

5. STATUTORILY REQUIRED SECTIONS

5.1 INTRODUCTION

The Statutorily Required Sections chapter of the Draft EIR includes discussions regarding those topics that are required to be included in an EIR, pursuant to CEQA Guidelines, Section 15126.2. The chapter includes a discussion of the proposed project's potential to result in growth-inducing impacts; the cumulative setting analyzed in this EIR; energy conservation; significant irreversible environmental changes; and significant and unavoidable impacts caused by the proposed project.

5.2 GROWTH-INDUCING IMPACTS

An EIR must discuss the ways in which a proposed project could foster economic or population growth in the vicinity of the project and how that growth would, in turn, affect the surrounding environment (see CEQA Guidelines, Section 15126.2[d]). Growth can be induced in a number of ways, including through the elimination of obstacles to growth or through the stimulation of economic activity within the region. Examples of projects likely to have growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or office complexes in areas that are currently only sparsely developed or are undeveloped. The discussion of the removal of obstacles to growth relates directly to the removal of infrastructure limitations or regulatory constraints that could result in growth unforeseen at the time of project approval.

The CEQA Guidelines are clear that while an analysis of growth-inducing effects is required, it should not be assumed that induced growth is necessarily significant or adverse. Growth-inducing impacts associated with the proposed project would be considered to be any effects of the project allowing for additional growth or increases in population beyond that proposed by the project or anticipated in the project area. The proposed project would not create housing, which would directly affect growth-inducing factors and the project would not remove obstacles to growth within the area. Rather, the proposed project would allow for underground mining of significant mineral resources as defined by the State (i.e., MRZ-2b) and Nevada County (i.e., Land Use and Development Code [LUDC] Section L-II 4.3.11). The proposed project is not driving or creating the demand for gold. Rather, the proposed project is a result of the increased demand for gold. As such, the proposed project is market driven and would not result in growth-inducing impacts.

Another form of growth inducement, according to the Population and Housing section of CEQA Guidelines Appendix G, is new businesses. This topic is addressed in Impact 4.9-3 of the Land Use and Population and Housing chapter of this EIR, which will be summarized here.

The total workforce when the Idaho-Maryland Mine Project reaches commercial production is estimated at 312 persons. Therefore, the number of jobs required during operation of the proposed project could draw more people to the area and result in indirect population growth as a result. The majority of workers (268 employees) would work 12 hour shifts with seven days of work followed by seven days of rest. The remaining workforce (44 employees) would work regular eight hour shifts with five days of work followed by the weekend of rest.



As shown in Table 4.9-5 of Chapter 4.9, as of 2018, Nevada County had 53,745 total housing units with a 22.5 percent vacancy rate (12,098 vacant housing units). The unincorporated area of Nevada County had a total of 32,182 housing units with 4,645 vacant housing units (14.4 percent vacancy rate). Therefore, the addition of 312 persons as a result of the proposed project would not impact the existing housing stock for Nevada County.

However, substantial economic incentive exists to maximize employee recruitment from the local Nevada County area. Rise Grass Valley estimates that approximately two-thirds of the workforce can be recruited locally. Rise has established local recruitment targets that they intend to achieve through the implementation of a training program. A total of 162 positions have been designated for trainees with no previous experience. Rise estimates that approximately 51 additional workers, with previous experience and training in mining, engineering, electrical or other trades, are available for local area recruitment. Therefore, at least 213 workers (approximately 68 percent of the mine's workforce) are estimated to be sourced from the immediate Nevada County area. It is anticipated that approximately 99 workers (32 percent of workforce) would be recruited from outside the local area; these positions require extensive experience in underground mining which are less likely to be possessed by persons currently residing in the immediate local area.

Considering that the average metal miner is 41.5 years of age, it is reasonable to assume that many employees would have families.¹ Conservatively assuming that each of the 99 workers recruited from outside the local area would have a family, the total new population introduced to the local Nevada County area from these 99 workers would be approximately 240 people.² As discussed above, this increase in population would not impact the available housing stock within Nevada County, nor would it require an expansion of existing facilities and services.

The proposed project also includes the installation of a potable water supply line in E. Bennett Road to deliver Nevada Irrigation District (NID) potable water to existing residents whose wells may be impacted by the proposed project. Importantly, the potable water pipeline would serve existing residents and is not intended to serve new residents or provide stubs to vacant properties for potential future potable water service.

In conclusion, the proposed project would not result in a significant impact concerning growth inducement.

5.3 CUMULATIVE IMPACTS

CEQA Guidelines Section 15130 requires that an EIR discuss the cumulative and long-term effects of the proposed project that adversely affect the environment. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355; see also Public Resources Code (PRC), Section 21083, subd. [b]). Stated another way, "[...] a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (CEQA Guidelines Section 15130, subd. [a][1])

¹ National Institute for Occupational Safety and Health. *National Survey of the Mining Population, Part I: Employees* [pg. 75]. Available at: <https://www.cdc.gov/niosh/mining/UserFiles/works/pdfs/2012-152.pdf>. Accessed January 26, 2021.

² Assuming 2.42 persons per household, consistent with the Nevada County 2019-2027 Housing Element, page 8-23.



“[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (CEQA Guidelines Section 15355, subd. [a]) “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines Section 15355, subd. [b])

The need for cumulative impact assessment reflects the fact that, although a project may cause an “individually limited” or “individually minor” incremental impact that, by itself, is not significant, the incremental effect may be “cumulatively considerable” and, thus, significant when viewed together with environmental changes anticipated from past, present, and probable future projects (CEQA Guidelines Section 15064, subd. [h(1)], Section 15065, subd. [c], and Section 15355, subd. [b]). This formulation indicates that particular impacts may be less-than-significant on a project-specific basis, but significant on a cumulative basis, because their small incremental contribution, viewed against the larger backdrop, is cumulatively considerable.

The lead agency should define the relevant geographic area of inquiry for each impact category (id., Section 15130, subd. [b][3]), and should then identify the universe of “past, present, and probable future projects producing related or cumulative impacts” relevant to the various categories, either through the preparation of a “list” of such projects or through the use of “a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact” (id., subd. [b][1]).

The possibility exists that the “cumulative impact” of multiple projects will be significant, but that the incremental contribution to that impact from a particular project may not itself be “cumulatively considerable.” Thus, CEQA Guidelines Section 15064, Subdivision (h)(5) states, “[...] the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable.” Therefore, it is not necessarily true that, even where cumulative impacts are significant, any level of incremental contribution must be deemed cumulatively considerable.

In accordance with CEQA Guidelines section 15130(b), “the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone.”

Cumulative Setting

The cumulative setting for the cumulative analysis in this EIR is based upon a combination of available approaches identified in the CEQA Guidelines. This includes a summary of projections approach for the transportation and noise (traffic noise) analyses, using Nevada County Transportation Commission’s (NCTC’s) Regional Travel Demand Model, and a list of projects approach for the remaining CEQA topics.

Using the summary of projections approach, the cumulative transportation and noise (traffic noise) analyses are based on the NCTC Regional Travel Demand Model, which generally accounts for buildout of Nevada County in accordance with the land use designations shown on the adopted General Plan Land Use Map, as well as buildout of the incorporated cities in accordance with their adopted General Plan land use designations. It is noted that full buildout of the biggest cumulative



project, Loma Rica Ranch Specific Plan (LRRSP) (see below for further discussion), is included in the cumulative traffic modelling.

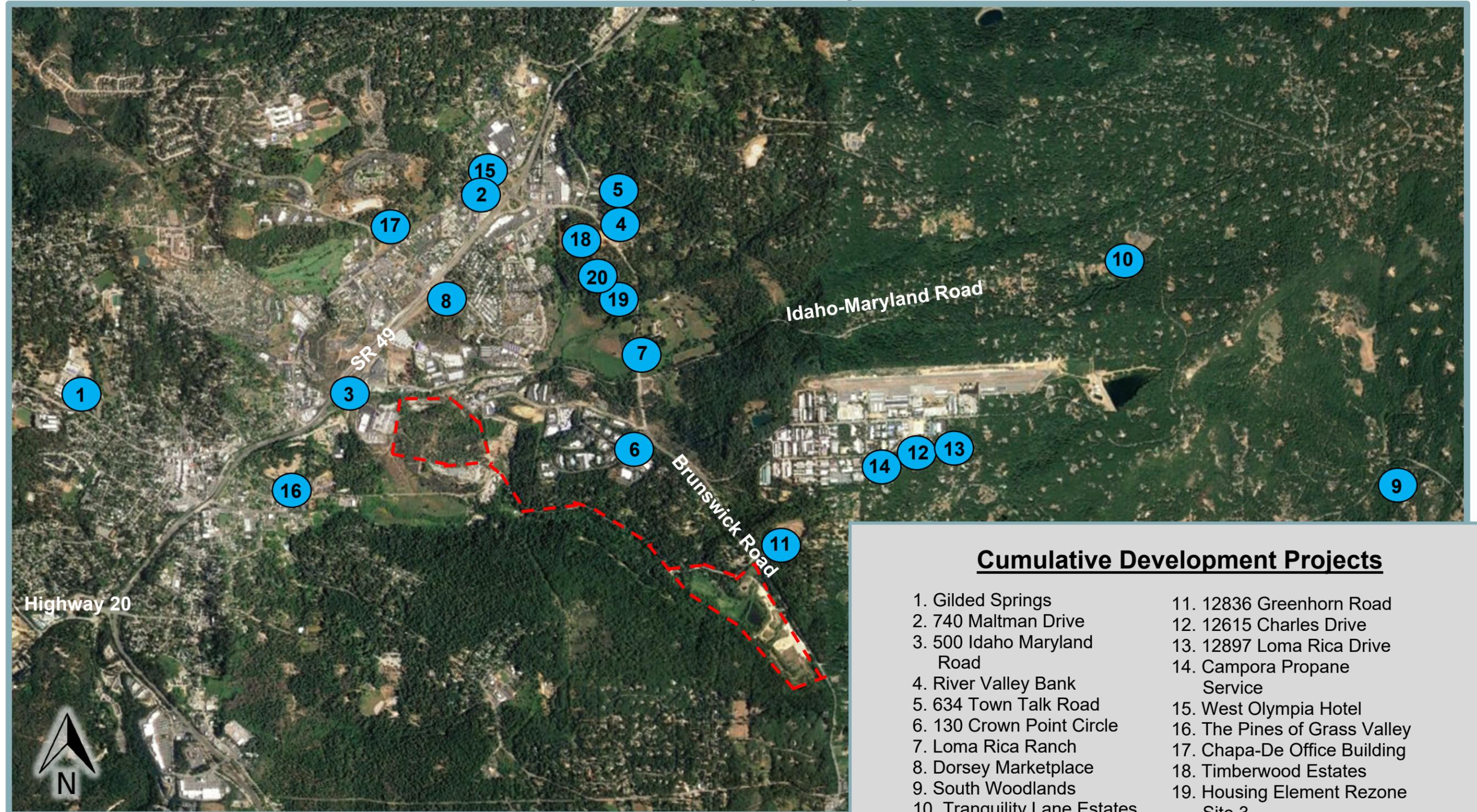
Project List

The list of projects method is used for the remaining CEQA topics evaluated in this EIR. Other related projects that need to be considered in the list of projects include those that would contribute to the impacts on the same environmental resources, infrastructure, or public services and facilities that would be impacted by the proposed project evaluated in this EIR. This could include projects located outside of the Lead Agency's jurisdiction. For the purposes of this EIR, a list of projected development projects was compiled to develop a reasonable estimate of the cumulative impacts that would occur within neighboring portions of both the County of Nevada and the City of Grass Valley. The following 20 projects were identified based on input from Nevada County and the City of Grass Valley. The locations of the 20 identified projects are depicted in Figure 5-1.

- 1) **Gilded Springs** - The project is located at 652 Linden Avenue, west of Alta Street and north of West Main Street, in the City of Grass Valley. The project consists of division of a 6.96-acre parcel into 27 single family residential lots;
- 2) **740 Maltman Drive** - The project is located within the City of Grass Valley, south of Brunswick Road, and includes replacement of an existing 2,000-square foot building with a new 3,700-square foot professional office building;
- 3) **500 Idaho Maryland Road** - The project is located within the City of Grass Valley and includes construction of two manufacturing buildings, one of which has already been completed, consisting of 22,500 square feet. The site is located east of Railroad Avenue;
- 4) **River Valley Bank** - The project is located within the City of Grass Valley and includes construction of two buildings, a 3,500-square foot bank which has already been completed and a new 1,450-square foot professional office building;
- 5) **634 Town Talk Road** is located in the City of Grass Valley and includes division of a 1.36-acre parcel into 11 lots in an R-3 zone. The project is located just east of Brunswick Road in the vicinity of the State Route (SR) 49 interchange;
- 6) **130 Crown Point Circle** - This project is located in the City of Grass Valley, in the Whispering Pines Specific Plan zone, and includes construction of a 6,889-square foot dental office (medical office building);
- 7) **Loma Rica Ranch Specific Plan** – This project is located in the City of Grass Valley and includes the first approved phase of the LRRSP. The LRRSP area includes lands between Sutton Way to east of Brunswick Road, north of Idaho Maryland Road. This first approved phase includes 175 single family residential units and 60 duplex/ townhome lots. Total buildout is anticipated to include up to 700 housing units and 54,000 square feet of commercial uses and approximately 364,161 square feet of business park uses;
- 8) **Dorsey Marketplace** - This project is located within the City of Grass Valley. Two alternative site plans were considered in the certified EIR. Alternative A included commercial development of 181,900 square feet, construction of 90 multiple-family residential units and a 3,200 square foot clubhouse. Alternative B provided up to 172 apartments, a 3,200-square foot clubhouse, approximately 104,350 square feet of commercial space and approximately 8,500 square feet of office space.



**Figure 5-1
 Cumulative Development Projects**



Cumulative Development Projects

- | | |
|------------------------------|-----------------------------------|
| 1. Gilded Springs | 11. 12836 Greenhorn Road |
| 2. 740 Maltman Drive | 12. 12615 Charles Drive |
| 3. 500 Idaho Maryland Road | 13. 12897 Loma Rica Drive |
| 4. River Valley Bank | 14. Campora Propane Service |
| 5. 634 Town Talk Road | 15. West Olympia Hotel |
| 6. 130 Crown Point Circle | 16. The Pines of Grass Valley |
| 7. Loma Rica Ranch | 17. Chapa-De Office Building |
| 8. Dorsey Marketplace | 18. Timberwood Estates |
| 9. South Woodlands | 19. Housing Element Rezone Site 3 |
| 10. Tranquility Lane Estates | 20. Housing Element Rezone Site 5 |

Project Boundaries



For impact analysis purposes (i.e., traffic), the worst-case trip generation for this site, Alternative A, was used;

- 9) **South Woodlands** - This project is located at 15468 Greenhorn Road, east of Brunswick Road, within unincorporated Nevada County. The project consists of development of 30 single family residential lots;
- 10) **Tranquility Lane Estates** - This project is located at 13685 Idaho Maryland Road, east of Brunswick Road, within unincorporated Nevada County. The project consists of development of nine single family residential lots.
- 11) **12836 Greenhorn Road** – This project is located in unincorporated Nevada County and would subdivide 2.69 acres into five Light Industrial lots ranging from 0.38 acres to 0.78 acres in size. The project proposes the construction of five light-industrial buildings ranging in size from 2,452 square feet to 4,118 square feet;
- 12) **12615 Charles Drive (Zap Manufacturing)** –This project is located on Charles Drive, east of Brunswick Road, within unincorporated Nevada County. The project consists of an approximately 64,316-square foot manufacturing and warehouse building for ZAP Manufacturing. The proposed manufacturing building would consist of an 8,000-square foot Refurbishing Shop with storage, a 12,000-square foot aluminum warehouse, an 18,500-square foot sign shop/materials warehouse, a 15,000-square foot office, and an additional 24,316-square foot future Light Industrial Tenant Lease Space;
- 13) **12897 Loma Rica Drive (Event Helper)** – This project is located within unincorporated Nevada County and would consist of a 13,962-square foot building for the Event Helper, Inc. The proposed building would be two-stories in height and consist of an approximately 6,808-square foot first floor, a 5,328-square foot second floor and an approximately 1,826-square foot basement which would be used for parking and storage;
- 14) **Campora Propane Service** – This project is located within unincorporated Nevada County, at 12432 Charles Drive, in the Loma Rica Industrial Park. The project includes a 2,720-square foot office building, three 30,000-gallon aboveground propane tanks, two 15-foot-tall pole-mounted security lights, a parking lot including two 25-foot drive aisles and 13 parking spaces, and occasional temporary storage of tanks for residential installations, small equipment, coils of gas piping, and other propane related materials;
- 15) **West Olympia Hotel** – The project is located in Grass Valley at 1812 East Main Street/110 West Olympia Drive. This project consists of a two-story 74-room hotel and related facilities on an approximately 2.6-acre site;
- 16) **The Pines of Grass Valley** – The project is located in Grass Valley on approximately 5.6 acres at 452, 474, and 500 East Bennett Road. This project consists of a 108-unit apartment complex with four three-story apartment buildings totaling approximately 109,644 square feet, parking, landscaping, a clubhouse, and other project amenities;
- 17) **Chapa-De Indian Health Office Building** – The project is located in Grass Valley on Sierra College Drive southeast of the City of Grass Valley Fire Department Station No. 2 located at 213 Sierra College Drive. The project consists of a 10,000-square foot office building and related improvements for Chapa De Indian Health Administrative Offices;



- 18) **Timberwood Estates** – The project is located in Grass Valley at 10639 Brunswick Road, north of Idaho Maryland Road. The project consists of 45 lots, offering semi-customized homes ranging in size from 1,804 square feet to 2,224 square feet.
- 19) **Housing Element Rezone Site 3** – This project site is located at 11791 Ranchview Court, within unincorporated Nevada County, and totals 9.15 acres. Ordinance No. 2455 rezoned the site from Medium-Density Planned Development (R2-PD) to High-Density (R3-RH) with a maximum density of 118 dwelling units.
- 20) **Housing Element Rezone Site 5** – This project site is located at 11840 Ranchview Court, within unincorporated Nevada County, and totals 4.5 acres. Ordinance No. 2455 rezoned the site from R2-PD to R3-RH for a maximum density of 71 dwelling units.

Table 5-1 below presents the approximate buildout estimates for the cumulative projects.

Table 5-1 Total Cumulative Development Potential Residential and Non-Residential Projects			
Residential	Non-Residential (square feet)		
Dwelling Units	Office	Commercial	Business Park /Industrial
1,209	23,300	119,676	471,500
Note: Numbers are rounded.			

Geographic Scope

The geographic area that could be affected by the project varies depending on the type of environmental resource being considered. When the effects of the project are considered in combination with those other past, present, and probable future projects to identify cumulative impacts, the other projects that are considered may also vary depending on the type of environmental effects being assessed.

Table 5-2 presents the geographic scope for each CEQA topic area.

Table 5-2 Cumulative Geographic Scope by CEQA Topic	
Resource	Geographic Scope
Aesthetics	All cumulative projects within identified viewsheds
Agriculture and Forestry Resources	Generally defined by cumulative project locations
Air Quality /Greenhouse Gas Emissions	Mountain Counties Air Basin
Biological Resources	Generally defined by cumulative project locations
Cultural/Tribal Cultural Resources	Generally defined by cumulative project locations
Geology and Soils	Generally defined by cumulative project locations
Hazards and Hazardous Materials	Generally defined by cumulative project locations
Hydrology and Water Quality	Wolf Creek and South Fork Wolf Creek Watersheds
Land Use and Population and Housing	Generally defined by cumulative project locations
Noise	<u>Traffic Noise Analysis</u> : Nevada County and City of Grass Valley roadways within region (see Chapter 4.10)

(Continued on next page)



Resource	Geographic Scope
	<u>Stationary Noise and Vibration Analysis</u> : Nearby properties within Nevada County and City of Grass Valley containing receptors
Public Services and Utilities	<u>Water</u> : NID Service Area buildout Other: Generally defined by agency service areas
Transportation	Nevada County and City of Grass Valley roadways within region (see Chapter 4.12)
Wildfire	Generally defined by cumulative project locations

Please refer to the Cumulative Impacts and Mitigation Measures section of each technical chapter for a discussion of cumulative impacts for each CEQA topic.

5.4 ENERGY CONSERVATION

In order to ensure energy implications are considered in project decisions, Appendix G of CEQA Guidelines requires a discussion of the potential energy impacts of projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. This topic is addressed in Chapter 4.3, Air Quality, Greenhouse Gas Emissions, and Energy, of this EIR. As discussed in Impact 4.3-9, implementation of the project in combination with other cumulative development would not result in the wasteful or inefficient use of energy, resulting in a less-than-significant impact. Please refer to Chapter 4.3 for more detailed discussion and analysis (see both Impacts 4.3-5 and 4.3-9).

5.5 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines mandate that an EIR address significant irreversible environmental changes that would result if the proposed project were implemented (CEQA Guidelines, Section 15126.2[c]). An irreversible environmental change would be considered significant if any of the following would occur:

- The project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);
- The project involves uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The phasing of the proposed consumption of resources is not justified (e.g., the project involves a wasteful use of energy).

The proposed project would likely result in, or contribute to, the irreversible environmental changes listed below. The items listed are considered significant irreversible environmental *changes*, but are not considered significant adverse environmental *impacts* under CEQA:

- Mining of a non-renewable local resource;
- Irreversible consumption of energy and natural resources associated with the proposed dewatering (initial and ongoing) and water treatment; underground tunnelling, production blasting, and rock crushing; and above-ground processing and engineered fill operations; and



- Construction of a 44-acre engineered fill pad on the Centennial Industrial Site and 31-acre engineered fill pad on the Brunswick Industrial Site for potential future industrial development.

5.6 SIGNIFICANT AND UNAVOIDABLE IMPACTS

According to CEQA Guidelines, an EIR must include a description of those impacts identified as significant and unavoidable should the proposed action be implemented (CEQA Guidelines Section 15126.2[b]). Such impacts would be considered unavoidable when the determination is made that either mitigation is not feasible or only partial mitigation is feasible such that the impact is not reduced to a level that is less-than-significant. This section identifies significant impacts that could not be eliminated or reduced to a less-than-significant level by mitigations imposed by the County. The final determination of the significance of impacts and the feasibility of mitigation measures would be made by the County as part of the County's certification action. The significant and unavoidable impacts of the proposed project are summarized below.

4.1-2 In a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality. Even after implementation of mitigation, the impact related to substantial degradation of existing visual character or quality of public views is considered significant and unavoidable.

While the Centennial and Brunswick Industrial Sites are zoned for industrial development and there are existing industrial land uses in the vicinity of the project sites, the proposed project would result in noticeable changes to the existing visual character of the project sites, as viewed from public vantage points in the project vicinity. Landscape trees would be planted at strategic locations to partially screen project elements when the trees reach maturity; however, the proposed structures and engineered fill pads are substantial in height and vegetation screening would not be sufficient to prevent a substantial degradation in visual character or quality of the sites and their surroundings when viewed from public locations. As previously discussed, several of the proposed structures require a building height Variance, subject to review and approval by the County pursuant to Nevada County LUDC Section L-X 2.29.

Implementation of Mitigation Measure 4.1-2 would reduce the significant impact by requiring more dense plantings along the project frontages to screen project structures to the maximum extent feasible. However, given the proposed heights of the structures and the permanent alteration of the views, the impact would remain *significant and unavoidable*.



4.1-4 Long-term changes in visual character associated with the proposed project in combination with cumulative development. The project's incremental contribution to this significant cumulative impact is cumulatively considerable and *significant and unavoidable*.

Cumulative buildout in the geographic area would result in a change in the visual character of the region, which would be considered a significant cumulative impact. As discussed under Impact 4.1-2 above, the proposed project would substantially degrade the character of the Centennial and Brunswick Industrial Sites, though they are zoned for industrial development and there are surrounding industrial land uses in the vicinity of the project sites. Therefore, the project's incremental contribution to the significant cumulative impact would be *cumulatively considerable and significant and unavoidable*.

4.10-1 Generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, due to initial construction activities.

Construction activities could result in substantial temporary increases in daytime noise exposure at eight receptors in the project vicinity, when compared to the baseline ambient noise levels at these locations. The substantial increase in noise levels at such locations would be due to installation of the potable water pipeline along East Bennett Road. As noted above, construction noise is exempt from the Nevada County LUDC noise standards (Section L-II 4.1.7.D.8), thus the project's construction noise would not be in violation of the County noise standards. Nevertheless, the predicted construction noise level increases at eight receptors would still be considered substantial pursuant to CEQA.

Implementation of the Mitigation Measure 4.10-1 would reduce the temporary construction-related noise impact associated with installation of the potable water pipeline. However, because the noise reductions that would be achieved by the measures cannot be definitively determined to confirm that noise levels would be reduced to below a level of significance, the impact is considered *significant and unavoidable* for the purposes of this CEQA evaluation.

4.12-1 Conflict with a program, plan, ordinance, or policy addressing study intersections under EPAP Plus Project Conditions. Even after mitigation, the project's impact to the Brunswick Road/SR 174 intersection would be *significant and unavoidable*.

Under traffic Scenarios #1 and #2, the proposed project would increase traffic through three intersections already identified as operating unacceptably under Existing and EPAP Conditions. Thus, a significant impact to the Brunswick



Road/Idaho Maryland Road, Brunswick Road/SR 174, and Idaho Maryland Road/Centennial Drive intersections would occur under the EPAP Plus Project Conditions.

The EIR requires implementation of Mitigation Measures 4.12-1(a-c), which would reduce the project's significant effect to the Brunswick Road/Idaho Maryland Road intersection and the Idaho Maryland/Centennial Drive intersection; however, the project's impact to the SR 174/Brunswick Road intersection would remain *significant and unavoidable*. The reason for this is that while Mitigation Measure 4.12-1(b) requires the applicant to enter into a traffic mitigation agreement with the County and provide the project's fair share toward needed improvements, the remaining funds for the intersection improvements are unknown, in terms of timing and contributing parties.

4.12-8 **Conflict with a program, plan, ordinance or policy addressing study intersections under Cumulative Plus Project Conditions. Even after mitigation, the project's incremental contribution to the significant cumulative impact at the Brunswick Road/SR 174 intersection would be cumulatively considerable and significant and unavoidable.**

Under traffic Scenarios #1 and 2, the proposed project would increase traffic through two intersections already identified as operating unacceptably under Cumulative No Project Conditions. Thus, the proposed project's incremental contribution to the significant cumulative impact to the Brunswick Road/SR 174 and Sutton Way/Dorsey Drive intersections would be considered cumulatively considerable and significant.

The EIR requires implementation of Mitigation Measure 4.12-8(b) which would reduce the project's incremental impact to the Sutton Way/Dorsey Drive intersection to a less-than-significant level. The project's incremental impact to the SR 174/Brunswick Road intersection would remain *significant and unavoidable* after mitigation, for the reasons described under Impact 4.12-1.

4.12-10 **Conflict with a program, plan, ordinance or policy addressing intersection queues under the cumulative scenario. Even with implementation of mitigation, the impact is determined to be significant and unavoidable.**

The proposed project would result in longer queue lengths at several study intersections under traffic Scenario #1 and Scenario #2. Under both scenarios, queue lengths in excess of the 25-foot increase threshold would occur only for the northbound left at the Brunswick Road/Sutton Way intersection during the 3:30-4:30 PM hour. Therefore, the impact to study intersection queues under the Cumulative Plus Project Condition would be considered significant.



The EIR requires implementation of Mitigation Measure 4.12-10 to re-time the intersection and improve operations and shorten the queue length. However, this mitigation measure requires approval from the City of Grass Valley, which cannot be guaranteed. Thus, the EIR conservatively concludes that the impact would remain *significant and unavoidable*.

