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To: The Planning Commission of the County of El Dorado, State of California  
From: Douglas Wiele  
Re: Agenda of February 27, 2014                      Item 3. File # 14-0278.  
El Dorado Hills Retirement Residence      Applicant: Lenity Architecture LLC)  
Date: February 24, 2014

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Dear Members of the El Dorado County Planning Commission:

I write in reference to the above referenced Agenda Item, your consideration of a Specific Plan Amendment, a Development Plan Amendment and a Special Use Permit in connection with the planning application for the proposed “El Dorado Hills Retirement Residence” project. I urge you to **reject** the Staff Recommendation and **deny** the Application. I am supportive of the Project as a welcome addition to the El Dorado Hills community and to El Dorado County – but the location of the proposed Project is inconsistent with the nature of El Dorado Hills Town Center West and is contrary to the needs of repairing the jobs/housing imbalance which plagues our County. An approval of the Project application would be the very definition of bad land use planning.

I write as a resident of the County (Latrobe) and the owner/operator of a business in Village T of El Dorado Hills. I bring to this discussion my background as one who for seventeen years, from 1996 through 2012, was an integral part of the El Dorado Hills Town Center development team and who, while here speaking in no official capacity related to Town Center whatsoever, comes to this discussion with a unique and deep historical perspective.<sup>1</sup> I also write from the perspective of a voting member of the El Dorado Hills Chamber of Commerce Government Relations Committee (GRC). In its February 6, 2014 meeting the GRC heard from the Applicant a presentation on the proposed Project, and voted unanimously to disapprove it – to support the Project generally, but not at its proposed location in the heart of Town Center West. That proposed location is already fully entitled with all discretionary approvals necessary for the highest density of commercial development and employment in El Dorado County. It is no place for a residential project.

Finally, I write to observe discrepancies between the description of the proposed Project provided to you by Staff and that provided by the Applicant. The Project is not a residential care facility project – as described to the GRC by the Applicant, this is an independent senior living project, with no care provided. It is not a residential *care* facility – it is age restricted *housing*, a purely residential use, with no care to be provided whatsoever. As such, the County is statutorily precluded from granting the proposed Special Use Permit.

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<sup>1</sup> From 1996 through 2012 my company was retained by El Dorado Hills Investors and Town Center East LP as a consultant on the development of Town Centers East and West. In 1996 the Town Center sites were little more than horse pastures; in 2012 the project was developed to the point one sees it today. I was integrally a part of the project – every Town Center land plan, building plan, lease agreement and sale agreement crossed my desk in those 17 years.

For portions of that period my firm served as the Association Manager of the two Town Center Owners Association, East and West. I served on the Board of Directors of each of the Owners Associations, and as an officer of each Association. The Town Centers, East and West, are remarkable assets of El Dorado County. Their entitlements may be in need of refinement or adjustment, but amendments to those entitlements must not be dismissed or taken lightly.

This is an unfortunate discussion. The Project is one much needed in El Dorado Hills. More development projects of this caliber are needed in our community. But the proposed location of the Project is wholly inappropriate, and the Project deserves to be denied.

### **1. The Project is a residential project.**

On February 6, 2014 the Applicant, Lenity Architecture LLC, and a land use attorney for the Applicant, appeared before the El Dorado Hills Chamber of Commerce Government Relations Committee (GRC) and presented the Project to the GRC, seeking from the GRC an endorsement of the Project. In that meeting the Applicant advised the GRC that the Project is planned strictly as an independent living facility. It will not be licensed by the State of California to provide any form of care<sup>2</sup>. No component of the Project is to be an Assisted Living facility; no portion of it is to be a Skilled Nursing facility; no medical or nursing care will be provided.<sup>3</sup>

The materials distributed by the Applicant to the GRC communicate the same message:

- Residents must be in good health and must not require medical assistance.
- Residents seek this communal lifestyle by choice, not by necessity.
- Meals are provided in a dining commons, but participation in communal dining is voluntary – each apartment contains a kitchenette with refrigerator, sink, microwave, hot plate, etc. sufficient for preparing one's own meals.<sup>4</sup>
- Residents are not dependent upon communal transportation – parking is provided for the private vehicles of residents.
- Apartments are made available on a month-to-month rental basis and subject to the resident's continued good health. Failing that, the rental agreement terminates.

The Staff Report repeatedly refers to the Project as a "Residential Senior Care Facility". This is inaccurate and misleading. No care is provided, or is even allowed to be provided. The Project is a **residential** project.

### **2. The Project will inhibit development of the remainder of Town Center West.**

The Staff Report says it best<sup>5</sup>: "*[T]he placement of a senior population, considered 'sensitive receptors', in the middle of a general commercial zone will potentially constrain existing and future light industrial, commercial, and research and development uses allowed by right in Village U. The impacts to future, potentially greater job-generating uses must be considered when making a determination for approval of the Project.*"

Speaking, as noted above, from the perspective of the one who brought Blue Shield of California to the table to negotiate with Town Center, that being only one of many, many businesses

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<sup>2</sup> See Staff Report – Staff Analysis, Page 3 for corroboration.

<sup>3</sup> As with other similar operations elsewhere in El Dorado County (for instance, Ponte Palmero in Cameron Park, in that portion which is Independent Living), the staff at an Independent Living facility is precluded by law from providing care in any form – if one falls down, staff may call 911 for help, but staff may not even assist the fallen in standing up.

<sup>4</sup> This is virtually identical to the provisions at the independent living cottages at Eskaton in Placerville. And the Applicant's hand-outs are somewhat disingenuous – it states that the suites do not have kitchens. But the plans show kitchenettes. Yes, a kitchenette is less than a full kitchen – but it is still adequate for meal preparation.

<sup>5</sup> Page 3, 1. SP13-0001.

solicited into Town Center, as one who has been on the private sector side of economic development for 38 years, I will simply affirm this statement in the Staff Report.

Yes, it has been a while since major commercial uses have taken a serious look at Town Center West. However:

- Blue Shield opened in 2002, and fully occupied in 2003. Almost immediately the so-called Great Recession began to make its presence felt – the forces which led to the market collapse of 2008 were well underway in 2005/06, as the market cooled.
- The Sacramento region’s commercial real estate market is just now getting back on its feet. There is a new optimism in the market, and especially in those sectors of the commercial real estate market with ties to the tech sector (e.g. Folsom/El Dorado Hills).
- Town Center West is one of the few remaining undeveloped commercial properties on the “50 Corridor” with frontage on Highway 50 – and the only one which is fully entitled.
- And it is fully entitled at a tremendous density – of the total entitlement of 1,465,000 sf plus a 200 room hotel, less than 350,000 sf of buildings have been erected. The remaining entitled capacity of in excess of 1.1 million square feet, plus a hotel, puts the remaining entitlement at an FAR<sup>6</sup> of approximately 0.50 on the remaining undeveloped 60 acres.

To place a residential project in the heart of Town Center West will be to send a message to the next Blue Shield, which will surely come looking, that El Dorado County is impatient, is not serious about job growth, and has no sense of land use planning priorities.

And to place a residential project in the heart of Town Center West will introduce into Town Center West a resident population with a vested interest in opposing the development of the remainder of Town Center West with the density with which it is currently entitled.

### **3. The Project will squander one of El Dorado County’s best employment growth opportunities.**

El Dorado County is again caught up in a rancorous public debate over traffic congestion, especially on Highway 50, and especially on that stretch of Highway 50 between El Dorado Hills and Folsom – the commute rush, morning and evening, as El Dorado County residents commute into Sacramento County and beyond for employment. The rancor is evidence of a significant jobs/housing imbalance in El Dorado County.

The Staff Report notes<sup>7</sup> that the project will employ “*a total of 18 employees . . . with no less than four staff members to remain on site at all times*”.

The Project site consists of approximately 5.5 acres in land area. If that site were developed with uses already entitled under PD95-007, and if it were developed at an FAR of only 0.33, then the site would accommodate a building of approximately 80,000 sf. Office building populations are trending upwards from 4/1000 sf to 5/1000 sf and greater. An 80,000 sf office building on the site would have a likely population of 400 employees – versus the 18 of the proposed Project.

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<sup>6</sup> FAR: Floor Area Ratio, the ratio of a property’s total building area to its total land area. By way of example, Town Center East is developed at an overall FAR of about 0.24; with certain parcels developed at an FAR as high as 0.35. Town Center West has twice the entitled density capacity of what has been achieved overall at Town Center East.

<sup>7</sup> Page 3, Proposed Facility.

When Blue Shield of California opened ten years ago, relocating to there from Folsom and elsewhere, its Director of Real Estate, Mr. Gig Codiga, documented that two-thirds of the employees who located in the new facility resided west of El Dorado Hills, in Sacramento County and elsewhere. The remaining one-third were El Dorado County residents. In other words, when that 250,000 sf office building opened, every morning one-third of its employees got off the freeway at El Dorado Hills Boulevard instead of continuing further west, thereby removing congestion from Highway 50's choke point, and the other two-thirds were reverse commuters, coming up the hill in empty traffic lanes.

This is one of the great strengths of El Dorado County – it's a great place to live, it has capacity for employment growth, and with employment growth it can solve its traffic issues.

And now we have before us a project that promises the County a mere 18 jobs, as few as four on premises at a time, on an entitled property which has capacity for 400 employees. This makes no sense. This is not good planning. The project belongs in El Dorado Hills – but not on that parcel.

#### **4. The Project cannot be approved except in violation of County Zoning Ordinances.**

The Project is a residential project. Notwithstanding Staff's use of the term, it is not a "Community Care Facility".<sup>8</sup> The Applicant describes the project as a retirement residence, with no care provided. The Staff Report acknowledges that the Project will not be licensed by the State for care, that no medical or nursing care will be offered. It is a **residential** project.

As such, it cannot be entitled as proposed by Staff. The Project site is zoned GC – General Commercial. General Commercial Zoning Ordinance Chapter 17.32.210 speaks clearly: "*New residential uses other than for the use of a caretaker in connection with an industrial or commercial use are prohibited.*"

Further, the Project is not eligible for a Special Use Permit. See Chapters 17.22.500 and .540:

- 17.22.500. Purpose. "*The purpose of this subchapter is to provide for a review process to consider uses which may be compatible with other permitted uses within a zone district, but due to their nature, require consideration of site design, adjacent land uses, availability of public infrastructure and services, and environmental impacts, based on the specific location of any proposed use requiring such a permit.*"
- 17.22.540. Findings Required. "*The approving authority may approve or conditionally approve a special use permit only after making the following findings: . . . [t]he proposed use would not be . . . injurious to the neighborhood. . .*"

The Zoning Ordinance Special Use Permit provision is intended to allow for uses not contemplated but nevertheless compatible with other permitted uses within a zone. Clearly, the proposed Project's use is not compatible with other permitted uses within Town Center West.

And the findings required to be made to grant a Special Use Permit must include finding that the proposed use would not be injurious to the neighborhood. This finding cannot be made. Staff says it in its Staff Report - "*[T]he placement of a senior population, considered 'sensitive receptors', in the middle of a general commercial zone will potentially constrain existing and future light*

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<sup>8</sup> Staff Report. Page 5. 2.PD95-002-R; Chapter 17.06.050 of the El Dorado County Zoning Ordinance

*industrial, commercial, and research and development uses allowed by right in Village U.”* In other words, the use will be injurious to its neighboring properties.

The proposed Project is not eligible for consideration for a Special Use Permit.

**5. The Project site is conveniently accessible to services – but so are other sites in the area.**

The Applicant notes that one of the features of the Project site which it finds compelling is its proximity to attractive nearby stores and services – pharmacy, grocery store, movie theatre, book store, general merchandise stores, restaurants and cafés, all the compelling uses within Town Center. The Applicant is correct – these uses are nearby, they are attractive, and they will make its Project all the more desirable to prospective residents.

But, of course, this is the very thing that attracted Blue Shield to Town Center West – that its employees could walk to lunch, walk to shop, go sit by the lake and take a break. Town Center is strengthened by all those employees shopping and dining and entertaining themselves. And those uses will continue to be an attractant to new commercial prospects for Town Center West.

Thankfully, there are other properties<sup>9</sup> in the immediate vicinity of Town Center and its shops and restaurants and theatres which are available to the Applicant – and some of them considerably closer to the theatre and Target than the site the Applicant has settled on.<sup>10</sup> At least two of these alternatives would not involve trying to cross all nine (!) lanes of Latrobe Road to go shopping. Here are three of those alternatives:

- A 5.5 acre parcel on Rossmore Lane, adjacent to the Regal Cinema parking lot, just east of Target, and just below Lakehills Church, in between Rossmore Lane and White Rock Road. The property was recently taken back by a lender in a foreclosure and is on the market. This property is graded, and is entitled (PD03-0007). APN 121-280-21.
- A portion of the 16 acres adjacent to and above the La Montana de El Dorado Shopping Center (Pottery World, Peet’s Coffee, etc.), and overlooking the CVS pharmacy. This property is being marketed for development. It is not graded, but its access from White Rock Road is fully developed. APN 118-001-12.
- A portion of the 13 acre parcel fronting on Saratoga Way between Arrowhead Drive and Finders Way, on the northwest quadrant of Highway 50 and El Dorado Hills Boulevard. This site, graded and improved, was previously proposed for the development of a hotel, which use was opposed by the adjoining neighborhood as being noisy and intrusive, and the hotel project was abandoned. This site is within walking distance of Walgreen’s, Raley’s and medical and other commercial uses. APN 120-069-03.

Thank you for your consideration of this memorandum and the expressed opinions. The Project would be a welcome addition to El Dorado Hills, but not in the proposed location.

Respectfully submitted,  
Douglas Wiele

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<sup>9</sup> I have no connection to any of these properties, no financial interest in any aspect of the Project’s location decision. I simply have market awareness.

<sup>10</sup> It is, in fact, unfortunate that in the CEQA documentation of the Project no investigation was made of Alternative Sites – this Project needs that sort of analysis.