

**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:** December 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 (CONTINUED FROM NOVEMBER 6, 2012 BOARD MEETING)

**ACTION REQUESTED**

1. 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 the Final Errata for the Orchard at Penryn project, adopt the Statement 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.

Staff incorporates by reference the full staff report and all attachments considered by the Board at its October 11, 2012 and November 6, 2012 public hearings.

**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 swimming 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.

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

The Orchard at Penryn project was considered by the Planning Commission at its June 28, 2012 meeting. 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 Plan. 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 Supervisors 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.

#### Board of Supervisor's Meeting (October 11, 2012)

The Appeals Hearing for the Orchard at Penryn Project was considered by the Board of Supervisors at its October 11, 2012 meeting. The Board listened to staff's report and recommendation; heard testimony from both appellants representing the Town of Loomis and the Stop 150 Apartments Group, and heard from Marcus LoDuca on behalf of the project applicant. The Board also listened to testimony from approximately 20 community members during the public hearing. The Board decided to end the Hearing after about three hours due to conflicts with another public meeting previously scheduled to be held in the Board Chambers. The Board of Supervisors adopted a motion (4:0:1:0 with Supervisor Weygandt absent) to continue the Appeals Public Hearing to November 6, 2012 at 1:00 p.m.

### Board of Supervisor's Meeting (November 6, 2012)

The Board of Supervisors resumed the public testimony portion of the hearing at its November 6, 2012 meeting and heard from approximately 48 members of the public, the appellants and the project applicant. After closing the public hearing, the Board began deliberations on the two appeals, and ultimately decided to continue the matter to a future noticed date. Board members provided guidance to staff and the applicant on design changes to the project that would potentially address concerns brought up during the hearing, with the expectation that there would be revisions to the project that would be brought back before the Board for further consideration.

### Revised Plans Submitted to County

The applicant provided the Planning Services Division with a revised Site Plan (Attachment 1) and Preliminary Landscape Plan (Attachment 2) on November 21, 2012. The Project considered by the Planning Commission and under consideration by the Board of Supervisors included 18 six-plex buildings and 14 three-plex buildings. The revised site plan proposes 17 six-plex buildings and 16 three-plex buildings, resulting in one additional building, but one less six-plex building. Buildings have also been re-arranged on-site in order to maximize buffers and minimize potential impacts to adjacent properties. The total number of multi-family residential units proposed remains the same at 150. The number of parking spaces proposed has been reduced from 375 spaces to 356 spaces, which still meets the Zoning Ordinance minimum requirements (338 parking spaces).

Buildings in the northwest village near the Uppal's residence remain unchanged (the building near their backyard had been moved prior to the Planning Commission hearing), but there have been additional trees added to screen views to the southeast. In the northeast village, the six-plex building immediately to the south of the Federov's residence and front yard landscaped area has been completely removed. A three-plex building is now located off the north property line and completely screened by trees. Further east, the two six-plex buildings have been rotated 90 degrees to reduce the visual massing of the project as viewed from Penryn Road (as directed by the Board of Supervisors). In addition, extensive landscaping is proposed to screen views of the sides of those buildings.

To address concerns raised by the public regarding visibility from the proposed residences into the Hope Lutheran Church playground, the applicant redesigned the project so that there are no longer any buildings that overlook the playground or parking areas. The two six-plex buildings have been replaced with two three-plex buildings that now side along that property line. There is also a new turf area with extensive landscaping proposed just east of the three-plex buildings. Northwest of the detention building, a three-plex building has become a six-plex building. Any visual impact should be minimal as existing trees on the adjacent property would provide a natural screen. At the southwest corner of the site, one three-plex building has become a six-plex (there's no neighbor with a residence in that area), and the landscaping along that southwest border has been enhanced to provide a visual screen.

### **DISCUSSION OF ISSUES**

Provided below is a brief analysis of the site plan changes proposed by the applicant. Additional information and further clarification is also provided in regards to a number of issues that were brought up by the Board of Supervisors during its last meeting.

### Site Plan/Preliminary Landscape Plan Revisions

Staff's review of the revised Site Plan and Preliminary Landscape Plan concluded that the proposed changes to the site plan have addressed some of the issues raised by the Board. A total of 150 multi-family residential units are still proposed, all of which are two-story. Buildings on-site have been re-arranged in a manner that would reduce the project's potential visual impacts on adjacent properties to the north (Uppal and Federov residences) and the Hope Lutheran Church to the south. Extensive landscaping is also proposed to further reduce such impacts. Grading associated with the proposed changes would be minimal and the overall soil import and export quantities would not change substantially. Although there would be 19 fewer parking spaces (356 parking spaces proposed), the

project would still exceed the Zoning Ordinance minimum parking requirement of 338 spaces. Overall, these project revisions have been determined not to be significant or substantial in regards to the EIR analysis prepared for this project. There are no new impacts or increase in existing impacts that would result from the proposed project revisions, including impacts relating to visual resources, grading and drainage. The project revisions would be consistent with the Horseshoe Bar/Penryn Community Plan, including the Penryn Parkway Development Policies.

#### Community Plan Consistency

Staff maintains that the project's proposed density of 10 dwelling units per acre is consistent with both the Horseshoe Bar/Penryn Community Plan (HB/PCP) and the underlying zoning on the project site. The Planning Commission reached the same conclusion at its June 28, 2012 meeting and adopted consistency findings to that effect while approving the project. During public testimony at the Board of Supervisors meetings, however, the project's proposed density and consistency with the HB/PCP still came into question. Staff is providing additional information and specific references from the HB/PCP to further clarify this issue.

The Horseshoe Bar/Penryn Community Plan identifies nine different land use designations within the Plan area and provides expanded statements regarding the purpose and intent of each designation (Pages 24-27, Chapter II, Community Development Element, HB/PCP). *Penryn Parkway (PP)* is one of the nine identified land uses and its description clearly states "The Parkway is meant to provide a mixed use area, including multi-family residential, professional offices, and commercial uses" (Page 27, HB/PCP). The description for this specific land use also states, "The implementing Zoning will provide the mechanism the Parkway will need to reach its development potential for the benefit of the local community, as well as visitors" (Page 27, HB/PCP). The implementing zoning, RM-DL10 PD=10 and C1-UP-DC, potentially could allow for up to 212 multi-family residential units on the subject ±15 acre site. Although the project does not propose to reach the full development potential for this site, 150 multi-family residential units is the maximum number of residential units the project was able to realize after taking into consideration policies in the HB/PCP (i.e., protecting natural resources, water quality, viewsheds, etc.) and the County's required development standards (i.e., building setbacks, height limits, parking requirements, etc.).

The Horseshoe Bar/Penryn Community Plan also includes a Community Design Element chapter (Page 75, Chapter IV, HB/PCP), which is distinct from the Community Development Element chapter. The stated purpose of the Community Design Element is to "...provide[s] specific guidelines for site development which will result in the overall enhancement of the community's appearance and function". The Community Design Element also states "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" (Page 80, Chapter IV, HB/PCP). What follows in this chapter are specific development policies for the Penryn Parkway (Pages 80-82, Chapter IV, HB/PCP). The Planning Commission found that the project is consistent with these development policies as multi-family residential uses are permitted uses, buildings are proposed to be two stories maximum utilizing "Gold Rush" era architectural styles, and buildings would be clustered as to avoid much of the central drainage swale and other natural features on-site. Staff does not believe that Policy d. under the Penryn Parkway Development Policies, where it states that "Development shall be of a relatively low density, low-profile type, and the signing and lighting provided shall reflect such a policy..", is anything other than a reference to the placement and visual appearance of buildings as underlined above. Allowable densities under the different land use classifications are clearly defined in the Community Development Element chapter of the HB/PCP.

#### EIR Related Issues

During the public testimony portion of this matter, members of the public raised the following issues related to the EIR analysis. Staff wishes to summarize those issues and responses for the record.

### Traffic Impacts in Loomis

While the Town has recently adopted a resolution indicating its intent to cooperate with the County in a traffic fee sharing agreement, it is appropriate to maintain the EIR's conclusion that the project may result in significant and unavoidable traffic impacts in Loomis in the cumulative condition, for two reasons: 1) there is no identified mechanism by which the County can guarantee that a fair share payment made by the project applicant would be used to implement the specific improvements needed at the Taylor Road/King Road intersection, and 2) as stated in the EIR (page 14-8), it is not feasible to improve one of the affected intersections (Taylor Road at Horseshoe Bar Road) because there is not enough right-of-way available.

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

The project is expected to generate up to 35 Del Oro High School students based on the school generation rates. Several factors influence the number of vehicle trips to and from the high school on Taylor Road, such as: students walking or bicycling, students carpooling, drivers using other roadways such as Boyington Road to access the high school, and students arriving or leaving early or late due to extra-curricular activities, jobs, or other reasons (thus their travel does not occur during the peak hour).

The Town of Loomis accounting of four trips per student includes both "drop-off" and "pick-up" periods, while the nine peak hour trips referenced in the EIR account for only one peak hour period (i.e., only the drop-off period or the pick-up period, not both). The peak hour student generation rates are based upon standards established by the Institute of Transportation Engineers, the acknowledged expert in the United States for transportation issues and traffic generation rates. In summary, while there could be up to 35 new high school students generated by the proposed project, not all of those students would be expected to arrive at or leave Del Oro High School individually in a vehicle that travels on Taylor Road during the school peak hour, as asserted by the Town. Given the other available transportation options (including alternate routes), it is reasonable to assume that the proposed project would generate the nine new trips on Taylor Road that were estimated in the Traffic Impact Study during the peak hour.

### Bus Service

The impact analysis in the EIR does not find a significant impact related to public transit, thus, a bus stop is not a requirement of the EIR. However, the bus stop is a condition of project approval recommended by the Development Review Committee. As documented on page 7-6 of the Draft EIR, the nearest public transportation route is the Taylor Road Shuttle. That shuttle service deviates up to three-fourths of a mile by reservation. That could include service to and from the project site.

### Floodplain

The project site contains two drainage swales, both of which carry water intermittently. While there are no FEMA-mapped floodplains on-site, there are still 100-year floodplains associated with any body of water. The 100-year floodplains for the swales that cross the project site were determined through modeling, as documented in the Preliminary Drainage Study prepared by the project's engineers and reviewed by County staff. As noted on page 11-18 of the Draft EIR, the width of the floodplains range from 10 to 100 feet for the western swale and between 40 and 60 feet for the eastern swale. The soil underlying the full length of the eastern drainage swale, the one closest to Penryn Road, is contaminated. Contaminated soil is present under only the southern portion of the western drainage swale. Soil remediation would require excavating in those areas, which would impact each swale and the associated floodplain.

From an environmental perspective, the EIR evaluates whether these changes to the swales and floodplains would result in physical environmental impacts to biological and hydrologic resources both onsite and offsite. The EIR concluded that the impacts would be less than significant because 1) the proposed onsite infrastructure would accommodate the modeled storm-flows without increasing the 100-year floodplain on the adjacent properties, 2) the project would meet the County's requirements for onsite

stormwater detention, and 3) impacts onsite to biological resources would be mitigated as required under federal, state, and local regulations and policies.

#### Hazardous Materials Remediation

A commenter made the assertion that there is a discrepancy between the EIR and the Removal Action Work Plan (RAW). Although this is not the case, there appears to be confusion as to what level of remediation is required if there were no proposal to develop the site or if there was a proposal that did not extend into the contaminated soil area. For instance, if the site were developed such that a portion of the area with contaminated soils was incorporated into an open space area, the contamination would not need to be cleaned up if the area was fenced to prevent anyone from entering. However, if the development is implemented as currently proposed, full remediation of the project site would be required. The California Department of Toxic Substances Control's comment letter on the Draft EIR confirms this.

#### Cumulative Impacts

Commenters have questioned whether four other unrelated projects were included in the cumulative analysis in the EIR, specifically, Lifehouse Church, Turkey Creek Estates, Rocklin Crossings, and Swetzer Business Park. Lifehouse Church is located within the Horseshoe Bar/Penryn Community Plan area and that project did not require a Community Plan or zoning amendment. Therefore it is assumed in the cumulative condition as part of buildout of the Community Plan. Turkey Creek Estates is located more than five miles from the project site, north of Bickford Ranch and physically separated from the project by topography and hydrologic features. There is very little influence either project would have on one another. The distance and geography indicate that impacts of the two projects would not contribute to the same cumulative impacts. Rocklin Crossings is located at the Sierra College Boulevard interchange with I-80 and is presently under construction. Prior to grading operations, the site was relatively flat, supported very few trees, and did not support any hydrologic features. This site is more than two miles distant from the Orchard at Penryn site, is separated from the project site by I-80 and several topographic and hydrologic features. Based on the physical separation between the two sites, impacts of the Rocklin Crossings project would not influence impacts of the proposed project under existing or cumulative conditions. Lastly, Swetzer Business Park is an existing commercial area within the Town of Loomis. Discussions of the Town Council indicate the Town and property owners are working to fill existing vacant space in the area. However, the site appears to be mostly built-out. Efforts to promote businesses and fill existing business spaces do not constitute a project under CEQA. As the business park area is predominantly built-out, the environmental effects of this past project are reflected in the existing environmental conditions in the region, to the extent that the environmental conditions in this portion of the Town of Loomis relate to the environmental resources and impacts of the proposed project.

During the November 6<sup>th</sup> public testimony, a commenter suggested another list of potential sites and/or projects should be included in the cumulative analysis in the EIR. The mere existence or awareness of other projects or sites does not mean that any of these qualifies as a "probable future project" for purposes of inclusion in an EIR's cumulative impact analysis section. Neither does the mere mention of such projects or sites mean that the County is obligated under CEQA to include these in the cumulative analysis for a particular project. Unless a particular site or project qualifies as a "probable future project", there is no legal obligation to expand the EIR analysis to include these. "[M]ere awareness of proposed [projects] . . . does not necessarily require the inclusion of those proposed projects in the EIR." *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1127. A future project under environmental review is only a "probable future project" if there is evidence that "the proposed project is both probable and sufficiently certain to allow for meaningful cumulative impacts analysis." *City of Maywood v. Los Angeles Unified School Dist.*, (2012) 208 Cal.App.4th 362, 399. No such evidence has been presented and as a result, staff finds no basis under CEQA to require revisions and/or an expansion of the scope of the cumulative analysis section of the Orchard EIR.

Recirculation of the EIR

A lead agency must recirculate an EIR only when "significant new information" is added to the EIR after the draft EIR has been circulated for public review. (Pub. Resources Code, § 21092.1; Guidelines, § 15088.5, subd. (a).) New information added to an EIR is not "significant" unless "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." (Guidelines, § 15088.5, subd. (a).) Based on staff's review of the correspondence and testimony presented as well as staff's analysis presented above of the revised plans, staff has concluded that no significant information has been presented that would require recirculation of the Orchard EIR.

**CONCLUSION**

As detailed in this report, staff has attempted to address the comments made during the October and November Board of Supervisor meetings. Staff has also reviewed the applicant's revised site plan and preliminary landscape plan submitted on November 21, 2012 and found that the project revisions are 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, and 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.). The project as revised would not result in any new impacts or increase in existing impacts. As such, the FEIR has been found to be complete, adequate and in full compliance with CEQA.

**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 the 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 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 judgment of the County.
3. Having considered all of the oral and written testimony in this matter, having reviewed and considered the written record in this matter, including the FEIR and Errata, the staff reports and written correspondence received from the appellants, project applicant and members of the public, the Board of Supervisors concludes that no new significant information, as such term is defined in CEQA Guidelines Section 15088.5, subd. (a), has been presented that would require further revisions to the FEIR and/or recirculation of the FEIR prior to taking action on this matter.
4. 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 October 11, 2012 staff report and adopted herein by reference.

5. All mitigation measures proposed in the FEIR are incorporated into the Mitigation Monitoring and Reporting Program (Attachment I of the October 11, 2012 staff report)), 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 mitigation measures have been incorporated into the conditions of approval and thus become part of and limitations upon the entitlements conferred by the Project approvals.
6. The Board of Supervisors finds that the Project, as revised, will bring substantial benefits to the County and that the Project's benefits outweigh the Project's 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 October 11, 2012 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 October 11, 2012 staff report as Attachment K, and Attachment 4 attached to this December 11, 2012 staff report, 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.
2. The proposed subdivision is consistent with the Horseshoe Bar/Penryn Community Plan and specifically with the Penryn Parkway land use designation and with the Penryn Parkway Development Policies contained in Pages 80-82, Chapter IV of that Plan.
3. The proposed subdivision is consistent with the property's implementing, underlying zoning of RM-DL10 PD=10 and C1-UP-DC. These zoning designations permit the proposed multi-family residential use and this property has been designated for this use since 1981.
4. The proposed subdivision is consistent with all applicable provisions of the County's Zoning Ordinance.
5. 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).
6. The Project as revised, 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.
7. 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.
8. The proposed road improvements along the Project site's frontage on Penryn Road are 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 October 11, 2012 staff report as Attachment K, based on the following findings:

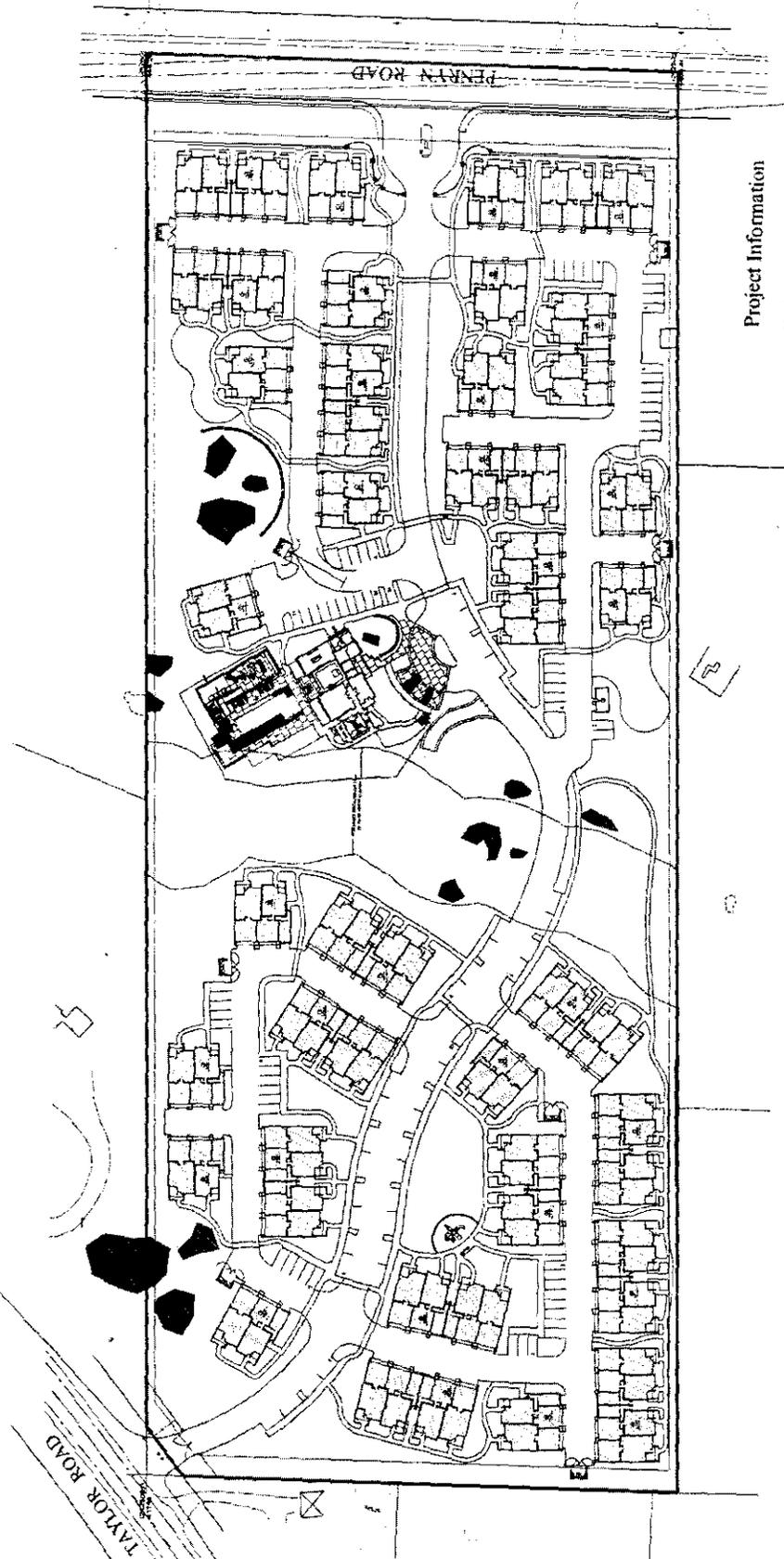
1. The proposed uses are consistent with all applicable provisions of Chapter 17 and 18 of the Placer County Code.

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 is consistent with the Penryn Parkway land use designation and in compliance with the densities permitted by the property's implementing underlying zoning designations of RM-DL10 PD=10 and C1-UP-DC. The project is compatible with the surrounding area and has incorporated site planning and building architecture consistent with the Penryn Parkway development policies. In particular, the site design, as revised, has taken into consideration visual impacts, buffering to adjoining residential uses and other mitigation to insure public safety and control of traffic congestion (Policy G). The Project will not generate excessive noise or traffic. Moreover, the proposed Project will provide attainable, diverse housing opportunities in the Penryn area with on-site recreational facilities.
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. Multi-family uses have been contemplated on the property since it was rezoned for such uses in 1981. The Penryn Parkway land use designation provides for multi-family uses and ensures through implementation of the Parkway development policies into project design that such uses are compatible with the surrounding areas.
4. The proposed uses are consistent with the character of the immediate neighborhood and will not be contrary to its orderly development. The Penryn Parkway land use designation was added to the Community Plan as a separate land use designation in 1988. It is intended as a mixed-use area with multi-family residential, professional office and commercial uses. Representing 1 percent of the overall Plan area acreage, the Penryn Parkway is intended to serve as an area where such uses can be logically located near necessary infrastructure, meet these needs in the Penryn community while allowing the remaining 99 percent of the Plan to maintain its rural character. The proposed uses are consistent with that intent.

**ATTACHMENTS:**

- Attachment 1 – Revised Site Plan (dated November 12, 2012)
- Attachment 2 – Revised Preliminary Landscape Plan (dated November 15, 2012)
- Attachment 3 – Planning Commission Approved Preliminary Landscape Plan (dated April 17, 2012)
- Attachment 4 – Amended Condition of Approval 1.

- 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

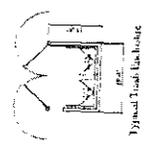


**Project Information**

Number of Units 150  
 2 Br 1150 S.F. 50  
 Garage 0  
 2 Hr 1275 S.F. 50  
 3 Br 1400 S.F. 50

Parking 350 provided  
 100 spaces  
 138 required  
 100 covered  
 18 garages

Site coverage 15.12 gross acres



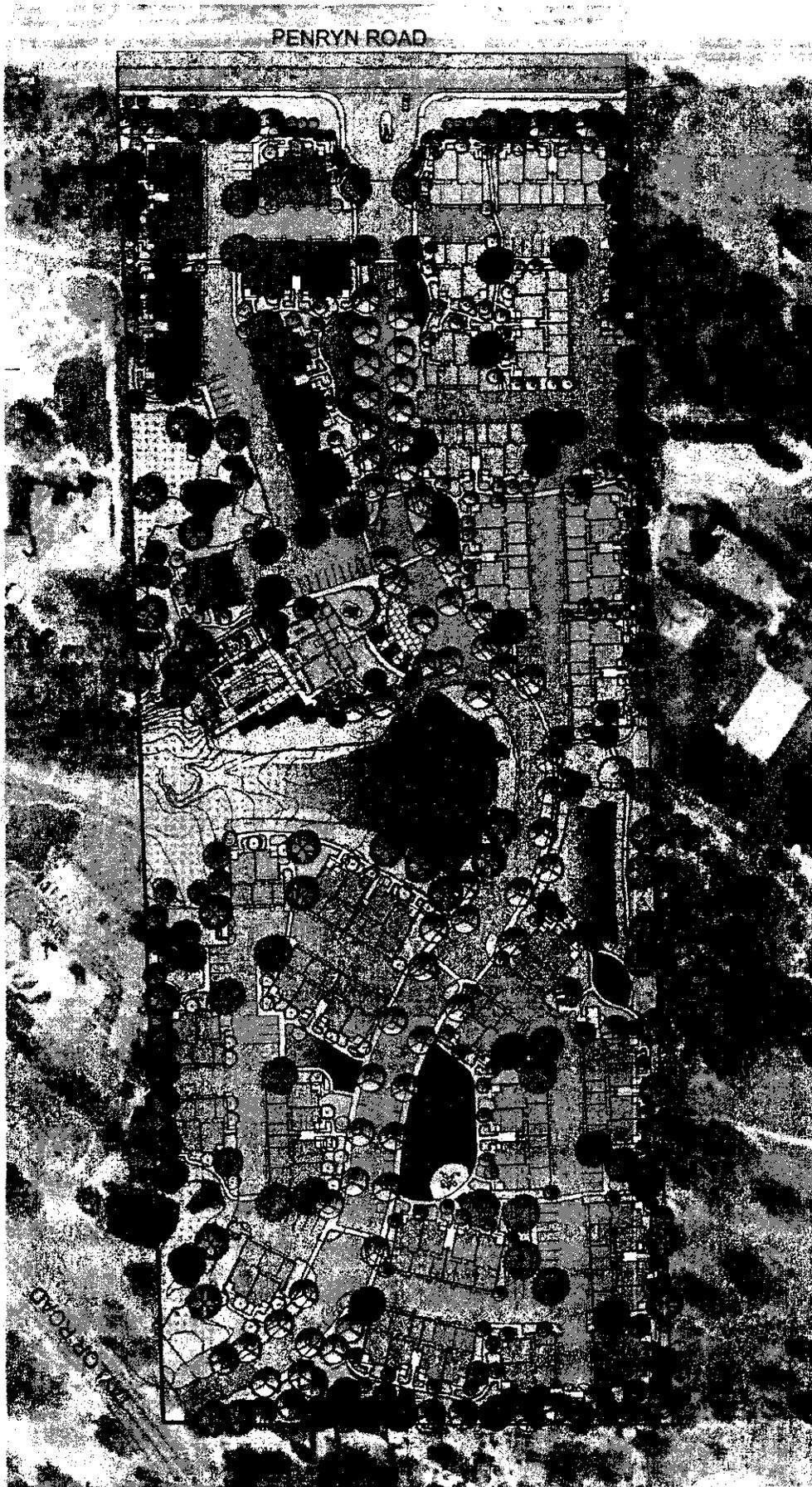
**THE ORCHARD @ PENRYN**  
 The ConAm Group

SCALE 1"=300'



THE MARKET GROUP, INC.  
 November 12, 2012





PRELIMINARY LANDSCAPE PLAN

DATE: 4/20/12  
PROJECT: CA118100

SCALE: 1" = 40'



SHEET 1

PL 1

ORCHARD @ PENRYN  
PENRYN, PLACER COUNTY, CA

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## AMENDED CONDITION OF APPROVAL #1

1. The one lot Vesting Tentative Subdivision Map and Conditional Use Permit (PSUBT20070521) are approved to allow the construction of 150 Multi-family dwellings ("rentals" or "for sale" condominium units with an approved Condominium Plan) **as depicted on the site plan dated November 12, 2012 and the preliminary landscape plan dated November 15, 2012.** The Multi-family dwellings shall consist of three and six unit buildings (two-story maximum) with residential units ranging in area between 1,150 to 1,400 square feet, or as otherwise approved by the Development Review Committee. Private on-site recreational facilities are also approved including a 3,900 square foot recreation center with a leasing office, indoor fitness center, internet café, outdoor pool, spa, and a Tot lot, on a ±15.1 acre site (APN's 043-060-052 and 043-060-053).

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THIRD PARTY APPEALS OF THE PLANNING  
COMMISSION'S CERTIFICATION OF THE FINAL  
ENVIRONMENTAL IMPACT REPORT AND  
APPROVAL OF THE VESTING TENTATIVE  
SUBDIVISION MAP AND CONDITIONAL USE  
PERMIT (PSUB 20070521)  
ORCHARD AT PENRYN, FINAL ENVIRONMENTAL  
IMPACT REPORT, DISTRICT 3 (HOLMES)

Placer County Board of Supervisors

December 11, 2012 at 10:15 am

Correspondence Received

12/5/12

**From:** mavicg [mavicg@att.net]  
**Sent:** Monday, December 03, 2012 9:42 AM  
**To:** Placer County Board of Supervisors  
**Subject:** the right thing to do

Dear Supes

I do believe you KNOW what the right thing to do is about the 150 apts in Penryn.

You must KNOW, everyone else knows the right thing to do.( in case you misinterpret it, its to vote against the apts)

The people of Penryn dont need nor do they want to be another ugly ugly Roseville. I live in Auburn and I dont want to be an ugly Roseville either( its why we move here! and buy existing housing)

You know what to do , do you have the guts to do it?

You know what those people want for their community, how can you take that away?

B Driscoll

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Sup D1\_\_\_Sup D4\_\_\_Aide D1\_\_\_Aide D4\_\_\_  
Sup D2\_\_\_Sup D5\_\_\_Aide D2\_\_\_Aide D5\_\_\_  
Sup D3\_\_\_Aide D3\_\_\_\*  SP

**From:** Heidi.Robison@kp.org  
**Sent:** Tuesday, December 04, 2012 8:40 AM  
**To:** Placer County Board of Supervisors  
**Subject:** STOP 150 apartments

To whom it may concern,

My husband and I moved into the Penryn/Loomis community approx 2 years ago. The biggest reason we decided on this quaint, quiet community is that we were told it was a "no growth" community. We like the idea of keeping our community a single family home community.

The apartment complex coming into our community will bring down our property values and ruin the "home town feeling" that the Penryn/Loomis community has worked hard to build for the past few decades. Apartments often bring families that here transitionally; they have no investment in the community. Apartments eventually become eyesores in the community.

We as community don't want the apartments. PLEASE DO NOT ACCEPT THE APPLICATION FOR THE BUILDING OF The Orchards. STOP the 150 apartments.

Sincerely,  
Heidi Robison, PharmD, CACP  
PHASE Pharmacist/Diabetes Care Manager  
Roseville/Riverside Medicine 6  
916-746-4614, fax 746-4420

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Sup D2\_\_\_\_Sup D5\_\_\_\_Aide D2\_\_\_\_Aide D5\_\_\_\_  
Sup D3\_\_\_\_Aide D3\_\_\_\_ *ZSP*

**From:** Donna Delno [delnofamily@aol.com]  
**Sent:** Thursday, November 15, 2012 5:22 PM  
**To:** Placer County Board of Supervisors  
**Subject:** Fatality on Sierra College

Dear Supervisors:

I heard sirens at 6 am yesterday morning--knew it was an accident. Turned out to be a head-on collision on Sierra College and Caperton, which is 1/8 mile beyond English Colony. As more development comes from Bickford, Turkey Creek, etc, more head ons will happen.

Auburn Journal said both cars were going 50mph and hit head on. One driver was a 43 year old drunk driver at 6am. Bet he was coming home from Thunder Valley and killed some innocent person...so sad. Last week, on my way down Taylor right after BOS meeting, I hit a deer going 50! Doing the speed limit, paying attention, and there she was right in front of me with no where to go but to hit her.. \$4100 dollars later, I get my car back tomorrow.

These recent issues underscore our portion of public comment during the special hearing ...regarding bringing renters to our rural roads. Our roads are dangerous enough.

Donna Delno  
125 Diablo View Lane  
Penryn

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Sup D1\_\_\_Sup D4\_\_\_Aide D1\_\_\_Aide D4\_\_\_

Sup D2\_\_\_Sup D5\_\_\_Aide D2\_\_\_Aide D5\_\_\_

Sup D3\_\_\_ Aide D3\_\_\_  Sp

**From:** Donna Delno [delnofamily@aol.com]  
**Sent:** Tuesday, November 13, 2012 1:24 PM  
**To:** Placer County Board of Supervisors  
**Subject:** No new development to Penryn

Please, Board of Supervisors, do not approve any new developments in Penryn, until the Penryn Outlets, and The Orchard at Penryn Park ,are complete.

The Penryn Outlets started construction in 2001. It is 11 years later, 41 conditions later, and that development is still not complete, not fully leased and of poor design and construction.

The Orchard at Penryn Park, looks wonderful from the the front. However, that project is also not complete or built out. When you call the phone number to inquire about a new condo, the phone number has been disconnected. There is locked cyclone fencing surrounding a portion of that project.

Why, should Placer County approve new developments in Penryn, when the last 2 projects are still not complete? Many years later!

I ask you, that no more development should be brought to Penryn, until the 2 projects above, are 100% complete, viable, will be a benefit the community, and are something that the town of Penryn can be proud of.

Thank you,  
Donna Delno  
125 Diablo View Lane  
Penryn, CA 95663

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Sup D2 \_\_\_ Sup D5 \_\_\_ Aide D2 \_\_\_ Aide D5 \_\_\_  
Sup D3 \_\_\_ Aide D3 \_\_\_  SP

