

DRAFT

**Initial Study  
Proposed Negative Declaration  
for the  
Climate Adaptation and Public Safety Element**



**July 2023**

**City of Nevada City  
Planning Department  
317 Broad Street  
Nevada City, CA 95959**



**INITIAL STUDY/NEGATIVE DECLARATION  
FOR THE PUBLIC SAFETY ELEMENT – CLIMATE ADAPTATION AND  
PUBLIC SAFETY ELEMENT (CAPSE)**

**GENERAL PROVISIONS**

**INTRODUCTION**

This Initial Study/Negative Declaration (IS/ND) has been prepared by Price Consulting Services on behalf of the City of Nevada City (lead agency) pursuant to all relevant sections of the California Environmental Quality Act (CEQA). This IS/ND is intended to inform City (City) decision-makers, responsible agencies, and the general public of the environmental consequences of the proposed update to the City of Nevada City General Plan Public Safety Element now referenced as the Climate Adaptation and Public Safety Element (CAPSE). This IS/ND is intended to provide the CEQA-required environmental documentation for all City approvals required to adopt the CAPSE. Appendix A of this document includes the CAPSE which includes basic information to support this IS/ND.

The CAPSE contains goals, policies, and programs actions that are consistent with the land use designations established by the General Plan Land Use Element (1998) and consistent with the policies and programs related to recreation, open space, and natural resources management in the Open Space and Conservation Element of the General Plan (1998). The CAPSE is a policy document and does not approve or facilitate any specific development nor does it grant development entitlements. The CAPSE establishes an updated policy framework upon which to base future City decisions.

This IS/ND includes all contents required by Section 15063(d) of the CEQA Guidelines, including a project description, an identification of the project’s environmental setting and environmental effects, and an examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls.

**PROJECT DESCRIPTION AND BACKGROUND**

**Project title:** Safety Element General Plan Amendment 2023-01

**Lead agency name:** City of Nevada City

**Address:** 317 Broad Street  
Nevada City, CA 95959

**Contact person:** Lisa McCandless

**Phone number:** (530) 265-2496 x.130

**Email:** Lisa McCandless@nevadacityca.gov

**Project sponsor's name:** Same as Lead Agency      **Address:** Same as Lead Agency

**Project location:** City Wide

**General Plan designation:** N/A

**Zoning:** N/A

**Description of project:** Update to the City of Nevada City Public Safety Element; now called the Climate Adaptation and Public Safety Element (CAPSE). It includes refinements to the goals, policies, and programs concerning public safety (see Appendix A). As a major component to the General Plan, the CAPSE identifies, and provides programs to address potential and existing hazards in and around the city such as seismic, geological, flood, fire, hazardous materials, weather, noise, and other hazards. This new document, which relates to the City's General Plan Economic Development, Resources, Housing, and Circulation elements also includes sections on noise exposure and climate change and incorporates policies and programs from the Nevada County Local Hazard Mitigation Plan. Other portions of the CAPSE include the Climate Vulnerability Assessment and the Noise Element/Exposure Background Report; both as appendices of the CAPSE.

**Surrounding land uses and setting:** The City sits approximately 60 miles northeast of Sacramento and 84 miles west of Reno in the foothills of the Sierra Nevada Mountains. At approximately 2,500 feet in elevation above sea level, it is surrounded by forest covered hills and is protected by ridge tops and surrounded by forest. The Safety Element covers the City's approximate 4,200-acre General Plan Area including its 2,700-acre incorporated boundaries (see Map 1).

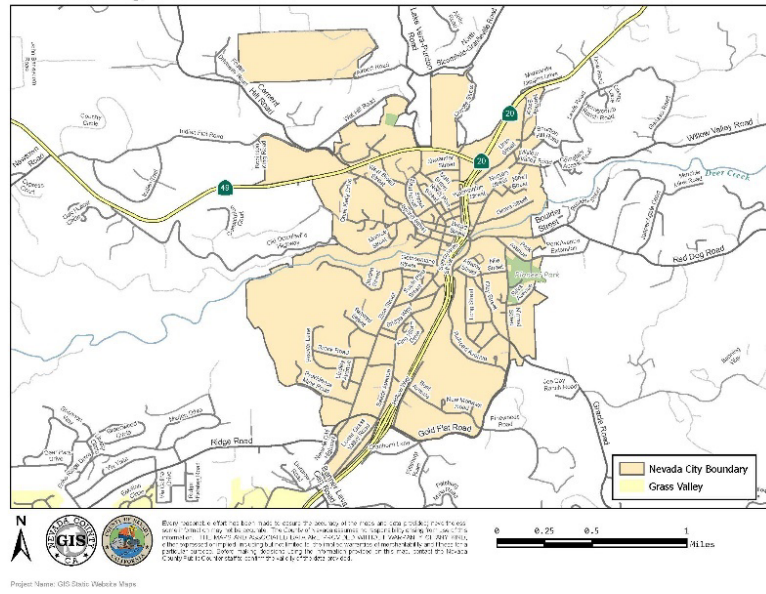
**Attachments:**

Appendix A-Draft Climate Adaptation and Public Safety Element

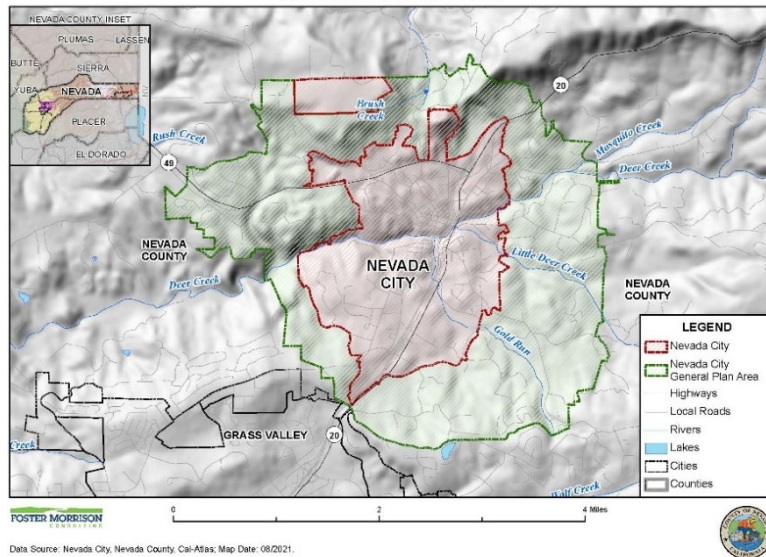
# Map 1. Vicinity, Location and Study Area



## Nevada City, California



## City of Nevada City and General Plan Area



**Other public agencies whose approval is required:** Each city and county must provide a draft of its safety element or amendment of its safety element for review (prior to adoption) to the California Geological Survey of the Department of Conservation to determine if all known seismic and other geologic hazards are addressed (California Government Code § 65302.5(a)). A city or county that contains a state fire responsibility area or a very high fire hazard severity zone must provide a draft of its safety element or amendment of its safety element to the State Board of Forestry and Fire Protection for review before adoption, and the Board may recommend changes regarding uses of land, policies, or strategies for reducing fire risk (California Government Code § 65302.5(b)).

California Geological Survey of the Department of Conservation: Submitted electronically the first staff draft of the document to this agency at [cgshq@conservation.ca.gov](mailto:cgshq@conservation.ca.gov) on March 5, 2023. Requested comments within the 45-day response timeline by April 20, 2023.

State Board of Forestry and Fire Protection: City is coordinating review with this agency and submitted the first staff draft of the document to this agency on March 5, 2023, for preliminary review.

Prior to adopting the CAPSE, the City must refer the proposed action to the following entities, as locally relevant (California Government Code § 65352):

- Any city or county, within or abutting the area covered by the proposal, and any special district which may be significantly affected by the proposed action, as determined by the planning agency.
- Any elementary, high school, or unified school district within the area covered by the proposed action.
- The local agency formation commission.
- Any areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.
- Any federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.
- Any public water system with 3,000 or more service connections that serves water to customers within the area covered by the proposal.
- The Northern Sierra Air Quality Management District for a proposed action within the boundaries of the district.

In accordance with California Government Code § 65352, the City has notified or will notify the appropriate locally relevant entities prior to adopting the CAPSE.

### **NATIVE AMERICAN CONSULTATION**

**Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code § 21080.3.1?**

Yes     No

If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?  Yes  No

If yes, ensure that consultation and heritage resource confidentiality follow Public Resources Code §§ 21080.3.1 and 21080.3.2 and California Government Code § 65352.4.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process (see Public Resources Code § 21080.3.2.). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code § 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code § 21082.3(c) contains provisions specific to confidentiality.

### **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on Page 9 for additional information.

- |   |  |
|---|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry  |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Biological Resources      |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                    |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Greenhouse Gas Emissions  |
| <input type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Hydrology/Water Quality   |
| <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources         |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing        |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                |
| <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Wildfire                  |
| <input type="checkbox"/> Mandatory Findings of Significance |  |

### **DETERMINATION**

**On the basis of this initial evaluation (choose one):**

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lisa McCandless, City Planner

*Print Name*



*Signature*

7/17/2023

*Date*

## CEQA ENVIRONMENTAL CHECKLIST

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impact. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words “significant” and “significance” used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

### **AESTHETICS**

Except as provided in Public Resources Code § 21099, would the project:

Question	CEQA Determination
a) Have a substantial adverse effect on a scenic vista that is visible from a City scenic corridor?	No Impact
b) Substantially damage scenic resources that are visible from a City scenic corridor, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact
c) In non-urbanized areas, 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 a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	No Impact

### **Discussion**

The City of Nevada City is a small town surrounded by forested land to the north, east and west, and some urban uses (City of Grass Valley) to the south. Implementation of the CAPSE would not result in significant urban and suburban growth. This is a policy document with programs that would not result in aesthetic changes or changes to the environment. The project, as a policy document, will not, in and of itself, result in aesthetic impacts to scenic vistas, scenic resources, or visual character, and will not create sources of substantial light or glare which adversely affects views. All future development that may occur with implementation of this updated General Plan element will require project-specific environmental impact assessment.



## **AGRICULTURE AND FOREST RESOURCES**

Would the project:

Question	CEQA Determination
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	No Impact

### **Discussion**

Based on data from the California Department of Conservation, the City does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor does it contain land under a Williamson Act contract. There are no timber resources or forest land designated as having statewide significance within the city limits. However, much of the area surrounding the city is vacant forest land. The CAPSE will not, in and of itself, result in impacts to forest or timberland. The Plan does reference fuel breaks, and the need to reduce vegetation strategically to reduce wildfire hazards. However, all future projects, including new development in the study area that may result in impacts to these resources will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant.

### **Project Impacts**

- a) **Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

As described previously, the City is almost entirely composed of urban land and does not contain Prime, Unique, or Farmland of Statewide Importance according to the California Department of Conservation. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, no impacts would occur related to conversion of Prime, Unique, or Farmland of Statewide importance to non-agricultural use.

**b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

As described previously, the City does not contain land under a Williamson Act contract. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, no impacts would occur related to conflicts with existing zoning for agricultural use or Williamson Act contract.

**c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by California Government Code § 51104(g))?**

This section of the state code defines forest land as land that can support 10% native tree cover of any species under natural conditions (including hardwoods), and that allows for management of one or more forest resources including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The CAPSE does not propose any rezoning of property that would result in removal of timberland. There may be some forest land within the project study area but the CAPSE does not propose any specific areas for forest land removal. There are some programs that reference the potential need for fire breaks and strategic removal of vegetation to reduce fire hazards. Consequently, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, no impacts would occur related to conflicts with existing zoning for forest land or timberland.

**d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

No impacts would occur related to the loss of forest land or conversion of forest land to non-forest use.

**e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The CAPSE includes policies, and programs actions to minimize risks from the effects of natural and non-natural hazards. It also does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, no impacts would occur related to other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use.

## **Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

## **AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

Question	CEQA Determination
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

**Discussion**

The CAPSE Area is located in the western foothills of Nevada County which is in the Mountain Counties Air Basin (Basin). The Basin is in the northeastern region of the State of California. The Basin is bounded to the east by the Sierra Nevada Mountain Range, to the west by the Coastal Mountain Range and to the south by the Tehachapi Mountains. Air quality attainment status is determined from air monitoring in the adjacent city of Grass Valley. Grass Valley and Nevada County is in nonattainment for applicable state and federal ozone standards, in nonattainment for state PM10 standards and unclassified for federal PM10 standards, and unclassified/attainment for state and federal PM2.5 standards. Northern Sierra Air Quality Management District (NSAQMD) is the local agency responsible for adopting and enforcing air quality regulations. The NSAQMD is comprised of three contiguous, mountainous, rural counties in northeastern California (Nevada, Sierra, and Plumas counties). Through its permitting powers, the NSAQMD enforces limitations for emission of criteria and toxic air contaminants for stationary sources. Other NSAQMD responsibilities include monitoring air quality, preparation of clean air plans and responding to citizen air quality complaints. The California Air Resources Board (CARB) regulates mobile air quality and of particular concern for the study area is Ozone levels which are more directly impacted by vehicular emissions and meteorologic conditions. CARB prepared a draft Ozone Attainment Plan for Western Nevada County in February 2023, which indicates that the prevalence of wildfires during the summer ozone season significantly impacted the air quality in Western Nevada County. High ozone concentrations were observed on days when air quality was affected by forest fires, particularly in 2018, 2020 and 2021. Given the limited number of emissions sources under the regulatory authority of Northern Sierra AQMD, and the overwhelming impact of transportation on local ozone concentrations, options for additional emission reduction measures in Western Nevada County are scarce. The District relies on emission reductions from upwind areas and mobile source control measures at the State. Although this CAPSE is limited to public safety policies and programs, some, particularly those that are intended to reduce wildfires may help reduce the impact of smoke and therefore reduce ozone incidents.

**Project Impacts**

- a) Would the project conflict with or obstruct implementation of the applicable air quality plan?**

The NSAQMD does not currently have an air quality plan. However, it does have standard threshold regulations that apply to different types of development projects that evaluate by air pollutant categories levels of significance. The CAPSE includes policies, programs to minimize risks from the effects of natural and non-natural hazards, none of which are

expected to conflict with or obstruct programs of the NSAQMD. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impacts related to a conflicting with or obstructing implementation of the NSAQMD air quality plans would occur.

- b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

The General Plan area is located in the Mountain Counties Air Basis and is considered a non-attainment for criteria pollutants applicable state and federal ozone standards, state PM10 standards and unclassified for federal PM10 standards, and unclassified/attainment for state and federal PM2.5 standards. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, the project would not result in a cumulative net increase in criteria pollutants.

- c) Would the project expose sensitive receptors to substantial pollutant concentrations?**

Sensitive receptors include schools and schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, residential areas, and people who are particularly sensitive to air pollutants, such as children, the elderly, and people with illnesses. Several policies and a program in the CAPSE addresses smoke exposure to sensitive receptors as noted below.

The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements and thus does not include any physical construction or changes that would expose sensitive receptors to pollutant concentrations. Therefore, no impacts related to exposure of sensitive receptors to substantial pollutant concentrations would occur.

- d) Would the project result in other emissions (such as objectionable odors) adversely affecting a substantial number of people?**

The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements and thus does not include any physical construction or changes that would result in other emissions, such as objectionable odors. Therefore, no impacts related to other emissions, such as objectionable odors, affecting a substantial number of people would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**BIOLOGICAL RESOURCES**

Would the project:

Question	CEQA Determination
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a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	No Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

**Discussion**

The project area includes the City’s jurisdictional boundaries of approximately 1,470 incorporated acres (2018 Nevada County GIS data) and the remaining General Plan Area of approximately 2,700 acres (see Map 1 of Project Area). The project area is located within a basin on the western slope of the Sierra Nevada, and it has a unique topography with hills and valleys, watercourses, and defined seasons to which a variety of plant and wildlife species have adapted. The City is primarily developed with a mix of commercial, residential and some limited industrial uses. Areas beyond the City boundaries, within the General Plan Area, are generally surrounded by rural residential development and undeveloped forests.

Any future safety improvement projects that are brought forward to the City within the project area would be required to comply with the General Plan Conservation Element which addresses open space preservation and mentioned seer Creek and Little Deer Creek. The Resources Element notes that the existing open space is a distinctive characteristic of the City and one of the goals of the City is to preserve a strong sense of entry and distinctness created by the surrounding green and wooded hills and an effort should be made to preserve the surrounding forest. Regarding the protection of riparian corridors are the policies related to flooding and drainage. These policies are as follows:

- In cooperation with the county, enforce a required building setback from all drainageways.
- Include assessment of drainage impact of proposed projects as part of the environmental review process

The Zoning Code includes requirements for building in proximity to a stream or watercourse such as building no closer than one hundred feet from a perennial stream nor closer than twenty-five feet from a seasonal creek. Also, any potential impact from development of a riparian area must be approved by the California Fish and Wildlife Service. The Zoning Code also provides for tree preservation criteria.

## **Project Impacts**

- a) **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

The Resources Element and Zoning Code contains policies and regulations to protect special status, sensitive, and candidate species within the City. The CAPSE includes goals, policies, and implementation actions to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element. The CAPSE does not propose policies or implementation actions that would conflict with the policies and programs in the Resources Element regarding the protection of biological resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant any development entitlements that could result in impacts to biological resources. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on candidate, sensitive, or special status species would occur. However, there are a few policies and programs in the CAPSE that could potentially reduce impacts to sensitive or special status species as noted below.

- b) **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

The Resources Element contains policies to protect riparian habitat and other sensitive natural communities within the project area. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element. The CAPSE does not propose policies or actions that would conflict with the policies and programs in the Resources Element regarding the protection of biological resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on riparian habitat or sensitive natural communities would occur.

- c) **Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The Resources Element and Zoning Code contain policies and regulations to protect wetlands within the City. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element. The CAPSE does not propose policies or implementation actions that would conflict with the policies and programs in the Resources Element regarding the protection of biological resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on

state or federally protected wetlands would occur. However, there are a few policies and programs in the CAPSE that could potentially reduce impacts to protected wetlands as noted below.

- d) **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

The Resources Element and Zoning Code include policies and regulations to protect fish and wildlife species and their habitats within the project area. The CAPSE has policies and programs intended to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element. The CAPSE does not propose policies or programs that are contrary to the Resources Element regarding the protection of biological resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on migratory wildlife corridors and nursery sites would occur. However, there are a few policies and programs in the CAPSE that could potentially reduce impacts to migratory fish or wildlife species as noted below.

- e) **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The Resources Element and Zoning Code contain policies and regulations to protect biological resources within the project area. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element or the City's Tree Preservation Ordinance. The CAPSE does not propose policies or implementation actions that would conflict with the policies in the Resources Element or the City's Tree Preservation Ordinance regarding the protection of biological resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on biological resources, including tree preservation policies or ordinances would occur.

- f) **Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

There are no Habitat Conservation Plans (HCPs), Natural Community Conservation Plans (NCCPs), or other approved local, regional, or state HCPs that apply to the proposed project. Nevada County is not currently covered under any existing HCPs or NCCPs. Thus, there would be no direct or indirect impacts.

### **Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

### **CULTURAL RESOURCES**

Would the project:

Question	CEQA Determination
a) Cause a substantial adverse change in the significance of a historical resource pursuant to California Government Code §15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Government Code §15064.5?	No Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

**Discussion**

A cultural resource is the physical or observable traces of past human activity including, prehistoric habitation and activities, historic-era sites and materials, and places used for traditional Native American observances or places with special cultural significance. Cultural resources, along with prehistoric and historic human remains and associated grave goods, must be considered under various federal, state, and local regulations, including CEQA and the National Historic Preservation Act of 1966.

For the purposes of CEQA, “historical resources” generally refer to cultural resources that have been determined to be significant, either by eligibility for listing in State or local registers of historical resources, or by determination of a lead agency (see definitions below). Historical resources can also include areas determined to be important to Native Americans that qualify as tribal cultural resources as defined in Public Resources Code § 21074 (sites, landscapes, historical, or archeological resources). Paleontological resources are also considered within this section.

The County contains many prehistoric sites including native villages, multi-task camps, sites with task-specific features such as bedrock mortar milling features, as well as sites that special use sites including hunting blinds, petroglyphs, and quarries. More modern historic areas within Nevada County, including the project area, are typically related to mining, water management, logging, transportation, emigrant travel, ranching and agriculture, and grazing. Cultural resources that are considered culturally sensitive, including architectural resources, within the County are generally located less than one-quarter mile from a source of water (i.e., streams, lakes, rivers), between 400 and 3,000 feet above mean sea level (amsl) and on the west side of the Sierra Nevada Mountains.

**Project Impacts**

**a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to California Government Code § 15064.5?**

The Resources Element and Zoning Code contains policies and regulations to protect and preserve historic resources within the City. Goals relating to historic preservation include the following:



## Goals

- The City aims to continue its efforts to preserve and enhance the architectural diversity of historic buildings in the central area, to maintain the remarkable collection of city-owned historic buildings and to encourage private efforts of historic preservation and restoration.
- Whereas many other Mother Load towns are surrounded by modern subdivisions and commercial development, the Nevada City Basin remains nearly pristine. The city seeks a means to preserve its sense of a historic town surrounded by open forest.
- As a city grows and new buildings are added outside the historic district, it is the City's aim to encourage design, which is appropriate to our own age, but which is unassertive, allowing the dominance of the City's primary, nineteenth-century historic period.

The General Plan also provides more specific guidance in the form of Objectives and Policies. These are as follows:

## Objectives

- Maintain the dominance of the City's primary, nineteenth-century historic period.
- Allow new development which is complementary to the form and scale of its content.
- Ensure continued concentration of public and cultural activities which reinforce the historic core as the "heart" of Nevada City.

## Policies

- Encourage private efforts at historic rehabilitation and restoration.
- Seek innovative means to maintain and improve city-owned historic buildings.

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Open Space and Conservation Element. The CAPSE does not propose policies or implementation actions that would conflict with the policies and programs in the Resources Element or Zoning Code regarding the protection of historical resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on historic resources would occur.

### **b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to California Government Code §15064.5?**

The Resources Element contains policies to protect and preserve archaeological resources within the City. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element. The CAPSE does not propose policies or implementation actions that would conflict with the policies and programs in the Resources Element regarding the protection of archaeological resources.

In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial adverse effects on archaeological resources would occur.

**c) Disturb any human remains, including those interred outside of dedicated cemeteries?**

The Resources Element contains policies and programs to protect buried human remains within the City. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Resources Element. The CAPSE does not propose policies or programs that would conflict with the policies and programs in the Open Space and Conservation Element regarding the protection of human remains. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to disturbance of human remains would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**ENERGY**

Would the project:

Question	CEQA Determination
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

**Discussion**

Electric and natural gas facilities are provided in Nevada County, including the City and project area, by Pacific Gas and Electric Company (PG&E). There are 5 PG&E substations within the County. Four of these substations have distribution voltages of 12kV and one substation has a distribution voltage of 21kV. Three of the substations are served via 60kV transmission lines and two substations are served via 115kV transmission lines. The transmission lines are networked and generation for these transmission lines comes from generators located throughout the state.

**Project Impacts**

- a) **Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

The CAPSE would not directly result in an impact to energy resources. The increased energy use build-out of the General Plan (project) area as contemplated by the Land Use and Economic Development Element will foreseeably be reduced by imposition of energy-saving requirements on specific projects as required by already adopted State and local policies and regulations. Future development proposals would be subject to project-specific environmental review to ensure that the project would be compliant with local and regional standards and procedures for minimizing short-term and long-term impacts related to wasteful, inefficient or unnecessary consumption of energy resources. As proposed, all future development projects would be required to obtain appropriate Building Permits and would be required to meet all current building standards including but not limited to the California Building Code, California Electrical Code, California Energy Code (Title 24). Therefore, the indirect energy consumption impacts of the General Plan will be reduced to less than significant through conformance with applicable regulations and existing energy reduction measures.

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation would occur.

**b) Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

As noted in subsection a) above, the CAPSE would not result in conflicts with State or local plans for renewable energy or energy efficiency. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and does not propose any changes to plans or policies for energy efficiency or renewable energy. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impacts related to a State or local plan for renewable energy or energy efficiency would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**GEOLOGY AND SOILS**

Would the project:

Question	CEQA Determination
<p>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p>	<p>No Impact</p>

Question	CEQA Determination
ii) Strong seismic ground shaking?	No Impact
iii) Seismic-related ground failure, including liquefaction?	No Impact
iv) Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

**Discussion**

Nevada County is within the Sierra Nevada Mountains, a geologic block approximately 400 miles long and 80 miles wide which extends in a north-south band along the eastern portion of California. The terrain of Nevada County is distinctly characterized by two features of the Sierra Nevada Mountains. The western third of the County is comprised of rolling foothills which form a transition between the low-lying Sacramento Valley to the west and the mountains to the east. The eastern two-thirds of the County is comprised of the steep terrain and exposed granite of the Sierra Nevada Mountains itself.

The project area is located in a geologically complex and diverse area that has the potential for earthquake-induced hazards. Earthquakes are produced in Nevada County and throughout the state from sudden movements along faults, described in detail below, generating ground motion when the accumulated stress within the rocks is released as waves of seismic energy.

According to the California Department of Conservation fault activity map, there are no faults under Nevada City. The nearest fault is the Grass Valley Fault approximately 3 miles to the west. The Grass Valley Fault is a pre-quaternary fault that has not had recognized movement in the last 1,600,000 years. The nearest faults with more recent activity include the Giant Gap Fault approximately 10 miles to the east the Swan Ravine Fault approximately 16 miles to the west, and the Cleveland Fault within the most recent movement approximately 20 miles to the northwest near Oroville.

## Project Impacts

### a) **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?* The City does not contain any known active earthquake faults nor Alquist-Priolo Earthquake Fault Zones. Nonetheless, the CAPSE includes policies and programs to reduce adverse effects involving earthquakes, such as enforcing seismic regulations regarding new development and retrofit of existing buildings. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impacts related to the exposure of people or structures to potential substantial adverse effects involving a known earthquake fault would occur.
- ii) *Strong seismic ground shaking?* Ground shaking, rather than fault surface rupture, is the cause of most damage during earthquakes. The City does not contain any known active earthquake faults. Nonetheless, the CAPSE includes policies and programs to reduce adverse effects involving earthquakes, such as enforcing seismic regulations regarding new development and retrofitting of existing buildings. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to strong seismic ground shaking would occur.
- iii) *Seismic-related ground failure, including liquefaction?* There are no known areas in the City or project area with liquefaction susceptibility.
- iv) *Landslides?* None of the project area has been evaluated for landslides. However, there are some areas that contain clay deposits that can be susceptible to land sliding hazards. Nevada County also has a history of mining including hydraulic mining which used jets of water to break down gold-laden gravel banks and wash the materials through gold separating devices. Any area adjacent to a hydraulically mined area may be subject to landslide activity. Uphill instability is increased by removal of the toe of the slope and a landslide can be triggered by seismic activity, heavy rainfall, overloading, grading activities, etc. There are provisions in the Building Code that require geotechnical review and soil mitigation in the event clay soils are found prior to development. Policy GH-2 of the CAPSE requires geologic hazard investigations/reports to review new development that may be located within areas that are known (areas determined to be seismically active by the State Department of Conservation) or potentially have geologic concerns, such as steep slopes and/or areas of unstable soil. See related policies and programs below.

### b) **Would the project result in substantial soil erosion or the loss of topsoil?**

Soils in the project area generally have either no hazard of erosion or a moderate hazard of erosion. The CAPSE includes policies and programs to reduce soil erosion by requiring erosion control standards as conditions of approval. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to soil erosion or the loss of topsoil would occur. See related policies and programs below.

- c) **Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

As described under Project Impacts ii, iii and iv above, the CAPSE includes policies and programs that would reduce impacts related to landslides, subsidence, and other adverse geologic conditions by requiring site feasibility studies, geotechnical evaluations, and the implementation of grading Best Management Practices and other geological considerations as conditions of project approvals. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to on- or off-site landslides, subsidence, or other adverse geologic conditions would occur. See related policies and programs below.

- d) **Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Expansive soils can undergo substantial volume change (i.e., shrink and swell) as a result of variations in moisture content, which can result from rainfall, landscape irrigation, utility leakage, roof drainage, and/or perched groundwater. Expansive soils are typically very fine-grained and have a high to very high percentage of clay. If expansive soils underlay future project sites and they are not properly treated, subsequent expansion and contraction could lead to differential and cyclical movements and cause damage and/or distress to structures and equipment. It is not known if expansive soils underlay potential development areas, and this is considered a potentially significant impact. Some locations within the project area may have isolated units of expansive soil. As described under Impacts ii, iii, and iv, the CAPSE includes policies and programs that would reduce impacts related to expansive soils by requiring site feasibility studies, geotechnical evaluations, and the implementation of grading Best Management Practices and other geological considerations as conditions of project approval. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to expansive soils would occur. See related policies and programs below.

- e) **Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

None of the actions proposed in the CAPSE would result in additional septic tanks or alternative wastewater disposal systems. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the use of septic tanks or alternative wastewater disposal systems would occur.

- f) **Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

The City has some sensitivity level for paleontological resources. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical

environmental changes and no impacts related to adverse effects on paleontological resources or unique geologic features would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**GREENHOUSE GAS EMISSIONS**

Would the project:

Question	CEQA Determination
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No Impact

**Discussion**

Certain gases in the earth’s atmosphere, classified GHGs, play a critical role in determining the earth’s surface temperature. Solar radiation enters the earth’s atmosphere from space. A portion of the radiation is absorbed by the earth’s surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead “trapped,” resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Fossil fuel combustion, especially for the generation of electricity and powering of motor vehicles, has led to substantial increases in CO2 emissions (and thus substantial increases in atmospheric concentrations). There is international scientific consensus that human-caused increases in GHGs have contributed and would continue to contribute to global warming. Potential global warming impacts in California may include but are not limited to loss in snowpack, sea-level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include the displacement of thousands of coastal businesses and residences, impacts on agriculture, changes in disease vectors, and changes in habitat and biodiversity. The State enacting Assembly Bill (AB) 32 determining that global warming will cause detrimental effects to some of the state’s largest industries, including agriculture, winemaking, tourism, skiing, commercial and recreational fishing, forestry, and the adequacy of electrical power generation.

**Project Impacts**

- a) **Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Global climate change is, by definition, a cumulative impact of GHG emissions. Because the proposed project consists of an update to the General Plan Public Safety Element (CAPSE). There is no specific project so there is no project-level analysis. The baseline against which to compare potential impacts of the project includes the natural and anthropogenic drivers of global climate change. However, since one of the CAPSE's primary objectives is to address climate change from a policy standpoint, a number of policies and programs have been developed to reduce GHG emissions as compared to doing nothing. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impacts related to conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases would occur.

**b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards, none of which conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impacts related to conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

Question	CEQA Determination
a) a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No Impact
b) b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	No Impact
c) c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact



Question	CEQA Determination
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

**Discussion**

The CAPSE addresses hazards, including a separate section on hazardous materials and review of hazards potential exposure to people or structures, such as wildland fires and discusses emergency response planning and evacuations. A number of policies and programs have been incorporated into the CAPSE to avoid or mitigate potential hazards.

**Project Impacts**

**a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

The CAPSE contains policies and programs intended to reduce the risks associated with hazardous materials and hazards. Section G of the document focuses on transport, use, and disposal of hazardous materials. A number of policies and programs in the CAPSE addressing this topic including Policy HM-2 which states that the City shall comply with the Nevada County Hazardous Materials Area Plan which provides direction and establishes the policies, responsibilities, and procedures required to protect the health and safety of the City. County’s citizens, the environment and public and private property from the effects of hazardous materials emergency incidents. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to significant hazards to the public or environment would occur from the routine transport, use, or disposal of hazardous materials. The CAPSE includes policies and programs to potentially reduce hazards from transport, use, or disposal of hazardous materials as noted below.

**b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

CAPSE policies, and programs are intended to reduce the risks association with hazardous materials and hazards. For example, Policy HM-4 promotes prompt clean-up and/or remediation of sites contaminated by mine wastes or other hazardous materials. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to significant hazards to the public or environment from the accidental release of hazardous materials into the environment would occur. The CAPSE includes policies and programs to potentially reduce hazards from upset and accident conditions involving release of hazardous materials as noted below.

- c) **Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Several schools are located within one mile of the Robinson Petroleum bulk storage facility, located at 198 Lower Grass Valley Road: (1) Deer Creek School, 405 Hoover Lane; (2) 7 Hills Middle School, 405 Hoover Lane; and (3) Earl Jamieson Educational Options at 112 Nevada City Highway.

If schools are public, the City has very limited ability to restrict expansions or new schools since they are typically State institutions that are not subject to local regulations. Also, the City has no authority to restrict residential day care schools due to State regulations. However, CAPSE policies and programs are intended to reduce the potential of hazardous emissions. The CAPSE identifies critical facilities, including schools in the City in relation to various hazards, such as fire, flooding, and hazardous material sites to avoid or mitigate hazardous material handling or emissions nears these facilities. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the emission of hazardous materials within one-quarter mile of a school would occur. The CAPSE includes policies and programs to potentially reduce emission of hazardous materials as noted below.

- d) **Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

A review of the DTSC EnviroStor database indicates two active voluntary cleanup sites in Nevada City: 1) at the end of Bridge Street, involving soil clean up; and 2) at 101 Providence Mine Road, where the Grove residential subdivision project is being developed also involving soil remediation. The CAPSE also identifies several previous mine locations and the potential for these to become hazardous. There are a number of policies in the CAPSE to reduce these hazards, such as Policy HM-3 promoting prompt clean-up and/or remediation of sites contaminated by mine wastes or other hazardous materials and Policy HM-4 regarding coordination with the Nevada County Environmental Health Department in the review of all projects that require the use, storage, or transport of hazardous materials and waste to ensure necessary measures are taken to protect public health and safety.

The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to significant hazards to the public or environment from the presence of known contamination would occur.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

The closest airport, Nevada County Airport, is located approximately nine miles southeast of the City and the project area. Although air traffic occurs over the City, it is not impacted by the airport's approaches/departures that is cause for significant hazard to the City. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Therefore, no impact would occur.

**f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

The CAPSE contains policies and programs intended to support the existing Emergency Operation Plan and would not create any interference or impacts related to implementation of an adopted emergency response plan or evacuation plan would occur.

**g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

The CAPSE has a several sections discussing wildland fires, such as Emergency Preparedness and Evacuation, Fire Hazards and Protection and related policies and programs to provide improved safety measures. Additionally, the CAPSE references current data associated with each wildland fire hazard and incorporates the LHMP which addresses wildland fire risk by providing incentives to minimize hazards. Furthermore, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to wildland fires would occur.

**Impact Conclusions**

No significant impacts have been identified and no mitigation measures are required.

**HYDROLOGY AND WATER QUALITY**

Would the project:

Question	CEQA Determination
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:  i) result in substantial erosion or siltation on- or off-site;	No Impact
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	No Impact
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	No Impact
iv) impede or redirect flood flows?	No Impact

Question	CEQA Determination
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

**Discussion**

The General Plan area is located in two main watersheds with the vast majority being in the southerly portion of the Yuba River Watershed. These watersheds span four counties: Nevada, Placer, Sutter and Yuba. Two rivers travel through Nevada City; Deer Creek and Little Dear Creek; both being influenced by these main watersheds. Several other tributaries to and from these rivers also flow through the project area.

The Deer Creek Watershed traces the southerly boundary of the Yuba River Watershed. Nevada City is at the approximate mid-point of this watershed and is approximately 12 miles west of the eastern watershed boundary near SR-20 and approximately 15 miles west of the watershed boundary near the Nevada County line. The watershed includes the area from Scotts Flat in the eastern reaches and Lake Wildwood in the western half. Deer Creek Watershed has been impacted from past uses including mining, development, water diversions, and agriculture.

Little Deer Creek Watershed encompasses much of the project area and is a tributary to Deer Creek. Other waters within the project area that are tributary to Deer Creek include Gold Run Creek, Oregon Ravine, Woodpecker Ravine, Woods Ravine, Rogers Williams Ravine, and Manzanita Ravine. All these watercourses flow or combine to flow through the downtown of Nevada City.

**Project Impacts**

- a) **Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

Water quality, waste discharges, and water quality are managed by the California Regional Water Quality Control Board (RWQCB). The project area is characterized by hilly with steep to gently sloping terrain, perennial and intermittent streams in a forested environment. The CAPSE would not result in any direct impacts to water quality or result in the direct violation of a water quality standard or waste discharge requirements. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural. The CAPSE does not propose policies or implementation actions that would conflict with the policies and programs in the City Resources Element or other sections of the General Plan concerning the protection of water quality. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to water quality standards, waste discharge requirements, or the degradation of surface or groundwater quality would occur.

- b) **Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Future development of the General Plan (project) area would be subject to the City or County review when development plans are submitted, and/or application(s) filed. Projects that consist of areas greater than one acre and would be required to obtain a Construction General Permit. The Construction General Permit requires implementation of a Storm Water Pollution Protection Plan (SWPPP), which would include Best Management Practices (BMP)s designed to reduce potential impacts from water degradation and storm water runoff. Construction BMPs may include, but are not limited to, stabilization of construction entrances, straw wattles on embankments, and sediment filters on existing inlets. The SWPPP must be kept on-site, updated as needed while construction progresses, and would contain a summary of the structural and non-structural BMPs to be implemented during both construction and post-construction periods.

All future development within the General Plan area is subject to City or County review including CEQA analysis. As part of the CEQA analysis, the potential for impacts to hydrology and water quality would be considered, and as discussed above, proper permitting and water quality protection measures would be incorporated as conditions of project approval or as project-specific mitigation. Preparation, implementation, and participation with both a National Pollution Discharge Elimination System (NPDES) General Permit and the Construction General Permit, including the SWPPP and BMPs, would reduce potential impacts to water quality to acceptable levels. As a result, impacts associated to water quality in this regard and wastewater discharge requirements would be less than significant.

The CAPSE includes policies and programs to minimize risks from the effects on groundwater supplies. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to groundwater supplies or groundwater recharge would occur.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

- i) *Result in substantial erosion or siltation on- or off-site.* City Municipal Code Chapter 17.80.120 contains regulations regarding the prohibition of development within riparian and adjacent to stream zones. The City prohibits building closer than 100 feet from a perennial stream and closer than 25 feet from seasonal water (unless a variance is granted). In addition, sections 401 and 404 prohibit the release of dredge or fill materials into waters of the U.S. These measures are intended to minimize erosion or siltation on or off-site.

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and does not approve or facilitate any specific development nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial erosion or siltation on- or off-site would occur.

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.* The CAPSE would not alter precipitation amounts or intensities, nor is it anticipated to require any additional water to be imported to serve the future project sites. Some additional run-off would occur from new impervious surfaces if construction occurs; however, the overall increased surface area would be

minimal and the potential for on-site or off-site run-off would be minimal. Also, as noted in subsection i) above, construction on these sites; however, would be within a rural landscape, increased run-off would be minimal, and would be required to comply with all applicable RWQCB and City requirements related to water runoff and control.

City Municipal Code Chapter 13.20.101 Statutory Authorization would apply to future development projects that could occur in the General Plan (project) area if they are within flood zones. In part, the purposes of this chapter are to protect human life and health; minimize damage and reduce the effects on uses in flood zones. More specifically, section 13.20.050 sets forth provisions for flood hazard reduction including anchoring, use of construction materials resistant to flooding, and a requirement that in a zone A, the lowest floor be elevated at least one foot above the base flood elevation. Other requirements such as structure design and certification by a registered professional engineer or architect are required.

The CAPSE includes policies and programs to ensure that new development is located and designed to minimize the generation of and exposure to flood hazards (e.g., Implementation Actions 4.C.1 Promote Flood Safety and 4.C.7 Green Infrastructure). In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial flooding on- or off-site would occur.

- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or* As discussed in subsections i) and ii) above, impacts from future development projects, depending on the location, size, and nature would be required to obtain a Construction General Permit. The Construction General permit requires implementation of a SWPPP, which would include BMPs to minimize drainage impacts caused by storm water runoff and protect downstream receiving waters. Preparation and implementation of all required NPDES permits, including implementation of SWPPPs and associated BMPs, would reduce the potential for excess storm water drainage.

The CAPSE includes policies, And programs to minimize risks from the effects of natural and non-natural hazards and does not approve or facilitate any specific development nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to increased stormwater runoff would occur.

- iv) *Impede or redirect flood flows?* As discussed in subsections i) and ii) above, impacts from future development projects, depending on the location, size, and nature would be required to obtain a Construction General Permit. The Construction General permit requires implementation of a SWPPP, which would include BMPs to minimize the erosion caused by storm water runoff and protect downstream receiving waters. Preparation and implementation of all required NPDES permits, including implementation of SWPPPs and associated BMPs, would reduce the potential for storm water flows from carrying potential contaminants off-site during construction.

The CAPSE includes policies, And programs to minimize risks from the effects of natural and non-natural hazards and does not approve or facilitate any specific development nor does it grant development entitlements. As a result, the CAPSE

would not result in any physical environmental changes and no impacts related to increased.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

The CAPSE includes policies and programs to ensure that new development is located and designed to minimize the generation of flood hazards, The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the risk of release of pollutants due to project site inundation would occur.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards, none of which approve physical changes to the environment or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in a physical change to the environment and no impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan would occur.

**Impact Conclusions**

No significant impacts have been identified and no mitigation measures are required.

**LAND USE AND PLANNING**

Would the project:

Question	CEQA Determination
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

**Discussion**

Nevada City was founded in 1850 and incorporated on April 19, 1856. Nevada City started as a gold-mining community one hundred and fifty (150) years ago and is now characterized as a modern city but still with modest cottages and Victorian houses and classic brick buildings. The City is located within a basin on the western slope of the Sierra Nevada and has unique topography with hills and valleys and aesthetic and scenic qualities. The town is located in a natural “bowl” giving the impression that the historic mining town is compact as it is surrounded by hills and trees.

Nevada City is generally surrounded by rural residential development and undeveloped coniferous forest. These areas extend from the city boundary in all directions and are included in the General Plan project area. These unincorporated lands, outside the City’s jurisdictional boundaries, are primarily designated and developed for residential uses.

The General Plan contains a Land Use and Economic Development Element (Chapter II), which establishes objectives and policies related to land use planning and community development in the City. As part of the CAPSE, there are no amendments being proposed to the Land Use Element of the General Plan. The CAPSE identifies land use and development as being a critical factor in preparation for future emergencies.

**Project Impacts**

**a) Would the project physically divide an established community?**

The Land Use Element establishes specific goals, objectives and policies related to land use planning and community development in the City. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and revisions to provide consistency with the Land Use Element. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to division of an established community would occur.

**b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards, none of which conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to conflicts with a land use plan, policy, or regulation would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**MINERAL RESOURCES**

Would the project:

Question	CEQA Determination
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact



## Discussion

A mineral resource is land on which known deposits of commercially viable mineral or aggregate deposits exist. The designation is applied to sites determined by the State Division of Mines and Geology as being a resource of regional significance and is intended to help maintain any quarrying operations and protect them from encroachment of incompatible uses.

No mineral resources are identified to exist by the City's General Plan or located within any "Critical Mineral Resource Overlay" area, on or near the General Plan Area. Additionally, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a City's General Plan, specific plan or other land use plan. No impact has been identified.

## Project Impacts

- a) **Result in the loss of a known mineral resource that would be of value to the region and the residents of the state?**

The CAPSE would not affect mineral resources. No impact.

- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

No mineral resource recovery sites are delineated within the Nevada City General Plan or any other land use or specific plan. No impact.

## NOISE

Would the project result in:

Question	CEQA Determination
a) Generation of a substantial temporary or permanent 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?	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

## Discussion

Noise impacts require evaluation through CEQA. The previous Noise Element section of the General Plan Public Safety Element was adopted in 1986. The CAPSE includes an update of the General Plan Noise Element which evaluates current and future noise levels from increased

growth in the region, primarily due to increased traffic levels, but also includes noise from increased stationary activities, such as increased commercial activities. Appendix C of the CAPSE consists of a background report on noise that supports a noise analysis and policies and programs in the CAPSE.

To quantify existing noise levels at areas within Nevada City, a community noise survey was performed at seven locations from Friday, April 1 through Monday, April 4, 2022. Then, noise contours were developed showing existing noise levels (to 2045) based on projected development anticipated in the General Plan area and from regional growth anticipated in Nevada County's General Plan area.

## **Project Impacts**

- a) **Would the project result in generation of a substantial temporary or permanent 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?**

The CAPSE is consistent with the current City noise regulations but provides an enhanced understanding of noise issues in the community and also provides improved noise standards that can be used to improve noise regulatory enforcement. The CAPSE also provides additional policies and programs to address noise from new activity and development in the City. For example, Policy NE-5 has more specific criteria to base noise analysis requirements. Tables 4, Noise Standards for New Uses Affected by Traffic Noise and Table 5, Noise Standards for Locally Regulated (non-transportation) provides standards to evaluate and restrict new activities near residential uses which should help mitigate future noise impacts on the community. Policy NE-25 consists of a formal methodology to apply to noise studies while Policy NE-28 offers design options for mitigation of noise impacts. Program NE-1 proposes updating the City's noise regulations to improve consistency between the CAPSE and implementation of noise requirements.

The CAPSE does not approve or facilitate any specific development designs or proposals, nor does it grant any development entitlements that could result in noise impacts. As a result, the CAPSE would not result in any physical environmental changes or introduce any new sources of noise and no impacts related to a substantial temporary or permanent increase in ambient noise levels would occur.

- b) **Would the project result in generation of excessive groundborne vibration or groundborne noise levels?**

The CAPSE Update does not approve or facilitate any specific development designs or proposals, nor does it grant any development entitlements that could result in groundborne vibration. As a result, the CAPSE would not result in any physical environmental changes or introduce any new sources of vibration and no impacts related to the generation of excessive groundborne vibration or noise levels would occur.

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

The Nevada County Airport is located approximately 1 mile south of the General Plan area. The airport's 55 dB CNEL contours does not extend into the current City limits or into the General Plan area. As a result, the General Plan area is not considered to be appreciably affected by noise related to aircraft operations at the Nevada County Airport even though audible overflights of the City do periodically occur. No impact.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**POPULATION AND HOUSING**

Would the project:

Question	CEQA Determination
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

**Discussion**

In 2019 pursuant to State law, the City adopted an updated Housing Element (Housing Element 2019-27), which explained City housing goals and how the City intends to meet them.

**Project Impacts**

- a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The General Plan Housing Element (2019-27) establishes policies, programs, and quantified objectives to address housing needs within the City. The CAPSE includes goals, policies, and implementation actions to minimize risks from the effects of natural and non-natural hazards and would not alter the Housing Element. The CAPSE does not propose policies or implementation actions that would conflict with the policies, programs, and quantified objectives of the Housing Element regarding population growth. The CAPSE does not include construction or operational components (such as employment opportunities) that could directly or indirectly induce population growth. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to substantial unplanned population growth would occur.

- b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

The Housing Element establishes policies, programs, and quantified objectives to address housing needs within the City. The CAPSE includes goals, policies, and implementation actions to minimize risks from the effects of natural and non-natural hazards and would not alter the Housing Element. The CAPSE does not propose policies or implementation actions that would conflict with the policies, programs, and quantified objectives of the Housing Element regarding the displacement of people or housing. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements or require or facilitate the demolition of housing or other structures that could displace people. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the displacement of existing people or housing would occur.

**Mitigation**

No impacts have been identified and no mitigation measures are required.

**PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

Question	CEQA Determination
a) Fire protection?	No Impact
b) Police protection?	No Impact
c) Schools?	No Impact
d) Parks?	No Impact
e) Other public facilities?	No Impact

**Discussion**

Nevada City is a full-service City that provides fire, police, public works, planning, water, wastewater, and parks and recreation services. These services are described in more detail in the CAPSE.

**Project Impacts**

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**
  - i) Fire protection
  - ii) Police protection

- iii) Schools
- iv) Parks
- v) Other public facilities

The CAPSE contains policies and programs intended to support and improve fire and police protection capability and other resources within the City and within the General Plan area. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Additionally, the CAPSE would not directly or indirectly result in an increased resident population, necessitating the need for new or physically altered facilities or manpower. As a result, adoption and implementation of the CAPSE would not result in any physical environmental changes and no impacts related to the provision of new or altered governmental or public facilities would occur.

**Mitigation**

No impacts have been identified and no mitigation measures are required.

**RECREATION**

Question	CEQA Determination
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

**Discussion**

The City maintains several public parks and recreation services in the city that serves folks both within the General Plan (project area) and surrounding communities.

**Project Impacts**

- (a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

General Plan Resources Element contains background information on recreation and parks that include maintaining a certain number (or size) of parks based on population growth. Chapter 3.36 of the Municipal Code, Facilities and Equipment Fee, include requirements for new development to pay for such new recreational facilities to mitigate impacts to a level of non-significance. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Nor does the adoption or implementation of the CAPSE result in direct or indirect population growth that could increase demand for parks or other recreational facilities. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the

increased use of existing neighborhood and regional parks or other recreational facilities would occur.

**(b) Does the project include recreational facilities or require the construction or of recreational facilities which might have an adverse physical effect on the environment?**

The General Plan Resources Element contains background information on recreation and parks that include maintaining a certain amount of parks based on population growth. Chapter 3.36 of the Municipal Code, Facilities and Equipment Fee, includes requirements for new development to pay for such new recreational facilities to mitigate impacts to a level of non-significance. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Nor does the adoption or implementation of the CAPSE result in direct or indirect population growth that could increase demand for parks or other recreational facilities. As a result, no impacts related to the construction or expansion of recreational facilities would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**TRANSPORTATION**

Would the project:

Question	CEQA Determination
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3(b)?	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

**Discussion**

The CAPSE provides a comprehensive discussion of the City’s transportation system.

**Project Impacts**

**a) Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

The General Plan Circulation Element refers to the Nevada County Regional Transportation Plan (RTP) for addressing future circulation needs. contains policies and programs related to the City’s circulation system. The RTP relates to other circulation plans that enhance the

City's circulation system, such as the Bicycle Master Plan, the Transit Plan, and the Western Nevada County Non-Motorized Recreation Trails Master plan. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not alter the Circulation Element. Program EP-4 recommends updating the City's Circulation Element to address more local circulation needs. The CAPSE does not propose any actions that would directly result in development of a specific site or specific infrastructure, nor would it change any land uses or zoning. The CAPSE does not propose policies or programs that would conflict with the Circulation Element regarding the City's circulation system. Additionally, the CAPSE would not conflict with any of the regional transportation objectives identified in the RTP or other circulation plans from Nevada County Transportation Commission. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to conflicts with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities would occur.

**b) Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3(b)?**

The CEQA guidelines underwent revisions that took effect July 1, 2020. As part of the revision, transportation impacts are now evaluated using vehicle miles traveled (VMT) instead of the traditional Level LOS. VMT is a measure of the actual miles that an individual in their vehicle travel as opposed to LOS which measures the relative flow of vehicles as determined by potential delays and the time it requires to travel from one point to the next. As part of the CEQA update, Jurisdiction were given until the July 1, 2020, date to implement new thresholds of significance based on the guidance to use VMT and specifically thresholds guidelines are shown in CEQA § 15064.3 Determining the Significance of Transportation Impacts. The City has not adopted a thresholds or standards of significance that include an analysis of VMT. However, VMT can be analyzed quantitatively and the City can use the State's guidelines to determine an appropriate threshold of significance.

The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts would occur related to a conflict with CEQA Guidelines § 15064.3(b).

**c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards. Some of the policies and programs involve improving access to and from areas and increases in defensible space that could impact geometric design features of existing and proposed roadways. However, none of these are intended to create substantial circulation hazards. The CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes nor any directly related to street design, and no impacts would occur related to a substantial increase in hazards due to a geometric design feature or incompatible uses.

**d) Would the project result in inadequate emergency access?**

The CAPSE includes policies and programs to improve emergency access. Section 2 of the document is completely devoted to reviewing and improving emergency access routes for evacuation purposes. The Program EP-4 recommends updating the Circulation Element to address improved evacuation capacity. In addition, the CAPSE contains policies and programs to improve emergency preparedness and identify evacuation routes. Adoption and implementation of the CAPSE would have a beneficial impact on traffic and circulation during an emergency. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to inadequate emergency access would occur.

### Impact Conclusions

No impacts have been identified and no mitigation measures are required.

### **TRIBAL CULTURAL RESOURCES**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Question	CEQA Determination
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k); or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code § 5024.1(c). In applying the criteria set forth Public Resource Code § 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

### Discussion

The County and the General Plan areas lie within the ethnographic territory of the Nisenan. The Nisenan occupied the upper drainages and the adjacent ridges of the Yuba, the north, middle and south forks of the American, and at least the upper north side of the Cosumnes River. The territory is conventionally believed to extend to the crest of the Sierra to the east and the Sacramento River to the west.

SB 18 requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to “provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places.” AB 52 similarly requires the City, through to engage in early consultation with California Native American Tribes on all projects subject to CEQA evaluation.



Tribal Cultural Resources, which include sites, features, places, cultural landscapes, sacred place, objects, or archeological resources with cultural value to a California Native American Tribe that is listed or eligible for listing in the national, California or local registers. AB 52 requires lead agencies to consider whether a project may cause a substantial adverse change in the significance of a Tribal Cultural Resource and to consider a tribe's cultural values when determining the appropriate environmental assessment, impacts and mitigation. AB 52 can draw upon SB 18's guidelines and can be completed in tandem.

The City requested opportunity to consult with four Native American tribes identified by the NAHC as having affiliation with the City, including Nisenan tribes, was conducted on August 23, 2021. No responses were received from this outreach effort.

## **Project Impacts**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k) or:**

The General Plan Resources contains findings and policies to protect and preserve historic resources within the City. The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and would not update or alter the Resources Element. The CAPSE does not propose policies or programs that would conflict with the policies and programs in the Resources Element regarding the protection of historical resources. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to tribal cultural resources listed or eligible for listing in the California Register of Historical Resources or local register of historical resources would occur from adoption or implementation of the CAPSE.

- b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code § 5024.1(c)?**

In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the City must consider the significance of the resource to a California Native American tribe.

Assembly Bill 52 and Senate Bill 18 requires the City to consult with California Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. Pursuant to Public Resources Code § 21080.3.1, no California Native American tribe has requested an AB 52 consultation. Additionally, in accordance with California Government Code § 65352.3 (SB 18) California Native American tribes have been notified of the proposed CAPSE and been given the opportunity to initiate consultation with the City. The CAPSE was routed to six California Native American tribes on June 2, 2020. As of December 1, 2020, no responses had been received from any of the six Native American tribes contacted.

The City requested opportunity to consult with four Native American tribes identified by the NAHC as having affiliation with the City, including Nisenan tribes, was conducted on August 23, 2021. No responses were received from this outreach effort.

While the City and its vicinity are known to have been inhabited by Native American groups and/or individuals, the CAPSE does not propose any updates to the Open Space and Conservation Element, which contains objectives, policies, and programs to protect and preserve archaeological resources within the City. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to tribal cultural resources would occur.

### Impact Conclusions

No impacts have been identified and no mitigation measures are required.

### UTILITIES AND SERVICE SYSTEMS

Would the project:

Question	CEQA Determination
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

### Discussion

The City provides water and wastewater services to areas primarily located within the City's current jurisdictional boundaries. Also, the Nevada Irrigation District provides water services to areas within the City and within areas within the General Plan area outside of the City's jurisdictional boundaries. The City's drainage system is also maintained by the City. Details of these services are described in more detail in the CAPSE.

## Project Impacts

- a) **Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards. Related policies and programs are listed below. However, adoption of the CAPSE does not approve or facilitate any specific development nor does it grant development entitlements. As a result, the CAPSE Update would not result in any physical environmental changes and no impacts related to the relocation or construction of new or expanded utility infrastructure would occur.

- b) **Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards. Related policies and programs are listed below. However, adoption of the CAPSE does not approve or facilitate any specific development nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the relocation or construction of new or expanded utility infrastructure would occur.

- c) **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

The CAPSE includes policies and programs to minimize risks from the effects of natural and non-natural hazards and does not approve or facilitate any specific development nor does it grant development entitlements. Nor does the adoption or implementation of the CAPSE result in direct or indirect population growth that could increase wastewater generation. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to wastewater treatment capacity would occur.

## WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Question	CEQA Determination
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact

Question	CEQA Determination
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

**Background**

The General Plan area is characterized by some urbanized areas but contains a substantial amount of rural development interspersed within a forest environment. Due to the nature of the vegetation and most of the General Plan area and the entire City limits is categorized as a Very High Fire Hazard Severity Zone (VHFHSZ) by CALFIRE. More details are provided in the CAPSE. More details including specific mapping are shown in the CAPSE.

**Project Impacts**

**a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?**

The CAPSE provides more current information on evacuation routes and identifies additional risks associated with evacuation planning for the overall protection of the community and to reduce the risk of property loss and damage during wildfires. A number of policies identify constraints to evacuation and emergency access and several programs have been developed to improve these features. The CAPSE does not modify or change designated emergency evacuation routes designed in the Emergency Operations Plan or Circulation Element. The CAPSE would not conflict with or change any evacuation plans and does not approve or facilitate any specific development nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes that would impair an emergency response or evacuation plan and no impact would occur.

**b) Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

The CAPSE identifies wildfire as a hazard and the document supports practices that would reduce risks and the severity of wildfires. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes that would exacerbate wildfire risks and no impacts related to wildfire risks would occur.

**c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

The CAPSE Update identifies wildfire as a hazard and the document supports practices that would reduce risks and the severity of wildfires. It includes policies and programs which would allow future development to include open space as a fuel break/fire break to promote fire safety while also evaluating project applications during application review and implemented through adoption as conditions of approval. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the installation or maintenance of associated infrastructure would occur.

**d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

The CAPSE identifies wildfire as a hazard and the document supports practices that would reduce risks and the severity of wildfires. It includes a number of policies and programs to reduce the risks associated with flooding, runoff and post-fire slope instability. In addition, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. Future development projects would be reviewed prior to implementation to ensure fire hazard safety during project construction and implementation. Construction would be required to adhere to building and fire codes to ensure safety during construction and operation and not exacerbate or create risk toward humans or structures. As a result, the CAPSE would not result in any physical environmental changes and no impacts related to the exposure of people or structures to significant risks from post-fire impacts would occur.

**Impact Conclusions**

No impacts have been identified and no mitigation measures are required.

**MANDATORY FINDINGS OF SIGNIFICANCE**

Question	CEQA Determination
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No Impact

## **Discussion**

As discussed in this Initial Study, the CAPSE does not approve or facilitate any specific development, nor does it grant development entitlements. As a result, the CAPSE would not result in any physical environmental changes or impacts related to biological resources, cultural resources, air quality, water quality, noise, or any other CEQA sections.

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in CEQA Guidelines § 15065(a)(3), cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” As discussed throughout this Initial Study, the CAPSE would not result in any physical environmental changes and no impacts have been identified for any of the environmental resource topics. As such, the CAPSE would not contribute to cumulative impacts to any of the environmental resource topic areas. Therefore, adoption of the CAPSE would not result in environmental effects that are individually limited but cumulatively considerable.

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**Appendix A**

**DRAFT CLIMATE ADAPTATION AND PUBLIC SAFETY ELEMENT**

**Please visit website for document and associated appendices:**

**<https://www.nevadacityca.gov/pview.aspx?id=20914&catID=564>**



