



CITY OF SACRAMENTO
CALIFORNIA

DEVELOPMENT SERVICES
DEPARTMENT

PLANNING DIVISION

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June 13, 2005

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: RESCISSION OF RESOLUTION NO. 2003-393 RELATING TO PLANNING APPROVALS FOR THE ISLANDS AT RIVERLAKE RESIDENTIAL PROJECT (P01-133)

LOCATION AND COUNCIL DISTRICT: Located along the north and south sides of Pocket Road between East Shore and West Shore Drives.
APNs: 031-1210-003 and 061, 031-1200-073, 031-1030-015 and 031, 031-1300-048.
District 7

RECOMMENDATION: Planning staff recommend that the City Council adopt the attached resolution rescinding Resolution No. 2003-393, which approved the Islands at Riverlake residential project.

CONTACT PERSON: Thomas Pace, Senior Planner, 808-6848
Gary Stonehouse, Planning Director, 808-5567

FOR COUNCIL MEETING OF: June 28, 2005 (Afternoon session)

SUMMARY: The recommended action would rescind the prior approvals for the Islands at Riverlake project in accordance with the ruling of the State Court of Appeal in *The Pocket Protectors vs. City of Sacramento*.

COMMISSION ACTION: None.

BACKGROUND INFORMATION: On August 8, 2002, the City Planning Commission voted 6-1 (with two abstentions) on an Intent to Deny motion for the Islands at Riverlake subdivision. On August 22, 2002, the Planning Commission voted 5-0 (with four

commissioners absent) to deny the Special Permit, the Tentative Map, and the Subdivision Modification. Additionally, the Negative Declaration and Mitigation Monitoring Plan were not ratified nor adopted. The applicant subsequently appealed the denial to the City Council. On June 17, 2003, the City Council approved Resolution No. 2003-393, granting the applicant's appeal of the Planning Commission's denial of the project, thereby approving the project. Subsequently, The Pocket Protectors appealed to the Superior Court and ultimately, the Court of Appeal, where the City's adoption of a mitigated negative declaration was declared invalid and the City was ordered to prepare an environmental impact report.

Planning staff are currently processing a new development application filed by the applicant. An environmental impact report is being prepared for the project at this time.

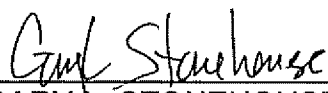
FINANCIAL CONSIDERATIONS: This report has no fiscal implications.

ENVIRONMENTAL CONSIDERATIONS: This action rescinds a prior project approval and is therefore exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(4).

POLICY CONSIDERATIONS: None.

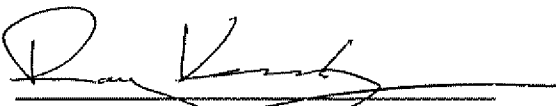
E/SBD CONSIDERATIONS: No goods or services are being purchased under this report.

Respectfully submitted,



GARY L. STONEHOUSE
Planning Director

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

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RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION RESCINDING THE PLANNING ENTITLEMENTS FOR THE ISLANDS AT RIVERLAKE RESIDENTIAL PROJECT (P01-133)

(APNs: 031-1210-003 and 061, 031-1200-073, 031-1030-015 and 031, 031-1300-048)

BACKGROUND:

A. The City Council adopted Resolution No. 2003-393 on June 17, 2003, which adopted a notice of decision and findings of fact approving the following planning entitlements for the Islands at Riverlake residential project:

1. **Environmental Determination:** Mitigated Negative Declaration;
2. **Mitigation Monitoring Plan;**
3. **Special Permit** to develop detached single-family dwellings within the LPPT PUD;
4. **Tentative Map** subdividing 20.6 vacant acres into 139 single-family lots in the Single-family Alternative Planned Unit Development (R-1A PUD) zone; and
5. **Subdivision Modification** to reduce the standard 41' right-of-way width for a street.

B. In *The Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, the California Court of Appeal for the Third Appellate District ruled that the City's certification of the Mitigated Negative Declaration for this project was invalid and ordered that the City prepare an Environmental Impact Report.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

The planning entitlements listed in paragraph A of the Background are rescinded, effective immediately.

MAYOR

ATTEST:

CITY CLERK

P01-133

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____