

21 Are there any questions for this witness?

22 Okay. Seeing none, Keith Tronson.

23 Name and address, please.

24 MR. TRONSON: Thank you. My name is Keith
25 Tronson. I live at 7664 Marina Cove Drive, Riverlake

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1 development. I am not on the fence either.

2 I'm a former board member of the Riverlake
3 Homeowners' Association, serving for four years, ending
4 in November 2003, which is when this issue came before
5 you and the City Council.

6 The homeowners' association was forced into the
7 middle of this issue by terms of the purchase agreement
8 between Regis and LPPT, the prior owners of the
9 property. As was indicated, I think, earlier, reviewing
10 this issue at that early time was not really the role
11 of -- was not the role of a homeowner's association. I
12 have some more evidence about that later.

13 while the board heard plenty dissent and very
14 little support of this project, they never surveyed the
15 association members for their views. You heard the
16 annexation. Ninety-six percent did not represent
17 support on this particular project. While the majority
18 of the board supported that project at one time, they
19 withdrew their support when it was in front of the City
20 Council in May of 2003.

21 when I learned of this issue coming before you
22 again, I asked the Pocket Protectors if the board had
23 taken a position on it at this time. I received a
24 letter that they had received from Mr. Maschner, a
25 letter dated April 27th of this year, 2005, that they

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1 agreed to stick to a resolution that they had adopted in
2 March of 2004. I don't know if you have that in your
3 materials. It was sent to City staff. I don't know if
4 you have it.

5 I received that, and I looked at that. In my
6 view, that resolution was unclear. It just didn't make
7 any sense, including the reason why it was done in the
8 first place in 2004.

9 I went to the board of directors on July 27th.
10 Mr. Maschner was not in attendance at that point, but I
11 was asking for a clarification. The board indicated
12 that they felt it was not their job to take a position
13 on this project.

14 The following day, I asked them by e-mail to
15 clearly tell you that they had not and will not take a
16 position on this project, because that's the
17 understanding we had on the 27th of July.

18 Three weeks later, they had a special meeting,
19 that I knew nothing about, and took a position on the
20 project. The views of the -- the view of the board only
21 represents their individual views. You heard earlier
22 there are three members that drafted that. I don't know
23 how many there are, there were. There are seven members

24 of that board, so three members could not, in my
25 opinion, represent the board. Clearly, three members

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1 could not represent the homeowners.

2 It is so very clear that this parcel of land was
3 designed for a very different project. Please reject
4 this project, and wait as long as it takes to get the
5 project that the land was designed for.

6 Thank you.

7 VICE-CHAIRPERSON BANES: Thank you very much.

8 Any questions of this speaker?

9 Seeing none, thank you.

10 John Parker.

11 COMMISSIONER VALENCIA: Madam Chair, while the
12 witness is coming up, Kimberly, you heard a
13 representation regarding the submission of some
14 correspondence. As far as you know, did we receive it?

15 MS. KAUFMANN-BRISBY: I actually was distracted
16 when they were referring to that correspondence, so I'm
17 not sure which correspondence.

18 COMMISSIONER VALENCIA: It was a communication
19 that was represented to have been sent -- yet another
20 communication -- regarding the community association or
21 the homeowner association's position on the project.

22 VICE-CHAIRPERSON BANES: Sir, could you come
23 back forward, please, and give us the date of that
24 letter that you're talking about, please. That will
25 help our staff to understand where it might be.

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1 COMMISSIONER VALENCIA: I apologize. The
2 gentleman had a very specific reference to what was sent
3 and when it was sent.

4 MR. TRONSON: It's going to take me a minute to
5 find it.

6 VICE-CHAIRPERSON BANES: Oh, okay. Why don't we
7 go ahead and let you do that, and we'll start another
8 speaker, please.

9 Mr. Parker, would you go ahead, please.

10 MR. PARKER: My name is John Parker. I live at
11 944 Shore Breeze Drive. I live up against the fence to
12 the project.

13 As you've heard before all the negative reasons
14 for this project and that it will be negative to this
15 award-winning community, that means all of us people
16 that have paid lots of money for our nice homes are
17 going to be impacted by a loss of value in our homes,
18 especially those against the fence, because when we go
19 to resell our homes, that's going to be the big
20 negative, is to buy one of those homes up against the
21 fence. So I ask you guys to disapprove this project,
22 because it will impact our property values negatively.

23 Thank you.

24 VICE-CHAIRPERSON BANES: Thank you so much, sir.

25 Any questions of this speaker?

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1 Seeing none, thank you.

2 Ester Von Essen.

3 sir looking for that paperwork, would you just
4 bring it back up here to our staff when you find it?
5 Thank you.

6 After Ester will be Dale Parker. Any relation
7 to the former Parker?

8 Is there a Dale Parker here? Could you just
9 come down? There's a speaker's chair you can sit in.

10 MS. VON ESSEN: Hi.

11 VICE-CHAIRPERSON BANES: Name and address,
12 first.

13 MS. VON ESSEN: Ester Von Essen, 7747 Sleepy
14 River Way, and I am in Dutra Bend, and I am not against
15 the fence. I just have a brief statement.

16 I am against the project, and I would like to
17 point out that in 1987, when I built my house, I was not
18 allowed to cover my patio because I was covering up too
19 much of the lot. This was due to a ruling by the
20 Planning Commission, and I just think that things have
21 really, really changed and regressed if you're allowing
22 a project like this to be put on such a small property.

23 VICE-CHAIRPERSON BANES: Thank you. When did
24 you ask for that request? How long ago?

25 MS. VON ESSEN: 1987. We were one of the first

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1 houses out there.

2 VICE-CHAIRPERSON BANES: why don't you talk to
3 one of the staff when you're done here? And maybe he
4 could look into it. Oh, you don't want it now?

5 MS. VON ESSEN: I don't care. That's not the
6 reason I'm up here. I'm pointing out the difference in
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7 what the Planning Commission is doing now.

8 VICE-CHAIRPERSON BANES: Thank you.

9 Our next person will be Dale Parker.

10 MR. PARKER: No relation to Bill Parker, these
11 folks, or to John Parker.

12 when -- I've been following this. I live at
13 7713 Silver Ranch Way, which is in Carriage Estates,
14 which is on the south side of Pocket Road, across from
15 where the project is going to be. My problem I have has
16 to do with traffic.

17 I received a letter from the City saying that
18 there's an EIR draft available, so I went down and I got
19 one, and I read it. There didn't seem to be anything in
20 there having specifically to do with the traffic problem
21 that I think I have, so I wrote a letter to whoever I
22 was supposed to write a letter to. They did comment on
23 it on the next EIR piece that came out, and it actually
24 didn't answer my question.

25 But then I noticed that there was -- some study

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1 was done, a traffic analysis study, that was attached to
2 that document, which was kind of interesting because of
3 some of the stuff that's in there on my street.

4 So what we have here is, from Greenhaven all the
5 way to Garcia Bend, about two miles, and there are only
6 two streets that are a four-way intersection, one of
7 them being West Shore and the other one being Black
8 Water Way.

9 Now with the project, which was originally not

10 going to create at Silver Ranch Way a four-way
11 intersection, now there will be a four-way intersection
12 there. In fact, when they started doing all the
13 excavating, digging and things, the street was torn up,
14 so you could see where that was going to be.

15 Now, where -- at Black Water Way, one of the two
16 intersections that is a four-way, they actually have
17 left turn lanes that are with curbs, and it's really
18 nicely done. At Silver Ranch way, there doesn't appear,
19 on any of the drawings I've seen in the EIR and stuff,
20 to be any improvements going to be made. In fact, there
21 isn't enough distance to make what I think, anyway, a
22 safe left-hand turn into the new project if you're going
23 east on Pocket Road.

24 So I would like that to be -- if you go ahead
25 with the project, I would like there to be some

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1 stipulation made that left-hand turn lanes have to be
2 put in.

3 If just the median is increased in length,
4 that's going to take out maybe some trees in the median.
5 The other thing it's going to do -- this might sound a
6 little odd -- is that some people -- the next street up
7 from us is River Shore Court, and what some people do is
8 they're going west on Pocket Road, come to Silver Ranch
9 way, and then sneak over and go west in the eastbound
10 lanes and go up into that street. This is just going to
11 make it a lot more easy to do that kind of maneuver.

12 The other thing is I did look at the data that
13 was in the study. It shows from in June on one day,

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14 during the peak times, there was 8 cars that left our
15 area, and during -- in the morning. In the peak time in
16 the afternoon, 12 cars came back.

17 But I can tell you as being a retired person, I
18 do a lot of volunteer work, and I have to use my
19 computer and stuff at home. I can see out on the
20 street, and there is a lot of traffic into our area
21 during the daytime, not just between six and -- seven to
22 nine and four and six in the afternoon. So I'd like to
23 see that particular intersection fixed if you go ahead
24 with this project.

25 VICE-CHAIRPERSON BANES: Thank you, sir.

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1 Are there any questions of this speaker?

2 Thank you.

3 Our next speaker will be Dale -- I have Dale
4 Parker again. That was the person who just talked. I
5 apologize again.

6 Brenda Yee.

7 SPEAKER: She had to leave.

8 VICE-CHAIRPERSON BANES: Mary Olden.

9 Your name and address, please, for the record.

10 MS. OLDEN: My name is Mary Olden. I live at 39
11 Water Shore Circle, in the Pocket. I live in a zero lot
12 line in the Pocket. Prior to buying this house -- this
13 is a somewhat larger home, but again, I have a very
14 small lot, so I am someone who believes in confining
15 sprawl.

16 I'm not a member of any of those organizations.

17 I thought, in the exercise of good citizenship, I ought
18 to educate myself and actually find out the facts for
19 myself instead of simply listening to representations I
20 heard from other persons.

21 So I got this document, and I read it, and what
22 I read in it convinced me to be an opponent of this plan
23 for a number of reasons that other people have
24 discussed. But let me talk about the three things in
25 particular that troubled me.

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1 First, I'd point out that on page 10, about
2 two-thirds of the way through the first paragraph --
3 this is in this report -- it says: The trees are
4 limited in the area in which they can be planted and
5 grow, so they're, accordingly, more ornamental in
6 nature.

7 Well, when I take that sentence apart, which is
8 a syntax, obviously, out of some foreign language, and
9 put it actually in English syntax, what it says is the
10 houses are too close together to plant shade trees.

11 Whoever put this in here, their intent was to
12 obscure the truth rather than to illuminate it. The
13 trees are not limited in the area in which they can be
14 planted. No. The houses are too close together to
15 plant shade trees.

16 And that really fried me for a number of
17 reasons: first, Sacramento prides itself on being the
18 City of Trees; and second, we're in a terrible energy
19 situation, which, in all likelihood, will become a
20 crisis, and we need shade. This is a really bad idea.

21 The second thing I looked at was on page 5,
22 paragraph A. At the bottom says: The proposed
23 development has a net density of 7 DU slash NA. I have
24 no idea what that means. I have no expertise in City
25 planning.

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1 VICE-CHAIRPERSON BANES: We'll find out for you.

2 Staff, tell her what that is, please.

3 MR. PACE: Dwelling units per net acre.

4 MS. OLDEN: I thought it related to density,
5 though I didn't know what those initials stood for.

6 The next part of that sentence is what really
7 got my tension: including the linear parkway. Gee, I
8 thought this was a public park. How could they do that?

9 So I called up a friend of mine who is a city
10 planner for another city and said, "How can they do
11 that?" He said, well, what you typically see is the
12 density includes the property to the middle of the
13 street because the City only has an easement for the
14 street, but it is not proper to include in the density
15 calculation property that belongs in deed to someone
16 else. So what this starts to look like is a gift of
17 public property to the developer.

18 And then the third thing that really troubled
19 me -- and some other people have touched on other
20 aspects of this -- was item E20, on page 19: Garages
21 must be used for parking.

22 I don't actually think that's what they mean. I
23 think what they mean is garages can be used only for

24 parking.

25 VICE-CHAIRPERSON BANES: Ma'am, we appreciate

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1 the English lesson here, but could you just go ahead and
2 make your point that has not been made before?

3 MS. BONSIGNORE: I would like the record to
4 reflect the Vice-Chair's hostility to the opponents.

5 VICE-CHAIRPERSON BANES: There's no hostility.
6 We have a long night ahead of us.

7 I will clear the room.

8 Now please --

9 MS. OLDEN: You can clear the room. What's on
10 the record is on the record.

11 "Storage within the garage area shall be limited
12 so as not to interfere with the parking of two cars in
13 each garage."

14 I'm not sure where staff who prepared this
15 report live, but I don't know anybody who doesn't store
16 stuff in their garage, and I suspect no one on this
17 Commission does either.

18 There were also some troubling things about how
19 short the driveways were for lack of parking. The
20 things that made me become an opponent to this project
21 are out of this report, and this report appears to be
22 designed to obfuscate those problems rather than to
23 illuminate them so they can be considered.

24 Thank you all for your attention. That's the
25 end of my comments. If you have any questions --

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1 VICE-CHAIRPERSON BANES: Ma'am, I do have a
2 question -- statement for you. On the front of that
3 report, there's a line that says "staff contact." So in
4 the future, if you have any questions, you can call
5 staff, and they will answer all those questions for you.

6 MS. OLDEN: I don't have any questions. I
7 understand English perfectly.

8 VICE-CHAIRPERSON BANES: Well, our staff does
9 too. So thank you so much.

10 MS. OLDEN: Obviously, you're incapable of
11 writing it.

12 VICE-CHAIRPERSON BANES: Our next speaker is
13 Heidi Row.

14 Would Michael Reyna please come forward too.

15 MS. ROW: Hello. My name is Heidi Row, and I
16 live at 9 Fleet Court. It's not next to the folks where
17 the projects are maybe going to be taking place, but it
18 is in the Pocket area. It's like a two-minute drive.

19 I've lived in the Pocket area my whole life.
20 I'm a college student, and I have a lot of family and
21 friends that live there. It has a lot of sentimental
22 value to me; and really, the only reason I'm here is,
23 really simply, Pocket Road represents our community.
24 It's scenic. It's beautiful. I have a lot of memories
25 here. I'd hate to see these put up there. Not anything

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1 put up there. These particular ones just don't match
2 the theme we have going on.

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That's all I have.

VICE-CHAIRPERSON BANES: Thank you.

Are there any questions?

Thank you.

Next speaker, Michael Reyna, please. Name and address.

MR. REYNA: My name is Mike Reyna. I live at 817 Shore Breeze Drive. For the record, I am not a member of the Pocket Protectors. And also for the record, I want to say that I'm not here in opposition to either the developer or Tina Thomas, who is a fine attorney.

I have served on your esteemed Commission and was chairman many years ago.

VICE-CHAIRPERSON BANES: Welcome back.

MR. REYNA: Thank you.

I actually returned to Sacramento about three months ago.

COMMISSIONER VALENCIA: Good. There's vacancies.

MR. REYNA: I may see the mayor about a vacancy -- about filling the vacancy.

I returned to Sacramento about three months ago.

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I moved into the Riverlake area. I'm not along the fence line, but I noticed pretty quickly there was a brouhaha. Since it was a planning brouhaha, it kind of caught my eye because of my prior service for this Commission, so I tried to educate myself.

with all due respect to the developer and to the

7 fine attorney, I do believe that this project is out of
8 character with the community. It does not directly
9 affect me. I'm not along the fence line.

10 I do believe, as it was stated earlier, that
11 this Commission has the full latitude to make changes,
12 and I'd encourage you to consider other alternatives to
13 what's being proposed. In my opinion, it is, again, out
14 of character because of the density, and also the
15 design, with the rest of the community.

16 And I do believe that there is a
17 health-and-safety issue with regard to access to fire
18 trucks. I know that they can have access, but with
19 regard to the comments --

20 VICE-CHAIRPERSON BANES: That's been brought up.
21 Can I just ask a question of staff? Has the
22 fire department looked at this and said it's okay, or
23 not okay? That should answer the question. I've heard
24 it, like five times tonight.

25 MR. PACE: Yes, they have reviewed this. They

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1 provided advisories for the project development.

2 VICE-CHAIRPERSON BANES: Thank you very much.

3 MR. REYNA: Again, I'm speaking in my opinion
4 that there's a potential problem with the closeness of
5 the homes and the access. You don't have to look too
6 far to see where other problems have occurred, in the
7 oakland hills, when fires break out.

8 Again, thank you for your attention, and I urge
9 you to consider the welfare of the community when you

10 make your decision tonight, and consider alternatives to
11 the project.

12 VICE-CHAIRPERSON BANES: Thank you very much.

13 Stacie Eurie, please, and then following will be
14 Sally Hitomi. Is she not here? Okay.

15 You can come forward and sit in the chair.

16 Thank you so much.

17 MS. EURIE: Stacie Eurie, 718 Bridgeside Drive.

18 A comment and then a question slash concern.

19 First of all, I am appreciative that a written
20 transcript does not capture body language and/or tone.
21 I'd like to note for the record the condescending,
22 biased, and inappropriate tone of the Vice-Chair this
23 evening.

24 My second question is comments and concerns. My
25 concern is I do live on the fence line. I have concerns

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1 about the double fence. I understand from the
2 developer, during the time they were originally going
3 through the excavation, that they are going to build up
4 the soil, the ground, in order to create this double
5 fence, that is actually going to be higher than the
6 existing fence.

7 I'm not quite sure why that's appropriate,
8 especially in light of the fencing that was provided in
9 Reflections in terms of them tearing it down and putting
10 another [unintelligible]. Again, I think, from an
11 aesthetic point of view, it is obviously very negative,
12 and I have very negative opinions about that. I don't
13 know why that's appropriate or necessary.

14 Thank you.

15 VICE-CHAIRPERSON BANES: Any questions of this
16 speaker?

17 Seeing none, we'll move on.

18 sally, move forward, please.

19 MS. HITOMI: My name is Sally Hitomi. I live at
20 8 Sand River Court. I am not in the Riverlake
21 community; however, I am a lifelong resident of
22 Sacramento, and I've been a Pocket-area resident since
23 1981.

24 During our last home purchase, my husband and I
25 discussed moving to the Roseville area because it seemed

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1 that there were more new and affordable homes up in that
2 area as opposed to staying in the Pocket area; however,
3 having grown up in south Sacramento, I convinced him we
4 should stay here.

5 My reasons for wanting to stay in the area had a
6 lot to do with the beauty of the area, especially Pocket
7 Road; therefore, the desire to stay in the Pocket area
8 won out over having a new, affordable home and resulted
9 in the purchase of a 15-year-old home, that needed
10 renovation.

11 I am a realist, so I know that the particular
12 stretch of Pocket Road in question is going to be
13 developed. I'm just hoping that the best housing
14 development for that area of land be approved. I do not
15 think that the Regis home proposal is the best choice.

16 Please take the time to digest the information

17 supplied tonight, and then allow time for the mockups to
18 be built, and then go and see them. I think that after
19 that you will agree that the Regis Homes proposal was
20 strictly based on wanting to make the most amount of
21 money possible without consideration to what the end
22 result of the development would be.

23 Therefore, due to a host of reasons, the least
24 of which is the inadequacy of the EIR, I ask that you
25 please deny this project.

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1 Thank you for your time.

2 VICE-CHAIRPERSON BANES: Thank you very much.

3 Are there any questions?

4 Thank you very much.

5 Last speaker, Carolyn Veal Hunter. I'm sorry.

6 I couldn't read your --

7 MS. VEAL HUNTER: Veal Hunter.

8 VICE-CHAIRPERSON BANES: Name and address.

9 MS. VEAL HUNTER: Carol Veal Hunter, 7795 Dutra
10 Bend Drive.

11 I was not going to speak because there was a
12 long list of speakers, but I was compelled after
13 listening to this, so I know no one is going to
14 congratulate me for having the gumption to speak here.

15 I live in the Dutra Bend area. I can guarantee
16 you not less than -- I'm not there all day -- not less
17 than one or two times a day, you can see somebody come
18 down Pocket Road too far, and they need to make a
19 U-turn. Sometimes they make the U-turn right there,
20 obstructing traffic. Sometimes they come in the exit.

21 other times, they make the U-turn using the entrance and
22 the exit. There's been many near collisions. I think
23 it's very important that we take that traffic issue into
24 consideration.

25 second, I've been following this situation for

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1 the last three years, taking out blocks of time. I came
2 in earlier this evening. I went back home to take my
3 son to his Cub Scout meeting and then came back because
4 it's that important to me.

5 I think it's important to note, when I first
6 came here, it was standing-room only, and clearly, the
7 number is dwindling. There were people's names on the
8 list that had to leave. Everybody can't be here.

9 It's important to note people in this room are
10 just a microcosm who care about this. There were about
11 900 folks who voted for annexation of the 1500 people,
12 and we all know everybody who cares about this cannot be
13 here.

14 The previous two meetings that were scheduled, I
15 could not get to because I work in the legislature, and
16 I was tied up with legislative session. This meeting, I
17 could be at. I'm sure there are people who could not be
18 at this meeting who were at the other meetings.

19 Finally, I just want to say, I don't know
20 whether any of you have been out here. I don't know if
21 you guys have taken the time. I know you're public
22 servants, all but volunteering your time on this
23 project, but I think it's important to note that this is

24 a project, with the level of controversy that we've
25 seen, that would be noteworthy of taking the time and

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1 walking the project.

2 Every day when I drive into Dutra Bend, it just
3 befuddles me how they're really going to put two houses
4 on that hundred and twenty feet that's been described,
5 and a street, and that it really be accessible.

6 I drive down Pocket Road every day to take my
7 children to school. And granted, we all said there
8 needs to be some development there, but it does not need
9 to be a two-mile, solid row of houses down Pocket Road.

10 I urge the Commission to deny this project and
11 go back to the drawing board, ask Mr. Hartman to please
12 listen to the community. We're taking this time out of
13 our day and our evening and our time away from our
14 family because we care about our community.

15 VICE-CHAIRPERSON BANES: Any questions?

16 COMMISSIONER BOYD: No. I just wanted to thank
17 this lady for deciding to speak and remind us all that's
18 what this process is all about. It's a community
19 process. Everybody's comments are completely open and
20 welcome.

21 VICE-CHAIRPERSON BANES: It's my job as the
22 person that stands here to make sure the meeting runs
23 smoothly. I'm sorry if you felt gruff with me. I'm
24 just not feeling very well, so I'm sorry.

25 Can we have the applicant up, please.

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1 MS. THOMAS: Good evening. Tina Thomas.
2 we're all tired. Our nerves are frayed. We all
3 have very strongly held opinions about what we're doing
4 here. The neighbors are very concerned about issues in
5 their community. We think we're doing the best project
6 we possibly can on this site.

7 One of the commenters commented that perhaps we
8 hadn't had enough community meetings, that perhaps my
9 client is a bit dictatorial. I have to disagree. There
10 were 30 community meetings. We worked very hard. We
11 started off with a project a hundred and sixty-four
12 units with two stories on each side. We are now down to
13 139.

14 We have a mix of single-family -- excuse me --
15 of one-story and two-story units. We think we've done a
16 very good job of providing diversity in floor plans. We
17 think we've done an excellent job in providing different
18 kinds of materials, a very high-quality project, and we
19 think it's going to be a beautiful project. We strongly
20 believe that. We know there's a difference of opinion
21 here.

22 We have done the EIR. We've worked hard with
23 the City. The EIR has analyzed the environmental
24 impact, and they've concluded that there are none.

25 That's where we are today. It's a different

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1 situation than the situation that existed when we were
2 here two years ago. Then the question before the court

3 was, Is there a fair argument? In that situation you
4 defer to the project opponents, and that compels whether
5 or not an environmental impact report is required.

6 Once you've done the environmental impact
7 report, the test is whether or not there's substantial
8 evidence to support the decision. I believe that there
9 is in this situation. Everything that we have put forth
10 here is supported by a lot of evidence, a lot of
11 analysis by people, including SACOG, including the
12 Riverlake Community Association. And what we have here
13 is what we believe to be a very fine project.

14 I did want to address a couple of the concerns
15 that were raised. I won't spend a lot of time. Again,
16 we're all tired. We need to move on.

17 The environmental impact report: There's an
18 initial study that basically ferrets out where you have
19 potentially significant environmental impacts and where
20 you don't. All potential significantly environmental
21 impacts are analyzed in the EIR exhaustively. Those
22 that are not analyzed are set forth in the initial
23 study, and the initial study determines -- it states why
24 those impacts are less than significant. It's a very
25 clear process.

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1 I should have mentioned in my opening remarks
2 that the City Council did rescind the prior approvals.
3 we asked them to do that. That's what the Court said,
4 and we said, "You guys need to rescind these approvals."

5 So it is de novo, and you have the discretion to
6 approve this project, to deny this project, to approve

7 an alternative, to do whatever you want. The discretion
8 is with you. We don't deny that.

9 I agree with Ms. Gilbert and with
10 Ms. Brandt-Hawley. And it's really nice to agree with
11 her on something. Believe me, I think she's an
12 excellent lawyer. We're friends, and I think she does
13 an excellent job and represents her clients very well.

14 with regard to the canyoning -- it was raised by
15 a number of speakers; I have to address this -- that was
16 an issue that was raised in the context of the
17 preapplication meeting more than, I think, three years
18 ago. It's an issue that has gone away. We no longer
19 have the same project in front of you. It's no longer a
20 hundred and sixty-four units with two stories on each
21 side.

22 Let's put this issue to rest. It's no longer
23 canyoning. Staff has said in their staff report they
24 don't believe that's an issue anymore. So I hope that
25 we can set aside the issues that have been dealt with by

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1 these design reviews.

2 with regard to landscaping, once again, there's
3 400 trees on the site. We're adding an additional 400
4 trees: at least one shade tree in the front of every
5 home and more ornamentals around. We're very much a
6 part of the City of Trees. We are not turning our back
7 on it. This is not going to be the Sahara desert. It's
8 going to be beautiful. It's going to be landscaped very
9 well.

10 As the numbers in the EIR show -- these are in
11 the EIR -- the landscaping coverage for the Pocket
12 Protectors' plan is 23 percent, and ours is 27 percent.
13 It's not a dramatic difference.

14 Another statement was made that we're asking for
15 concessions. We're not asking for any concessions.
16 We're consistent with everything that is in the PUD
17 guidelines with the exception of the street. Again, I
18 don't think these streets are dramatically different
19 than what exists in a lot of other parts of Sacramento.

20 Another comment that keeps coming up is the
21 substandard lots. There's smaller lots. We're moving
22 towards -- as you heard from SACOG, we're moving towards
23 smaller lots and smaller homes. This is just the way
24 the trend is. It's not only for affordability, but for
25 the use of infrastructure and to make sure we're not

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1 chewing up the open space. I think one of the speakers
2 said that as well.

3 I did want to make sure -- on the traffic issue,
4 it's come up a couple times whether or not we are
5 responsive to CalTrans. I believe we were responsive to
6 CalTrans. I know that Samar Hajeer and your staff had
7 some communications with CalTrans, and I'd really like
8 her to address those issues directly with you.

9 There's a question about the fact that we've
10 been on site, we did -- we did start construction after
11 the Court denied the stay that was requested by the
12 Pocket Protectors. We did start construction at that
13 time. We removed six trees. I think somebody said we

14 removed all the trees. Please don't think we did that.
15 We removed six.

16 We have done everything we can to be responsive
17 to the Court, to the City, and to the Riverlake
18 Association to keep that site as good looking as it can
19 be, given that it's in the midst of construction. But
20 we complied with the Court order, and I think there's no
21 question that we did that.

22 I guess that's it for me, unless Bill might
23 have -- he's fine, so I think that's the end of our
24 presentation. I would like -- oh, I did want to make
25 one other comment, this issue about the developers

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1 participating in the preparation of the EIR.

2 I think that this is a very important point for
3 you. And I'm quoting from a case that was cited, I
4 think fairly extensively, in Mr. Saruvo's letter, but
5 Mrs. Brandt-Hawley made a statement that never had she
6 seen a situation where the applicants had participated
7 in not only the draft but in the final EIR. I think
8 this quote kind of puts that to rest. It's from the
9 LaVina case.

10 It says: Preparation of an EIR is not a
11 solitary ruminative process but an inquisitive,
12 cooperative one. It was, the applicant and his expert
13 naturally can and will be heavily involved, perhaps to
14 the point of initially drafting the text.

15 And in confirming the propriety of the applicant
16 assisting and responding to comments on a draft EIR, the

17 court has this to say. "In accordance with consistent
18 practice and judicial application, the independent
19 review analysis and judgment test, not the proposed
20 physical draftsman test, applies to the EIR as a whole,
21 including responses to public comment."

22 In other words, where the lead agency and
23 developers consult and write the draft EIR or the
24 response to comments is not important. What is
25 important is that the final EIR reflects the agency's

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1 independent judgment.

2 That's what we are expecting you to do. So I
3 think that question puts that to rest.

4 Finally, with regard to lot 14 and the fact that
5 the garage is five feet from the fence, we can move that
6 up to ten.

7 VICE-CHAIRPERSON BANES: Any other questions for
8 the applicant?

9 COMMISSIONER BOYD: Tina, could you just address
10 really quickly from the perspective of the applicant the
11 open space that was addressed earlier and the concern
12 around barbecues and other things outside?

13 MS. THOMAS: The way the lots are situated --
14 the homes are situated, they're at the lot line. There
15 is this no-build easement in there. We are more than
16 happy to suggest -- we can't, obviously, incorporate a
17 CC&R into the Riverlake Community Association's CC&Rs,
18 but we can suggest an amended amendment to the CC&Rs
19 that would say that people can't temporarily store,
20 temporarily place strollers, bikes, barbecues. We can

21 do the whole list.

22 our intent is that that is the facade of the
23 homes; that people aren't storing anything there,
24 they're not setting up barbecues, they're not grilling
25 there. We're happy to address a CC&R to address that

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1 issue, and we'll agree to that condition.

2 VICE-CHAIRPERSON BANES: We usually don't put
3 those requirements before the board.

4 MS. THOMAS: I know that that's true, and I
5 remember on Natomas Field we agreed to the
6 nonspeculation clause as part of the CC&R. I know it's
7 unusual, but we're willing to suggest and promote it.
8 We can't actually incorporate it.

9 VICE-CHAIRPERSON BANES: Okay? If that's it, no
10 more questions, we will close the public meeting part of
11 it. Excuse me.

12 MS. HAJEER: Good evening. My name is Samar
13 Hajeer, Department of [unintelligible].

14 COMMISSIONER VALENCIA: I'm sorry, Madam Chair.
15 You'll have to slow down, ma'am. I'm having a
16 very difficult time making out what you're saying. I
17 apologize. I suspect others may need as well.

18 MS. HAJEER: Do you want me to start over?

19 COMMISSIONER VALENCIA: Not necessarily. Give
20 us a paraphrase of where you began and go from where you
21 are now. When you received the --

22 MS. HAJEER: [Unintelligible].

23 COMMISSIONER VALENCIA: Our friends at CalTrans

24 who pledged to be much more involved in local planning,
25 I have a particular question for you. Given your

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1 analysis, at what level beyond the threshold of your
2 findings would you have found an impact? I had a hard
3 time assessing where that ledge or edge or threshold
4 was, so tell me what you concluded, and how, and what
5 might have changed that.

6 MS. HAJEER: [Unintelligible].

7 COMMISSIONER VALENCIA: Of course. That's the
8 baseline.

9 MS. HAJEER: That's the baseline. And we
10 [unintelligible].

11 COMMISSIONER VALENCIA: I'm looking for the
12 assessment of -- which looks to me like the baseline,
13 the area as it exists now, and how you assess the impact
14 in relation to the project that's proposed, the level of
15 traffic that the project would deliver.

16 MS. HAJEER: What we look at is the level of
17 service for the intersection. Whatever intersection we
18 have, if they exist in, say, A, B, C [unintelligible].

19 COMMISSIONER VALENCIA: One last question: I'm
20 still trying to get at the frame of reference that you
21 used to assess, and I see the resource mentioned on
22 page 16 of the exhibit in the Islands at Riverlake final
23 EIR is -- the number of trips generated by the proposed
24 project was estimated using trip rates published in Trip
25 Generations, seventh edition, Institute of

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1 Transportation Engineers, 2003.

2 MS. HAJEER: Yes.

3 COMMISSIONER VALENCIA: Is there something in
4 there that says when you add X number of lives or X
5 numbers of cars, that that translates into what we
6 identify as impact?

7 It's one thing to cite the source to me, but
8 it's rather meaningless unless there is some sort of
9 generation, computation, or formula that relates to this
10 particular project or this number of lives or this
11 number of projected vehicles. That's the level of
12 explanation I'm looking for.

13 MS. HAJEER: Actually, go back to trip
14 generation. Page 16 [unintelligible].

15 COMMISSIONER VALENCIA: Are you referring to
16 table 10?

17 MS. HAJEER: No, figure 10.

18 COMMISSIONER VALENCIA: On what page? Oh, I beg
19 your pardon. That's --

20 MS. HAJEER: Figure 10 --

21 COMMISSIONER VALENCIA: I apologize. I spotted
22 it.

23 MS. HAJEER: That's for baseline.
24 [Unintelligible].

25 VICE-CHAIRPERSON BANES: Does that answer your

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1 question?

2 COMMISSIONER VALENCIA: Yes, it does.

3 VICE-CHAIRPERSON BANES: Thank you so much.
4 Thank you for your help.

5 MS. HAJEER: Can I add something to my talking?

6 VICE-CHAIRPERSON BANES: Sure.

7 MS. HAJEER: I'm sorry. In this project we have
8 comments from solid waste departments, who look at the
9 project to make sure that they got in -- the private
10 road's okay with them, and they have their comments
11 regarding the timing of what time they're supposed to be
12 for collection. So there should be no garbage cans
13 unless the day of the collection.

14 Also, to have our department to look at the
15 private road [unintelligible].

16 COMMISSIONER VALENCIA: What happens if the
17 suppositions or presumptions are defeated and there's
18 not compliance in the project? Then so, too, are your
19 conclusions, correct?

20 Once the entitlement is granted, notwithstanding
21 the condition -- if the conditions aren't complied with,
22 you can't revoke this entitlement. There's no effective
23 way to change this. So then your presumptions go out
24 the door.

25 MS. HAJEER: [Unintelligible].

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1 VICE-CHAIRPERSON BANES: Thank you.

2 COMMISSIONER NOTESTINE: While you're still
3 here, one of the speakers mentioned left turn lanes into
4 the project, and I'm assuming -- off site -- I'm
5 assuming those have already been engineered by the City?

6 MS. HAJEER: Yes.

7 COMMISSIONER NOTESTINE: And they meet City
8 standards for community lanes?

9 MS. HAJEER: Um-hum.

10 VICE-CHAIRPERSON BANES: Any other questions?

11 Thank you very much.

12 we're going to close the public hearing part of
13 this. I would like to have a motion made and
14 discussion, please.

15 MR. PACE: We just have one correction we'd like
16 to note on page 14, the notice of decision of findings
17 of fact. Item D -- and it's also to the recommendation
18 on the prior couple pages -- indicates a recommendation
19 to approve the PUD guidelines amendment, and it should
20 state "recommend approval," because the final decision
21 is actually made by the City Council for that item. So
22 if the Commission decides to approve this project, in
23 that particular item, it would be a recommendation of
24 approval to Council.

25 VICE-CHAIRPERSON BANES: Thank you.

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1 COMMISSIONER BOYD: Madam Chair, I guess I'll
2 start. Let me just start by saying that this process,
3 as long as I've been on the Commission, has been a
4 difficult one. I've been on this Commission
5 approximately 15 months, and the history of this
6 project, of course, started long before that.

7 To speak what's before me, when I say it's
8 difficult, it's not difficult -- and I'm not sure where
9 I stand on this -- it's difficult because I see the

10 commitment and passion from this community reflected in
11 a request to the Commission to deny this project.

12 It is my job to make sound land-use decisions
13 and to use my best judgment in doing that. And to be
14 forthright with the people in this room and the staff
15 and my colleagues on the Commission, I'll be making a
16 motion to support this project.

17 With that said, I'd make a motion to support
18 this project, noting a change to lot number 14 to be the
19 ten-foot setback, and then also noting staff's
20 recommendation to change the existing language to the
21 recommend approval to the City Council.

22 So with that said, I would put a motion to
23 approve this project.

24 VICE-CHAIRPERSON BANES: Is there a second?

25 COMMISSIONER NOTESTINE: I'll second the motion.

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1 I'm a bit befuddled by the arguments against the
2 project. One of the things that we're striving for is
3 to have buildings face onto public streets, to provide
4 surveillance of public spaces through front doors, front
5 room windows, those sorts of things.

6 And the other thing is the whole notion of
7 having a street adjacent to a fence -- a back-yard fence
8 of a neighboring property as opposed to having a back
9 yard against the fence of a neighboring property. I
10 would feel much more comfortable, if I were that
11 neighboring property, to have a back yard as opposed to
12 a fence that's uncontrolled a lot of the time and have
13 someone have the ability to pull in there, hop over the

14 fence, and do whatever.

15 I think -- if anything, I think this project,
16 from what we've been trying to do in the community, is a
17 lot lower density than I would like to see, but I can
18 see that in order to get anything approved here, it's
19 going to have to be a lower-density project, a one-story
20 project, which consumes more land than what we would
21 like to see.

22 That's all I have.

23 VICE-CHAIRPERSON BANES: Thank you.

24 Commissioner Woo?

25 COMMISSIONER WOO: Unfortunately, I don't share

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1 my colleagues' opinion on this. I think it's much too
2 much of a project in this orientation. There's some
3 inconsistencies in the EIR. There's not enough space
4 for it.

5 We've heard testimony there might not be enough
6 space for shade trees, for example. The CC&R is going
7 to require the landlord have five 15-gallon trees.
8 Looking at the landscape design, I don't see where
9 they're going to stick those besides the ones that are
10 provided for each home.

11 My mind is made. I think I will vote against
12 this project.

13 VICE-CHAIRPERSON BANES: Mr. Valencia.

14 COMMISSIONER VALENCIA: I would agree with
15 Commissioner Woo and respectfully disagree with my other
16 colleagues on the shortened Commission. In ten years on

17 the Commission, I have rarely seen projects return to
18 the Commission in this fashion. There's no question,
19 speaking bluntly, that this one is probably about as
20 politicized a project as has ever returned to the
21 Commission, and it remains as tortured now as it was the
22 first time.

23 The changes notwithstanding, frankly, in many
24 respects, they represent disimprovements as opposed to
25 improvements. The, what some might frame, innovative, I

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1 think, are truly preposterous kinds of moves to public
2 parkway, to the tree line.

3 My objective question to staff on the tree issue
4 was the observation by one of the witnesses that when
5 you build the front lawn -- this relates to the housing
6 stock proposed north of Pocket Road, south of the
7 private road -- when you build the front-lawn parcels as
8 proposed and include the walkway that's now been
9 incorporated to the project, how is it conceivable that
10 you can actually plant shade trees that will survive for
11 what level there is?

12 I'm disappointed, as I am from time to time at
13 these hearings, that we don't have everybody who should
14 comment; and frankly, this is one for the arborist to be
15 here. We have those lapses every now and then.

16 I suppose -- and I will make a substitute motion
17 to deny the project, citing, really, that the reality of
18 this difficult-to-improve parcel doesn't mean that it's
19 impossible. I think we've heard over and over and over
20 again that there are options that simply haven't been

21 explored by the applicant; in fact, if anything, there's
22 just been this persistence that it is about a particular
23 stock, and not about the alternatives, to the point
24 where we're presented with the notion -- and I resolved
25 it in my mind that it's far from clarification -- that

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1 it's a substantive change in the definition of what can
2 be built here in order to accommodate that.

3 I remember mentioning at the first hearing on
4 this matter, notwithstanding that this is de novo,
5 asking at the time whether or not an underlying zoning
6 change would be required. That question was deferred by
7 staff at that time, saying more research was needed. In
8 truth, the answer has never been forthcoming. This
9 certainly looks to me like a substitute for that.

10 So I would offer up a motion to reject project.
11 It is violative of any number of notions of sound
12 principles of planning, but the proposed and recommended
13 findings of fact simply are unsupportable.

14 COMMISSIONER WOO: I would second that motion.

15 VICE-CHAIRPERSON BANES: Okay. I want to speak
16 to the substitute motion. I think that we've approved
17 many projects like this in Natomas, where houses are
18 very close together, and the density has been this way,
19 and in many projects that we've approved. Almost all of
20 downtown and midtown are built in this way, whether you
21 live on a numbered street or you live on a lettered
22 street, as to how much property that you have.

23 This is a project that -- this man owns this

24 land, and he has gone and bent over backwards to try to
25 help everyone, with meetings and working with all the

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1 different entities, stopped his production and went
2 there, and I just don't know where this --

3 COMMISSIONER VALENCIA: You know that stoppage
4 was compelled?

5 VICE-CHAIRPERSON BANES: Yes, I know. I was
6 just saying it was compelled. I'm just saying what the
7 person has gone through for this.

8 I'm sorry. That's all I have to say.

9 COMMISSIONER VALENCIA: I'll respond briefly.
10 We don't usually engage in colloquy, but I couldn't
11 disagree more with the notion of the process, let
12 alone -- the one thing you've introduced in this
13 discussion is something that, as a matter of record, is
14 irrelevant.

15 We're supposed to approach these projects in and
16 of their own situation. While we often refer to
17 examples as predecessors of ours on this very
18 Commission, I think it was very aptly and astutely
19 pointed out it's the right project, potentially, but
20 somewhere else in the city.

21 That's really what you're pointing out when you
22 spoke to a completely inanalogue, irrelevant discussion
23 for, say, R Street or 21st or even Natomas, for that
24 matter, which is, frankly, raw dirt, where we are at
25 risk, as I pointed out over and over and over again, of

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1 repeating errors that in some part already exist:
2 canyoning, walls that were represented to us in one way.

3 Frankly, as prodevelopment of a history as I
4 have on this Commission, there's one thing I have come
5 to conclude; and that is, that representations made here
6 are often not trustworthy.

7 One of my first experiences on this Commission
8 involved a parcel and a development just down the road
9 on Pocket Road where the long-held pledge had been we'll
10 never see gates. They wound up being the last gated
11 community, at least at the time, in the Pocket area.

12 We vowed not to make those same errors in
13 Natomas, and yet the work of the Commission, on occasion
14 and altogether routinely, is overridden by our
15 appointing members of Council to approve inappropriate
16 gated communities and the like.

17 Anyway, I just wanted to respond. I disagree.
18 I respect the hard work and the notion that you've put
19 into it, but I disagree, respectfully, with the
20 conclusions in form.

21 MR. KWONG: This is on the substitute motion,
22 which is to deny the project.

23 Commissioner Valencia?

24 COMMISSIONER VALENCIA: Aye.

25 MR. KWONG: Commissioner Notestine?

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1 COMMISSIONER NOTESTINE: No.

2 MR. KWONG: Commissioner Woo?

3 COMMISSIONER WOO: Deny.
4 MR. KWONG: Commissioner Boyd?
5 COMMISSIONER BOYD: No.
6 MR. KWONG: And Vice-Chair Banes?
7 VICE-CHAIRPERSON BANES: No.
8 MR. KWONG: The motion fails.
9 COMMISSIONER VALENCIA: I'll question on the
10 motion in the nay, please.
11 MR. KWONG: Commissioner Valencia?
12 COMMISSIONER VALENCIA: No.
13 MR. KWONG: Commissioner Notestine?
14 COMMISSIONER NOTESTINE: Aye.
15 MR. KWONG: Commissioner Woo?
16 COMMISSIONER WOO: No.
17 MR. KWONG: Commissioner Boyd?
18 COMMISSIONER BOYD: Aye.
19 MR. KWONG: And Vice-Chair Banes?
20 VICE-CHAIRPERSON BANES: Aye.
21 MR. KWONG: Just to report now, the general
22 plan -- excuse me -- the community plan amendment will
23 move forward to City Council that they adopt the
24 recommendation of City staff because they did not
25 receive the affirmative five votes.

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1 The special permit did not receive the four
2 votes necessary to carry that out forward, so that's
3 considered denied.

4 And the tentative map and subdivision map
5 modifications received three affirmative votes, which is
6 the approval of the tentative map and the subdivision

