



May 29, 2018

**VIA U.S. MAIL AND E-MAIL**

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**Re: Request by The Spanos Corporation for Rescission of Certain Entitlements**

Mr. Pabalinas:

I am writing on behalf of The Spanos Corporation ("Spanos") to request rescission of certain entitlements approved by the County of El Dorado Board of Supervisors ("County") in 2014 (the "2014 Entitlements").<sup>1</sup> This request is made pursuant to (1) the Conditions of Approval included with the County's February 13, 2018 approval of certain additional entitlements requested by Spanos relating to the same property (the "2018 Entitlements"),<sup>2</sup> and (2) a settlement agreement subsequently entered into by Spanos, the County, and parties who have brought legal challenges to both the 2014 Entitlements and the 2018 Entitlements (the "Settlement Agreement"). The legal challenge to the 2018 Entitlements is currently pending as El Dorado County Superior Court Case No. PC20180127 (the "Action").

Condition of Approval No. 2 to the 2018 Entitlements states as follows (emphasis added):

2. Superseding of Previously Approved PD Permit: Approval of the project described above would supersede the approved entitlements for the El Dorado Hills Apartment filed under applications General Plan Amendment A14-0001, Rezone Z14-0001, Amendment to El Dorado Hills Specific Plan Amendment SP86-0002-R, and Revision to Town Center East Development Plan PD94-0004R-2, if either (1) the pending litigation concerning the legal validity of those approved entitlements results in a final legal judgment requiring the County to rescind the entitlements, or (2) the project applicant request[s] rescission of those approved entitlements.

<sup>1</sup> The 2014 Entitlements consist of: General Plan Amendment A14-0001, Rezone Z14-0001, El Dorado Hills Specific Plan Amendment SP86-0002-R, and Revision to Town Center East Development Plan PD94-0004R-2.

<sup>2</sup> The 2018 Entitlements consist of: General Plan Amendment A16-0001, Rezone Z16-0004, El Dorado Hills Specific Plan Amendment SP86-0002-R-3, and Revision to Town Center East Development Plan PD94-0004R-3.

By this letter, the project applicant, Spanos, requests rescission of the entitlements specified in this Condition of Approval (i.e., the 2014 Entitlements), with such rescission deemed effective upon entry of a dismissal of the Action with prejudice by the El Dorado County Superior Court.

Spanos believes that this request is self-executing, and the 2018 Entitlements will automatically supersede the 2014 Entitlements and come into effect at the time the court enters dismissal of the Action. However, Spanos respectfully asks that the County formally act at the earliest feasible date to confirm that the County accepts and grants this rescission request, and the 2018 Entitlements will supersede the 2014 Entitlements, as specified above. Spanos anticipates that, as provided in the Settlement Agreement, the Action will be dismissed with prejudice once the County takes formal action and that action becomes final.

\* \* \*

Spanos looks forward to development of the Town Center Apartments project pursuant to the 2018 Entitlements, which will provide 214 high-end residential apartments in the El Dorado Hills Town Center, where residents can live in the heart of the area in which they dine and shop.

Should you wish to discuss this request, please feel free to contact either me (at 209-478-0844) or Spanos' retained counsel in this matter, Donald Sobelman (at 415-848-4824).

Regards,



Marc Hardy  
General Counsel

cc (by email only):

Roger Trout, Director of Development Services ([roger.trout@edcgov.us](mailto:roger.trout@edcgov.us))

David Livingston, Chief Assistant County Counsel ([david.livingston@edcgov.us](mailto:david.livingston@edcgov.us))

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