

**CEQA FINDINGS OF FACT**  
**and**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**OF THE EL DORADO COUNTY BOARD OF SUPERVISORS**  
**for the**  
**PONTE PALMERO PROJECT**  
**ENVIRONMENTAL IMPACT REPORT**  
**November 2017**

**EXHIBIT T**

## I. INTRODUCTION

On [REDACTED], 2017, the Final Environmental Impact Report (Final EIR) for the Ponte Palmero Project prepared on behalf of El Dorado County (County) was released. The County, acting through its Board of Supervisors, adopts the following findings for the Ponte Palmero Project (proposed project) in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, §21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), specifically Public Resources Code section 21081 and CEQA Guidelines section 15091.

This document is organized as follows:

Section I introduces the findings.

Section II describes the project proposed for approval, and the approval actions to be taken.

Section III describes the environmental review process for the project, including public scoping and review of the project.

Section IV identifies the Record of Proceedings for this matter, including the administrative record upon which the County's approval of the project is based and the location of records.

Section V provides general guidance regarding the County's adoption of these findings.

Section VI includes the County's findings with respect to the project's significant impacts. Attachment A to these findings is a table setting forth findings for each environmental impact evaluated, including specific mitigation measures, to be adopted by the County in connection with its approval of the project. Attachment A includes the full text of each mitigation measure adopted by the County. The mitigation measures that are identified as adopted in Attachment A are hereby adopted by the County. Section VI also addresses mitigation measures and project modifications proposed by commenters, and the County's findings with respect to these proposals.

Section VII adopts and incorporates the Mitigation Monitoring and Reporting Program (MMRP) for the mitigation measures that have been proposed for adoption. A copy of the MMRP is included in the Final EIR. In adopting these findings, the County hereby adopts and commits to implement the MMRP. The measures set forth in the MMRP represent binding commitments to which the project applicant must comply.

Section VIII sets forth the County's findings with respect to alternatives to the project. These findings are adopted pursuant to Public Resources Code sections 21002 and 21081.

Section IX sets forth the County's Statement of Overriding Considerations concerning the project. These findings are adopted pursuant to Public Resources Code section 21081, subdivision (b).

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project and the EIR. The findings and determinations constitute the independent findings and determinations by the El Dorado County Board of Supervisors in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EIR and Final EIR documents (which, together, constitute the Final EIR) in support of various conclusions reached below, the Board of Supervisors incorporates by reference and adopts as its own, the reasoning set forth in the Final EIR, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. The County further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the County with respect to any particular subject matter of the project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

These Findings, along with the Statement of Overriding Considerations set forth in Section X, the table of findings set forth in Attachment A, and the MMRP set forth in the Final EIR, are made with respect to the project approvals for the project and state the findings of the Board of Supervisors relating to the potentially significant environmental effects of the project in accordance with the project approvals. The following Findings, along with the Statement of Overriding Considerations, and MMRP are hereby adopted by the Board of Supervisors as required by the California Environmental Quality Act, Public Resources Code sections 21002, 21081, 21081.5 and 21081.6, and CEQA Guidelines sections 15091 through 15093.

## **II. PROJECT DESCRIPTION**

The following text briefly describes the project. See Chapter 3, Project Description, of the Draft EIR for a complete and detailed description of the project.

### **A. Project Location**

The Ponte Palmero Project is proposed on Assessor's Parcel Number 083-350-57, in the unincorporated community of Cameron Park in western El Dorado County (Exhibit 3-1). The property is located north of U.S. Route 50 on the west side of Ponte Morino Drive approximately 0.2 of a mile north of the intersection with Palmer Drive. The project site is adjacent to the existing Cameron Park Congregate Care facility to the east, commercial development to the south, residential development to the west, and the Bureau of Land Management's (BLM) Pine Hill Preserve to the north (Exhibit 3-2). The project site is located approximately 32 miles east of downtown Sacramento, and 60 miles southwest of Lake Tahoe. Folsom Lake is located approximately 4 miles northwest of the project site.

The project site is currently designated for Multifamily Residential (MFR) and High Density Residential (HDR) in the *El Dorado County General Plan* (El Dorado County 2004). The project site is zoned Community Commercial-Planned Development (CC-PD), Single Unit Residential – Planned Development (R1-PD), and Multi-Unit Residential-Planned Development (RM-PD).

There is no development on the project site; but the site is dominated by undeveloped, natural chaparral vegetation, including white leaf manzanita, with the exception of a small graded/disturbed area at the southeastern corner of the site. The graded area is primarily barren, with sporadic weedy, herbaceous plant species. An intermittent stream passes through a culvert at the eastern entrance of the project site at Ponte Morino Road, and contains a narrow riparian corridor.

### **B. Project Overview**

The project applicant proposes development of the Ponte Palmero retirement village which would include a community care facility, an assisted living facility, and a clubhouse. The 44 unit, 50,510 square foot (sf) community care facility includes 22 one bedroom units on the first floor and 22 two bedroom units on the second floor.

The two-story, 46-unit, 53,690 sf assisted living facility includes 32 one bedroom units and 14 two bedroom units. The overall project density is 10 dwelling units/acre. The project would accommodate an estimated total of 144 residents.

Approximately 11 acres of open space are included in the proposed project. The open space would encompass existing natural features, including the Pine Hill plant species.

Primary access to the site would be from Ponte Morino Drive with a private emergency access only road that would connect to Valerio Drive in the northwest portion of the site. Internal project circulation would be provided around the perimeter of the site.

A retaining wall is proposed around the perimeter of the developed portion of the site. This retaining wall would range in height from two-feet to 38-feet and would be designed as a “rock” wall. The maximum height of a single rock wall for this project is 12-feet. Therefore, along the steeper portions of the site on the north and south sides, the retaining walls would be tiered to achieve retaining heights in excess of 12 feet.

The project proposes a General Plan Amendment to re-designate Multifamily Residential (MFR) and High Density Residential (HDR) to Commercial (C) (Parcels 1, 2, and 3: 9.11 acres) and Open Space (OS) (Parcels 4 and 5: 10.76 acres) land use designations, and a change in zoning from Community Commercial-Planned Development (CC-PD), Single Unit Residential – Planned Development (R1-PD), and Multi-Unit-Planned Development (RM-PD) to Limited Commercial – Planned Development (CL-PD) (Parcels 1, 2, and 3: 9.11 acres) and Open Space-Planned Development (OS-PD) (Parcels 4 and 5: 10.76 acres) zone districts.

### **C. Project Objectives**

The objectives for the project are as follows:

- ▲ Realize a comprehensive senior living facility, consistent with the vision and objectives of the El Dorado County General Plan Housing Element (2013-2021), including Goal HO-4 (recognize and meet the housing needs of special groups of county residents, including a growing senior population), and Policy HO-4.1 (encouraging development of congregate care facilities).
- ▲ Develop a senior living facility that compliments the existing mix of senior living options and services available by providing additional levels of care.
- ▲ Ensure the ability to provide residents with high quality meals, housekeeping services, shopping and shuttle services, access to on-site health care, and a club house with amenities and activity programs.
- ▲ Protect and enhance natural resources, including habitat preservation for protected gabbro soil plant species consistent with the terms of the 2010 Settlement Agreement in *CNPS v. County of El Dorado*.
- ▲ Provide a compact development that minimizes the overall facility footprint.
- ▲ Provide a connected, walkable, development for residents and guests.
- ▲ Construct a facility with sufficient size and diversity of senior care services to serve the County’s growing senior population while being economically sustainable.
- ▲ Provide a facility that can fund the required infrastructure improvements, public services improvements, and other municipal costs associated with the project.

(Draft EIR, pp. 3-9/10)

**D. Project Background**

With respect to the objective to: Protect and enhance natural resources, including habitat preservation for protected gabbro soil plant species consistent with the terms of the 2010 Settlement Agreement in *CNPS v. County of El Dorado*, which settled litigation over the now existing Ponte Palmero facility (then referred to as the Cameron Park Congregate Care Facility), it is worth noting that the Project as proposed and analyzed in the EIR is smaller than that agreed to by the Parties in the Settlement Agreement. Specifically, the Settlement Agreement states:

“CPV [Cameron Park Ventures] intends to submit an application with the County for a new Ponte Palmero II project adjacent to the Congregate Care Project at issue in this litigation. (See Exhibit 2.) Ponte Palmero II includes approximately 99 beds for skilled nursing care, 65 units of assisted living and an approximately 12,000 sf clubhouse on ten acres.” (Settlement Agreement, section 2(f).)

As noted above, instead of 99 beds for skilled nursing care and 65 units of assisting living, the Project now proposes 44 units as part of a community care facility, and 46 units of assisting living, on 9.11 acres. The additional voluntary land donation of 10.64 acres and payment of \$50,000 “to be used for conservation studies and/or other conservation activities at the discretion of CNPS,” in the event that the project is approved and unchallenged, remains the same, however.

**E. Discretionary Approvals**

Project approval requires the County, as lead agency under CEQA, as well as certain “responsible agencies” to take various planning and regulatory actions to approve the overall project. Described below are discretionary actions necessary to carry out the project. In addition to the County’s certification of the Final EIR and adoption of these Findings and Mitigation Monitoring and Reporting Program (CEQA requirements), the following discretionary actions and approvals are anticipated:

Required Permits and Approvals	
Agency	Permit/Approval
El Dorado County Community Development Agency	General Plan Amendment Zone Change Tentative Map Development Plan Construction Drawings and associated permits Final Subdivision Maps Building Permits Grading Permits
El Dorado County Air Quality Management District	Fugitive Dust Control Plan
El Dorado Irrigation District	Approval of utility connections/improvements
Cameron Park Fire Department	Wildland Fire Safety Plan Approval of Road and Utility Improvements
El Dorado County Resources Conservation District	Erosion Control Plan
Central Valley Regional Water Quality Control Board	Stormwater Pollution Prevention Plan
Source: Dudek 2017	

### III. ENVIRONMENTAL REVIEW PROCESS

In accordance with section 15082 of the CEQA Guidelines, El Dorado County prepared and distributed an NOP for this EIR on August 15, 2015. The NOP provided a brief description of the project, a map of the project location, and an overview of the environmental review process. The purpose of the NOP was to provide notification that an EIR for the project would be prepared and to solicit guidance on the scope and content of the document. The NOP invited all interested parties to provide comments during a 30-day period. The NOP was mailed to several individuals and organizations, including property owners and/or residents within the vicinity of the project site. The NOP was also filed with the State Clearinghouse and County Recorder-Clerk's Office, and was posted on El Dorado County's website. A public notice announcing NOP availability and scoping meeting was posted in the Mountain Democrat newspaper on August 15, 2015.

The public scoping meeting was held on August 26, 2015 at the County offices. Responsible agencies and members of the public were invited to provide input on the scope of the EIR. The comments received on the NOP and at the scoping meeting were addressed, as applicable, in each technical section of the Draft EIR. Appendix A of the Draft EIR contains a copy of the NOP and comment letters received on the NOP.

The EIR includes an analysis of the following issue areas:

- ▲ Aesthetics
- ▲ Air Quality
- ▲ Biological Resources
- ▲ Greenhouse Gas Emissions
- ▲ Land Use/Planning
- ▲ Noise
- ▲ Transportation and Circulation

On January 17, 2017, the Draft EIR was released for a 45-day public review and comment period that ended on March 3, 2017 (this public review period is consistent with the review period set forth in Section 15105 of the CEQA Guidelines). The Draft EIR was submitted to the State Clearinghouse, posted on the County's website (<http://edcapps.edcgov.us/Planning/ProjectInquiry.asp>), and made available at the Community Development Agency and three libraries (Cameron Park, Placerville, and El Dorado Hills). A public notice announcing the availability of the EIR was posted in the Mountain Democrat newspaper on January 16, 2017. In addition, the Draft EIR was distributed directly to public agencies (including potential responsible and trustee agencies), interested parties, and organizations.

On [REDACTED], 2017, the County released the Final EIR for the project. The Final EIR includes comments on the Draft EIR, responses to those comments, revisions to the text of the Draft EIR, and other information required by CEQA. The County distributed copies of the Final EIR to public agencies submitting comments on the Draft EIR, as required by Public Resources Code section 21092.5.

On [REDACTED], 2017, the El Dorado County Planning Commission held a duly noticed public hearing to consider the Final EIR and the project. After receiving and considering public comment, the Planning Commission recommended the Board of Supervisors approve the Saratoga Estates Project and certify the Final EIR.

On [REDACTED], 2017, the Board of Supervisors held a duly noticed public hearing to consider the Final EIR and the project. The Board received public comment, and concluded the public hearing. The Board of Supervisors has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the County's planning consultants, and by staff, and after receiving and considering public comment, makes the findings set forth herein.

#### **IV. RECORD OF PROCEEDINGS**

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the County's decision on the project includes the following documents:

- ▲ The NOP and all other public notices issued by the County in conjunction with the project;
- ▲ All comments submitted by agencies or members of the public during the comment period on the NOP;
- ▲ The Draft EIR for the project (January 2017) and all appendices;
- ▲ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- ▲ The Final EIR for the project, including comments received on the Draft EIR, and responses to those comments and appendices ([REDACTED] 2017);
- ▲ Documents cited or referenced in the Final EIR;
- ▲ The Mitigation Monitoring and Reporting Program for the project;
- ▲ All findings and resolutions adopted by the Planning Commission or the Board of Supervisors in connection with the project and all documents cited or referred to therein;
- ▲ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, as well as responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the project;
- ▲ All documents submitted to the County by other public agencies or members of the public in connection with the project, up through the close of the Board's public hearing on [REDACTED], 2017;
- ▲ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;
- ▲ Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;

- ▲ The El Dorado County General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
- ▲ The El Dorado County Zoning Ordinance and all other applicable County Code provisions cited in materials prepared by or submitted to the County;
- ▲ Any and all resolutions adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▲ Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- ▲ Any documents expressly cited in these findings, in addition to those cited above; and
- ▲ Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The County has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the County. Without exception, any documents set forth above not so presented fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the County was aware in approving the project. Other documents influenced the expert advice provided to Planning Department staff or consultants, who then provided advice to the Board of Supervisors. For that reason, such documents form part of the underlying factual basis for the County's decisions relating to the adoption of the project.

The record of proceedings does not include documents or other materials subject to the attorney/client privilege, the common-interest doctrine, the deliberative process privilege, or other privileges recognized by statute or common law. Administrative draft documents that were prepared at the County's direction, but were not provided to the public or other agencies, and intra-County communications with respect to such administrative draft documents, are not part of the record of proceedings; rather, such documents reflect the County's deliberative process, and reflect initial drafts of documents that later appeared in final form in the record of proceedings. Because these initial working drafts do not reflect the final evidence and analysis relied upon by the County, they are not part of the record of proceedings. In adopting these findings, the County does not waive its right to assert applicable privileges.

The public hearing transcript, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR, as well as additional materials concerning approval of the project and adoption of these findings are contained in County files, and are available for review by responsible agencies and interested members of the public during normal business hours at El Dorado County. The custodian of these documents is the El Dorado County Development Services Division Director. The documents are located at the El Dorado County Community Development Agency, 2850 Fairlane Court, Placerville, CA 95667. All files have been available to the County and the public for review in considering these findings and whether to approve the project.



## V. FINDINGS REQUIRED UNDER CEQA

The California Environmental Quality Act, Public Resources Code §§21000 et seq. and the regulations implementing that statute, Cal. Code Regs. tit. 14, §§15000 et seq. (the “CEQA Guidelines”) (collectively, the act and the CEQA Guidelines are referred to as “CEQA”) require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, §21081, subd. (a); CEQA Guidelines, §15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, §21081, subd (a); see also CEQA Guidelines, §15091, subd. (a).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417 (*City of Del Mar*).) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [after weighing “‘economic, environmental, social, and technological factors’ ... ‘an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground’”].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§15093, 15043, subd. (b); see also Pub. Resources Code, §21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II, supra*, 52 Cal.3d at p. 576.)

In making these findings and the determination regarding the project Approvals, the Board of Supervisors recognizes that the project implicates a number of controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board of Supervisors has acquired an understanding of the range of this technical and scientific opinion by its review of the EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters and reports regarding the Final EIR and the merits of the project. The Board of Supervisors has independently reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the County's planning consultants, and by staff, addressing these comments. In particular, the Board of Supervisors has considered the alternatives presented in the EIR, as well as the proposed comments submitted by various commenters and the responses of the EIR preparers and staff to those comments. The Board of Supervisors has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, that understanding has enabled the Board of Supervisors to make its decisions after weighing and considering the various viewpoints on these important issues. Accordingly, the Board of Supervisors certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

These findings constitute the Board of Supervisors' best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These findings are not merely informational, but rather constitute a binding set of obligations that come into effect with the County's approval of the project. In particular, in adopting these findings, the County commits itself to ensure the implementation of the mitigation measures approved in these findings.

The Board of Supervisors is adopting these findings for the entirety of the actions described in these findings and in the Final EIR. Although the findings below identify specific pages within the Draft and Final EIR in support of various conclusions reached below, the Board of Supervisors incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned.

As noted, the Final EIR is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse impacts.

In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted below, such a mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Section VI does not accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control, unless the language of the policies and implementation measures has been specifically and expressly modified by these findings. Where the language of such measures differs between the Final EIR and these findings, the more stringent language shall control. The Board of Supervisors provides this direction in order to ensure that any such discrepancy shall be regarded as inadvertent, and shall not be regarded as an effort by the Board of Supervisors to undermine its commitment to adopt mitigation measures as necessary to avoid or substantially lessen significant environmental effects of the project.

More generally, to the extent there are any inconsistencies in the mitigation measures identified in these findings, in Attachment A, or in the MMRP, any such inconsistencies are inadvertent and unintentional. The County intends that, in the event of such inconsistencies, such inconsistency shall be reconciled in the manner that affords the greatest possible protection to the environment, in a manner consistent with the specific terms of the mitigation measures as adopted. In the event there are any future uncertainties or disputes regarding the nature, scope or feasibility of the adopted mitigation measures, the Board of Supervisors directs staff to return to the Board of Supervisors, at a properly noticed public hearing, to consider any such uncertainties or disputes. The Board of Supervisors intends that, in the event such a hearing is necessary, the public and other agencies will have an opportunity to review and comment on the manner in which such measures are implemented, and the Board of Supervisor's resolution of such issues occurs in a manner that allows the public to understand the basis for the Board of Supervisor's decision.

These findings provide the written analysis and conclusions of the Board of Supervisors regarding the environmental impacts of the project and the mitigation measures included as part of the Final EIR and adopted by the Board of Supervisors as part of the project. To avoid duplication and redundancy, and because the Board of Supervisors agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not always repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference herein and relied upon them as substantial evidence supporting these findings.

In making these findings, the Board of Supervisors has considered the opinions of other agencies and members of the public. The Board of Supervisors finds that the determination of significance thresholds is a judgment decision within the discretion of the Board of Supervisors; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and County staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the project. Thus, although, as a legal matter, the Board of Supervisors is not bound by the significance determinations in the EIR (see Pub. Resources Code, §21082.2, subd. (e)), except as expressly set forth in these findings, the Board of Supervisors finds these significance thresholds persuasive and hereby adopts them as its own.

Section VI of these findings summarizes the environmental determinations of the Final EIR and project's potentially significant impacts before and after mitigation. Section VI does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Section VI provides a summary description of each impact, sets forth the mitigation measures identified to reduce or avoid the impact, and states the Board of Supervisors' findings on the significance of each impact after imposition of the adopted provisions and the recommended mitigation measures for the Saratoga Estates Project.

A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination regarding the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board of Supervisors ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

Because the EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of the CEQA presented above, the County hereby adopts these findings as part of the approval of the Ponte Palmero Project. These findings constitute the County's best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the County's approval of the project.

## **VI. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Draft EIR identified a few significant and potentially significant environmental effects (or impacts) that the project will cause or contribute to. These significant effects can be avoided or substantially lessened through the adoption of feasible mitigation measures. The Board of Supervisors' findings with respect to the project's significant effects and mitigation measures are set forth in the table appearing at Attachment A to these findings. The findings set forth in the table are adopted and incorporated by reference.

The table in Attachment A does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the table provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the Board of Supervisors, and states the Board of Supervisors' findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR, or elsewhere in the record of proceedings, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR's determinations regarding the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board of Supervisors ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EIR, the Final EIR, or elsewhere in the record, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Board of Supervisors has adopted all of the mitigation measures identified in the table. Some of the measures identified in the table are also within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board of Supervisors finds those agencies can and should implement those measures within their jurisdiction and control.

Some of the comments on the Draft EIR suggested additional mitigation measures and/or modifications to the measures recommended in the Draft EIR. In considering specific recommendations from commenters, the County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The County recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's view, reduce the severity of environmental effects.

The County is also cognizant, however, that the mitigation measures recommended in the Draft EIR represent the professional judgment and experience of the County's expert staff and environmental consultants. The County therefore believes that these recommendations should not be lightly altered. Thus, in considering commenters' suggested changes or additions to the mitigation measures as set forth in the Draft EIR, the County, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others: (i) whether the suggestion relates to a significant and unavoidable environmental effect of the project, or instead relates to an effect that can already be mitigated to less-than-significant levels by proposed mitigation measures in the Draft EIR; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; (vi) whether the proposed language is consistent with the project objectives; and (vii) whether the suggestions may result in other impacts that are more severe than the impacts that the suggestions are designed to address, such that on the whole the suggestions do not reflect an improvement over those measures identified in the EIR.

As is evident from the specific responses given to specific suggestions, County staff and consultants spent significant time carefully considering and weighing proposed mitigation language. In no instance did the County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

For this project, the following impacts were identified as significant and unavoidable. That is, these impacts remain significant, despite the incorporation of all feasible mitigation measures to substantially lessen or avoid these impacts:

**Biological Resources, Impact 4.3-5:** Cumulatively considerable contribution to the loss of special-status plants and their habitat, and animals, natural communities and wildlife corridors.

Implementation of the proposed project would contribute to the urbanization and fragmentation of gabbro-soil habitat which supports rare, threatened and endangered plant species within the County. Specifically, the project site contains habitat for special-status plant species and other protected resources such as gabbro soil formation that supports California chaparral vegetation communities that would be lost with implementation of the project. The project's contribution to the existing cumulative impact would be considerable resulting in a significant and unavoidable impact.

**Noise, Impact 4.6-1:** The proposed project would expose people to construction noise levels in excess of standards established in the County's general plan.

The eastern edge of the project site is located approximately 270-feet from the existing adjacent Cameron Park Congregate Care facility. Based upon this distance, and including mitigation construction noise would still exceed the County's maximum exterior noise level standard of 55 dBA  $L_{eq}$ . This is considered a significant and unavoidable impact.

## VII. MITIGATION MONITORING AND REPORTING PROGRAM

The County has prepared a Mitigation Monitoring and Reporting Program (MMRP) for the project. A copy of the MMRP is included in the Final EIR. The County, in adopting these findings, also approves the MMRP. The County will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is attached to and incorporated into the project and is approved in conjunction with certification of the EIR and adoption of these Findings of Fact. In the event of any conflict between these findings and the MMRP with respect to the requirements of an adopted mitigation measure, the more stringent measure shall control, and shall be incorporated automatically into both the findings and the MMRP.

## VIII. PROJECT ALTERNATIVES

### A. Findings Regarding Project Alternatives

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives for the project.

All of the environmental impacts associated with the project may be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of the following impacts:

- ▲ Biological Resources, Impact 4.3-5: Cumulatively considerable contribution to the loss of special-status plants and their habitat, and animals, natural communities and wildlife corridors.
- ▲ Noise, Impact 4.6-1: Construction noise impacts. Project construction could temporarily expose existing sensitive receptors to excess noise levels.

The Board of Supervisors' goal in evaluating the project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the project's significant and unavoidable impacts. (Draft EIR, p. 6-1) The project objectives are stated above under Section II and in the Draft EIR on pages 3-9/10 and 6-2/3.

The Draft EIR discussed several alternatives to the project in order to present a reasonable range of options. To meet CEQA requirements for the consideration of alternatives, the EIR evaluates the potential impacts of the project, and four alternatives (including two No Project Alternatives: No Project/No Development Alternative; and No Project/Existing Zoning Alternative).

To be suitable for consideration in the EIR, alternatives must be "potentially" feasible and "attain most of the basic objectives of the project." (CEQA Guidelines, §15126.6, subd. (a).) The alternatives analyzed in detail in the EIR are:

- ▲ Alternative 1: No Project/No Development
- ▲ Alternative 2: No Project/Existing Zoning
- ▲ Alternative 3: Reduced Site Layout
- ▲ Alternative 4: Reduced Density

The Board of Supervisors finds that that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the project and could feasibly obtain the basic objectives of the project, even when the alternatives might impede the attainment of the project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The Board of Supervisors also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the project. (See Draft EIR, pp. 6-1 to 6-17.)

### **Alternatives Analyzed in the Draft EIR and Final EIR**

The goal for developing alternatives was to identify other means to attain the project objectives while further reducing the environmental impacts caused by the project. The EIR analyzed the proposed project, and Alternatives 1 through 4. The EIR contains a detailed analysis of the impacts of each of these alternatives. The Board of Supervisors hereby incorporates by reference this analysis. Table 6-2 in the Draft EIR summarizes the EIR's conclusions concerning the impacts of each alternative relative to the proposed project (Draft EIR, pp. 6-15 to 6-17).

Based on this analysis, the Board of Supervisors adopts the following findings with respect to each alternative.

These findings focus on whether the alternatives are, in fact, feasible, and attain the project objectives. These findings are therefore distinct from the information in the Draft EIR, in which alternatives are considered if they are merely "potentially feasible," and attain "most" of the project objectives. Under CEQA, these two inquiries are related, but distinct. In adopting these findings, the Board has considered the information in the EIR, as well as other information in the record, to determine whether each alternative is feasible, and/or meets the project objectives.

### **Alternative 1: No Project/No Development**

Under the No Project/No Development Alternative, no action would be taken and the site would remain unchanged from current conditions, that is, undeveloped land.

## **Findings Based on Environmental and General Plan Considerations**

The No Project/No Development Alternative would avoid both of the project's significant and unavoidable impacts, and overall, the impacts would be less than those that would occur with the project. However, because the No Project/No Development Alternative would not develop the site with a comprehensive senior living facility, consistent with the vision and objectives of the County's General Plan Housing Element; including by allowing a facility with sufficient size and diversity of senior care services to serve the County's growing senior population while being economically sustainable; nor would develop a senior living facility that compliments the existing mix of senior living options and services available in the County by providing additional levels of care. This alternative would not be consistent with the County's General Plan Housing Element.

## **Findings Based on Feasibility/Ability to Meet Project Objectives**

Under Alternative 1: No Project/No Development, the Ponte Palmero Project would not be approved, and no development would occur on the site. By eliminating any site disturbance and construction this would avoid the project's significant and unavoidable impacts, and lessen the impacts overall. However, as discussed on page 6-6 of the Draft EIR, the No Project/No Development Alternative would not meet any of the project objectives, including (but not limited to) the fundamental objective of developing a senior facility that provides additional levels of care and developing a senior living facility that meets the vision and objectives of the County's Housing Element.

Because Alternative 1 would not meet most of the basic project objectives, the Board rejects Alternative 1.

## **Alternative 2: No Project/Existing Zoning**

The No Project/Existing Zoning Alternative assumes that the approximately 20-acre project site would ultimately be developed consistent with currently allowable land uses, zoning, and maximum development intensities. The project site is designated in the County's General Plan for Multi-family (MFR) and High Density Residential (HDR) uses. The site is zoned Community Commercial-Planned Development (CC-PD +/- 1 acre), Single Unit Residential-Planned Development (R1-PD +/- .5 acre), and Multi-Unit Residential-Planned Development (RM-PD +/- 18 acres). The County allows for densities of 5 to 24 dwelling units per acre, but to ensure MFR land use is appropriately used, the County seeks to achieve MFR development at the middle to upper range of densities allowed. Based on the size of the parcel a total of 180 to 216 du (midrange of 10 to 12 dwelling units per acre) could be developed. It is assumed the 10.76 acres proposed as open space under the proposed project dedicated to preserving the Pine Hill Preserve plants would not be preserved and would be developed, consistent with the underlying zoning.

## **Findings Based on Environmental Considerations**

The No Project/Existing Zoning Alternative would develop the site consistent with the County's land use designation and underlying zoning which allows multi-family residential and high-density residential. It is assumed a total of 216 dwelling units could be developed. Impacts under this Alternative would be greater because 126 additional units would be developed, the population would increase by an additional 415 people, and approximately 10 additional acres would be developed that were designated open space under the proposed project. Construction-related air emissions (particulate matter less than 10 microns (PM<sub>10</sub>), reactive organic gases (ROG), and NO<sub>x</sub>) would be greater. More grading would be required because an additional 10 acres of the project site would be cleared and developed under this alternative. The level of PM<sub>10</sub>, NO<sub>x</sub> and ROG emissions would be greater, in addition to an increase in land disturbance and



vegetation removal of protected plant species. Construction-related noise would also be increased under this alternative.

### **Findings Based on Feasibility/Ability to Meet Project Objectives**

Under Alternative 2: No Project/Existing Zoning, most of the project objectives would not be met. Under this alternative, it would not be consistent with the policies contained in the County's Housing Element supporting development of more senior living alternatives, nor would it provide for development of a senior living facility that compliments the existing mix of senior living options available and provides for a diversity of senior care services. Because this alternative would have a larger footprint it would also not preserve gabbro soil plant species and provide a compact development that minimizes the overall project footprint.

Because Alternative 2 would not meet most of the basic project objectives, the Board rejects Alternative 2.

### **Alternative 3: Revised Site Layout Alternative**

The Revised Site Layout Alternative assumes the Assisted Living and Community Care components would be combined into one building, the Assisted Living building. The footprint of this building would not change and the need to provide a secondary access connection to Valero Drive would not change. The club house would still be constructed as part of this alternative. The inclusion of the Community Care facilities into the Assisted Living building would necessitate construction of a minimum four-story building, which would be two stories higher than the proposed project. The building would be approximately 100,000 square feet. The same uses would be accommodated in the new building and the number of assisted living and community care units would not change. The same number of parking spaces would still be required. Combining the uses into one building would disturb a smaller area of the project site. This portion of the site would be left in undeveloped open space, which would aid in the preservation of the federally protected special-status plant species; Pine Hill ceanothus and Stebbins morning glory.

### **Finding Based on Environmental Considerations**

Under the Revised Site Layout Alternative, impacts would be similar to those of the proposed project but less intense because the approximately 50,500 sf Community Care Facility would not be developed. Impacts associated with site disturbance would be less severe than the proposed project because this alternative would have a smaller footprint and would develop less impervious surface area compared to the proposed project. However, the Assisted Living Building would increase to four stories in height which would change the visual character of the area and may not fit within the existing mass and scale of the surrounding neighborhood.

In addition, views from cars driving on Ponte Marino Drive and on roads along the backside of the adjacent Congregate Care Center would change with a taller building. Overall, the Revised Site Layout Alternative would result in less impact than the proposed project.

## **Feasibility/Ability to Meet Project Objectives**

The Revised Site Layout Alternative would generally meet all of the project objectives. However, it would not meet the desire to develop a walkable development for residents and guests. Combining everything into one building would not encourage residents to walk between buildings on the site. It would create a more internal living environment that may not be conducive to residents getting outside to walk between buildings and is therefore less desirable than the proposed project.

The Board rejects the Revises Site Layout Alternative as infeasible because it would result in the construction of a 4-story building and would not fit within the scale of development in this area of Cameron Park.

## **Alternative 4: Reduced Density Alternative**

The Reduced Density Alternative assumes the proposed project would be developed on the same site, but would not include the 11,450 sf clubhouse resulting in a smaller project footprint. Based on the County's parking requirements the number of parking spaces would not change with the removal of the clubhouse. The location, height and design of the Assisted Living and Community Care buildings would not change under this alternative. This alternative would address construction noise by removing the building located closest to the Cameron Park Congregate Care project residents.

## **Finding Based on Environmental Considerations**

Because this Alternative would not construct the clubhouse building, which is located closest to the existing Congregate Care facility short-term construction noise would be slightly reduced compared to the proposed project. Impacts under the Reduced Density Alternative would be similar to those of the proposed project, but less intense because it would develop a smaller project footprint, generate a small reduction in vehicle trips, and decrease air emissions and construction noise. Impacts associated with site disturbance would be slightly less because an area slightly smaller than 9.11 acres would be disturbed associated with site clearing, grading and construction of a new building. However, given that the Clubhouse is located in the eastern portion of the site closest to Ponte Palmero Drive it is anticipated this area may be used for construction staging resulting in a short-term disturbance. Overall, this alternative would result in fewer impacts than the proposed project.

## **Findings Based on Feasibility/Ability to Meet Project Objectives**

The Reduced Density Alternative would be consistent with the El Dorado County General Plan. The Reduced Density Alternative would generally meet most of the project objectives with the exception of including a clubhouse with amenities and activity programs. This alternative will not include the Clubhouse so it does not fully meet this objective.

CEQA Guidelines section 15126.6(e)(2) states that when the no project alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. The Reduced Density Alternative would be considered environmentally superior. (Draft EIR, p. 6-14)

Although the EIR identifies the Reduced Density Alternative as the environmentally superior alternative (next to the No Project/No Development Alternative), this alternative would not avoid the significant cumulative biological impacts associated with the proposed project. The Board rejects the Reduced Density Alternative due to the fact that this alternative does not avoid the significant biological and noise impacts associated with the proposed project.

## **Other Alternatives**

CEQA Guidelines Section 15126.6(c) provides the following guidance in selecting a range of reasonable alternatives for the project. The range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project, and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1167.)

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a).

Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision making body. (See Pub. Resources Code, §21081(a)(3).) At the time of action on the project, the decision making body may consider evidence beyond that found in the EIR in addressing such determinations. The decision making body, for example, may conclude that a particular alternative is infeasible (i.e., undesirable) from a policy standpoint, and may reject an alternative on that ground provided that the decision-making body adopts a finding, supported by substantial evidence, to that effect, and provided that such a finding reflects a reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998.)

The EIR should also identify any alternatives that were considered by the lead agency, but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination. The Board adopts the following findings with respect to these alternatives.

### **Off-site Alternative**

The possibility of an off-site location was considered as an alternative to the proposed project; however, the applicant does not currently hold vacant property that could be feasibly developed with a project that would meet the primary project objectives. It is also noted that due to the proximity to the adjacent Congregate Care facility and the interconnectedness of various services and facilities. There are no other feasible sites in the immediate project vicinity that could accommodate the project and maintain connectivity with the adjacent facility. For these reasons, the off-site alternative was dismissed from detailed evaluation and is rejected by the Board.

### **Redesigned Grading Alternative**

One commenter recommended that the County consider requiring the project to be redesigned to reduce the amount of grading in the southern portion of Parcel 2. Specifically, CDFW proposed that the site plan be revised to "reduce the grading limit in the southern portion of Parcel 2" to, in CDFW's view, allow greater conservation of the ceanothus plant population to the south, allow greater connectivity to the proposed open space in the smaller mitigation area, and reduce the urban wildlands edge effects on the Cameron Park Village mitigation site to the south of the project site. CDFW did not quantify the amount of the area to be graded it believes should be reduced.

Reduction in grading limits, including in the southern portion of Parcel 2, is not necessary to mitigate impacts and would be infeasible. The site plan has already been revised and condensed after numerous early conversations and meetings between the County, applicant and CNPS representatives regarding where, exactly, the proposed donation of the 10.64 acres would be located. Specifically, the proposed

project was revised to eliminate skilled nursing facility beds in order to propose a more compact project and developable footprint. Given these prior changes in the project design, the relatively constrained nature of the site, and existing geographic constraints, further reducing the grading limits of the project site while retaining a fiscally viable project is not feasible.

There is also no opportunity to further reduce grading while meeting most of the project objectives because the site is, and would be, surrounded by retaining walls. The grading and drainage plan in the Draft EIR (Figure 3-11, p. 3-27), for example, illustrates the retaining walls surrounding nearly the entire project footprint. Retaining walls are an engineering method that may be used to minimize a grading footprint by largely eliminating the need for engineered slopes. Retaining walls are already adjacent to existing structures and parking areas in other development throughout the County. Part of the purpose of these retaining walls is to minimize project grading in order to maximize retention of the chaparral habitat. It is therefore infeasible under these circumstances to reduce the grading limit of the project site, including the southern portion of Parcel 2, as was suggested by the commenter and the Board finds the suggested redesign infeasible.

### **Environmentally Superior Alternative**

CEQA Guidelines Section 15126.6 states that an EIR should identify an environmentally superior alternative among the other alternatives when the no project alternative is environmentally superior. Chapter 6 of the Draft EIR provides a comparison of the environmental effects of the alternatives in relation to the proposed project to assist in identifying the environmentally superior alternative.

As discussed above, the Reduced Density Alternative is considered the Environmentally Superior Alternative because it would result in a reduction in the degree of project-related impacts for most of the environmental issues and would lessen the significant project impacts associated with biological resources and noise.

CEQA Guidelines Section 15126.6(e)(2) states that when the no project alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. As discussed above, the No Project/No Development Alternative would not meet any of the project objectives. The Reduced Density Alternative would be considered environmentally superior.

As discussed above, the Board rejects the Reduced Density Alternative based due to the fact that this alternative does not avoid the significant biological and noise impacts associated with the proposed project. The Board also rejects the Reduced Density Alternative based on uncertainty regarding whether that potential future development would align with project objectives, related to constructing a facility that includes a diversity of senior care services and provides residents with a club house that provides amenities and activity programs.

## IX. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable. CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record.

The County of El Dorado has made a reasonable good faith effort to eliminate or substantially mitigate the environmental impacts resulting from the proposed project. The County recognizes, however, that even with implementation of all feasible mitigation measures, the project will have significant and unavoidable impacts. In particular, the proposed project would result in a significant unavoidable cumulative biological impact related to the fragmentation and loss of habitat within the County. The project site contains habitat for special-status plant species and other protected resources such as gabbro soil formation that supports California chaparral vegetation communities that would be lost with implementation of the project. A significant and unavoidable impact related to noise generated by project construction would remain after mitigation is incorporated. These significant unavoidable impacts are identified and discussed in Section 6 of these Findings and in the table included as Attachment A. The County further specifically finds that these significant unavoidable impacts are outweighed by the proposed project's benefits and constitutes an overriding consideration warranting approval of the proposed project.

The County of El Dorado finds that any one of the benefits set forth below is sufficient by itself to warrant approval of the proposed project, and justify the unavoidable adverse environmental impacts from the project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, pursuant to CEQA Section 21081 and CEQA Guideline Section 15093, the County of El Dorado adopts this Statement of Overriding Considerations, for the following reasons:

### A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As discussed in the Findings above, the project will result in the following significant and unavoidable impacts, even with implementation of all feasible mitigation:

**Impact [4.3]–[5]: Biological Resources.** Cumulatively considerable contribution to the loss of the special-status plants and their habitat, and animals, natural communities and wildlife corridors.

**Impact [4.6]–[1]: Noise.** The proposed project would exposes people to construction noise level in excess of standards established in the County's general plan.

### B. OVERRIDING CONSIDERATIONS

#### 1. **Social and Recreational Benefits**

The proposed project provides social and recreational benefits, for Ponte Palmero residents, their guests, and the El Dorado County community.

##### i. **Senior Housing and Recreation**

The project would provide the significant social and recreational benefits of creating necessary housing, support services, and recreational opportunities to vulnerable seniors, a critically underserved, and rapidly increasing population in California and El Dorado County.

The California Legislature has projected that the state's senior population (adults aged 65 and older) will increase from approximately 5 million (as of 2015) to 12 million by 2060. (Legislative Analyst's Report, A Long-Term Outlook: Disability Among California's Seniors (2016), p. 8 (LAO Report), a true and correct copy of which is included in the record of proceedings supporting these Findings and Statement of Overriding Considerations. By 2060, nearly one quarter of all California residents will be senior citizens. (*Id.* at p. 8). Seniors are significant users of Long Term Service Support, (LTSS), "defined broadly as services and supports provided to the disabled ... who have difficulty performing daily activities." (*Id.* at p. p. 5.) In this context, "disabled" includes individuals who experience one or more limitations in activities of daily living ("ADLs.") The population of seniors requiring such services is expected increase by 160%, even more rapidly than the population of seniors overall. (*Id.* at pp. 10-11.)

Despite the tremendous need for housing for this population segment, nationally, there is only one unit of housing available for every 26 senior Americans (Steve Pociask, *California's Senior Housing Shortage Must Be Addressed*, San Bernardino County Sun (June 22, 2016) (Pociask Article), a true and correct copy of which is included in the record of proceedings supporting these Findings and Statement of Overriding Considerations. California lags behind other states in providing housing, with a housing penetration rate that is less than half the national average. (*Id.*) Six of the ten lowest metropolitan areas in the United States for senior housing penetration are in California. (*Id.*) Underscoring the need for senior housing that provides LTSS, ADL seniors in California live nearly a year longer compared to ADL seniors elsewhere the United States. (LAO Report, p. 15.)

The senior population of El Dorado County is also expected to increase. According the 2010 U.S. Census, and as cited in the El Dorado County General Plan, Housing Element (2013-2021), the unincorporated portion of the County's senior population increased 30% from 2000. (El Dorado County General Plan Housing Element (2013-2021) ("Housing Element"), p. 4-18, a true and correct copy of which is included in the record of proceedings supporting these Findings and Statement of Overriding Considerations. While some seniors prefer live in single-family homes, others need smaller accommodations with less upkeep, including apartments, condominiums, and townhomes. (*Id.* at p. 4-18.) However, just 15% of the housing stock in El Dorado County are smaller alternative accommodations. (*Id.* at p. 4-18.) The Housing Element recognizes this gap between the need for appropriate senior housing and its availability. Goal HO-4 recognizes the need to "meet the housing needs of special groups of county residents, including the growing senior population" and Policy HO-4.1 encourages the development of congregate care facilities to meet that goal. (*Id.* at p. 4-79.) Congregate care facilities ("CCFs") are licensed facilities that provide "24-hour non-medical residential care to ... adults with developmental disabilities who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living." (State of California, Department of Developmental Services, *Community Care Facilities* (June 8, 2015), <http://www.dds.ca.gov/LivingArrang/CCF.cfm>, a true and correct copy of is included in the record of proceedings supporting these Findings and Statement of Overriding Considerations.

Ponte Palmero is a retirement village that provides two tiers of housing and care services to its residents. The first tier is a 44-unit CCF. The second tier is a 46-unit assisted living facility ("ALF.") ALFs are designed for those who need additional assistance in performing the activities of daily living. Ponte Palmero will provide housekeeping, three meals a day served in the dining room, shuttle services, daily reminders, and personal care services, on as-needed or requested basis in the ALF units. (See Ponte Palmero, *Assisted Living*, [http://www.pontepalmero.com/assisted\\_living/](http://www.pontepalmero.com/assisted_living/), [as of Mar. 29, 2017], a true and correct copy of which is included in the record of proceedings supporting these Findings and Statement of Overriding Considerations.)

In addition to housing and LTSS services, the open space design of the project and club house provide recreational and fitness opportunities to residents and visitors. Eleven (11) acres of open space available to residents and guests providing opportunities for passive recreational activities, such as walking and hiking. The project on-site club house will hold recreational, educational, and fitness activities for residents and visitors. (Findings, p. 4.)

**ii. Benefits to El Dorado County Services for Seniors**

The County currently provides a number of services for seniors. (See generally, El Dorado County, Health & Human Services Agency, *El Dorado County Western Slope Health & Human Services Agency Senior Community Resource Guide* (2013), a true and correct copy of which is included in the record of proceedings supporting these Findings and Statement of Overriding Considerations.) Ponte Palmero will support these programs in several ways. The project applicants intend to partner with the County to use Project facilities, including the on-site club house, for events that will be open to, or otherwise benefit, the County community including: inviting experts to speak on topics relevant to seniors (such as health and estate planning); collecting for the County’s senior food bank; and hosting Alzheimer support groups, quarterly lunches with the Community Service District, and events in conjunction with the Veteran’s Administration.

**2. Economic Benefits and Job Creation**

At build-out, the project is projected to generate positive fiscal impacts to the County’s operating funds. The annual revenue generated by the project from various taxes, licenses, and permits is estimated to exceed the costs of services the County will provide.

At build-out, the project is estimated to employ 42 full-time salaried employees, 15 part-time employees, and 15–20 outside vendors. Employees include skilled workers, licensed professionals, and others. Residents and visitors of the project will also contribute to County revenue through the patronization of local businesses and services by project employees, residents, and visitors, including but not limited to: local restaurants, hotels, banks, grocery stores, veterinarians, gas stations, museums, and entertainment venues. The project will provide shuttle services to local shopping destinations for residents.

**3. Environmental Benefits**

A fundamental objective of El Dorado County’s General Plan is to direct intensive development to the identified Community Regions and Rural Centers. By directing growth to the Community Regions and Rural Centers, the General Plan helps protect the County’s agricultural lands, open space, and natural resources. The project site is entirely within the urban limit line of the El Dorado Hills Community Region; the residential development proposed by the project furthers the County’s vision of compact growth, which in turn, protects the County’s important agricultural and natural resources located outside of the Community Regions and Rural Centers.

The project has been designed to avoid and substantially minimize environmental impacts, specifically to protected plant species. Approximately 10.76 acres of open space are included in the proposed project and proposed to be dedicated to the Pine Hill Preserve to be preserved in perpetuity for these rare plant species, as discussed below. The project site is not designated prime farmland, unique farmland, or farmland of statewide importance, and the project site is not identified as “choice agricultural land” in the County’s General Plan.

Through the Settlement Agreement, the parties agreed that if the County approved a Phase Two of the project, without additional litigation filed, the applicant would dedicate an additional 10.24 acres of land, estimated to be worth approximately \$850,000.00, to the Pine Hill Preserve and make a one-time \$50,000 payment to the California Native Plant Society (CNPS) to be used for conservation studies and activities. Prior to approval of the Project, the 10.64 acres were zoned to permit development as Multifamily Residential Housing (MFR) and High-Density Residential (HDR). By dedicating the additional land in fee title to the Pine Hill Preserve, the land will remain as open space for preservation of the endemic protected plants in perpetuity; thus making a significant financial contribution to the preservation of native plant species. The donation will therefore confer a significant regional environmental benefit by continuing to ensure the survival of the rare Pine Hill plant species by preserving a significant amount of endemic soil habitat (at over a 1:1 ratio), in addition to the voluntary payment of \$50,000 for additional studies and conservation efforts, and restoration of Parcel 4.

The Housing Element's Goal HO-5 also recognizes the need to increase the energy and water efficiency for both new and existing homes. (Housing Element, Attachment D, p. 4-79). The Applicant's project supports this goal in its operations and landscaping. The project features a number of energy efficient and sustainable building practices. The buildings will have continuous insulation, to minimize thermal bridging (heat escape), dual pane windows, high efficiency HVAC units in the common areas, and individually controlled air conditioned units in the private residential units (to decrease the delivery of more HVAC than is required), LED lighting with occupancy sensors, low flow plumbing fixtures, and low volatile organic chemical (VOC) finish materials, in compliance with the Air District's rules regarding architectural coatings. Fireplaces will conform to EPA standards and utilize natural gas or propane. (EIR Project Description. pp. 3-5).

Lastly, water efficiency gains would be actualized through the use of drought-tolerant, low-water usage plants, in compliance with California Code of Regulations, Chapter 2.7 Model Water Efficient Landscape Ordinance. The applicant will secure all necessary approvals for the landscaping and irrigation plans from County's Water Agency. The landscaping is designed to maximize drought-tolerant, low-water plants. (EIR, p. 3-17.) Furthermore, several California native plants will be used and featured, including the California lilac (ceanothus), California Buckwheat (*erigonum parvifolium*), manzanita, and rock rose, (EIR, p. 3-17.) The project therefore includes conservation benefits to the extent feasible.

#### **4. Policy**

The proposed project implements and furthers important plans and policies adopted and endorsed by the County. Development of the proposed residential and open space uses is endorsed by the El Dorado County General Plan as a logical location for these proposed uses. By directing growth to the Cameron Park area adjacent to an existing Congregate Care facility, the proposed project is compatible with existing and future uses and with General Plan policies related to growth, and would provide needed housing and facilities for the County's growing aging population.



ATTACHMENTS

A Findings table