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## Court denies Town Center apartment project



The 250-unit Town Center project was recently rejected by the court. Courtesy graphic

“The El Dorado Hills Town Center Apartments project approval has been overturned by the courts, one year after its approval by the Board of Supervisors.”

So begins a prepared statement from the group known as Citizens for Sensible Growth in El Dorado Hills released last week.

“The court ruling substantiates the public’s claims that the El Dorado County Board of Supervisors abused its discretionary authority when it ignored the El Dorado Hills Specific Plan, the El Dorado Hills Area Planning Advisory Committee and the El Dorado County Planning Commission, in addition to violating the county’s General Plan, density limits, design standards and the requirement to mitigate impacts to infrastructure in approving the Town Center Apartments project on Dec. 2, 2014,” the statement reads.

County supervisors had tentatively approved the on Nov. 4, 2014. Newly seated District 2 Supervisor Shiva Frentzen opposed the action at the time. During the November 2014 hearing supervisors heard testimony from numerous residents both in favor of and opposed to the project. Increased traffic congestion, along with the volume of new residents led the opposition issues. Many speakers praised the concept in general, “but not here and/or not that large.”

One local wag declared it to be “a great project ... for Walnut Creek.”

The El Dorado Hills Area Planning Advisory Committee reviewed the project three times, APAC president John Hidahl said at the time. “We liked the concept but we think it’s oversized at twice the size of high density zoning ... and what if the project doesn’t make it?” He also recommended the project be located elsewhere in the county.

Speaking in favor of the development during last year’s hearing, executive director of the El Dorado Musical Theater Rick Wilson told the board that he had spent considerable time around Town Center, “waiting for it to be finished.”

Wilson went on to call the 4.5 acre dirt lot where the project would have been located, “barking-butt ugly.”

Another area resident described his way of life, riding his bike through town to the transit stop and commuting to Sacramento for his job.

“I love Town Center. I’d love to live there,” he said. Reading letters from two others who favor the proposal, he noted the apartment complex as “a perfect solution. Some of us need this kind of alternative housing.”

In the matter of Citizens for Sensible Development in El Dorado Hills v. County of El Dorado, the statement includes El Dorado County Superior Court Judge Warren Stracener’s Dec. 18 ruling, in part.

“As explained in detail below, (the judge’s ruling comprises several dozen pages) the court finds the administrative record contains substantial evidence that the proposed project might have significant environmental impact that requires further review. The court finds that the project at issue is a new project, not a modified one and that substantial evidence exists to support a fair argument of significant traffic environmental impacts due to the project, despite existing or planned mitigation. The court also finds that in approving the project, Respondent (the county) has not proceeded as required by law under CEQA (California Environmental Quality Act).”

Quoting three resident activists who have consistently opposed the apartment project in particular and a number of large development projects in general, the statement cites Camino resident Sue Taylor’s condemnation of the Board of Supervisors for “abuse of discretionary authority” and noted “the board ... proceeded in a similar action on Dec. 15, 2015, to approve the General Plan and Zoning Ordinance Update (TGPA/ZOU).

“Just like the board’s action on the Town Center Apartment project, this General Plan and Zoning Ordinance overhaul forces the public to file a lawsuit against the county in order to protect the county’s resources, the voter-approved General Plan, and historic zoning rights. This end-of-the-year action will have an enormous negative impact on the rural nature of El Dorado County.”

Ellen Van Dyke from Rescue called out District 1 Supervisor Ron Mikulaco in particular. “(He) voted along with Supervisor Brian Veerkamp to approve the Town Center Apartments project last year, ignoring his District 1 constituents’ opposition to the project,” she said.

Van Dyke further refers to the board's approval of the TGPA/ZOU as "the same pattern of disregard and reckless disdain of public input ... and one more example of why we need better representation on the Board of Supervisors."

Shingle Springs resident Lori Parlin likened the recent TGPA/ZOU vote to "almost like déjà vu to see four out of five supervisors vote to ignore environmental law — again ... It is time for voters to take action and replace the current supervisors with public servants that will represent our county as they promised rather than advocate for special interests."

The county reportedly has until Jan. 4, 2016 to file an appeal of the ruling.