Item No. 5
Supplemental Material
For
City of Sacramento
Planning and Design Commission
Agenda Packet

For the Meeting of: April 23, 2020

☑ Additional Material
☐ Revised Material

Contact Information: Jose Quintanilla, Assistant Planner, jquintanilla@cityofsacramento.org, (916) 808-5879

Project Name: 3702 7th Avenue Subdivision (P19-060)

Subject: Emailed comments from neighbor

Attachments
1: Including email correspondence from neighbor expressing opposition to the project.
Thanks Jose, I'll contact ezpermit.

question....

I note they attached plans are not what was built. the floorplan is different and the window trim, type of doors and garage doors do not match this plan, etc.

Would revised plans be stored somewhere else? Are these plans maybe representative but not actual?

Please advise.

Vince

On Monday, April 20, 2020, 10:49:34 AM PDT, Jose Quintanilla <jquintanilla@cityofsacramento.org> wrote:

Good morning Vince,

Attached is the Planning approval for the construction of the two duplex units. I don’t have Building Permit info and recommend you contact ezpermit@cityofsacramento.org.

Thank you,

Jose R. Quintanilla
Assistant Planner | North Area | Planning Division
Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
(916) 808-5879 | jquintanilla@cityofsacramento.org

E-mail correspondence with the City of Sacramento (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.
Good morning Jose,

How do I obtain the application/documentation/records from approval for construction of 3702 7th ave? I would like to see what conditions were agreed by the owner when pulling permits. Normally I would go to the public counter for help....but though I would ask you.

Thanks,

Vince

On Wednesday, April 15, 2020, 11:29:18 AM PDT, Jose Quintanilla <jquintanilla@cityofsacramento.org> wrote:

Hi Vince,

Pleasure speaking with you earlier. Attached is the Tentative Subdivision Map for this project as well as a draft version of all of the conditions that this map will have to satisfy in order to split the lot. Please send me your comments so I can include them in our packet to the Commissioners.

Additionally, I have attached our most recent ADU regulations. Section 36 on Page 10 has the relevant bits you are most interested in. Don't hesitate to reach out if you have questions. You can also reach our counter planners at planning@cityofsacramento.org.

If you'd like to speak to someone regarding the format of the Planning and Design Commission hearing please call Antoinette Batté at 916-808-5476. She is expecting your call.

Thank you,

Jose R. Quintanilla
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(916) 808-5879 | jquintanilla@cityofsacramento.org

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Thanks Jose,

That timeframe works great. I await your call

Vince

> On Apr 15, 2020, at 10:24 AM, Jose Quintanilla <JQuintanilla@cityofsacramento.org> wrote:
> 
> OK. I will give you a call shortly (within the half hour if that works for you) so we can discuss the specifics of this project as I am the assigned planner.
> 
> Your concerns regarding the format of the public hearing and your contact information have been forwarded to our management staff as they deal with those specifics.
> 
> Thank you,
>
> Jose R. Quintanilla
> Assistant Planner | North Area | Planning Division Community
> Development Department
> 300 Richards Blvd., 3rd Floor
> Sacramento, CA 95811
> (916) 808-5879 | jquintanilla@cityofsacramento.org
> 
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> 
> -----Original Message-----
> From: My Bills <mybills@sbcglobal.net>
> Sent: Wednesday, April 15, 2020 10:18
> To: Jose Quintanilla <JQuintanilla@cityofsacramento.org>
> Subject: Re: P19-060
> 
> Jose,
> Yes i have objections and was writing you an email this morning. I decided to try the city manager/upper mgmt to see if common sense could prevail and the item be postponed until a true public hearing could be held.
> 
> I did receive and see the new notice. And i object to the format as a public meeting that is closed to the public is not a public meeting. I was attempting to address that issue first.
> 
> As it seems to have landed back in your court i’d like to request a phone meeting with you so that i may better understand the process and get project specifics.
> 
> Im available now, or we could schedule a phone call at a convenient time
>
> Please advise
On Apr 15, 2020, at 10:06 AM, Jose Quintanilla <JQuintanilla@cityofsacramento.org> wrote:

Good morning Mr. Cheema,

I understand you have some concerns regarding the subdivision of the property at 3702 7th Avenue. This item is going to hearing on Thursday, 4/23 at 5:30 PM. This meeting will be held remotely and all public comments regarding this project should be submitted in writing prior to the hearing. Please see the attached hearing notice. You should have or will shortly receive a mailed version of this notice as you are within a 300’ radius of the subject property.

Please email me your concerns or questions regarding this project so that I can either answer them prior to the meeting and/or include your comments regarding the project in the public record. All comments will be provided to Planning and Design Commission members prior to the hearing.

Please call me at 916-808-5879 if you have any questions. If you reach my voicemail, please leave a message with your contact information. As I am working remotely, I do not have access to my caller ID and cannot see who has called me. Alternatively, we can set up a time to talk about the project. What would be the best number to reach you?

Thank you,

Jose R. Quintanilla
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300 Richards Blvd., 3rd Floor
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(916) 808-5879 | jquintanilla@cityofsacramento.org

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-----Original Message-----
From: Jose Quintanilla
Sent: Tuesday, April 7, 2020 12:19
To: My Bills <mybills@sbcglobal.net>
Subject: RE: P19-060

Howdy back!

No sir that has been cancelled as well. Our next meeting on 4/23 is scheduled to proceed as planned but as a Zoom-type meeting. The format will be similar to that of tonight's City Council meeting. I will provide you with further info as to how to listen in/watch and how you can provide comments as well once I receive further guidance from our management team.

Thank you,

Jose R. Quintanilla
Assistant Planner | North Area | Planning Division Community
Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811
Howdy Jose,
Is the 4/9 meeting still scheduled?

Thanks

Vince

On Mar 25, 2020, at 10:56 AM, Jose Quintanilla <JQuintanilla@cityofsacramento.org> wrote:

Good morning,

Tomorrow's meeting has been cancelled. New hearing notices for this item will be mailed out shortly as the item has been rescheduled for the April 9 Planning and Design Commission meeting. Should that change I will let you know directly.

Thank you,

Jose R. Quintanilla
Assistant Planner | North Area | Planning Division Community Development Department
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Sacramento, CA 95811
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-----Original Message-----
From: My Bills <mybills@sbcglobal.net>
Sent: Wednesday, March 25, 2020 10:48
To: Jose Quintanilla <JQuintanilla@cityofsacramento.org>
Subject: P19-060

Jose,
I understand this hearing was rescheduled for 3/26. Is it really going to happen? I tried to attend the first one only to find out on arrival the meeting had been closed. I would like to avoid an unnecessary trip to city hall if the hearing for this will be postponed again

Vince

<P19-060_NOPH.pdf>
April 20th, 2020

Good Day. As I just got off the phone with a city staff member.....I would like to stress that I have had great constructive conversations with each person I have communicated with and have been treated professionally. However I still feel strongly my position should be addressed.

I am concerned that the city Planning and Design Commission meeting scheduled for 4/23/2020 is closed to the public.

I request that the public hearing for 3702 7th Avenue Subdivision (P19-060) be postponed until such time that the meeting can provide for effective public participation. I intend to oppose the city staff’s recommendation of approval. However the format of the meeting does not appear to adhere to the Bagley-Keene/Brown Act and subsequent executive orders n-25-20 and n-29-20. As the only adjacent parcel to the subject property I will incur undue harm from the approval of this project without the ability to participate in the required public hearing.

As noted on the notice of public hearing dated 4/8/2020 the Public Hearing scheduled to begin at 5:30PM on April 23rd, 2020 is “closed to the public”. Members of the public are encouraged to submit public comments via email to the staff contact listed below.

N-29-20 allows local legislative or state bodies to hold public meetings via teleconference without having to provide a physical location from which members of the public may observe the meeting and offer public comment, as long as members of the public are allowed to observe and address the meeting telephonically or otherwise electronically, subject to specified notice and accessibility requirements.

Although N-29-20 does waive physical presence requirements; it does specify that the public be “allowed to observe and address the meeting”. A pre-hearing email is not an acceptable “telephonically or otherwise electronically” means of participating in this meeting. In particular, this format is grossly unfair to the public, biased towards city staff recommendations, and renders the hearing a hearing in name only.
Given that the recipient of the comment is the city staff member advocating for approval of the project this is tantamount to discovery for the prosecution but not the defense. This process gives an unfair advantage to project proponents. Providing this comment to city staff would result in city staff providing this information to the applicant as well as tailoring their approval presentation to minimize opponents concerns. In fact this has already happened as Jose alerted applicant that I had objections to the project. After spending 5 and a half weeks trying to get Jose on the phone; I resorted to the chain of command to arrange a phone meeting. On 4/15 I spoke with Jose about the project and my objections. On 4/16 I was contacted by the applicant referencing my concerns. This is an inherently biased process and wholly inconsistent with the intent of the Brown act; notwithstanding the temporary adjustments from Governor Newsome’s executive orders. In addition the pre-submitted comment does not allow for any give and take between the commission and the public; removing the ability of opponent to respond to specific presentation items by city staff and applicant. I would be unable to clarify position or respond to specific commissioner questions or concerns.

I also object to closing the hearing on short notice. Although I recognize the unique and demanding circumstances, the closing of the public hearing to the public puts opponents in a difficult position in preparing pre-hearing comments. City resources are not available to the public while they are available to city staff. I can’t consult with planning, request details from the approval application of 3702 7th from when it was originally constructed 3 years prior. I have no way of validating that the approval was conditional on the duplex not being split into separate parcels. Etc.

I had been attempting to gather information on the project from Jose since 3/9. I have made numerous unreturned phone calls to Jose. At one point I was leaving a daily voicemail. I left work early to attend the 3/12 meeting only to find it closed to the public. On 3/13 I reached out to Councilmember Schenirer’s office for help. They were able to contact Jose and I managed to get an email response forwarded from Hilary Coy. Still no contact from Jose.

Email follows:

From: Jose Quintanilla <JQuintanilla@cityofsacramento.org>
Sent: Friday, March 13, 2020 11:25 AM
To: Hilary Coy <HCoy@cityofsacramento.org>
Cc: Jasleen Escobar <JEscobar@cityofsacramento.org>
Subject: RE: 3702 7th Avenue

Good morning Hilary,

I have no emails from Vincent Cheema nor anyone else inquiring about the property or this hearing item; I haven’t checked my voicemail today.

The Planning and Design Commission hearing for 3/12 was cancelled yesterday afternoon and all items that were scheduled to go to hearing have been continued to 3/26. I assume we will re-notice though we have not received any guidance as to procedures on that to date. He was on the mailing list for the hearing noticing for the project and will be again once we send out the re-notice.

I will reach out to him when I get a chance.
Hilary forwarded this email to me on 3/18. Despite having left several voice messages on Jose’s phone (phone number listed for project contact); Jose states to Hilary on 3/13 that he has had no inquiries concerning the property; but that he hasn’t check his phone.

Realizing that email was only effective way of reaching Jose; I contacted Jose again on the 25th to ascertain if the 3/26 meeting was going to happen. I received a quick reply that the meeting had been rescheduled to 4/9 and “should that change I will let you know directly”.

On April 7th, not having heard any news, I took it upon myself to check again with Jose. This email follows, assuring me the meeting would be on 4/23 and a Zoom format.

Jose Quintanilla <jquintanilla@cityof sacramento.org>

To: My Bills

Tue, Apr 7 at 12:19 PM

Howdy back!

No sir that has been cancelled as well. Our next meeting on 4/23 is scheduled to proceed as planned but as a Zoom-type meeting. The format will be similar to that of tonight's City Council meeting. I will provide you with further info as to how to listen in/watch and how you can provide comments as well once I receive further guidance from our management team.

Thank you,

Jose R. Quintanilla
Assistant Planner | North Area | Planning Division
Community Development Department
300 Richards Blvd., 3rd Floor

On April 14 I noticed a new “NOTICE OF PUBLIC HEARING” had been posted on the subject property. This notice, dated 4/8, but posed on or about 4/14, notes the public hearing will be held on 4/23, but will be closed to the public.

On April 15th I contacted Councilmember Schenirer’s office for help and have yet to receive a response. However, by calling numerous city numbers, I was able to reach a member of the city managers staff. I was referred to Michael Jasso, then on to Tom Pace and finally I received an email back from Jose and was able to set up a phone conference.

I should stress that all staff has been respectful and I do understand the difficulties we are all facing in attempting to conduct essential business during the pandemic. My point here is that given the circumstances it is very difficult and time consuming to get information from city staff. This renders pre-hearing research and preparation nearly impossible.

Although it may be difficult to include public participation in Planning Commission meetings; that is the entire point of the Planning Commission. Although Governor Newsom has waived some requirements in order to accommodate
social distancing needs; the Bagley-Keene Act and Brown Act were not suspended.

Here I quote from the California Attorney General’s Office A handy Guide to The Bagley-Keene Open Meeting Act 2004

Operating under the requirements of the Act can sometimes be frustrating for both board members and staff. This results from the lack of efficiency built into the Act and the unnatural communication patterns brought about by compliance with its rules.

If efficiency were the top priority, the Legislature would create a department and then permit the department head to make decisions. However, when the Legislature creates a multimember board, it makes a different value judgment. Rather than striving strictly for efficiency, it concludes that there is a higher value to having a group of individuals with a variety of experiences, backgrounds and viewpoints come together to develop a consensus. Consensus is developed through debate, deliberation and give and take. This process can sometimes take a long time and is very different in character than the individual-decision-maker model.

Although some individual decision-makers follow a consensus-building model in the way they make decisions, they’re not required to do so. When the Legislature creates a multimember body, it is mandating that the government go through the consensus building process.

When the Legislature enacted the Bagley-Keene Act, it imposed still another value judgment on the governmental process. In effect, the Legislature said that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public with the ability to monitor and participate in the decision-making process. If the body were permitted to meet in secret, the public’s role in the decision-making process would be negated. Therefore, absent a specific reason to keep the public out of the meeting, the public should be allowed to monitor and participate in the decision-making process.

In summary I submit that the City of Sacramento’s proposed Planning Commission meeting format fails to meet the requirements of the Bagley-Keene and Brown Acts; notwithstanding the waiving of physical requirements. I request the City postpone the public hearing portion of the Planning Commission meetings until such time as proper public participation can be accommodated.

Vince Cheema

mybills@sbcglobal.net

916-801-2317