

SBC Sentinel <sbcsentinel@yahoo.com>

To: Randall Lewis

Cc: Gino Filippi, Carol Timm, Bill Manis, Debbie Stone, Janice Elliott and 3 more...

Sep 12 at 5:59 AM

Randall...

There is a group of Upland residents upset about the land swap the city and your company are purposed to sign off on at the September 24 council meeting involving, I am variously told, 23 acres or 32 acres the city now owns and 46 acres of property your company will acquire from Holiday Rock.

Essentially, they maintain that the deal is not a good one for the city. It is asserted that your company is ripping the city off by handing over to the city land that is in essence undevelopable without significant amending and that your company is getting in return property that is developable. A further objection raised is that the property - if indeed it is ever transformed into a sports complex - is not suited for a sports complex from the consideration that it is proximate to a ten lane freeway as well as Holiday Rock's processing plant, which will expose the participants in youth sports at that venue to having to breathe vehicle exhaust and particulate matter. They have further alleged that the property, which involved a mining operation, has potential contamination issues, and that already fill dirt has been layered on top of those contaminants without a proper environmental impact report having been undertaken. They allege you and your company, in connivance with city officials, engaged in a bait and switch maneuver in promoting this. They point to a public statement by former Community Development Director Jeff Zwack, who said the sports complex would consist of ten soccer fields and two baseball fields, concession stands and maintenance buildings. One of your company representatives on July 12 said there will be three soccer fields and a single baseball field at the complex. It is further alleged that Upland residents will get the short end of this in that the city is buying into this deal by granting your company an entitlement to build at least 475 units, entailing density well beyond the current average land use intensity in residential neighborhoods in Upland, which many of the city's residents find objectionable and which will burden the city's existing infrastructure in ways that will negatively impact Uplanders' quality of life. This push toward allowing your company to develop the land it will acquire from the city has proceeded without any public hearings, it is pointed out. It has been insinuated that your company has retained Marty Thouvenell as a consultant while he is simultaneously serving in a consulting capacity with the city, and that this has created a conflict in which your company has induced him to use his position of trust with the city to orchestrate this deal, which they feel is contrary to the interests of the city's residents as a whole, and is potentially illegal and at the very least unethical on part of Mr. Thouvenell and your company.

I spoke with an MAI appraiser, who said the land you will obtain from the city would in no case be worth less than \$900,000 per acre and would more likely have a value of \$1.1 million per acre. He said the land you will purchase from Holiday Rock to complete the trade is problematic from an appraisal standpoint because it would be difficult to find recent sales of comparable land - quarries next to freeway. Even if such land sales existed and sales of that property matched the \$900,000 to \$1.1 million value of the land you are to obtain from the city, the cost of rendering that land developable would be such that the appraisal of the quarry land would put it far below that of the property you are to get in the trade.

I was hoping I could get you to provide straightforward reactions to these objections without finessing me so I can compose a cogent article about all of this.

1. First off, how much land is involved in this contemplated traded on both sides? Are you to get 23 acres or 32 acres from the city?

2. Is the land you are to acquire from Holiday Rock 46 acres? If not, how much acreage will you purchase from Holiday Rock? Can you disclose what the purchase price on that property will be?

3. What is your response to those who say your company is having one over on the city by exchanging an inferior hole in the ground for much more valuable and readily developable property?
4. How many units will you obtain an entitlement to build on that property?
5. Has someone begun to fill those quarries with dirt?
6. If so, would this require an environmental impact report?
7. Do you see any merit in the objection to locating the sports complex proximate to a freeway and Holiday Rock's existing and ongoing processing operation?
8. Do you know anything about contaminants on the quarry property?
9. Will your company carry out and bear the expense of rendering the quarry property suitable for development?
10. Will your company construct the park complex?
11. Will your company bear the cost of constructing the park complex?
12. What do you say to those who say this trade was sold under false pretenses in which Mr. Zwack represented that the city would be on the receiving end of 10 soccer fields and two baseball fields when in actuality the sports complex will be comprised of three soccer fields and a single baseball diamond?
13. What would you say to allay the concern of those who consider 475 units on that property to be too intensive of a use of the land in question, constituting greater density than is good for the existing and future community?
14. What is your response to those who maintain that springing this trade in one fell swoop in which the community is to be saddled with a development of a density that many people object to is too secretive and that the city should have held a multitude of public hearings on this issue before proceeding with it?

15. Has your company retained Mr. Thouvenell as a consultant or is it in any way remunerating him?

16. If your company is paying Mr. Thouvenell to act as a consultant, what is the nature of his work?
17. If your company is paying Mr. Thouvenell, what would you say to those who find such a relationship with him, while he is similarly engaged in working for the city and while your company is involved in the current land trade negotiation, unethical?

As I said, I would like to make this a well-rendered, balanced and fair treatment of fact and circumstance that utilizes the perspectives of those who are both advocates for the land trade and the project your company will proceed with as a consequence of that trade as well as those who are objecting to both. This will require your indulgence of my questions and as thorough of replies on all of these points as you are at liberty to provide. I hope this can be done.

Thank you for your attention and whatever cooperation you can provide me.

...Mark Gutglueck (909) 957 9998