



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING**  
**SERVICES DIVISION**

Paul Thompson, Deputy Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
Agency Director

**DATE:** October 11, 2012

**SUBJECT:** ORCHARD AT PENRYN (PSUB 20070521) - THIRD-PARTY APPEALS OF THE PLANNING COMMISSION'S CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP AND CONDITIONAL USE PERMIT

**ACTION REQUESTED:**

1. Conduct a Public Hearing to consider third-party appeals filed by Rick Angelocci on behalf of the Town of Loomis and by Bobby Uppal on behalf of the Stop 150 Apartments Group.
2. Deny the third-party appeal filed by Rick Angelocci, on behalf of the Town of Loomis.
3. Deny the third-party appeal filed by Bobby Uppal, on behalf of the Stop 150 Apartments Group.
4. Certify the Final Environmental Impact Report including Final Errata (FEIR) for the Orchard at Penryn project, adopt the Statements of Findings and Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Plan.
5. Uphold the action of the Planning Commission and approve the Vesting Tentative Subdivision Map and Conditional Use Permit to allow for the construction of the Orchard at Penryn Project, including 150 Multi-family residential units with on-site recreational facilities, based on the findings set forth in the staff report.

**BACKGROUND:**

The Orchard at Penryn project is a proposal to construct 150 multi-family residential units with on-site recreational facilities, including a 3,900 square foot recreation center with a leasing office, indoor fitness center, internet cafe, outdoor pool, spa, and tot lot. The multi-family residential units would consist of three or six units per building (two-story) with parking for a total of 375 vehicles. The multi-family residential units would be developed as either residential condominiums or operated as a rental community. Primary access to the site is proposed through a gated entrance off Penryn Road. A secondary exit-only gated access point is proposed for Taylor Road. Implementation of the project would require remediation of contaminated soil on-site and construction of frontage improvements along Penryn Road.

The subject property is ±15.1 acres in area and is comprised of two parcels (Assessor's Parcel Numbers 043-060-052-000 and 043-060-053-000) located on the west side of Penryn Road, approximately 0.30 miles north of Interstate 80. The northwest corner of the property is adjacent to Taylor Road. The site is located within the Horseshoe Bar/Penryn Community Plan area and is designated Penryn Parkway on

the Land Use Diagram. The property is zoned RM-DL 10 PD=10 (Residential Multi-Family, combining Density Limitation of 10 units per acre, combining Planned Residential Development of 10 units per acre) and C1-UP-Dc (Neighborhood Commercial, combining Use Permit, combining Design Scenic Corridor). The proposed multi-family residential use is a conditionally permitted use within the C1 zoning district. Project entitlements requested include a Vesting Tentative Subdivision Map and Conditional Use Permit. (Refer to June 28, 2012 Planning Commission Staff Report in Attachment J).

#### Penryn Municipal Advisory Council

The Penryn Municipal Advisory Council considered the proposed Orchard at Penryn project at its January 24, 2012 meeting and voted unanimously (5:0 Bennet, Bishop, Brodovsky, Neifer, Russel) to recommend DENIAL of the Project to the Placer County Planning Commission. In its letter dated February 11, 2012, the Penryn MAC indicated that its recommendation was based upon the overwhelming number of negative comments from the public and the fact that the Project does nothing to benefit the Penryn Community at large (Attachment Q)

#### Planning Commission Meeting (June 28, 2012)

The Orchard at Penryn project was considered by the Planning Commission at its June 28, 2012 meeting. More than 30 residents spoke for and against the project. Those speaking against the project expressed concerns about the Project's density, school impacts, traffic, safety along Penryn Road and Taylor Road, and the Project's fiscal impact on the County.

After considering staff's report and recommendation and listening to substantial testimony during the public hearing, the Planning Commission adopted a motion (3:2:2 with Commissioners Denio, Johnson, and Moss voting yes; Commissioners Gray and Roccucci voting no; and Commissioners Brentnall and Sevison absent) to certify the Final Environmental Impact Report and Errata, adopt a Statement of Findings and Overriding Considerations, and approve the Mitigation Monitoring and Reporting Program. The Planning Commission also approved the requested entitlements, including a Vesting Tentative Subdivision Map and Conditional Use Permit to allow for the construction of 150 Multi-family residential units with on-site recreational facilities. In reaching this decision, the Planning Commission found that the Project is consistent with the goals and policies in the Horseshoe Bar/Penryn Community Plan, the proposed density (150 multi-family residential units) is consistent with the Horseshoe Bar/Penryn Community Plan land use diagram and underlying zone districts, the Project's design is consistent with the Penryn Parkway development policies (i.e., two stories, low profile signage and lighting, Gold Rush era architecture, clustering of buildings, preservation of the central swale.), and the FEIR is complete, adequate and in full compliance with CEQA.

#### Third-Party Appeals

Two separate third-party appeals were filed, the first on June 29, 2012 by Rick Angelocci, on behalf of the Town of Loomis, and the second on July 9, 2012 by Bobby Uppal, on behalf of the Stop 150 Apartments Group. Both appealed the Planning Commission's June 28, 2012 certification of the Final Environmental Impact Report and approval of a Vesting Tentative Subdivision Map and Conditional Use Permit for the Orchard at Penryn project

#### Board of Supervisor's Meeting (September 25, 2012)

On August 29, 2012, the Stop 150 Apartments Group submitted a written request to continue its appeal to a future date and time when all five Board of Supervisors would be present at a public hearing. Both the applicant and the Town of Loomis consented to this request. The Board of Supervisor's voted (4:0:1:0 Supervisors Duran, Holmes, Montgomery, and Uhler voting yes; Supervisor Weygandt absent) to continue the appeals public hearing to October 11, 2012 at 10:30 a.m.

#### **LETTER OF APPEAL – TOWN OF LOOMIS**

The Town of Loomis appeal letter filed on June 29, 2012 included as attachments the Town's August 25, 2011 comment letter on the Draft EIR and January 25, 2012 comment letter on the Final EIR

(Attachment C). In addition, the Town included its testimony that was provided at the June 28, 2012 Planning Commission hearing. No additional documents supporting the appeal were submitted to the County. The August 25, 2011 comment letter was previously responded to in the Final EIR (FEIR, pp. 2-26 to 2-35), and staff has prepared formal responses to all other issues raised by the Town in Attachment D of this report.

The Town of Loomis makes several assertions in its appeal, the basis of which is that the County failed to address the Town's comments on the Draft EIR as required by Public Resources Code section 21091(d)(2) and the CEQA Guidelines section 15088. As demonstrated in the Final EIR (pp. 2-26 to 2-35), the County provided responses equivalent in detail and specificity to the comments made by the Town. In many instances, the County devoted several paragraphs in response to specific proposals and suggestions of the Town. An objective assessment of the record does not support the Town's assertion that the County did not provide the required "good faith, reasoned analysis" required under CEQA.

In addition to the County's formal response to the Town of Loomis appeal, the County has also prepared an Errata to the EIR (Final Errata September 2012, Attachment G) which clarifies the analysis on points raised by the Town, a summary of these issues is provided below.

#### Water Supply

The Town of Loomis asserts that the Draft EIR failed to demonstrate that there will be an adequate water supply or that an appropriate water supply assessment was conducted. The County disagrees with this assertion based on the fact that the Placer County Water Agency has already issued a statement that water would be made available and information in the Urban Water Management Plan shows that there is adequate water now and in the future to serve the demand generated by the Project. Additionally, there is substantial evidence in the record that supports the conclusion that the Project would not result in the need to develop additional water supplies or cause adverse impacts relating to the construction of new water infrastructure. Furthermore, neither CEQA nor the California Water Code requires the preparation of a Water Supply Assessment for a residential project of less than 500 units.

#### Public Transportation Access

The Town of Loomis noted that the Project would need to provide access to public transportation in order to be consistent with policies in the Horseshoe Bar/Penryn Community Plan. The Project is, in fact, providing access to public transportation with a proposed bus stop at the project entrance along Penryn Road. In addition, the Project would not impede or constrain the ability to provide additional public transit to the area in the future. Therefore, the County has concluded that the Project is consistent with planning policies regarding public transit and other forms of transportation alternatives.

#### Taylor Road "Exit-Only" Access

The Town of Loomis asserts that the planned gated exit onto Taylor Road would create traffic and safety hazards. The County disagrees with this assertion as the Draft EIR considered sight distance at the project driveway on Taylor Road (DEIR, p. 7-14), stating that 605 feet of corner sight distance is necessary and is available. The sight distance requirement is based on rate of travel on Taylor Road. Therefore, there is no expectation that use of the exit-only access point on Taylor Road would create a safety hazard. Additionally, grading cuts proposed for the exit driveway would match the grade of the new driveway to the elevation of Taylor Road at this intersection and would provide for additional, sufficient clearance (20 feet) under the existing powerlines.

#### Student Generation Rates/Vehicle trips at Del Oro High School

The Town of Loomis is questioning the Draft EIR's analysis on student generation rates and potential impacts to schools. The Loomis Union School District would serve the elementary and middle school students residing at the project site. The student generation rate in this district is 0.343 elementary and middle school students per home. The project is therefore expected to generate up to 51 elementary and middle school students. Del Oro High School, which is part of the Placer Union High School District,

would serve the high school students residing at the project site. The student generation rate in this district is 0.2362 high school students per residence. The project is therefore expected to generate up to 35 Del Oro High School students. As discussed in the Initial Study and on page 1-5 of the Draft EIR, any potential impacts to schools would be mitigated to less than significant levels with the required payment of school facility fees. These fees are based on student generation rates and the total fee payment amount would reflect the student population anticipated to reside within the project. There has not been any correspondence received from the school districts that indicates that the school districts would not be able to accommodate students generated by the project.

The Town of Loomis also raised issue with the student generation rates, specifically rates for Del Oro High School, used in the traffic impact analysis prepared for the project. As noted in the Draft EIR, the Traffic Impact Analysis prepared by Kimley-Horn and Associates (DEIR, Appendix E) used trip generation rates taken from the Institute of Transportation Engineers (ITE) studies of similar land uses. There is detailed discussion provided in the response to the Town's comments that explains the ITE trip generation rates and the factors that went into determining the number of vehicle trips to and from Del Oro High School. Although the Town does not agree, this information supports the reasonable assumption that the proposed project would generate an estimated 9 new vehicle trips on Taylor Road during the peak hour. Additionally, the Kimley-Horn and Associates study states that a Del Oro High School Traffic Assessment was prepared and considered specifically per the request of the Town of Loomis. (DEIR, App. E, p. 23.) The analysis noted that although the school likely experiences peak-hour congestion primarily due to the peaking nature of high school traffic, the addition of the proposed project is not anticipated to noticeably affect traffic operations at the school site.

#### Mitigation for Traffic Impacts

The Town of Loomis asserts that the County failed to identify and adopt mitigation measures that would reduce traffic impacts to a less than significant level and failed to consider alternative mitigation measures as a means to reduce traffic impacts. Additionally, the Town also claims the EIR did not include an analysis of reasonable, feasible options for mitigating or avoiding a project's contribution to significant cumulative impacts. The Town has also requested that Mitigation Measure 14.2a which requires that the project applicant make a "good faith effort" at contributing a fair share amount towards modifying specific intersection improvements, be modified to read "the project applicant *shall* make a fair-share payment to the Town of Loomis towards the cost of implementing these improvements." (FEIR, p. 2-28.)

The County does not agree that "the Project is not required to actually mitigate for its significant impacts," as the Town asserts. In fact, the County proposes a mitigation measure that requires the applicant to cooperate in good faith with the Town in trying to carry out the recommended mitigation by paying its fair share of recommended intersection improvements. Mitigation Measure 14.2a is enforceable in that the County will require the developer to document its efforts to work out an agreement with the Town for payment of its fair share for traffic impact mitigation within the Town. Because the improvements are within the Town's jurisdiction, the County cannot guarantee the identified impacts will be constructed (and thus that the impact would be mitigated to less than significant). The County is requiring the applicant to cooperate with the Town in the fair-share funding for improvements within the Town's jurisdiction, but since it cannot guarantee the improvements will actually be built, the County appropriately determined the impacts would be significant and unavoidable.

The County cannot require more of the project applicant than a good faith effort to contribute its fair share amount of the recommended intersection improvements to the Town of Loomis's Capital Improvement Program, when there is not currently any agreement between the Town and the County regarding the cross-jurisdictional sharing of traffic mitigation payments for extra-territorial impacts caused by projects in their respective jurisdictions. A fair share payment would be considered as mitigation only if the Town of Loomis is able to demonstrate to the County's satisfaction that the Town's Capital Improvement Program covers or will cover the contemplated improvements such that a fair share payment will actually result in

construction of the contemplated improvement within a reasonable period of time. Because the Town of Loomis controls what occurs at the intersection, and because the County is uncertain as to whether the Town would be willing to cooperate in the construction of the contemplated improvements within a reasonable period of time (i.e., prior to the issuance of building permits), the impact is conservatively considered significant and unavoidable.

While the Town of Loomis has a Capital Improvement Program (CIP) for funding traffic improvements within its jurisdiction, the program is not one that is set up to receive fair-share funding from other jurisdictions. As such, Mitigation Measure 14.2a sets forth the traffic improvements in Loomis that the County would require the Project to make a good faith effort toward contributing its fair share toward funding.

Recently, the Town of Loomis passed a Resolution No. 12-23 (Attachment V) that could potentially direct fair-share portions of traffic fees related to traffic impacts on roads within Loomis jurisdiction to be placed in Loomis accounts encumbered to perform the mitigation measures for such identified impacts. Although this Resolution by the Town “assures” that funds will be deposited into an account for identified improvements, there is no evidence that the Town has established a mitigation program, including a fee structure, to ascertain the costs of the improvements and ensure that the improvements will actually be constructed, thereby mitigating the impact to a less than significant level.

#### **LETTER OF APPEAL - STOP 150 APARTMENTS GROUP**

The Stop 150 Apartments Group filed an appeal on July 9, 2012 (Attachment E). Additional correspondence was received on August 7, 2012 from Keith G. Wagner, Lippe Gaffney Wagner LLP, which contained supplemental information in support of the appeal. Staff has prepared a formal response to concerns raised by the Stop 150 Apartments Group as provided in Attachment F of this report. A summary of issues raised by the appellant is provided below.

#### Community Plan Consistency

The appellant asserts that the Project is not consistent with the Horseshoe Bar/Penryn Community Plan. To the contrary, the Planning Commission found the Project to be consistent with a broad range of general Community Plan goals and policies contained in the Community Plan, as analyzed in the EIR. These goals and policies include, but are not limited to, protecting natural resources, minimizing grading impacts for roadways, protecting water quality, and maintaining natural view corridors. The Planning Commission found, using its discretion to interpret and apply, and balancing the sometimes competing policies in the Plan, that the Project overall is consistent with the Community Plan.

The Planning Commission also found that the proposed Project is consistent with both the Penryn Parkway land use designation and Penryn Parkway development policies contained within the Horseshoe Bar/Penryn Community Plan. The Penryn Parkway allows for multi-family residential uses, so long as the residences are limited to two-stories in height, with low profile lighting and signage, with a design reflective as much as possible of the area’s historical nature, including the Gold Rush era. The buildings in the Orchard at Penryn project are two stories in height, and designed in a “Gold Rush” era architectural style (Attachments L, M, and N). Moreover, the buildings in the Project have been clustered to avoid much of the central drainage swale and the design has incorporated open and recreational space (Attachment O). The combination achieves the policy goal of providing a development that is not massive in size or visual appearance.

#### Penryn Parkway

The Appellant acknowledges that the Penryn Parkway allows for multi-family housing; however, the appellant asserts that any such development shall be of “relatively low density”. The appellant specifically calls out Penryn Parkway Development Policy d. (Plan, page 81) in the Horseshoe/Bar Penryn Community Plan and the Plan’s definitions for the low/medium/high land use designations (Plan, p. 24). The appellant asserts that the only High Density allowed in the Plan area is a 12 acre, pre-existing

mobile home park, located in the southwest portion of the Plan area near Auburn-Folsom Road. The County strongly disagrees with the appellant's characterization of the Plan policies.

The "Penryn Parkway" is actually a separate and distinct community plan land use. It was formally adopted as a land use designation and incorporated into the then current community plan, the Loomis Basin General Plan, by the Board of Supervisors in 1988. The Penryn Parkway continues to be a separate land use designation in the current Horseshoe Bar/Penryn Community Plan, which replaced the Loomis Basin General Plan in 1994. The Community Plan also has separate land use designations for low/medium/high densities but these land use designations have no relevance for purposes of determining the permissible land uses within the Penryn Parkway designation.

The Appellant omitted the full language of Policy d which provides additional context and meaning to the policy. Policy d, in its entirety, provides guidance on the nature of the development design, specifically stating the following: "Development shall be of a relatively low density, low profile type, and the signing and lighting provided shall reflect such a policy; specifically, building height is to be restricted to a maximum of two-stories. The area's historical nature (i.e., Japanese heritage, gold rush era, English settlement) should be reflected as much as possible in the design of new buildings to be constructed within the Penryn Parkway area."

The term "relatively low density" in the above policy is not the same as the "LOW DENSITY" Plan land use designation. The term "relatively low density" seeks to implement the intent of the Parkway land plan development policy of the necessity of "Conscientious design review regarding the location and appearance of buildings, parking, signs and landscaping will be necessary to ensure the integration of commercial uses and compatibility with surrounding rural residential uses." (Plan, p. 80) Thus the reference to "relatively low density" in Policy d is intended to refer to the placement and visual appearance of the buildings.

#### Project Density

The Appellant asserts that the density of the project violates the Horseshoe Bar/Penryn Community Plan and the Zoning Code, stating that 10 du/acre is the absolute maximum residential density defined anywhere in the Plan and that it only applies to 12 acres of land along Auburn-Folsom Road.

As previously mentioned, properties in the Penryn Parkway area have been assigned the Penryn Parkway land use designation. Zoning is the implementing mechanism to determine allowed land uses and densities in the Penryn Parkway area. The project site is comprised of two parcels, a  $\pm 9.92$  acre parcel zoned RM-DL10 PD=10 (Residential Multi-Family, combining Density Limitation of 10 dwelling units per acre, combining Planned Residential Development of 10 dwelling units per acre) and a  $\pm 5.22$  acre parcel (adjacent to Penryn Road) zoned C1-UP-DC (Neighborhood Commercial, combining Use Permit Required, combining Design Scenic Corridor).

The RM-DL10 PD=10 zone district allows for a maximum of 10 multi-family residential units per acre (total of 99 dwelling units) and the C1-UP-DC zone district allows for one multi-family residential unit for every 2,000 square feet, or approximately 21 units per acre (total of 113 dwelling units), with approval of a Use Permit. Collectively, the current zoning on the two parcels could potentially allow for up to 212 multi-family residential units. The Project does not maximize the density that could be allowed under the two parcels, but is approximately 30 percent less than the maximum allowed density on the Project site, preserving much of the central swale, and providing on-site recreation areas.

It is important to note that the 10 du/acre zoning was originally established in 1981 when the properties were rezoned from AR-B-X-4.6 (Agricultural Residential, combining Building Site Minimum of 4.6 acres) to R-3-DL-10-LUI-10 (High Density Multiple Residential, combining Density Limitation of 10 units per acre, with a land use intensity of 10 units per acre) and Open space with LUI-10 and C-1-Dc (Neighborhood Commercial, combining Design Control). When the Board approved the inclusion of the

Penryn Parkway Area land use designation in 1988, the Board concurrently adopted a rezone ordinance that provided the present zoning. With the exception of the requirement for a use permit in the Commercial district, there have been no substantive changes to the zoning of these parcels since 1981.

#### Sewer

The Appellant asserts that the sewer analysis in the Draft EIR is flawed as it relates to the condition and capacity of the sewer system. The Appellant specifically questioned the methodology used by V&A Consulting Engineers in the sewer capacity analysis. The County has provided clarification of the issues raised by the Appellant in the Final Errata September 2012 (p. 12-11). Based on the available capacity identified in the V&A sewer capacity analysis and confirmed by South Placer Municipal Utility District (SPMUD), the existing SPMUD sewer trunk line has adequate capacity to accommodate anticipated sewer flows generated by the Project.

#### Noise

The appellant refers to Table 9.7 (Common Construction Equipment Noise Levels) in Chapter 9 of the Draft EIR (Noise) and asserts that construction-related noise impacts cannot be reduced to less than significant levels with the mitigation proposed. County Code Section 9.36.030.A.7 exempts noises generated from construction activities during daytime hours from the County's noise standards. Although none of the measures applied to this impact seek to reduce noise levels from the levels shown in Table 9.7., the Project's conditions of approval approved by the Planning Commission include a condition (Condition 79) that controls the times at which noises can be generated, ensures that construction noise (equipment) is not excessive, identifies performance standards applicable to any blasting activities, and prohibits construction traffic on Taylor Road.

#### EIR Cumulative Impacts

The Appellant asserts that the Draft EIR did not disclose all known approved, active, or reasonably foreseeable projects by which cumulative impacts may be evaluated. The Appellant specifically refers to the Clover Valley project in the Rocklin area. The reason the Draft EIR did not include the Clover Valley project in the cumulative development scenario was because that project is too far away to influence the project's impacts. The Clover Valley site is more than two miles distant from the Orchard at Penryn project site and is not adjacent to the Horseshoe Bar/Penryn Community Plan area, as are other projects. Additionally, the Clover Valley Site is located west of Clover Valley Creek, Antelope Canal, and the Southern Pacific Railroad. These features combined with the natural ridgeline near Antelope Canal and the railroad form a physical barrier that disrupts the continuity of biological resources and restricts wildlife movement to the east. Furthermore, drainage from the Clover Valley site and drainage from the Orchard at Penryn site flow into separate drainage sub-basins (the Clover Valley sub-watershed and the Secret Ravine sub-watershed). Both of the sub-watersheds are part of the Dry Creek Watershed. However, their flows combine with each other more than six miles from the Orchard at Penryn project site. Based on the physical separation between the two sites, impacts at the Clover Valley site would not influence impacts of the proposed project under existing or cumulative conditions.

The Appellant also asserts that the EIR fails to actually define the geographic area covered by the EIR's cumulative impact analysis. The County disagrees with this assertion, as the Draft EIR does in fact note the geographic area for each cumulative impact discussed as relevant to the proposed Project. The DEIR states that "Cumulative land use impacts would occur throughout Placer County and the Horseshoe Bar/Penryn area." (DEIR, p. 14-2). Because the land use impact analysis focuses on the proposed Project's consistency with the applicable portions of the County General Plan and Horseshoe Bar/Penryn Plan, the geographic scope of "Placer County and the Horseshoe Bar/Penryn Community Plan area" is the logical geographic scope for this potential cumulative impact. The Draft EIR also notes the geographic area for each resource area, including biological resources, visual resources, transportation impacts, noise impacts, geology and soils, and hydrology and flooding. Moreover, the Errata provides further clarifications to the geographic scopes for the respective cumulative analyses of each impact topic (pp. 14-1 to 14-8; 14-10; 14-12 to 14-15).

## **FISCAL IMPACT**

Policy 4.B.6 in the 1994 Placer County General Plan requires the preparation of a fiscal impact analysis for all major land development projects. A major project is a residential project with 100 or more dwelling units. Hausrath Economics Group prepared the Fiscal Impact Analysis (dated March 21, 2012) for the Orchard at Penryn project (Attachment S), the purpose of which was to identify any ongoing operating costs to the County from the proposed Development. Additionally, the applicant contracted with Economic and Planning Systems, Inc. to prepare a report (dated May 16, 2012) that would estimate the total amount of development impact fees that would be generated by the Project and the Project's potential economic benefits to Placer County (Attachment T). It should be noted that this study shows a one-time infusion of revenue from project construction. On October 2, 2012, Marcus J. Lo Duca, on behalf of the applicant, submitted an Environmental Impact Report Alternatives Analysis prepared by Economic and Planning Systems, Inc. for inclusion in this report (Attachment U).

## **CONCLUSION**

As detailed in this report, staff could find no merit in any of the appeal issues raised by the appellants. The majority of the issues raised are the same issues that were considered by the Planning Commission at its June 28, 2012 meeting. At that hearing, the Planning Commission found that the Project is consistent with the goals and policies in the Horseshoe Bar/Penryn Community Plan, the proposed density (150 multi-family residential units) is consistent with the Horseshoe Bar/Penryn Community Plan land use diagram and underlying zone districts, the Project's design is consistent with the Penryn Parkway development policies (i.e., two stories, low profile signage and lighting, Gold Rush era architecture, clustering of buildings, preservation of the central swale.), and the FEIR is complete, adequate and in full compliance with CEQA. Furthermore, the Planning Commission found that the Project's benefits outweigh the Project's unmitigated adverse impacts, and pursuant to CEQA Guidelines section 15093, adopted a Statement of Findings and Overriding Considerations.

## **RECOMMENDATION**

Staff recommends the Board of Supervisors take the following actions:

1. Deny the third-party appeal filed by Rick Angelocci, on behalf of the Town of Loomis.
2. Deny the third-party appeal filed by Bobby Uppal, on behalf of the Stop 150 Apartments Group.

Certify the Final Environmental Impact Report including Final Errata (FEIR) for the Orchard at Penryn project, adopt the Statement of Findings and Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Plan based on the following findings:

1. The FEIR has been prepared in accordance with all requirements of CEQA and the Guidelines.
2. The FEIR was presented to and reviewed by the Board of Supervisors, and the Board of Supervisors has reviewed the FEIR, and bases its findings on such review and other substantial evidence in the record. The FEIR was prepared under supervision by the County and reflects the independent judgement of the County.
3. The Board of Supervisors hereby certifies the FEIR as complete, adequate and in full compliance with CEQA as a basis for considering and acting upon the Project approvals, and exercising its independent judgment, makes the specific findings with respect to the FEIR as set forth in Attachment H, attached to the staff report and adopted herein by reference.
4. All mitigation measures proposed in the FEIR are incorporated into the Mitigation Monitoring and Reporting Program (Attachment I), which is hereby adopted. Said MMRP will implement all mitigation measures adopted with respect to the development pursuant to all of the Project approvals. The

5. The Board of Supervisors finds that the Project will bring substantial benefits to the County and that the Projects benefits outweigh the Projects unmitigated adverse impacts and pursuant to CEQA Guidelines section 15093 adopts and makes the Statements of Overriding Considerations as set forth in Attachment H, attached to the staff report.

Approve a Vesting Tentative Subdivision Map for the Orchard at Penryn Project, subject to the Conditions of Approval for the Project attached to the staff report as Attachment K, based on the following findings:

1. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Placer County General Plan, the Horseshoe Bar/Penryn Community Plan, and with applicable County Zoning Ordinances.
2. The site of the subdivision is physically suitable for the type and proposed density of development which includes 150 Multi-family dwellings (“rentals” or “for sale” condominium units with an approved Condominium Plan).
3. The Project, with the recommended conditions of approval, is compatible with the neighborhood and adequate provisions have been made for necessary public services and mitigation of potential environmental impacts.
4. The design and proposed improvements of the subdivision are not likely to cause substantial environmental damage or public health problems. Further, the proposed subdivision will ensure compliance with State and local building codes by eliminating the property line underlying the proposed structures.
5. The proposed road improvements along the project site’s frontage on Penryn Road is consistent with the road cross-sections for Penryn Parkway as provided in the Horseshoe Bar/Penryn Community Plan.

Approve a Conditional Use Permit for the Orchard at Penryn Project, subject to the Conditions of Approval for the Project attached to the staff report as Attachment K, based on the following findings:

1. The proposed uses are consistent with all applicable provisions of Chapter 17 and 18 of the Placer County Code.
2. The proposed uses are consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and Horseshoe Bar/Penryn Community Plan. The Orchard at Penryn project is in an appropriately zoned area and considered to be developed at a density that would be compatible with the Penryn Parkway and surrounding area. The Project will not generate excessive noise or traffic. Moreover, the proposed Project will provide attainable housing in the Penryn area with on-site recreational facilities, incorporating site planning and building architecture consistent with the Penryn Parkway development policies in the Horseshoe Bar/Penryn Community Plan.
3. The establishment, maintenance or operation of the proposed uses will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.

4. The proposed uses are consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

**ATTACHMENTS:**

Attachment A:	Vicinity Map
Attachment B:	Preliminary Site Plan
Attachment C:	Town of Loomis Appeal Letter
Attachment D:	County Response to Town of Loomis Appeal
Attachment E:	Stop 150 Apartments Group Appeal Letter
Attachment F:	County Response to Stop 150 Apartments Group Appeal
Attachment G:	Final Errata to the EIR (September 2012)
Attachment H:	Statement of Findings and Overriding Considerations
Attachment I:	Mitigation Monitoring and Reporting Program
Attachment J:	June 28, 2012 Planning Commission Staff Report (without attachments)
Attachment K:	Recommended Conditions of Approval
Attachment L:	Triplex/Sixplex Floor Plans/Building Elevations
Attachment M:	Recreation Building Floor Plan/Elevations
Attachment N:	Triplex/Sixplex Architectural Renderings
Attachment O:	Preliminary Landscape Plan
Attachment P:	Soil Excavation Map (Site remediation)
Attachment Q:	Penryn MAC letter dated February 11, 2012
Attachment R:	Planning Director Letter dated November 9, 2007
Attachment S:	Hausrath Economics Group Fiscal Impact Analysis dated March 21, 2012
Attachment T:	Economic & Planning Systems, Inc. Economic Impact Report dated May 16, 2012
Attachment U:	Marcus J. Lo Duca Letter dated October 2, 2012 and Economic & Planning Systems, Inc. Environmental Impact Report Alternatives Analysis dated August 8, 2012
Attachment V:	Town of Loomis Resolution No. 12-23
Attachment W:	Correspondence

**EXHIBITS PROVIDED UNDER SEPARATE COVER AND AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE:**

Draft Environmental Impact Report  
Final Environmental Impact Report

cc: Penryn Development LLC - Property Owner  
Bob Skiff, Forum Consultants, Inc. – Applicant  
Mike Mahoney, Penryn Development, LLC – Applicant  
Marcus Lo Duca, Law Offices of Lo Duca & Avdis, LLP – Applicant  
Phil Frantz – Engineering and Surveying Department  
Janelle Heinzler – Department of Facility Services, Environmental Engineering Division  
Stephanie Holloway, Department of Public Works (Transportation)  
Laura Rath – Environmental Health Services  
Tom Thompson – Air Pollution Control District  
Andrew Darrow – Flood Control District  
Andy Fisher – Parks Department  
Paul Thompson – Deputy Planning Director  
Michael Johnson – Community Development Resources Agency Director  
Karin Schwab – County Counsel  
Department of Toxics Substance Control  
Subject/chrono files