CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS IN CONNECTION WITH THE APPROVAL OF EL DORADO HILLS APARTMENTS PROJECT

I. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The County of El Dorado ("County"), as the lead agency, has prepared the Final Environmental Impact Report ("Final EIR"), SCH # 2017042017, for the El Dorado Hills Apartments project ("Project"), which is located on the northwestern corner of the intersection of Town Center Boulevard and Vine Street within the Town Center East Commercial Center in the unincorporated community of El Dorado Hills. The applicant proposes to construct a 4-story, 214-unit apartment complex, comprising two apartment buildings, a parking structure, outdoor recreation areas, and an informal open space area. The apartment units would range from 576 square feet to 1,195 square feet in size, with a mix of 114 studio/1-bedroom units and 100 2-bedroom units. A 5-level parking structure located in the middle of the complex would provide approximately 409 vehicle parking spaces and 22 motorcycle parking spaces for residents and visitors, with an additional five spaces of surface parking provided elsewhere on the site. The residential buildings would be between 42 and 52 feet in height, with some architectural elements reaching 60 feet. The parking structure would be 60 feet in height.

The Final EIR assesses the potential environmental effects of the Project, identifies the Project's significant and less than significant impacts, and evaluates a reasonable range of alternatives to the Project. In addition, the Final EIR includes Responses to Comments on the Draft EIR from responsible agencies, interested groups, and individuals.

The El Dorado County Board of Supervisors ("BOS") hereby certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA). The BOS further certifies that it has received the Final EIR, and reviewed and considered the information contained in the Final EIR prior to making the approvals set forth below in Section III. The BOS further certifies that the Final EIR reflects its independent judgment and analysis. The conclusions presented in these Findings are based on the Final EIR and other evidence in the administrative record.

II. FINDINGS

In this action, the BOS, having received, reviewed and considered the Final EIR and other information in the administrative record, adopts the following Findings in compliance with CEQA. The BOS certifies that its Findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR, and are supported by substantial evidence. The BOS adopts these Findings in conjunction with the approvals set forth in Section III, below.

EXHIBIT R

A. Environmental Review Process

1. *Preparation of the EIR*

On April 7, 2017, the County released a Notice of Preparation (NOP)/Initial Study announcing the preparation of a Draft EIR and describing its proposed scope. The County conducted a public scoping meeting on April 25, 2017. The Initial Study determined that implementation of the Project would not adversely affect aesthetics, agricultural and forestry resources, geology/soils, hazards & hazardous materials, hydrology/water quality, mineral resources, and population and housing and that further evaluation of these topics in the Draft EIR was not required.

The County issued the Draft EIR on June 30, 2017, and circulated it for public review and comment for a 61-day period that ended on August 30, 2017. Two state agencies, one local agency, two local organizations, and 17 individuals provided written comments on the Draft EIR. In addition, comments were received from members of the public at the August 10, 2017, public workshop on the Draft EIR before the County's Planning Commission. No comments from state and local agencies were received at the Planning Commission public workshop. The Final EIR contains all of the comments received during the public comment period and at the Planning Commission study session, together with written responses to those comments which were prepared in accordance with CEQA. The BOS certifies that it has reviewed the comments received and responses thereto and finds that the Final EIR provides adequate, good faith, and reasoned responses to the comments.

2. *Absence of Significant New Information*

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5 further provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

Having reviewed the information contained in the Draft and Final EIRs and in the administrative record as well as the requirements under CEQA Guidelines Section 15088.5 and interpretive judicial authority regarding recirculation of draft EIRs, the BOS hereby finds that no significant new information was added to the EIR following public review and thus, recirculation of the EIR is not required by CEQA.

B. Impacts and Mitigation Measures

The following section summarizes the environmental impacts of the Project identified in the Final EIR, and provides Findings as to those impacts, as required by CEQA and the CEQA Guidelines. A full explanation of these environmental Findings and conclusions is set forth in the Final EIR. These Findings hereby incorporate by reference the analysis in the Final EIR

supporting the Final EIR's findings and conclusions, and in making these Findings, the BOS ratifies, adopts and incorporates the evidence, analysis, explanation, findings, responses to comments, and conclusions of the Final EIR except where they are specifically modified by these Findings.

Section 15130(a) of the CEQA Guidelines requires that an EIR discuss the cumulative impacts of a project when the project's incremental effect is determined to be cumulatively considerable. The discussion of cumulative impacts must evaluate whether the impacts of the project will be significant when considered in combination with past, present, and reasonably foreseeable future projects, and whether the project would make a cumulatively considerable contribution to those impacts. As discussed in detail in the Final EIR, all cumulative impacts of the Project will not be cumulatively considerable.

1. *Project Impacts that are Less Than Significant without Mitigation*

The Final EIR found that impacts of the Project would be less than significant without project-specific mitigation under the following environmental resource topics: aesthetics (see Initial Study pages 8 to 11); agricultural and forestry resources (see Initial Study pages 12 to 14); air quality (except emissions of criteria pollutants and exposure of sensitive receptors to naturally-occurring asbestos) (see Draft EIR pages 4.1-1 to 4.1-37); biological resources (except nesting birds) (see Draft EIR pages 4.2-1 to 4.2-27); cultural and tribal cultural resources (historical and paleontological resources only) (see Draft EIR pages 4.3-1 to 4.3-23); geology and soils (see Initial Study pages 28 to 32); greenhouse gas emissions (see Draft EIR pages 4.4-1 to 4.4-28); hazards and hazardous materials (see Initial Study pages 36 to 41); hydrology and water quality (see Initial Study pages 42 to 47); land use and planning (see Draft EIR pages 4.5-1 to 4.5-31); mineral resources (see Initial Study pages 50 and 51); noise (see Draft EIR pages 4.6-1 to 4.6-23); population and housing (see Initial Study pages 55 and 56); public services (see Draft EIR pages 4.7-1 to 4.7-15); transportation and traffic (except Near-Term Cumulative [2027] plus Project Conditions) (see Draft EIR pages 4.8-1 to 4.8-55); utilities and service systems (except wastewater conveyance) (see Draft EIR pages 4.9-1 to 4.9-22); and energy (see Draft EIR pages 4.10-1 to 4.10-15).

3. *Project Impacts that are Less Than Significant with Incorporation of Mitigation Measures*

i. *Air Quality*

a) *Impact AIR-1: Construction activities associated with the proposed project would result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).*

The following EIR Mitigation Measures are included in and a part of the Project as proposed:

Mitigation Measure AIR-1a: To ensure that the impact from the project's construction equipment exhaust remains less than significant, the project shall implement at least one of the following EDCAQMD construction mitigation measures:

- Require the prime contractor to provide an approved plan demonstrating that heavy-duty (i.e., greater than 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve, at a minimum, a fleet-averaged 15 percent NOx reduction compared to the most recent CARB fleet average. Implementation of this measure requires the prime contractor to submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. In addition, the inventory list shall be updated and submitted monthly throughout the duration of when the construction activity occurs.

- Require the prime contractor to use an alternative fuel, other than diesel, verified by the CARB or otherwise documented through emissions testing to have the greatest NOx and PM10 reduction benefit available, provided each pollutant is reduced by at least 15 percent.

Mitigation Measure AIR-1b: Prior to the start of construction activities, the project applicant shall coordinate with the El Dorado AQMD to ensure that only low-VOC architectural coatings are utilized during the construction phase of the proposed project, for both indoor and outdoor surfaces. All architectural coatings used during the construction phase shall have a maximum allowable VOC content limit of 50 g/L.

Mitigation Measure AIR-1c: During construction activities, the project applicant shall implement the following Best Available Fugitive Dust Control Measures as outlined in Table C.4 in the AQMD CEQA Guide.

Fugitive Dust Source Category	Control Actions
Earth-moving (except construction cutting and filling areas, and mining operations)	1a. Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the District; two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR 1a-1. For any earth-moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.
Earth-moving – construction fill areas	1b. Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the District; for areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM method 1557 or other equivalent method approved by the District, complete the compaction process as expeditiously as possible after achieving at least 70 percent of the optimum soil moisture content; two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.

Earth-moving – construction cut areas and mining operations	1c. Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut or mining areas unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.
Disturbed surface areas (except completed grading areas)	2a/b. Apply dust suppression in a sufficient quantity and frequency to maintain a stabilized surface; any areas which cannot be stabilized, as evidenced by wind driven dust, must have an application of water at least twice per day to at least 80 percent of the unstabilized area.
Disturbed surface areas – completed grading areas	2c. Apply chemical stabilizers within 5 working days or grading completion; OR 2d. Take action 3a or 3c specified for inactive disturbed surface areas.
Inactive disturbed surface areas	3a. Apply water to at least 80 percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible due to excessive slope or other safety conditions; OR 3b. Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR 3c. Establish a vegetative ground cover within 21 days after active operations have ceased; ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR 3d. Utilize any combination of control actions 3a, 3b and 3c such that, in total, they apply to all inactive disturbed surface areas.
Unpaved roads	4a. Water all roads used for any vehicular traffic at least once per every two hours of active operations; OR 4b. Water all roads used for any vehicular traffic once daily and restrict vehicle speed to 15 mph; OR 4c. Apply chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.
Open storage piles	5a. Apply chemical stabilizers; OR 5b. Apply water to at least 80 percent of the surface areas of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR 5c. Install a three-sided enclosure with walls with no more than 50 percent porosity that extend, at a minimum, to the top of the pile.
Track-out control	6a. Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a stabilized surface starting from the point of intersection with the public paved surface, and extending for a centerline distance of at least 100 feet and width of at least 20 feet; OR 6b. Pave from the point of intersection with the public paved road surface, and extending for a centerline distance of at least 25 feet and a width of at least 20 feet, and install a track-out control device immediately adjacent to the paved surface such that exiting vehicles do not travel on any unpaved road surface after passing through the track-out control device.
All categories	7a. Any other control measures approved by the District.

Mitigation Measure AIR-1d: During construction activities in high wind conditions, the project applicant shall implement the following Best Available Fugitive Dust Control Measures as outlined in Table C.5 in the AQMD CEQA Guide.

Fugitive Dust Source Category	Control Actions
Earth moving	1A. Cease all active operations, OR 2A. Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	1B. On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR 1B. Apply chemical stabilizers prior to a wind event; OR 2B. Apply water to all unstabilized disturbed areas 3 times per day; if there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day; OR 3B. Take the actions specified in Table B.6, Item 3c; OR 4B. Utilize any combination of control actions specified in Table 1, Items 1B, 2B and 3B, such that, in total, they apply to all disturbed surfaced areas.
Unpaved roads	1C. Apply chemical stabilizers prior to a wind event; OR 2C. Apply water twice per hour during active operation; OR 3C. Stop all vehicular traffic.
Open storage piles	1D. Apply water twice per hour; OR 2D. Install temporary coverings.
Paved road track-out	1E. Cover all haul vehicles; OR 2E. Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for operation on both public and private roads.
All categories	1F. Any other control measures approved by the District.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measures AIR-1a to AIR-1d that are included in and a part of the Project, the Project would result in a less than significant impact related to the emission of criteria pollutants during construction.

b) *Impact AIR-2: Operation of the proposed project would result in a violation of an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure AIR-2: To ensure that project emissions remain below applicable thresholds, the project applicant shall implement the following sustainable design features and mitigation measures:

1. Exceed Title 24 by 10 percent

2. Install high-efficiency lighting

3. Install energy-efficient appliances

4. Use only natural gas hearths (i.e. fireplaces)(sealed natural gas only, no wood burning)

5. Install low flow bathroom faucets

6. Install low flow kitchen faucets

7. Install low flow toilets

8. Install low flow showers

9. Use water-efficient irrigation system

10. Design and construct the parking garage to allow for the installation of electric vehicle charging facilities when the demand for the charging facilities is demonstrated.

11. Provide bicycle storage with convenient access

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measure AIR-2 that is included in and a part of the Project, the Project would result in a less than significant impact related to the emission of criteria pollutants during operation.

c) *Impact AIR-5: Project construction would expose sensitive receptors to substantial pollutant concentrations.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

> Mitigation Measure AIR-5: Prior to any grading activities, the project applicant shall prepare an Asbestos Hazard Dust Mitigation Plan and shall comply with applicable state and local regulations regarding asbestos, including CARB's asbestos airborne toxic control measure (ATCM) (Title 17, CCR § 93105 and 93106) and EDCAQMD Rule 223-2 Fugitive Dust – Asbestos Hazard Mitigation, to ensure that exposure to construction workers and the public is reduced to an acceptable level.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measure AIR-5 that is included in and a part of the Project, the Project would result in a less than significant impact related to the exposure of sensitive receptors to naturally-occurring asbestos.

ii. *Biological Resources*

a) *Impact BIO-2: The proposed project would not directly or indirectly affect any riparian habitat, sensitive natural community, or wetlands nor interfere with the movement of any wildlife species, but project construction noise could affect nesting birds.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

> Mitigation Measure BIO-2: For the protection of birds species protected by the Migratory Bird Treaty Act and the California Fish and Game Code, project activities shall occur during the non-breeding bird season to the extent feasible (September 1 – January 31). However, if site clearance, grading, or initial ground-disturbing activities must occur during the breeding season (February 1 through August 31), a survey for active bird nests shall be conducted by a qualified biologist no more than 14 days prior to the start of these activities. The survey shall be conducted in a sufficient area around the work site to identify the location and status of any nests that could potentially be affected by project activities.
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> If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, a work exclusion zone shall be established around each nest by a qualified biologist. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers and ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 250 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measure BIO-2 that is included in and a part of the Project, the Project would result in a less than significant impact related to nesting birds.

iii. *Cultural Resources*

a) *Impact CUL-2: The proposed project could cause a substantial change in the significance of an archaeological resource pursuant to Section 15064.5.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

> Mitigation Measure CUL-2: El Dorado County shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American burials.

The project applicant shall inform the United Auburn Indian Community of the Auburn Rancheria and the Shingle Springs Band of Miwok Indians of the project construction schedule and allow for a tribal monitor to be present at the project site during grading activities in native soil.

The project applicant shall retain a Professional Archaeologist to provide a pre-construction briefing to supervisory personnel of the excavation contractor to alert them to the possibility of exposing significant prehistoric archaeological resources within the project site. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project applicant and archaeological team. The Professional Archaeologist shall develop and distribute for job site posting an "ALERT SHEET" summarizing potential find types and the protocols to be followed as well as points of contact to alert in the event of a discovery. The tribal monitor will be provided an opportunity to attend the pre-construction briefing.

The Professional Archaeologist shall be available on an "on-call" basis during ground disturbing construction in native soil to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall temporarily divert, redirect, or halt ground disturbance activities at a potential discovery to allow the identification, review and evaluation of a discovery to determine if it is a historical resource(s) and/or unique archaeological resource(s) under CEQA.

If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project applicant and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery among other options. Contingency funding and a time allotment sufficient for recovering an archeological sample or to employ an avoidance measure may be required. The completion of a formal Archaeological Monitoring Plan (AMP) may be recommended by the archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP will be determined by the County of El Dorado and treatment of any significant cultural resources shall be undertaken with the approval of the project applicant and the County.

A Monitoring Closure Report shall be filed with the County of El Dorado at the conclusion of ground disturbing construction if archaeological resources were encountered and/or recovered.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measure CUL-2 that is included in and a part of the Project, the Project would result in a less than significant impact related to archaeological resources.

b) *Impact CUL-4: The proposed project could disturb unknown human remains on the project site.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

> Mitigation Measure CUL-4: The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the El Dorado County Sheriff-Coroner and the County of El Dorado.
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> In the event of the Coroner's determination that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC shall identify a Most Likely Descendant (MLD) of the deceased Native American (PRC Section 5097.98). The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. Development activity on the impacted site will halt until the landowner has conferred with the MLD about their recommendations for treatment of the remains, and the coroner has determined that the remains are not subject to investigation under California Government Code Section 27491.
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> The project applicant, archaeological consultant, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The California PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measure CUL-4 that is included in and a part of the Project, the Project would result in a less than significant impact related to human remains.

c) *Impact CUL-5: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource.*

> The project would implement **Mitigation Measures CUL-2** and **CUL-4** which are included in and a part of the Project as proposed.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measures CUL-2 and CUL-4 that are included in and a part of the Project, the Project would result in a less than significant impact related to tribal cultural resources.

d) *Cumulative Impact C-CUL-1: Cumulative development could cause a substantial change in the significance of a historical resource or unique archaeological resource pursuant to Section 15064.5 or impact tribal cultural resources, but with the incorporation of mitigation measures, the proposed project would not contribute substantially to the cumulative impacts.*

The project would implement **Mitigation Measures CUL-2** and **CUL-4** that are included in and a part of the Project.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measures CUL-2 and CUL-4 that are included in and a part of the Project, the Project would result in a less than significant cumulative impact related to a historical resource or unique archaeological resource.

iv. *Utilities and Service Systems*

a) *Impact UTL-4: Development of the proposed project would require the construction of new or expanded wastewater conveyance systems.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

Mitigation Measure UTL-4: The applicant shall pay fair-share fees towards the planned CIP improvement for the EDHB trunk sewer line improvement, and associated El Dorado Irrigation (EID) connection costs.

FINDING: For reasons stated in the Final EIR, the BOS finds that with the implementation of Mitigation Measure UTL-4 that is included in and a part of the Project, the Project would result in a less than significant impact related to the construction of new or expanded wastewater conveyance systems.

4. *Project Impacts that are Significant and Unavoidable with Incorporation of Mitigation Measures*

Based on the analysis contained in the Final EIR, implementation of the Project would not result in any significant and unavoidable environmental impacts.

5. *Project Impacts that are Significant and Unavoidable with No Feasible Mitigation*

Based on the analysis contained in the Final EIR, implementation of the Project would not result in any significant and unavoidable environmental impacts.

C. Non-CEQA Impacts and Mitigation Measures

The following section summarizes two environmental impacts of the Project identified in the Final EIR that are not impacts for CEQA purposes, but which the project applicant has voluntarily agreed to mitigate, regardless of the absence of a legal requirement to do so. A full explanation of these environmental impacts and mitigation is set forth in the Final EIR.

The first impact is identified in the Draft EIR analysis of the project's traffic impacts under the Near-Term Cumulative (2027) conditions, a scenario which, at the time of the Draft EIR preparation, was required to be analyzed under Measure E, an initiative adopted by County voters in 2016 that amended specific Transportation and Circulation Element policies of the County General Plan. However, in July 2017, following the publication of the Draft EIR but before the completion of the Final EIR, the El Dorado County Superior Court ruled that several aspects of Measure E were unconstitutional, including the requirement to analyze the Project's traffic impacts under Near-Term Cumulative (2027) conditions. As noted in the Final EIR, the County has elected to retain the Near-Term Cumulative traffic analysis in the EIR for informational purposes only. However the County will not be making a significance finding with respect to the impact of the Project under Near-Term Cumulative conditions, as the Measure E analysis is no longer required by law for the Project. The Superior Court also ruled that Measure E was unlawful in requiring the County to require a project to construct all necessary improvements prior to the issuance of a discretionary approval for a project. Following the Superior Court's ruling and prior to approving these findings, the County amended the General Plan to comport with the Court's ruling. Under the current General Plan, the project applicant is not required to mitigate any traffic impacts of the Project found pursuant to the Measure E analysis. However, the project applicant has voluntarily agreed to pay Traffic Impact Mitigation fees for the Project's impact at one intersection (El Dorado Hills Boulevard/Saratoga Way/Park Drive) under Near-Term Cumulative (2027) conditions, even though there is no legal requirement to mitigate the impact. The County will oversee the implementation of this voluntary mitigation by the applicant.

The second impact involves a private intersection (Town Center Boulevard/Post Street) that would be affected by Project traffic under Long-Term Cumulative (2035) conditions. As the intersection is privately owned, it is not subject to the County's thresholds of significance and no determination of the significance of the Project's impact at this location was included in the Draft EIR. However, the project applicant and the owner of the right-of-way (ROW) of the intersection have voluntarily agreed to mitigate this impact below the County's threshold of significance applicable to County-owned facilities, and the County will oversee the implementation of this voluntary mitigation by the applicant.

Both non-CEQA impacts are identified below along with associated voluntary mitigation measures that the applicant has committed to implement.

a) *Cumulative Impact C-TRANS-1: Development of the proposed project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the traffic circulation system under Near-Term Cumulative (2027) plus Project Conditions.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

> Mitigation Measure C-TRANS-1: The project applicant will pay TIM fees to the County prior to issuance of building permit(s).

b) *Cumulative Impact C-TRANS-2: Development of the proposed project would not conflict with applicable policies establishing measures of effectiveness for the performance of the local roadway system and regional freeway system under Long-Term Cumulative (2035) plus Project Conditions.*

The following EIR Mitigation Measure is included in and a part of the Project as proposed:

> Mitigation Measure C-TRANS-2: The project applicant shall be responsible for ensuring that a traffic signal is installed at the private intersection of Post Street and Town Center Boulevard, and that a funding mechanism is created for maintenance of that signal. Peak hour intersection signal warrant analysis will be performed, consistent with the methodologies presented in the County's Transportation Impact Study Guidelines, at 24-month intervals and provided to the County, and the signal will be installed when the intersection operations reach LOS F and applicable traffic signal warrants are satisfied. The new traffic signal will be interconnected or subordinate to the traffic signal at Latrobe Road/El Dorado Hills Boulevard, subject to an encroachment permit and agreement. Prior to issuance of a grading permit for project construction, the project applicant shall demonstrate to the County's satisfaction that it has obtained legally binding authority to assure implementation of this mitigation measure, via an agreement with the owner of the right-of-way encompassing the Post Street/Town Center Boulevard intersection or otherwise.

FINDING: For reasons stated in the Final EIR, the BOS finds that the voluntary implementation of Mitigation Measures C-TRA-1 and C-TRA-2 by the project applicant will provide community benefits and satisfactorily address the Project's traffic contribution at the two intersections.

D. Mitigation Monitoring and Reporting Program

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the lead agency approving a project to adopt a Mitigation Monitoring or Reporting Program for mitigation measures it has adopted to avoid or substantially lessen significant environmental impacts of the project. In compliance with this requirement, the Mitigation Monitoring and Reporting Program ("MMRP") for the Project includes those mitigation measures that have been designed to ensure compliance during implementation of the Project. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures for conditions within the jurisdiction of the County. Implementation of the mitigation measures specified in the EIR and contained in the MMRP will be accomplished through administrative controls over Project planning and implementation. Monitoring and enforcement of these measures will be accomplished through inspection and documentation by appropriate County personnel.

The BOS finds that (1) the impacts of the proposed El Dorado Hills Apartments project will be fully mitigated by the CEQA-required Mitigation Measures identified in the EIR and in the MMRP, as set forth at Section II.B, above, and (2) the voluntary Mitigation Measures identified in the EIR and in the MMRP, as set forth at Section II.C, above, will provide community benefits

and satisfactorily address additional project impacts. Based on these findings, the BOS hereby adopts the MMRP for the Project. The BOS reserves the right to make amendments and/or substitutions to the mitigation measures and MMRP in accordance with the provisions of CEQA if, in the exercise of its discretion, it determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impact to at least the same degree as the original mitigation measure, or would attain an adopted performance standard for mitigation, and where the amendment or substitution would not result in a new significant impact on the environment which cannot be mitigated.

E. Alternatives

Chapter 5 of the Draft EIR evaluated a reasonable range of potential alternatives to the Project. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis also included an analysis of a No Project Alternative and discussed the environmentally superior alternative. The analysis examined the environmental impacts of each alternative and the ability of each alternative to meet the project objectives identified in Section 3.3 of the Draft EIR. The Draft EIR compared the environmental impacts of the Project and each of the alternatives.

The BOS certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR and the administrative record, and finds that all the alternatives are infeasible or would not meet most of the project objectives in comparison to the Project for the reasons set forth below.

1. *Project Objectives*

The BOS finds that the objectives for the Project are as described in Chapter 3.0 of the Draft EIR. The key objectives of the Project are as follows:

- Implement the County's General Plan by directing growth to areas that are already developed with existing access to services, schools and transportation systems in order to preserve agricultural land and open space;
- Implement goals and objectives of the El Dorado Hills Specific Plan;
- Provide a residential population to support commercial development within the Town Center East Planned Development area;
- Assist in increasing the housing supply in El Dorado County to improve the job-housing imbalance, including housing that is more affordable;
- Implement smart growth principles by developing underutilized properties with higher density housing projects.
- Develop a sustainable community that incorporates smart growth elements, places higher density housing in close proximity to job centers, and complements adjacent commercial uses; and

- Create a residential development that maximizes density with accessibility to alternate transportation modes, and integrates pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

2. *Alternatives Not Evaluated in Detail*

The Final EIR considered but did not evaluate two alternatives to the Project in detail because the alternatives did not meet project objectives or were found to be infeasible for technical, environmental, or social reasons.

i. Alternative Site

During project scoping, the County received a request to locate the proposed project on a site located east of Vine Street between Rossmore Lane and White Rock Road. The possibility of locating the Project on this alternative site within the El Dorado Hills community was determined by the County to be infeasible given that neither the project applicant nor the County owns or controls the property. Therefore, the ability of the applicant to purchase this site to develop the project is considered speculative. In addition, the development of an apartment building of the same size at this location would result in similar impacts with respect to construction and operational air quality, cultural resources, and wastewater conveyance. Thus, placing the proposed development at this alternative site would not avoid the significant impacts of the Project.

ii. Mixed-use Alternative

During project scoping, the County also received requests from the public to analyze a mixed-use alternative that would include ground floor retail below residential. This alternative was not considered in detail in the Draft EIR as the retail component would generate more vehicle trips than the residential component that it would replace, thus resulting in greater traffic impacts and an increase in air quality and GHG emissions.

3. *Alternatives to the El Dorado Hills Apartments Project*

The Final EIR evaluated three alternatives to the Project in detail: No Project/No Development Alternative, No Project/Existing Zoning Alternative, and Reduced Density Alternative. The following summarizes the three alternatives that were considered in detail.

i. No Project/No Development Alternative

Under this alternative no grading or new construction would occur on the project site and the site would remain vacant.

The No Project/No Development would avoid all of the potentially significant impacts of the Project. However, this alternative was rejected because it would not meet any of the Project objectives.

ii. No Project/Existing Zoning Alternative

The project site is designated Commercial (C) in the El Dorado Hills Specific Plan (EDHSP) and zoned General Commercial-Planned Development (CG-PD). Based on a previous commercial land use proposal for the project site, this alternative would include seven buildings ranging in size from 2,750 square feet to 24,700 square feet. A total of 74,350 square feet of commercial building space, assumed to be retail, would be provided.

The No Project/Existing Zoning alternative would increase the Project's impacts related to transportation and traffic while decreasing the Project's impacts related to air quality, GHG emissions, noise, public services, utilities and service systems, and energy. Impacts related to biological resources and cultural resources would be similar to those of the Project. This alternative was rejected because it would not achieve many of the Project objectives. It would not provide a residential population to support commercial development within the Town Center East Planned Development area, assist in increasing the housing supply in El Dorado County to improve the job-housing imbalance, and implement smart growth principles by developing underutilized properties with higher density housing projects. In addition, this alternative would not: develop a sustainable community that incorporates smart growth elements; place higher density housing in close proximity to job centers; and would not complement adjacent commercial uses. Finally, this alternative would not create a residential development that maximizes density with accessibility to alternate transportation modes, and would not integrate pedestrian, bicycle, transit, open space and outdoor uses to encourage active centers.

iii. Reduced Density Alternative

The Reduced Density alternative would reduce the number of residential units on the project site by approximately 50 percent. Specifically, this alternative would develop a residential project on the project site at a density of 24 units per acre, which is the density allowed under the El Dorado County General Plan's Multifamily Residential land use designation (see General Plan Policy 2.2.1.2). Under this alternative a total of 108 residential units would be provided in two 2-story buildings as opposed to a total of 214 residential units provided in two 4-story buildings under the Project. In addition, a total of 209 vehicle parking spaces and 11 motorcycle parking spaces would be provided in a central 3-story garage compared to a total of 409 vehicle parking spaces and 22 motor cycle parking spaces located in a central 5-story garage under the Project. This alternative would also include an additional five vehicle spaces of surface parking elsewhere on the site similar to the Project.

The Reduced Density alternative would decrease the Project's impacts related to air quality, GHG emissions, noise, public services, utilities and service systems, transportation and traffic, and energy. Impacts related to biological resources and cultural resources would be similar to those of the Project. While this alternative would achieve many of the Project objectives, this alternative was rejected because it would not create a residential development that maximizes density with accessibility to alternate transportation modes.

vi. Environmentally Superior Alternative

The BOS finds that the Reduced Density Alternative is the environmentally superior alternative since it would reduce the Project's significant and potentially significant impacts. However, it fails to meet the Project objective of creating a residential development that maximizes density with accessibility to alternate transportation modes.

F. Statement of Overriding Considerations

The Final EIR has identified and disclosed all significant environmental effects of the Project. As noted above in Section II.B, with implementation of the mitigation measures identified in the Final EIR, all significant effects can be mitigated to levels considered less than significant. As such, for approval of this Project, the BOS is not required to adopt a Statement of Overriding Considerations.

G. Record of Proceedings

The record of proceedings upon which the BOS bases its Findings consists of all the documents and evidence relied upon by the County in preparing the El Dorado Hills Apartments Project Final EIR. The custodian of the record of proceedings is the County of El Dorado, Development Services Department, Planning Services, 2850 Fairlane Court, Building C, Placerville, California 95667.

H. Summary

1. Based on the foregoing Findings and the information contained in the record, the BOS has made one or more of the following Findings with respect to the significant environmental effects of the Project identified in the Final EIR:

a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.

b. Those changes or alterations that are wholly or partially within the responsibility and jurisdiction of another public agency have been, or can and should be, adopted by that other public agency.

c. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

2. Based on the foregoing Findings and the information contained in the record, it is hereby determined that:

a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.

III. APPROVALS

The BOS hereby takes the following actions:

A. The BOS certifies the Final EIR for the El Dorado Hills Apartment project, as described in Section I, above.

B. The BOS hereby adopts the Findings in their entirety as set forth in Section II, above.

C. The BOS hereby adopts the MMRP as set forth in Section II, above

D. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, and adopted the foregoing Findings, the BOS hereby approves the General Plan Amendment adding a new Policy (Policy 2.2.6.6) under Objective 2.2.6 (Site Specific Policy Section) to increase the maximum residential density allowed in the General Plan from 24 dwelling units per acre to a maximum of 47 dwelling units per acre specifically for the project site identified as Assessor's Parcel Numbers 121-290-60, 61, and 62.

E. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, and adopted the foregoing Findings, the BOS hereby approves the El Dorado Hills Specific Plan Amendment incorporating multi-family residential use, density, and related standards for the project site.

F. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, and adopted the foregoing Findings, the BOS hereby approves the rezoning of the project site from General Commercial-Planned Development (CG-PD) to Multi-Family Residential-Planned Development (RM-PD) and revisions to the RM-zone district development standards applicable to the proposed project.

G. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, and adopted the foregoing Findings, the BOS hereby approves the revision to the approved TCE Development Plan incorporating multi-family residential use, density, and related design and development standards for the proposed project within Planning Area 2 of the TCE Plan area.