Report to the Auburn City Council

Action Item 2
Agenda Item No.
City Manager's Approval

To:	Mayor and City Council Members
From:	Reg Murray, Senior Planner
Date:	January 13, 2011
Subject:	Appeal - Baltimore Ravine Specific Plan and Study Areas Project – File GPA 07-3; SPA 07-1; RE 07-1; SUB 07-2; DA-07-1

The Issue

Should the Auburn City Council deny the appeal submitted by Mark Smith and approve the Baltimore Ravine Specific Plan (BRSP) and Study Area project proposed for the 406-acre Urban Reserve area situated in southwest Auburn? Approval of the proposal includes certification of the project Environmental Impact Report (composed of the Draft and Final EIRs), adoption of the Mitigation Monitoring Program and the Findings of Fact and Statement of Overriding Considerations, adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

Conclusions and Recommendation

The Auburn Planning Commission recommends that the Auburn City Council take the following actions relating to the Baltimore Ravine Specific Plan and Study Areas Project:

A. By Resolution, deny the appeal submitted by Mark Smith and take the following actions regarding the environmental document prepared for the Baltimore Ravine Specific Plan and Study Area Project:

   a. Certify the Environmental Impact Report prepared for the Baltimore Ravine Specific Plan and Study Area project;
   b. Adopt the Findings of Fact and Statement of Overriding Considerations; and
   c. Adopt the Mitigation Monitoring Program.

B. By Resolution, approve the General Plan Amendment associated with the Baltimore Ravine Specific Plan and Study Area Project (File GPA 07-3).

C. By Resolution, approve the Baltimore Ravine Specific Plan and Study Area Project (File SPA 07-1).

D. By Motion, introduce and hold a first reading, by title only, of an ordinance approving the rezone for Plan Area 1 of the BRSP as well as Study Areas 1-4 of the Baltimore Ravine Specific Plan and Study Areas Project.

E. By Motion, introduce and hold a first reading, by title only, of an ordinance approving a Development Agreement by and between the City of Auburn and the Baltimore Ravine Investors, LLC.

F. By Resolution, deny the appeal submitted by Mark Smith and approve the Large Lot Tentative Map for Plan Area 1 of the Baltimore Ravine Specific Plan (File SUB 07-2) as presented, or as amended by the City Council.

G. By Resolution, adopt the Statement of Reasons to Permit Development in a Mineral Resource Zone.

Background/Analysis

The Baltimore Ravine Specific Plan (BRSP) and Study Area Project is proposed for the 406-acre Urban Reserve area situated in southwest Auburn (Exhibit A - September 21, 2010 PC Binder). The project site is located in an area of the City designated by the Auburn General Plan as Urban Reserve. The Urban Reserve designation requires a Specific Plan prior to any development. The City received an application in mid-2007 to develop the Baltimore Ravine Specific Plan on approximately 277 acres of the 406-acre Urban Reserve area. The remaining 129 acres are not included within the BRSP area, but are designated Study Areas. The Study Areas are proposed to be redesignated Rural Density Residential (RDR) with a minimum 2 acres per dwelling unit.

The draft Specific Plan was made available to the public in October 2009. The City prepared a Draft Environmental Impact Report (EIR) for the Project and circulated the EIR to the public and government agencies from June 8 to July 23, 2010. A Final EIR was made available to commenting agencies and the public prior to the November 16, 2010, Planning Commission meeting.

The Auburn Planning Commission held a public hearing on September 21, 2010, to review the Project and accept public comment. The Commission continued the public hearing to November 16, 2010, at which time the Commission recommended to the City Council to approve the Project and associated actions. The Commission also certified the EIR and approved the Large Lot Tentative Map contingent on Council approval of the Project.

Prior Plans for the Urban Reserve

The Urban Reserve area has been the subject of several previous studies and development proposals, although none have been adopted to date.

- In 1969, the City expanded its boundaries to the west and annexed the Urban Reserve area into the City of Auburn.

- In 1978, the City prepared and certified an EIR that evaluated potential roadway access to 209 acres in the Urban Reserve area. No improvements or development occurred.
- In 1979, the plan area was designated Urban Reserve with the adoption of the 1979 General Plan in recognition that it could be developed at some point in the future and that the City wanted the area to be master planned.
- In 1985, the "Southwest Area Road Access Study" was prepared and evaluated roadway alternatives through the plan area to connect the portion of the site between I-80 and the westbound UPRR tracks.
- In 1987, the City approved the Vista del Valle #4 subdivision, which included dedication of right-of-way for the Herdal Drive extension.
- In 1988, the City received a proposal for the Auburn Vista Subdivision, a 33-acre parcel with 135 lots. This led to a preliminary draft of the Southwest Area Specific Plan in 1990. This specific plan area included 270 acres with a mix of residential, commercial/professional and open space uses. The plan provided for 1,056 dwelling units. The Southwest Area Specific Plan and accompanying Draft EIR were never completed or adopted by the City.
- In 1993, the Southwest Auburn Specific Plan was drafted which included 321 acres (including the Grand Oaks project area). This plan included up to 1,232 residential units, along with neighborhood commercial, pocket parks, and open space uses, with a portion remaining in urban reserve. An NOP was issued for this project plus up to 864 dwelling units in the Urban Reserve (for a total of 2,096 units) in 1994, but the project was put on hold in 1995.

Current Project Planning Process and Outreach

The current applicant submitted a proposal in 2007 to prepare the Baltimore Ravine Specific Plan, a master plan which would guide development of 277 acres of the Urban Reserve. A Notice of Preparation of an EIR for that proposal was released in December 2007, and the City held a scoping meeting on January 24, 2008. The BRSP proposal was subsequently revised by the applicant, responding in part to staff and community concerns. The revised BRSP also accounts for the natural topography of the site, which includes many steep hillsides and slopes. A second Notice of Preparation of an EIR for the revised proposal was released in April 2009.

The Baltimore Ravine Specific Plan was made available for public review in October 2009 (Exhibit B - September 21, 2010 PC Binder). An Addendum to the BRSP was released on July 7, 2010, which reflects revisions to the BRSP proposed by the applicant and staff (see Exhibit C - September 21, 2010 PC Binder).

Other activities related to the Project include:

- Planning Commission hearing (December 15, 2009): A public hearing was held to overview the contents of the draft BRSP and accept public comments on the proposed plan.

The staff report and minutes for the December 15th Planning Commission meeting are attached as Exhibits G and H of the September 21, 2010 PC Binder, respectively.

- Site Tours: Several tours of the BRSP area were held during March through May 2010 for Council members, Planning Commissioners and the public. The staff report prepared for the Site Tours is provided with Exhibit I of the September 21, 2010 PC Binder.

UAIC Consultation: The City and EIR consultants consulted with the United Auburn Indian Community (UAIC) on a number of occasions. The City, the EIR consultant (PBS&J), representatives of UAIC, and UAIC consultants met to discuss the project. Representatives from the UAIC also participated in a site visit with City staff and consultants. Together, the group spent approximately 8 hours at the project site looking for Native American archaeological sites and artifacts. The City provided documents to the UAIC for review and answered questions regarding the project. The UAIC submitted a letter to the City on November 5, 2010 stating that the archaeological reports prepared for the project by the City's EIR consultant met federal and state standards, and that the UAIC concurred with the content, recommendations and mitigation measures included in the archaeological report and the Draft EIR (Attachment 2 of the November 16, 2010 PC Staff Report).

- Draft EIR (Exhibit D - September 21, 2010 PC Binder): The Draft EIR was prepared by the City and circulated from June 8 to July 23, 2010. A public hearing to accept comments on the adequacy of the Draft EIR was held on July 13, 2010. The staff report and draft minutes for the July 13th Planning Commission meeting are attached as Exhibits E and F, respectively, of the September 21, 2010 PC binder.

- Final EIR: Responses to comments received on the Draft EIR and a Mitigation Monitoring Program were incorporated into the Final EIR, which was provided to the public in November 2010 (Exhibit A - November 16, 2010 PC Hearing).

- Mineral Resource Zone Draft Statement of Reasons: A portion of the project site is designated MRZ-2b, recognizing the potential for gold deposits to be present. Public Resources Code Section 2762 requires that the City adopt a Statement of Reasons prior to permitting development in MRZ-2b areas. A notice of intent to permit development within the MRZ-2b area was sent to property owners within ½ mile of the project site, pursuant to PRC 2762. The Planning Commission held a public hearing on August 3, 2009 to take public comment on the draft Statement of Reasons. A copy of the staff report and the draft minutes from the August 3rd meeting are attached as Exhibits J and K, respectively, of the September 21, 2010 PC binder.

- Planning Commission hearing (September 21, 2010): The Planning Commission reviewed the Draft EIR and project approvals, and accepted public comment on the project.

- Planning Commission hearing (November 16, 2010): The Planning Commission accepted public testimony prior to recommending approval of the project, certifying the EIR and approving the Large Lot Tentative Map, contingent on Council approval of the project.

- City website: All of the above documents have been made available through the City's website, along with pertinent staff reports and notices (www.auburn.ca.gov).

PROJECT DESCRIPTION

The Project would allow for development of up to a total of 790 residential units (725 units in the BRSP, with 270 units in Plan Area 1, 455 units in Future Plan Area 2, and 65 units in the Study Areas), 90,000 square feet of commercial/mixed-use space, 2 acres of park and 141 acres of open space. Table 1 below provides a breakdown of the Project by proposed land use. Details of the Project are discussed briefly below, followed by a summary of the required project entitlements.

TABLE 1

BALTIMORE RAVINE SPECIFIC PLAN LAND USE SUMMARY

Land Use Designation	Applied Zoning District	Acres	Density Range	Dwelling Units
BALTIMORE RAVINE SPECIFIC PLAN				
Residential				
Low Density Residential (LDR)	R-1 (Single-Family Residential District)	12 acres	Up to 1 du/ac	11 du
Urban Low Density Residential (ULDR)	R-1 (Single-Family Residential District)	52 acres	1-4 du/ac	155 du
Medium Density Residential (MDR)	R-2 (Medium Density Multiple-Family Residential)	17 acres	1-10 du/ac	150 du
Urban High Density Residential (UHDR)[1]	R-4 (High Density Multiple-Family Residential)	11 acres	5-20 du/ac	180 du
Non Residential				
Mixed Use – High Density Residential/Commercial (HDR/COMM)	C-1 (Neighborhood Commercial) R-3 (Medium Density Multiple-Family Residential)	17 acres	floor area ratio up to 3 5-15 du/ac	50,000 sf 130 du
Mixed Use – Urban High Density Residential/ Commercial (UHDR/COMM)	C-1 (Neighborhood Commercial) R-4 (High Density Multiple-Family Residential)	8 acres	floor area ratio up to 3 10-20 du/ac	30,000 sf 120 du
Mixed Use - Urban Low Density Residential/ Commercial (ULDR/COMM)	C-1 (Neighborhood Commercial) R-1 (Single-Family Residential)	3 acres	floor area ratio up to 3 1-4 du/ac	10,000 sf 2 du
Park & Open Space				
Park	OS-C	2 acres		
Open Space	OS-C	141 acres		
Right of way (ROW)		14 acres		
	Total	**277 acres**		**725 du**
Study Areas				
Study Area 1		32 acres	1du/2ac	16 du
Study Area 2		14 acres	1du/2ac	7 du
Study Area 3		36.5 acres	1du/2ac	19 du
Study Area 4		46.5 acres	1du/2ac	23 du
Total		129 acres		65 du
	BRSP AND STUDY AREAS TOTAL	**406 acres**		**790 du 90,000 sf**

Baltimore Ravine Specific Plan

The Baltimore Ravine Specific Plan (Exhibit B of the September 21, 2010 PC Binder) establishes a framework for developing 270 acres of the Urban Reserve. The BRSP identifies land use designations, sets minimums and maximums for development within each land use, provides plans for circulation and utilities, includes standards and guidelines that will shape the character of development within the plan area, and addresses financing and implementation. In some cases, the requirements (e.g., design guidelines) are more detailed for Plan Area 1 than for Future Plan Area 2. The additional detail required for Future Plan Area 2 must be amended into the BRSP in the future before Future Plan Area 2 development can proceed.

The BRSP proposes a mix of residential and non-residential land uses to form a new residential community in the southwest area of Auburn. The majority of the BRSP area would be developed with residential uses that would include up to 725 new homes with a density range of 1 to 20 du/ac. In addition, the BRSP provides for development of up to 90,000 square feet of retail/commercial/mixed uses in Future Plan Area 2.

The land use plan provides for a community core in Future Plan Area 2, with a mix of commercial and residential uses (possibly including residential units over ground-floor retail along Herdal-Werner Connector) and a 2-acre park. The higher-density residential uses are generally placed in and around the community core, with lower-density residential uses located in the southern portion of the plan area, where in combination with open space, they provide separation from and a transition to the existing residences to the south of the plan area. Sidewalks and bike paths on the Herdal-Werner Connector and other primary streets would provide pedestrian and bicycle access to the commercial area and park.

The BRSP provides extensive open space areas, which frame the residential neighborhoods, provide separation from existing residences, preserve natural resources and provide a significant visual amenity. Over half of the plan area, approximately 141 acres, is proposed to be preserved in permanent open space. Unimproved dirt trails would be constructed in some areas. The open space areas would preserve the ravines, drainages and expanses of woodlands. Natural terrain would also be retained in some of the lower-density residential lots, as grading will be limited to only the front 80 to 100-feet of the lots.

The proposed project would require the extension of roads and services (water and sewer lines). Access would be provided by the extension of Herdal Drive, which would connect to Werner Road via the Herdal-Werner Connector. Two bridges would be constructed across the UPRR tracks, including a bridge across Bloomer Cut (Attachment 5.a) to serve this main access. In Plan Area 1, up to 5 model units could be constructed with the bridge over Bloomer Cut. Up to 75 units can be constructed with a connection to Rogers Lane. Prior to issuance of the 76th building permit, the Herdal-Werner Connector must be constructed, and project access to Rogers Lane will be closed off (Attachment 5.b). Werner Road, Rogers Lane and the Werner Road/Ophir Road intersection would be improved as part of the project. A connection from Plan Area 1 to Perry Ranch Road would provide emergency access, but no improvements would be made to Perry Ranch Road. Off-site water and sewer line extensions would occur within road rights-of-way. The connection of Herdal Drive to Werner Road (Attachment 5.c) would be required prior to the 76th building permit.

The BRSP provides several recreational amenities such as a small park, open space, bike lanes, and pedestrian trails. The BRSP also recognizes the importance of "Bloomer Cut" as well as other historic resources within the plan area by including a historical marker describing the events surrounding construction of the transcontinental railroad through the area as well as historic mining operations.

The BRSP identifies the anticipated sources of funding for BRSP improvements, including developer financing, the City's sewer connection fee, the Auburn Recreation District Fee, and the County Capital Facilities Fee. Maintenance of landscape corridors, open space, drainage basins and trails would be funded through a homeowner's association and/or landscape and lighting district.

The Development Standards in the BRSP identify the permitted uses within the BRSP, and specify the requirements for lot size and coverage, setbacks, building heights, and parking. Development standards for the zones that apply only to Future Plan Area 2 (e.g., commercial, R-3) are not part of the Development Standards and will be added to the BRSP at the time that development approvals are effectuated for Future Plan Area 2.

The BRSP also includes Design Guidelines, which provide direction for the physical form and visual character of the BRSP. The Guidelines, which utilize graphics and photographs to illustrate the application of guidelines in the plan area, are intended to encourage creativity in developing designs for public spaces and individual development projects. The Design Guidelines cover several aspects of development design:

- Common design elements throughout the plan area, such as streetscapes, landscaping, entrances, signs, walls and fencing, grading and street lighting.
- Site-specific Design Elements for certain features, such as Bloomer Cut, bridge design and retaining walls.
- Residential Architecture, including scale and massing, roof and window forms, porches, garages and exterior finishes.

These Guidelines are meant to be used in combination with the Development Standards and applicable City ordinances and regulations. Like the Development Standards, the Design Guidelines for Plan Area 1 are included in the BRSP at this time; additional Design Guidelines will be added to the BRSP at the time that development approvals are effectuated for Future Plan Area 2.

REQUESTED PROJECT APPROVALS

The key actions associated with the Project are:

1. **Denial of the Appeal to the Planning Commission Action:** The Planning Commission approved the Large Lot Tentative Map for Plan Area 1 of the BRSP, and certified the project EIR, at its public hearing on November 16, 2010. That decision was appealed by Mark Smith, an Auburn resident, on November 24, 2010 (Attachment 1). In the appeal,

Mr. Smith states that the there is "a lack of incorporation of all previously approved variances and projects approved that impact Auburn and the region in terms of: (1) transportation and circulation (Table 5.11-7) and Luther Road/Dairy Road/Auburn-Ravine Road and Elm Avenue; (2) public services (schools, law enforcement, fire, parks); (3) public utilities (water supply-PCWA, PG&E, sewer); (4) hydrology and water quality; and (5) noise and vibration." The appeal also states that "All of these impacts and changes, change the quality of life in Auburn." No specific questions are raised with respect to the project and analysis of its impacts. The suggested remedy is an open space park preserve.

As discussed below, and throughout the record for the project, the impacts of the project have been thoroughly evaluated. The Draft EIR does analyze all of the issues listed in the appeal under both existing and future (or "cumulative") conditions. For the traffic analysis, the cumulative condition was based on a growth rate of 1.7 percent over 20 years, which would account for buildout of the General Plan, including current approvals. Several of the streets cited in the appeal—Luther Road, Diary Road and Elm Avenue—are not in the project vicinity, and would not provide a direct connection between the project and other major roads, so they were not included in the traffic analysis. Impacts on Auburn-Folsom Road were evaluated in the Draft EIR.

The proposed remedy of designating the plan area an "open space park reserve" would not be consistent with the General Plan designation of Urban Reserve, which recognizes that the plan area would be subject to development at some time. Further, no agency, such as the Auburn Recreation District (ARD), has indicated an interest in purchasing all or part of the plan area for use as a park. Given current fiscal conditions, it is unlikely that ARD or the City would have the financial resources needed to purchase and/or develop an open space preserve or park the size of the Urban Reserve, so this option does not appear to be feasible.

2. **Project Environmental Document** – Pursuant to the California Environmental Quality Act, the City Council must take several actions related to the environmental analysis and process prior to considering the project (Exhibit A) which includes the following:

   a. Certification of the BRSP Environmental Impact Report, including the Draft EIR (Exhibit D - September 21, 2010 PC Binder) and the Final EIR (Exhibit A - November 16, 2010 staff report).
   b. Adoption of the Findings of Fact and Statement of Overriding Considerations (Exhibit A - November 16, 2010 staff report).
   c. Adoption of a Mitigation Monitoring Program (Exhibit A - November 16, 2010 staff report).

3. **General Plan Amendment** – A General Plan Amendment (Exhibit B) is required to address the following:

   a. The existing Urban Reserve designation in the south Auburn area must be replaced with the land use designations proposed in the BRSP (Exhibit L.1 and L.2, respectively, of the September 21, 2010 PC Binder). The Auburn General Plan requires the adoption of a specific plan in order to change the Urban Reserve

designations. Adoption of a specific plan (e.g. the BRSP) is conducted by amending the General Plan. The General Plan Amendment for this plan (Exhibit B) will adopt the BRSP land use designations for Plan Area 1. Plan Area 2 would retain the Urban Reserve designation until future development approvals are undertaken for that area. The General Plan amendment also re-designates the remainder of the Urban Reserve area not in Plan Areas 1 or 2 (i.e. Study Areas 1, 2, 3, and 4) as Rural Density Residential with a 2-acre lot minimum (RDR – 0.5 du/ac).

b. Adopt a new Urban High Density Residential (UHDR) designation: The BRSP includes a new land use designation, Urban High Density Residential (UHDR). The UHDR designation is not recognized in the current General Plan. The existing General Plan includes a High Density Residential designation (HDR) that allows for up to 15 units per acre. In order to provide for higher, more urban densities, approximately 18 acres in Plan Area 2 would be designated Urban High Density Residential (UHDR), which would allow for 10 to 20 units per acre. In order to include the UHDR designation in the BRSP, the General Plan must be amended to add the UHDR designation. Allowing up to 20 units per acre is consistent with the 2008 Auburn Housing Element.

4. **Specific Plan** – The Baltimore Ravine Specific Plan proposed by the applicant, as amended by the addendum (Exhibits B and C, respectively, of the September 21, 2010 PC Binder).

5. **Rezone** – Plan Area 1 and the four Study Areas must be rezoned in association with the BRSP (Exhibit D). Plan Area 1 will be rezoned consistent with the BRSP, while the Study Areas will be rezoned to Agricultural Residential with 2-acre lot size minimums (AR-2). The property in Future Plan Area 2 will retain its current zoning. The existing and proposed zones are shown in Exhibits M.1 and M.2, respectively, of the September 21, 2010 PC Binder.

6. **Large Lot Tentative Map** – A Large Lot Tentative Map is proposed for Plan Area 1 (Exhibit F). The configuration of the lots is consistent with the parcel configuration illustrated by the land use plan in the BRSP. This tentative map was approved by the Planning Commission on November 16, 2010, however, the City Council must act on the map due to the appeal of the Planning Commission's action.

7. **Development Agreement** – A development agreement (DA) is proposed for Plan Area 1 in conjunction with the BRSP. The development agreement formalizes the requirements and expectations between the City and the applicant (Baltimore Ravine Investors, LLC) as well as future developers, including the timing of improvements and insuring that the City is "made whole" in regards to impacts, fees, and costs associated with the BRSP. The draft DA is provided as Exhibit O of the September 21st Planning Commission report, as amended by the deal points identified in the November 16th memo to the Commission. The final development agreement is currently being revised by the City Attorney to include the deal points and will be provided to the City Council prior to the Council hearing.

8. **Statement of Reasons to Permit Development in a Mineral Resource Zone** – A portion of the plan area has been designated a Mineral Resource Zone (MRZ) by the State geologist. State law requires that the City adopt, and the State Board of Mines and Geology approve, a Statement of Reasons for permitting development in an area that has been identified as an MRZ. If adopted by the City Council, staff will forward the Statement of Reasons (Exhibit G) to the State Board for their approval.

RECOMMENDATIONS OF THE PLANNING COMMISSION

As stated above, the Planning Commission approved the Large Lot Tentative Map and certified the EIR at their November 16, 2010, meeting. The Commission also recommended that the City Council approve the other components of the Project listed above. Public comment received during the September 21, 2010 and November 16, 2010 public hearings are provided with draft Commission minutes (Attachments 2 and 3). The observations made by the Planning Commission are provided in the draft minutes of November 16, 2010 (Attachment 3) and are summarized below:

- Commissioner Worthington acknowledged all of the questions raised by the public and Commission throughout the various hearings and expressed that all of the project concerns had been thoroughly addressed by staff.

- Commissioner Young recognized that the proposed project would increase traffic for the existing Herdal neighborhood, and expressed concern about protecting the integrity of Bloomer Cut as a historic resource. However, Commissioner Young stated that the Herdal access was the best approach for the project as it provided safe and efficient access to the plan area.

- Commissioner Snyder stated that his most significant was access, but that based on thorough review of the issue, the Herdal Drive access was the logical point of access to the project. Commissioner Snyder noted concerns expressed about the possible financial impacts of the project, but that the development agreement insures that the project will provide all required fees to insure that the City isn't subsidizing the project. He also commented that the project has certain benefits, such as introducing younger families with into the community, which should help counter the declining enrollment in our schools.

- Chair Spokely commented that the access issue was his primary concern as well, but based on the extensive analysis given the issue, it is clear that the Herdal access is the best point of access to the plan area. He stated his concern about the crossing of Bloomer Cut with the Herdal extension, but is excited that the project will make it available for others to experience. Chair Spokely noted that the project fully pays for itself, and was impressed that the project received the endorsement of the Sierra Club.

The Planning Commission voted 4-0 (Commissioner Vitas recused himself due to a possible conflict of interest) to certify the EIR for the project and approved the large lot tentative map for Plan Area 1. The Planning Commission also recommended that the Auburn City Council

approve the General Plan Amendment, Specific Plan, Rezone, Development Agreement, and Statement of Reasons for the MRZ.

CONCERNS RAISED TO DATE

A variety of concerns about the Project have been raised at hearings and in response to the Environmental Impact Report. Public concerns generally fall into the following categories, which are discussed below:

1. Increased development in the City of Auburn
2. Changes to the small-town character of Auburn
3. Increased traffic congestion, specifically
    a. Auburn-Folsom Road
    b. Herdal Drive
    c. Indian Hill Road
4. Access Options
5. Bridging of Bloomer Cut
6. Native American resources and consultation
7. Wildlife
8. Traffic noise

1. Increased Development in the City of Auburn

Some members of the public have expressed concern about increased growth and development in Auburn, particularly on the scale proposed in the BRSP. In response, the City is expected to grow over time, with or without the BRSP. SACOG projects that the City's population will grow from approximately 13,500 residents in 2009 to approximately 18,000 by 2035, an increase of about 33 percent. If approved, the BRSP would provide residences and commercial services for a portion of this increased population. Further, the Urban Reserve has been identified as an area for potential growth since the 1978 General Plan, and is the last large, contiguous undeveloped area in the City. The size of the BRSP is the result in part of the acreage to be developed.

2. Changes to the Small-town Character of Auburn

Concern has been expressed that the BRSP would alter the small town character of Auburn, and that the BRSP is not compatible with the character of Auburn. In response, the proposed project is consistent with the densities of development found throughout the City. With the exception of the proposed 20 du/acre zone, the densities in the BRSP are similar to those found elsewhere in Auburn, with lower density residential development occurring near the Urban Reserve, and higher density and mixed-use development occurring in Old Town, downtown and some of the more commercial areas of the City. The community core in Future Plan Area 2 is intended to create a small-scale neighborhood. The BRSP would increase traffic levels on local roadways, which could be perceived as changing the character of areas that have low traffic volumes at present. However, Project traffic would be directed toward major roads, such as Auburn-Folsom and Indian Hill, and would generally not travel through existing residential streets. With the exception of road improvements, the BRSP would not alter existing neighborhoods, Old Town, downtown or other areas characteristic of Auburn.

3. Increased Traffic Congestion

The BRSP would increase traffic volumes on the local street network. The traffic study prepared for the EIR evaluated the effect of the Project on roadway segments and intersections in the City of Auburn and Placer County, as well as Interstate 80 under both existing and cumulative conditions (roughly twenty years in the future). At some locations, the Project was found to create or exacerbate poor levels of service. However, the Project will be required to implement mitigation measures to improve conditions at these locations. The identified improvements would result in acceptable conditions at all of the study segments and facilities. A caveat is made for improvements to the Interstate 80/Newcastle Ramp intersection, because the recommended improvements are the jurisdiction of Caltrans and/or Placer County, and the City cannot guarantee that the improvements will be installed. If the recommended improvements are installed, however, the intersection operations would be acceptable.

3a. Auburn-Folsom Road

Some comments compared future traffic levels on Auburn-Folsom Road to those currently experienced on Highway 49. In response, even with full occupancy of the BRSP, the volume of traffic on Auburn Folsom Road will remain far below that reported today on SR 49. While the raw traffic volume is not itself a measure of significance, as shown in Table 2, current volumes on SR 49 will remain more than twice the volumes forecast for Auburn Folsom Road with the Project (i.e. existing plus BRSP volumes).

TABLE 2
COMPARISON OF PEAK HOUR SEGMENT VOLUMES ON SR 49 AND ON AUBURN FOLSOM ROAD

Street	From	To	Peak Hour Volume	
			AM	PM
Existing Conditions				
Auburn Folsom Rd	Maidu Dr	Herdal Drive	1,225	1,330
Auburn Folsom Rd	Herdal Dr	Sacramento St (N)	1,180	1,260
Grass Valley Hwy	Lincoln Way	EB I-80 ramps	1,580	1,560
Grass Valley Hwy	WB I-80 ramps	Elm Avenue	2,595*	2,675*
Grass Valley Hwy	Dorothy Way	Marguerite Mine Rd	2,527*	2,482*
Grass Valley Hwy	Live Oak Ln	Luther Rd	2,773*	3,264*
Existing Plus BRSP Area 1				
Auburn Folsom Rd	Maidu Drive	Herdal Drive	1,225	1,330
		project only	105	130
		total	1,330	1,460
Auburn Folsom Rd	Herdal Drive	Sacramento St (N)	1,180	1,260
		Project only	70	85
		Total	1,250	1,345
Existing Plus BRSP Build Out (1 & 2)				
Auburn Folsom Rd	Maidu Dr	Herdal Road	1,225	1,330

		Project only	200	520
		Total	1,425	1,850
Auburn Folsom Rd	Herdal Drive	Sacramento St (N)	1,180	1,260
		Project only	105	135
		Total	1,285	1,395
* SR 49 data from Placer County's Bohemia Center DEIR				

3b. Herdal Drive Traffic Impacts

As discussed above, there would be two primary access point for the Project - Werner Road and Herdal Drive. Initially, Herdal Drive would provide primary access to Plan Area 1, and secondary access would be provided via Rogers Lane. Project traffic on Herdal Drive with Plan Area 1 only is estimated to be 2,150 daily vehicle trips. At buildout of both Plan Area 1 and Future Plan Area 2, 40 percent of BRSP residential traffic is expected to use the Werner Road access, and 60 percent of residential project traffic and 95 percent of project retail traffic, a total of 8,740 daily vehicle trips, is expected to use Herdal Drive. As stated above, Herdal Drive has the capacity to accommodate these traffic levels.

The Draft EIR evaluated levels of service at the intersections of Herdal Drive with Auburn-Folsom Road, Del Valle Drive and Quinn Way. Under existing conditions plus project traffic, the intersections of Herdal Drive/Del Valle Drive and Herdal Drive/Quinn Way would operate within City service level standards. The Herdal Drive/Auburn-Folsom Road intersection would also meet City standards under existing conditions with Plan Area 1 traffic. However, under both existing and cumulative conditions, the intersection of Herdal Drive and Auburn-Folsom Road is projected to operate at LOS E in the p.m. peak hour as the result of the addition of full BRSP traffic (both Plan Area 1 and Future Plan Area 2). Mitigation Measure 5.11-1 on page 5.11-59 of the Draft EIR requires re-striping the eastbound Herdal Drive approach to provide a separate left turn lane; no changes are required to the striping on Auburn-Folsom Road at this intersection. With the mitigation identified above, the service level at the Auburn-Folsom Road/Herdal Drive intersection would improve to LOS D in the p.m. peak hour, which would satisfy minimum City of Auburn standards.

The impacts on residents of Herdal Drive and the Herdal Drive extension are evaluated throughout the Draft EIR. For example, the visual impacts on the Herdal Drive extension are specifically addressed on page 5.1-37 in Impact 5.1-1, noise impacts on residents of Herdal Drive and the extension are addressed in Impacts 5.8-1 (page 5.8-24) and 5.9-7 (pages 5.8-33 and 5.8-34) and the traffic impacts on Herdal Drive are analyzed in Impacts 5.11-1 (pages 5.11-58 and -59) and 5.11-6 (pages 5.11-63 and -64). In addition, subsequent to the Draft EIR, more specific information regarding the topography of the extension and adjacent residences has allowed the City's noise consultant to prepare detailed analyses of the noise impacts on those properties (see Attachment 1 – November 16, 2010 PC Report).

3c. Indian Hill Road Traffic Impacts

The project would not provide a direct connection to Indian Hill Road, but some project traffic would use this roadway. The Draft EIR analyzed traffic conditions on Indian Hill Road from its

intersection with Auburn-Folsom Road to Interstate 80, and found that the road would meet City and County service level criteria with or without the addition of project traffic. In addition, the Draft EIR looked at service levels at three intersections with Indian Hill Road: Auburn-Folsom Road, Dillon Circle and Dillon Circle/Hoyer Lane. The Final EIR also estimated the service levels at the intersection with Grandview Drive, which serves the Grand Oaks subdivision and Indian Hill Estates subdivision. All of the intersections that were studied would meet the service level standards. Consequently, the project was found to have a less-than-significant impact at these intersections.

One of the concerns expressed by the public regarding traffic on Indian Hill Road is safety at the Indian Hill Road/Hoyer Lane intersection due to a fatal accident that occurred at this location 10 years ago. Concerns about the intersection were reviewed on page 5.11-1 of the Draft EIR and addressed in more detail in an assessment summarized in Appendix N.10. The assessment reviewed accident records for the period of 2002-2006, a time frame that is consistent with standard practice for traffic safety studies, and determined that three accidents had occurred over that time period, of which one resulted in an injury. The assessment, which acknowledged the fatal accident that had occurred at the intersection, concluded that various types of accidents had occurred and that there were no conditions at the intersection that would be directly affected by the development of the BRSP. The Draft EIR noted that the intersection is within the jurisdiction of Placer County and that any action to improve the intersection would have to be made by the County.

4. Access Options

Development of the BRSP requires at least two 24-hour, unrestricted access points. The project applicant proposes to provide the required accesses by connecting Herdal Drive to Werner Road, which will require two new bridges over the UPRR tracks and the construction of a new road through the BRSP. Concerns have been raised about the southern access, which would extend Herdal Drive and construct a bridge over the UPRR rail line at Bloomer Cut.

Prior projects proposed for the Urban Reserve, which includes the BRSP area, have also had to grapple with the issue of access. A number of options have been considered in the past (see Page 2 above; Prior Plans for the Urban Reserve). The prior circulation plans for the Urban Reserve area have, for the most part, assumed that both tracks would need to be crossed, and that the crossings would be placed at locations similar to those proposed in the BRSP. A crossing at Bloomer Cut has been assumed as a primary crossing or an option in all of the plans that were reviewed. Both Maidu Drive and Herdal Drive have been considered as routes to connect the Bloomer Cut crossing to Auburn-Folsom Road. Other access points have been proposed, including connections to Pacific Street and High Street, particularly in the 1993 Southwest Auburn Specific Plan, which provided for connection to these streets in addition to (not instead of) the primary routes via Indian Hill Road and Werner Road.

In March 2010, staff prepared a memorandum (Exhibit R; September 21, 2010 PC Binder) discussing the various access routes that had been considered in the past or suggested during hearings for the BRSP. Since that time, additional analysis has been conducted to compare the area that would be disturbed by each alternative, including a rough estimate of the amount of woodlands that would be lost (Attachment 4; this report). An additional alternative, using the

PG&E powerline corridor that intersects with Tea Lane, was suggested in comments on the Draft EIR, and is also evaluated in Exhibit S of the September 21, 2010 PC Binder. The access alternatives that were reviewed are discussed briefly below:

a. Herdal Drive extension: As with prior plans, Bloomer Cut was considered an optimal point at which to cross the rail line because it would require minimal grade changes and a relatively short-span bridge (approximately 70-feet) to clear the existing Bloomer Cut. The 70-foot bridge span is required by UPRR and would provide enough clearance to accommodate the addition of a second track should UPRR decide to construct one.

   This route would add traffic through an existing neighborhood, but this was anticipated when the residential development was approved. Impacts on natural resources would be minimal compared to other options because the new road would be relatively short (less than 1,000 feet) and would travel through an area that is already disturbed (the City right-of-way) and/or composed primarily of grasslands. Approximately 0.9 acres would be disturbed, including approximately 0.5 acres of woodland. In addition to the physical advantages, the City owns the right-of-way for the Herdal Drive extension, and one of the parcels in Plan Area 1 (the Chevreaux parcel), has an access easement on the extension.

b. Maidu Drive extension: This was one of the options considered in prior plans, including the SWASP. Compared to the Herdal option, this option would require a longer road extension (approximately 1,300 feet) and right-of-way acquisition for the entire length. Like the Herdal Drive extension, this option would construct a bridge over Bloomer Cut. Because of the topography, however, portions of the area would need to be filled and the bridge would need a longer span (approximately 400 feet). Like the Herdal Drive extension, this option would place the new roadway adjacent to existing backyards of residences. In addition, the Maidu Drive extension would require fill of a wetland area, necessitating approval from the US Army Corps of Engineers through the Section 404 permit process. The road would also be constructed through a designated Open Space area that is under separate ownership. The area that would be disturbed would be approximately 2 to 3 acres, including 1 to 2 acres of woodland. Consequently, the impact on natural resources would be greater than the Herdal Drive extension.

c. May Perry Drive: Under this option, a new road would connect to Auburn-Folsom Road north of the rail line, and extend southward, through the ARD recreation area, more or less parallel to the rail line. No crossing of the rail line would be required under this option, so Bloomer Cut would be unaffected; however, the roadway constructed for this option would traverse two ravines, requiring bridge crossings for each. It would require right-of-way acquisition for the approximately 2,000 feet that lie outside of the BRSP area. The roadway would be approximately 4,500 feet long, much of which would travel through woodlands, so it would require more tree removal than the Herdal Drive extension. This option would affect 6-10 acres, including 4-7 acres of woodlands. This option would also bisect Recreation Park and affect the ARD facilities thereon. The costs of this option could be relatively high due to the length of the road (which would include utilities), mitigation for loss of trees, impacts to Recreation Park, acquisition of right-of-way, and the construction of two bridges to cross two ravines.

d. Pacific Street extension: Under this option, Pacific Street would be extended from Auburn-Folsom Road west over the rail line and then turn south to the northeast corner of the BRSP area. The roadway would be a total of approximately 3,500 feet long. In order to bridge the tracks, a 30-foot high roadway embankment would be required, generating a lot of fill. The rail line bridge would need to span approximately 150 to 200 feet, which would be longer than the Bloomer Cut bridge (70 feet), but not as long as a bridge from Maidu Drive (400 feet). The roadway embankment fill would need to extend onto the ARD property where it would then ramp down to meet existing ground elevation on the west side of the tracks. This option would need to acquire ±1,000 feet of right-of-way and would disturb 5-8 acres, of which 4-7 acres would be woodland.

e. Rail line crossing south of Pacific Street: This option would provide a connection to Auburn-Folsom Road approximately 400 feet south of Pacific Street, near the existing Boardman canal. The total roadway length would be approximately 3,000 feet. An elevated bridge crossing would be required to provide adequate clearance, resulting in significant grading for bridge approaches and a longer bridge span (approximately 200 feet) than the Herdal Drive option. Within the BRSP area, the alignment would be similar to the May Perry and Pacific Street options, so there would need to be significant grading and two additional bridge crossings across two ravines. Approximately 4 to 7 acres would be disturbed, including approximately 3 to 5 acres of woodlands.

f. High Street extension: High Street terminates in the Woodland Estates subdivision, immediately north of Study Area 3 and west of the northern rail line. This area is fairly steep; High Street has a 15% grade at its terminus. A connection between High Street and Future Plan Area 2 would require multiple switchbacks with steep grades and a bridge over the ravine. The ravine is located approximately 130 feet (in elevation) below the terminus of High Street, so the grade would be fairly steep. The area is heavily wooded, so there would be extensive impacts on trees. This connection would also route BRSP traffic through an older area of the City with relatively narrow residential streets.

g. Tea Lane: A comment on the Draft EIR suggested that access could be provided to Plan Area 1 via Tea Lane, which intersects with Indian Hill Road at the same point as the PG&E transmission lines. The access road would extend north from the existing Indian Hill/Tea Lane intersection, following the transmission line easement across Dutch Ravine to Perry Ranch Road. Approximately 300 feet of Perry Ranch Road would then need to be widened and improved to provide access to Plan Area 1. This alignment would travel through two residential parcels, and would likely require the removal of at least one out building. It would not be feasible to build the road within the transmission line easement due conflicts with existing improvements (i.e. existing service towers within the easement), the development standards required by PG&E for improvements within the easement (e.g. PG&E would require a minimum setback from the towers to the road of at least 25 feet), and the City's standards for road improvements. As such, a road to City standards would not fit within the existing easement. One tower in the powerline easement is located approximately 150 feet from Indian Hill Road, so it would be difficult to for the access road to connect to Tea Lane and follow an alignment adjacent to the powerline. Also, a connection onto Indian Hill Road between Tea Lane and Sawka Road would not meet the City's spacing requirements.

If an alignment that connected with Tea Lane could be found, there would still be major disadvantages to using this approach. Because of the topography north of Indian Hill Road, this option would require an extremely long bridge span (±1,000') and it would disturb approximately 2-3 acres, of which 1-2 acres would be woodlands. In addition, ±2,400 linear feet of right-of-way would need to be obtained, and permission would be required to improve and use a portion of Perry Ranch Road since it is a private road. The connectivity (for emergency service) provided by this access would also be less advantageous when compared to the very direct route afforded by Herdal Drive

As explained in Exhibit R of the September 21, 2010 PC Binder, staff concurs that the Herdal Drive extension with the bridge over Bloomer Cut is the most appropriate means of providing access to the southern portion of the BRSP. The extension of Herdal Drive has been part of plans for providing access to the Baltimore Ravine area for more than 30 years, as evidenced by prior plans and the existing right-of-way on the extension. It is the most direct route, involving the least amount of roadway construction, and the shortest bridge span. The amount of cut and fill necessary for this route, and the impacts on natural resources, including woodlands, would be less severe than under other options. The primary disadvantages are that the roadway would be located adjacent to existing backyards and that the bridge would be constructed over a significant historic resource, Bloomer Cut. However, the extension has been anticipated for a number of years, including the approvals for the existing residences, and the bridge would be designed so that Bloomer Cut itself would not be altered.

5. Bridging of Bloomer Cut

Bloomer Cut is a significant historic railroad feature. With the construction of the Herdal Extension, the Project would not alter Bloomer Cut itself, but would span the cut with a new bridge. Currently, the area immediately adjacent to Bloomer Cut is undeveloped, so a new bridge would change the setting of the cut. The Draft EIR evaluates the impacts of bridging Bloomer Cut, and concludes that while the bridge would alter the setting, Bloomer Cut would still be considered a significant historic resource because it would continue to meet the criteria for eligibility for the National Register of Historic Resources (a standard method of determining whether a site or feature is historically significant).

In their comments on the Draft EIR, the Placer County Museum and the Placer County Historical Society, as well as several individuals, disagreed with the conclusions of the EIR, and stated that Bloomer Cut should not be bridged. Their comments have been addressed in the Final EIR.

The Draft EIR analysis of Bloomer Cut was conducted by qualified historians, and staff concurs with the findings. It should be noted that even though Bloomer Cut is considered eligible for listing on the National Register of Historic Places, the ultimate determination of eligibility would be up to the Office of Historic Resources if the cut were nominated to the NRHP. However, nomination requires the involvement of the property owner, in this case Union Pacific, which has indicated that it would not pursue such an action.

6. Native American Resources and Consultation

Extensive historic and pre-historic research was conducted for the project site as part of the EIR analysis. PBS&J staff conducted a reconnaissance survey of the site, an intensive archaeological

pedestrian survey of the site, and invited representatives from the United Auburn Indian Community (UAIC) to visit the site. At the request of the UAIC, the persons consulted included three cultural resource specialists from AES, Dr. Shelley McGinnis, Mike Taggart, and Yolanda Chavez, and two Native Americans, Allen E. Adams, and Grayson Coney. Mr. Adams is a UAIC Tribal member. Mr. Coney is not a member of the tribe, but he grew up in the Auburn area and is the Cultural Director of the Tsi-Akim Maidu Tribe in Grass Valley. Together, the group spent approximately 8 hours at the project site looking for Native American archaeological sites and artifacts.

It is known that the project area was inhabited during prehistoric and historic-period times, and buried human remains, including those interred outside of formal cemeteries, could be located on the project site. Archival research and the intensive onsite pedestrian survey did not disclose any specific burial locations in the project site. Research of death certificates is not conducted during archival research regarding archaeological sites. However, a recent review of historic death records on-line in Placer County did identify two death certificates from Bloomer Ranch in the late 1800s, although the burial location was not indicated. Because there is the potential that human remains could exist on the project site, mitigation was provided (Mitigation Measure 5.4-6 in the DEIR) that describes the procedures to be followed if human remains are encountered.

7. Wildlife

Concern was expressed about the displacement and loss of wildlife and trees. The plan area includes undeveloped woodlands and grasslands that provide habitat for a number of plant and animal species. The BRSP designates over half of the Specific Plan area as Open Space, which would be relatively undisturbed, and therefore would continue to provide habitat for resident species. Nonetheless, development of the site would convert a large portion of this habitat to urban uses, which would not be compatible with all of the species currently within the site. In some cases, particularly with birds, the displaced animals could move into areas designated open space or other nearby undeveloped areas. Other individual animals or plants would be lost to development. For the most part, the affected wildlife would be common species, such as deer, turkeys, small mammals and other birds.

The Draft EIR identified several special-status species plant and animal species (that is, those that are on State or federal lists of rare, threatened and endangered species), that could occur within the Urban Reserve, and provided mitigation to protect them.

8. Traffic Noise

The Project will increase traffic volumes on local roadways, which may also increase traffic noise levels. A noise study was prepared and determined that the increased noise would not exceed identified thresholds on most of the roads that were studied. Noise levels on Herdal Drive, the Herdal Drive extension and Werner Road would exceed thresholds, but the Draft EIR identifies mitigation (i.e. sound walls; pavement treatments) that would bring noise levels down to acceptable levels.

Herdal Drive Extension Impacts

Residents of the neighborhoods immediately north and south of Herdal Drive and the Herdal Drive extension have been particularly concerned about the use of Herdal Drive as the primary access to Plan Area 1. The backyards of fifteen (15) homes currently abut the Herdal Drive extension right-of-way; ten of those properties abut the south side of the right-of-way, while five abut the north side of the right-of-way. The properties to the south all are at elevations below the existing right-of-way and proposed road, while the properties to the north all have elevations higher than the existing right-of-way and proposed road.

The development of the BRSP will result in a definite change in the character of this area by constructing a road that will be used for one of the primary accesses to the BRSP. Because of this change and the concerns of the affected residents, a number of analyses have been prepared at a greater level of detail than normally conducted at this point in the approval process. The Draft EIR analyzes the effects of the project along the Herdal Drive extension, particularly for traffic, noise, visual quality, biological resources, and visual resources, based on field surveys and modeling at a level of detail typical for a project-specific EIR on a Specific Plan. For example, the Draft EIR includes a parcel by parcel analysis of traffic noise levels along the extension. Staff has also met with some of the residents, including the President of an adjacent homeowners association. One of the meetings was held in the field and included a walk of the alignment for the extension.

Since the Draft EIR was released, the applicant has provided additional detail regarding the design of the road relative to adjacent properties. A number of survey points have been collected in the field and used to refine the profile and elevation information for the road design. Cross-sections have been prepared at a number of locations showing the roadway elevation, soundwalls and adjacent parcels in order to better understand the effects on specific residences. The cross-sections are attached as Exhibit Q of the September 21, 2010 PC Binder.

Cross-section views were provided for each of the five properties abutting the north right-of-way, where the parcels are higher in elevation than the road right-of-way. Three cross-sections were provided for one of those parcels. These cross-sections were used by the City's noise consultant to evaluate the impacts to those properties given the estimated increase in traffic to be generated by the project. The information was also provided to the owners of several of the abutting properties at their request. Feedback was provided by a couple of those owners suggesting that the information provided was less than accurate.

In response, the applicant's surveyor obtained additional topographic information to confirm the accuracy of the data presented. The additional data was limited to the right-of-way due to access issues. City staff worked with the applicant and property owner representatives to obtain permission for the applicant's surveyor to enter the backyards of the abutting properties (in order to obtain additional data for those areas), but the necessary permission was not provided. Surveyors were allowed access to one backyard, 10940 Oak View Terrace, which has the most diverse topography of the lots abutting the extension, so additional analysis was conducted for this parcel. To address the topography in this area, the applicant proposes to drop the road elevation along the rear of 10940 Oak View Terrace by approximately 2 feet and to increase the

height of the wall to 8 feet (as opposed to 7 feet along the remainder of the road) to provide additional shielding from noise.

Additional noise analysis was conducted for the Herdal Extension to address these changes (Attachment 1 – November 16, 2010 PC Staff Report). The additional analysis reinforces the Draft EIR's conclusion that noise impacts would be less than significant with the application of mitigation for all of the adjacent parcels along the extension.

Alternatives Available to Council; Implications of Alternatives

- Deny the appeal and approve the project as presented, or as modified by the City Council.
- Approve the appeal and deny the project subject to findings as developed by the City Council.
- Continue the request for staff to provide additional information for Council consideration.

Fiscal Impacts

No significant fiscal impacts are anticipated. The development of the BRSP will be "at cost" as guaranteed through the Development Agreement. Maintenance of open space and private common areas will be the responsibility of home owner's association(s). The provision of services (e.g. fire; police) and the maintenance of public areas (e.g. public rights of way) will be paid for through an annual assessment on the property owners within the BRSP.

Additional Information

Copies of all documents referenced in this report are maintained by, and are available for review in, the Auburn Community Development Department. Please contact (530) 823-4211 ext 135 with questions.

ATTACHMENTS

1. Appeal Application by Mark Smith dated November 24, 2010
2. Planning Commission Meeting Minutes – September 21, 2010
3. Planning Commission Meeting Minutes – November 16, 2010
4. Access Comparison
5. Access Illustrations -
   a. Access for 1 to 5 Units
   b. Access for 6 to 75 Units
   c. Access for 75+ Units

EXHIBITS

A. Resolution – Certification of EIR (Draft EIR + Final EIR); Findings of Fact and Statement of Overriding Considerations; and Mitigation Monitoring Program for the Baltimore Ravine Specific Plan and Study Areas Project
B. Resolution – General Plan Amendment for the BRSP, Plan Area 1, and Study Areas

C. Resolution – Baltimore Ravine Specific Plan
D. Ordinance – Rezone for BRSP Plan Area 1 and Study Areas 1-4
E. Ordinance – Development Agreement with Baltimore Ravine Investors LLC for BRSP Plan Area 1
F. Resolution – Large Lot Tentative Map for Plan Area 1
G. Resolution – Statement of Reasons to Permit Development in a Mineral Resource Zone

DOCUMENTS – SEPTEMBER 21, 2010 PLANNING COMMISSION HEARING:

A. Project Location and Features
B. Baltimore Ravine Specific Plan (provided separately)
C. Addendum to the BRSP – July 7, 2010
D. Draft EIR for the BRSP and Study Area Project (provided separately)
E. Planning Commission Staff Report for DEIR review – July 13, 2010
F. Planning Commission Minutes for DEIR review (draft) – July 13, 2010
G. Planning Commission Staff Report – December 15, 2009
H. Planning Commission Minutes – December 15, 2009
I. Planning Commission Staff Report for Site Tours – March 26, 2010
J. Planning Commission Staff Report for MRZ-2b review – August 3, 2010
K. Planning Commission Minutes for MRZ-2b review (draft) – August 3, 2010
L. 1. Existing General Plan Land Use Designations
   2. Proposed General Plan Land Use Designations
M. 1. Existing Zoning
   2. Proposed Zoning
N. Large Lot Tentative Map
O. Draft Development Agreement
P. MRZ Statement of Reasons
Q. Herdal Drive Extension Cross-Sections
R. Staff Memorandum regarding BRSP Access – March 26, 2010
S. Ubora Memorandum regarding BRSP Access – September 1, 2010

DOCUMENTS – NOVEMBER 16, 2010 PLANNING COMMISSION HEARING:

ATTACHMENTS

1. Supplemental Noise Analysis – 10940 Oak View Terrace
2. UAIC Letter from Tribal Administrator Greg Baker dated November 5, 2010
3. Letter from Alex Fisch dated October 23, 2010

EXHIBITS

A. Planning Commission **Resolution 10-12** <u>certifying</u> the project environmental documents including the following:

   1. Draft EIR for the BRSP and Study Area Project (provided separately)

2. Final EIR and Mitigation Monitoring Program (attached)
3. Findings of Fact and Statement of Overriding Considerations (attached)

B. Planning Commission **Resolution 10-13** recommending approval of the General Plan Amendment, Specific Plan Amendment, Rezone, and Development Agreement (Files GPA 07-3; SPA 07-1; RE 07-1; and DA 07-1), including the following:

1. Proposed General Plan Land Use Designations.
2. Baltimore Ravine Specific Plan (provided separately)
3. Addendum to the BRSP – July 7, 2010 (Exhibit C of the September 21st staff report)
4. Proposed Zoning
5. Development Agreement (Exhibit O of the September 21st staff report)

C. Planning Commission **Resolution 10-14** approving the Large Lot Tentative Map for BRSP Plan Area 1.

D. Planning Commission **Resolution 10-15** recommending adoption of the Statement of Reasons to Permit Development in a Mineral Resource Zone.

MEMO TO PLANNING COMMISSION (NOVEMBER 16, 2010) – BRSP DEVELOPMENT AGREEMENT

DOCUMENTS FOR THE CITY COUNCIL REPORT OF JANUARY 13, 2011

THE FOLLOWING DOCUMENTS ARE CURRENTLY BEING FINALIZED AND WILL BE MADE AVAILABLE UPON THEIR COMPLETION PRIOR TO THE PUBLIC HEARING ON JANUARY 13, 2010

- **Planning Commission Minutes** – Hearing of September 21, 2010
- **Planning Commission Minutes** – Hearing of November 16, 2010
- **Development Agreement** – Includes Exhibit O from the September 21, 2010 Planning Commission Binder as amended with the deal points from the November 16, 2010 staff memo

ATTACHMENT 1

CITY OF AUBURN
PLANNING COMMISSION APPEAL

The Auburn Municipal Code, Section 159.424., provides that any person not satisfied with an action of the Auburn Planning Commission may appeal said action to the City Council. **Such appeal shall be made by filing a written application with the City Clerk's Office within ten (10) calendar days after the decision of the Planning Commission.** Said written application shall specify the particular action or decision, or portion thereof, which is being appealed, and shall describe the reasons for the appeal, and should include suggested remedies. The City Council shall act on appeal applications within sixty (60) days after such an appeal has been filed with the City Clerk's Office. Return completed application, along with fee of $100.00 to:

City Clerk's Office
1225 Lincoln Way, Room 8
Auburn, CA 95603
(530) 823-4211, ext. 112

APPEAL APPLICATION

I, MARK SMITH
(Printed Name of Appellant)

hereby appeal the below noted action (s) of the Auburn Planning Commission:

Date of Planning Commission Action: NOVEMBER 16, 2010

Project Name/Application No.(s): BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT - FILES 07-3; SPA 07-1; RE07-1; SUB07-2; DA07-
(Use Permit, Subdivision map, etc.)

Project Location: SOUTHWEST AUBURN

Assessor's Parcel Number: 040-350-010 / 040-350/015 /

Mailing Address: 100 PINECREST AVENUE

Phone: (530) 885-4486 Email Address: markcsmith@sbcglobal.net

Signature of Appellant

NOVEMBER 24, 2010
Date

****

Received
NOV 24 2010
by AL 2pm
AMY M. LIND
DEPUTY CITY CLERK
CITY OF AUBURN

For city staff use only

Date: 11/24/10 Receipt No. 57920 Received by: AL Fee Paid: yes

Planning Commission Action/Condition:

APPEAL ALL APPROVED ITEMS FROM THE NOVEMBER 16, 2010 PLANNING COMMISSION MEETING.
(ITEM V-A:) BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT - Files GPA 07-3; SPA 07-1, RE 07-01; SUB 07-02; DA 07-1.

Reason for Appeal:

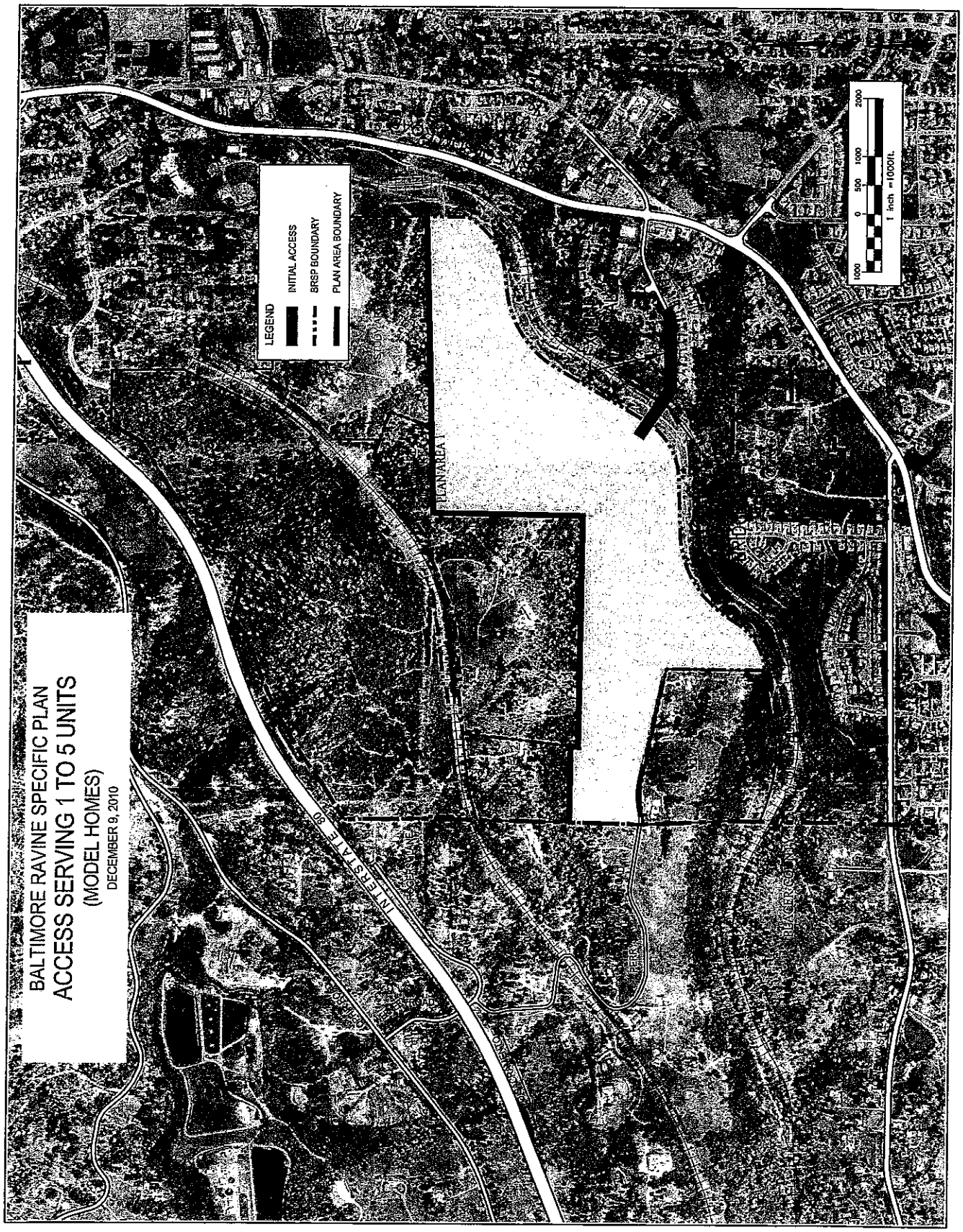
LACK OF INCORPORATION OF ALL PREVIOUSLY APPROVED VARIANCES AND PROJECTS APPROVED THAT IMPACT AUBURN AND THE REGION in terms of: (1) TRANSPORTATION AND CIRCULATION (Table 5.11-7) AND LUTHER ROAD / DAIRY ROAD / AUBURN RAVINE ROAD AND ELM AVENUE (2) PUBLIC SERVICES (SCHOOLS, LAW ENFORCEMENT, FIRE, PARKS) (3) PUBLIC UTILITIES (WATER SUPPLY - PCWA, PG&E, SEWER) (4) HYDROLOGY AND WATER QUALITY, AND (5) NOISE AND VIBRATION.

ALL THESE IMPACTS AND CHANGES, CHANGE THE QUALITY OF LIFE in AUBURN.

Suggested Remedy:

OPEN SPACE PARK RESERVE

Comparison of Plan Area 1 Access Options						
	Herdal Drive	**Maidu Drive**	**May Perry Drive**	**Pacific Street**	**South of Pacific Street**	**Tea Lane**
Approximate Road Length	<1,000'	1,300'	4,500'	3,500'	3,000'	4,500'
Number of Bridges	1	1	2	3	3	1
Approximate UPRR Bridge Span	70'	400'	n/a	150-200'	200'	1,000'
Approx Combined Bridge Span	70'	400'	500+'	700+'	700+'	1,000+'
Residences Affected?	15 adjacent backyards	10+/- adjacent backyards	None	None	None	Traverses 2+ residential parcels; 1 outbuilding lost
Approximate ROW Acquisition	0	1,300'	2,000'	1,000'	500'	2,400'
Acres Disturbed	1	2 to 3	6 to 10	5 to 8	4 to 7	2 to 3
Woodland Acres Disturbed	0.5	1 to 2	4 to 7	4 to 7	3 to 5	1 to 2
Other Effects	Bloomer Cut crossed	Wetlands filled; Traverses Open Space	Road & Bridges in Ravines; Traverses ARD Rec Park	Road & Bridges in Ravines	Road & Bridges in Ravines	Perry Ranch Rd widened for 300'


BALTIMORE RAVINE SPECIFIC PLAN
ACCESS SERVING 1 TO 5 UNITS
(MODEL HOMES)
DECEMBER 9, 2010
LEGEND
INITIAL ACCESS
BRSP BOUNDARY
PLAN AREA BOUNDARY
PLAN AREA 1
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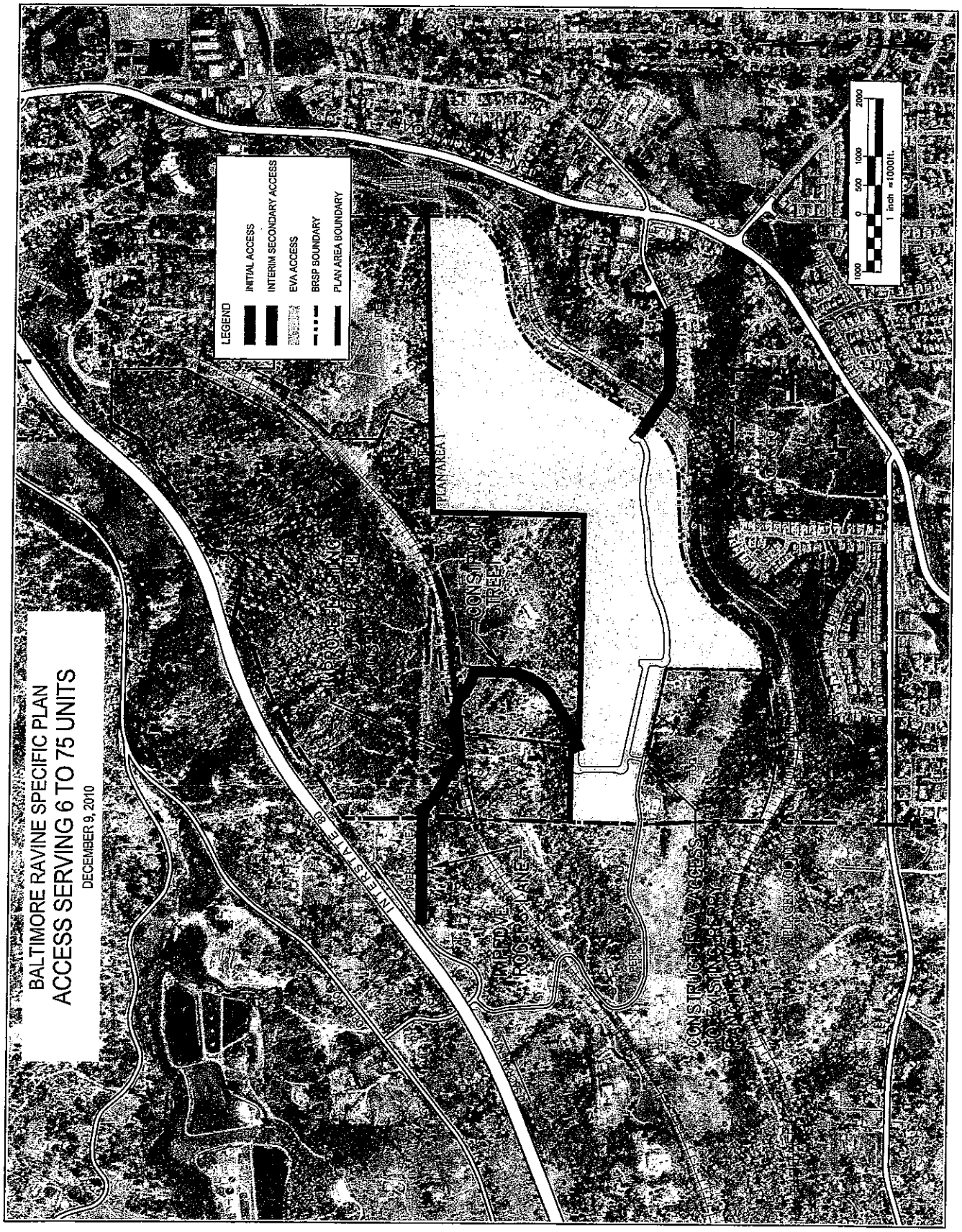
1 inch = 1000 ft.


BALTIMORE RAVINE SPECIFIC PLAN
ACCESS SERVING 6 TO 75 UNITS
DECEMBER 9, 2010
LEGEND
INITIAL ACCESS
INTERIM SECONDARY ACCESS
EVA ACCESS
BRSP BOUNDARY
PLAN AREA BOUNDARY
1 inch = 1000ft.
PLAN AREA
INTERSTATE 80
IMPROVE ROGERS LANE
CONSTRUCT EVA ACCESS

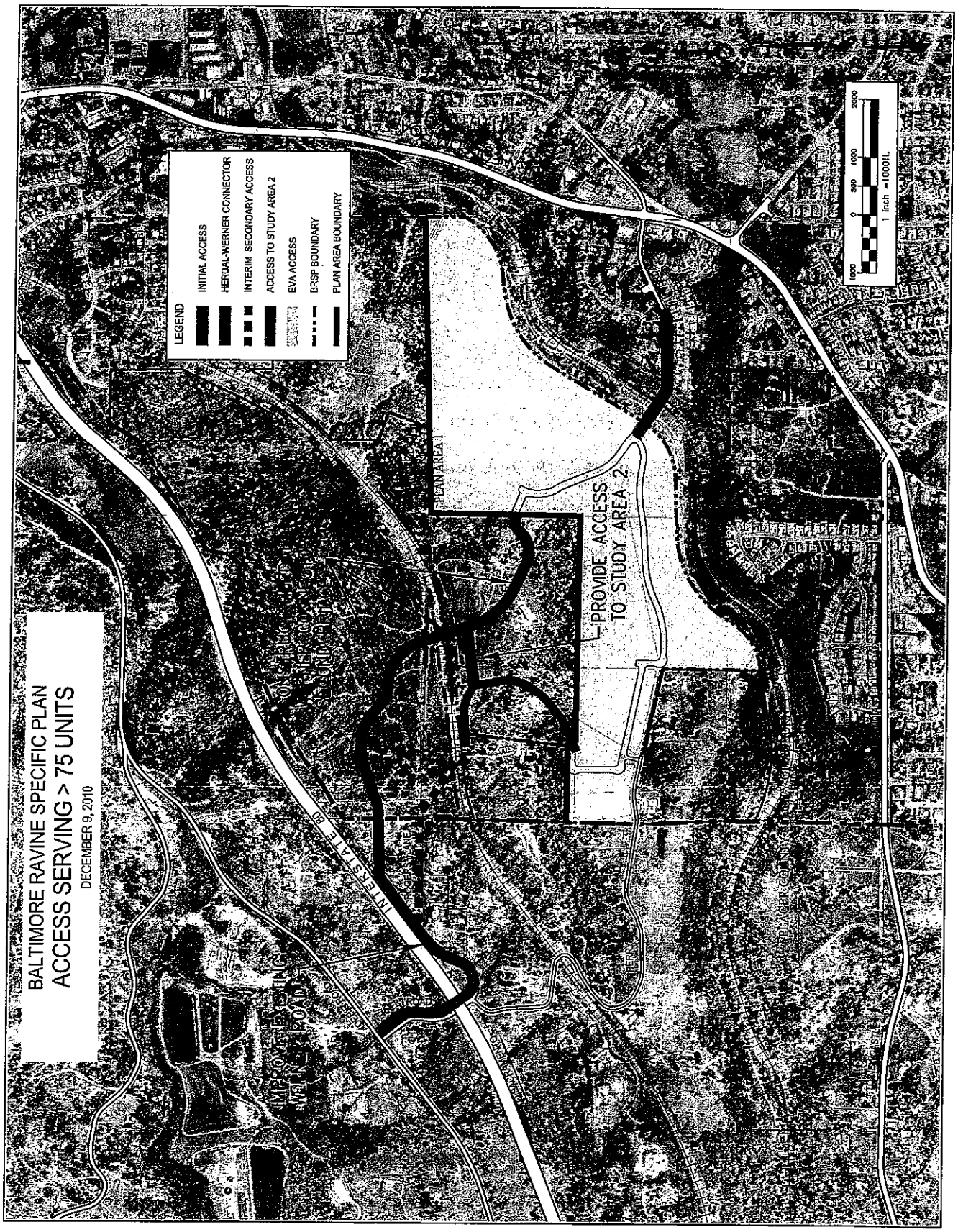

BALTIMORE RAVINE SPECIFIC PLAN
ACCESS SERVING > 75 UNITS
DECEMBER 9, 2010
LEGEND
INITIAL ACCESS
HERDAL-WERNER CONNECTOR
INTERIM SECONDARY ACCESS
ACCESS TO STUDY AREA 2
EVA ACCESS
BRSP BOUNDARY
PLAN AREA BOUNDARY
PLAN AREA 1
PROVIDE ACCESS TO STUDY AREA 2
INTERSTATE 80
1000 0 500 1000 2000
1 Inch = 1000 ft.

EXHIBIT A

CITY COUNCIL RESOLUTION NO. 10-_____

A RESOLUTION DENYING AN APPEAL BY MR. MARK SMITH AND PROVIDING FOR CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT, ADOPTION OF FINDINGS OF FACT & STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTION OF A MITIGATION MONITORING PROGRAM FOR THE BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider an appeal of the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. The appeal application submitted by Mark Smith dated November 24, 2010.
2. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for

the December 15, 2009, July 13, 2010, September 21, 2010 and November 16, 2010 Planning Commission meetings.

3. Staff presentation at the public hearing held on January 13, 2011.
4. The Notice of Preparation (NOP) prepared for the Project (December 2007).
5. The NOP prepared for the Project (January 2009).
6. The Addendum to the 2009 NOP (April 2009).
7. All comments submitted by the public during the public comment period on the NOP's.
8. All public notices in conjunction with the Project.
9. The Draft EIR (DEIR).
10. All comments submitted by the public during the public comment period on the DEIR.
11. The Final EIR (FEIR) for the Project.
12. The Findings of Fact and Statement of Overriding Considerations for the Project.
13. The Mitigation Monitoring Program (MMP) for the Project.
14. All findings and resolutions adopted by the City in connection with the Project.
15. All reports, studies, memoranda, maps, and other planning documents relating to the Project prepared by the City, the City's consultants, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project.
16. All documents submitted to the City by agencies or members of the public in connection with the Project.
17. Any minutes or transcripts of public meetings held by the City for the Project.

18. Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
19. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
20. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

SECTION 3. In review of all the foregoing evidence, the Auburn City Council finds that the Planning Commission properly made all applicable findings and all applicable provisions of the municipal code have been complied with. The City Council hereby denies the appeal filed by Mark Smith against the Baltimore Ravine Specific Plan and Study Areas project.

SECTION 4. The City of Auburn City Council hereby adopts the Findings of Fact and Statement of Overriding Considerations prepared for the Baltimore Ravine Specific Plan and Study Areas project, attached hereto as Exhibit A to this resolution, and incorporated by this reference as if set forth fully herein.

SECTION 5. The City of Auburn City Council hereby certifies the Environmental Impact Report prepared for the Baltimore Ravine Specific Plan and Study Areas project.

SECTION 6. The City of Auburn City Council hereby adopts the Mitigation Monitoring Program (MMP) prepared for the Baltimore Ravine Specific Plan and Study Areas project, which is incorporated as part of the EIR.

SECTION 7. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City of Auburn City Council held on January 13, 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk

EXHIBIT B

CITY COUNCIL RESOLUTION NO. 10-_____

A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT FOR THE BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREA PROJECT (FILE: GPA 07-3)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the December 15, 2009, March 25, 2010, July 13, 2010, August 3, 2010, September 21, 2010 and November 16, 2010 Planning Commission meetings.
2. Staff presentation at the public hearing held on January 13, 2011.

3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
7. The Environmental Impact Report, and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 10-__ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval of actions contemplated by this resolution complies with the California Environmental Quality Act.

SECTION 4. General Plan Amendment. In view of all of the entire Administrative Record, including the reasons set forth in the Environmental Impact Report, the Auburn City Council approves the General Plan Amendment (File GPA 07-3) for the Baltimore Ravine Specific Plan and Study Area project subject to the following:

1. Amend the Auburn General Plan land use map as follows:

   a. Plan Area 1 - Replace the existing Urban Reserve (UR) designation with the land use designations as shown within the BRSP.

b. Future Plan Area 2 - Retain the existing Urban Reserve designation.

c. Study Areas 1-4 - Replace the Urban Reserve designation with Rural Density Residential (RDR - 0.5 du/ac) with a 2-acre lot size minimum.

2. Amend the Auburn General Plan by adopting a new Urban High Density Residential (UHDR) designation, which would allow for a density of 10-20 units per acre.

SECTION 5. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City

of Auburn City Council held on January 13, 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk

EXHIBIT C

CITY COUNCIL RESOLUTION NO. 10-_____

A RESOLUTION APPROVING THE BALTIMORE RAVINE SPECIFIC PLAN
(FILE: SPA 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the December 15, 2009, March 25, 2010, July 13, 2010, August 3, 2010, September 21, 2010 and November 16, 2010 Planning Commission meetings.
2. Staff presentation at the public hearing held on January 13, 2011.

3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
7. The Environmental Impact Report, and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 10-__ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval of actions contemplated by this resolution complies with the California Environmental Quality Act.

SECTION 4. Specific Plan Amendment. In view of all of the evidence, the City of Auburn City Council adopts the following finding and approves the Baltimore Ravine Specific Plan (File SPA 07-1):

1. The Baltimore Ravine Specific Plan and Study Area project is consistent with the objectives, policies, and general land uses and programs specified in the City of Auburn General Plan.

SECTION 5. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the

form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City of Auburn City Council held on January 13, 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk

EXHIBIT D

ORDINANCE NO. 10-

AN ORDINANCE APPROVING A REZONE FOR THE BALTIMORE RAVINE SPECIFIC PLAN AND STUDY AREAS PROJECT (FILE RE 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes the rezone of Plan Area 1 of the Baltimore Ravine Specific Plan and Study Areas 1-4 of the Urban Reserve area.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the December 15, 2009; March 25, 2010; July 13, 2010; August 3, 2010; September 21, 2010 and November 16, 2010 Planning Commission meetings.
2. Staff presentation at the public hearing held on January 13, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.

5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
7. The Environmental Impact Report, and all related documents.

Whereas, the Rezone for the Baltimore Ravine Specific Plan and Study Area project (File RE 07-1) is:

1. Consistent with the City of Auburn General Plan; and
2. Not detrimental to the public interest, health, safety, or welfare of the City.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section 1: The Zoning Map of the City of Auburn, adopted by reference by Section 159.017 of Chapter 159 of Title XV of the Auburn Municipal Code, is hereby amended as follows:

1. Plan Area 1 of the BRSP – Rezone Plan Area 1 consistent with the BRSP land use designations.
2. Future Plan Area 2 of the BRSP – Retain the existing zoning.
3. Study Areas 1-4 – Rezone Study Areas 1, 2, 3, and 4 to Agricultural Residential with a 2-acre lot size minimum (AR-2).

Section 2: All requirements of the California Planning Act, the California Environmental Quality Act, and of Chapter 159 of Title XV of the Auburn Municipal Code, including hearings upon property notice, have been fully complied with by the Planning Commission and the City Council in the adoption of this zoning amendment.

Section 3: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section 4: Should any provision of this Ordinance, or its application to any person, parcel or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person, parcel or circumstance and, to that end, the provisions hereof are severable.

Section 5: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a special meeting of the City Council of the City of Auburn held on the 13th day of January 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk

APPROVED AS TO FORM:

_____

Michael G. Colantuono, City Attorney

88324.1

EXHIBIT E

ORDINANCE NO. 10-

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF AUBURN AND BALTIMORE RAVINE INVESTORS, LLC. FOR PLAN AREA 1 OF THE BALTIMORE RAVINE SPECIFIC PLAN (FILE DA 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes a Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC for Plan Area 1 of the Baltimore Ravine Specific Plan.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the December 15, 2009; March 25, 2010; July 13, 2010; August 3, 2010; September 21, 2010 and November 16, 2010 Planning Commission meetings.
2. Staff presentation at the public hearing held on January 13, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.

5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
7. The Environmental Impact Report, and all related documents.

WHEREAS, the City Council of the City of Auburn adopts the following findings for the Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC:

1. The development agreement is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan;
2. The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. The development agreement is in conformity with the public convenience and general welfare and good land use practices;
4. The development agreement will not be detrimental to the health, safety and general welfare;
5. The development agreement will not adversely affect the orderly development of property or the preservation of property values; and
6. The development agreement will provide sufficient benefit to the city to justify entering into the agreement.
7. The applicant is a "qualified applicant" within the meaning of Auburn Municipal Code Section 157.04.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section 1: The City Council of the City of Auburn hereby approves the Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC, attached hereto as Exhibit A.

Section 2: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section 3: Should any provision of this Ordinance, or its application to any person, parcel or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person, parcel or circumstance and, to that end, the provisions hereof are severable.

Section 4: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 10 days after the City enters into the development agreement, the City Clerk shall also have the agreement recorded with the County Recorder.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a special meeting of the City Council of the City of Auburn held on the 13th day of January 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk

APPROVED AS TO FORM:

_____
Michael G. Colantuono, City Attorney

EXHIBIT F

CITY COUNCIL RESOLUTION NO. 10-_____

A RESOLUTION DENYING AN APPEAL BY MR. MARK SMITH AND APPROVING A LARGE LOT TENTATIVE MAP FOR PLAN AREA 1 OF THE BALTIMORE RAVINE SPECIFIC PLAN (FILE: SUB 07-2)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider an appeal of the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes approval of a Large Lot Tentative Subdivision Map which creates a total of seventeen (17) parcels that are consistent with the land use plan in Plan Area 1 of the BRSP.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. The appeal application submitted by Mark Smith dated November 24, 2010.
2. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the September 21, 2010 and November 16, 2010 Planning Commission meetings.
3. Staff presentation at the public hearing held on January 13, 2011.
4. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.

5. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
6. All related documents received and/or submitted at or prior to the public hearing.
7. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
8. The Environmental Impact Report, and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 10-__ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval of actions contemplated by this resolution complies with the California Environmental Quality Act.

SECTION 4. Findings. In view of all of the evidence and based on the foregoing findings, and the reasons set forth in the Environmental Impact Report, the City of Auburn City Council finds the Planning Commission properly made all applicable findings and all applicable provisions of the Municipal Code have been complied with. The City Council further finds the following for the Baltimore Ravine Specific Plan Large Lot Tentative Map:

1. The proposed subdivision is consistent with the Auburn General Plan and the Baltimore Ravine Specific Plan.
2. The design or improvement of the proposed subdivision is consistent with the objectives, policies, general land uses, and programs specified in the Auburn General Plan and the Baltimore Ravine Specific Plan.
3. The site is physically suitable for the proposed development.

4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or improvements is not likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
8. The site for the proposed use is adequate in size, shape, and topography for the proposed uses.
9. The site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use as demonstrated by the traffic analysis in the EIR and by virtue of the on-site private street network depicted on the tentative tract map. The streets within the tract meet City standards.
10. The proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties for the reasons stated in the Findings of Fact.
11. The public interest, convenience, and necessity require that use be permitted at the location requested for the reasons stated in the Findings of Fact.

SECTION 5. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to

the applicant and his counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City of Auburn City Council held on January 13, 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk

EXHIBIT G

CITY COUNCIL RESOLUTION NO. 10-_____

A RESOLUTION APPROVING THE STATEMENT OF REASONS TO PERMIT DEVELOPMENT IN A MINERAL RESOURCE ZONE

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

SECTION 2. The City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the December 15, 2009, March 25, 2010, July 13, 2010, August 3, 2010, September 21, 2010 and November 16, 2010 Planning Commission meetings.
2. Staff presentation at the public hearing held on January 13, 2011.

3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.
7. The Environmental Impact Report, and all related documents.

SECTION 3. CEQA. Because the Auburn City Council approved Resolution 10-__ certifying the BRSP Environmental Impact Report, which analyzed the approvals contemplated by this resolution, the ultimate approval of actions contemplated by this resolution complies with the California Environmental Quality Act.

SECTION 4. Statement of Reasons. In view of all of the evidence, the City of Auburn City Council finds the "Statement of Reasons to Permit Development in a Mineral Resource zone in the City of Auburn Urban Reserve" to be correct, and directs the Community Development Director to submit the Statement of Reasons to the California Division of Mines and Geology.

SECTION 5. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the

form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: January 13, 2011

_____
William W. Kirby, M.D., Mayor

ATTEST:

_____
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a special meeting of the City of Auburn City Council held on January 13, 2011 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Joseph G. R. Labrie, City Clerk