



## STAFF REPORT

### TOWN COUNCIL MEETING OF MAY 8, 2012

To: Honorable Mayor and Members of the Town Council

From: Matt Lopez, Assistant Planner

Subject: Agenda Item Requested by Loomis Residents Regarding 6380 Wells Avenue

Date: April 24, 2012

#### RECOMMENDED ACTION:

That the Town Council authorize staff to develop a letter of opposition (signed by the Mayor) to be sent to the appropriate State agencies (Dept. of Social Services and Dept. of Alcohol & Drugs) voicing the Town's opposition should an application be submitted for a Residential Care Facility at 6380 Wells Avenue.

#### ISSUE/STAFF RESEARCH:

This item has been agendized per the request of a few Loomis residents living off of Wells Avenue and neighbors to 6380 Wells Avenue. The residents have speculated that New Dawn Drug and Alcohol Recovery Center plans to operate out of the single-family residence located at 6380 Wells Ave (built by David Kindelt with 5 bedrooms plus additional rooms that could potentially be converted to more bedrooms). The neighbors also addressed the Town Council at their April 10, 2012 meeting with their concerns. On April 18, 2012, David Kindelt (6370 Wells Ave) submitted the attached letters to Town Hall regarding their concerns.

Staff has researched and investigated the claim made by the neighbors on Wells Avenue regarding a potential \*Residential Care Facility\* at 6380 Wells Ave. As of 4/24/12, an application has not been submitted to any of the following agencies for a Residential Care Facility at 6380 Wells Ave: (1) The State Department of Social Services; (2) State Department of Drugs & Alcohol; (3) the Town of Loomis; or (4) Placer County. Furthermore, an application for a permit for such a land use (6 or fewer) is not required at the County (Placer) or local (Loomis) level, only the State. That changes should the Care Facility wish to have 7 or more clients.

\*See attachment 1. for State law as well as Loomis Regulations.\*

After speaking with the Placer County Planning Department, it was confirmed that licensing for such Residential Care Facilities is done solely by the State. The County does no review for permitting, inspections, business licensing, etc. for Residential Care Facilities of 6 or fewer that carry appropriate State approvals.

Town staff first heard of the rumors from Dave Kindelt (front counter) and Wendy Steinmetz (phone) when they both asked if an application for a Residential Care Facility had been received by the Town. Staff informed them that no application had been submitted to the Town and that the State is the authority that permits such land uses. They were also informed that the Town can only require a discretionary permit (Use Permit) if a Residential Care Facility is of 7 or more clients.

6380 Wells Avenue is accessed from a private easement located off of Wells Avenue. The residents who also utilize this access easement have concerns with the impacts the speculative Care Facility will bring to their easement. This is a private matter that the Town would not be involved with. Staff has recommended the residents look at how their easement language is phrased to see if that could be their avenue to legally prohibit a Care Facility in their neighborhood. Again, that is entirely a private matter.

Dave Kindelt recently attended a meeting of the South Placer Fire District voicing his and his neighbors concerns. Bob Richardson of the South Placer Fire District confirmed with Town staff, after his onsite visit with Dave Kindelt, that his agency has no issues with the condition of the private roadway or of an increased fire danger in that area should the neighbors' speculation of a Care Facility become truth.

**ATTACHED:**

1. Residential Care Homes – Summary of State Law & Town of Loomis Regulations
2. Neighbor letters submitted to Town Hall on April 18, 2012
3. Bill Branch letter received April 27, 2012
4. Legal Counsel Memo



## MEMORANDUM

TO: Honorable Mayor and Members of the Town Council  
FROM: Jeffrey Mitchell  
DATE: April 30, 2012 FILE NO.: 9361-005  
RE: Agenda Item Requested by Loomis Residents Regarding 6380 Wells Avenue

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I have reviewed the May 8, 2012 Staff Report regarding the Residential Care Facility and/or Alcohol and Drug Treatment Center reportedly proposed for 6380 Wells Avenue in Loomis. I concur in Staff's analysis and recommendations.

# RESIDENTIAL CARE HOMES

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## STATE LAW:

State law preempts local zoning controls over licensed residential care facilities. If a licensed facility serves six (6) or fewer persons (this does not count the caregivers), the law states this is a residential use and therefore, cannot be treated any differently than a typical family living situation. This means that the local jurisdiction cannot require any special permits, business license, home occupation permit, fire code restrictions, building codes, etc. unless such is required of any other family dwelling. Occupancy (number of people) is limited by the Uniform Housing Code, which applies to all residences, and is based on the size of each bedroom.

The areas under state law cover a number of different types of residential care homes. These preemptions are found as follows:

- Health facilities (care for developmentally disabled and skilled nursing care)  
*California Health and Safety Code Sections 1267.8, 1267.9*
- Community care facilities (covers all other types of care not already noted for adults and children)  
*California Health and Safety Code Sections 1566.3, 1567.1*
- Residential care facilities for the elderly  
*California Health and Safety Code Sections 1568.083, 1568.0831, 1569.85*
- Alcoholism recovery and drug abuse facilities  
*California Health and Safety Code Sections 11834.02 - 11834.30*
- Family day care homes (day care for children)  
*California Health and Safety Code Sections 1596.70 - 1596.795, 1597.40 - 1597.47, 1597.65*
- Homes or facilities for mentally disordered, handicapped, or dependent and neglected children  
*California Welfare and Institutions Code Sections 5115 - 5120*

State law requires that a residential facility have a valid license to operate (Section 1568.5 of the Health and Safety Code). Therefore, if a facility is licensed by the State, the local jurisdiction must recognize the zoning preemption. Without a State license, the zoning preemption is not effective. Two agencies license these facilities: The State Department of Social Services licenses all day care, mental care, group, and elderly care homes. The State Department of Alcohol and Drugs licenses only alcohol and drug rehabilitation homes. Both agencies conduct annual inspections of these homes and will respond to complaints regarding their operation. There is no distinction made for secular versus non-secular providers.

Over concentration of certain care homes in a neighborhood is also regulated by the State for licensed facilities. Licenses issued by the Department of Social Services (except for foster homes and elderly care) must be a minimum of 300-feet away from any other licensed home (as measured from the outside walls of the house - Section 1520.5 of the CA Health and Safety Code). If a home is less than the 300-feet, an exemption must be granted by the local jurisdiction, otherwise the license is denied. This 300-foot separation restriction does not apply to licenses issued by the State Department of Alcohol and Drugs for rehabilitation homes.

Listings of licensed facilities are available through the internet at [www.calcarenet.ca.gov](http://www.calcarenet.ca.gov).

# RESIDENTIAL CARE HOMES

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## **TOWN OF LOOMIS REGULATIONS:**

Residential care facilities must be licensed through the state to receive the zoning preemption for six (6) or fewer persons. If a facility serves more than (6) six people, the Town's zoning regulations require a conditional use permit in a residential zone. Residential care facilities for the elderly require a conditional use permit to operate in the CO or CT zoning districts. Residential care facilities of 7 or more require a conditional use permit to operate in the CO zoning district. Residential care facilities are not permitted within the CG, CC, IL, ILT, BP, and PI zoning districts.

Homes that are not licensed and have more than four (4) persons are considered a rooming/boarding house (LMC §13.80.020).

The conditional use permit process for the larger residential facilities (over 6) and a rooming/boarding house is discretionary and conditions can be imposed to regulate the home. These conditions can include occupancy limits, fire sprinklers, alarm systems, and vehicular prohibitions. Because the permit is discretionary, it can also be found incompatible in a neighborhood and denied. Since the neighborhood is noticed of this permit (300-foot surrounding the site), the public may comment on the proposal

Other than licensed facilities that are preempted from zoning, all other similar homes may also be subject to additional requirements from the Town's Building and Fire Departments concerning fire safety, sprinkler and alarm systems, occupancy limitations, handicapped access, etc.

## Definitions from the Loomis Municipal Code

**"Residential care facility"** means a single dwelling unit or multiple-unit facility licensed or supervised by a federal, state, or local health/welfare agency that provides twenty-four-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

**"Residential care facility for the elderly (RCFE)"** means a housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where seventy-five percent of the residents are at least sixty-two years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space.

RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined in this definition:

1. **Assisted living facility** means a residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted living facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted living facilities are required

# RESIDENTIAL CARE HOMES

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to be licensed by the California Department of Social Services, and do not include skilled nursing services.

2. **Independent living center/senior apartment** means independent living centers and senior apartments and are multifamily residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

3. **Life care facility** means sometimes called continuing care retirement communities, or senior continuum of care complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life care facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

**Rooming or boarding house** means a dwelling or part of a dwelling where lodging is furnished for compensation to five or more persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined under **organizational house**.

(916) 652-5776

**BILL BRANCH**  
**6605 WELLS AVENUE**  
**LOOMIS, CA 95650**

RECEIVED *Branch982@gmail.com*

APR 27 2012

RECEIVED

TOWN OF LOOMIS

April 27, 2012

APR 28 2012

Loomis Town Council  
3665 Taylor Road  
Loomis, CA 95650

TOWN OF LOOMIS

**REVISED REQUEST FOR AGENDA ITEM**  
**RE DRUG RECOVERY FACILITY**  
**ON WELLS AVENUE**

This letter is a follow-up to my email of April 17 to Town Manager Rick Angelocci and Mayor Sandra Calvert, which requested an agenda item at the Town Council's May 8 meeting to discuss reports that the recent purchaser of a private residence at 6380 Wells Avenue allegedly has plans to convert that residence into a drug and alcohol recovery center.

In that earlier email, I said that sometime prior to the Council's May 8 meeting, we would be submitting a more formal letter, outlining our concerns in more detail. This is that promised letter. It supersedes and replaces the earlier email. Some of the items below were mentioned in that April 17 email, but other items in this letter are new and reflect later developments. We ask that this letter be included in the Council's official agenda packet.

I speak for a group of Wells Avenue residents who are deeply concerned about persistent reports that there are plans to convert the above-mentioned single-family residence into a drug and alcohol recovery facility. Originally it had been our understanding that the facility might operate under the name of the "New Dawn Drug & Alcohol Recovery Center." But later information indicates that the property has allegedly been resold and that the new deed may be in the name "Hillside Place LLC."

After the matter was raised by three different Wells Avenue families under "public comment" at the April 10 Town Council meeting, a number of additional families on Wells Avenue and adjacent streets have come forward to express similar concerns. Because of the surprising lack of reliable, official information, those concerns are growing.

To our surprise, we are now told by two different local government agencies that they so far have been unable to find a record of any official application with any government agency (state, county or town) to open such a facility. We are told by State officials that it is possible an application has been filed, but that it may not yet have surfaced in the public record system. Because a highly reliable source has assured us that such a facility is indeed planned for that location – and because the new owners of that residence have repeatedly failed to return phone calls from neighbors seeking information on those plans – we are forced to assume that the owners are proceeding with such plans.

We ask that the Town Council, the Town Manager, and the Town Planning Director continue to closely monitor the situation – and that another full-scale public hearing be immediately scheduled when such an application is filed so that new information in that application can get

a full public airing. We ask the Town Council to direct staff that no such application be approved by Town government until a public hearing can be held, with adequate notice to residents of Wells Avenue and nearby streets.

Some staff members at Town Hall raised questions initially as to whether Town government has any jurisdiction in this matter. However we have been assured by both State and County officials that Town government does, in fact, have the primary zoning and land use jurisdiction in this matter – aside from the necessary licensing approval at the State level – and that the local fire district has jurisdiction over the fire safety of the proposed facility. We have asked the chief of the South Placer Fire District to attend your Council meeting to give you his expert opinion on the fire safety questions.

If there was any doubt that the Loomis Town Council has jurisdiction, Section 11834.20 of the California Health & Safety Code appears to put those doubts to rest. That code section states that approval of such a drug & alcohol recovery center must be “commensurate with local needs.” Obviously it is the job of the Town Council to determine whether this proposed facility does or does not meet those “local needs.” We contend that it doesn’t.

We ask that you advise the appropriate State licensing authorities that it does not meet local needs for the following reasons:

1. **TOO FAR FROM PUBLIC STREETS:** It is totally inappropriate to place a facility of this type in a remote, heavily wooded location more than a quarter-mile from the nearest public street, where its only access to public streets is across an adjoining landowner’s property to which the purchaser has an easement for *single-family residential* purposes. The roadway easement lies on property owned by an adjoining homeowner, who objects strongly to this high-traffic use of his land.
2. **BUSINESSES NORMALLY SHOULD BE ON CITY STREETS:** It is a pretty well established principle that businesses of this type – especially businesses that attract significant traffic -- should normally be placed on properties that front directly onto public streets – for obvious reasons. Putting it at the end of someone else’s private, residential driveway is simply wrong. If the operators insist on placing this facility in a private residence, there are hundreds, perhaps thousands, of available residences in this general area that front directly on public streets. Better yet, it should be located in a more densely populated area where municipal services that are normally necessary for this type of operation are more easily available, rather than on remote country property where municipal services are limited or non-existent.
3. **THIS DRIVEWAY IS INADEQUATE:** This private driveway is totally inadequate to handle the significantly increased traffic that this facility would generate. The driveway surface is already cracking badly, and placing high-volume, non-residential traffic on it would create a grossly unfair hardship for the adjoining residents who share the maintenance and use of that roadway.
4. **SELLER WAS TOTALLY MISLED:** We are told that the proposed operator of this facility allegedly purchased the home under false and misleading pretenses. The seller



lives next door to the proposed drug treatment facility. He sold the house next door with the understanding that it was to be used only as a single family residence. The purchaser told the seller that the purchaser's son would be living there as his residence. The seller says never at any time did the purchaser give the slightest indication that it was being purchased for a drug/alcohol recovery center. Because it relies on the seller's own private driveway, and because it is immediately adjacent to his own family home, the seller says he would never have sold to this purchaser if he had suspected it would immediately be converted into a business operation and into something other than a single-family residence. He had other residential purchasers he would have favored if he had known the buyer's real intentions, which appear to have been deliberately concealed from him. The fact that the buyer has repeatedly refused to return phone calls from neighbors (and from the seller) seeking information – and the fact that just five months after purchasing the house under the buyer's own name, the buyer reportedly had the title transferred to a business name (Hillside Place LLC) -- increases the seller's suspicions that the entire purchase may have been a deliberate subterfuge from the very beginning. It has been totally lacking in the sort of transparency that the Town would expect and demand from the operator of a business facility like this.

5. **LEGISLATURE NEVER ENVISIONED THIS PLACEMENT:** We contend that when the Legislature facilitated the approval process for drug & alcohol recovery centers, it obviously never, in its wildest imagination, envisioned such facilities being placed on the backside of a hill a quarter-mile from the nearest public street at the end of somebody else's private, residential driveway.
6. **MIGHT HAVE TO TURN THIS DRIVEWAY INTO A PUBLIC STREET AT TAXPAYER EXPENSE:** If the Town allows this proposed operation to move forward, then we will very likely insist that the Town Government, in all fairness, turn that driveway into a public street, to be maintained at the Town's expense. We do not believe the owners of a private driveway should be obligated against their will to support its use for someone else's business. That's the Town's job. But in these hard times, the Town is obviously not in financial condition to be adding new city streets when they don't have to. Therefore the obvious solution is to direct the owners to look elsewhere for a more appropriate location for their business operation – on a city street.
7. **FIRE SAFETY CONCERNS:** Although fire safety decisions lie primarily with the South Placer Fire District, we believe the Town Council will want to be aware that we have advised the fire chief that Wells Avenue residents are extremely worried about the fire safety of this proposed facility – for the following reasons:
  - a. **NO ALTERNATE ESCAPE ROUTE:** We feel it would be placing the drug/alcohol recovery center's patients at serious risk of death or injury when there is only one escape route from what we consider to be a high-fire-danger area – and when that sole escape route is via a long, twisting driveway through a heavily wooded area that came perilously close to being completely enveloped by a major firestorm in the 2001 Loomis wildfire that roared through that same area. If a similar wildfire

happened again – as it easily could -- all those drug/alcohol patients could be trapped behind the flames, with no alternate escape route. The only other escape route would be through woods and/or over fences – woods which could themselves be ablaze. An emergency evacuation of those patients could become a major nightmare – especially in a firestorm that moved as fast as the one in 2001. Clogging that sole escape route with the evacuation of multiple patients from the drug/alcohol facility could also endanger other families sharing that driveway by significantly slowing their own escape. It is urgent that they be able to get out fast.

- b. **2001 WILDFIRE CAME PERILOUSLY CLOSE TO ENVELOPING THAT DRIVEWAY:** That possibility of a fast-moving wildfire closing off the only escape route from this drug/alcohol facility is not a mere theoretical possibility. It came within a hair's breadth of actually happening in the huge 2001 Loomis wildfire, which destroyed four nearby homes (and set my own house ablaze). My own wife was advised by South Placer firefighters to literally run for her life – which she did moments before the firestorm roared through. The 2001 wildfire enveloped the area directly across Wells Avenue from that same private driveway – the flames separated from that driveway only by the 30-foot width of the pavement on Wells Avenue. The flames also burned part of the Mount St. Joseph grounds immediately adjacent to that driveway, coming within perhaps 100 yards of the driveway's left (east) side. The flames thus approached that driveway from two different directions. A slight shift of the wind could have completely enveloped that driveway, cutting off the only escape route.
- c. **WELLS AVENUE HIT BY TWO WILDFIRES IN A DECADE:** Wells Avenue, some parts of which are heavily forested, was hit by a second major wildfire a few months later, which came within a few feet of destroying the historic, century-old Ferguson farmhouse a few hundred yards from that same driveway.
- d. **LONG, STEEP, TWISTING DRIVEWAY COULD HINDER FIRE TRUCK ACCESS:** The private driveway providing fire engine access to this facility goes up a steep grade, narrows to a single lane where it crosses the Placer Water Agency's Boardman Canal, then makes not one but two very sharp, 90-degree turns, and then heads down another equally steep grade before reaching the structure in question near the bottom of a glen on the back side of that hill. We feel this probably isn't the sort of easy access that the South Placer Fire District would normally prefer to get multiple fire engines quickly to a facility with multiple patients to protect.
- e. **TOO FAR FROM FIRE HYDRANTS:** As best we can tell, the nearest existing fire hydrant appears to be almost a quarter-mile from this

structure. When Mount St. Joseph sought permission more than a decade ago to add a youth center for weekend teenage religious retreats, it is our understanding that Mount St. Joseph was required to extend a water main approximately half a mile down Wells Avenue in order to provide a fire hydrant at that Catholic retreat. Wouldn't a similar concern for fire safety likewise require the installation of a fire hydrant where multiple patients are to be cared for?

- f. **WELL WATER INADEQUATE FOR FIGHTING FIRES:** In the 2001 wildfire, I (and some other residents) almost lost our homes, because the fire burned down the power lines, thus totally cutting off the water supply for most of the homes in the area that then depended solely on electric pumps and well water. All the houses on that driveway, including the one to be converted into a drug/alcohol facility, likewise depend solely on well water from electric pumps. Another wildfire would likely leave this facility without any water to protect their patients. Even if the power lines survive a wildfire, most wells in this area have inadequate flow rates to be of much use in fighting a major fire. Common sense would suggest that facilities caring for multiple patients should be located where there is access to city water for fire-fighting.
- g. **DRUG/ALCOHOL PATIENTS MORE LIKELY TO BE SMOKERS:** It has often been said that people with addictive tendencies – the type of patients this facility will be caring for – are more likely to be heavy smokers. Locating people more likely to be heavy smokers in a remote, wooded area far from fire hydrants, with a very limited water supply, more difficult access for fire engines, and no alternate escape route seems like a recipe for a major catastrophe.
- h. **SOME PATIENTS MAY NOT HAVE MUCH CHOICE ABOUT FIRE SAFETY:** It is one thing for homeowners to knowingly choose to live in an area with greater fire danger. That is their right. We don't yet know all the details about how patients end up at drug-alcohol facilities of this type. But we suspect some patients may not have a lot of choice. If so, then government obviously has a strong obligation to protect them from a totally unnecessary fire risk.

**FIRE PROTECTION IS GREATER ON PUBLIC STREETS:** We feel it is a generally accepted principle that business operations of this type – especially those that care for multiple patients – should normally be located on public roadways where they can be properly serviced by municipal services, including fire protection, adequate water supplies, easy access for fire engines, and alternate escape routes. If this company is determined to place their facility in a private residence, there are obviously hundreds, perhaps thousands, of homes for sale in this area that are properly located on city streets. Placing it in this remote location, with restricted access and far from municipal services, is totally

inappropriate.

For all the myriad reasons stated above, we submit that placing this proposed drug and alcohol recovery center in this particular location clearly violates Section 11834.20 of the California Health & Safety Code by not being "commensurate with local needs" and is shockingly inappropriate.

If Town Council members or Town Hall staff have any further questions, please feel free to contact any of the following nearby residents: Wendy Steinmetz at 415-0999, Dave Kindelt at 768-6160 (cell), or Bill Branch at 652-5776.

Thank you for considering our urgent concerns.

A handwritten signature in black ink that reads "Bill Branch" followed by a horizontal line.

Bill Branch  
6605 Wells Avenue  
916-652-5776  
[Branch982@gmail.com](mailto:Branch982@gmail.com)

April 12, 2012

John Kintz  
Town of Loomis  
3665 Taylor Road  
Loomis, CA 95650

RECEIVED  
APR 18 2012  
TOWN OF LOOMIS

**DRUG AND ALCOHOL RECOVERY CENTER  
(To be located at 6380 Wells Avenue, within private  
4-lot minor subdivision in the Town of Loomis  
Incorporated area.)**

Dear John Kintz,

It has come to our attention the New Dawn Drug and Alcohol Recovery Center is currently planned for the residential home site at 6380 Wells Ave, Loomis, CA, located at the end of our private four (4) lot minor subdivision serviced exclusively by a private dead end roadway.

The purpose of this letter is to immediately request all information regarding the applicant's intent, including the current state of the application as provided for in the "State Public Record Act".

Attached for your review are letters submitted to the town of Loomis City Council, opposing the commercial use. The letters are from existing home owners whose properties are contiguous to the proposed location and share the private roadway access which serves four (4) parcels only.

We are perplexed to say the least that no such notification of the application has been made available to the adjoining home owners let alone local residence of the Town of Loomis. If not for sheer luck, and efforts borne by the home owners and local residence we would have no such knowledge of the use in question. In our efforts to reach the applicant New Dawn Recovery Centers, they have not responded back to our phone calls.

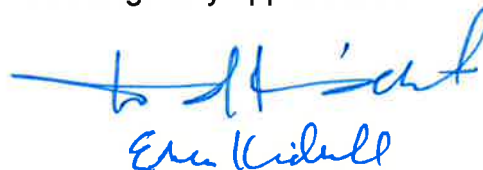
For these vary reasons we are requesting your immediate response to the following:

- A. Request to be provided all public records pertaining to application submittal with all current findings for review.
- B. Request all governing jurisdictions that are currently providing for review and approval of application to refrain from further processing and place hold on current application; initiate a re-evaluation based upon our current findings. We have only gained such knowledge of proposed center in a very short period of time.

- C. Request, at a minimum, representatives from State of California, Placer County, Town of Loomis and South Placer Fire Districts, conduct a formal tour of the site location for the purpose to inspect and acknowledge future impacts as it will relate to the new use in question. Impacts will be most evident as it relates to the private roadway "as built" with regards to the existing topography and initial intended use. Areas of Health and Safety will likely be compromised as increased impacts will be brought, on should the center be allowed to operate within our private 4-lot minor subdivision.
- D. We request in the essence of fairness we be allowed to submit our findings and be heard, not solely as adjoining homeowners, but by the local community as a whole, as to minimize the likelihood of becoming a controversial matter.

Upon your review, please advise us as to your position to provide assistance and to whom we may contact going forward. Your assistance would be greatly appreciated.

Sincerely,



Eric Kindelt

**Lane & Wendy Steinmetz**  
Loomis Residence  
6400 Wells Avenue  
Loomis, CA 95650  
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RECEIVED  
APR 18 2012  
TOWN OF LOOMIS

April 9, 2012

City Council Members

Dear City Council Members:

The purpose of this letter is to make a formal request to ask for your support in opposing the New Dawn Recovery Center that is currently planned for the residential home site located at 6380 Wells Avenue in Loomis, CA.

We have lived in the town of Loomis for 6 years. It has been our life-long dream to acquire a remote parcel, build our dream house, and live in a tranquil setting shared by three (3) additional neighbors, as we have enjoyed for the past 6-years, and would hope to live here forever. We are now living with the fear and devastation that a commercial destination residential drug and alcohol care facility may be granted approval within our current private residential setting.

We have investigated the use and process and understand that state law provides that zoning and other local government action may not discriminate against a 6-client commercial residential drug and alcohol rehabilitation center. However, such facility is still subject to other residential business requirements. Although, we strongly oppose a drug and alcohol destination rehabilitation center, located at the end of our dead-end private driveway, within our minor subdivision we have chosen to live in. Our opposition targets future impact to the private driveway with regard to un-projected maintenance, roadway improvements, increased traffic, and excessive noise. These are real impacts that would not be present under a single family residence and we ask for your consideration, not based upon discriminatory issues, but only ask that we be allowed consistent uses and conditions, as outlined in the minor subdivision conditions of approval.

We are aware of the 6-clients or less threshold, as to minimize discretionary approvals for such drug and alcohol rehabilitation use, provided it serves a local need and not a destination facility as referenced in the Health & Safety Code (Section 11834.20). We further understand such facility is a permitted use in all residential zone districts within the town of Loomis, including our underlying zoning of agricultural residential. We also know the "Town of Loomis Requirement for Zoning Clearance" (Table 2-2;13.24.040), as to provide insurance that a proposed structure or land use complies with the developmental standards applicable to the use.

Since the Town of Loomis does not outline the standards, specifically for drug and alcohol rehabilitation centers, along with the fact that we are not discriminating against that specific type of care facility, we refer to Loomis Code 13.42.240 (residential care facilities for the elderly) as a "similar use" guideline standards for residential care facility. Loomis Code 13.22.03, Section A3: Allowable Land Uses & Permits Requirements - similar and compatible use may be allowed.

In Section G3 of 13.42.24 - Findings Required for Approval, it states that "the facility will not cause excessive noise, traffic or other disturbances to an existing residential neighborhood or result in significantly adverse impacts on public services and resources".

Our private drive-way, as conditioned by Town of Loomis and approved by South Placer Fire Department, surely had not taken into account the commercial use in question with a much higher impact. The private driveway, in its current state, exceeds the maximum allowable grade of 16%. Additionally, the driveway has narrower sections far short of the 20' standard driveway width. The driveway length is approximately 2400' and lacks adequate turnarounds. The roadway has a bridge that crosses the Boardman Canal. The width is approximately 12' (one lane) and is blind to oncoming traffic. Currently, the road surface is paved only on the uphill one-half and the roadway has already failed twice in and around the area exceeding the 16% grade.

In closing, the use which will account for 6 clients, numerous employees, professional staff, vendor deliveries, services, care providers, family members and other visitors will have a substantial impact compared to impact of a standard residential home.

"Zone Clearance" has been set forth by the town of Loomis to ensure compliance of proper development standards. We strongly believe that the findings required for approval stated in 13.42.240 - Section G, provide cause for the Town of Loomis to deny issuing the required "zone clearance" for the proposed New Dawn Rehabilitation Care Center, to be located at 6380 Wells Avenue in Loomis, CA.


Dave Kindelt  
Erica Kindelt  
6370 Wells Avenue  
Loomis , CA 95650



Lane & Wendy Steinmetz  
6400 Wells Avenue  
Loomis, CA 95650  
916-415-0999 home

RECEIVED  
APR 18 2012  
TOWN OF LOOMIS

April 10, 2012

Mayor Sandra Calvert  
Office of the Mayor & Town Council  
Town of Loomis  
3665 Taylor Road  
Loomis, CA 95650

**RE: Opposition to the New Dawn Recovery Center**

Dear Mayor Calvert & Loomis Town Council Members,

The purpose of this letter is to ask for your support in opposing the New Dawn Recovery Center that is currently planned for the residential home site located at 6380 Wells Avenue in Loomis.

It is our understanding that State law provides that zoning and other local government action may not discriminate against 6-client commercial residential drug and alcohol rehabilitation centers, however, such facility is still subject to other residential business requirements.

The specific state policy set forth in the Health and Safety Code (Section 11834.20) is as follows: *"The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need."* A destination high-end facility has nothing to do with local need and this use of the statute could be seen as an abuse of the stated policy. The New Dawn Recovery Center is a multi-facility chain of centers, and they are using the state statute that was intended to for small treatment facilities to create a destination-type facility that is not being built with the intention to serve our local Loomis community needs.

Please know that although we do not believe that this type of commercial rehabilitation facility is a good fit for our 'quaint, family-oriented community' or our 'rural character and charm', our main concerns are not specific to the type of care facility, but rather to the idea of ANY type of commercial facility located at the end of our shared private driveway. We ask that you please consider our request to join our opposition, as our concerns are based the adverse impact this commercial facility will have

on our driveway and the increased traffic & noise and that this facility will bring to our neighborhood. In addition, we oppose the idea that the intended use of this facility is not based on our local community needs. Our concerns are not based on discriminatory issues, and it is our hope that the Town of Loomis will see that we do not have to simply give-up our community values or rights by allowing this plan to unfold without careful consideration of the impact it will have on current Loomis citizens/homeowners and our local community.

We have lived in Loomis for nearly 12 years, and have proudly raised our family in this wonderful community. In 2007 we purchased a beautiful parcel of land in Loomis with the intention of building our dream home and making Loomis our hometown forever. We chose to purchase land and build our home in a very natural, tranquil setting in order to enjoy the peacefulness of Loomis for many years to come. We finished our home and moved into it in October 2010. We are absolutely devastated to now learn that the single-family home nestled among the oaks at the bottom of our very private driveway is slated to become a commercial destination-type care facility for up to 6 clients.

We are aware that a 6-client commercial residential care facility is a permitted use in all residential zoning districts in Loomis, including our RA zoning district. We also know that the Town requires that this type of permitted residential business use requires "Zoning Clearance" from the Town (Table 2-2; 13.24.040).

According to Loomis code 13.62.020, one of the primary purposes of the required "Zoning Clearance" procedure is to ensure that a proposed structure or land use complies with the developmental standards applicable to the use. Since the Town does not outline the standards specifically for residential care facilities for drug and alcohol rehabilitation, along with the fact that we are not discriminating against this specific type of care facility, we refer to Loomis code 13.42.240 (Residential care facilities for the elderly) as the "similar use" standards guideline for residential care facility. Loomis Code 13.22.030 Section A3: Allowable Land Uses and Permit Requirements - Similar and Compatible Use may be Allowed.

In Section G3 of Loomis code 13.42.240– Findings Required for Approval it states that *"the facility will not cause excessive noise, traffic, or other disturbances to an existing residential neighborhood or result in significantly adverse impacts on public services and resources"*.

Our private driveway was never intended to be used by more than four families living in four single-family homes designated by the four parcels that meet the lot size for current zoning specifications.

Due to the 6 clients, employees, staff, deliveries, services, care providers, family members and other public visitors that will frequent this commercial care facility, the noise, traffic and disturbances will be at least 3 to 4 times greater than what was ever intended for our four parcel private driveway. The

increased noise, traffic and disturbances that will result from the use of this commercial care facility located at the end of our private driveway will without doubt be excessive in comparison to the intended use of the private driveway. If this commercial care facility was positioned on a road with more homes and more access points, the impact may not be as great. However, this is a private, four-parcel, dead-end driveway with only one access point off of Wells Avenue. All of the traffic in & out resulting from the use of this facility must pass by our home (and the other homes) on this private driveway in order to get to and from the commercial care facility. The noise, traffic and disturbances will have an excessive impact on all of the existing residential neighbors, not to mention the existing wildlife that actively live in this natural, tranquil setting.

The Town of Loomis requires “Zone Clearance” in order to ensure compliance of proper developmental standards. We absolutely believe that the findings required for approval stated in 13.42.240 – Section G3 provide cause for the Town of Loomis to deny issuing the required “Zone Clearance” for the New Dawn Rehabilitation Care Center to be located at 6380 Wells Avenue.

In addition, there are a few requirements from the Town of Loomis Residential Business License application that a typical treatment facility will not satisfy. First, the condition that *“The business shall be conducted wholly within the dwelling unit or accessory building”* will not likely be met. Residents are typically transported to meetings offsite and will have full use of the property, which means the business will be conducted outside of the buildings. Again, this facility is not operating under the policy of the state statute to meet the local needs of the community, so this condition is an important consideration for our Town.

The second condition that may not be able to be met is that *“No persons other than residents shall be engaged in the business therein.”* This treatment facility will have staff, personnel, and official visitors on-site that are fully engaged in the business, yet not residents of the facility. Again, this is an important consideration especially in light of the policy of the state statute.

The third condition that may not be able to be met is the *‘no public coming to the home’* requirement. While the clients may not be considered public based on the language of the state statute indicating that clients are to be treated as residents, any visiting friends, family or guests should be considered as public.

When looking the New Dawn Recovery Center’s intentions to put one of their multi-facility chain centers in our local community it is important to consider many factors. Please consider the intended use of our private driveway and the excessive, negative impact this commercial facility will have on our single access, four-parcel driveway. It is also important to consider that the intention of the state statute is to meet the local need and not to protect a destination-type commercial facility. The Town of

Loomis has coding requirements and business license requirements that are intended to protect our community. Please understand that The Town of Loomis does not have to allow this commercial facility to become a part of our quaint, family-oriented community. The state statutes clearly states that these types of facilities are to 'commensurate with local need', and this destination-type facility has nothing to do with our local needs in Loomis.

We are proud of our great community, and look forward to living in the peaceful setting we chose for our dream home for many years to come. We are very concerned about the New Dawn Recovery Center opening soon at 6380 Wells Avenue in Loomis, and we plan to oppose this commercial development in every way possible.

We greatly appreciate your care for our concerns, as well as your consideration to support our request to help us oppose the New Dawn Recovery Center opening up for business in Loomis.

Sincerely,



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cc: Dave Kindelt, Loomis Resident

Gorden Medd, Superintendent  
Loomis Union School District

Rev. Arnold Ortiz, OSJ, Pastor  
St. Joseph Mareello – Youth Retreat Center

Janet Thew, Chairperson  
Loomis Planning Commission