



Charlene Tim <charlene.tim@edcgov.us>

PC 12/12/19
#3
6 pages

CEDHSP's Proposed Sidestepping of Serrano's CC&Rs

Dean Getz <DGetz@axiomanalytix.com>

Fri, Nov 15, 2019 at 6:16 PM

To: Char Tim <charlene.tim@edcgov.us>, Rommel Pabalinas <rommel.pabalinas@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "james.williams@edcgov.us" <james.williams@edcgov.us>, "jeff.hansen@edcgov.us" <jeff.hansen@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "jvegna@edcgov.us" <jvegna@edcgov.us>, "roger.trout@edcgov.us" <roger.trout@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "bosone at edcgov.us" <bosone@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>

Cc: "DSacco.Board" <Dsacco.Board@serranohoa.org>, Dick Callahan - HOA Board <Dcallahan.Board@serranohoa.org>, George Triano <GTriano.Board@serranohoa.org>, Julia Souza <Julia.Souza@fsresidential.com>, Peter Marino <Peter.Marino@fsresidential.com>, "tjwhitejd@gmail.com" <tjwhitejd@gmail.com>, "jjrazzpub@sbcglobal.net" <jjrazzpub@sbcglobal.net>, John Davey <jdavey@daveygroup.net>, "hpkp@aol.com" <hpkp@aol.com>, Kathryn Henricksen <Kathryn.Henricksen@fsresidential.com>, "bosgood@serranohoa.org" <bosgood@serranohoa.org>

Dear Planning Commissioners, County Supervisors and County Staff (with copy to: APAC, HOA Directors et al.):

Serrano Associates presented their latest version of their proposed Central El Dorado Hills Specific Plan (CEDHSP) at the Area Planning Advisory Committee (APAC) meeting earlier this week. This proposed plan continues to contemplate (Serrano HOA) CC&R-violating changes to the El Dorado Hills Specific Plan (EDHSP). I'll explain the relevance.

As was previously identified to you all back in 2018 in connection with Serrano Associates' then-application to remap their Village J lot H parcel, the HOA's CC&R § 1.04 entitled *Future Changes* plainly states, "Nothing contained herein shall obligate Declarant to refrain from the further subdivision or resubdivision of the Initial Property and Declarant shall be free to so further subdivide or resubdivide. Nothing contained herein shall obligate Declarant to refrain from the further subdivision resubdivision **or reversion to acreage** of portions of the Overall Property **not theretofore annexed** and Declarant shall be free to so further subdivide or resubdivide **or revert.**"

It's no secret that Village D1 lots C and D have been tentatively mapped over two decades (since the HOA's inception) now as confirmed by Serrano Associates here:

<https://drive.google.com/file/d/1z6dMO7UaAyHhJ8XcmR2ajsBPVcx096YI/view>

Village J lot H, as well as, Village D1's lots C and D as you all have been previously informed have been unquestionably annexed into the HOA. In fact, Serrano Associates insists that these lots are entitled to full HOA membership rights and privileges even going as far as to contend that any suggestion of stripping members like these of their "vested" voting rights would likely be a "constitutional violation".

Now, what is a 'secret' apparently is the fact that Serrano Associates doesn't have the **right** under the HOA's CC&Rs to do what they're proposing to do today with regard to these HOA "members" and the EDHSP. During Serrano Associates' presentation at APAC this week, Kirk Bone confirmed that they're not seeking to de-annex Serrano's Village D1 lots C and D in connection with this proposal. To de-annex these parcels would unquestionably trigger the CC&R requirement that two-thirds of the non-Declarant membership assent to the de-annexation. Rather, Mr. Bone emphatically explained to those in attendance that:

"There is a proposal to *MOVE* some of that land *from the EDHSP to the CEDHSP for the purposes of ensuring that would be a permanent open space and giving up the development rights for that purpose.*"

Since de-annexation is not what's being proposed, Serrano Associates must undeniably be proposing that the County approve a "reversion to acreage" of Serrano's Village D1 lots C and D which is the means under the law in which subdivided lands may be returned to large blocks of non-divided lands. In other words, Mr. Bone's artful characterization to the public that they're ***"...ensuring that (lots C and D) would be a permanent open space and giving up the development rights for that purpose"*** is simply a "reversion to acreage" under the law.

Mr. Bone and Serrano Associates likely know that their right to "revert to acreage" any annexed property is plainly prohibited under CC&R § 1.04. If you pause to think about it, it makes perfect sense that the Declarant's unilateral right to "revert to acreage" lands would be eliminated once annexed in order to protect the HOA home-buying public. Said differently, logically... Serrano Associates shouldn't have the unilateral right at any time after annexation to "revert to acreage" their assessed, residentially-zoned and subdivided property be returned to large blocks of non-divided lands as they've proposed in their CESHSP--irrespective of any sort of County approval.

11/26/2019

Edcgov.us Mail - CEDHSP's Proposed Sidestepping of Serrano's CC&Rs

I've excerpted my short exchange with Serrano Associates' Mr. Bone that was captured on video from APAC's meeting earlier this week for your reference and linked it here:

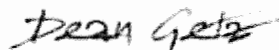
<https://drive.google.com/file/d/1R6Pcq8g9SFXqHaD7c56nYBIAVVI-qSHL/view?usp=sharing>

I suspect that Serrano Associates will (once again) cite CC&R §13.06 which states, "Subject to approval, as necessary, by the County of El Dorado, Declarant may, from time to time as it deems fit, amend its plans for the Overall Property" in their effort to (re)assure the County that you all may simply forge with sidestepping the HOA's CC&Rs. Of course, CC&R §13.06 is predicated on the Declarant's remaining rights as other provisions within the Master Declaration subtly and/or boldly limit the Declarant as is the case with CC&R § 1.04.

Finally, I recognize that the County will likely wish to push ahead as was done with respect to the County's processing of Village J lot H's remapping. However, those in control shouldn't be surprised to be held accountable for what increasingly looks and feels like willful ignorance.

Should you have any questions—I can be reached at (800) 818-3010 ext. 33.

Sincerely,



Serrano Homeowner

Lot 106-H



SERRANO

November 4, 2008

TO: Village D1 Owners

RE: Village D1 – Lots C and D

Dear Owners,

This letter is to bring you up-to-date on Serrano's ongoing planning efforts in the vicinity of Village D1, for the areas known as "Lots C and D", generally west of your neighborhood. Enclosed is a map of this area for your reference.

As you are probably aware, Serrano's Specific Plan provided for the development of area Lots C and D; and in 1997 a Tentative Subdivision Map for "Village D1 - Lot C" was approved for 65 residential lots. We now plan to continue this planning process with El Dorado County, with the current proposed project being very similar to the one previously approved. We are moving forward with the approval process at this time to ensure that this project will be constructed consistent with the planning document for Serrano. However, actual construction is not expected to take place for several years.

Along with Lot C, we also will begin a similar process for "Village D1 – Lot D", which is the area south of the current end of Estero Way, south of the fire station, and east of the former executive golf course site. Lot D will be planned for 70 residential lots, and as with Lot C, we do not expect construction to take place for a number of years.

We have voluntarily delayed these projects in the past because, as you may recall, a number of years ago there was much discussion about Serpentine rock and the presence of Naturally Occurring Asbestos (NOA) in the El Dorado Hills area. Initial reports in 1998 were followed by numerous news articles, along with various reviews and reports by regulatory agencies, geologists, and consultants. At the time, there was much discussion and debate, but not much understanding of the situation. With this in mind, we decided it would be best to wait for more information, and postponed the construction of Village D1 - Lot C.

Over the last ten or so years, much has been learned about NOA and how it should be handled. In our area it is primarily found in Serpentine rock, which is a type of bedrock that is commonly present in the soils of the Sierra Nevada foothills. It is found in many of California's counties, and in fact (because of its abundance throughout the state) it is the State Rock of California.

The discussions and findings of these last years have highlighted the fact that when Serpentine is carelessly broken or crushed, it's possible for asbestos to be released, and any work of this type needs to be carefully monitored. Because of these concerns, the El Dorado County Air Quality Management District (AQMD) adopted a new Rule to control fugitive dust and required post-construction mitigation control ordinances for any construction activities undertaken in designated NOA Areas. The Air Quality Management District (AQMD) is part of El Dorado County's Environmental Management Department and is responsible for the administration of the NOA program.

In response to the new Rule and new ordinances, we had geologic tests performed in Village D1 – Lot C to determine if any NOA was present. Fourteen samples were taken: zero asbestos structures were observed in seven of the samples; only trace amounts observed in five; and “actionable” levels of asbestos were found in two.

This report was submitted to the AQMD for their review. We also submitted an Asbestos Dust Mitigation Plan and an Air Monitoring Plan, which were approved by the AQMD. The Dust Mitigation and Air Monitoring Plans will be implemented during the construction of Village D1 – Lot C. These Plans and additional mitigation measures are also being submitted to the County Planning Department as part of our application for this village. Please call me if you want a copy of these Plans and reports.

No testing has been performed yet in Village D1 - Lot D, although we expect to embark on a similar program prior to construction of that project.

We plan to provide the residents of Village D1 with updates as this process moves along and I would be happy to discuss any questions you may have. Please feel free to call me at (916) 939-4060.

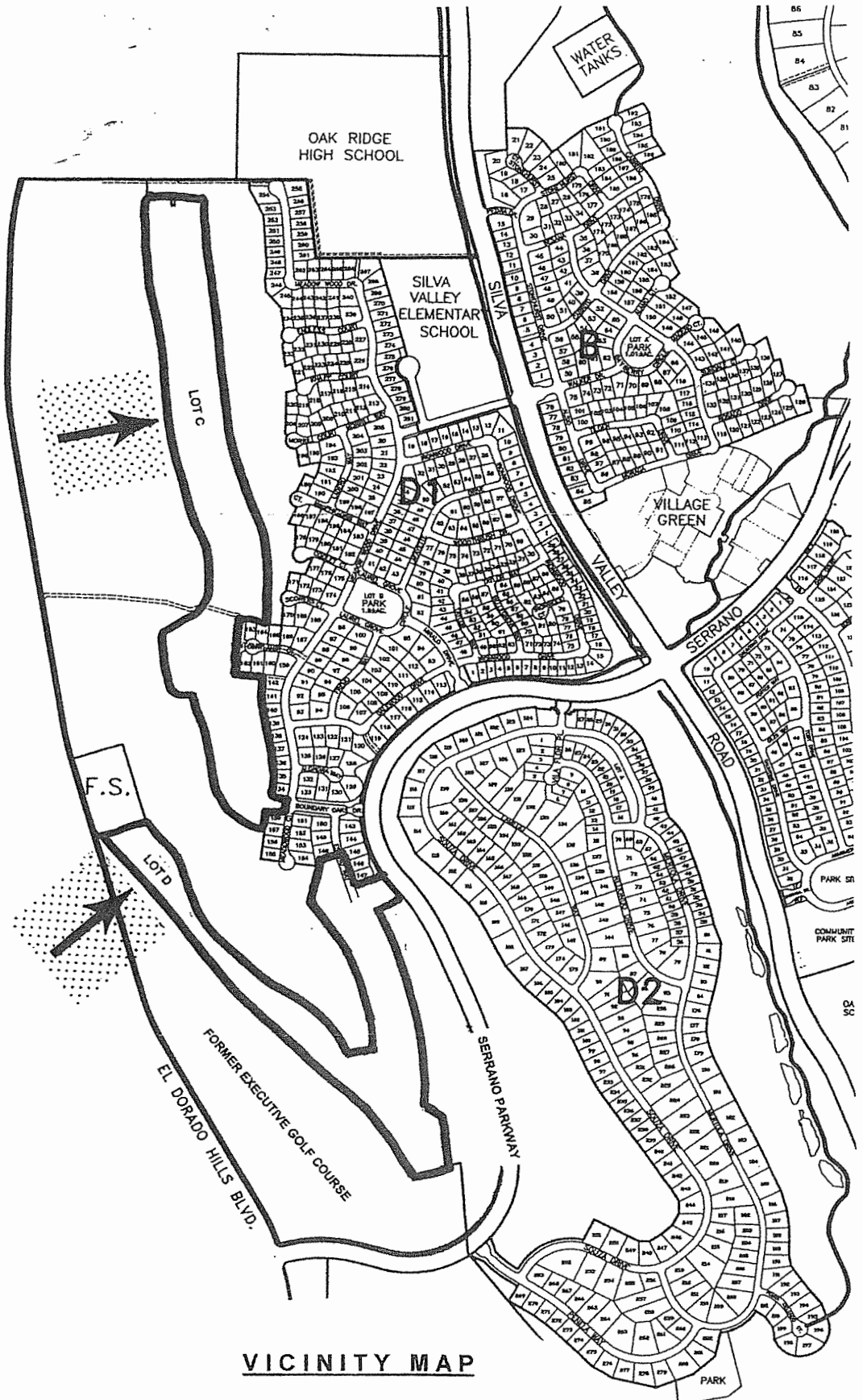
Best Regards,

SERRANO ASSOCIATES, LLC



Kirk Bone
Director of Governmental Relations

KB:its
Enclosure: Vicinity Map Village D1 - Lots C and D



VICINITY MAP

Village D1 – Lots C and D

11/26/2019

Edcgov.us Mail - Fwd: Serrano Westside and Pedregal Development

PC 12/12/19
#3
2 pages



Charlene Tim <charlene.tim@edcgov.us>

Fwd: Serrano Westside and Pedregal Development

Planning Department <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Mon, Nov 18, 2019 at 8:09 AM

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

From: <suzanne@suzanne-hansen.com>
Date: Sat, Nov 16, 2019 at 1:13 PM
Subject: Serrano Westside and Pedregal Development
To: <planning@edcgov.us>

I am a resident of El Dorado Hills/Ridgeview and am strongly opposing this proposed Parker Development. This is my second contact with the Building Department on this issue.

Concerns:

1. Impact on an already high volume of traffic. Since the last traffic report done in 2012, there are hundreds of families with teenage drivers now driving down El Dorado Hills Blvd and Wilson. I am witness to this every day. The noise has increased since I moved in 2015. It will only get worse.
2. There is no need for yet another grouping of apartments slated to go in the Pedregal site; again the traffic issue.
3. The entrance slated at the end of Wilson makes no sense; there is already so much traffic going up and down Wilson. Per Mel Pabalinas who stated to me that there will only be 37 custom lots, that is a lot of traffic and that is assuming that each house has only 1-2 cars per household; not a reasonable argument.
4. The impact on our trees and wildlife has to be taken seriously.

Note: ALL residents of El Dorado Hills should be getting letters on this and any other project instead of the households who live 1 mile from a proposed project.

11/26/2019

Edcgov.us Mail - Fwd: Serrano Westside and Pedregal Development

EVERYONE should have the right to voice their concerns since it will impact everyone who drives down the BLVD and throughout El Dorado Hills.

Also, more meetings should be held in the evening so those who have to work can attend.

Thank you,

Susan Hansen

916-715-2682

11/26/2019

Edcgov.us Mail - Fwd: Serrano - CEDHSP

PC 12/12/19
#3



Charlene Tim <charlene.tim@edcgov.us>

Fwd: Serrano - CEDHSP

Planning Department <planning@edcgov.us>
To: Charlene Tim <charlene.tim@edcgov.us>

Mon, Nov 18, 2019 at 8:06 AM

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

From: **Linda Wilhelmy** <lindawilhelmy@yahoo.com>
Date: Sun, Nov 17, 2019 at 12:29 PM
Subject: Serrano - CEDHSP
To: planning@edcgov.us <planning@edcgov.us>

We understand that another hearing will be underway in the next few days or weeks regarding the CEDHSP proposed by Serrano Associates, LLC.

We are long-time Serrano residents and we **OPPOSE** this plan. We voted **AGAINST** this proposal several years ago. It was an advisory vote at that time, and it showed **overwhelmingly** that our community does not approve of this type of development of those open spaces.

Please take **our community's** advisory vote into consideration when making this decision.

Thank you,

John and Linda Wilhelmy
4881 Village Green Drive
El Dorado Hills