

EXHIBIT A

STATEMENT OF FINDINGS, FACTS AND OVERRIDING CONSIDERATIONS

FOR THE

PLACERVILLE REDEVELOPMENT PLAN

(State Clearinghouse Number 2010102025)

Prepared for the Redevelopment Agency of the City of Placerville

April 2011

REDEVELOPMENT AGENCY OF THE CITY OF Placerville

AND the city of Placerville

STATEMENT OF FINDINGS, FACTS AND OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE Placerville Redevelopment Plan

I. Project Description and background

The Environmental Impact Report (EIR) for the Redevelopment Plan (Redevelopment Plan) for the Placerville Redevelopment Project (Project), prepared in compliance with the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; CEQA) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.*) evaluates the potentially significant and adverse environmental impacts that could result from adoption of the Project or alternatives to the Project.

The proposed Project is the adoption and implementation of the Redevelopment Plan for the Placerville Redevelopment Project. The primary reason for the selection of the proposed Placerville Redevelopment Project Area is to eliminate and prevent the recurrence of the conditions of blight within the Project Area. The proposed Project Area encompasses approximately 1,077 acres, approximately 810 of which are located within the incorporated limits of the City of Placerville (City Territory) and approximately 267 of which are located within unincorporated El Dorado County (County Territory). The proposed Project Area includes most of the commercial areas of the City of Placerville (City), including the Placerville Drive, Downtown and Broadway areas. The County Territory consists of properties on the west and east perimeters of the City limits, including the areas known as Smith Flat and Motor City.

The Redevelopment Plan will also provide the framework for the future planning, development, and rehabilitation of the Project Area. A redevelopment plan provides an agency with powers, duties, and obligations to implement and further a redevelopment program for the redevelopment, rehabilitation, and revitalization of a project area. It is long-term in nature, thus there is the need to maintain flexibility to respond to market conditions, property owner and developer interests, and other opportunities as they arise. Therefore, a redevelopment plan does not present a precise plan or necessarily establish specific projects for the redevelopment, rehabilitation, and revitalization of a project area. Rather, a redevelopment plan represents a process and a basic framework within which specific plans are presented, specific projects are established, and specific solutions are

proposed and by which tools are provided to a redevelopment agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

The Redevelopment Agency of the City of Placerville (Agency) proposes to eliminate blighting conditions and prevent their recurrence by providing, pursuant to the Redevelopment Plan, for the planning, development, re-planning, redesign, redevelopment, reconstruction, and rehabilitation of the Project Area and by providing for such facilities as may be appropriate or necessary in the interest of the general welfare, in accordance with the City's General Plan and other planning documents, as they may be adopted or amended from time to time. With respect to property in the County Territory, until such time as the property is annexed to the City, land uses would be those established in the General Plan of the County of El Dorado (County). The Project proposes the following activities:

- The elimination of blighting influences, the correction of environmental deficiencies, and the conservation, rehabilitation, and redevelopment of the Project Area;
- The enhancement and renovation of businesses within the Project Area to promote their economic viability, and the overall strengthening of the economic base of the Project Area and community;
- The cooperation of and participation by property owners, business owners, public agencies, and community organizations in the redevelopment and revitalization of the Project Area;
- The provision of needed improvements to the community's recreational, cultural, and other community facilities to better serve the Project Area;
- The provision of needed improvements to streets, curbs, gutters, water and sewer utilities and other public utilities and facilities within the Project Area;
- The attainment of an environment reflecting a high level of concern for architectural, landscape, and urban design principles;
- The conservation and preservation of buildings and structures of architectural or other historic significance to the community;
- The provision of affordable housing that serves the needs and desires of the various age and income groups of the community; and
- The provision of adequate land for parking and open spaces.

The following information is incorporated by reference and made part of the record supporting these findings:

1. The Draft and Final EIR and all documents relied upon or incorporated by reference, as specified in Chapter 8.0, References, of the Draft EIR.
2. The Mitigation Monitoring Plan for the Project.
3. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City or Agency commissions, boards, officials, consultants, or staff relating to the Redevelopment Plan, including but not limited to the City of Placerville General Plan.

II. FINDINGS AND STATEMENTS OF FACTS SUPPORTING THE FINDINGS

A. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, the Agency finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed below, as identified in the EIR.

These findings are supported by substantial evidence in the record of proceedings before the Agency as stated below.

1. Impact 6.2-2: **Redevelopment activities and redevelopment-engendered development could result in a potential loss of special status species**
(DEIR pages 6.2-16 through 6.2-17)

a. Potentially Significant Impact

The Project Area provides marginally suitable habitat for several special status wildlife species, including the pacific fisher, western and northwestern pond turtles, and the California red-legged frog. The Project Area also contains suitable conditions with a low to moderate likelihood of supporting five special status plant species. For Agency infrastructure projects, or projects supporting new construction on parcels containing wetlands or significant tree canopy, disturbance of special status species during breeding periods or destruction of habitat as a result of redevelopment activities would be a potentially significant impact.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.2-2a and 6.2-2b below:

6.2-2a: *Prior to approval of a redevelopment project involving new development within 100 feet of a creek or on vacant land with mature trees and/or wetlands, a qualified*

biologist shall be retained by the project proponent to prepare a site-specific biological survey to determine the potential presence of wetlands, special status species, and/or suitable habitat for special status species. The project proponent shall conduct focused plant surveys according to the requirements in the CNPS Botanical Survey Guidelines for rare plant surveys, to determine the presence or absence of sensitive plant species. The surveys should be conducted during the flowering season of the sensitive plant species, by a qualified botanist with experience and knowledge of the flora of the region. A report of the findings should be submitted to the appropriate agencies within two months of completion of the surveys and will include: a comprehensive species list, a description of habitat characteristics, copies of the survey forms and any notes taken during the survey, date of the survey, and the names of the surveyors.

6.2-2b: *No physical alteration of a development site or issuance of building permits shall occur within potentially biologically sensitive areas until evidence is submitted for review and approval by the City that either no listed plants are present, or areas containing habitat for listed species have been avoided, or if avoidance is not possible, that all required consultations with the USFWS and/or CDFG have occurred pursuant to the FESA and CESA, and evidence is provided of any necessary permits, approvals, or agreements from USACE and CDFG for removal of any wetland or riparian habitat and/or associated drainages. If avoidance is not possible, a no jeopardy opinion will be required by the USFWS for federally listed species that could be affected. A no jeopardy opinion will not be issued unless USFWS agrees that adequate mitigation of the affected species has been provided. If state-listed species could be affected, a written agreement (such as a 2081 agreement) with CDFG would need to be obtained that specifies that adequate mitigation has been provided. Future proposed development engendered by redevelopment shall be consistent with the provisions of any required consultations and associated permits or agreements.*

c. Explanation

Mitigation measures 6.2-2a and 6.2-2b provide for the identification and protection of special status species and sensitive habitats that may be disturbed during construction activities. The Agency hereby determines that these procedures adequately protect against a significant loss of biological resources before and during construction activities.

2. Impact 6.2-3: **Redevelopment activities and redevelopment-engendered development could result in a potential loss of special status raptor, migratory, or other bird species**
(DEIR pages 6.2-17 through 6.2-19)

a. Potentially Significant Impact

The Project Area contains marginally suitable habitat for species of special concern such as Cooper's hawk, yellow warbler, and the California spotted owl. The Redevelopment Plan would

eliminate barriers to General Plan buildout in the Project Area, by funding infrastructure improvements and providing incentives for housing development and commercial/industrial rehabilitation and development. Existing foraging areas now vacant may be developed as growth consistent with adopted plans occurs in the Project Area, resulting in a loss of foraging and nesting habitat. Cooper's hawks and other raptor species may nest in larger trees and riparian habitat, which could be disturbed by future development and infrastructure projects. Construction activities during the breeding season could disturb nesting birds, which would be a potentially significant impact. If active nest sites occur in or adjacent to a project site, noise and visual disturbance associated with construction activities occurring during the nesting season may lead to nest abandonment and/or nest failure. The removal of large trees also has the potential to destroy active nest sites.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.2-3a, 6.2-3b and 6.2-3c below:

6.2-3a: *No physical alteration of a development site or issuance of building permits shall occur within existing woodlands or riparian areas until a breeding season survey is conducted by a qualified biologist during spring or early summer (from February 1 through August 31, before development activity takes place) near annual grasslands, large trees, and riparian areas. The survey shall be conducted no more than 30 days prior to the start of work activities and shall cover all affected areas – including a 250-foot buffer area around the active project area, staging areas, and access road improvement areas where substantial ground disturbance or vegetation clearing is required. If no active nest of a bird of prey or MBTA bird is found, then no further action is necessary.*

If construction begins outside the February 1 to August 31 breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, then the bird is considered adapted to construction disturbance. An active nest is one with eggs or unfledged young.

6.2-3b: *If surveys detect an active nest of a bird of prey or MBTA bird on the project site, then the biologist shall determine the size of an Environmentally Sensitive Area around the nest. The Environmentally Sensitive Area size shall be subject to City approval. The size of suitable nest buffers depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other situation specific conditions.*

Construction activities shall be prohibited within this buffer zone until the end of the nesting season (mid August), or until the young have fledged. A qualified wildlife biologist shall monitor the nest to determine when the young have fledged and submit weekly reports to the CDFG and the City throughout the nesting season. If the qualified

biologist determines that a disturbance is occurring, construction shall be halted, and the CDFG shall be contacted to determine the need for additional protection measures.

6.2-3c: *Identified nesting trees approved for removal may only be removed prior to the onset of the nesting season (March 1) or after young have fledged (mid August).*

c. Explanation

Mitigation measures 6.2-3a, 6.2-3b and 6.2-3c provide for the identification and protection of migratory bird species and their habitats that may be disturbed during construction activities. The Agency hereby determines that these procedures adequately protect against a significant loss of habitat for migratory bird species before and during construction activities.

3. Impact 6.2-4: **Redevelopment activities and redevelopment-engendered development have the potential to affect roosting or breeding special-status bats in the Project Area**
(DEIR pages 6.2-19 through 6.2-20)

a. Potentially Significant Impact

Large diameter oak trees, outbuildings, barns, bridges, and uninhabited structures provide potential roosting habitat for common and special status bats. Townsend's Pacific big-eared bat, silver-haired bat, and the Pallid bat are three listed bat species with a moderate potential to be found in the Project Area. The larger trees provide suitable nesting and roosting sites, and open grassland and riparian areas provide forage habitat. Potential direct impacts to special-status bats include removal of habitat and active roost sites during site clearing and grading. Potential indirect impacts include increased noise and human presence during construction, with the possibility of nest or roost abandonment.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.2-4a and 6.2-4b below:

6.2-4a: *Concurrent with breeding bird surveys (Mitigation Measure 6.2-3a), a qualified biologist shall conduct preconstruction surveys for special-status bats within suitable open structures and large trees (e.g., > 24 inch diameter at breast height (DBH)) on the site. If special status bat species are identified on-site, the biologist shall evaluate whether breeding adults or juveniles are present. If present, a suitably sized buffer (e.g., 100 to 150 feet) shall be placed around the roost if it appears that grading, tree removal or other project activities may cause abandonment. If it appears that demolition activities may cause nest abandonment, demolition activities must cease until juvenile bats are self-sufficient and would not be directly impacted by project activities.*

6.2-4b: *If special-status bats (i.e., pallid bat, silver-haired bat, Townsend’s Pacific big-eared bat) are found on-site, and the roost would be destroyed during development, an artificial roost shall be provided for the bats. The roost shall be constructed and placed on-site prior to removal of the original roost. The project sponsor shall prepare a mitigation plan specifying the construction details and siting of the structure. The plan shall be approved by the City and CDFG prior to removal of the existing roost. The project sponsor shall provide a secure source of funding for the monitoring of the artificial roost for a period of at least 5 years. The site on which the artificial roost is located shall be placed in a conservation easement. A report documenting the implementation of the plan shall be provided to the City within one month of completion of the artificial roost. The plan shall be completed and implemented prior to the issuance of the grading permit.*

c. Explanation

Mitigation measures 6.2-4a and 6.2-4b provide for the identification and protection of special-status bat species and their roosts that may be disturbed during construction activities. Mitigation measures 6.2-4a and 6.2-4b require surveys to detect the presence of special status bat species and that potential demolition or other construction activities be prohibited until juvenile bats are self-sufficient and would not be directly impacted by project activities, and/or that artificial roosts shall be provided where indicated. The Agency hereby determines that these procedures adequately protect against a significant loss of roosting and nesting for special-status bat species before and during construction activities.

4. Impact 6.2-5 Potential jurisdictional seasonal wetlands, non-wetland waters, and waters of the US and State could be adversely affected by grading, construction, and improvements in connection with future redevelopment projects
(DEIR pages 6.2-20 through 6.2-21)

a. Potentially Significant Impact

Jurisdictional waters within the Project Area include creeks and their associated channels, ditches, and seasonal wetlands. Seasonal wetlands consist of areas with vernal swale topography that retain surface water, resulting in vernal wet herbaceous annual grassland vegetation. Future development engendered by the Redevelopment Plan and construction of public improvements could result in the fill of wetland habitat or non-wetland waters that are waters of the State subject to jurisdiction under the State Porter-Cologne Act and subject to jurisdiction as waters of the US under Section 404 of the CWA. Construction activities that could fill wetlands, which are a source of significant habitat values in the Project Area, would have a potentially significant impact.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.2-5a, 6.2-5b and 6.2-5c below:

6.2-5a: *Wetland Delineation: On parcels containing potential wetlands, a USACE-verified wetland delineation and jurisdictional determination of the parcel shall be completed before any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages. If the USACE determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the USACE. All applicable permits from the CDFG and RWQCB will also be obtained before construction in areas under the jurisdiction of these agencies, and provided to the City prior to the initiation of ground disturbing activities or other construction activities. The permitting agencies would need to be contacted by the owner in the event of any significant deviation from permitting conditions. If the USACE determines that the seasonal wetlands on a development site are protected by Section 404 of the CWA, the project would qualify as a permitted project under the Programmatic Biological Opinion (PBO; USFWS, 2007). The USACE will then enter into consultation with USFWS in order to appropriately address the federally listed species in the USACE wetland permit. This action would effectively append the project to the PBO.*

6.2-5b: *If construction activities occur within any creek channel, ditches with a defined bed and bank, or within the riparian woodland drip line, the project sponsor shall obtain a SAA from the CDFG. The project sponsor shall provide proof to the City of compliance with the terms and conditions of the permits prior to issuance of the grading permit and prior to any construction in jurisdictional waters.*

6.2-5c: *Wetland Avoidance and Minimization: To the extent feasible, the final project design will avoid and minimize effects to wetlands and other waters. Areas that are avoided will be protected from construction activities through implementation of Best Management Practices (BMPs).*

c. Explanation

Mitigation measures 6.2-5a, 6.2-5b and 6.2-5c provide for the identification, characterization, and protection of seasonal wetlands, non-wetland waters, and waters of the US that may be disturbed during construction activities. Mitigation measures 6.2-5a, 6.2-5b and 6.2-5c have been required to conduct surveys to detect the presence of wetlands, and to require avoidance, minimization, or compensatory mitigation as appropriate to the site conditions. The Agency hereby determines that these procedures adequately protect against a significant loss of jurisdictional water resources before and during construction activities.

5. Impact 6.2-6 Redevelopment activities and redevelopment-engendered development could result in the loss of aquatic and terrestrial habitat

for special status amphibians and reptiles, and may result in direct impacts to these species through injury or mortality
(DEIR pages 6.2-21 through 6.2-22)

a. Potentially Significant Impact

The Hangtown Creek and unnamed tributary corridors are the habitat corridors that could be adversely affected by the construction and development activities within the Project Area. Wildlife species such as western and northwestern pond turtles (NWPT), California red-legged frog (CRLF), and the foothill yellow-legged frog (FYLF), as well as mammals, may use the creeks. The NWPT requires basking sites and adjacent grasslands or other open habitat for egg-laying. Redevelopment activities and redevelopment-engendered development could result in both direct and indirect impacts to special status turtles and other reptiles or amphibians, if creek alteration occurs or adjacent habitat is lost.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.2-6a, 6.2-6b, 6.2-6c, 6.2-6d, 6.2-6e and 6.2-6f below:

6.2-6a: *In conjunction with Mitigation Measure 6.2-2a, above, surveys to determine the habitat suitability for or the presence of NWPTs shall be conducted to identify basking sites and potential nesting areas and shall be conducted during the spring or summer when the turtles and frogs are active and observable.*

6.2-6b: *Where special status turtles and frogs are found, preconstruction surveys shall be conducted at least 48 hours prior to work in turtle and frog habitat. Any frogs or turtles observed during the preconstruction survey shall be relocated to at least 300 feet up or down stream of the work area. A qualified biologist will be present during grubbing and clearing activities in the riparian and aquatic habitat of a project site. If aquatic amphibians and reptiles are observed in the construction area, construction will cease until a qualified biologist determines that aquatic amphibians and reptiles are not in the construction zone.*

6.2-6c: *Where special status turtles and frogs are found, temporary construction barrier fencing (including sedimentation fencing in some cases) will be installed along the creek(s) within a project site. The fencing shall be removed once the construction is completed or by October 15 of the construction year, whichever comes first.*

6.2-6d: *Environmental awareness training will be conducted prior to onset of project work for construction personnel to brief them on how to recognize aquatic amphibians including CRLF, FYLF, and NWPT.*

6.2-6e: *If CRLF is encountered in the work area, construction should stop and the USFWS contacted for guidance.*

6.2-6f: *The City shall implement BMPs to protect water quality and control erosion. A spill prevention and clean-up plan shall be prepared.*

c. Explanation

Mitigation measures 6.2-6a, 6.2-6b, 6.2-6c, 6.2-6d, 6.2-6e and 6.2-6f provide for the identification, characterization, and protection of special status amphibian and reptile species that may be disturbed during construction activities. The Agency hereby determines that these procedures adequately protect against a significant loss of special status amphibian and reptile species before and during construction activities.

6. Impact 6.3-1 **Redevelopment-engendered development and infrastructure construction activities would generate greenhouse gas emissions that could contribute to global climate change**
(DEIR page 6.3-10)

a. Potentially Significant Impact

With future development and infrastructure demolition and construction in the Project Area, GHG emissions would be emitted by construction equipment and the combustion of fossil fuels for construction vehicles and tools, construction vehicle trips, grid-delivered electricity for lighting and equipment, and construction waste. Construction activities are regulated by the City and the EDCAQMD. Construction in the Project Area over the life of the Redevelopment Plan will include demolition of some structures and grading preparation for all new construction. Whereas there are currently no applicable GHG thresholds for development within the Project Area from any agency, construction-related GHG emissions from redevelopment activities would result in a potentially significant impact.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measure 6.3-1 below:

6.3-1: *All redevelopment construction activities shall implement best management practices (BMPs) for construction applicable at the time of project approval as required by the EDCAQMD for air quality emissions. Additional practices shall include, but are not limited to:*

- a) *Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment;*
- b) *Local building materials; and*
- c) *Recycle construction waste and demolition materials.*

c. Explanation

The El Dorado County Air Quality Management District (EDCAQMD) requires the implementation of all BMPs for construction applicable at the time of project approval. Mitigation measure 6.3-1 will require such BMPs be incorporated into redevelopment project design and contracting prior to construction activities. The Agency hereby determines that the mitigation measure will reduce construction related greenhouse gas emissions to less than significant levels.

7. Impact 6.4-1 Redevelopment projects and redevelopment-engendered development could cause a substantial adverse change in the significance of an archaeological resource, including human remains
(DEIR pages 6.4-17 through 6.4-18; FEIR pages 12 through 13)

a. Potentially Significant Impact

The Project Area is located in an area that was settled early in its history, as discussed above, and is anticipated to contain unknown sub-surface resources. Both prehistoric and historic archaeological resources could be exposed during construction activities. Implementation of the Redevelopment Plan would include ground disturbing activities such as infrastructure improvements, grading, trenching, and excavating for development. Infrastructure improvements and new development assisted by redevelopment could encounter cultural resources during construction activities relating to earlier periods of the Project Area's history. It is possible for buried resources to be uncovered during any subsurface construction activities, and such resources and their immediate surrounding matrix could be damaged.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.4-1a, 6.4-1b and 6.4-1c below:

6.4-1a: *The North Central Information Center (NCIC), Native American Heritage Commission (NAHC), and the United Auburn Indian Community of the Auburn Rancheria (UAIC) shall be consulted to determine if a proposed project would require archaeological study and/or testing be conducted as part of the site-specific environmental review. Recommended study and/or testing shall be completed prior to completion of environmental review.*

6.4-1b: *Foremen and key members of major excavation, trenching, and grading for sites preparation shall be instructed to be wary of the possibility of destruction of buried cultural resource materials. They shall be instructed to recognize signs of prehistoric use and their responsibility to report any such finds (or suspected finds) immediately, as specified by mitigation measure 6.4-1c below, so damage to such resources may be prevented.*

6.4-1c: *Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues. Such measures could include (but would not be limited to) researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, the UAIC will be consulted and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.*

c. Explanation

Mitigation measures 6.4-1a, 6.4-1b and 6.4-1c provide for the identification, characterization, and treatment of any archaeological resources that may be uncovered during construction activities. The Agency hereby determines that these procedures adequately protect against a significant loss of subsurface cultural resources, including human remains, on a project by project basis.

8. Impact 6.4-2 Redevelopment projects and redevelopment-engendered development could cause a substantial adverse change in the significance of a paleontological resource
(DEIR page 6.4-18)

a. Potentially Significant Impact

Paleontological resources are the fossilized evidence of past life found in the geologic record. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, and the enormous number of organisms that have lived through time, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of the infrequency of fossil preservation, fossils—particularly vertebrate fossils—are considered to be nonrenewable resources. Due to their rarity, and the scientific information they can provide, fossils are highly significant records of ancient life. Implementation of the Redevelopment Plan would encourage ground disturbing activities such as infrastructure improvements, grading, trenching, and excavating for development. Infrastructure improvements and new development assisted by redevelopment could encounter paleontological resources during construction activities, resulting in the possible damage or destruction loss of fossilized resources.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measure 6.4-2 below:

6.4-2: *If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 25 feet of the find until a qualified paleontologist can assess the significance of the find, and if necessary, develop and implement appropriate treatment measures in consultation with the City.*

c. Explanation

Mitigation measure 6.4-2 provides for the identification, characterization, and treatment of any paleontological resources that may be uncovered during construction activities. The Agency hereby determines that these procedures adequately protect against a significant loss of subsurface paleontological resources, on a project by project basis.

9. Impact 6.4-3 Redevelopment projects and redevelopment-engendered development could result in the potential alteration, removal, or destruction of historic resources

(DEIR pages 6.4-18 through 6.4-20; FEIR page 13)

a. Potentially Significant Impact

Redevelopment activities could involve rehabilitation, adaptive reuse, relocation, and alteration of structures in the Project Area over the life of the Redevelopment Plan. If a property subject to relocation, alteration, or rehabilitation were to represent historic resources listed, or eligible for listing in the California Register of Historic Resources (CRHR) or the local register, their inappropriate alteration, damage, or destruction would represent a significant impact.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.4-3a, 6.4-3b and 6.4-3c below:

6.4-3a: *As part of any OPA, DDA, or other Agency action or project that would affect any structure or feature over 45 years old that has not been evaluated, the buildings shall first be evaluated for eligibility for listing in the CRHR. The determination of eligibility shall be made by an expert who, at a minimum, meets the Secretary of the Interior's Professional Qualification Standards for Architectural History. This evaluation shall occur through the preparation of DPR 523 forms for each building and standard CEQA evaluation, and shall include consultation with the El Dorado County Historical Society.*

6.4-3b: *For properties determined to be eligible for listing in the CRHR, the Secretary's Standards shall be applied to insure that treatments will maintain the authenticity and integrity of character-defining historical features. No character-defining features of an eligible structure shall be demolished.*

6.4-3c:

If demolition of some features cannot be avoided, where those features do not remove the building from eligibility for the CRHR, then the feature(s) shall be recorded to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards prior to their removal. Copies of the HABS/HAER documentation shall be filed with the OHP. HABS/HAER recordation typically includes the following:

- (1) The development of site-specific history and appropriate contextual information regarding the particular resource. In addition to archival research and comparative studies, this task could involve limited oral history collection.*
- (2) Accurate mapping of the resources, scaled to indicate size and proportion of the structures.*
- (3) Photo documentation of the designated resources, both in still and video formats.*
- (4) Recordation by measured architectural drawings, in the case of specifically designed structures of high architectural merit; "as-built" plans of existing structures/foundation ruins will involve field measurements, office scaled plan layout, and plot out of final plan.*

c. Explanation

The OHP considers any building over 45 years of age to be a potential historic resource, and there are a large number of structures in the Project Area that currently meet this criterion. More structures will fall into this category over the life of the Redevelopment Plan. The Agency hereby determines that mitigation measures 6.4-3a, 6.4-3b and 6.4-3c ensure that redevelopment would result in the rehabilitation or relocation of existing structures or site features over the life of the Redevelopment Plan in a manner consistent with the *Secretary's Standards*, therefore protecting historic resources.

10. Impact 6.5-1 **Redevelopment-engendered development and infrastructure construction could disturb unidentified contaminated soil and structures**

(DEIR pages 6.5-9 through 6.5-10)

a. Potentially Significant Impact

Redevelopment activities often involve the rehabilitation or reuse of older properties that may result in the discovery of previously unidentified contaminated properties or provide for reuse of identified, but not yet remediated, sites. Historical uses, which have created releases of hazardous substances or petroleum products, may be masked by the present or recent uses of the property. Excavation could damage unidentified underground storage tanks (USTs) with some remaining petroleum products or unknown sites of soil contamination that could result in the exposure of construction workers and the associated significant adverse health effects.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the implementation of mitigation measures 6.5-1a, 6.5-1b and 6.5-1c below:

6.5-1a: *A thorough examination of past property uses shall be required for redevelopment projects involving demolition or reuse of properties constructed before 1978, or construction on vacant land, prior to demolition or construction. This examination shall conform to the Phase I Environmental Site Assessment (ESA) process established by the American Society for Testing and Materials (ASTM), and shall include site reconnaissance, a review of regulatory databases, interviews with persons knowledgeable of the property, and a review of past property uses using appropriate historical sources. A Phase II ESA shall be conducted if deemed necessary based on the Phase I ESA results.*

6.5-1b: *If discolored soil, vapors, or contaminated groundwater are encountered during construction activities, all work shall cease until a qualified environmental professional assesses the situation and appropriate action is taken to ensure the safety of the workers and the public.*

6.5-1c: *The Agency shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and other construction activities. Hazardous material removal activities must be contracted to a qualified hazardous materials removal contractor.*

Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following:

- (1) *Prepare a hazardous material discovery and response contingency plan for review by the El Dorado County Fire District (EDCFD). The EDCFD will act as the first responder to a condition of extreme emergency (i.e., fire, emergency medical assistance, etc).*
- (2) *In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site – as the situation warrants – and the City of Placerville (City) shall be immediately notified. Upon notification, the City shall notify the EMD Hazardous Materials Division, of the contamination condition, and the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of the EMD and any other jurisdictional authorities that might become involved in the remediation process.*
- (3) *Preparation of any remediation plan shall include in its focus measures to be taken to protect the public from exposure to potential site hazards and shall include a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements.*
- (4) *Obtain closure and/or No Further Action letters from the appropriate agency(ies).*
- (5) *Construction contract documents shall include provisions for the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.*

c. Explanation

Mitigation measures 6.5-1a, 6.5-1b and 6.5-1c ensure demolition and/or construction activities would be subject to all applicable federal, state, and local regulations to minimize potential risks to human health and the environment, and worker and public safeguards would be included in the demolition and/or construction contract. The Agency hereby determines that implementation of the above measures will reduce disturbance to unidentified contamination and unintended release of hazardous materials to less-than-significant levels.

11. Impact 6.5-2 Redevelopment could result in the rehabilitation or demolition of buildings likely to contain asbestos, lead-based paint, or other hazardous substances

(DEIR pages 6.5-10 through 6.5-12)

a. Potentially Significant Impact

The Project Area contains a large number of residential and commercial structures built before 1981, which are likely to contain asbestos, lead-based paint, or other hazardous substances. The deteriorated condition of some of these buildings presents an ongoing risk of release of these materials into the environment. Demolition or rehabilitation of such structures could also result in a release of hazardous materials into the environment.

b. Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-potentially significant level with the implementation of mitigation measures 6.5-2a and 6.5-2b below:

6.5-2a: *Prior to any Agency rehabilitation or demolition activities, the Agency shall conduct an interior survey to evaluate the presence of ACM, lead based paint, PCB-containing electrical and hydraulic fluids, and/or CFCs, as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal) which may be present within structures on a project site.*

6.5-2b: *A project applicant for a project subject to an Owner Participation Agreement (OPA) or Disposition and Development Agreement (DDA) shall provide written documentation to the Agency that ACM and lead-based paint has been abated and any remaining hazardous substances and/or waste have been removed in compliance with applicable state and local laws and regulations.*

c. Explanation

Demolition activities would be subject to all applicable federal, state, and local regulations to minimize potential risks to human health and the environment, and worker and public safeguards would be included in the demolition contract. The Agency hereby determines that implementation of mitigation measures 6.5-2a and 6.5-2b will reduce disturbance to unidentified contamination to less-than-significant levels.

B. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

Finding

The Agency finds that, where feasible, changes or alterations have been required in, or incorporated into, the Project that reduce the significant environmental impacts listed below as identified in the

EIR. However, specific economic, social, or other considerations make infeasible mitigation measures or project alternatives to reduce the following impacts to a less-than-significant level. This finding is supported by evidence in the record of the proceedings before the Agency, including the Draft and Final EIR prepared for the Redevelopment Plan and the City of Placerville General Plan. All available, reasonably feasible mitigation measures identified in the EIR are employed to reduce the magnitude of the impacts, even if the reduction is not to a less-than-significant level. Also incorporated into this section are the findings and facts stated in Section C that reject the Project Alternatives for failure or infeasibility to mitigate the potential effect and achieve the basic objectives of the Project.

1. Impact 6.4-4 Redevelopment projects and redevelopment-engendered development could contribute to the cumulative degradation or loss of paleontological, archaeological, or historic resources, including human remains

(DEIR page 6.4-20; FEIR pages 13 through 14)

a. Potentially Significant Impact

Based upon previous cultural resource surveys and research, the area that comprises the City and its vicinity has been inhabited by prehistoric peoples for thousands of years, and by historic peoples since the 1800s. Redevelopment activities and projects, in combination with other development in the City and County, could contribute to the cumulative loss of significant archaeological or historic resources. Because all archaeological or historic resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base.

b. Facts in Support of Finding

There are no mitigation measures available beyond those identified for project-specific mitigation. Because it is unknown at this time whether all future redevelopment projects can mitigate or avoid the loss of cultural resources, this is considered a potentially unavoidable significant impact.

c. Explanation

As discussed above, damage or destruction of some archaeological and historic resources in the Project Area may be mitigated on a project-by-project basis. However, any loss of cultural resources associated with redevelopment projects in combination with other City and County projects would contribute to a region-wide impact that cannot be remedied. Because it is unknown at this time whether all future redevelopment projects can mitigate or avoid the loss of cultural resources, this is considered a potentially unavoidable significant impact.

2. Impact 6.7-1 Redevelopment-engendered development and infrastructure projects could result in construction noise at sensitive receptors
(DEIR pages 6.7-9 through 6.7-10; FEIR page 14)

a. Potentially Significant Impact

Construction activities related to public and private projects undertaken as a result of the Redevelopment Plan could result in an increase in ambient noise levels during construction. Preliminary ground work activities would involve excavation, grading, earth movement, stockpiling, and haul-vehicle travel. Construction activities such as foundation-laying, road building, building construction, and finishing operations would generate noise at construction sites. Construction equipment would also generate vehicular noise both on- and off-site. Construction-related material haul would raise ambient noise levels along haul routes, depending on the number of haul trips made and types of vehicles used. Construction equipment and activities would likely have more of an intrusive and disturbing effect on nearby sensitive receptors than actually raise time-averaged noise levels.

b. Facts in Support of Finding

Implementation of mitigation measure 6.7-a below, would reduce the magnitude of the potentially significant impact listed above, although not to less-than-significant levels:

6.7-1: *The Redevelopment Agency shall ensure that construction contracts require that all construction activities shall be limited to between 7:00 am and 7:00 pm on weekdays, and 8:00 am to 7:00 pm on Saturday.*

c. Explanation

Mitigation measure 6.7-1 would provide controls on construction activities during sensitive evening and weekend hours and would reduce the magnitude of the impact, but not to less-than-significant levels. The Agency hereby determines that construction noise, even during daytime operating hours, may remain significant, although temporary, at Project Area sensitive receptors.

C. REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to determine the most feasible project for implementation. The alternatives studied in the EIR are infeasible based upon the following specific economic, social, or other considerations.

1. Alternative 1: No Project Alternative

Section 15126(d)(2) of the State CEQA Guidelines requires that a “no project alternative” be evaluated in comparison to the Proposed Project. Under the No Project Alternative, the Redevelopment Plan would not be adopted. The Redevelopment Plan activities would not support infrastructure improvements and the elimination of blight in the Project Area. The proposed public improvements and projects that would be assisted with the Redevelopment Plan (such as infrastructure and public facility improvements, commercial rehabilitation/development assistance, and low- and moderate-income housing rehabilitation/development assistance) would not be implemented with redevelopment funding. The No Project Alternative would result in whatever physical changes would be expected to occur in the Project Area if the proposed Redevelopment Plan was not approved, and development of the Project Area would occur as currently defined in the General Plan at a pace commensurate with prevailing market conditions and infrastructure improvements that the City or County could implement without redevelopment funding.

Finding

Specific economic, social, or other considerations make infeasible the No Project Alternative identified in the EIR and described above, in that:

- a) The No Project Alternative would fail to resolve conditions of blight in the Project Area.
- b) The No Project Alternative would fail to actively implement the City’s General Plan policies to protect and provide for the expansion of Placerville’s commercial services sector, or facilitate the preservation of existing housing stock and development of housing affordable to lower- and moderate-income households.
- c) The No Project Alternative would fail to achieve the basic goals and objectives of the Project, including housing, social, environmental, and economic goals for the Project Area.
- d) Under the No Project Alternative, development may occur haphazardly without addressing the physical and economic health of the remaining blighted areas, and street improvements, drainage and other infrastructure improvements, commercial and housing assistance, and rehabilitation of housing would unlikely be funded to the extent that these are anticipated as a result of the Project.
- e) Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

Facts in Support of Finding of Infeasibility

- a) Because land use types, densities, and intensities that could be developed pursuant to the Redevelopment Plan could ultimately be developed under this alternative, long-term environmental effects associated with the No Project Alternative, including impacts to biological and cultural resources, theoretically may be similar to those of the project. However, redevelopment tools and tax-increment revenue would not be available to remediate:
- Unsafe and unhealthy buildings for persons to live or work, caused by serious building code violations, serious dilapidation and deterioration from long-term neglect, unreinforced masonry buildings, buildings vulnerable to flooding, and faulty or inadequate water and sewer utilities (such as water utilities that are inadequate for fire hazards and antiquated water and sewer lines that need to be relocated)
 - Conditions hindering viable use such as excessive dampness and flooding, inadequate parking, and inadequate loading facilities
 - Depreciated or stagnant property values
 - Impaired property values due to hazardous wastes
 - Abnormally low lease rates
 - A high crime rate that constitutes a serious threat to the public safety and welfare
- b) This alternative would not alleviate conditions of blight and public health and safety concerns in the Project Area. The continuation of such conditions makes it unlikely that new development will occur in this area without public assistance.
- c) Without funding for rehabilitation, and drainage infrastructure to eliminate existing flooding and dampness, historic buildings could be lost to severe deterioration. A lower level of new development could result in less disruption of cultural resources within the Project Area. However, rehabilitation of residential and commercial buildings over 45 years old consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties (Secretary's Standards) would help support the survival of historic buildings in the Project Area. Without the funding available with the Redevelopment Plan, older buildings in the area will likely continue to deteriorate, and more historic fabric would be lost over time. Cultural resource impacts would be anticipated to be worse under this Alternative.
- d) Several sites in the Project Area are considered as having relatively moderate to severe contamination issues. Under the No Project Alternative, the Agency would be precluded from or limited in its ability to use the Polanco Act or tax increment to assist in the remediation of such properties, and these contaminated properties

would continue to lack the funds and/or incentives necessary for appropriate cleanup. The lack of or insufficient funding could also cause the delay of or inability to rehabilitate existing structures that may contain asbestos and lead based paint. Long-term exposure to contamination would continue rather than being remediated through redevelopment activities. Hazards and hazardous materials impacts would be worse under this Alternative.

- e) The lack of or insufficient funding to construct necessary street improvements and provide incentives for new development would probably result in the delay of or inability to develop some of the planned housing and commercial space in the Project Area. A lower level of new development could result, in the short-term, in somewhat less construction and traffic noise within the Project Area. However, streetscape and roadway improvements, housing rehabilitation, and the elimination of incompatible land uses would also not occur. Overall, noise impacts on sensitive receptors would be the same or worse under this Alternative.
- f) Significant effects of the Project are acceptable when balanced against this Alternative and the facts set forth in the Statement of Overriding Considerations.

2. Alternative 2: Alternative Means of Revitalization with Public Funds

An Alternative Means of Revitalization with Public Funds (Alternative Means of Revitalization) Alternative would not adopt a new Redevelopment Plan in the Project Area. This alternative considers utilization of public revenue sources other than tax increment financing to fund public improvements and other actions in the Project Area. Federal, state, county, and city programs exist that may initiate similar development without the need for redevelopment tax increment financing. These sources of alternative funding typically include mortgage revenue bonds, Community Development Block Grant funds (CDBG), Economic Development Administration funds, state and federal Transportation Grants, Urban Development Action funds, and revenue bonds. Some of the potential funding sources are capped each year for the City and County, such as CDBG funds; many of these funds require applications and competition and cannot be relied upon to be available consistently over the next 30 years. Any such funds used in the Project Area are funds unavailable for projects in other parts of the City and County.

Finding

Specific economic, social, or other considerations make infeasible the Alternative Means of Revitalization Alternative identified in the EIR and described above, in that:

- a) If consistently and continually available, with a focused effort by the City, these alternative-funding mechanisms could achieve the key objectives of the Project. However, the City has many demands on its available grants and other economic development and affordable housing resources, and shifting these funds to the Project Area would have to compete with the City's need to reduce blight in other parts of the City.

- b) Each of these alternative sources of funds also has its own unique limitations on use – such as application requirements, eligibility, and funding priorities. Both the City and the County also have limited influence over the funding programs operated by other agencies. Thus, the continued availability of outside sources of funding cannot be guaranteed through the decades for which the Project could provide a steady source of public funding. If outside funding mechanisms are relied upon and those funds are no longer available, the necessary public improvements and other actions needed to alleviate blighting conditions in the Project Area may not be undertaken.
- c) The Redevelopment Plan requires 20% of tax increment to be set aside for the development and improvement of affordable housing in the Project Area. Outside sources of funding may not provide comparable provision for this public need.
- d) Limited sources of funding are available to assist in rehabilitating and redeveloping industrial and commercial property to meet contemporary user needs, in order to reduce vacancies and increasing property values. Abnormally low lease rates and stagnant and depreciated property values indicated by low property sales underscore that the physical blighting conditions are affecting the viability of the properties in these areas, and City resources to alter these conditions have been insufficient.
- e) If consistently available, these alternative-funding mechanisms could eliminate blight and encourage some development within the Project Area. However, these programs do not carry with them the powers of a Redevelopment Agency to assemble parcels for more modern development patterns or to use the Polanco Act to remediate contaminated properties, which could restrict the development potential of the Project Area and limit the scope and scale of development and rehabilitation. Reduced levels of available funding for infrastructure improvements and affordable housing would slow the pace of improvements, leaving much of the Project Area blighted and unable to achieve the property values required to allow development to occur without public assistance.
- f) Due to the uncertainty of available funding for necessary public improvements and other blight removal actions and lack of a specific affordable housing provision, the achievement of the Redevelopment Plan goals could not be ensured. Therefore, this Alternative, although feasible, is considered unlikely to achieve the key project objectives.

Facts in Support of Finding of Infeasibility

- a) Since these alternative-funding mechanisms could encourage some development in the Project Area, impacts associated with such development could be similar to those of the proposed project. Less infrastructure improvement and redevelopment is anticipated to occur with the limitations in the funding sources, limiting the ability

of market forces to reduce area blight and consolidate small and irregular parcels. Needed infrastructure improvements may be delayed by inconsistent funding, leaving the Project Area susceptible to localized flooding and intersection capacity problems.

- b) A lower level of construction activity could result in less disruption of cultural resources within the Project Area. However, rehabilitation of residential and commercial buildings over 45 years old consistent with the Secretary's Standards would help support the survival of historic buildings in the Project Area, and drainage improvements would protect such structures from flooding. Without the funding available with the Redevelopment Plan, older buildings in the area will likely continue to deteriorate, and more historic fabric would be lost over time. Cultural resource impacts would be anticipated to be the same or worse.
- c) The lack of or insufficient funding could also cause the delay of or inability to redevelop blighted commercial space in the Project Area, and to rehabilitate existing structures that may contain asbestos and lead based paint. Long-term exposure to contamination would continue rather than being remediated through redevelopment activities. Hazards and hazardous materials impacts would be worse under this alternative.
- d) The lack of or insufficient funding to construct necessary street improvements and provide incentives for new development would probably result in the delay of or inability to develop some of the planned housing and commercial space in the Project Area. A lower level of new development could result, in the short term, in somewhat less construction and traffic within the Project Area. However, streetscape and roadway improvements, and affordable housing rehabilitation or new construction would also not occur. Development outside the Project Area unconstrained by aging infrastructure may proceed more quickly, resulting in higher regional air quality and traffic impacts as development occurs away from transit and a jobs housing balance to more semi-rural, auto-dependent development.
- e) All of the significant and unavoidable impacts identified in this EIR would still occur under the Alternative Means of Revitalization Alternative.

D. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding disclosure of the significant impacts and the accompanying mitigation, the Agency hereby determines pursuant to Section 15093 of the CEQA Guidelines that the benefits of the Project outweigh the adverse impacts.

With reference to the above findings and in recognition of those facts that are included in the record, the Agency hereby determines that the Project would contribute to environmental impacts that are considered significant and adverse, as disclosed in the EIR prepared for the Project.

The Agency specifically finds that all significant effects on the environment with adoption and implementation of the Project have been eliminated or substantially lessened where feasible. Furthermore, the Agency hereby determines that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below:

1. The Redevelopment Plan would enable the elimination of blighting influences, the correction of environmental deficiencies, and the conservation, rehabilitation, and redevelopment of the Project Area.
2. The Redevelopment Plan would enable the enhancement and renovation of businesses within the Project Area to promote their economic viability, and the overall strengthening of the economic base of the Project Area and community.
3. The Redevelopment Plan would enable the revitalization of industrial and commercial development, resulting in increased sales, business license and other fees, taxes, and revenues to the City of Placerville and El Dorado County.
4. The Redevelopment Plan would use the cooperation of and participation by property owners, business owners, public agencies, and community organizations in the redevelopment and revitalization of the Project Area.
5. The Redevelopment Plan would enable the provision of needed improvements to the community's recreational, cultural, and other community facilities to better serve the Project Area.
6. The Redevelopment Plan would enable the provision of needed improvements to streets, curbs, gutters, water and sewer utilities and other public utilities and facilities within the Project Area.
7. The Redevelopment Plan would aid in the attainment of an environment reflecting a high level of concern for architectural, landscape, and urban design principles.
8. The Redevelopment Plan would aid in the conservation and preservation of buildings and structures of architectural or other historic significance to the community.

9. The Redevelopment Plan would aid in the provision of affordable housing that serves the needs and desires of the various age and income groups of the community (inside or outside of the Project Area).
10. The Redevelopment Plan would aid in the provision of adequate land for parking and open spaces.