



Charlene Tim <charlene.tim@edcgov.us>

Fwd: EDH Apts in Town Center (File no. 14-0769)

EDC COB <edc.cob@edcgov.us>
 To: Charlene Tim <charlene.tim@edcgov.us>

Thu, Nov 13, 2014 at 3:59 PM

Hey Char - Jim said to forward to you for public comment, since you are working on the item. Thanks!

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----- Forwarded message -----

From: **Ellen Van Dyke** <vandyke.5@sbcglobal.net>
 Date: Thu, Nov 13, 2014 at 11:57 AM
 Subject: EDH Apts in Town Center (File no. 14-0769)
 To: Brian Veerkamp <bosthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, "Norma Santiago, Chair" <bosfive@edcgov.us>, Ron Briggs <bosfour@edcgov.us>, Jim Mitrisin <edc.cob@edcgov.us>
 Cc: Don VanDyke <don.a.van.dyke@sbcglobal.net>

Dear Supervisors:

Before the EDH Apts return to the Board for adoption of findings, please consider this summary of why the Board's "conceptual approval" of the EDH Apts (Nov 4th) should be reversed:

- Supervisor Mikulaco made his vote based on the belief that this approval does not set a precedent. County Counsel should clarify the definition of precedent for him.
- Supervisor Santiago requested a definitive discussion of reducing the project density, then did not follow through. Since this was the main objection of so many residents, this discussion should be pursued rather than dropped. (see the Spanos's Denver project history of density reduction)
- Supervisor Frentzen pointed out that we should be addressing the root cause of sagging retail/commercial in EDC (i.e.: TIM fee reductions or other incentives) rather than rezoning available commercial land to residential use
- Supervisor Briggs based his vote of approval on the project's 'concept'. But this project is not conceptual; it is concrete, specific, and flawed.
- Supervisor Veerkamp questioned the potential of winning a lawsuit.
 - The traffic analysis is flawed, and could be problematic for the county in the event of a lawsuit.
 - The noise analysis is also flawed
- The project supporters consisted mainly of retailers hoping for 1) a captive audience, or 2) elimination of the competition, such as a hotel.
- Chamber of Commerce agents spent the morning of the hearing telling Supervisors how great additional hotels would be, then spent the afternoon applauding the removal of hotel zoning in favor of this residential project.
- The staff report clearly says this project will be a long-term financial loss.
- The sheriff's report clearly states they will need additional police staffing for apartments vs.

hotel, and it is backed up with facts.

- The staff report and the MND are inconsistent in regard to the jobs-to-housing balance.
- The staff report and the MND are inconsistent in regard to the sewer assessment.
- The aesthetics analysis does not match the exhibits. The building heights indicated in the simulations are significantly shorter than the allowable height approved
- The letter from Mansour saying apartment residents will be 'informed that they have to live with the noise' if they choose to rent there, does not change the fact that we have a General Plan that supposedly protects those same residents. There are no conditions included to address this.
- This project – unchanged since the pre-application hearing, with no compromise or accommodations - was denied at ALL levels prior to reaching the BOS:
 - Planning Commission listened to detailed arguments, and voted the project down twice.
 - EDH APAC recommended denial three times.
 - The EDH-CEDAC survey does not support this project. Why did the county spend money on a survey if there was no intention of listening?
- The applicant has a history of 'build-and-run' on previous projects that they denied during the BOS hearing, and this was a specific concern of many commenters.
- The assumption that the residential use proposed is CEQA-comparable to the currently planned retail/commercial use, thus allowing the MND as presented, is perhaps one of the larger flawed assumptions being forced into this approval.

EDH residents do not want this project. Restore our faith and trust in the process, and overturn this 'conceptual' approval before adopting the findings and a flawed MND.

Ellen Van Dyke

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