

Memorandum

To: All Counsel

CC:

From: Judge Donald R. Fretz

Date: 10/14/2005

Re: Friends of Lagoon Valley vs. City of Vacaville, Case No. FCS025789

The court has hit some stumbling blocks and desires additional argument at 9 a.m. on Thursday October 27, 2005, Courtroom to be assigned.

The court has the following questions:

1. With regard to the city's discretion in following the master plan and the specific plan, what cases define the line and exactly how far can the city go without violating each of those plans?
2. Is the reduction of that which was planned to be 4 million square feet to 700,000 square feet a violation of the master plan and or the specific plan?
3. Section 65915 is a long piece of legislation that respondents have interpreted as allowing but not requiring the city to grant certain density bonuses. Subsection (n) appears to allow the city to exceed the limitations that were stated in preceding subsections. The city has argued that subsection (n) is permissive and grants authority when the city chooses to exercise it. What conditions apply to the exercise of that authority?

The court may have other questions but these are the primary questions.

The court has no objection to written arguments made prior to October 27.

Donald R. Fretz
Judge Assigned

