7.0 OTHER CEQA CONSIDERATIONS

Section 15126 of the *CEQA Guidelines* requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the DEIR includes the following issues:

a. Growth-inducing impacts of the project (addressed in Section 5.0);

b. Environmental effects of the project found not to be significant through the scoping process, or through further evaluation in the DEIR (addressed below in Section 7.1);

c. Significant irreversible environmental effects that would be involved in the project should it be implemented (addressed below in Section 7.2); and,

d. Significant environmental effects that cannot be avoided if the project is implemented (addressed below in Section 7.3).

7.1 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the *CEQA Guidelines* requires that an EIR "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."

As described in Section 1.3.2 (Public Review and Scoping Meeting), Nevada County has engaged the public in the preparation of the environmental document through publication of the NOP and subsequent public review period and scoping meeting to allow for input from the public, affected agencies, and interested organizations. Comments received during the public scoping period have been considered in the process of identifying issue areas that should receive attention in the DEIR. The contents of this DEIR were prepared in accordance with the *CEQA Guidelines* and with consideration for public and agency input received during the scoping process. Issues that were found to have no impact or less-than-significant impacts do not need to be addressed further in this DEIR. Based on the findings of the NOP and the results of the scoping process, a determination was made that the DEIR must contain a comprehensive analysis of all environmental issues identified in Appendix G of the *CEQA Guidelines*, with exception of the following:

- Agricultural Resources: As none of the proposed project sites are located on lands containing agricultural uses, adjacent to agricultural uses, or zoned on either the County's or City's General Plan or Zoning Land Use Maps, this environmental resource area is not applicable to the proposed project, and therefore, was not further discussed in detail in the DEIR.

- Minerals: The DEIR provides an evaluation of potential impacts with regard to minerals. As noted Section 4.2 (Land Use), per the Mineral Management Element of the City of Grass Valley 2020 General Plan, Sites 1 through 9 are located in a Mineral Management Area. All Mineral Management Areas within the City and its Planning Area are classified as MRZ-2. This classification identifies areas that contain potentially significant mining deposits that are either present or have a high likelihood of being present. However, according to the Mineral Management Element, none of the sites in the Grass Valley Sphere of Influence are within an area targeted by the City for conservation and possible future mineral extraction. Through this

analysis, no significant impacts were identified, and no mitigation measures were required. Therefore, minerals were not further discussed in detail in the DEIR.

After further study and environmental review in this DEIR, direct, indirect, and cumulative impacts of the proposed project would be less than significant or could be reduced to less-than-significant levels with mitigation measures for the following issue areas:

- Aesthetics;
- Cultural Resources;
- Biological Resources;
- Traffic;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Noise;
- Population and Housing;
- Public Services;
- Land Use; and,
- Recreation

7.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15162(b) of the *CEQA Guidelines* requires an EIR to discuss the significant impacts of a proposed project that cannot be reduced to a less than significant level. These impacts are referred to as "significant and unavoidable impacts" of the project.

7.2.1 LAND USE AND PLANNING

As described in Section 4.2 (Land Use and Planning), future development within the proposed project sites would result in the following significant and unavoidable impacts:

- Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project site.

As the proposed project proposes densities of multi-family high-density residential developments of 16 to 20 units per acre, the proposed project is inconsistent with the current City of Grass Valley 2020 General Plan Land Use Map designation for the Sites 1 through 9. Conflicts with the existing Grass Valley General Plan would be considered significant. Although mitigation is included that would require the County and City of Grass Valley to develop an agreement to address proposed density changes, the conflicts would remain until there was a change in the Grass Valley General Plan. Acceptance of an agreement by the City of Grass Valley or a change in the City's General Plan is outside the jurisdiction of the County and potential conflicts would remain significant and unavoidable.

7.2.2 AIR QUALITY

As described in Section 4.4 (Air Quality), future development within the proposed project sites would result in the following significant and unavoidable impacts:

- Exceedance of standards for fugitive dust, reactive organic gases (ROG) and exhaust during construction activities.

Despite compliance with mitigation measures, emissions associated with fugitive dust, ROG and exhaust during construction of the proposed project would exceed Northern Sierra Air Quality Management District (NSAQMD) thresholds. Thus, the project would result in a significant and unavoidable impact.

- Total operational air emissions.

Mobile source emissions generated by vehicle traffic associated with the proposed project and area source emissions would exceed established NSAQMD thresholds. Although mitigation is included that incorporates appropriate NSAQMD recommendations to reduce emissions, the impact would remain significant and unavoidable.

- Inconsistent with Air Quality Management Plan.

The proposed project would result in significant air quality impacts and would, therefore, conflict with the applicable air quality management plan. The significant air quality impacts could contribute to a pollutant for which the area is in non-attainment. Despite mitigation, this impact would remain significant and unavoidable.

7.2.3 GREENHOUSE GAS EMISSIONS

As described in Section 4.5 (Greenhouse Gas Emissions), future development within the proposed project sites would result in the following significant and unavoidable impacts:

- Cumulative contribution of greenhouse gas (GHG) emissions to global climate change.

The GHG analysis of this project assumed that each of the proposed sites would be developed at its maximum density as allowed under the new zoning. This approach was taken to provide a conservative analysis as it is likely that the number of total units will be less than the allowed maximum once factors such as Environmentally Sensitive Areas and other physical site constraints, water and wastewater infrastructure improvements, and traffic improvements are considered. Thus, at this stage of analysis, GHG impacts associated with implementation of the Housing Element Rezone would be significant and unavoidable.

7.2.4 POPULATION AND HOUSING

As described in Section 4.12 (Population and Housing), future development within the proposed project sites would result in the following significant and unavoidable impacts:

- Would directly induce population growth in the City of Grass Valley.

The proposed project's estimated contribution of 2,960 residents located with the City's Sphere of Influence would represent approximately 28 percent of the City's anticipated population growth and would occur over a 10- to 20-year timeframe. However, the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan. As such, the project would induce growth within the City upon annexation of the properties into the City of Grass Valley. No feasible mitigation measures have been identified. The County of Nevada does not have land use

authority over the City of Grass Valley to amend or alter the City's existing planning policies or the existing General Plan. Potential impacts as a result of population growth would be significant and unavoidable.

7.2.5 PUBLIC SERVICES AND UTILITIES

As described in Section 4.13 (Public Services and Utilities), future development within the proposed project sites would result in the following direct and cumulative significant and unavoidable impacts:

- The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity to provide for the project's projected demand in addition to the provider's existing commitments.

The County has established sewer capacity service requirements for development within its jurisdiction. Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project Sites 10 through 18 and the proposed project would result in potentially significant impact.

The City's WWTP will need to be enlarged to handle future flows from throughout the City's system to meet the City's projected population in the Year 2020. The City has established sewer capacity service requirements for development within their jurisdiction. Without proposed improvements to the City's existing WWTP there would not be sewer service available for the proposed project sites and the proposed project would result in potentially significant impact.

Mitigation has been identified that would reduce potential impacts to less than significant; however, this impact remains significant and unavoidable because it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction. It is also unknown if completion of the required wastewater facility improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.

- Sufficient water supplies are available to serve the Proposed Project from existing entitlements and resources; no new or expanded entitlements would be required.

Development of Sites 2, and 10 through 18 would require new water infrastructure improvements to bring potable water to these sites. Water line extensions would be within existing roadways or right of ways. These improvements would have to be in place prior to construction on each of these sites. With unknown timing or enforcement mechanism for these improvements, a potentially significant impact would occur as a result of insufficient infrastructure.

Mitigation has been identified that would reduce potential impacts to less than significant; however, this impact remains significant and unavoidable because it is unknown what the capacity of the potable water facilities would be at the time of project construction. It is also unknown if completion of the required water infrastructure improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.

7.2.6 TRAFFIC AND CIRCULATION

As described in Section 4.15 (Traffic and Circulation), future development within the proposed project sites would result in the following direct and cumulative significant and unavoidable impacts:

- Project would add traffic to the intersection of Idaho-Maryland road and Brunswick Road. This intersection is projected to operate at LOS F (unacceptable) in the pm peak hour.

To mitigate direct traffic impacts on the Idaho-Maryland Road and Brunswick Road intersection, a new roundabout is required at this intersection. However, the County of Nevada does not control the timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the roundabout in its entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection improvement. Therefore, the impact remains significant and unavoidable.

- Project would add traffic to the intersection of La Barr Meadows Drive and Mcknight Way. This intersection is projected to operate at LOS F on the worst approach (unacceptable) in the pm peak hour.

To mitigate direct impacts at the La Barr Meadows and McKnight Way intersection dual roundabouts would be required to be constructed. However, the County of Nevada does not control the timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the required dual roundabouts in their entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection improvement.

- Project would add traffic to the intersection of Brunswick Road and Triple Crown Road (Sites 3-6, and 9 access road). This intersection is projected to operate at an overall LOS E and LOS F on the worst approach (unacceptable) in the pm peak hour.

The project developer shall install or fund the realignment of Triple Crown Road with Town Talk Road into one intersection and the installation of a traffic signal will improve intersections of Brunswick Road and Triple Crown Drive and Brunswick Road and Town Talk Road / Bubbling Wells Road to LOS B during the PM peak hour. While the proposed improvement is expected to mitigate the potential impacts to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.

- Cumulative Impact - The Proposed Project would add traffic to the signalized intersection of Nevada City Highway and Brunswick Road. This intersection is projected to operate at LOS E (unacceptable) in the PM peak hour.

The project developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the installation of signal timing at the intersection of Nevada City Highway and Brunswick Road to improve operations and meet future traffic volume demand. While the proposed fair share

contribution is expected to reduce cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement within the City of Grass Valley.

- Cumulative Impact - The proposed project would add traffic to the intersection of Brunswick road and Town Talk Road (Sites 7 and 8 access road). This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the pm peak hour.

The realignment of Triple Crown Road with Town Talk Road (Sites 7 and 8 access) into one intersection and the installation of a traffic signal will improve intersections of Brunswick Road / Triple Crown Drive and Brunswick Road / Town Talk Road / Bubbling Wells Road to LOS C during the PM peak hour. The intersection does meet peak hour Caltrans peak hour signal warrant for the installation of a traffic signal. The proposed mitigation includes one additional southbound right turn lane, one southbound left turn lane, one northbound left turn lane and one northbound right turn lane. While the proposed improvement is expected to mitigate the potential impacts to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.

- Cumulative Impact –Project would add traffic to the intersection of SR 49 northbound ramps and McKnight Way. This intersection is projected to operate at overall LOS E (unacceptable) in the PM Peak Hour.

Prior to the development of the project site, the Project Developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program for the provision of the dual roundabouts on McKnight Way at the SR 49 interchange. While the proposed fair share contribution is expected to reduce cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement within the City of Grass Valley.

7.3 SIGNIFICANT IRREVERSIBLE CHANGES

Section 15126.2(c) of the *CEQA Guidelines* requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include: uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); primary or secondary impacts of the project that would generally commit future generations to similar uses (e.g., highway improvements that would provide access to a previously inaccessible area); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

Future development within the proposed project areas would require the long-term commitment of natural resources and land. Actions related to future development would result in an irretrievable commitment of nonrenewable resources, such as energy supplies and other construction-related resources. These energy resources would be used for construction, heating and refrigeration of food and water, lighting, and other associated energy needs.

Insofar as fossil fuels currently are the principal source of energy, future development in the proposed project areas would incrementally reduce existing supplies of fuel, such as fuel oil,

natural gas and gasoline. This represents a long-term commitment to consumption of essentially nonrenewable resources.

Development anticipated within the proposed project areas, together with other projects in the County and City, would require the commitment or destruction of other nonrenewable and slowly renewable resources. These resources include (but are not limited to) lumber and other forested products; sand and gravel; asphalt; petrochemical construction materials; steel, copper, lead, other metals; and water. A marginal increase in the commitment of social services and public maintenance services (e.g., waste disposal and treatment) would also be required.

As described previously, the parcels within the proposed project areas are currently undeveloped with the exception of a few scattered structures. Construction on these parcels that are currently undeveloped would result in a long-term commitment to urbanization because reversion of the land back to vacant land use would be difficult and highly unlikely.

The development of high-density residential units adjacent to mixed-uses makes it more efficient than a traditional development that would likely occur under the project area's current General Plan land use designations and would set a standard that would strengthen the character of the County and City.

It is not anticipated that explosives or other hazardous materials would be used within the project area. Accidental spills of fuel, paints or other construction-related materials might occur during construction. However, these types of accidents would be limited because site development would be implemented and overseen by experienced construction workers. Such potential spills would not result in irreversible environmental changes.

7.4 ENERGY CONSERVATION

Public Resources Code Section 21100(b)(3) and *CEQA Guidelines* Appendix F requires a description (where relevant) of the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, the California State Legislature adopted Assembly Bill 1575 (AB 1575) in response to the oil crisis of the 1970s.

7.4.1 PROJECT ENERGY CONSUMPTION

SHORT-TERM CONSTRUCTION

In 1994, the U.S. Environmental Protection Agency (EPA) adopted the first set of emission standards (Tier 1) for all new off-road diesel engines greater than 37 kilowatts (kW). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing NO_X emissions from these engines by 30 percent. The EPA Tier 2 and Tier 3 standards for off-road diesel engines are projected to further reduce emissions by 60 percent for NO_X and 40 percent for particulate matter from Tier 1 emission levels. In 2004, the EPA issued the Clean Air Nonroad Diesel Rule which will cut emissions from off-road diesel engines by more than 90 percent.

The Housing Element Rezone Implementation Program would not directly result in the construction of any new development projects. However, its implementation would facilitate development of various residential uses. There are no unusual characteristics of the Housing Element Rezone Implementation Program that would necessitate the use of construction equipment that is less energy-efficient than at comparable construction sites. Therefore,

compliance with the Nevada County General Plan goals and policies would ensure the project would not result in inefficient, wasteful, or unnecessary fuel consumption.

LONG-TERM OPERATIONS

Transportation

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards. Since 1990, the fuel economy standard for new passenger cars has been 27.5 miles per gallon (mpg). The fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 mpg since 1996. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States.

The Housing Element Rezone Implementation Program would be consistent with Nevada County General Plan Goals and Policies that intend to reduce vehicle trips. For example, implementation of the Housing Element Rezone contemplates the development of additional dwelling units, and General Plan Policy RD-4.3.3 promotes smart land use patterns to reduce the need to commute by providing for an adequate amount of residential, commercial, and industrial designations in proper balance, which inherently results in reduced vehicle trips. General Plan Goals RD-4.1 through RD-4.4 would reduce dependence on the automobile, decrease vehicle miles traveled while encouraging transit ridership and vehicle occupancy, and encourage land use patterns that promote the use of alternative transportation. General Plan Policy 14.7 requires the County to cooperate with all appropriate agencies and other regional transportation agencies that include surrounding counties to develop programs designed to maximize the participation of employers in employer-operated van pool and/or ride sharing for employees, and mass transit service for both employees and customers.

The Housing Element Rezone Implementation Program is not anticipated to result in any unusual characteristics that would result in excessive long-term operational fuel consumption. Additionally, the General Plan provides strategies to improve transit service and overall mobility within the County that would result in a decrease in auto dependency. Future development under the Housing Element Rezone Implementation Program would increase density, which would increase public transportation patronage. The availability of public transit for County residents, employees, and visitors would ensure that the project would not result in the inefficient, wasteful, or unnecessary consumption of transportation energy.

Overall, fuel consumption associated with vehicle trips generated by future development within Nevada County would not be considered inefficient, wasteful, or unnecessary in comparison to other cities in the region.

Energy Demand

California Code of Regulations, Title 24, Part 6, is California's Energy Efficiency Standards for Residential and Non-residential Buildings. Title 24 was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption, and provide energy efficiency

standards for residential and non-residential buildings. In 2010, the CEC updated Title 24 standards with more stringent requirements (California Green Building Standards Code [CALGreen Code]). The 2010 Standards are expected to substantially reduce the growth in electricity and natural gas use. Additional savings result from the application of the Standards on building alterations, such as those within Section V (Site Lighting) including Subpart E (Windows), F (Roofs), and S (Mechanical Equipment). These savings are cumulative, increasing as years go by.

The Housing Element Rezone Implementation Program does not involve any unusual characteristics that would result in excessive long-term operational building energy demand. The Housing Element Rezone Implementation Program would be consistent with various energy efficiency goals and policies within the General Plan. Namely, it is the County's goal (Goal EC-8.2) to encourage the reduction of GHG Emissions during the design phase of construction projects. To this end, the County would implement the following policies:

Policy EC-8.6.1 Encourage energy efficient site design in new land divisions, particularly in larger subdivisions and planned developments where there is sufficient area for alternate designs as follows:

a. Encourage lot patterns that maximize proper solar orientation;

b. Utilize interconnected streets and traffic calming features to reduce fuel consumption and encourage walkability;

c. Provide adequate on-site usable open space and relate the type, amount and location of open space to the types of households expected to occupy the building;

d. Include in the project, or locate project within walking distance to (generally, one-quarter to one-half mile), needed amenities such as storage, laundry, community rooms, recycling, childcare facilities, and convenient shopping facilities.

Policy EC-8.6.2 Support appropriate neighborhood-serving commercial activities in residential areas that would reduce vehicle miles traveled, such as small pedestrian-oriented grocery stores and childcare centers. The uses should serve the needs of the immediate residential neighborhood and not draw significant trade from outside the neighborhood, not disrupt or detract from the livability of the surrounding neighborhood, and be designed in keeping with the established residential character of the area.

Policy EC-8.6.3: Promote infill within existing residential neighborhoods and intensify land uses consistent within existing neighborhood or commercial district patterns in developed areas currently served by municipal services.

Policy EC-8.6.4: In addition to Title 24, Part 6 of the California Code of Regulations, the County shall promote energy efficiency and alternative energy sources for new and rehabilitated housing using incentives and site plan review recommendations, which shall include the following:

a. Passive solar design to maximize solar energy capture.

b. Preservation of native trees that provide shade, reduce energy costs, and slow structural deterioration.

c. Incorporation of adequate deciduous tree cover on the south and west side of dwellings and along streets to help reduce the cooling demand during summer months and capture maximum solar energy in winter.

d. Maximization of use of daylight and energy-efficient lighting, such as compact fluorescent lighting indoors and LED lighting outdoors.

e. Energy-Star rated appliances, solar hot water heating systems, and other plumbing, mechanical, electrical, and solar permits issued for systems that either produce energy or save natural resources, such as wind-generated electrical systems, tankless water heaters, and highly efficient heating, ventilation and air conditioning systems.

f. Water conservation features, including reclamation; landscaping appropriate to the site's climate, soils, and water resources; and water-saving irrigation practices.

g. Solid waste reduction and recycling.

Policy EC-8.6.5 Continue to strongly support the current housing weatherization programs and Energy Crisis Intervention Program within Nevada County.

Policy EC-8.6.6 Encourage residents and developers to increase energy conservation and efficiency by making improvements to existing housing stock that result in conservation of energy, water, and other natural resources, particularly in renter-occupied units, by offering workshops, individual consultations, education programs, and financial assistance for weatherization and other conservation measures.

Policy EC-8.6.7 The County shall evaluate prescriptive building standards that supplement existing Building Codes for such items as alternative energy systems, building materials, and alternative sewage systems.

Policy EC-8.6.8 Encourage residents and developers to increase energy conservation and improve energy efficiency. Support education programs that promote energy conservation and energy efficiency. Support project developers in incorporating cost-effective energy efficiency that exceeds State standards.

As discussed above, there would not be any inefficient, wasteful, or unnecessary energy usage associated with implementation of the Housing Element Rezone Implementation Program. Compliance with the Goals and Policies within the Nevada County General Plan and the availability of public transit (Gold Country Stage) would ensure that there would not be inefficient, wasteful, or unnecessary consumption of transportation energy. Future development projects under Housing Element Rezone Implementation Program would

adhere to, and exceed, all federal, state, and local requirements for energy efficiency, including Title 24 of the California Code of Regulations regarding building energy efficiency standards. The proposed project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Therefore, the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

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