City of Grass Valley
City Council and Redevelopment Agency

Council Meeting Date: May 10, 2011  Date Prepared: May 2, 2011
Prepared by: Joe C. Heckel, Community Development Director
Title: Joint Public Hearing to Consider Amendment No. 4 to Redevelopment Plan for the Grass Valley Redevelopment Project Area and First Reading of Adopting Ordinance

Agenda:
Public Hearing

Recommended Action: Staff recommends the Redevelopment Agency and City Council take the following actions:

I. Acting as the Redevelopment Agency and City Council:
   • Conduct and close a joint public hearing between the Agency and City Council to hear testimony on the proposed Amendment No. 4 to the Redevelopment Plan for the Grass Valley Redevelopment Project Area.

II A. If no written testimony has been received at or prior to the close of the hearing on Amendment No. 4 to the Redevelopment Plan, staff recommends:

   Acting as the Redevelopment Agency:
   • Adopt Resolution No. 2011-RDA-33, a resolution making the finding that the use of taxes allocated from the Added Area for the purpose of increasing, improving, and preserving the supply of low and moderate income housing outside of the Added Area will be of benefit to the Added Area.
   • Adopt Resolution No. 2011-RDA-31, a resolution approving and recommending adoption by the City Council of Amendment No. 4 to the Redevelopment Plan.

   Acting as the City Council:
   • Adopt Resolution No. 2011-34, a resolution certifying the Final Environmental Impact Report prepared for Amendment No. 4 to the Redevelopment Plan.
   • Adopt Resolution No. 2011-35, a resolution electing to receive all or a portion of tax increment revenues generated from Added Area with respect to Amendment No. 4.
   • Adopt Resolution No. 2011-36, a resolution making the finding that the use of taxes allocated from the Added Area for the purpose of increasing, improving, and preserving the supply of low and moderate income housing outside of the Added Area will be of benefit to the Added Area.
   • Introduce and conduct first reading of an ordinance approving and adopting Amendment No. 4 to the Redevelopment Plan.

II B. If written testimony has been received at or prior to the close of the joint public hearing in response to the proposed Amendment No. 4 to the Redevelopment Plan, staff recommends the City Council and Agency Board direct staff to prepare written responses to the written objections and present such responses to the City Council and Agency Board for consideration on May 24, 2011.
Background: The background to Amendment No. 4 is provided on the attached staff report.

Funds Available: N/A

Account #: N/A

Reviewed by: City Administrator

Council Goal/Objective: Strategic Goal #2, Balanced Economic Growth and Management

Attachments:
- Report to the City Council/Report on Blight (including the proposed Amendment No. 4 in the form of the Amended and Restated Redevelopment Plan)
- Final Environmental Impact Report
- Redevelopment Agency Resolution No. 2011-RDA-33 Making Area of Benefit Findings for Affordable Housing as a Result of Amendment No. 4
- Redevelopment Agency Resolution No. 2011-RDA-31 Approving and Recommending Adoption of Amendment No. 4
- City Council Resolution No. 2011-34 Approving and Certifying the Final EIR on Amendment No. 4
- City Council Resolution No. 2011-35 Electing to Receive all or a Portion of the Tax Increment Revenues from the Added Area as a Result of Amendment No. 4
- City Council Resolution No. 2011-36 Making Area of Benefit Findings for Affordable Housing as a Result of Amendment No. 4
- City Council Ordinance Approving and Adopting Amendment No. 4 (note: ordinance number to be provided at second reading)
TO: MEMBERS, REDEVELOPMENT AGENCY / CITY COUNCIL

FROM: JOE C. HECKEL, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT #4 TO REDEVELOPMENT AGENCY PLAN

Background: The City Redevelopment Agency proposes to add approximately 687 acres ("Added Area") to the Original Project Area (collectively known as the "Amended Project Area"), increase the financial limits of the Redevelopment Plan with respect to limits on receipt of tax increment and bonded indebtedness, and add programs and capitol projects to the Redevelopment Plan’s approved projects list. These changes are noted as "Amendment #4".

On December 14, 2010, the Agency adopted resolutions that transmitted the Preliminary Report and the proposed Amendment No. 4 to affected taxing entities and the proposed Amendment No. 4 in the form of the Amended and Restated Redevelopment Plan to the Planning Commission. At their meeting on January 18, 2011, the Planning Commission made a finding that Amendment No. 4 is in conformance with the City’s General Plan and made a recommendation to approve Amendment No. 4. California Redevelopment Law ("CRL") now requires that the Agency and City Council conduct a joint public hearing before the City Council considers an ordinance adopting Amendment No. 4. In lieu of conducting separate hearings, Section 33355 of the CRL permits the Agency and City Council to hold a single joint public hearing. On March 22, 2011, the City Council and Agency agreed to hold a joint public hearing on Amendment No. 4 on May 10, 2011.

Procedure for Joint Public Hearing: The focal point of the May 10, 2011 staff presentation includes a discussion of Amendment No. 4 and the objectives and implications as described in the Agency’s Report to Council and Final Environmental Impact Report ("FEIR"). The staff presentation will highlight important information and findings in these documents. Following the staff presentation, various documents will be entered into the record, the City Clerk will review any pertinent written correspondence received, and then the public will be given the opportunity to speak on Amendment No. 4. Following all public testimony, the joint public hearing will then be closed.

Notice of this hearing was provided by the following actions:
1. Publication of the notice of joint public hearing in The Union on April 12, April 19, April 26 and May 3; and
2. Mailing notices to all property owners in the Original and Added Project Areas via first class mail and all businesses and residents that the Agency could identify via first class mail; and
3. Mailing notices to all affected taxing entities via certified mail; and
4. Mailing copies of the Report on Blight to the State Departments of Finance and Housing and Community Development via certified mail.

To provide property owners, businesses, residents, taxing entities and the general public with the opportunity to learn more about Amendment No. 4, a community meeting was conducted on August 30, 2010, at the Grass Valley City Hall.

The joint public hearing will be conducted as follows:
1. Staff and consultants present Amendment No. 4, Agency’s Report to Council/Report on Blight, FEIR, and other documents;
2. City Clerk enters into record Amendment No. 4, Agency’s Report to Council/Report on Blight, FEIR, and other documents;
3. City Clerk enters into record summaries of any written correspondence received on Amendment No. 4; and
4. Mayor summarizes public testimony procedures and invites public to offer comments on Amendment No. 4.

Once all public testimony has been completed, the public hearing will be closed. If no written comments are received, the City Council could decide to move forward with certifying the FEIR and conduct a first reading of the ordinance adopting Amendment No. 4 at this meeting. If this course of action is taken, the second reading of the ordinance would occur at the May 24, 2011 meeting.

Summary of Motions/Actions to be taken in Support of Amendment #4:
The Redevelopment Agency and City Council will be considering a series of actions to approve Amendment #4. Both the Redevelopment Agency and City Council would need to act separately on a sequence of resolutions and an ordinance. A short description of the intent of each resolution and the enabling ordinance is provided below:

Step 1. Redevelopment Agency acts on Resolution No. 2011-RDA-33.
Support for Funding Affordable Housing Outside Agency Area. By adopting this resolution, the Agency makes a finding that the use of taxes allocated from the Added Area for the purpose of increasing, improving, and preserving the community’s supply of low and moderate income housing outside the Added Area will be of benefit to the Added Area. In other words, the Agency can expend Agency funds for affordable housing projects outside the Agency boundaries (as now amended).

Support for Amendment #4. By adopting this resolution, the Agency would officially approve Amendment No. 4, in the form of the Amended and Restated Redevelopment Plan for the Amended Project Area (Original Project Area and Added Area). The Agency would also recommend that the City Council adopt Amendment No. 4 by ordinance.
Step 3. City Council acts on Resolution No. 2011-34.

Support for Final Environmental Impact Report (FEIR). Topics addressed in the FEIR for Amendment No. 4 (SCH No.2010082045) are discussed in detail in this resolution. The Final FEIR, including responses to comments received during the 45-day public review period, will be considered by the Agency and City Council during the May 10 joint public hearing. Approval of the attached City Council resolution would certify the completion and adequacy of the FEIR.


Confirm tax share of future tax increase is retained by City of Grass Valley. Pursuant to Section 33670 of the California Redevelopment Law (CRL), the Agency would receive Added Area tax increment revenue generated by the current tax levy formula and a percentage of increases in property tax rates. As one of the affected taxing entities in the Added Area, the City may elect to receive its share of the statutory payments made from Agency tax increment revenue pursuant to Section 33607.5 of the CRL. The resolution giving the City this authority must be adopted before Amendment No. 4 is adopted.

Step 5. City Council acts on Resolution No. 2011-36.

Support for Funding Affordable Housing Outside Agency Area. This resolution is similar to Resolution No. 2011-RDA-33 adopted by the Agency and authorizes the use of tax increment funds outside the Project Area. Pursuant to Section 33334.2 of the CRL, not less than 20 percent of all taxes allocated from the Added Area to the Agency must be used for the purpose of increasing, improving, and preserving the community’s supply of low and moderate income housing available at affordable housing cost. CRL Section 33334.2(g) provides that the Agency may use such funds outside a redevelopment project area if a finding is made by resolution of the Agency and the City Council that such use will benefit the Added Area. The attached resolutions find that using such funds outside the Added Area will benefit the Added Area.


Ordinance to enable and enact updated Redevelopment Plan for Original and Added Area. Once all of the above resolutions are approved, the City Council may consider adopting by ordinance Amendment No. 4, in the form of the Amended and Restated Redevelopment Plan, by passing for publication and conducting the first of two readings of the adopting ordinance. The Amended and Restated Redevelopment Plan would be approved upon completion of the second reading and adoption of the ordinance, scheduled for May 24, 2011. The ordinance would take effect 30 days after its adoption, or on June 23, 2011. The period to initiate a legal challenge to the ordinance is within 90 days of adoption of the ordinance. This 90-day period would end on August 22, 2011. Ordinances contain various findings based on information in the record, including the Agency’s Report to the City Council. The findings would be made by the City Council as part of Amendment No. 4. The recommended findings include the following:

a. The Added Area is blighted;
b. Amendment No. 4 would provide for redevelopment of the Original Project Area and the Added Area in conformity with the CRL and in the interests of the public health, safety, and welfare;
c. The Amended and Restated Redevelopment Plan is economically sound and feasible;
d. The Amended and Restated Redevelopment Plan is consistent with the City’s General Plan;
e. The Amended and Restated Redevelopment Plan would promote the public health, safety, and welfare, and effectuate the purposes and policies of the CRL;
f. The Agency has in place a method of relocation for any displacements caused by Agency action in the Amended Project Area;
g. The Agency will provide to any persons who might be displaced due to redevelopment decent, safe, and sanitary dwelling units at rents or prices within the financial means of those displaced persons and equal in number to those removed, in areas generally not less desirable than the area from which removal occurred, in regards to public utilities and public and commercial facilities;
h. Inclusion of any lands, buildings, and improvements in the Added Area that are not detrimental to the public health, safety, or welfare are included because they are necessary for effective redevelopment of the area;
i. The private sector, even together with available governmental assistance, cannot eliminate blight and carry out redevelopment without the aid and assistance of the Agency;
j. The effect of tax increment financing will not cause a significant financial hardship on any taxing entity deriving revenue from the Added Area;
k. The Amended and Restated Redevelopment Plan will afford the maximum opportunity for redevelopment by private enterprise;
l. The Added Area is predominantly urbanized as defined by the CRL;
m. Time limitations proposed by the Amended and Restated Redevelopment Plan are reasonably related to the time needed for the completion of projects; and,
n. The Amended and Restated Redevelopment Plan contains adequate safeguards so that redevelopment will be carried out pursuant to the Plan.

Summary
The adoption of the ordinance would complete a two-year process for the City. If written objections prior to or at the May 10, 2011 meeting, consideration of the resolutions and ordinance will need to be deferred to May 24, 2011. During this time, Staff and consultants will prepare responses to the written objections. On May 24, 2011, the Agency and City Council will consider adopting written responses to any written objections before proceeding to take any action to adopt the FEIR and Amendment No. 4. If an affirmative action is taken on the ordinance for adoption and first reading, the second reading of the adopting ordinance would be scheduled for June 14, 2011.
City of Grass Valley
City Council and Redevelopment Agency

Attachments:
- Report to the City Council/Report on Blight (including the proposed Amendment No. 4 in the form of the Amended and Restated Redevelopment Plan)
- Final Environmental Impact Report
- Redevelopment Agency Resolution 2011-RDA-33 Making Area of Benefit Findings for Affordable Housing as a Result of Amendment No. 4
- Redevelopment Agency Resolution 2011-RDA-31 Approving and Recommending Adoption of Amendment No. 4
- City Council Resolution 2011-34 Approving and Certifying the Final EIR on Amendment No. 4
- City Council Resolution 2011-35 Electing to Receive all or a Portion of the Tax Increment Revenues form the Added Area as a Result of Amendment No. 4
- City Council Resolution 2011-36 Making Area of Benefit Findings for Affordable Housing as a Result of Amendment No. 4
- City Council Ordinance Approving and Adopting Amendment No. 4 (Note: Ordinance number to be provided at second reading)
RESOLUTION NO. 2011-RDA-33

A RESOLUTION OF THE GRASS VALLEY REDEVELOPMENT AGENCY FINDING THAT THE USE OF TAXES ALLOCATED FROM AMENDMENT NO. 4 TO THE GRASS VALLEY REDEVELOPMENT PROJECT AREA FOR THE PURPOSE OF INCREASING, IMPROVING, AND PRESERVING THE COMMUNITY'S SUPPLY OF LOW AND MODERATE INCOME HOUSING OUTSIDE THE ADDED AREA WILL BE OF BENEFIT TO THE ADDED AREA

WHEREAS, the Redevelopment Agency of the City of Grass Valley ("Agency") is a public body, corporate and politic, organized and existing under the Community Redevelopment Law, California Health and Safety Code § 33000, et seq. (the "CRL") to carry out the purposes of redevelopment in the City of Grass Valley ("City"); and

WHEREAS, pursuant to the CRL, on November 8, 1988, the City Council for the City adopted Ordinance 401 approving the redevelopment plan (as amended from time to time the "Redevelopment Plan") for the Grass Valley Redevelopment Project Area ("Project Area"); and

WHEREAS, the Agency has prepared an amendment to the Redevelopment Plan for the Grass Valley Redevelopment Project Area ("Original Project Area") to add approximately 687 acres ("Added Area") to the Original Project Area, to increase the financial limits of the Redevelopment Plan with respect to limits on receipt of tax increment and bonded indebtedness, and to add programs and capital projects to the Redevelopment Plan's approved projects list. ("Amendment No. 4"); and

WHEREAS, in accordance with CRL Section 33334.2, the Agency is required to deposit no less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to CRL Section 33670 in a Low and Moderate Income Housing Fund to be used for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing; and

WHEREAS, CRL Section 33334.2(g) authorizes the Agency to use monies from a Low and Moderate Income Housing Fund outside of a project area only upon adoption of resolutions by the Agency and City Council finding that such use will be of benefit to the Project Area; and

WHEREAS, under CRL Section 3334.2(g), the City Council has declared that the provision of replacement housing, if any, is always of benefit to a project; and

WHEREAS, the Agency desires by this resolution to declare that the expenditures of monies from the Low and Moderate Income Fund established for the Project Area will be of benefit to the Project Area when such monies are used in accordance with the requirements of the CRL either within or outside the Project Area.
NOW, THEREFORE, BE IT RESOLVED that the Grass Valley Redevelopment Agency orders as follows:

SECTION 1. The use of taxes allocated from Amendment No. 4 (Added Area) to the Original Project Area for the purpose of increasing, improving, and preserving the community's supply of low and moderate income housing available at affordable housing cost outside the Added Area will be of benefit to the Added Area.

SECTION 2. The Agency Secretary shall certify as to the adoption of this resolution.

ADOPTED at a regular meeting of the Agency Board of the Redevelopment Agency of the City of Grass Valley on May 10, 2011, by the following vote:

RESOLUTION NO.2011-RDA-33

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Jan Arbuckle, Agency Chairperson

ATTESTED:

Kristi Bashor, Secretary

APPROVED AS TO FORM:

Ruthann G. Ziegler, Agency Counsel
RESOLUTION NO. 2011-RDA-3

A RESOLUTION OF THE GRASS VALLEY REDEVELOPMENT AGENCY APPROVING AND RECOMMENDING ADOPTION AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN FOR THE GRASS VALLEY REDEVELOPMENT PROJECT AREA

BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY

WHEREAS, the Redevelopment Agency of the City of Grass Valley ("Agency") is a public body, corporate and politic, organized and existing under the Community Redevelopment Law, California Health and Safety Code § 33000, et seq. (the "CRL") to carry out the purposes of redevelopment in the City of Grass Valley ("City"); and

WHEREAS, pursuant to the CRL, on November 8, 1988, the City Council for the City adopted Ordinance 401 approving the redevelopment plan (as amended from time to time the "Redevelopment Plan") for the Grass Valley Redevelopment Project Area ("Project Area"); and

WHEREAS, the Agency has prepared an amendment to the Redevelopment Plan for the Grass Valley Redevelopment Project Area ("Original Project Area") to add approximately 687 acres ("Added Area") to the Original Project Area, to increase the financial limits of the Redevelopment Plan with respect to limits on receipt of tax increment and bonded indebtedness, and to add programs and capital projects to the Redevelopment Plan's approved projects list. ("Amendment No. 4"); and

WHEREAS, in connection with Amendment No. 4, Agency staff and consultants prepared the Report to Council, which consists of the reports and information required by Section 33352 of the CRL ("Report"). Such Report and Amendment No. 4 in the form of the Amended and Restated Redevelopment Plan were presented to the City Council and copies of Amendment No. 4 and the Report are on file in the office of the City Clerk and were made available for public inspection prior to the joint public hearing of the Agency and the City Council on Amendment No. 4; and

WHEREAS, a joint public hearing regarding Amendment No. 4, Final Environmental Impact Report prepared in connection therewith, and Amended Five-Year Implementation Plan was duly noticed and held on May 10, 2011, by the Agency and the City Council pursuant to law, at which time all interested parties had the opportunity to be heard; and following the public hearing, the Agency adopted Resolution No.2011-RDA-33, finding that use of Low and Moderate Income Housing Fund outside the Project Area will be of benefit to Project Area; and

WHEREAS, the Agency has taken all other actions required to prepare and present Amendment No. 4.

NOW, THEREFORE, BE IT RESOLVED that the Grass Valley Redevelopment Agency orders as follows:

SECTION 1. The Agency hereby approves Amendment No. 4, transmitted with the Report to Council and all related documents, correspondence and transmittals, which are incorporated...
herein, which are incorporated herein by reference and are on file in the office of the Agency Secretary and the City Clerk,

SECTION 2. The Agency hereby recommends approval and adoption by the City Council of Amendment No. 4 and hereby recommends that the City Council amend by ordinance the Redevelopment Plan for the Grass Valley Redevelopment Project Area in accordance with Amendment No. 4.

SECTION 3. The Agency Secretary shall certify as to the adoption of this resolution.

ADOPTED at a regular meeting of the Agency Board of the Redevelopment Agency of the City of Grass Valley on May 10, 2011, by the following vote:

RESOLUTION NO.2011-RDA-31

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

________________________________________
Jan Arbuckle, Agency Chairperson

ATTESTED:

________________________________________
Kristi Bashor, Secretary

APPROVED AS TO FORM:

________________________________________
Ruthann G. Ziegler, Agency Counsel
CITY COUNCIL RESOLUTION NO. 2011-34

A RESOLUTION OF THE CITY OF GRASS VALLEY CITY COUNCIL
MAKING FINDINGS ON THE ADEQUACY OF THE FINAL
ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER
2010082045) FOR THE GRASS VALLEY REDEVELOPMENT PLAN FOURTH
AMENDMENT; ADOPTING FINDINGS OF FACT AND A STATEMENT OF
OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION
MONITORING PROGRAM

WHEREAS, on August 25, 2009, the City Council/Redevelopment Agency
authorized City staff to initiate an amendment to the Grass Valley Redevelopment Plan Fourth
Amendment (project); and

WHEREAS, on August 18, 2010, the City filed a Notice of Preparation with the
State Clearinghouse which informed public agencies and members of the public of the City’s
intent to prepare an Environmental Impact Report (EIR) for said project; and

WHEREAS, as the Lead Agency, the City prepared a Draft EIR on the project
pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et
seq., hereinafter referred to as “CEQA”), the Guidelines for California Environmental Quality
Act (Title 14 of the California Code of Regulations, Section 15000 et seq., hereinafter referred to
as the “State CEQA Guidelines”) and procedures adopted by the City relating to environmental
evaluation; and

WHEREAS, on January 25, 2011, the City filed a Notice of Completion of the
Draft EIR and provided a 45-day public review period of the Draft EIR from January 25 to
March 10, 2011; and

WHEREAS, on February 15, 2011, the Planning Commission conducted a public
hearing, and reviewed and took public testimony on, the Draft EIR; and

WHEREAS, the City Council finds, as described in Section 1.2 of Exhibit “A”
attached to this resolution, this Final Environmental Impact Report (EIR) has been completed in
compliance with the requirements of CEQA and the state CEQA Guidelines, and

WHEREAS, the City Council has independently reviewed, analyzed and
considered the Final EIR, Findings of Fact in Exhibit “A”, Statement of Overriding
Considerations in Exhibit “B” prior to making its decision on this project, and the Final EIR
reflects the independent judgment of the City of Grass Valley.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of
Grass Valley does hereby certify the Environmental Impact Report.
BE IT FURTHER RESOLVED that the Findings of Fact in Exhibit “A” confirm the FEIR adequately addresses the potentially significant environmental impacts associated with the project, and 

BE IT FURTHER RESOLVED that City has balanced the specific economic, legal, social, technology, and other benefits of the project noted in Exhibit “B” against its significant and unavoidable environmental impacts when determining whether to approve the project, and 

BE IT FURTHER RESOLVED that certain mitigation measures in Exhibit “C” are partially or fully the responsibility and jurisdiction of another public agency. Said agencies have reviewed the Draft and Final EIRs. Therefore, said agencies can and should adopt those mitigation measures as it pertains to its area of jurisdiction, and 

BE IT FURTHER RESOLVED that the mitigation measures listed in Exhibit "C" be included as conditions of approval for the project and be made a part of this approving action. 

ADOPTED as a Resolution of the City Council of the City of Grass Valley at a meeting on May 10, 2011.

RESOLUTION NO. 2011-34

AYES in favor of: 

NOES: 

ABSENT: 

ABSTAIN:

___________________________
Jan Arbuckle, MAYOR

ATTEST: ________________________________
Kristi K. Bashor, CITY CLERK

APPROVED AS TO FORM:

____________________________
Ruthann G. Ziegler, City Attorney
Exhibit A

GRASS VALLEY REDEVELOPMENT PLAN
FOURTH AMENDMENT

Findings of Fact
(Pursuant to Section 15091 of the State CEQA Guidelines)

Final Environmental Impact Report
(State Clearinghouse No. 2010082045)

April 2011
1.0 INTRODUCTION

This statement of findings addresses the potentially significant environmental impacts associated with the Grass Valley Redevelopment Plan Fourth Amendment located in Grass Valley, California and is made pursuant to Section 15091 of the California Environmental Quality Act (CEQA) Guidelines, which provide that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

Section 15092 of the CEQA Guidelines further stipulates that:

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.
According to Section 15093 if the CEQA Guidelines:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

As required by CEQA, the City of Grass Valley (City), in adopting these findings, must also adopt a Mitigation Monitoring and Reporting Program (MMRP) for the project. The MMRP is incorporated by reference, made a part of these findings, and meets the requirements of Section 15097 of the CEQA Guidelines by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.1 PROJECT SUMMARY

The Grass Valley Redevelopment Agency (Agency) is proposing to adopt and implement a Fourth Amendment to its Grass Valley Redevelopment Plan. The proposed Fourth Amendment would add approximately 687 acres of Added Area to the Agency's original 488-acre Grass Valley Redevelopment Project Area (Original Area), increase the Redevelopment Plan established tax increment revenue cap and bonded indebtedness limit, and update the list of programs and activities that may be undertaken by the Redevelopment Agency in the amended project area (the Original Area and the Added Area).

The Fourth Amendment is intended to enable the Agency to meet its objectives of blight elimination and public-private revitalization within the proposed Amendment No. Four Area, and economic recovery throughout the community. The Agency is proposing the Fourth Amendment to: (1) continue eliminating blighting conditions; (2) continue making capital improvements to improve public infrastructure; (3) continue to foster economic development; (4) continue to preserve and increase the supply of affordable housing; and (5) implement General Plan policies of providing compact, infill development that makes more efficient use of the City's land and financial resources.

The Fourth Amendment would increase the Redevelopment Plan's financial limits with regard to tax increment and bonded indebtedness. With the additional financial capacity created through increasing the Agency's total bonded indebtedness that can be outstanding
at any one time and the amount of tax increment revenues that the Agency can collect, the Agency would be able to further eradicate blight.

As authorized by California Community Redevelopment Law (CRL) (California Health and Safety Code Section 33000 et seq.), tax increment financing from property tax revenue growth is the primary CRL funding mechanism, after state-mandated "pass-through" obligations to various other taxing entities, such as local school districts, are made.

The proposed Fourth Amendment would achieve CRL purposes by providing the additional assistance necessary to eliminate existing physical and economic blighting conditions that the private sector, acting alone, cannot remedy. Specifically, the proposed Fourth Amendment includes the following redevelopment program components designed to address the remaining blighting conditions in the Original Area and address blighting conditions in the Added Area: (a) Development Assistance Program; (b) Public Facilities and Infrastructure Improvements Program; and (c) a Housing Program.

1.2 ENVIRONMENTAL REVIEW PROCESS

In accordance with the requirements of CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (Draft EIR) was filed with the State Clearinghouse (SCH) Office of Planning and Research (OPR) on August 18, 2010. The NOP was distributed to public agencies and interested parties for a 30-day public review period, which extended from August 20 to September 20, 2010. In addition, the City held a public scoping meeting for the project on August 30, 2010. The purpose of the scoping meeting was to obtain public input on the proposed scope and content of the Draft EIR.

A Notice of Completion (NOC) of the Draft EIR was filed with the SCH OPR on January 25, 2011. The Draft EIR was circulated for a 45-day public review period, which ended on March 10, 2011. During this public review period, the City received written comments on the Draft EIR. Section 15088 of the CEQA Guidelines requires that the lead agency responsible for the preparation of an EIR evaluate comments on environmental issues received from parties who reviewed the Draft EIR and prepare a written response addressing each of the comments. A Final EIR was prepared for the proposed project. The Final EIR assembles in one document all of the environmental information and analysis prepared for the proposed project, including comments on the information and analysis contained in the Draft EIR and responses by the City to those comments.

Pursuant to Section 15132 of the CEQA Guidelines, the Final EIR consists of the following:

(a) The Draft EIR, including all of its appendices.
(b) A list of persons, organizations, and public agencies commenting on the Draft EIR.
(c) Copies of all letters received by the City during the Draft EIR public review period and responses to significant environmental points concerning the Draft EIR raised in the review and consultation process.
(d) Revisions to the Draft EIR.
(e) Any other information added by the lead agency.
The text changes included in the Final EIR do not add significant new information but merely provide clarification or make minor modifications to an adequate EIR. Therefore, recirculation is not required pursuant to CEQA Guidelines Section 15088.5 (b).

2.0 CEQA FINDING OF INDEPENDENT JUDGMENT

The City is the lead agency with respect to the revised project pursuant to the Section 15367 of the CEQA Guidelines. As noted above, Section 15091 of the CEQA Guidelines requires that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The City has reviewed the Final EIR. The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the City finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits identified specifically in a Statement of Overriding Considerations (Exhibit B).

In accordance with CEQA and the CEQA Guidelines, the City adopts these findings as part of its approval of the project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project, as evidenced by the control exercised by the City over the preparation of the EIR.

3.0 ADMINISTRATIVE RECORD

The record, upon which all findings and determinations related to the approval of the project are based, includes the following:

- The EIR and all documents referenced in or relied upon by the EIR.
- All information (including written evidence and testimony) provided by City staff to the Planning Commission and the City Council relating to the EIR, the approvals, and the project.
- All information (including written evidence and testimony) presented to the Planning Commission and the City Council by the project sponsor and consultants.
- All final applications, letters, testimony, exhibits, and presentations presented by the project sponsor and consultants to the City in connection with the project.
- All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the project and the EIR.
- For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- The MMRP for the project.
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e).
The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is Joe Heckel, Community Development Director, or his designee. Such documents and other materials are located at the Grass Valley Community Development Department, 125 East Main Street, Grass Valley, CA 95945.

4.0 FINDING OF FACT

The following sections make detailed findings with respect to the potential effects of the project and refer, where appropriate, to the mitigation measures set forth in the Final EIR and the MMRP to avoid or substantially reduce potentially significant adverse impacts of the project. The EIR and the administrative record concerning the project provide additional facts in support of the findings herein. The Final EIR is hereby incorporated into these findings in its entirety. Furthermore, the mitigation measures set forth in the Final EIR and the MMRP are incorporated by reference in these findings. The MMRP was developed in compliance with Section 15097 of the CEQA Guidelines and is contained in Exhibit C.

4.1 POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS

Pursuant to CEQA Guidelines Sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR and the MMRP, the City finds that changes or alterations have been required to, or incorporated into, the components of the project to mitigate or avoid potentially significant effects on the environment. Based on the analysis contained in the EIR, the following impacts have been determined to fall within the category of impacts that can be reduced to less than significant levels with implementation of the mitigation measures set forth below.

- Air Quality (short-term construction emissions; toxic air contaminants and PM$_{2.5}$ exposure; naturally occurring asbestos)
- Biological Resources (loss of non-special-status and special-status species and their habitats; wildlife disturbance; loss and degradation of wetlands and riparian habitat; and loss of terrestrial plant communities)
- Cultural Resources (disturbance of archaeological and paleontological resources)
- Hazards and Hazardous Materials (project-related exposure to hazardous materials)
- Hydrology and Water Quality (construction impacts; operational impacts)
- Noise (temporary construction noise; temporary construction vibration; project-facilitated development exposure)

4.1.1 SHORT-TERM CONSTRUCTION EMISSIONS; TOXIC AIR CONTAMINANTS AND PM$_{2.5}$ EXPOSURE; NATURALLY OCCURRING ASBESTOS

SUMMARY OF POTENTIAL IMPACTS

Redevelopment-facilitated construction activities could generate temporary emissions of ROG, NOX and PM$_{10}$ that exceed NSAQMD thresholds of significance. In addition,
construction dust could cause localized health and nuisance impacts on adjacent residential uses and other sensitive receptors.

Future redevelopment-facilitated development within the Amendment No. Four Area could expose sensitive receptors to toxic air contaminants (TACs) and fine particulate matter (PM$_{2.5}$).

According to the NSAQMD, much of Subarea A, south of Brunswick Avenue, is mapped as having asbestos containing ultramafic rock. Grading and construction activities associated with future redevelopment activities and redevelopment-facilitated development within Subarea A, in particular, and potentially throughout the Amendment No. Four Area, could expose people to asbestos-related health risks.

Development facilitated by the redevelopment activities could result in food service uses (e.g., restaurants) or other potential sources of odors in close proximity or in the same building as residential or other odor-sensitive uses. Food service uses can generate odors as a result of cooking processes and waste disposal. Char broilers, deep-fryers, and ovens tend to produce food odors that can be considered offensive to some people, and food waste can putrefy if not properly managed.

**FINDINGS**

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which would mitigate or avoid the significant impacts on some of the air quality issues associated with future development facilitated by the Fourth Amendment, as identified in the Final EIR. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

**FACTS IN SUPPORT OF FINDINGS**

The impacts on air quality of the Fourth Amendment area during construction of future development facilitated by the plan would be less than significant with implementation of Mitigation Measures 5-1, 5-4, and 5-5, which require future development to comply with the Northern Sierra Air Quality Management District (NSAQMD) dust and operational control measures. As discussed in Chapter 5 of the Draft EIR and as amended in the Final EIR, the above mitigation measures will reduce potential impacts to below the threshold limits established by the NSAQMD.
SUMMARY OF POTENTIAL IMPACTS

Redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment may result in the loss of state- or federally-listed special-status plant or animal species.

Redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment may result in the loss of riparian habitat or other sensitive natural communities facilitated by the proposed Redevelopment Plan Fourth Amendment adjacent to Wolf Creek or other creeks or canals may affect potential jurisdictional wetlands or regulated waters.

Grading and construction activities associated with redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment could impact nesting birds.

New development facilitated by the Redevelopment Plan Fourth Amendment, together with other reasonably foreseeable development in Grass Valley, would result in an estimated total of approximately 3,971 new housing units and 1,659,000 square feet of new non-residential development within the City's Sphere of Influence by 2030.

FINDINGS

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential impacts on non-special-status and special-status species and their habitats, wetlands, riparian habitat and terrestrial plant communities that could occur from future development facilitated by the Fourth Amendment. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measures 7-1, 7-2, 7-3, 7-4, and 7-5, requiring appropriately timed pre-construction surveys to identify habitat to be avoided during future construction of projects allowed under the Fourth Amendment; establishing buffer zones near riparian corridors or wetlands; avoid disturbance to active nests located within or near their project of nesting raptors, migratory birds and other special status birds that have the potential to nest in the project site; and obtaining the appropriate permits from local, state, and federal agencies would reduce impacts associated with habitat or species loss to less than significant. As discussed in Chapter 7 of the Draft EIR and as amended in the Final EIR, the above mitigation measures will reduce potential impacts to level that are less than significant.
4.1.3 POTENTIAL DISTURBANCE OF ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

SUMMARY OF POTENTIAL IMPACTS

Redevelopment activities or development facilitated by the Redevelopment Plan Fourth Amendment could potentially disrupt, alter or eliminate as-yet undiscovered archaeological sites, potentially including Native American remains.

Redevelopment activities or development facilitated by the Redevelopment Plan Fourth Amendment could potentially disrupt, alter or eliminate as-yet undiscovered paleontological resources.

FINDINGS

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential impacts on archaeological and paleontological resources that could occur from future development facilitated by the Fourth Amendment. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FACTS IN SUPPORT OF FINDINGS

Impacts on historic and prehistoric impacts would be reduced to a less than significant level with implementation of Mitigation Measures 8-1 and 8-3. As discussed in Chapter 8 of the Draft EIR and as amended in the Final EIR, the above mitigation measures will reduce potential impacts to levels that are less than significant.

4.1.4 POTENTIAL PROJECT-RELATED EXPOSURE TO HAZARDOUS MATERIALS

SUMMARY OF POTENTIAL IMPACTS

Due to the known existence of contaminated sites in the existing and proposed redevelopment plan area, there is a possibility that future redevelopment-facilitated development could expose construction workers and occupants to hazardous materials contamination.

FINDINGS

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential structural and safety risks hazardous impacts associated with future development allowed under the Fourth Amendment. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.
FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 11-1 requires the City to follow adopted procedures to determine if a future redevelopment site contains hazardous materials. Should the site be contaminated, Mitigation Measure 11-1 defines the procedures to ensure proper mitigation following state and federal standards. The mitigation measure further identifies the state and federal agencies responsible for certain aspects of the mitigation. As discussed in Chapter 11 of the Draft EIR and as amended in the Final EIR, the above mitigation measure will reduce potential impacts to level that are less than significant.

4.1.5 POTENTIAL CONSTRUCTION IMPACTS AND OPERATIONAL IMPACTS ON WATER QUALITY

SUMMARY OF POTENTIAL IMPACTS

Construction activities within Amendment No. Four Area may substantially degrade water quality in Wolf Creek and its tributaries. Construction activities, in particular activities involving soil disturbance, excavation, cutting/filling, and grading, could result in increased erosion onsite and sediments, pollutants and excess nutrients being carried to receiving waters, which could increase turbidity and sedimentation, disrupt aquatic habitats, impair beneficial uses and violate waste discharge requirements.

Ongoing occupancy and operation of redevelopment-facilitated development within the Amendment No. Four Area could substantially degrade water quality in Wolf Creek and its tributaries.

FINDINGS

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential for future development allowed under Fourth Amendment to result in water quality degradation or on- or off-site erosion, and siltation. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measures 12-1 and 12-2 require all future redevelopment and construction within the project area to comply with adopted state, regional and City water quality standards. The mitigation measures specify the required types of permits and permitting agencies that are responsible for compliance. The measures also identify best management practices that are in place to ensure the project will comply with water quality standards and meet the adopted water quality thresholds established by the state and federal agencies. As discussed in Chapter 12 of the Draft EIR and as amended in the Final EIR, the above mitigation measures will reduce potential impacts to level that are less than significant.
4.1.6 SHORT-TERM IMPACTS IN TEMPORARY CONSTRUCTION NOISE, CONSTRUCTION VIBRATION, AND PROJECT-FACILITATED DEVELOPMENT EXPOSURE TO NOISE

SUMMARY OF POTENTIAL IMPACTS

Project-facilitated demolition and construction activities within the Amendment No. Four Area could temporarily increase noise levels at nearby residential and commercial receptors. Noise levels at 50 feet from the demolition or construction equipment source could reach approximately 105 dBA, resulting in intermittent interference with typical residential and business activities, and exceeding the City's land use/noise compatibility guidelines.

Project-facilitated demolition and construction activities within the Amendment No. Four Area could temporarily increase vibration levels at nearby sensitive receptors, resulting in intermittent interference with typical activities.

The occupants of project-facilitated new residential development and other sensitive receptors within the Amendment No. Four Area could be exposed to noise levels in excess of the City's land use/noise compatibility policy and State Title 24 standards.

FINDINGS

The City finds that, pursuant to Section 15091(a) (1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential for future development allowed under Fourth Amendment to result in short-term increases in noise and ground-borne vibration during construction; and the exposure of new residential development to excessive noise levels. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measure 13-1 would reduce construction noise impacts to less than significant, while ground-borne vibration associated with construction would be reduced to less than significant by Mitigation Measure 13-2. Mitigation Measure 13-3 requires an acoustical analysis for noise sensitive projects near noise-producing sources. Feasible project-level mitigation, if necessary may include provisions to modify the site design, include soundwalls, berms, or noise-attenuating windows or building construction materials. As discussed in Chapter 13 of the Draft EIR and as amended in the Final EIR, the above mitigation measures will reduce potential impacts to level that are less than significant.
4.2 ENVIRONMENTAL EFFECTS OF THE PROJECT WHICH ARE CONSIDERED UNAVOIDABLE SIGNIFICANT IMPACTS

This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to Section 15093 of the CEQA Guidelines, if the project is approved. Based on the analysis contained in the EIR, the following impacts would be significant and unavoidable:

- Air Quality (Exceed air quality standards during operations; conflict with applicable air quality management plan; and cumulatively contribute greenhouse gas emissions (GHGs) to global climate change)
- Historical Resources (Impacts on historical resources, including cumulative impacts on cultural resources)
- Transportation and Circulation (Operational impacts on roadway segments; peak hour operational impacts on intersections)

4.2.1 EXCEED AIR QUALITY STANDARDS DURING OPERATIONS; CONFLICT WITH APPLICABLE AIR QUALITY MANAGEMENT PLAN; AND CUMULATIVELY CONTRIBUTE GREENHOUSE GAS EMISSIONS TO GLOBAL CLIMATE CHANGE

SUMMARY OF POTENTIAL IMPACTS

An evaluation of the potential for future development allowed under Fourth Amendment to exceed air quality standards during operation; conflict with the applicable air quality management plan; and result in a cumulatively considerable contribution of GHGs to global climate change is found in Sections 5 and 6 of the Draft EIR.

Because development facilitated by the Redevelopment Plan Fourth Amendment would be consistent with the 2020 General Plan, and because the 2020 General Plan Draft EIR concluded that the PM_{10} impacts of 2020 General Plan buildout would be significant and unavoidable, the operational PM_{10} emissions impacts of the Redevelopment Plan Fourth Amendment would also be considered a potentially significant impact.

Conventional, combustion engine-powered motor vehicles emit CO, which can have very localized adverse health effects near where it is emitted. CO emissions are a function of vehicle idling time, meteorological conditions and traffic flow. CO levels are highest at congested intersections where traffic moves slowly. According to the NSAQMD Draft CEQA Guidelines, an intersection that operates at a level of service (LOS) of LOS D or worse has the potential to result in CO concentrations that may cause a violation of a State ambient air quality standard for CO and pose a risk to human health, and thus warrant further analysis. As indicated in Chapter 17, Transportation and Circulation, roadway traffic generated by project-facilitated development in the Amendment No. Four Area would make a considerable contribution to anticipated significant 2030 cumulative level of service (LOS) impacts—i.e., a reduction in operational LOS to D or worse— at six study roadway segments and 28 study intersections in the city. Therefore, the potential CO concentrations impacts of...
the Redevelopment Plan Fourth Amendment would be considered a potentially significant impact.

New development facilitated by the Redevelopment Plan Fourth Amendment, together with other reasonably foreseeable development in Grass Valley, would result in an estimated total of 3,971 new homes and 1,659,000 square feet of new non-residential development within the City's sphere of influence. Cumulative development could result in a significant cumulative impact related to TAC and PM2.5 exposure, naturally occurring asbestos exposure and odor impacts. However, Mitigations 5-4, 5-5 and 5-6 would reduce the contribution of the Redevelopment Plan Fourth Amendment to significant cumulative TAC and PM2.5 exposure, naturally occurring asbestos exposure and odor impacts to less-than-considerable and thus a less-than-significant cumulative impact. The 2020 General Plan Draft EIR concluded that the operational ozone emissions impacts of the 2020 General Plan would be a less than-significant cumulative impact. The 2020 General Plan Draft EIR concluded that Mitigation 3.4-1, requiring that an Implementation Action be added to the General Plan to incorporate mitigation measures specified in the NSAQMD Indirect Source Review Guidelines in land use approvals (Conservation/Open Space Implementation Action 17), would reduce PM10 emissions impacts to the greatest extent feasible but nonetheless PM10 impacts of the 2020 General Plan would remain an unavoidable significant cumulative impact. Because development facilitated by the Redevelopment Plan Fourth Amendment would be consistent with the 2020 General Plan, therefore, the PM10 emissions impacts of the Redevelopment Plan Fourth Amendment would represent a considerable contribution to a significant cumulative impact and thus a potentially significant impact.

Ongoing occupancy and operation of the 472 dwelling units and 585,830 square feet of non-residential development facilitated by the Redevelopment Plan Fourth Amendment would generate an estimated total of 35,633 metric tons per year of CO2 emissions. Based on a service population of 2,940, the Redevelopment Plan Fourth Amendment could result in CO2 emissions of approximately 12.1 metric tons per year per service population, which would exceed the significance threshold of 4.6 metric tons per year per service population applied in this EIR. GHG emissions from ongoing occupancy and operation of development within the Amendment No. Four Area would therefore represent a considerable contribution to the significant cumulative impact of global climate change, representing a potentially significant impact.

The combination of air emissions from the proposed project and related cumulative projects would either delay attainment of NSAQMD standards or require the adoption of additional controls on existing and future air pollution sources to off-set project-related emission increases. The Fourth Amendment along with other projects would cumulatively contribute GHG emissions in amounts that could hinder the state's ability to achieve AB 32 goals.

FINDINGS

The City finds that, pursuant to Section 15091(a) (1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential for future development allowed under Fourth Amendment to exceed air quality standards during operations; conflict with the applicable air quality management plan; and result in a cumulatively considerable contribution of GHGs to global climate change. The City further finds that the change or alteration in the project or the
requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measures 5-2, 5-3, 5-7, and 6-1 will reduce the air quality impacts related to each impact. However, incorporation of the reduction measures would not inherently reduce impacts to less than significant levels. Thus, despite compliance with the above feasible Mitigation Measures and applicable NS AQMD regulations, the project will result in significant and unavoidable impacts on CO emissions, operational and cumulative PM₁₀ emissions, and long-term greenhouse gas emissions.

The Fourth Amendment would implement appropriate NS AQMD Draft Guidelines mitigation to reduce traffic emissions; however, this does not necessarily mean that emissions would be reduced to below NS AQMD thresholds. Although NS AQMD mitigation and project design features would reduce traffic emissions, they would not be reduced below NS AQMD thresholds, resulting in a significant and unavoidable impact. Thus, operational emissions from buildout of the Fourth Amendment would exceed the NS AQMD thresholds for CO and PM₁₀.

The Fourth Amendment would be consistent with growth forecasts for the City. However, future development allowed by the plan could contribute to a pollutant for which the area is nonattainable, despite the implementation of recommended mitigation measures and compliance with applicable policies and regulations. Thus, it would conflict with the applicable air quality management plan, resulting in a significant and unavoidable impact.

On a cumulative basis, the project would cumulatively contribute operational impacts from mobile and area sources. Despite project and related cumulative project compliance with NS AQMD rules and requirements, and implementation of all feasible mitigation measures, development within the Fourth Amendment area will result in significant and unavoidable impacts on air quality. When fully incorporated into the Fourth Amendment and future projects, adoption of the GHG reduction measures identified in Mitigation Measure 6-1 would reduce GHG emissions from within the project area and achieve a reduction target consistent with the goals of AB 32. However, the Fourth Amendment along with other projects would cumulatively contribute GHG emissions in amounts that could hinder the state's ability to achieve AB 32 goals. Therefore, the project's cumulative contribution of GHG emissions to climate change would remain significant and unavoidable.

4.2.2 IMPACTS ON HISTORICAL RESOURCES, INCLUDING CUMULATIVE IMPACTS ON CULTURAL RESOURCES

SUMMARY OF POTENTIAL IMPACTS

An evaluation of the potential impacts to historical and cultural resources is within Chapter 8 of the Draft EIR.

Future redevelopment facilitated development on properties within the Amendment No. Four Area that contain a historic resource (including a contributing resource to a historic district) may cause the demolition, destruction or alteration of a historic resource such that
the significance of the resource is "materially impaired," which would constitute a significant impact.

The loss of significant archaeological, historical and paleontological resources caused by the Redevelopment Plan Fourth Amendment would be a cumulatively considerable contribution to a loss of cultural resources throughout Grass Valley and the surrounding region, and thus a significant impact.

FINDINGS

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential for future development allowed under Fourth Amendment to impact cultural and historical resources. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measures 8-2 and 8-4 are expected to mitigate impacts on historical and cultural resources to a level that is less than significant. However, since it cannot be determined at this time, without consideration to a site specific redevelopment project, whether the proposed mitigation is feasible and can mitigate the impact to a less than significant level, the impact must be considered significant and unavoidable. Furthermore, despite the fact that there are established state and federal standards and processes that must be followed, the City cannot determine at this time without a site specific project whether the potential extent of impact and feasible mitigation. Therefore, the impact may remain significant and unavoidable.

4.2.3 OPERATIONAL IMPACTS ON ROADWAY SEGMENTS; PEAK HOUR OPERATIONAL IMPACTS ON INTERSECTIONS

SUMMARY OF POTENTIAL IMPACTS

An evaluation of the potential impacts on transportation and circulation is found in Chapter 17 of the Draft EIR.

Roadway traffic generated by project-facilitated development in the Amendment No. Four Area under the land use policies of the adopted Grass Valley General Plan would make a considerable contribution to significant 2030 cumulative roadway segment impacts--i.e., a drop in operational level to below a level of service (LOS) rating of D--on the following six study roadway segments:

Original Redevelopment Area:
- W. Main Street: Auburn Street to Alta Street,
- E. Main Street: Bennett Street to Idaho-Maryland Road,
- E. Main Street: Idaho-Maryland Road to north of Hughes Road,
- S. Auburn Street: Empire Street to Whiting Street

Subarea A:
- Nevada City Highway: Brunswick Road to Gates Place, and
Remaining Areas of City:

- Ridge Road: Hughes Road to Sierra College Drive.

The 2030 cumulative with-project impacts would create the need for improvements on these roadway segments in order to maintain the City’s desired level of service (LOS). Although these necessary improvements are included in the City’s adopted Transportation Capital Improvement Program (CIP), all of these CIP improvements have not yet been implemented, and their funding and implementation might not necessarily generally coincide with the timing of project facilitated development in the Amendment No. Four Area. Therefore, the project's considerable contribution to anticipated cumulative deteriorations in operation on these six roadway segments would represent a potentially significant project and cumulative impact.

Roadway traffic generated by project-facilitated development in the Amendment No. Four Area under the land use policies of the adopted Grass Valley General Plan would make a considerable contribution to significant 2030 cumulative intersection impacts on the following 28 study intersections:

Original Redevelopment Area:

- Mill Street/Neal Street (AM/PM),*
- W. Main Street/Mill Street (AM/PM),*
- W. Main Street/Church Street (AM/PM),*
- Bank Street/S. Auburn Street (AM),*
- W. Main Street/School Street (AM/PM),*
- SR 49/SR 20 Southbound Ramps/Bennett Street (PM),**
- SR 49/SR 20 Northbound Ramps/Bennett Street (AM/PM),
- E. Main Street/Idaho-Maryland Road/SR 49 Southbound Ramps (AM/PM)
- SR 49/SR 20 Northbound Ramps/Idaho-Maryland Road (AM/PM),
- Idaho-Maryland Road/Railroad Avenue (AM/PM),
- S. Auburn Street/W. Empire Street/E. Empire Street (AM/PM),
- Ophir Street/Colfax Avenue (AM/PM),
- Ophir Street/Bennett Street (AM/PM),
- E. Main Street/Scandling Avenue (PM),
- S. Auburn Street/SR 49 Northbound Off-Ramp (AM/PM),

Subarea A:

- Brunswick Road/E. Main Street/Nevada City Highway/Olympia Drive (PM),
- Idaho-Maryland Road/Centennial Drive (PM),
- Idaho-Maryland Road/Sutton Way (PM),
- Sutton Way/Dorsey Drive (PM),

Subarea C:

- McKnight Way/Auburn Street (La Barr Meadows Road) (AM/PM),
- Freeman Lane/Taylorville Road (PM),

Remaining Areas of City:

- W. Main Street/Alta Street (AM/PM),
- Mill Street/McCourtney Road/Freeman Lane/Allison Ranch Road (PM),
- Mill Street/SR 20 Westbound “Hook” Ramps (AM/PM),
- McCourtney Road/SR 20 Eastbound “Hook” Ramps (AM/PM),
- McCourtney Road/Brighton Street (AM/PM),
- Sierra College Drive/Ridge Road/Morgan Ranch Drive (AM/PM), and
Brunswick Road/Whispering Pines Lane (AM/PM).

The 2030 cumulative with-project impacts would create the need for improvements at these intersections in order to maintain the City's desired level of service (LOS). Although these necessary improvements are included in the City's adopted Transportation Capital Improvement Program (CIP), all of these CIP improvements have not yet been implemented, and their funding and implementation may not necessarily coincide with the timing of project-facilitated development in the Amendment No Four Area. Therefore, the project's considerable contribution to anticipated cumulative deteriorations in operation at these 28 intersections would represent a potentially significant project and cumulative impact.

* Intersection located within City's Town Core Zoning District.
** Intersection located on the edge of the City’s Town Core Zoning District.

**FINDINGS**

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the project, which mitigate or avoid the potential for future development allowed under Fourth Amendment to impact transportation and circulation. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

**FACTS IN SUPPORT OF FINDINGS**

Implementation of Mitigation Measures 17-1 and 17-2 are expected to mitigate impacts on most roadways and intersections to a level that is less than significant. The City ensures impacts to these intersections and roadways are mitigated to meet adopted LOS standards through the use of adopted traffic impact fees or installation of the improvements. Furthermore, the City's CIP is used to fund necessary roadway and intersection improvements. However, since it cannot be determined at this time if the necessary improvements will be in place or planned for by the time a project within the redevelopment area is proposed, the impact must be considered significant and unavoidable. Furthermore, the City finds that certain roadway and intersection improvements within the Town Core area needed to achieve adopted LOS standards will hinder the City's goal of achieving pedestrian-friendly streets which in turn could impact the economic viability of businesses within the historic business core of Grass Valley.

**5.0 FINDINGS REGARDING CONSIDERATIONS THAT MAKE ALTERNATIVES ANALYZED IN THE EIR INFEASIBLE**

Based on the entire record, the City finds that the EIR identified and considered a reasonable range of feasible alternatives to the proposed project which are capable, to varying degrees, of reducing identified impacts. The EIR evaluated four alternatives in accordance with CEQA Guidelines, including:

- Alternative 1: No Project-No Development
- Alternative 2: No Project – Future Scenario Without Proposed Redevelopment Plan
Alternative 3: Reduced Tax Increment Revenue and Bonded Indebtedness Limits
Alternative 4: Alternative Project Area Location

5.1 NO PROJECT-NO DEVELOPMENT

The No Project-No Development alternative would maintain the existing conditions as described in the "Setting" sections of each environmental topic chapter in this EIR. There would be no development within the proposed Amendment No. Four Area and existing blighting conditions would remain.

CEQA Guidelines section 15126.6(e) (1) requires the specific alternative of No Project to "be evaluated along with its impact...to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." CEQA Guidelines section 15126.6(e)(2) requires the No Project analysis to "discuss the existing conditions at the time the (EIR) notice of preparation is published...as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans." Accordingly, Alternative 1: No Build compares the effects of the project to existing conditions and Alternative 2: No Project compares the effects of the project to future conditions without the project.

5.1.1 ENVIRONMENTAL EFFECTS

As discussed in Chapter 19 of the Draft EIR, Alternative 1 would result in no impacts on the environment since no development would take place in the project area.

5.1.2 RELATION TO PROJECT OBJECTIVES

This alternative would not achieve the project objectives of removing blighting conditions, stimulating development and economic activity, and increasing the community’s supply of housing and affordable housing.

5.1.3 FEASIBILITY

This alternative is infeasible because it would not meet any of the project objectives. This alternative would not provide any of the benefits outlined above or in the Statement of Overriding Considerations (Exhibit B).

5.2 NO PROJECT – FUTURE SCENARIO WITHOUT PROPOSED REDEVELOPMENT PLAN

Under Alternative 2, the Redevelopment Plan Fourth Amendment would not be adopted. The Amendment No. Four Area would not be established, tax increment revenue would not accrue, redevelopment activities would not be undertaken within the Amendment No. Four Area, and affordable housing projects and programs funded by the portion of tax increment revenue that would go to the Housing Set-Aside Fund would not occur. Asbestos and lead abatement, site preparation, the installation of needed roads and infrastructure, and development and revitalization of the Amendment No. Four Area in accordance with the 2020 General Plan may eventually occur, but would be substantially delayed. This
alternative would ultimately, over the very long term, result in the same mixture and intensity of development within the Amendment No. Four Area as the project, but only half as much development would occur within the 2030 time frame analyzed in this EIR.

5.2.1 ENVIRONMENTAL EFFECTS

As discussed in Chapter 19 of the Draft EIR, Alternative 2 would result in an overall reduction in impacts, or have similar less than significant impacts, in comparison to the project.

5.2.2 RELATION TO PROJECT OBJECTIVES

This alternative would not achieve the basic project objectives of enabling blight elimination and public-private revitalization within the Amendment No. Four Area.

5.2.3 FEASIBILITY

This alternative is infeasible because it would not meet the basic project objectives. This alternative would not provide any of the benefits outlined above or in the Statement of Overriding Considerations (Exhibit B).

5.3 REDUCED TAX INCREMENT REVENUE AND BONDED INDEBTEDNESS LIMITS

Alternative 3 would consist of a redevelopment plan amendment with the same Added Area, but with a smaller increase in the amount of tax increment revenue that can be collected from within the Amendment No. Four Area and in the amount of bonded indebtedness that may be outstanding at any time, as well as a corresponding reduction revenues available to the Agency and in the scope redevelopment activities undertaken by the Agency. The other aspects of this alternative would be the same as with the project.

5.3.1 ENVIRONMENTAL EFFECTS

As discussed in Chapter 19 of the Draft EIR, Alternative 3 would result in an overall reduction in impacts, or have similar less than significant impacts, in comparison to the project.

5.3.2 RELATION TO PROJECT OBJECTIVES

This alternative would only partially attain the project objectives described in section 3.3 (Project Objectives) in Chapter 3, Project Description, of this EIR because tax increment funding and bond financing would be reduced. Overall, some redevelopment plan amendment activities would be substantially delayed or only partially implemented.
5.3.3 FEASIBILITY

This alternative is infeasible because it would only partially meet the basic project objectives. This alternative would only limited benefits outlined above or in the Statement of Overriding Considerations (Exhibit B).

5.4 ALTERNATIVE PROJECT AREA LOCATION

As discussed in Chapter 19 of the Draft EIR, the City examined the potential for the Amendment No. Four Area to be located on other sites, or within different boundaries. However, the boundaries of the proposed Amendment No. Four Area were precisely established based on identified blighting conditions, as well as the degree of urbanization and other conditions required by California Community Redevelopment Law. No other areas in Grass Valley are known to meet redevelopment law criteria. The fundamental purpose of the Redevelopment Plan Fourth Amendment is to enable the Grass Valley Redevelopment Agency to eliminate blighting conditions within the Amendment No. Four Area. An alternative project area location elsewhere in Grass Valley would fail to attain the basic objectives of the project (see section 3.3, Project Objectives, in Chapter 3, Project Description, of this EIR) and would not meet the required criteria set forth in California Community Redevelopment Law. Therefore, an alternative project location was considered infeasible.

6.0 FINDINGS WITH RESPECT TO MITIGATION OF SIGNIFICANT ADVERSE IMPACTS AND ADOPTION OF MITIGATION MONITORING PLAN

Based on the entire record before the City, and having considered the significant and unavoidable impacts of the project, the City hereby determines that all feasible mitigation within the responsibility and jurisdiction of the City has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Final EIR, in Sections 4.1 and 4.2 above, and are set forth in the MMRP (Exhibit C).

CEQA provides that each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out whenever it is feasible to do so (Public Resources Code 21001.1[b]). In mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than under CEQA (PRC 21004). The City has specific powers to mitigate effects that occur within its jurisdiction, namely within the City.

Section 21081.6 of the Public Resources Code requires the City to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the Fourth Amendment project is hereby adopted by the City because it fulfills the CEQA mitigation monitoring requirements, as follows:
• The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and

• Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements or other measures.
Exhibit B

GRASS VALLEY REDEVELOPMENT PLAN
FOURTH AMENDMENT

Statement of Overriding Considerations
(Pursuant to Section 15093 of the CEQA Guidelines)

Final Environmental Impact Report
(State Clearinghouse No. 2010082045)

April 2011
STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires decision makers to balance, as applicable, the economic, legal, social, technological or other benefits of a project against its significant and unavoidable environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project outweigh the significant and unavoidable impacts, those impacts may be considered "acceptable" (CEQA Guidelines Section 15093(a)). When significant impacts are not avoided or lessened, CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable. Those reasons must be based on substantial evidence in the Final Environmental Impact Report (EIR) or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)).

In accordance with the requirements of CEQA and the CEQA Guidelines, the City of Grass Valley (City) finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid or substantially lessen virtually all of the significant impacts identified in the Final EIR for the Grass Valley Redevelopment Plan Fourth Amendment. However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. The project would result in significant and unavoidable air quality impacts and potential unavoidable impacts on historical and cultural resources and transportation. The Final EIR provides detailed information regarding these impacts.

The City finds that all feasible mitigation measures identified in the Final EIR within the purview of the City will be implemented with the project, and that the remaining significant and unavoidable impacts are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological or other benefits based upon the facts set forth in the Findings of Fact (Exhibit A), the Final EIR and the administrative record, as follows:

- The project will enable the City to eliminate blighted areas identified in the Grass Valley Redevelopment Plan Fourth Amendment area (Project Area). The project would generate cash flow in the proposed Project Area that could be used by the City to secure funding, eliminate blighting influences, stimulate economic development and provide additional employment opportunities. The project will enable and speed up the community’s redevelopment efforts, which in turn which in turn can revitalize the local economy by attracting visitors, increasing demand for local goods and services, creating new jobs, and generating additional property tax, development fees and sales tax revenues.

- The project will enable the City to implement General Plan goals and polices relating to infill development, compact development, mixed-use development and other sustainable planning concepts.

- The project will enable the City to work with the private sector and other public agencies to remediate properties containing hazardous materials or to assist in the...
cost of remediation and thereby attract private investment in the redevelopment area.

- The project will enable the City to secure additional funding sources needed for public infrastructure. Costly infrastructure improvements would be necessary to bring the proposed Project Area up to current City standards and attract private investment. Without proper roads, water, sewer and storm drainage facilities, the proposed Project Area may remain stagnant and improperly utilized. With the current economic decline and constrained lending conditions, the financial capacity of the City and private developers is more limited.

- The project will enable the City to help meet its need for affordable housing. As required by California Community Redevelopment Law section 33334.2, 20 percent of the proposed Project Area tax increment revenue would be deposited into a housing fund for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing, both inside and outside the City's redevelopment areas.

- As noted in Mitigation Measures 17-1 and 17-2, the City finds that the social and economic benefits and the goal to establish pedestrian-oriented streets outweigh the need for future improvement needs for vehicular LOS improvement purposes (street widening, added turn lanes, new traffic signals, etc.) within and around the City's Town Core area.

Each of the above mentioned reasons by itself justifies approval of the project notwithstanding the significant and unavoidable impacts. Considering all factors, the City finds that there are specific economic, legal, social, technological and other considerations associated with the project that outweigh the project's significant and unavoidable impacts and are, therefore, considered acceptable.
Exhibit C
MITIGATION MONITORING PROGRAM

MITIGATION MONITORING REQUIREMENTS

CEQA section 21081.6 of the Public Resources Code requires a lead agency to adopt a mitigation monitoring program when it approves a project for which an EIR or mitigated negative declaration has been prepared. A mitigation monitoring program would therefore be required to verify the implementation of those mitigation measures identified in this EIR that are adopted by the Agency. Monitoring of the implementation of most of the mitigation measures would occur through the City's development review procedures, including plan check and field inspection procedures. However, to satisfy CEQA statute section 21081.6 and CEQA Guidelines section 15097 (Mitigation Monitoring and Reporting), a documented record of implementation will be necessary.

MITIGATION MONITORING CHECKLIST FORMAT

A Mitigation Monitoring Program will be prepared after the Agency certifies the Final EIR and adopts the Redevelopment Plan Amendment, and makes findings as to which mitigation measures are feasible and within its jurisdiction, and will be implemented. The following Mitigation Monitoring Checklist contains the following information, pursuant to CEQA Guidelines section 15097:

- **Identified Impact.** This column identifies each significant impact, as presented in the EIR summary table (Table 2.1 in Chapter 2).

- **Related Mitigation Measure.** This column identifies the corresponding mitigation measures as presented in the EIR summary table, and may be supplemented by the performance criteria by which the success of the mitigation will be gauged.

- **Monitoring.** This column identifies (1) the "implementation entity" responsible for carrying out each mitigation measure (e.g., City, individual project applicant); (2) the "monitoring and verification entity" responsible for verifying compliance (e.g., City department); and (3) "timing requirements" (e.g., upon completion of a particular construction phase, before issuance of an occupancy permit).

- **Verification.** This column provides a space for the signature and date of the "monitoring and verification" entity when a monitoring milestone is reached.
The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the Grass Valley Redevelopment Plan Fourth Amendment in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

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<th>IDENTIFIED IMPACT</th>
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<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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**Impact 5-1: Short-Term Construction Emissions**

Redevelopment-facilitated construction activities could generate temporary emissions of ROG, NO\textsubscript{x}, and PM\textsubscript{10} that exceed NS AQMD thresholds of significance. In addition, construction dust could cause localized health and nuisance impacts on adjacent residential uses and other sensitive receptors. These possible construction period effects represent a potentially significant impact.

To reduce short-term construction emissions impacts from future redevelopment-facilitated development projects, the applicant shall:

1. Submit a Dust Mitigation Plan in accordance with NS AQMD’s Regulation 2, Rule 226 regarding dust control for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:

   a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.

   b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.

   c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour (mph).
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<td>(d) All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>(e) All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.</td>
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<td>(f) All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.</td>
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<td>(g) Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.</td>
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<td>(h) No burning of waste material or vegetation shall take place on-site unless alternatives to burning are deemed infeasible by the District. Alternatives to burning include chipping, mulching or converting to biomass.</td>
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<td>(2) Implement the following or similar measures to reduce construction equipment internal combustion exhaust emissions:</td>
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<td>(a) Use grid power (as opposed to diesel generators) for job site power needs where feasible during construction:</td>
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<td>(b) Schedule construction activities to direct traffic flow to off-peak hours as much as practicable; and&lt;br&gt;(c) Equip all self-propelled off-road diesel-powered equipment and vehicles greater than 25 horsepower with an engine meeting at least Tier 1 emission standards before 2014 and Tier 2 standards beginning in 2014. With implementation of these measures, the short-term construction emissions impact of the Redevelopment Plan Fourth Amendment would be less than significant.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>Impact 5-2: Operational PM$<em>{10}$ Emissions Impacts. Because development facilitated by the Redevelopment Plan Fourth Amendment would be consistent with the 2020 General Plan, and because the 2020 General Plan Draft EIR concluded that the PM$</em>{10}$ impacts of 2020 General Plan buildout would be significant, the operational PM$_{10}$ emissions impacts of the Redevelopment Plan Fourth Amendment would also be considered a potentially significant impact.</td>
<td>Mitigation 5-2: 2020 General Plan Conservation/Open Space Element Implementation Action 17 requires measures specified in the NSAQMD Indirect Source Review Guidelines to be incorporated into all development projects. This requirement would apply to development within the Amendment No. Four Area and would reduce operational PM$<em>{10}$ emissions impacts to the greatest extent feasible, but nonetheless, as concluded by the 2020 General Plan Draft EIR, the operational PM$</em>{10}$ impacts of the Redevelopment Plan Fourth Amendment would remain a significant unavoidable impact.</td>
<td>City; individual project developers</td>
<td>City</td>
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<td>Impact 5-3: Carbon Monoxide (CO) Concentration Impacts. Conventional, combustion engine-powered motor vehicles emit CO, which can have very localized adverse health effects near where it is emitted. CO emissions are a function of vehicle idling time, meteorological conditions and traffic flow. CO levels are highest at congested intersections where traffic moves slowly. According to the NSAQMD Draft CEQA Guidelines, an intersection that operates at a level of service (LOS) of LOS D or worse has the potential to result in CO concentrations that may cause a violation of a State ambient air quality standard for CO</td>
<td>Mitigation 5-3: The City's Transportation Capital Improvement Program (CIP) contains programmed roadway and intersection improvements (widenings, signal timing changes) that would improve level of service to LOS C or better and thereby reduce potential CO impacts to a less-than-significant level. However, implementation of these CIP improvements is not assured because (1) the CIP improvements have not yet been implemented and their funding and implementation might not occur before redevelopment-facilitated development in the Amendment No. Four Area; and (2) at</td>
<td>City; require fair-share reimbursement from future applicants.</td>
<td>City</td>
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<td>and pose a risk to human health, and thus warrant further analysis. As indicated in Chapter 8, Transportation, herein, roadway traffic generated by project-facilitated development in the Amendment No. Four Area would make a considerable contribution to anticipated significant 2030 cumulative level of service (LOS) impacts--i.e., a reduction in operational LOS to D or worse--at six study roadway segments and 28 study intersections in the city. Therefore, the potential CO concentrations impacts of the Redevelopment Plan Fourth Amendment would be considered a potentially significant impact.</td>
<td>least one of the impacted study roadway segments and three of the impacted study intersections are in the historic downtown core where maintenance of a vibrant and comfortable pedestrian environment may be determined by the City to have priority over future street improvements for vehicular LOS purposes. Therefore, this impact would remain significant and unavoidable.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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| Impact 5-4: Toxic Air Contaminant and PM2.5 Exposure Impacts. Future redevelopment-facilitated development within the Amendment No. Four Area could expose sensitive receptors to toxic air contaminants (TACs) and fine particulate matter (PM2.5), which represents a potentially significant impact. | Mitigation 5-4. Future individual development projects within the Amendment No. Four Area that would place air quality sensitive receptors within 500 feet of the segment of SR 49/SR 20 south of Idaho-Maryland Road, within 300 feet of any dry cleaning operation using perchlorethylene or within 500 feet of such operations with two or more machines, or within 50 feet of a typical gas station or 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater), shall either:  
(a) Demonstrate to City satisfaction that risks will be mitigated through the implementation of all feasible mitigation (e.g., the installation of mechanical air ventilation systems with adequate filtration in buildings); or  
(b) Conduct a health risk assessment to City satisfaction using air quality dispersion modeling using the following screening thresholds or some other thresholds acceptable to the City and NSAQMD:  
- Probability of contracting cancer for the Maximally Exposed Individual equals or exceeds 10 in one million or ground-level concentrations of non- | City; individual project developers. | City | Require as condition of individual project approval. Verify during development review. |
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<td>carcerogenic TACs would result in a Hazard Index equal to or greater than 1 for the Maximally Exposed Individual. If the modeled risk continues to be deemed potentially significant by the City even with the refined screening, demonstrate that the risks will be adequately mitigated with feasible measures (e.g., the installation of mechanical air ventilation systems with adequate filtration in buildings). With implementation of this mitigation, the potential toxic air contaminant and PM2.5 exposure impacts of the Redevelopment Plan Fourth Amendment would be reduced to a less-than-significant level.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>Impact 5-5: Naturally-Occurring Asbestos Exposure Impacts. According to the NSAQMD, much of Subarea A, south of Brunswick Avenue, is mapped as having asbestos containing ultramafic rock. Grading and construction activities associated with future redevelopment activities and redevelopment-facilitated development within Subarea A, in particular, and potentially throughout the Amendment No. Four Area, could expose people to asbestos-related health risks. This possibility represents a potentially significant impact.</td>
<td>City: individual project developers</td>
<td>City</td>
<td>Require as condition of individual project approval, Verify during development review.</td>
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<td>Impact 5-6: Odor Impacts of Mixed-Use Development. Development facilitated by the Redevelopment Plan Fourth Amendment could result in food service uses (e.g., restaurants) or other potential sources of odors in close proximity or in the same building as residential or other odor-sensitive uses.</td>
<td>City: individual project developers</td>
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<td>Require as condition of individual project approval, Verify during development review.</td>
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<td>Mitigation 5-6: Food service uses shall be required to implement some or all of the following measures, to City satisfaction, in order to reduce odors generated by such uses: integral grease filtration or grease removal systems, baffle filters, electrostatic precipitators, water cooling/cleaning units.</td>
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<td>Mitigation 5-5: Future individual development projects within the Amendment No. Four Area located in areas mapped as having, or observed to have, ultramafic rock or serpentinite shall comply with the ARB Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations (CCR Title 17 Section 93105). Additionally, where applicable, development projects within the Amendment No. Four Area shall comply with the ARB Asbestos Airborne Toxic Control Measure for Surfacing Applications (CCR Title 17 Section 93106). NSAQMD has standard requirements for an Asbestos Dust Mitigation Plan for projects in these areas. With implementation of this mitigation, the potential impacts of the Redevelopment Plan Fourth Amendment related to naturally-occurring asbestos would be reduced to a less-than-significant level.</td>
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<td>disposable pleated or bag filters, activated carbon filters, oxidizing pellet beds, catalytic conversion, proper packaging and frequency of food waste disposal, and exhaust stack and vent location with respect to receptors. Implementation of these measures would reduce odor impacts of mixed use development to a less-than-significant level.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>Impact 5-7: Cumulative Air Quality Impacts</td>
<td>Mitigation 5-7: The 2020 General Plan Draft EIR concluded that Mitigation 3.4-1, would reduce the cumulative PM$<em>{10}$ impact to the greatest extent feasible but that nonetheless the cumulative PM$</em>{10}$ impact would remain an unavoidable significant impact. This requirement would apply to development within the Amendment No. Four Area and would reduce operational PM$<em>{10}$ emissions impacts to the greatest extent feasible, but nonetheless, as concluded by the 2020 General Plan Draft EIR, the operational PM$</em>{10}$ impacts of the Redevelopment Plan Fourth Amendment would remain a considerable contribution to a significant cumulative impact and thus an unavoidable significant impact.</td>
<td>City; individual project developers</td>
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Because development facilitated by the Redevelopment Plan Fourth Amendment would be consistent with the 2020 General Plan, therefore, the PM₁₀ emissions impacts of the Redevelopment Plan Fourth Amendment would represent a considerable contribution to a significant cumulative impact and thus a potentially significant impact.

CLIMATE CHANGE

**Impact 6-1: Long-Term GHG Emissions from Operations.** Ongoing occupancy and operation of the 472 dwelling units and 585,830 square feet of non-residential development facilitated by the Redevelopment Plan Fourth Amendment would generate an estimated total of 35,633 metric tons per year of CO₂ emissions. Based on a service population of 2,940, the Redevelopment Plan Fourth Amendment could result in CO₂ emissions of approximately 12.1 metric tons per year per service population, which would exceed the significance threshold of 4.6 metric tons per year per service population applied in this EIR. GHG emissions from ongoing occupancy and operation of development within the Amendment No. Four Area would therefore represent a considerable contribution to the significant cumulative impact of global climate change, representing a potentially significant impact.

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<td>Mitigation 6-1: For future discretionary development applications within the Amendment No. Four Area, the City shall implement all relevant and feasible GHG reduction measures from Table 6.1 or similar measures, as a condition of project approval, such as the following:</td>
<td>City; individual project developers</td>
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<td>• features in the project design that would accommodate convenient public transit and promote direct access for pedestrians and bicyclists to major destinations;</td>
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<td>• adoption of a project design objective for public buildings to achieve Leadership in Energy and Environmental Design (LEED) New Construction &quot;Silver&quot; Certification or better, in addition to compliance with California Code of Regulations Title 24 Energy Efficient Standards;</td>
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<td>• planting of trees and vegetation near structures to shade buildings and reduce energy requirements for heating and cooling;</td>
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<td>• preservation or replacement of existing onsite trees;</td>
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<td>• construction and demolition waste recycling;</td>
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<td>• preference for replacement of project exterior lighting, street lights and other electrical uses with energy efficient bulbs and appliances; and</td>
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MONITORING

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<td>any other applicable greenhouse gas emissions strategies identified in a possible future City of Grass Valley Climate Action Plan.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
<td>Timing Requirements</td>
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<td>Implementation of appropriate combinations of such mitigation measures in individual project-related developments would substantially reduce project-related greenhouse gas emissions impacts. However, because the effectiveness of this mitigation program in reducing the project-related contribution to cumulative greenhouse gas emissions below the threshold of significance cannot be determined. Therefore, the incremental contribution of the Redevelopment Plan Fourth Amendment to the cumulative impact of global climate change would remain considerable and thus significant and unavoidable.</td>
<td>City; individual project developers</td>
<td>City</td>
<td>Prior to individual project approval (significance determination, individual project CEQA compliance determination, and mitigation plan approval or verification)</td>
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**BIOLOGICAL RESOURCES**

**Impact 7-1: Impacts on Special-Status Species.** Redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment may result in the loss of state- or federally-listed special-status plant or animal species, which would be considered a potentially significant impact.

**Mitigation 7-1.** During the City's standard development and environmental review process for future project-related discretionary development approvals for actions within the Amendment No. Four Area that the City initially determines may directly or indirectly disturb one or more potential state- or federally-listed special-status plant or animal species, the City shall coordinate review with representatives of the listing entity--i.e., the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Game (CDFG). The USFWS or CDFG may presume presence or may recommend additional focused surveys to determine if any protected species are present on the site. If any protected species are determined to be on the property, an appropriate mitigation plan shall be required by the City, to be developed in consultation with, and meeting the mitigation criteria of, the
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<td>USFWS and/or CDFG to provide for adequate protection of such species (e.g., site plan changes, clustering of development, additional setbacks from the creek top of bank or other biological resources, use of compatible native and noninvasive species in landscaping, changes to proposed lighting, off-site habitat replacement or enhancement). With implementation of Mitigation 7-1, potential impacts of the Redevelopment Plan Fourth Amendment on special-status species would be reduced to a less-than-significant level.</td>
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<td>Impact 7-2: Impacts on Sensitive Natural Communities. Redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment may result in the loss of riparian habitat or other sensitive natural communities, which would be considered a potentially significant impact.</td>
<td>Mitigation 7-2. During the City's standard development, design and environmental review process for future project-related discretionary approvals for development actions within the Amendment No. Four Area that the City initially determines may directly or indirectly affect other sensitive natural communities (e.g., Wolf Creek, South Fork Wolf Creek, Little Wolf Creek, Slide Prairie Creek, Rhode Island Ravine, French Ravine, Lower Grass Valley Canal, or the serpentine soil plant community in and around Area A), the City shall coordinate review with the CDFG and as warranted: require preparation of any environmental assessment determined to be necessary (pursuant to City of Grass Valley 2020 General Plan Conservation and Open Space Element policies); require demonstration of any necessary jurisdictional approvals (e.g., a CDFG Streambed Alteration Permit); and require that appropriate mitigation measures are incorporated into the project (e.g., setback, buffering, erosion control and stormwater pollution control methods, design refinements, soil restoration, removal of invasive species, etc.) pursuant to General Plan policies and the City's Creek and Riparian Resource Protection Ordinance (chapter 17.50 of the Development Code).</td>
<td>City, individual project developers</td>
<td>City</td>
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### Impact 7-3: Impacts on Jurisdictional Wetlands or Regulated Waters

Redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment adjacent to Wolf Creek or other creeks or canals may affect potential jurisdictional wetlands or regulated waters. This possibility represents a potentially significant impact.

**Mitigation 7-3:** For all projects within the Amendment No. Four Area that involve modifications to potential wetlands and regulated waters, the project applicant or, for any City-initiated projects, the City shall obtain all required permits and approvals from the U.S. Army Corps of Engineers (ACE), the California Department of Fish and Game (CDFG) and the Regional Water Quality Control Board (RWQCB). All project design modifications and mitigation measures required by the ACE, CDFG and RWQCB shall be incorporated into the project prior to issuance of a grading permit.

With implementation of Mitigation 7-3, potential impacts of the Redevelopment Plan Fourth Amendment on jurisdictional wetlands or regulated waters would be reduced to a less-than-significant level.

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<tr>
<td>Impact 7-3</td>
<td>Mitigation 7-3</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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</table>

### Impact 7-4: Impacts on Wildlife Movement and Migratory Wildlife

Grading and construction activities associated with redevelopment activities or new development facilitated by the proposed Redevelopment Plan Fourth Amendment could impact nesting birds. This possibility represents a potentially significant impact.

**Mitigation 7-4:** During the City's standard development, design and environmental review process for all future project-related discretionary approvals for public improvement and private development projects within the Amendment No. Four Area, the City shall require all tree removal and trimming, as well as ground disturbing activities, to be scheduled to take place outside of the breeding season for migratory bird species (generally April through July, depending on the species). If construction is unavoidable during this time, a qualified biologist shall conduct a survey for nesting birds no more than three days prior to the removal or trimming of any tree and prior to the start of ground disturbing activities. If active nests are not present, project activities can proceed as scheduled. If active nests of protected species are detected, a buffer shall be

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<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
<td>Timing Requirements</td>
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<tr>
<td>Impact 7-5: Cumulative Biological Resources Impacts. New development facilitated by the Redevelopment Plan Fourth Amendment, together with other reasonably foreseeable development in Grass Valley, would result in an estimated total of approximately 3,971 new housing units and 1,659,000 square feet of new non-residential development within the City's Sphere of Influence by 2030, which in combination could produce potentially significant cumulative impacts on biological resources.</td>
<td>established around the nest based on consultation with CDFG and based on CDFG standards, which buffer shall remain in place until the City has determined, in consultation with a qualified biologist, that the buffer is no longer necessary to avoid disturbance to the nest. With implementation of this measure, potential impacts of the Redevelopment Plan Fourth Amendment on nesting birds would be reduced to a less-than-significant level.</td>
<td>City, individual project developers</td>
<td>City</td>
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<tr>
<td>CULTURAL AND HISTORIC RESOURCES</td>
<td>Mitigation 8-1: If prehistoric or historic-period archaeological resources or human remains are encountered during grading or excavation, work shall avoid altering the materials and their context until a qualified professional has evaluated, recorded and determined appropriate treatment of the resource, in consultation with the City. Project personnel shall not collect cultural resources. Cultural resources shall be recorded on DFR 523 historic resource recordation forms. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. If human remains are discovered, mitigation shall be</td>
<td>City; individual project developers and their contractors</td>
<td>City</td>
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<td>Implemented in compliance with CEQA section 15064.5. This measure would reduce the potential impact on archaeological resources to a less-than-significant level.</td>
<td>Implementation</td>
<td>City; individual project developers</td>
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<tr>
<td>Impact 8-2: Impacts on Historic Resources. Future redevelopment-facilitated development on properties within the Amendment No. Four Area that contain a historic resource (including a contributing resource to a historic district) may cause the demolition, destruction or alteration of a historic resource such that the significance of the resource is “materially impaired,” which would constitute a significant impact.</td>
<td>Mitigation 8-2. For any discretionary project involving an Amendment No. Four Area property that contains a historic resource, the City shall make a preliminary determination as to whether or not the project may have a potentially significant adverse effect on the historic resource. If the City determines that the project may have a potentially significant effect, the City shall require the applicant to implement the following mitigation measures where applicable:</td>
<td>Monitoring and Verification</td>
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<td>(a) To the extent feasible, the applicant shall, to City satisfaction, ensure that the project adheres to one or both of the following standards:</td>
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<td>• Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or</td>
<td>Requirements</td>
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<td>• Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.</td>
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<td>The project shall be reviewed by a qualified architect or architectural historian approved by the City and meeting the Secretary of the Interior’s Professional Qualifications Standards published in the Code of Federal Regulations (36 CFR part 61), who shall make a recommendation to the City’s Historic Resources Advisory Committee as to whether the project fully adheres to the Secretary Standards for Rehabilitation, as well as to whether any specific modifications are necessary to do so. The final determination as to a project’s adherence to the Standards for</td>
<td>Date</td>
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<td>Rehabilitation shall be made by the Historical Commission or the body with final decision-making authority over the project.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>(b) If measure (a) is not feasible, and if relocation of the historic resources is a feasible alternative to demolition, the historic resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historic features and compatibility in orientation, setting, and general environment shall be retained, such that the resource retains its eligibility for listing on the California Register.</td>
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<td>If neither measure (a) nor measure (b) is feasible, the City shall, as applicable and to the extent feasible, implement the following measures in the following order:</td>
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<td>(c) Document the historic resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's Standards for Architectural and Engineering Documentation. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System and the Bancroft Library, as well as local libraries and historical societies, such as the Nevada County Public Library.</td>
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<td>(d) Retain and reuse the historic resource to the maximum feasible extent and continue to apply the Secretary Standards for Rehabilitation to the maximum feasible extent in all alterations, additions and new construction.</td>
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<td>(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance.</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
<td>Timing Requirements</td>
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<td>(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within Grass Valley.</td>
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<td>These mitigation measures are expected to mitigate the potential adverse impacts to historic resources to the maximum extent feasible. However, given the uncertainty with respect to the condition of the historic resources at the time future development projects are proposed that would affect such resources, and without knowing the specific design characteristics of such future development proposals, the City cannot determine with certainty that these measures would reduce the potential impacts on historic resources to a less-than-significant level. Consequently, this impact may remain significant and unavoidable.</td>
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<td>Impact 8-3: Disturbance of Paleontological Resources. Redevelopment activities or development facilitated by the Redevelopment Plan Fourth Amendment could potentially disrupt, alter or eliminate as-yet undiscovered paleontological resources. This would be a potentially significant impact.</td>
<td>Mitigation 8-3: If paleontological resources are encountered, work shall avoid altering the resource and its stratigraphic context until a qualified paleontologist has evaluated, recorded and determined appropriate treatment of the resource, in consultation with the City. Project personnel shall not collect paleontological resources. Appropriate treatment may include collection and processing of &quot;standard&quot; samples by a qualified paleontologist to recover microvertebrate fossils; preparation of significant fossils to a reasonable point of identification; and depositing significant fossils in a museum repository for permanent curation and storage, together</td>
<td>City; individual project developers</td>
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</table>
## IDENTIFIED IMPACT

| Impact 8-4: Cumulative Cultural Resources Impacts. The loss of significant archaeological, historical and paleontological resources caused by the Redevelopment Plan Fourth Amendment would be a cumulatively considerable contribution to a loss of cultural resources throughout Grass Valley and the surrounding region, and thus a significant impact. |
| Mitigation 8-4: Mitigations 8-1 and 8-3 would reduce the impacts of the Redevelopment Plan Fourth Amendment, and thus the project contribution to significant cumulative impacts on archaeological resources and paleontological resources, to a less-than-significant level. However, it cannot be determined at this time, without consideration of a specific development proposal, whether it would be feasible under Mitigation 8-2 to mitigate to a less-than-significant level the impacts of any given subsequent development project within the Amendment No. Four Area that contain historic resources, and so the contribution of the Redevelopment Plan Fourth Amendment to cumulative Impacts on cultural resources would remain cumulatively considerable and thus significant and unavoidable. |

## HAZARDS AND HAZARDOUS MATERIALS

| Impact 11-1: Project-Related Exposure to Existing Hazardous Materials Contamination. Due to the known existence of contaminated sites in the Amendment No. Four Area, there is a possibility that future redevelopment-facilitated development could expose construction workers and occupants to hazardous materials contamination. This possibility represents a potentially significant impact. |
| Mitigation 11-1: In connection with each project-related discretionary development approval that the City initially determines (through checking the local EPA Cortese List of potentially contaminated properties) could expose construction workers or occupants to hazardous materials contamination, the City shall require a Phase I environmental site assessment (Phase I ESA records search) prior to property development, with a Phase II ESA required if the Phase I ESA indicates evidence of site contamination. The City shall also require compliance with the site assessment, remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination enforced by the Regional Water Quality Control Board (RWQCB), Nevada County Department of Environmental Health (NCDEH), California Division of |
### IDENTIFIED IMPACT

| RELATED MITIGATION MEASURE (Performance Criteria) |
| MONITORING | VERIFICATION |
| Implementation Entity | Monitoring and Verification Entity | Timing Requirements | Signature | Date |

**Occupational Safety and Health (Cal/OSHA), California Department of Toxic Substances Control (DTSC), U.S. Environmental Protection Agency (EPA), and other jurisdictional agencies.**

Demonstrated compliance by future, individual, site-specific developments in the Amendment No. Four Area with these established environmental site assessment procedures would provide adequate assurance that associated potential health and safety impacts due to exposure to existing hazardous materials contamination would be less-than-significant.

### HYDROLOGY AND WATER QUALITY

**Impact 12-1: Construction Impacts on Water Quality.** Construction activities within the Amendment No. Four Area may substantially degrade water quality in Wolf Creek and its tributaries. Construction activities, in particular activities involving soil disturbance, excavation, cutting/filling, and grading, could result in increased erosion on-site and sediments, pollutants and excess nutrients being carried to receiving waters, which could increase turbidity and sedimentation, disrupt aquatic habitats, impair beneficial uses and violate waste discharge requirements. These possible effects represent a potentially significant impact.

**Mitigation 12-1:** Project-facilitated construction activities in the Amendment No. Four Area shall comply with all applicable State, regional, and City water quality provisions. As required under Regional Water Quality Control Board (RWQCB) regulations, at the time of development of each public improvement or project-facilitated private development involving the grading of one acre or more or as determined necessary by the City, the applicant shall: (a) file with the RWQCB a Notice of Intent to comply with the Statewide General Permit for Construction Activities; (b) prepare and implement a project-specific Storm Water Pollution Prevention Plan (including an erosion and sediment control plan) for City review and approval prior to issuance of a grading permit; and (c) implement a monitoring and reporting program to verify the effectiveness of control measures. The NPDES General Permit-required SWPPP shall address both erosion and non-point source pollution impacts (e.g., improper handling or accidental spill of toxic materials) from project construction.

The SWPPP, at a minimum, shall follow all City ordinances and conform to the California Storm Water Best Management Practices (SWBMP) and shall address both erosion and non-point source pollution impacts (e.g., improper handling or accidental spill of toxic materials) from project construction.

City: individual project developers

City

Require as condition of individual project approval. Monitor during construction.
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<td>Practices Handbook, and shall include, but not be limited to, the following criteria:</td>
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<td>Monitoring and Verification Entity</td>
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<td>• Immediately re-vegetate or otherwise protect all disturbed areas from both wind and water erosion upon the completion of grading activities.</td>
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<td>• Incorporate measures as necessary to protect proposed Project Area drainages from sedimentation.</td>
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<td>• Use water bars, temporary swales and culverts, mulch and jute netting, hydroseeding, silt fences, sediment traps and sedimentation basins, as warranted to prevent surface water from eroding graded areas, to retain sediment, and to collect all drainage from disturbed areas and allow sediments and pollutants to settle out before discharging off the construction site and prior to entering any collection system or tributary.</td>
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<td>• Provide dust control measures to soils susceptible to wind erosion frequently during construction.</td>
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<td>Impact 12.2: Operational Impacts on Water Quality</td>
<td>With implementation of this mitigation measure, Project construction impacts on water quality would be less than significant.</td>
<td>City, individual project developers</td>
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<tr>
<td>Ongoing occupancy and operation of redevelopment-facilitated development within the Amendment No. Four Area could therefore substantially degrade water quality in Wolf Creek and its tributaries, which would be a potentially significant impact.</td>
<td>Mitigation 12.2. As specified by the City's Stormwater Management Program (SWMP) developed in 2003, and as established in the City's Grading Ordinance (Article 6, Site Development Regulations, chapters 17.60 and 17.62 of the City's Development Code), implement the following site development standards as applicable, as conditions of individual development approvals within the drainage areas (watershed) of Wolf Creek and its tributaries in the Amendment No. Four Area in order to adequately address potential project-related operational impacts on water quality.</td>
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<td>Minimize impervious cover, maximize on-site infiltration, and manage stormwater runoff to remove pollutants before discharge to receiving waters sufficient to meet City-imposed best management practices (BMPs). BMPs may include:</td>
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<td>Monitoring and Verification Entity</td>
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<td>• <strong>Design and non-structural BMPs.</strong> Smaller building footprint, vegetated roofs, pervious pavement or grid pavers, vegetated swales, rain gardens, disconnection/isolation of impervious areas.</td>
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<td>• <strong>Structural BMPs.</strong> Rainwater cisterns, catch basin treatment devices, retention ponds, stormwater harvesting for reuse in irrigation or buildings.</td>
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<td>(b) Engineer drainage improvements for site runoff, including runoff from all roadways and other impervious surfaces, to minimize erosion;</td>
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<td>(c) Limit excavations and fills to the minimum amount necessary, and design grading to maximize retention of natural land forms and features with final contours blended with adjacent natural terrain to achieve a consistent grade and natural appearance;</td>
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<td>(d) Design grading to minimize the removal or disturbance of native vegetation to the maximum extent feasible;</td>
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<td>(e) Where natural vegetation has been removed through grading in areas that are not to be occupied by structures, replant the areas in compliance with an approved revegetation plan and the Grading Ordinance to prevent erosion after construction is completed;</td>
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<td>(f) Comply with City-established specific setbacks from property lines for cut and fill slopes;</td>
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<td>(g) design and construct drainage systems and facilities in compliance with the City's Storm Water Management Plan, City Improvement Standards, and all other applicable City drainage requirements; and</td>
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<td>Monitoring and Verification Entity</td>
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<td>(h) Include in the design of proposed grading projects provisions to retain offsite natural drainage patterns, and limit the quantities and velocities of peak runoff to predevelopment levels.</td>
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<td>Implementation of these mitigation measures would reduce the long-term operational impacts of Project-facilitated development on water quality to a less than significant level.</td>
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**NOISE**

**Impact 13-1: Temporary Construction Noise Impacts.** Project-facilitated demolition and construction activities within the Amendment No. Four Area could temporarily increase noise levels at nearby residential and commercial receptors. Noise levels at 50 feet from the demolition or construction equipment source could reach approximately 105 dBA, resulting in intermittent interference with typical residential and business activities, and exceeding the City’s land use/noise compatibility guidelines. This possibility represents a **potentially significant impact.**

**Mitigation 13-1.** Reduce demolition and construction noise impacts of future project-facilitated discretionary development activity on adjacent uses by imposing as conditions of approval the following or similar conventional construction-period noise abatement measures as warranted:

- **Construction Plan.** Prepare to City satisfaction a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with nearby noise-sensitive facilities so that construction activities and the event schedule can be scheduled to minimize noise disturbance. Prior to final project (e.g., final map) approval, this plan shall be provided to all noise-sensitive land uses within 500 feet of the construction site.

- **Construction Scheduling.** Ensure that noise-generating construction activity is limited to between the hours of 7:00 AM to 7:00 PM Monday to City, individual project developers and their contractors | | | |

**City** | Require as condition of individual project Development Review Application, Tentative Map or Demolition Permit approval. Monitor during construction.
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<td>through Saturday. <em>(Grass Valley Municipal Code Section 8.28.060)</em></td>
<td>Implementation Monitoring and Timing Signature Date (Performance Criteria) Entity Verification Entity Requirements</td>
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<td><strong>Construction Equipment Mufflers and Maintenance.</strong> Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</td>
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<td><strong>Equipment Locations.</strong> Locate stationary noise-generating equipment required on construction project sites as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project site.</td>
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<td><strong>Construction Traffic.</strong> Route all construction traffic to and from the construction sites via designated truck routes to the maximum extent feasible. Prohibit construction-related heavy truck traffic in residential areas where feasible.</td>
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<td><strong>Quiet Equipment Selection.</strong> Use quiet construction equipment, particularly air compressors, wherever feasible.</td>
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<td><strong>Temporary Barriers.</strong> Construct solid plywood fences around construction sites adjacent to residences, operational businesses, or noise-sensitive land uses.</td>
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<td><strong>Temporary Noise Blankets.</strong> Temporary noise control blanket barriers should be erected along building facades of construction sites to attenuate noise from elevated activities if noise conflicts cannot be resolved by scheduling. (Noise control blanket barriers can be rented and quickly erected.)</td>
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<td><strong>Noise Disturbance Coordinator.</strong> The City may choose to require project designation of a &quot;Noise Disturbance</td>
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<td>Coordinator who would be responsible for responding to any local complaints about construction noise. The Disturbance Coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Post in a conspicuous location a telephone number for the Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. (The project sponsor should be responsible for designating a Noise Disturbance Coordinator, posting the phone number, and providing construction schedule notices. The Noise Disturbance Coordinator would work directly with an assigned City staff member.)</td>
<td>Implementation Entity</td>
<td>Monitoring and Verification Entity</td>
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<td>Implementation of this mitigation would reduce temporary construction noise impacts to a <em>less-than-significant</em> level.</td>
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**Impact 13-2: Temporary Construction Vibration Impacts.** Project-facilitated demolition and construction activities within the Amendment No. Four Area could temporarily increase vibration levels at nearby sensitive receptors, resulting in intermittent interference with typical activities. This possibility represents a *potentially significant impact.*

| Mitigation 13-2. | Future projects shall require by contract specifications that construction staging areas and the operation of earthmoving and construction equipment would be located as far away from vibration- and noise-sensitive sites as feasible. Should blasting, grading or construction activities take place within 25 feet of an occupied structure, a project specific vibration control plan shall be implemented to ensure vibration levels are below the FTA 85 VdB threshold at sensitive receptors. In addition, the applicable Caltrans peak particle velocity (ppv) limits shall be applied. Contract specifications incorporating this measure shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. Implementation of this mitigation would reduce this potential impact to a *less-than-significant* level. | City; individual project developers and their contractors | City | Require as condition of individual project approval. Monitor during construction. |            |      |

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<tr>
<td>Impact 13-3: Project-Facilitated Development Exposure to Noise Levels Exceeding Standards. The occupants of project-facilitated new residential development and other sensitive receptors within the Amendment No. Four Area could be exposed to noise levels in excess of the City's land use/noise compatibility policy and State Title 24 standards, representing a potentially significant impact.</td>
<td>Mitigation 13-3. Any discretionary proposed project for new residential uses or new noise sensitive uses within the Amendment No. Four Area that the City initially determines may be exposed to noise levels in excess of City or State standards shall submit a noise study consistent with the requirements of the California Building Code to identify noise reduction measures necessary to achieve compatibility with City Noise Element noise policy (60 dB Ldn/CNEL at outdoor activity areas and 45 dB Ldn/CNEL in interior spaces) and State Title 24 standards (45 dBA CNEL within multifamily residential units). The noise study shall be approved by the City's Building Inspection Division prior to issuance of a building permit. Identified noise reduction measures, in order of preference so that windows can be opened, may include:</td>
<td>City; individual project developers</td>
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</table>
### IDENTIFIED IMPACT

**Impact 13-4: Cumulative Traffic Noise Increases.** Potentially sensitive receptors along city travel routes may be exposed to permanent substantial increases in traffic noise—i.e., increases of 3 to 5 dBA or greater—as a result of anticipated cumulative development under the City’s 2020 General Plan, including project-facilitated development in the Amendment No. Four Area, and associated increases in vehicular traffic along the following roadway segments:

- SR 49—begin freeway to Brunswick Road
- SR 20—Brunswick Road to Empire Road, Ophir Street to SR 49
- East Bennet Road—entire length
- Brunswick Road—Whispering Pines to Loma Rica Drive
- Dorsey Drive—E. Main Street to Segworth
- Sierra College Drive—east of Main Street
- Whispering Pines Lane—entire length

This potential project effect would represent a **potentially significant cumulative impact**.

### RELATED MITIGATION MEASURE

**Mitigation 13-4: Discretionary development applications along these travel routes that the City initially determines may involve a sensitive receptor shall be evaluated for associated traffic noise impacts. Actual future development and resulting traffic noise levels may be different than were estimated in the 2020 General Plan Draft EIR. Project-specific evaluation for individual future development applications may demonstrate that impacts would actually be less-than-significant and mitigation would not be necessary. If the project-specific evaluation indicates that estimated noise levels at these locations would increase by 3 dBA where existing noise levels exceed 60 dBA CNEL, or by 5 dBA where existing noise levels without the project are below 60 dBA CNEL, then mitigation measures shall be implemented to the extent feasible to reduce noise to below the threshold. Mitigation measures may include installation of open grade asphalt paving. The use of open grade asphalt paving could provide a 2 to 3 dBA decrease in traffic noise levels. If necessary, further mitigation may include sound walls in places or extending an offer to retrofit affected noise-sensitive properties. Depending on the amount of noise level reduction required and the number of noise-sensitive properties affected, retrofitting measures, if necessary, may not be feasible for or desired by every affected property. Without knowing the actual amount of noise reduction that would be necessary, the number of affected properties and the degree of voluntary participation, the feasibility of retrofitting affected properties cannot be determined. Therefore, this potential cumulative traffic noise impact would be a significant unavoidable impact.**

### MONITORING

- Implementation of this mitigation would reduce the potential impact related to exposure to noise levels exceeding standards to a **less-than-significant level**.

### VERIFICATION

- City: individual project developers
- City
- Require as condition of individual project approval. Verify during development review.

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<td>Impact 17-I: Operational Impacts on Roadway Segments (With-Project Conditions)</td>
<td>Mitigation 17-I. Consistent with Grass Valley General Plan Circulation Implementation Action 15, the City shall ensure adequate funding to meet established LOS policies, including assessment of traffic impact fees on new development and gas taxes to fund the CIP, as well as the potential establishment of an assessment district(s). However, funding and implementation of the necessary CIP roadway segment improvements might not generally coincide with the timing of project-facilitated development in the Amendment No. Four Area. As a result, the timely implementation of the necessary roadway segment improvements cannot be guaranteed solely through City or Redevelopment Agency action.</td>
<td>City; require fair-share reimbursement from future applicants.</td>
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Impact 17.2: Peak Hour Operational Impacts on Intersections (With-Project Conditions). Roadway traffic generated by project-facilitated development in the Amendment No. Four Area under the land use policies of the adopted Grass Valley General Plan would make a considerable contribution to the cumulative deterioration in operation on these six roadway segments would represent a potentially significant project and cumulative impact.

Mitigation 17.2. Consistent with Grass Valley General Plan Circulation Implementation Action 15, the City shall ensure adequate funding to meet established LOS policies, including assessment of traffic impact fees on new development and gas taxes to fund the CIP, as well as the potential establishment of an assessment district(s). Specific future discretionary development projects within the Amendment No. Four Area would also be subject to the City of Grass Valley Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections, which identifies when a traffic impact study is required (see EIR subsection 17.2.5.c). However, funding and implementation of the necessary CIP improvement improvements might not generally coincide with the timing of project-facilitated development in the Amendment No. Four Area. As a result, the timely implementation of the necessary intersection improvements cannot be guaranteed solely through City of Redevlopment Agency action. In addition, five of the identified impacted study intersections (Mill Street/Neal Street, W. Main Street/School Street, W. Main Street/Church Street, Bank Street/S. Auburn Street, and W. Main Street/Church Street) are located within the City's historic Town Core Zoning District, and one (SR 39/SR 20 Southbound Ramps/Bennett Street) is located on the edge of the Town Core Zoning District. For these five intersections, future maintenance of a comfortable pedestrian environment within the Town Core district may be determined by the City to have priority over future reimbursement prior to individual project occupancy.
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<td>• Idaho-Maryland Road/Centennial Drive (PM), Sutton Way/Dorsey Drive (PM), Idaho-Maryland Road/Sutton Way (PM), Subarea C: McKnight Way/Auburn Street (La Barr Meadows Road) (AM/PM), Freeman Lane/Taylorville Road (PM), Remaining Areas of City: W. Main Street/Alta Street (AM/PM), Mill Street/McCourtney Road/Freeman Lane/Allison Ranch Road (PM), Mill Street/SR 20 Westbound &quot;Hook&quot; Ramps (AM/PM), McCourtney Road/SR 20 Eastbound &quot;Hook&quot; Ramps (AM/PM), McCourtney Road/Brighton Street (AM/PM), Sierra College Drive/Ridge Road/Morgan Ranch Drive (AM/PM), and Brunswick Road/Whispering Pines Lane (AM/PM),</td>
<td>Improvement needs for vehicular LOS improvement purposes (e.g., widenings, added turning lanes, signal timing changes, etc.). Consequently, based on the implementation uncertainties and potential pedestrian priority considerations described above, this anticipated peak hour operational effect represents a significant unavoidable project and cumulative impact.</td>
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The 2030 cumulative with-project impacts would create the need for improvements at these intersections in order to maintain the City's desired level of service (LOS). Although these necessary improvements are included in the City's adopted Transportation Capital Improvement Program (CIP), all of these CIP improvements have not yet been implemented, and their funding and implementation may not necessarily coincide with the timing of project-facilitated development in the Amendment No Four Area. Therefore, the project's considerable contribution to anticipated cumulative deteriorations in operation at these 28 intersections would represent a potentially significant project and cumulative impact.

** Intersection located within City's Town Core Zoning District.  
** Intersection located on the edge of the City's Town Core Zoning District.
RESOLUTION NO. 2011-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ELECTING TO RECEIVE ALL OR A PORTION OF THE TAX INCREMENT REVENUES PURSUANT TO SECTION 33676 OF THE COMMUNITY REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA AND THE CITY’S SHARE OF TAX INCREMENT PURSUANT TO SECTION 33607.5 OF THE COMMUNITY REDEVELOPMENT LAW OF THE STATE OF CALIFORNIA, WITH RESPECT TO AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN FOR THE GRASS VALLEY REDEVELOPMENT PROJECT AREA

WHEREAS, pursuant to the CRL, on November 8, 1988, the City Council for the City adopted Ordinance 401 approving the redevelopment plan (as amended from time to time the “Redevelopment Plan”) for the Grass Valley Redevelopment Project Area (“Project Area”); and

WHEREAS, the Agency has prepared an amendment to the Redevelopment Plan for the Grass Valley Redevelopment Project Area (“Original Project Area”) to add approximately 687 acres (“Added Area”) to the Original Project Area, to increase the financial limits of the Redevelopment Plan with respect to limits on receipt of tax increment and bonded indebtedness, and to add programs and capital projects to the Redevelopment Plan’s approved projects list. (“Amendment No. 4”); and

WHEREAS, Section 33676 of the CRL provides that prior to the adoption of a redevelopment plan, an affected taxing entity may elect to receive, in addition to the portion of taxes allocated to the affected taxing entity pursuant to Section 33670(a) of the CRL, all or any portion of the tax revenues allocated to the Agency from the project area pursuant to Section 33670(b) of the CRL (“Tax Increment”) that are attributable to an increase in the rate of tax imposed for the benefit of the taxing entity after the tax year in which the ordinance adopting the redevelopment plan becomes effective (“Increases”); and

WHEREAS, for redevelopment plans adopted or amended on or after January 1, 1994, Section 33607.5 of the CRL provides that in any fiscal year in which a redevelopment agency receives Tax Increment from the project area, the community that has adopted the redevelopment plan may elect to receive, the community’s proportional share of the Tax Increment required to be paid to affected taxing entities under CRL Section 33607.5(b) (“City Election”).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grass Valley orders as follows:

SECTION 1. The City Council hereby elects to receive the Increases as defined herein with respect to Tax Increment received by the Agency from Amendment No. 4 Added Area and directs staff to transmit a copy of this resolution to the Executive Director of the Agency and the Auditor Controller of Nevada County.

SECTION 2. The City Council hereby elects to receive the City Election as defined herein with respect to Tax Increment received by the Agency from Amendment No.4 Added Area and
directs staff to transmit a copy of this resolution to the Executive Director of the Agency and the Auditor Controller of Nevada County.

SECTION 3. The City Clerk shall certify as to the adoption of this resolution.

RESOLUTION NO.2011-35

ADOPTED at a regular meeting of the City Council of the City of Grass Valley on May 10, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

________________________________________
Jan Arbuckle, Mayor

ATTESTED:

______________________________
Kristi Bashor, City Clerk

APPROVED AS TO FORM: 
Ruthann G. Ziegler, Legal Counsel
RESOLUTION NO. 2011-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY FINDING THAT THE USE OF TAXES ALLOCATED FROM AMENDMENT NO. 4 ADDED AREA TO THE GRASS VALLEY REDEVELOPMENT PROJECT AREA FOR THE PURPOSE OF INCREASING, IMPROVING, AND PRESERVING THE COMMUNITY’S SUPPLY OF LOW AND MODERATE INCOME HOUSING OUTSIDE THE ADDED AREA WILL BE OF BENEFIT TO THE ADDED AREA

WHEREAS, pursuant to the CRL, on November 8, 1988, the City Council for the City adopted Ordinance 401 approving the redevelopment plan (as amended from time to time the “Redevelopment Plan”) for the Grass Valley Redevelopment Project Area (“Project Area”); and

WHEREAS, the Agency has prepared an amendment to the Redevelopment Plan for the Grass Valley Redevelopment Project Area (“Original Project Area”) to add approximately 687 acres (“Added Area”) to the Original Project Area, to increase the financial limits of the Redevelopment Plan with respect to limits on receipt of tax increment and bonded indebtedness, and to add programs and capital projects to the Redevelopment Plan’s approved projects list. (“Amendment No. 4”); and

WHEREAS, in accordance with CRL Section 33334.2, the Agency is required to deposit no less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to CRL Section 33670 in a Low and Moderate Income Housing Fund to be used for the purpose of increasing, improving, and preserving the community’s supply of low and moderate income housing; and

WHEREAS, CRL Section 33334.2(g) authorizes the Agency to use monies from a Low and Moderate Income Housing Fund outside of a project area only upon adoption of resolutions by the Agency and City Council finding that such use will be of benefit to the Project Area; and

WHEREAS, under CRL Section 3334.2(g), the City Council has declared that the provision of replacement housing, if any, is always of benefit to a project; and

WHEREAS, the City desires by this resolution to declare that the expenditures of monies from the Low and Moderate Income Fund established for the Project Area will be of benefit to the Project Area when such monies are used in accordance with the requirements of the CRL either within or outside the Project Area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grass Valley orders as follows:

SECTION 1. The use of taxes allocated from Amendment No. 4 Added Area to the Grass Valley Redevelopment Project Area for the purpose of increasing, improving, and preserving the community’s supply of low and moderate income housing available at affordable housing cost outside the Project Area will be of benefit to the Project Area.

SECTION 2. The City Clerk shall certify as to the adoption of this resolution.
READ AND APPROVED AS TO LEGAL FORM:

RESOLUTION NO.2011-36

ADOPTED at a regular meeting of the City Council of the City of Grass Valley on May 10, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

__________________________
Jan Arbuckle, Mayor

ATTESTED:

__________________________
Kristi Bashor, Clerk

APPROVED AS TO FORM:    ____________________________
Ruthann G. Ziegler, Legal Counsel
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY
AMENDING THE REDEVELOPMENT PLAN FOR GRASS VALLEY
REDEVELOPMENT PROJECT TO (1) ADD APPROXIMATELY 687 ACRES
("ADDED AREA") TO THE ORIGINAL PROJECT AREA (2) INCREASE
FINANCIAL LIMITS ON RECEIPT OF TAX INCREMENT AND BONDED
INDEBTEDNESS, AND (3) ADD PROGRAMS AND INFRASTRUCTURE
PROJECTS TO THE AMENDED AND RESTATED REDEVELOPMENT PLAN

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DOES ORDAIN AS
FOLLOWS:

WHEREAS, the Redevelopment Agency of the City of Grass Valley ("Agency") is a
public body, corporate and politic, organized and existing under the Community Redevelopment
Law, California Health and Safety Code § 33000, et seq. (the "CRL") to carry out the purposes
of redevelopment in the City of Grass Valley ("City"); and

WHEREAS, pursuant to the CRL, on November 8, 1988, the City Council for the City
adopted Ordinance 401 approving the redevelopment plan (as amended from time to time the
"Redevelopment Plan") for the Grass Valley Redevelopment Project Area; and

WHEREAS, the Agency has prepared amendments to the Redevelopment Plan for the
Grass Valley Redevelopment Project Area ("Original Project Area") to add approximately 687
acres ("Added Area") to the Original Project Area, increase the financial limits of the
Redevelopment Plan with respect to limits on receipt of tax increment and bonded indebtedness,
and add programs and capital projects to the Redevelopment Plan's approved projects list
("Amendment No. 4"); and

WHEREAS, the City Council of the City of Grass Valley (the "City Council") proposes
to adopt Amendment No. 4 for the Added Area and the Original Project Area (collectively, the
"Project Area"); and

WHEREAS, the City Council has received from the Agency Amendment No. 4 for the
Project, a copy of which is on file at the office of the City Clerk, together with the Agency's
Report to the City Council on the Grass Valley Redevelopment Plan Adoption ("Report to
Council") which includes a description of the reasons for selection of the Project Area, a
description of the projects proposed to be undertaken by the Agency, a description of the
physical and economic conditions existing in the Project Area, the proposed method of financing
the redevelopment of the Project Area, a plan for the relocation of families and persons who may
be temporarily or permanently displaced from housing facilities in the Project Area, an analysis
of the Preliminary Plan, the report and recommendations of the Planning Commission of the City
of Grass Valley (the "Planning Commission") as to the conformity of Amendment No. 4 with
the City's General Plan, the Owner Participation Rules, an implementation plan, a neighborhood
impact report, a summary of consultations with Project Area owners and businesses, an
environmental impact report on Amendment No. 4 (the "Final EIR"), the report of the county fiscal officer and the Agency's analysis thereof and summary of consultations with taxing agencies; and

WHEREAS, as set forth in City Council Resolution 2011-29 and Agency Resolution 2011-RDA-28, each adopted on March 22, 2011, the City Council and the Agency have each determined that establishment of a Project Area Committee is not required under the CRL; and

WHEREAS, Agency staff and consultants have conducted public workshops and meetings and transmitted information about the Project, Amendment No. 4, and the redevelopment process to Project Area residents, property owners and business occupants; and

WHEREAS, the Planning Commission has submitted to the City Council its report and recommendations concerning Amendment No. 4 and its determination that Amendment No. 4 conforms to the General Plan for the City of Grass Valley; and

WHEREAS, on May 10, 2011, the City Council and the Agency held a joint public hearing on the adoption of Amendment No. 4 in the City Council Chambers at the City of Grass Valley City Hall; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in Nevada County once per week for four weeks prior to the date of the hearing, and a copy of such notice and affidavit of publication are on file with the City Clerk and Secretary of the Agency;

WHEREAS, notice of the public hearing together with a statement concerning acquisition of property by the Agency was sent by first class mail to the last known address of each assesseee of each parcel of land in the Project Area, as shown on the last equalized assessment roll for the County of Sacramento;

WHEREAS, notice of the public hearing was sent by first class mail to all residents and businesses within the Project Area;

WHEREAS, notice of the public hearing was mailed by certified mail with return receipt requested to the governing body of each taxing agency that receives taxes from property in the Project Area;

WHEREAS, the Agency as lead agency under the California Environmental Quality Act ("CEQA") prepared and certified a Final EIR for Amendment No. 4. The City Council, as a Responsible Agency under CEQA, considered the certified Final EIR before approving and adopting Amendment No. 4 and adopted CEQA mitigation findings, findings regarding alternatives, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program as further set forth in Resolution ___, dated May 10, 2011 and incorporated herein by reference; and

WHEREAS, the City Council has considered the report and recommendation of the Planning Commission, the Report to Council, Amendment No. 4 and its economic feasibility, and the Final EIR, has provided an opportunity for all persons to be heard, and has received and
considered all evidence and testimony presented for or against any and all aspects of Amendment No. 4 and has made written findings in response to each written objection of an affected property owner or taxing entity filed with the City Clerk prior to the conclusion of the joint public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. The purposes and intent of the City Council with respect to the Project Area and Amendment No. 4 are to accomplish the following:

1.1 ECONOMIC DEVELOPMENT

1.1.1 Retain existing businesses and attract new businesses to Project Area locations designated for business activity; promote economic development of environmentally sound, light industrial and commercial uses.

1.1.2 Increase employment opportunities and job training.

1.1.3 Assist neighborhood commercial revitalization, and attract more uses that serve the local community including neighborhood-serving retail.

1.1.4 Promote historical and cultural programs, improvements, amenities, and other development to revitalize the Project Area.

1.2 BUILDING REHABILITATION

1.2.1 Stimulate opportunities for adaptive re-use and preservation of existing building stock in the Project Area.

1.2.2 Facilitate economic development by improving and rehabilitating substandard buildings and targeting infill on vacant lots in the Project Area.

1.2.3 Encourage and assist the rehabilitation of historically significant properties to avoid demolition or replacement.

1.2.4 Provide opportunities for participation by owners and tenants in the revitalization of their properties.

1.3 TRANSPORTATION AND CIRCULATION

1.3.1 Improve pedestrian and vehicular circulation in the Project Area through the assembly of land into parcels suitable for modern, integrated development.

1.3.2 Develop a transportation system integrated with the pattern of residential, commercial and shopping areas to provide safe, convenient and efficient movement within the City and to other parts of the region.
1.3.3 Facilitate and encourage transit oriented development throughout the Project Area and City-wide.

1.4 SITE PREPARATION AND DEVELOPMENT

1.4.1 Stimulate in-fill development and land assembly opportunities on obsolete, underutilized, incompatible and vacant property in the Project Area.

1.4.2 Redesign and redevelop areas that are stagnant or improperly utilized.

1.4.3 Mitigate and reduce conflicts between residential and industrial uses in the Project Area.

1.5 PUBLIC IMPROVEMENTS AND FACILITIES

1.5.1 Provide the framework and infrastructure for restoring economic health to the Project Area.

1.5.2 Provide streetscape improvements, utility undergrounding, open space, parking and community facilities to enhance neighborhood quality and foster economic and neighborhood vitality.

1.5.3 Develop adequate civic, recreational, educational and cultural centers in locations for the best service to the community and in ways that will promote a sense of community and civic pride.

1.5.4 Improve public safety for people living and working in the Project Area.

1.5.5 Minimize/eliminate environmental hazards within the Project Area.

1.6 HOUSING

1.6.1 Improve the quality of housing by assisting new construction, rehabilitation, and conservation of single- and multi-family homes.

1.6.2 Expand, improve, and preserve the City's supply of housing affordable to persons and families with low- and moderate-incomes.

1.6.3 Stimulate home ownership opportunities in the Project Area and City-wide.

Section 2. The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Report to Council and all documents referenced therein, and evidence and testimony received at the joint public hearing on adoption of Amendment No. 4 held on May 10, 2011, that:
(a) Significant blight remains within the Project Area, which blight cannot be eliminated without the establishment of additional debt and an increase in the limitation on the number of dollars to be allocated to the Agency. The continued redevelopment of the Project Area is necessary to effectuate the public purposes declared in the CRL. This finding is based on the following facts, as more particularly set forth in the Report to City Council on the Amendment No. 4:

Physical Blighting Conditions

(1) Buildings in which it is unsafe or unhealthy for persons to live or work, including buildings characterized by serious building code violations, physical and structural deficiencies, dilapidation and deterioration, defective design or physical construction, faulty or inadequate utilities, lead paint hazards, and other similar factors.

(2) Factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots, including flood hazards, adverse soil conditions, illegal dumping, the presence of hazardous waste, landlocked parcels, impaired access and circulation, and similar factors including obsolescence.

(3) Adjacent or nearby incompatible uses that prevent economic development, including residential uses in close proximity to warehouse and industrial uses, commercial and residential uses in proximity to interstate highways and rail lines, and similar incompatible uses in close proximity.

(4) Existence of subdivided lots of irregular form and inadequate size in multiple ownership.

Economic Blighting Conditions

(1) Depreciated or stagnant property values or impaired investments, including properties contaminated with potentially hazardous materials and wastes.

(2) Abnormally high business vacancies, abnormally low lease rates, and vacant or abandoned properties.

(3) Residential overcrowding, excessive adult businesses, and high crime rates.

Inadequate Public Improvements.

(1) Deficient street and sidewalk conditions.

(2) Circulation deficiencies.

(3) Inadequate sewage and wastewater facilities.

The foregoing conditions are so prevalent and so substantial that they are causing and will increasingly cause a reduction of, and lack of, proper utilization of the area to such an extent
that they constitute a serious physical and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the City and private enterprise acting alone or in concert without redevelopment.

(b) The Plan will enable the Project Area to be redeveloped in conformity with the CRL and in the interest of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area, including the planning, development, replanning, redesign, clearance, reconstruction and other efforts will implement the objectives of the CRL by aiding in the elimination of conditions of blight, providing for higher economic and more beneficial use of under-utilized land, the development of affordable housing, and the construction and installation of public improvements, facilities and utilities in areas which are currently inadequately served.

(c) The adoption and carrying out of Amendment No. 4 is economically sound and feasible. This finding is based on the fact that under Amendment No. 4, the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increment; that the nature and timing of public redevelopment assistance will depend on the amount and availability of such financing resources, including tax increment, generated by new investment in the Project Area; and that under Amendment No. 4 no public redevelopment activity can be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

(d) The Plan conforms to the General Plan of the City of Grass Valley, including, but not limited to, the Housing Element of the General Plan, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based on the finding of the Planning Commission that Amendment No. 4 conforms to the General Plan for the City of Grass Valley as currently in effect and as it may hereafter be amended.

(e) The implementation of Amendment No. 4 will promote the public peace, health, safety and welfare of the City of Grass Valley and will effectuate the purposes and policies of the CRL. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight as previously described herein, by coordinating public and private actions to stimulate development and improve the economic and physical conditions within the Project Area, and by increasing employment, recreation and housing opportunities within the City.

(f) The Agency plans no displacement of persons; however, in the event any displacement does occur, the Agency has a feasible method and plan for the relocation of families, persons and businesses that might be temporarily or permanently displaced as a result of Agency action. This finding is based upon the fact that the Agency has adopted Relocation Rules and Regulations and Rules Governing Participation by Property Owners and Preferences for Business Occupants which each provide guidelines in the event that displacement of families,
persons or businesses is necessary. Furthermore Amendment No. 4 requires provision of relocation assistance in accordance with applicable law.

(g) There are, or will be, provided within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no persons are expected to be displaced as a result of the implementation of Amendment No. 4, and upon the fact that even if persons were to be displaced, there are sufficient existing dwellings which would be available to such persons.

(h) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to CRL Sections 33411 and 33411.1. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to CRL Sections 33334.5, 33413, and 33413.5. This finding is based upon the fact that the Agency has adopted a plan for relocation of families, persons and businesses affected by Agency projects which require the adoption of a relocation plan prior to any displacement, and Amendment No. 4 provides for relocation assistance in accordance with law.

(i) Inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire Project Area, and no such area is included for the purpose of obtaining the allocation of tax increment revenues without other substantial justification for its inclusion. This finding is based upon the fact that all properties within Project Area boundaries were included because they are underutilized, blighted, or affected by the existence of blighting influences, or because they are necessary accomplish the objectives and benefits of Amendment No. 4 because they are surrounded by or adjacent to blighted properties, they are necessary to enable coordinated completion of improvements along commercial corridors, or because of the need to impose uniform requirements on the Project Area as a whole.

(j) All noncontiguous areas of the Project Area are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining the allocation of taxes from the areas pursuant to CRL Section 33670 without other substantial justification for their inclusion. This finding is based upon the fact that the boundaries of the Project Area were chosen to include lands that are underutilized because of blighting influences or that are affected by the existence of blighting influences, and land uses that significantly contribute to the conditions of blight and whose inclusion in necessary to accomplish the objectives and benefits of Amendment No. 4.

(k) The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone, without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, as described in the Agency's Preliminary Report and Report to Council, including the lack of adequate public improvements and facilities, structural deficiencies, dilapidation and deterioration, factors that hinder economically viable use, lots of irregular, form, shape and
inadequate size, depreciated or stagnant property values or impaired investments, and excessive vacant lots as enumerated in the record including the Report to Council. The lack of private investment incentive, and the cost of requiring individuals (through assessments or otherwise) to eradicate or significantly alleviate such blighting conditions, and the inadequacy of other governmental programs and financing mechanisms to eradicate or significantly eliminate such blighting conditions, make elimination of blight in the Project Area infeasible without the aid and assistance of the Agency under Amendment No. 4 and the CRL.

(l) The Project Area is a predominantly urbanized area. This finding is based upon information contained in the Agency's Preliminary Report and the Report to Council, which demonstrates that all of the property in the Project Area has been or is developed for urban uses.

(m) The time limitations in Amendment No. 4 are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area. This finding is supported by the fact that redevelopment depends in large part, upon private market forces beyond the control of the Agency, and shorter limitations would impair the Agency's ability to be flexible and respond to market conditions as and when appropriate and would impair the Agency's ability to maintain development standards and controls over a period of time sufficient to assure area stabilization. In addition, shorter time limitations would limit the revenue sources and financing capacity necessary to carry out proposed projects in the Project Area.

(n) The Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to Amendment No. 4. The Plan provides for the retention of controls and the establishment of restrictions and covenants running with the land sold or leased for private use for periods of time and under conditions specified in Amendment No. 4, which the City Council deems necessary to effectuate the purposes of the Community Redevelopment Law.

Section 3. The City Council is satisfied that permanent housing facilities will be available within three (3) years from the time any residents of the Project Area, are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced residents temporary housing facilities at rents comparable to those in the City at the time of their displacement. This finding is based upon the fact that Amendment No. 4 provides that no persons or families of low and moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement and that such housing units shall be suitable to the needs of such displaced persons or families and shall be decent, safe, sanitary and otherwise standard dwellings.

Section 4. The City Council is satisfied that the requirements of Health and Safety Code §33363 have been satisfied in that the City Council has considered all objections presented at the public hearing, and has adopted written findings in response to all written objections received prior to the close of the public hearing on Amendment No. 4, and following consideration by the City Council, all written and oral objections have been and are hereby overruled.

Section 5. The Final EIR for Amendment No. 4, a copy of which is on file in the office of the Agency and in the office of the City Clerk, having been duly reviewed and considered, is
hereby incorporated into this Ordinance by reference and made a part hereof. All activities undertaken by the Agency and/or the City of Grass Valley pursuant to or in implementation of Amendment No. 4, shall be undertaken in accordance with the mitigation measures and monitoring program adopted in connection with the Final EIR and Plan, and the Agency shall undertake such additional environmental review or assessment as necessary at the time of the proposed implementation of such activities.

Section 6. The Plan, including all maps and documents contained therein or incorporated therein by reference, a copy of which is on file in the office of the Agency and the office of the City Clerk, having been duly reviewed and considered is hereby incorporated into this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved, and adopted as the official Redevelopment Plan for the Grass Valley Redevelopment Project.

Section 7. In order to implement and facilitate the effectuation of Amendment No. 4 hereby approved, the City Council hereby: (a) pledges its cooperation in helping to carry out Amendment No. 4, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate Amendment No. 4, and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of Amendment No. 4.

Section 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out Amendment No. 4.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Sacramento County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the CRL.

Section 10. The Building Department of the City is hereby directed for a period of two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Section 11. The City Clerk is hereby directed to transmit within thirty (30) days following the adoption of Amendment No. 4, a copy of the description and statement recorded by the City Clerk pursuant to Section 9 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Project Area, to the Auditor-Controller and Assessor of the County of Sacramento, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area, and to the State Board of Equalization.

Section 12. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance and to cause the same to be published in a newspaper of general circulation which is published and circulated in the City of Grass Valley.
Section 13. If any part of this Ordinance or Amendment No. 4 which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of Amendment No. 4, and the City Council hereby declares that it would have passed the remainder of the Ordinance or approved the remainder of Amendment No. 4 if such invalid portion thereof had been deleted.

Section 14. This Ordinance shall be in full force and effect thirty (30) days after passage.

* * * * *

Introduced and first read by title only at a regular meeting of the City Council of the City of Grass Valley held the____ day of______ 2011, and thereafter PASSED, APPROVED AND ADOPTED at a regular meeting of said City Council held the______ day of_____________ 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_________________________
Jan Arbuckle, Mayor

ATTEST:

APPROVED AS TO FORM:

_________________________  
Kristi Bashor, City Clerk  
Ruthann A. Ziegler, City Attorney

10-79
STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

I, ________________, City Clerk of the City of Grass Valley hereby certify that the foregoing Ordinance, being Ordinance No. ________ as introduced by the City Council of the City of Grass Valley at a regular meeting of said City Council held on the ____ day of _________ 2011, and that the same was duly passed and adopted by the City Council of the City of Grass Valley at a regular meeting of said City Council held on the ____ day of _________ 2011.

And I further certify that the Mayor of the City of Grass Valley signed said Ordinance No. ____ on the ____ day of _________ 2011.

________________________________________
City Clerk, City of Grass Valley

I, ________________, City Clerk of the City of Grass Valley, do hereby certify that the foregoing is the original Ordinance No. ____ and was published once in the ________________ on the ____ day of _________ 2011.

________________________________________
City Clerk, City of Grass Valley