NEW NEVADA CITY COURTHOUSE

DRAFT ENVIRONMENTAL IMPACT REPORT

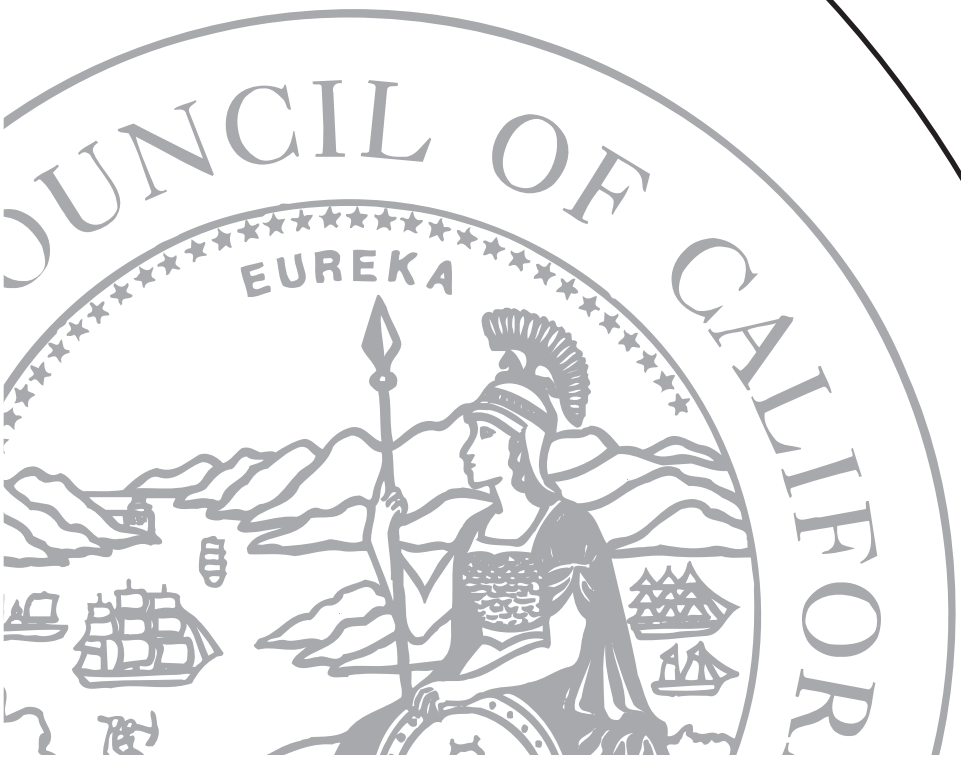
State Clearinghouse No. 2011032009

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF COURT CONSTRUCTION AND MANAGEMENT

July 2011

NEW NEVADA CITY COURTHOUSE



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Administrative Office of the Courts
Office of Court Construction and Management
455 Golden Gate Avenue, 8th Floor
San Francisco, California 94102–3688
Contact: Laura Sainz
laura.sainz@jud.ca.gov
(916) 263–7992

Prepared By:
The Ervin Consulting Group
8561 Almond Bluff Court
Orangevale, CA 95662–4419
info@ervincg.com
(916) 989–0269

July 2011

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Chapter 1

INTRODUCTION

Draft Environmental Impact Report
New Nevada City Courthouse

1 INTRODUCTION

This Draft Environmental Impact Report (EIR) examines the potential effects of the proposed New Nevada City Courthouse (proposed project; State of California, The Governor's Office of Planning and Research, State Clearinghouse (SCH) #2011032009) for the Superior Court of California, County of Nevada (Superior Court). This Draft EIR was prepared for the Administrative Office of the Courts (AOC), the administrative arm of the Judicial Council of California (Judicial Council), as the lead agency for this project. The proposed project is described in detail in Chapter 3, Project Description. The project background and the basis for preparing a Draft EIR are described below.

1.1 PROJECT BACKGROUND

The Judicial Council is the rule-making arm of the California court system. The Judicial Council's administrative arm, the AOC, is responsible for implementing the Judicial Council's policies. In that role, the AOC is responsible for the implementation of the Trial Court Facilities Act of 2002 (California Government Code Section 70301 et. seq.), the landmark legislation that shifted the governance of courthouses from California counties to the State of California (State). Following the Trial Court Facilities Act of 2002, the AOC conducted a survey to assess the physical condition of the state's courthouses. The survey showed that 90% of courthouses needed improvements.

The proposed New Nevada City Courthouse is one of 41 "immediate and critical need" projects identified by the Judicial Council in 2008. For this project, the AOC proposes to acquire property for and construct a new, approximately 84,000 building gross square foot (BGSF) courthouse, including six courtrooms, in the City of Nevada City (City) for the Superior Court. The new courthouse would be up to three stories high and would be designed to meet Silver certification under the US Green Building Council's Leadership in Energy and Environmental Design (LEED) program.

1.2 PURPOSE OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

This Draft EIR has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) and the State CEQA Guidelines to evaluate the environmental effects of implementation of the proposed project. CEQA requires that a lead agency prepare an EIR on any project it proposes to approve that may have a significant effect on the environment. The purpose of an EIR is not to recommend approval or denial of a project, but to provide decision-makers, public agencies, and the general public with objective information regarding the range of the potential environmental effects that could result from a proposed action. The EIR process is specifically designed to objectively evaluate and disclose potentially significant direct, indirect, and cumulative impacts of a proposed project; to identify alternatives that could reduce or eliminate a project's significant effects while continuing to achieve the major objectives of the project; and to identify potentially feasible measures that reduce or avoid the significant effects of a project. In addition, CEQA requires that an EIR identify those adverse impacts that remain significant after mitigation.

1.3 ENVIRONMENTAL SETTING

According to section 15125 of the CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project to provide the "baseline condition" against which project-related impacts are compared. As directed by CEQA, the baseline condition for the proposed project is the physical condition that existed when the Notice of Preparation (NOP) was published. The NOP for the proposed project was published March 4, 2011 (Appendix A).

1.4 EIR PROCESS

In accordance with CEQA regulations, a NOP with an Initial Study (IS) was released March 4, 2011 for agency and public review (and is contained in full in Appendix A). The NOP comment period closed on April 5, 2011. The NOP and IS were distributed to responsible agencies and interested parties. The purpose of the NOP was to provide notification that a Draft EIR was being prepared for the project and to solicit guidance on the scope and content of the document.

Fourteen comment letters were received on the NOP and are included in Appendix B. A public scoping meeting was held on March 22, 2011. Responsible agencies and members of the public were invited to attend and provide input on the scope of the Draft EIR. Comments provided at the meeting are summarized in Appendix B.

This Draft EIR is being circulated for public review and comment for a period of 45 days. During this period, the general public, organizations, and agencies can submit comments to the lead agency on the Draft EIR's accuracy and completeness.

Upon completion of the public review period, comments on the Draft EIR will be prepared as a Response to Comments on the Draft EIR document. It will include all written comments on the Draft EIR received by the AOC during the public review period and the AOC's responses to those comments that address the environmental impacts of the project. The document will present any revisions to the Draft EIR made in response to public comments. The Draft EIR and Response to Comments on the Draft EIR together will comprise the Final EIR for the proposed project.

Before the AOC can consider approval of the proposed project, it must first certify that the Final EIR has been completed in compliance with CEQA, review and consider the information in the EIR, and determine that the EIR reflects the independent judgment of the AOC. If the AOC approves the project, it would be required to adopt Findings of Fact describing the dispositions of any impacts determined to be significant, as well as a Statement of Overriding Considerations for any significant impacts that cannot be reduced to a less-than-significant level.

1.5 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

1.5.1 LEAD AGENCY

In conformance with sections 15050 and 15367 of the State CEQA Guidelines, the AOC is the "lead agency" for the proposed project, defined as the "public agency which has the principal responsibility for carrying out or disapproving a project." The AOC, as lead agency, is responsible for scoping the analysis, preparing the EIR, and responding to comments received on the Draft EIR.

1.5.2 RESPONSIBLE AGENCIES

Responsible agencies are state and local public agencies other than the lead agency that have authority to carry out or approve a project or that are required to approve a portion of the project for which a lead agency is preparing or has prepared an EIR or IS/Negative Declaration. Note that several ministerial permits and authorizations will be required from the City including utilities connections and permits for encroachment into city right-of-ways (ROW) during construction; the City does not act as a responsible agency for issuance of these permits and authorizations. The following agencies could be required to act as responsible agencies for the proposed project:

- Northern Sierra Air Quality Management District (NSAQMD) - Authority to Construct/Permit to Operate

- California Department of Toxic Substances Control (DTSC) – consideration of removal of hazardous substances
- State Water Resources Control Board (SWRCB) – 401 water quality certification
- Central Valley Regional Water Quality Control Board (CVRWQCB) – National Pollutant Discharge Elimination System (NPDES) permit
- California State Fire Marshall – fire flow, emergency access
- Native American Heritage Commission (NAHC) – Native American consultation
- California Department of Forestry and Fire Protection (CAL FIRE), Nevada-Yuba-Placer Unit – Less Than 3 Acre Conversion Exemption (14 CCR 1104.1(a))
- City of Nevada City – encroachment permit

1.5.3 Trustee Agencies

Trustee agencies under CEQA are public agencies with legal jurisdiction over natural resources that are held in trust for the people of California and that would be affected by a project, whether or not the agencies have authority to approve or implement the project. Such agencies include the California Department of Fish and Game (CDFG), the California State Lands Commission (CSLC), and the California State Department of Parks and Recreation. It is anticipated that the proposed project would not affect any lands under the jurisdiction of a Trustee Agency.

1.6 Required Lead Agency Approvals

The AOC may approve the project only after consideration and certification of the Final EIR.

Because the AOC is the lead agency and is acting for the State on behalf of the Judicial Council, local government land use planning and zoning regulations would not apply to the proposed project. However, the AOC has considered city policies and guidelines in the preparation of this EIR.

1.7 Scope of This Draft EIR

This Draft EIR evaluates the potential direct and cumulative environmental impacts associated with the construction and operation of the proposed New Nevada City Courthouse. This analysis specifically addresses two project sites at an equal-level of analysis: the Existing Courthouse site at 201 Church Street, Nevada City, with a temporary court located at the Nevada County Government Center (Government Center) on State Route 49 (SR-49), and the Cement Hill site located at the northeast corner of Cement Hill/SR-49, Nevada City. The two other sites discussed in the NOP, the Nevada City Elementary School and the United States Forestry Service (USFS) site, are no longer anticipated to be available for purchase by the AOC, and are discussed briefly in Chapter 6, Alternatives.

As mentioned above, an IS was prepared and released with the NOP (Appendix A). CEQA allows lead agencies to use an IS to focus the scope of the EIR on only those environmental issues for which a proposed project could result in a substantial adverse effect. The IS concluded that the proposed project would not result in substantial adverse effects with respect to several environmental issue areas identified in the Environmental Checklist included as Appendix G of the State CEQA Guidelines; therefore, the following environmental issue areas are not analyzed further in the Draft EIR beyond the analysis provided in the IS (Appendix A): Agricultural and Forest Resources, Geology and Soils, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation.

Based on the results of the IS, the AOC determined the Draft EIR will focus on the following environmental issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gasses
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Transportation and Traffic
- Utilities and Public Services

In accordance with CEQA Guidelines Section 15126.6, this EIR also describes a range of reasonable alternatives to the proposed project that are capable of meeting most of the projects' objectives, but would avoid or substantially lessen any of the significant effects of the project. This EIR identifies alternatives that were considered but rejected by the lead agency as infeasible and briefly explains the reasons why. The EIR also provides an analysis of the No Project Alternative.

1.8 REPORT ORGANIZATION

This report includes: Summary of Environmental Effects; Project Description; Environmental Analysis (Setting, Impacts, and Mitigation Measures); Cumulative and Growth Inducing Impacts; Alternatives; Acronyms and Abbreviations; References; Report Preparation; and Appendices.

Executive Summary (Chapter 2) presents an overview of the results and conclusions of the environmental evaluation. This section identifies impacts of the proposed project and available mitigation measures.

Project Description (Chapter 3) describes the location of the project, existing conditions on the project site, and the nature and location of specific elements of the proposed project, as well as requested project entitlements and/or approvals.

Environmental Analysis (Chapter 4) includes a topic-by-topic analysis of impacts that would or could result from implementation of the proposed project at both project sites. The analysis is organized into 9 topical sections, as identified above. Each section is organized into two major subsections: Environmental Setting and Regulatory Setting (existing conditions), and Impacts and Mitigation Measures.

Cumulative and Growth Inducing Impacts (Chapter 5) includes a discussion of the project's cumulative impacts for each of the environmental issues evaluated in the Draft EIR. The analysis provides an evaluation of whether the project's impacts are cumulatively considerable when considered in combination with the effects of past, present, and reasonably foreseeable future projects. This section also considers the potential for the proposed project to induce, either directly or indirectly, substantial population growth.

Alternatives (Chapter 6) includes a description of the project alternatives. A Draft EIR is required by CEQA to provide adequate information for decision makers to make a reasonable choice between alternatives based on the environmental aspects of the proposed project and alternatives. The impacts of the alternatives are qualitatively compared to those of the proposed project. This chapter also identifies the environmentally superior alternative.

Acronyms and Abbreviations (Chapter 7) used through the Draft EIR are defined in this chapter.

References (Chapter 8) used throughout the Draft EIR are included in this chapter.

Report Preparation (Chapter 9) includes a list of preparers of the Draft EIR.

The ***Appendices*** contain a number of reference items providing support and documentation of the analyses performed for this report.

1.9 PUBLIC REVIEW OF DRAFT EIR AND LEAD AGENCY CONTACT

Upon publication of this Draft EIR, the AOC provided public notice of the document's availability for public review and invited comment from the general public, agencies, organizations, and other interested parties. Copies of the Draft EIR can be found at the following locations:

City of Nevada City
City Hall, 317 Broad Street
Nevada City, California 95959

Madelyn Helling Library
980 Helling Way
Nevada City 95959

You may also download a copy of the Draft EIR from the following website:

http://www.courts.ca.gov/facilities-nevada.htm. The document can be found under the "Background" tab.

The public review and comment period is 45 days from July 8, 2011 through August 22, 2011. All written public comments on the Draft EIR must be received no later than 5:00 p.m. on August 22, 2011. All written comments or questions regarding the Draft EIR should be addressed to:

Laura Sainz
Environmental Program Manager
Office of Court Construction & Management
Judicial Council of California - Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833

916-263-7992
laura.sainz@jud.ca.gov

Agencies that would need to use the EIR when considering permits or other approvals for the proposed project should provide the AOC with the name of a staff contact person.

The AOC is holding a public meeting to receive comments on the Draft EIR. The meeting will be held on Tuesday, August 9, 2011 from 5:30 PM to 6:30 PM at Department VI of the Nevada City Courthouse, 201 Church Street, Nevada City, CA. Parking is available at the parking lot behind the courthouse.

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Chapter 2

EXECUTIVE SUMMARY

Draft Environmental Impact Report
New Nevada City Courthouse

CHAPTER 2 EXECUTIVE SUMMARY

2 EXECUTIVE SUMMARY

2.1 INTRODUCTION

This Executive Summary is provided in accordance with the California Environmental Quality Act (CEQA) Guidelines section 15123. As stated in the State CEQA Guidelines section 15123(a), "[a]n EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical." State CEQA Guidelines section 15123(b) states, "[t]he summary shall identify: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) areas of controversy known to the Lead Agency, including issues raised by agencies and the public; and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects." Accordingly, this summary includes a brief synopsis of the proposed project and project alternatives, environmental impacts and mitigation, areas of known controversy, and issues to be resolved during environmental review. Table 2-1 (at the end of this section) presents the summary of potential environmental impacts, their level of significance without mitigation measures, the mitigation measures, and the levels of significance following the implementation of mitigation measures.

2.2 PROJECT COMPONENTS

The Judicial Council of California (Judicial Council), Administrative Office of the Courts (AOC) is currently considering two sites in the City of Nevada City (City) for the location of the proposed New Nevada City Courthouse (proposed project):

- **Existing Courthouse Site (201 Church Street, Nevada City).** The existing site, which includes the courthouse and courthouse annex, is almost one-acre. In addition, there are two adjacent parcels being considered as part of a feasibility analysis, including 1) 215 Washington Street; and 2) the county-owned surface parking lot located at the northeast corner of Main and Washington streets. With these additional two parcels, the existing courthouse site could total approximately 1.83 acres. It is not known yet whether or not the adjacent parcels will be needed, but in an effort to identify worst-case impacts, this site will be analyzed including the adjacent parcels.

  - **Temporary Court Site.** Locating the proposed project at the Existing Courthouse site would require temporary relocation of the existing court functions during construction. Temporary facilities would be constructed using prefabricated modular buildings immediately north and east of the Wayne Brown Correctional Facility (Correctional Facility) at the Nevada County Government Center (Government Center), in Nevada City.

- **Cement Hill Site (northwest corner of Cement Hill/SR-49, Nevada City).** This property includes vacant land and one small residence. The vacant land consists of a 2.2-acre privately-owned corner parcel and two parcels consisting of five acres currently owned by the City. The site is directly across the street from the Correctional Facility.

For this project, the AOC proposes to acquire property for and construct a new, approximately 84,000 building gross square foot (BGSF) courthouse, including six courtrooms in Nevada City for the Superior Court of California, County of Nevada (Superior Court).

A detailed description of the project components is included in Chapter 3, Project Description.

2.3 SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Pursuant to State CEQA Guidelines section 15382, a significant effect on the environment is defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." Chapter 4, Environmental Analysis, of this Draft Environmental Impact Report (EIR) describes in detail the significant environmental impacts that would result from implementation of the proposed project. Chapter 5, Cumulative and Growth Inducing Impacts, provides a discussion of cumulative and growth-inducing impacts. Table 2-1 summarizes the environmental impacts and mitigation measures discussed in these chapters.

2.4 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

Detailed measures have been identified throughout Chapter 4, Environmental Analysis, of this EIR that are intended to mitigate project effects to the extent feasible. All of these mitigation measures are identified in Table 2-1. After implementation of the proposed mitigation measures, most of the adverse effects associated with the proposed project would be reduced to a less-than-significant level. However, some impacts would remain significant and unavoidable following the implementation of identified mitigation measures. These impacts include the following:

- **Impact 4.1-2: Impacts on Scenic Resources (Existing Courthouse)**

  The Existing Courthouse site is prominently visible from an eligible state scenic highway and would include the demolition of a contributing structure to the Nevada City Downtown National Register District. The removal of the existing courthouse would cause the view to be substantially and noticeably changed. With appropriate design the new building's massing may recreate a similar signature building within the viewshed; however, project designs are unknown at this time. Implementation of the proposed project at the Existing Courthouse site would result in a ***significant and unavoidable impact*** on scenic resources.

- **Impact 4.1-3: Changes in Visual Character of the Project Site (Existing Courthouse)**

  The issue addressed by this impact is the degree to which project-related features would contrast unfavorably and noticeably with their environs. Each of the six critical views is evaluated and the level of impact determined. The Existing Courthouse site is prominently visible and any changes to the structure would be noticeable. With appropriate design the building may not contrast unfavorably with the existing environs; however, project designs are unknown at this time. Implementation of the proposed project at the Existing Courthouse site could result in a ***potentially significant and unavoidable impact*** to the visual character of the project site, depending on the final design of the new building.

- **Impact 4.2-1: Short-Term Construction-Generated Emissions of Ozone Precursors (ROG & NO_X – Both Sites)**

  Short-term construction-generated emissions would exceed Northern Sierra Air Quality Management District's significance threshold Level A for ozone precursors (reactive organic gases (ROG) and oxides of nitrogen (NO_X)) and, therefore, could potentially contribute to pollutant concentrations that exceed the National and/or California Ambient Air Quality Standards (NAAQS or CAAQS). This is a ***potentially significant and unavoidable impact***, regardless of which site is selected.

- **Impact 4.4-2: The Proposed Project Could Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource as Defined in Section 15064.5 of the State CEQA Guidelines (Both Sites)**

  The proposed project would result in the demolition of a contributing structure to a National Register District (Existing Courthouse) or in the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine, a resource eligible for the National Register, and could contribute to the deterioration of a contributing structure to a National Register District (Cement Hill). The proposed mitigation measures may mitigate the project-specific loss of mining landscape (Cement Hill), but the complete loss of a contributing structure to the National Register District, California Register, and local Nevada City Downtown Historical District (Existing Courthouse), or the potential for future demolition of the historic courthouse (Cement Hill) would remain a ***significant and unavoidable impact***.

- **Impact 4.4-3: The Proposed Project Could Cause an Adverse Effect on a Historic District (Both Sites)**

  The proposed project would result in the demolition of a contributing structure to a National Register District, the California Register, and the local Historical District (Existing Courthouse), or relocation of the courthouse to the Cement Hill site would remove the historic courthouse function out of the historic districts, and would be contrary to Nevada City's Historic and Cultural Resources objective to continue concentration of public and cultural activities which reinforce the historic core as the "heart" of Nevada City. While sensitive and appropriate design of the new building and integration of building and landscape features consistent with the *Secretary's Standards* would reduce the magnitude of the impact on the historic districts, demolition of the existing courthouse would permanently remove a character-defining building of the district (Existing Courthouse). In addition, while retaining the existing courthouse building in situ would maintain the visual context within the district and preserve the historic fabric of the structure, as well as an individually distinctive building, there is no mitigation available to reduce the adverse effect that moving the historic courthouse function out of downtown would have on the historic districts (Cement Hill). These impacts are ***significant and unavoidable*** for both project sites.

- **Impact 4.4-4: The Proposed Project Could Cause a Cumulative Loss of Cultural Resources (Both Sites)**

  The proposed project would result in a cumulatively considerable loss of historic and archaeological resources from construction at either project site. Based upon previous surveys and research, Nevada County has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity as well as historic buildings such as the courthouse. As development continues throughout the region, cumulative development could result in archaeological resources being unearthed and damaged or destroyed, and historic buildings are often demolished when the cost of rehabilitation is too great. The removal, destruction, or significant alteration of such resources from their place of origin would destroy their value as a resource and thus be a significant cumulative impact on cultural resources. Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resources base. The loss of any one designated archaeological site or historic building affects all others in a region because these other properties are best understood completely in the context of the cultural system of which they (and the destroyed resource) were a part. While the proposed mitigation measures may somewhat reduce the magnitude of the impact, the loss of archaeological resources, complete loss of a contributing structure to the National Register District, California Register, and local Nevada City Downtown Historic District, and/or the loss of historic mining landscape would contribute to ***a significant and unavoidable cumulative impact*** for both project sites.

- **Impact 4.8.4: Short-Term Exposure of Existing Sensitive Receptors to Project-Generated Increases in Construction Source Noise Levels (Both Sites)**

  Project-related demolition and construction source noise levels would result in the exposure of noise-sensitive receptors to a substantial temporary increase in ambient noise levels. Implementation of mitigation measures would help to reduce the potential for adverse reaction to construction noise. However, construction-related activities still have the potential to significantly increase ambient noise levels at sensitive receptor locations during project construction at either site. Therefore, this impact will remain short-term ***significant and unavoidable***.

2.5 SUMMARY OF PROJECT ALTERNATIVES

State CEQA Guidelines section 15126.6, as amended, mandates that all EIRs include a comparative evaluation of the proposed project with alternatives to the project that are capable of attaining most of the project's basic objectives, but would avoid or substantially lessen any of the significant effects of the project. CEQA requires an evaluation of a "range of reasonable" alternatives, including the "no project" alternative. Chapter 6, Alternatives, of this Draft EIR provides an analysis of the comparative impacts anticipated from three alternatives to the proposed project: 1) the No Project/Status Quo Alternative, which assumes both project sites would remain in their current uses in perpetuity; 2) the No Project/Court Leaves Nevada City Alternative, which assumes the court would vacate the existing facilities, which would remain vacant, and the Cement Hill site would remain in its current uses in perpetuity; and 3) the Juvenile Hall/SR-49 Alternative, which would include construction of the courthouse at a less environmentally constrained site west of Juvenile Hall.

State CEQA Guidelines Section 15126.6(c) provides that an EIR "should also identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." Two potential sites are considered in the body of this Draft EIR at an equal level of analysis. Eleven additional off-site alternatives and two historic resource alternatives were explored but dismissed from further analysis because they were determined to be either infeasible or they would not reduce or avoid any project impacts. These alternatives and the reasons they were rejected are described in Chapter 6, Alternatives, of this Draft EIR.

As discussed in Chapter 6, Alternatives, because the No Project/Status Quo Alternative is the only alternative that would avoid most significant and unavoidable impacts associated with the proposed project, the No Project/Status Quo Alternative is considered to be the environmentally superior alternative. However, CEQA requires that if the No Project alternative is identified as the environmentally superior alternative, another alternative must be selected from the range as the environmentally superior. The Juvenile Hall/SR-49 Alternative reduces many of the environmental effects associated with both the Existing Courthouse site and the Cement Hill site. Comparing the relative impacts resulting from implementation of the proposed project at either the Cement Hill or Existing Courthouse sites - and in this case, even assuming that the historic courthouse could ultimately be reused and survives in situ - the environmentally superior project site would be the Juvenile Hall/SR-49 Alternative site because it would avoid significant impacts on noise, wetlands, special status species, hydrology, and archaeological resources. However, it would still remove the historic court function from its current Downtown location, and there is no guarantee that the courthouse building will be reused. Although not clearly environmentally superior in all aspects, of the project sites evaluated (aside from No Project/Status Quo), the Juvenile Hall/SR-49 Alternative is the environmentally superior alternative, and it meets all the project objectives.

It should also be noted that because the Draft EIR evaluates the implementation of the project at two different sites, an alternative site analysis is, by definition, part of the entire Draft EIR analysis. Chapter 6, Alternatives, includes an evaluation of the "environmentally superior project site." Comparing the relative impacts resulting

from implementation of the proposed project at both sites, assuming there is no guarantee that the historic courthouse will be reused and ultimately survive on the site, the environmentally superior project site between the two proposed project sites may be the Existing Courthouse site. The Existing Courthouse site would avoid potentially significant impacts on wetlands, special status species, hydrology, and archaeological resources, and would maintain the historic court function on its current Downtown site. However, the demolition of the historic building is unequivocally significant and unavoidable under the Existing Courthouse scenario. Most environmental impacts at the Cement Hill site can be mitigated through careful site design and other measures, and the Cement Hill site has a greater possibility of preserving the historic courthouse building – though at the significant and unavoidable cost of losing the court function from the Downtown historic districts. Due to the unique circumstances of the Existing Courthouse site and the environmental constraints on both project sites, there is no easy determination of which is the environmentally superior of the two project sites. The final assessment becomes an issue of weighing local priorities.

2.6 AREAS OF CONTROVERSY

Section 15123 of the State CEQA Guidelines requires the summary section of a Draft EIR to identify areas of controversy known to the Lead Agency (AOC), including issues raised by agencies and the public. The following provides a summary of issues raised through scoping and comments on the Notice of Preparation (NOP) that could be considered controversial. The comment letters received on the NOP are included in Appendix B of this document. Comments on the NOP expressed concerns regarding:

- Need for meaningful preservation option/alternatives to demolition of courthouse
- Demolition of the historic downtown courthouse
- Critical relationship of the courthouse to the economic, social and cultural life of the city
- Negative economic impact for Nevada City if the courthouse function is moved out of downtown
- Need to consider the option of phasing construction of the proposed project to reduce the need for relocation of the existing court
- Need for future review of courthouse design and contextually sensitive design
- Identification and protection of archaeological resources
- Potential for traffic impacts along SR-49
- Biological, recreational, and cultural impacts if the Cement Hill site is selected
- Need for increased parking downtown
- Need for green construction methods
- Potential cumulative and growth-inducing impacts
- Additional air quality mitigation measures required
- Any asbestos discovered during construction
- Dust and toxic hazards during construction
- Construction noise and vibration impacts on adjacent structures
- Long-term operational noise on neighboring residential uses
- Light pollution for downtown neighbors
- Need for conceptual architectural plans
- Back side of courthouse needs to interface with neighborhood
- Temporary court facilities should not be at the Nevada City Elementary School site
- Need to consider cost effectiveness and safety

- Need to consider previously required mitigation measures for the site adjacent to Juvenile Hall

The Draft EIR addresses the above issues to the extent that substantial evidence permits, and that the issue is an environmental issue. However, it does not address impacts that are speculative and not reasonably foreseeable. All of the substantive environmental issues raised in the NOP comment letters have been addressed in this Draft EIR.

2.7 ISSUES TO BE RESOLVED IN THE EIR

Section 15123 of the State CEQA Guidelines requires the summary section of a Draft EIR to identify issues to be resolved in the EIR including the choice among alternatives and whether or how to mitigate the significant project effects. The issue to be resolved in this Draft EIR includes the following:

- The Draft EIR includes an equal-level evaluation of potential environmental impacts resulting from the development of a new courthouse building at two potential project sites. The Draft EIR does not recommend one project site over another, but, as described above, the Draft EIR does discuss whether either site is the environmentally superior site. AOC decision makers will determine the appropriate project site based on the information included in this Draft EIR, the merits of each site, and comments from the Nevada City community, as well as other information that may be submitted as part of the administrative record.

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.1 Aesthetics			
Impact 4.1-1. Impacts on Scenic Vistas. The project constructed at either site would not interfere with a scenic vista or view by diminishing the extent to which it is visible to the public or by interfering with public access to a vantage point currently available to the public from which it may be appreciated. Therefore the project will have no impact on the visibility of scenic vistas.	NI	No mitigation is required.	NI
Impact 4.1-2. Impacts on Scenic Resources. The proposed project could cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within [view from] a state scenic highway.			
Existing Courthouse Site The Existing Courthouse site is prominently visible from an eligible state scenic highway and would include the demolition of a contributing structure to a District listed on the National Register of Historic Places. Implementation of the proposed project at the Existing Courthouse site would result in a significant impact.	S	**Mitigation Measure 4.1-2a – Existing Courthouse** 〉 No mitigation is available.	**SU**
Temporary Court Site Construction of the temporary court next to the Correctional Facility would temporarily add to the existing modern building without encroaching into the existing building setbacks from SR-49. Construction of the proposed courthouse would not affect trees, rock outcroppings, or historic buildings within view of the highway. Therefore, the temporary court facilities would have no effect on the eligible scenic highway.			

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site The Cement Hill site is immediately adjacent to an eligible state scenic highway. However, construction of the proposed courthouse would not significantly damage trees, rock outcroppings, or historic buildings within view of the highway. Therefore, implementation of the proposed project at the Cement Hill site would result in a less-than-significant impact.	LTS	No mitigation is required.	LTS
Impact 4.1-3. Changes in Visual Character of the Project Site. The issue addressed by this impact is the degree to which project-related features would contrast unfavorably and noticeably with their environs. Each of the six critical views is evaluated and the level of impact determined.			
Existing Courthouse Site The Existing Courthouse site is prominently visible and any changes to the structure would be noticeable, but with appropriate design may not contrast unfavorably with the existing environs. Implementation of the proposed project at the Existing Courthouse site could result in a potentially significant impact to the visual character of the project site.	PS	**Mitigation Measure 4.1-3a – Existing Courthouse Site** The AOC and its architect shall consult with the State Office of Historic Preservation and the City of Nevada City to create a design that is compatible with the National Register and Nevada City Historical districts.	**SU**
Temporary Court Site Construction of the temporary court on the Government Center campus would temporarily add to existing modern buildings and would have a less-than-significant effect on the visual character of the temporary site.			
Cement Hill Site Implementation of the proposed project at the Cement Hill site would not contrast unfavorably with the existing environs and would therefore result in a less-than-significant impact on the visual character of the project site.	LTS	**Mitigation Measure 4.1-3b – Cement Hill Site** No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.1-4. Impacts from Nighttime Lighting and Daytime Glare.			
Existing Courthouse/Temporary Court Sites The project sites are located within or immediately adjacent to urbanized areas with substantial existing lighting sources. However, the AOC is not required to comply with the City's zoning code regarding lighting, and the materials palette for the proposed structure, including potential glazing materials, is currently not known; therefore, the possibility exists that the design could include highly reflective glazing (and other materials). The proposed project at this site could result in a potentially significant impact associated with nighttime lighting and daytime glare.	PS	**Mitigation Measure 4.1-4a – Existing Courthouse** 〉 New lighting fixtures must be shielded or recessed to minimize 〉 light spill to adjoining properties, in compliance with the intent of Section 17.80.210 of the City's zoning code. 〉 The final courthouse design shall not include highly reflective glazing or other highly reflective materials (i.e. polished metals) in any location where the sun could reflect harshly onto nearby pedestrian and/or vehicular traffic, and exterior materials shall comply with the intent of the Nevada City Design Guidelines.	LTS
Cement Hill Site The Cement Hill site is adjacent to a significant source of urban lighting on its eastern boundary from the Government Center; however, if the courthouse were to be constructed on the western portion of the Cement Hill Site, the facility and surface parking lighting would introduce a significant new source of lighting in a rural residential environment. In addition, the materials palette for the proposed structure, including potential glazing materials, is currently not known; therefore, the possibility exists that the design could include highly reflective glazing (and other materials) and result in a potentially significant impact associated with nighttime lighting and daytime glare.	PS	**Mitigation Measure 4.1-4b – Cement Hill** 〉 Implement Cultural Resources Mitigation Measure 4.4-2c – Cement Hill: — A minimum 30-foot buffer shall be provided along the east side of the ravine and a minimum 20-foot buffer from the south side of Hirschman's Trail. All construction of the courthouse and parking facilities shall occur to the east and south of this buffer. 〉 New lighting fixtures must be shielded or recessed to minimize light spill to adjoining properties, in compliance with the intent of Section 17.80.210 of the City's zoning code. 〉 The final courthouse design shall not include highly reflective glazing or other highly reflective materials (i.e. polished metals) in any location where the sun could reflect harshly onto nearby pedestrian and/or vehicular traffic.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.2 Air Quality			
Impact 4.2-1. Short-Term Construction-Generated Emissions of Ozone Precursors (ROG & NO_X). Short-term construction-generated emissions would exceed NSAQMD's significance threshold Level A for ROG and NOX and, therefore, could potentially contribute to pollutant concentrations that exceed the NAAQS or CAAQS. This is a potentially significant impact, regardless of which site is selected.	PS	**Mitigation Measure 4.2-1** 〉 Temporary traffic control shall be provided during all phases of the construction to improve traffic flow. 〉 Construction activities shall be scheduled to direct traffic flow to off-peak hours as much as practicable. 〉 All self-propelled off-road diesel-powered equipment and vehicles greater than 25 horsepower shall be equipped with an engine meeting at least CAA Tier 1 emission standards (typically manufactured 1996 or later).	**PSU**
Impact 4.2-2. Short-Term Construction-Generated Emissions of Particulate Matter (PM_{10} & $PM_{2.5}$). Short-term construction-generated emissions would not exceed NSAQMD's significance threshold for PM_{10} or $PM_{2.5}$ and, therefore, would not be expected to contribute to pollutant concentrations that exceed the NAAQS or CAAQS. This is a less-than-significant impact, regardless of which site is selected.	LTS	No mitigation is required.	LTS
Impact 4.2-3. Generation of Long-Term Operational (Regional) Emissions of ROG, NOX, PM10 and PM2.5. Implementation of the proposed project at either site would not result in a net increase of long-term operational emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$ that exceed NSAQMD's thresholds of significance or substantially contribute to concentrations that exceed the NAAQS or CAAQS. Therefore, impacts related to these long-term operational (regional) emissions would be less than significant.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.2-4. Exposure of Sensitive Receptors to Toxic Air Contaminant Emissions. Neither the short-term construction nor the long-term operation of the proposed project at either site would result in the exposure of sensitive receptors to excessive TAC emissions that exceed NSAQMD's significance threshold. Therefore, impacts related to exposure of sensitive receptors to TACs would be less than significant.	LTS	No mitigation is required.	LTS
4.3 Biological Resources			
Impact 4.3-1. Loss of Waters of the Unites States.			
Existing Courthouse/Temporary Court Sites No wetlands, riparian habitat, or other potential waters of the United States are located within the Existing Courthouse site; however, implementation of the proposed project would result in the loss of approximately 0.05 acres of wetlands, approximately 0.014 acres (200 linear feet) of other waters, and a small amount of montane riparian habitat at the Temporary Court site. Therefore, this impact is considered significant.	S	**Mitigation Measure 4.3-1a – Existing Courthouse /Temporary Court Sites** The AOC shall implement the following measures to reduce wetlands impacts: 〉 The AOC shall develop the project in a manner that completely avoids any direct impacts to the streams, wetlands, and riparian habitat outside the Temporary Court project area. Fencing and signage shall be implemented as necessary to avoid unintentional disturbance to off-site wetlands and streams. 〉 The AOC shall design the project in a manner that minimizes impacts to other waters of the United States to the degree practicable. Any necessary direct impacts (i.e., discharge of dredged or fill material) to waters of the United States shall be limited to the minimum area necessary to accomplish project objectives. Prior to any direct impacts to waters of the United States, all required United States Army Corps of Engineers, (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		〉 Any permanent loss of waters of the United States shall be offset by purchasing mitigation credits (1:1 acreage ratio) at a USACE-approved mitigation bank or by payment of in-lieu fees to USACE-approved in lieu fee program (according to current fee schedule). The purchase of mitigation credits or payment of in-lieu fees shall be completed prior to any discharge into waters of the United States. All waters of the United States temporarily impacted by construction activities shall be restored, as close as practicable, to pre-construction contours and conditions.	
Cement Hill Site Implementation of the proposed project would result in the loss of approximately 2.08 acres of wetlands, 0.12 acres of other waters, and Montane Riparian habitat along portions of the intermittent drainages. Therefore, this impact is considered significant.	S	**Mitigation Measure 4.3-1b – Cement Hill** The AOC shall implement the following measures to reduce wetlands impacts: 〉 The AOC shall design the project in a manner that completely avoids the fresh emergent wetland/riparian wetland habitat on the Cement Hill site and provides a buffer between the wetland habitat and the developed portion of the site (and all construction areas). The buffer area shall be the maximum width practicable, and in no event shall be less than 50 feet in width. 〉 The AOC shall design the project in a manner that minimizes impacts to other waters of the United States to the degree practicable. Any necessary direct impacts (i.e., discharge of dredged or fill material) to waters of the United States shall be limited to the minimum area necessary to accomplish project objectives. Prior to any direct impacts to waters of the United States, all required USACE, RWQCB, and CDFG permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		〉 Any permanent loss of waters of the United States shall be offset by purchasing mitigation credits (1:1 acreage ratio) at a USACE-approved mitigation bank or by payment of in-lieu fees to a USACE-approved in lieu fee program (according to current fee schedule). The purchase of mitigation credits or payment of in-lieu fees shall be completed prior to any discharge into waters of the United States. All waters of the United States temporarily impacted by construction activities shall be restored, as close as practicable, to pre-construction contours and conditions.	
Impact 4.3-2. Impacts to Special-Status Plants			
Existing Courthouse/Temporary Court Sites No potentially suitable habitat for special-status plant species is located within the Existing Courthouse site or on the Temporary Court site. Therefore, project implementation would not result in a loss of these resources. Construction of the proposed project at these sites would have no impact on special status plants.	LTS	No mitigation is required.	LTS
Cement Hill Site Implementation of the proposed project could adversely affect three special-status plant species – including the inundated bog club-moss, the brownish beaked-rush, and the Scadden Flat checkerbloom. All three of these plant species have the potential to occur in the fresh emergent wetland/riparian wetland complex in the northeast portion of the site. This impact is considered potentially significant	S	**Mitigation Measure 4.3-2 – Cement Hill** 〉 The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill.	LTS
Impact 4.3-3. Impacts on California Red-Legged Frog.			
Existing Courthouse/Temporary Court Sites No potentially suitable habitat for California red-legged frog is located within the Existing Courthouse or Temporary Court sites. Therefore, project implementation at this location would have no impact on this species.	NI	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site Implementation of the proposed project could result in adverse effects on the California red-legged frog. The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides suitable habitat for this species. This impact is considered potentially significant.	PS	**Mitigation Measure 4.3-3b – Cement Hill** 〉 The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site. 〉 All construction personnel shall complete environmental awareness training prior to beginning work. The training shall instruct workers on how to identify the California red-legged frog, the need to avoid disturbance of suitable aquatic habitat for California red-legged frog, and what to do if a California red-legged frog is encountered during construction activities. 〉 Prior to construction activities, animal exclusion fencing (sediment fence) shall be installed between the fresh emergent wetland / riparian wetland habitat and the construction area. The fencing shall be installed under the supervision of a qualified biologist. The fencing shall be buried a minimum of six inches into the ground and checked a minimum of one time per week by construction personnel trained by the project biologist to identify weaknesses in the fence structure. Any compromised portion of the fence shall be repaired and/or replaced immediately. The fencing shall be removed within three days after construction is completed. 〉 Prior to construction, the areas to be avoided (e.g., the buffer area) shall be flagged and signed. No construction activities or personnel shall be allowed to enter the flagged areas. Flagging shall remain in place until construction activities are complete, and removed upon completion of construction. 〉 Staging areas, as well as fueling and maintenance activities, shall be located a minimum of 100 feet from the fresh emergent wetland/riparian wetland habitat. The AOC or its contractor shall prepare a spill prevention and clean-up plan and have the necessary clean-up equipment on-site at all times. 〉 If a California red-legged frog is found at any time during project work, construction shall stop and the United States Fish and Wildlife Service (USFWS) shall be contacted immediately for further guidance.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		〉 Any required Section 7 consultation with the USWFS (e.g., as part of the Clean Water Act (CWA) Section 404 permitting process) shall be completed prior to implementation of construction activities. All conservation measures resulting from the Section 7 process shall be implemented.	
Impact 4.3-4. Impacts on Western Pond Turtle.			
Existing Courthouse/Temporary Court Sites No potentially suitable habitat for western pond turtles is located within the Existing Courthouse or the Temporary Court sites. Therefore, project implementation at this location would have no impact on this species.	NI	No mitigation is required.	LTS
Cement Hill Site Implementation of the proposed project could result in adverse effects on western pond turtles. The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides suitable habitat for this species. This impact is considered potentially significant.	PS	**Mitigation Measure 4.3-4 – Cement Hill Site** 〉 The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site. 〉 Pre-construction surveys for western pond turtles shall be conducted by a qualified biologist the morning of initiation of construction activities. Any western pond turtles observed shall be allowed to move out of the construction area before construction activities are initiated. If necessary, a qualified biologist may relocate the turtle outside the construction area with the approval of the California Department of Fish and Game (CDFG). 〉 Prior to initiation of construction activities, workers shall participate in a worker environmental awareness training provided by a qualified biologist. The training shall instruct workers regarding how to identify the turtle, the habitats used by the turtle, the potential for turtle egg clutches (i.e., nest sites) to be discovered during vegetation clearing, what to do if a turtle or suspected egg clutch is encountered during construction activities, and how to contact the monitoring biologist. The monitoring biologist shall be contacted immediately in the event that a turtle or eggs are encountered. 〉 Any dead or injured turtles shall be immediately reported to the CDFG. The treatment of any injured or dead turtles shall be coordinated with the CDFG.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.3-5. Impacts on Yellow Warbler and Yellow-Breasted Chat.			
Existing Courthouse/Temporary Court Sites No potentially suitable habitat for the yellow warbler or the yellow-breasted chat is located within the Existing Courthouse or Temporary Court sites. Therefore, project implementation at this location would have no impact on these species.	NI	No mitigation is required.	LTS
Cement Hill Site Implementation of the proposed project could result in adverse effects on yellow warbler and yellow-breasted chat. The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides potentially suitable nesting habitat for these species. This impact is considered potentially significant.	PS	**Mitigation Measure Bio-4.3-5 – Cement Hill** 〉 The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site. 〉 Pre-construction surveys for nesting yellow warbler and yellow-breasted chat in vegetation removal areas shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. If active nests (more than half completed) are identified within the vegetation removal areas, appropriate conservation measures (as determined by a qualified biologist in coordination with the California Department of Fish and Game (CDFG)) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.	LTS
Impact 4.3-6. Impacts on California Black Rail.			
Existing Courthouse/Temporary Court Sites No potentially suitable habitat for California black rail is located within the Existing Courthouse or Temporary Court sites. Therefore, project implementation at this location would have no impact on these species.	NI	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Although this site is located outside the typical elevation range of habitats occupied by California black rail, potentially suitable habitat (i.e., emergent wetland) is present and California black rails have been infrequently detected at elevations up to 2,550 feet in the Sierra Nevada. If California black rails are present within the site, implementation of the proposed project could result in significant impacts on this species. This impact is considered potentially significant.	PS	**Mitigation Measure 4.3-5b – Cement Hill** 〉 The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill	LTS
Impact 4.3-7. Impacts to Raptors and Migratory Birds. If active nests of raptors or migratory birds are present in the vicinity of the project site, construction activities associated with demolition, clearing, grubbing and/or grading would adversely affect these birds. This impact is considered potentially significant.	PS	**Mitigation Measure 4.3-7** 〉 If practicable, construction activities (especially removal of woody vegetation) shall be conducted outside of the nesting season (i.e., conduct construction from August to February). If construction activities are conducted outside of the nesting season, no further mitigation is necessary. If construction activities are to occur during the nesting season, the following measures shall be implemented: — Pre-construction surveys for active raptor nests within 250 feet of construction areas shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. Areas to be surveyed shall be limited to those areas subject to increased disturbance as a result of construction activities (i.e. areas where existing traffic, human activity, etc. is greater or equal to construction-related disturbance, need not be surveyed). If any active raptor nests are identified, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		— Pre-construction surveys for active migratory bird nests in vegetation removal areas shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. If active nests (more than half completed) are identified within the vegetation removal areas, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.	
Impact 4.3-8. Removal of Protected Trees.			
Existing Courthouse/Temporary Court Sites Implementation of the proposed project at either site could cause removal of trees protected by the city tree ordinance. This impact is considered potentially significant.	PS	**Mitigation Measure 4.3-8a – Existing Courthouse /Temporary Court** 〉 The AOC shall perform an arborist survey of the three London plane trees and the four linden trees near the existing courthouse prior to site design to assess the status of the trees with respect to disease and danger of falling. The AOC shall also perform an arborist survey and inventory of trees protected by the City's ordinance within the portion of the Temporary Court site that would be developed. The survey shall also include madrone and manzanita shrubs, and shall assess the status of the trees and shrubs with respect to disease and danger of falling. To the degree feasible, the AOC shall design the courthouse to avoid removal of all trees that have been determined to be healthy and safe. If any healthy and safe protected trees must be removed to accommodate the courthouse facilities, the AOC shall consult with the City to develop a reasonable plan to replace lost trees or to define a reasonable contribution to the City's tree preservation fund consistent with the city tree ordinance.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site Implementation of the proposed project at either site could cause removal of trees and madrone and manzanita shrubs that are protected by the city tree ordinance. This impact is considered potentially significant.	PS	**Mitigation Measure 4.3-8b – Cement Hill** 〉 The AOC shall perform an arborist survey and inventory of trees protected by the City's ordinance within the portion of the Cement Hill site that would be developed. The survey shall also include madrone and manzanita shrubs, and shall assess the status of the trees and shrubs with respect to disease and danger of falling. To the degree feasible, the AOC shall design the courthouse to avoid removal of all city-protected trees and shrubs that have been determined to be healthy and safe. If any healthy and safe protected trees and shrubs must be removed to accommodate the courthouse facilities, the AOC shall coordinate with the City to develop a reasonable plan to replace lost trees and shrubs or to define a reasonable contribution to the City's tree preservation fund consistent with the city tree ordinance.	LTS
Impact 4.3-9. Impacts on Nevada City Migratory Deer Herds.			
Existing Courthouse/Temporary Court Sites No potentially suitable habitat for migratory deer is located within the Existing Courthouse site. Development of the Temporary Court site could reduce the size of the winter range of the Nevada City deer herd. However, the site is characterized as urban habitat and is located within the existing Government Center adjacent to the Correctional Facility and other government facilities and SR-49. Therefore, the loss of this site would not substantially affect the winter range of the Nevada City herd nor would the project interfere substantially with herd migration. This impact is considered less than significant.	LTS	No mitigation is required.	LTS
Cement Hill The project could reduce the size of the winter range of the Nevada City deer herd by up to 7.2 acres. However, the loss of this site would not substantially affect the winter range of the Nevada City herd nor would the project interfere substantially with herd migration. This impact is considered less than significant.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.3-10. Project Contribution to Cumulative Impacts to Biological Resources. The proposed project at either site would result in potentially significant impacts related to biological resources. Because the project could result in individual impacts to biological resources, a substantial contribution to a cumulative impact could occur. Therefore, the project's contribution would be potentially cumulatively considerable.	PS	**Mitigation Measure 4.3-10** 〉 Implement Mitigation Measures 4.3-1a, 4.3-7a, and 4.3-8a for the Existing Courthouse/Temporary Court sites, and Mitigation Measures 4.3-1b, 4.3-3, 4.3-4, 4.3-5, and 4.3-8b for the Cement Hill site.	LTS
4.4 Cultural Resources			
Impact 4.4-1. Impacts to known or undiscovered subsurface prehistoric and historic resources. Demolition and construction at the Existing Courthouse, Temporary Court, or Cement Hill sites would include ground-disturbing activities such as infrastructure improvements, grading, trenching, pile driving, and excavating for development. Any site would likely encounter prehistoric and/or historic subsurface resources during construction activities relating to earlier periods of Nevada City's history. It is possible for buried resources to be uncovered during any subsurface construction activities, and such resources and their immediate surrounding matrix could be damaged. Therefore, this is a potentially significant impact.	PS	**Mitigation Measure 4.4-1 - Existing Courthouse and Cement Hill Sites** The following mitigation measures should be used and monitored during demolition and construction activities for all construction activities: 〉 The AOC shall hire a qualified professional – as specified in the Secretary of the Interior's Professional Qualifications Standards (36 Code of Federal Regulations (CFR) Part 61) – to formulate and implement a research design and field strategy with regard to possible sub-surface resources. Testing shall include geophysical mapping of the near-surface, ground-truthing using both the geophysical maps and historic maps, followed by evaluation of discovered resources for CRHR eligibility. All testing of accessible areas shall be conducted prior to initiation of construction for the project. Based on the results of testing, recommendations shall be provided, which may include additional testing and data recovery, and shall include preparation of a Monitoring Plan, Unanticipated Discovery Plan, and Research Design prior to any demolition or ground disturbance. 〉 All construction crews shall undergo cultural resources sensitivity training prior to demolition or construction activities.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		〉 The AOC shall hire a qualified professional (see above) and Native American monitor to conduct archaeological monitoring during ground-disturbing construction activities for the duration of the project. If resources are discovered during construction, the archaeologist and/or Native American monitor shall be consulted according to the Unanticipated Discovery Plan. 〉 Should any unanticipated cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further measures to reduce any archaeological impact to a less-than-significant level before construction continues. Such measures could include (but would not be limited to) researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the PRC, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission (NAHC) shall be adhered to in the treatment and disposition of the remains. 〉 All activities related to the data recovery of the site shall be recorded and compiled into a report and submitted to both the City and to the North Central Information Center (NCIC). In addition, appropriate public outreach material such as a leaflet, pamphlet, or booklet shall be developed detailing any finds and their historic context. Reports if produced in a digital format shall be deposited as both a hard copy and a digital copy. A release shall be included that allows the City the right to reproduce all documents and graphics (including photographs) without restriction.	

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.4-2. The Proposed Project Could Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource as Defined in Section 15064.5 of the CEQA Guidelines.			
Existing Courthouse/Temporary Court Site The proposed project would result in the demolition of a contributing structure to a NRHP District. This would be a significant impact. The temporary court facilities at the Temporary Court site would be constructed on vacant, graded land, and would have no impact on historic resources.	S	**Mitigation Measure 4.4-2a – Existing Courthouse/Temporary Court Site** 〉 Prior to any demolition, the exterior and interior portions of the historic courthouse shall be recorded according to the Historic American Building Survey (HABS) standards, if not already completed. Recordation should consist of 4”x5” view camera photo-documentation and a written description of the building. 〉 The new courthouse design should integrate elements of the existing structure, where feasible, such as the granite blocks remaining from the original jail. 〉 The new courthouse design should provide a prominent interpretive display, illustrating the courthouse history and its contribution to the National Register Nevada City Downtown District. This display shall be visible to all courthouse visitors and shall be in place prior to the opening of the new courthouse.	**SU**

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site The proposed project could result in the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine, a resource eligible for the National Register, and could contribute to the deterioration of a contributing structure to the NRHP District. This would be a significant impact.	PS	**Mitigation Measure 4.4-2b – Cement Hill** 〉 A minimum 30-foot buffer shall be provided along the east side of the ravine and a minimum 20-foot buffer from the south side of Hirschman's Trail. All construction of the courthouse and parking facilities shall occur to the east and south of this buffer. 〉 The AOC shall participate in the development of interpretive trail markers for Hirschman's Trail that will describe the history and importance of the remaining mining landscape. This will entail additional in-depth documentary research of the site-specific mining history following California Department of Transportation (Caltrans) guidelines for Mining Sites: Historic Context and Archaeological Research Design (HARD Mining Sites Team 2007). Such documents include: claim records, business records, government reports, mining trade journals, local maps, assessment records, census reports, photographs, and other available resources such as probate records, diaries, and surveyors' notes. The trail markers will need to be in place prior to the new courthouse opening.	**PSU**
Impact 4.4-3. The Proposed Project Could Cause an Adverse Effect on a Historic District.			
Existing Courthouse/Temporary Court Site The proposed project would result in the demolition of a contributing structure to the NRHP District and construction of a new courthouse building. This would be a significant impact.	S	**Mitigation Measure 4.4-3a – Existing Courthouse Site** 〉 The design of the new courthouse shall comply with the Secretary's Standards to the extent feasible, and be compatible with the historic character of the setting in terms size, scale, design, material, color, and texture. 〉 To the extent feasible, the new design shall retain building and landscape features which are important in defining the historic character of the setting, such as the granite blocks from the original jail building.	**SU**

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site Relocation of the courthouse to the Cement Hill site would remove the historic courthouse function out of the NRHP District, and would be contrary to Nevada City's Historic and Cultural Resources objective to continue concentration of public and cultural activities which reinforce the historic core as the "heart" of Nevada City. This would be a significant impact.	S	**Mitigation Measure 4.4-3b – Cement Hill** There are no measures available to mitigate the impact on the Nevada City Historical District.	**SU**
Impact 4.4-4. The Proposed Project Could Cause a Cumulative Loss of Cultural Resources.			
Existing Courthouse Site The proposed project at this site would result in the demolition of a contributing structure to a NRHP District, and would construct a new building and parking on sites which likely contain subsurface ethnographic and historic resources. The project at this location would contribute to a cumulatively considerable loss of cultural resources.	S	**Mitigation Measure 4.4-4 – Existing Courthouse/Temporary Court Sites** 〉 Implement Mitigation Measure 4.4-2a. 〉 Implement Mitigation Measure 4.4-3a.	**SU**
Temporary Court Site The temporary court facilities would be constructed on vacant, graded land, and shallow trenching would be required. This would have a less than cumulatively considerable effect on cultural resources.	LTS	No mitigation is required.	LTS
Cement Hill Site The proposed project at this site would result in the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine's eligibility for the National Register, and would construct a new building and parking on a site which may contain subsurface ethnographic resources. The project at this location would contribute to a cumulatively considerable loss of cultural resources.	S	**Mitigation Measure 4.4-4 – Cement Hill** 〉 Implement Mitigation Measure 4.4-2b.	**SU**

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
4.5 Greenhouse Gases			
Impact 4.5-1. Project-Generated Emissions of Greenhouse Gases. The proposed project would not generate substantial GHG emissions during construction (short-term) or operation (long-term) that would be cumulatively considerable at either the Existing Courthouse/Temporary Court sites or Cement Hill site. This impact would be considered less than cumulatively significant.	LTS	No mitigation is required	LTS
Impact 4.5-2. Project Consistency with Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing Greenhouse Gas Emissions. The proposed project at either the Existing Courthouse/ Temporary Court sites or Cement Hill site would not conflict with applicable land use designations and GHG-related policies. This impact is less than significant.	LTS	No mitigation is required	LTS
4.6 Hazards and Hazardous Materials			
Impact 4.6-1. Exposure to Hazardous Materials During Construction. **Existing Courthouse Site** The Courthouse/Annex buildings and the 215 Washington Street building were constructed prior to 1977 and have the potential to contain hazardous materials such as asbestos and LBP. Records show that in 2001 the Courthouse/Annex underwent remediation of ACM and LBP. However, during the Phase I site visit, the environmental assessor noted areas where ACM is still likely to be present. The Annex may have ACM in floor tile, water heater wrap and pipe wrap and the Courthouse may have ACM in floor tile. An oil leak was also identified during the Phase I ESA at the Annex. Demolition of these buildings could result in human exposure to hazardous materials contamination. This impact is considered potentially significant.	PS	**Mitigation Measure 4.6-1 – Existing Courthouse/Cement Hill Sites** 〉 Prior to any demolition activities, the Administrative Office of the Courts (AOC) shall conduct an interior survey to evaluate the presence of ACM, LBP, PCB-containing electrical and hydraulic fluids, and/or chlorofluorocarbons (CFCs), as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal), which may be present within structures on the properties. 〉 ACM and LBP shall be abated and any remaining hazardous substances and/or waste shall be removed in compliance with applicable state laws and regulations.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site The house located on the site was constructed prior to 1977 and has the potential to contain hazardous materials such as ACM and LBP. Demolition of this building could result in human exposure to hazardous materials contamination. This impact is considered potentially significant			
4.6-2. Exposure to Hazardous Materials or Site Hazards During Construction. **Existing Courthouse Site** Although basements exist on the Courthouse and Annex sites, construction may involve additional excavation on these sites. Excavation may also be required to construct a parking lot at 215 Washington Street. The City also has an extensive history of hydraulic and lode mining throughout the 19th and 20th century. Elevated metal concentrations or abandoned mine shafts associated with these mining activities could be exposed during site excavation. Excavation could uncover unanticipated soil contamination or other hazards during project construction activities. This impact is considered potentially significant. ***Temporary Court Site*** There is a slight chance the Temporary Court site may contain serpentine soils. However, the site has been prepared for development previously by the County, and the proposed temporary modular buildings would require minimal site disturbance for footings and utilities. The potential for exposure to hazardous materials during construction would be managed by standard air quality measures for dust control, therefore this impact is considered less than significant. **Cement Hill Site** The Phase I ESA noted that the Cement Hill site (and thus the adjacent Temporary Court site) is located within an area of the County known to have naturally occurring asbestos in soils weathered from serpentine bedrock materials that underlie the subject property and surrounding area. If serpentine is found	PS	**Mitigation Measure 4.6-2 – Existing Courthouse/Cement Hill Sites** The following mitigation measures apply to either project site. 〉 The AOC shall retain a qualified geotechnical engineer to identify soils on the project sites. If serpentine bedrock is identified as being present and potentially disturbed during construction activities, an asbestos hazard dust mitigation plan shall be formulated and implemented in coordination with the Northern Sierra Air Quality Management District. 〉 The AOC shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor. Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following: — (1) Prepare a hazardous material discovery and response contingency plan. — (2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants and the AOC shall be immediately notified. Upon notification, the AOC shall notify the DTSC or the local certified unified program agency (CUPA) of the contamination, and the hazardous material removal contractor shall prepare a site remediation plan and a site safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
on the site, excavation, grading, or other ground surface disturbances could expose workers and the public to respirable asbestos in construction dust. The sites were also subject to extensive hydraulic mining throughout the 19th and 20th century. Elevated metal concentrations associated with these mining activities have been documented in regional soils, and could be exposed during site excavation. This impact is considered potentially significant.		contractor shall follow and implement all directives of DTSC or the local CUPA and any other jurisdictional authorities that might become involved in the remediation process. — (3) Preparation of any remediation plan shall include measures to be taken to protect the public from exposure to potential site hazards and a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements. — (4) Obtain closure and/or No Further Action letters from the appropriate agency(ies), if applicable. — (5) Construction contract documents shall include provisions for the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.	
Impact 4.6-3. Improper Use of Hazardous Materials During Project Construction. Use of various paints, solvents, cements, glues, and fuels is expected during construction of the proposed project. While construction workers could be exposed to hazardous materials as a result of improper handling or use, accident, environmentally unsound disposal methods, or fire, explosion, or other emergencies, resulting in adverse health effects, all allowable uses would be subject to compliance with federal and state hazardous materials laws and regulations, and would be monitored by the state (e.g., Cal/OSHA, DTSC, CHP) and/or local jurisdictions. Therefore, the potential for human exposure to hazardous materials as a result of their improper use during construction would be considered a less-than-significant impact.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.6-4. Exposure to Hazardous Materials during Project Operations. The proposed project would use materials, some of which are considered hazardous, during the course of its daily operations. Compliance with federal and state laws and hazardous materials regulations, which would be monitored by the state and/or local jurisdictions, would avoid significant impacts associated with the use, transport, and storage of hazardous materials during operation of the project. Therefore, impacts related to the creation of significant hazards to the public or the environment would be less than significant.	LTS	No mitigation is required.	LTS
4.7 Hydrology and Water Quality			
Impact 4.7-1. Construction of the Proposed Project Could Degrade the Quality of Receiving Water Bodies. The Existing Courthouse site is highly developed in an area served by a municipal stormwater system, and the Temporary Court site is a developed site in an area served by a system of rocked drains, storm drains, and culverts. The Cement Hill site is mostly undeveloped and construction could impact local drainages. Drainage from all sites flows to Deer Creek. Implementation of the project as proposed and existing state and federal requirements would ensure construction runoff would have a less-than-significant impact on receiving waters.	LTS	No mitigation is required.	LTS
Impact 4.7-2. Operation of the Proposed Project Would Generate New Sources and Volumes of Polluted Runoff That Could Violate Water Quality Standards or Waste Discharge Requirements for Receiving Waters. Construction of the proposed project at either the Existing Courthouse/Temporary Court sites or the Cement Hill site would result in varying levels of increased impermeable surfaces and increased areas dedicated to parking lots. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.7-3. Implementation of the Proposed Project Could Adversely Affect Groundwater Quality, the Rate and Direction of Groundwater Flow, or Interfere with Groundwater Recharge. The groundwater table varies between 10-56 feet bgs at the project sites. There are no plans for pile driving or excavation to this depth at either site that would reach groundwater. In addition, groundwater is not utilized for municipal uses in the city. Impacts to groundwater would be less than significant.	LTS	No mitigation is required.	LTS
Impact 4.7-4. The Proposed Project Could Expose People or Structures to an Increased Risk from Flooding. No habitable improvements are proposed in a 100-year flood plain for either the Existing Courthouse/Temporary Court sites or the Cement Hill site. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS
Impact 4.7-5. Construction of the Proposed Project Could Cause a Change in Drainage Patterns.			
Existing Courthouse /Temporary Court Sites There proposed project would tie into existing municipal drainage systems. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS
Cement Hill Site All drainage on Cement Hill currently flows to on-site natural drainages. The proposed project would construct new drainage systems for the courthouse and parking facilities. This would be a potentially significant impact.	PS	**Mitigation Measure 4.7-5b – Cement Hill Site** 〉 Implement Mitigation Measure 4.4-2b – Cement Hill Site (Refer to Section 4.4, Cultural Resources), which includes the following: — A minimum 30-foot buffer shall be provided along the east side of the ravine and a minimum 20-foot buffer from the south side of Hirschman's Trail. All construction of the courthouse and parking facilities shall occur to the east and south of this buffer.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.7-6. The Proposed Project Could Cumulatively Contribute to a Degradation of the Quality of Receiving Water Bodies. Federal, state, and local erosion and pollution control requirements pursuant to NPDES permits would protect Deer Creek and downstream water bodies from a cumulatively considerable increase in pollutants. This would be a less-than-significant cumulative impact for either project site.	LTS	No mitigation is required.	LTS
4.8 Noise			
Impact 4.8-1. Long-Term Exposure of Existing Sensitive Receptors to Project-Generated Operational-Related Increases in Stationary Source Noise Levels. Operation of the proposed project could result in increased noise levels from stationary-sources, including parking lots, which exceed the applicable standards (Municipal Code Section 8.20) at nearby off-site sensitive receptors at either of the potential project sites. Therefore, long-term on-site operation-related stationary-source noise could result in the generation of noise levels in excess of applicable standards or create a substantial permanent increase in ambient noise levels in the project vicinity without the proposed project. This impact is considered potentially significant.	PS	**Mitigation Measure 4.8-1a - On-Site Stationary Equipment** 〉 Mechanical equipment for the proposed project shall be designed and constructed to minimize sound exposure to existing sensitive receptors in the project vicinity and to comply with the noise standards of the Nevada City Municipal Code (Municipal Code). Equipment should be shielded from view by building parapets or sound barriers to reduce noise exposure. Mechanical rooms shall be fitted with sound attenuating louvers as applicable. **Mitigation Measure 4.8-1b – Parking Lots** 〉 No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.8-2. Exposure of Existing Sensitive Receptors to Excessive Groundborne Vibration from Project-Related Activities.			
Existing Courthouse Site Demolition, construction, and operation related project activities would potentially result in levels at the nearest sensitive land uses that exceed Caltrans's recommended level of 0.1 in/sec PPV with respect to the prevention of structural damage for old or historically significant buildings and FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses (i.e., annoyance) or 83 VdB for institutional uses (e.g. schools, churches, clinics, offices). Thus, implementation of the proposed project would result in the exposure of existing off-site sensitive receptors to excessive groundborne vibration or noise levels.	S	**Mitigation Measure 4.8-2a - Existing Courthouse** 〉 Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with a qualified historian and structural engineer. 〉 The pre-existing condition of all buildings within a 50-foot radius shall be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) by the contractor prior to construction. All damage shall be repaired back to its pre-existing condition. 〉 If fire sprinkler failures are reported in surrounding buildings, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided. 〉 Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage. 〉 Construction or demolition trucks shall be prohibited from traveling on Church Street or North Pine Street to avoid the risk of vibration-related damage to historic buildings.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill/Temporary Court Sites Construction- and operational-related project activities would not result in levels at the nearest sensitive land uses that exceed Caltrans's recommended level of 0.2 in/sec PPV with respect to the prevention of structural damage for normal buildings or FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses (i.e., annoyance) or 83 VdB for institutional uses (e.g. schools, churches, clinics, offices). Thus, implementation of the proposed project would not result in the exposure of existing off-site sensitive receptors to excessive groundborne vibration or noise levels. Therefore, this impact is considered less than significant.	LTS	**Mitigation Measure 4.8-2b – Cement Hill/Temporary Court Sites** No mitigation is required.	LTS
Impact 4.8-3. Long-Term Exposure of Existing Sensitive Receptors to Project-Generated Operational-Related Increases in Traffic Source Noise Levels.			
Existing Courthouse/Temporary Court Sites Because there is no change in staffing or number of courtrooms, most traffic changes related to the Existing Courthouse would occur during the temporary relocation of the courts to the Government Center. Implementation of the proposed project at the Existing Courthouse/Temporary Court sites would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project with regard to the long-term exposure of existing off-site sensitive receptors to project-generated operational-related increases in traffic source noise levels. Therefore, this impact is considered less than significant.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site Because there is no change in staffing or number of courtrooms, most traffic changes related to the Existing Courthouse would occur during the temporary relocation of the courts to the Government Center. Implementation of the proposed project at the Existing Courthouse/Temporary Court sites would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project with regard to the long-term exposure of existing off-site sensitive receptors to project-generated operational-related increases in traffic source noise levels. Therefore, this impact is considered less than significant.	LTS	No mitigation is required.	LTS
Impact 4.8-4. Short-term Exposure of Existing Sensitive Receptors to Project-Generated Increases In Demolition and Construction Source Noise Levels. Project-generated increases in demolition and construction source noise levels would not exceed the applicable standards at nearby off-site sensitive receptors with regards to either of the potential project sites. However, project-generated demolition and construction source noise levels would result in the exposure of noise-sensitive receptors to a substantial temporary increase in ambient noise levels. Therefore, this impact is considered short-term significant for either project site.	S	**Mitigation Measure 4.8-4 – Short-Term Noise** 〉 Construction activities shall comply with the Nevada City Municipal Code (Municipal Code), Section 8.20. Demolition activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities. 〉 Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Consider the use of temporary noise barriers around stationary equipment. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment. 〉 Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator shall receive all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.	**Short-term SU**

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.8-5. Compatibility of Proposed On-site Land Uses with Ambient Noise and Vibration Levels. On-site noise and vibration would not exceed applicable standards for the proposed land use type with regards to either of the potential project sites. Thus, long-term operation of the proposed project would not result in the exposure of persons on-site to noise levels in excess of applicable standards or to excessive groundborne vibration levels. This impact is considered less than significant.	LTS	No mitigation is required.	LTS
4.9 Transportation and Circulation			
Impact 4.9-1. Construction Traffic. Project demolition and construction activities would generate traffic associated with the removal of materials and the delivery of materials and equipment to the project site and construction worker trips for both project sites. Although these vehicle trips would be limited to the project construction schedule, depending on the timing of the trips and local traffic conditions, these trips could result in substantial increase in traffic on local roadways. Therefore, this impact would be considered potentially significant.	PS	**Mitigation Measure 4.9-1** To minimize construction impacts to the transportation system the following strategies shall be implemented: 〉 Access to driveways and cross streets shall be maintained by the AOC's construction contractor during construction, in accordance with traffic control standard plans or traffic handling plans. 〉 Pedestrian access shall be maintained by the AOC's construction contractor during construction, with at least one sidewalk open on one side of the roadway at all times. Additional signs shall be required to detour pedestrians when sidewalks are closed for contract work. 〉 Bicycle traffic shall be maintained during construction if planned bikeways are completed by the time construction commences. Additional signs and striping shall be required to redirect bicycle traffic if bikeways are closed for contract work. 〉 Coordination with the City shall be required to handle traffic through the work area. 〉 During the development of plans, specifications, and estimates, the anticipated construction schedule(s) of adjacent project(s) shall be reviewed to determine if nearby projects should be indicated in the special provisions as requiring cooperation of the contractor during construction.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.9-2. Intersection Level of Service. The addition of project-related traffic to local intersections would increase the traffic volumes at these intersections for both Cement Hill and the Temporary Court at the Government Center. If two of these locations remain stop signed controlled in the future, project-related traffic could result in the addition of traffic to Caltrans facilities already operating at LOS F under future cumulative traffic conditions. Therefore, this impact would be considered potentially cumulatively considerable.	PS	**Mitigation Measure 4.9-2** 〉 If the Coyote Street/SR-49 and/or SR-20/SR-49 intersections are signalized by the year 2030, no mitigation is required. If temporary facilities at the Nevada County Government Center are vacated before year 2030, no mitigation is required. 〉 If the Cement Hill site is selected or the temporary court facility is still occupied at the time a traffic signal is determined to be warranted but unfunded, the AOC shall participate in any applicable fair share fees imposed by the Nevada Transportation Commission and the City of Nevada City for the traffic signal.	LTS
Impact 4.9-3. Pedestrian Facilities and Safety.			
Existing Courthouse Site If the Cement Hill site is selected or the temporary court facility is still occupied at the time a traffic signal is determined to be warranted but unfunded, the AOC shall participate in any applicable fair share fees imposed by the Nevada Transportation Commission and the City of Nevada City for the traffic signal.	LTS	No mitigation is required.	LTS
Cement Hill/Temporary Court Sites The addition of project-related traffic to the transportation network near and around the Cement Hill site would increase pedestrian volumes on some sidewalks and street crossings. However, the project would not adversely affect existing or planned pedestrian facilities. The proposed project would not conflict with adopted policies, plans, or programs regarding pedestrian facilities, nor create new pedestrian hazards. Therefore, this impact would be considered less than significant.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.9-4. Bicycle Facilities and Safety.			
Existing Courthouse Site There would be no change in the number of courtrooms or employees, thus no change in the number of employees, jurors, and visitors to the study area. The proposed project at this site would have no impact on bicycle facilities.	LTS	No mitigation is required.	LTS
Cement Hill/Temporary Court Sites The addition of project-related traffic to the transportation network would likely increase bicycle volumes on some on- and off-street bikeways. However, the project would not adversely affect existing or planned bicycle facilities. The proposed project would not conflict with adopted policies, plans, or programs regarding bicycle facilities.	LTS	No mitigation is required.	LTS
Impact 4.9-5. Transit Facility Effects.			
Existing Courthouse Site There would be no change in the number of courtrooms or employees, thus no change in the number of employees, jurors, and visitors to the study area. The proposed project at this site would have no impact on transit facilities.	LTS	No mitigation is required.	LTS
Cement Hill/Temporary Court Sites The addition of project-related traffic to the transportation network would likely increase ridership on some transit facilities. However, the project would not adversely affect existing or planned transit facilities. The proposed project would not conflict with adopted policies, plans, or programs regarding transit facilities. Therefore, this impact would be considered less than significant.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.9-6. Local Circulation.			
Existing Courthouse Site The proposed project may include the construction of parking at 215 Washington Street and greater use of the county-owned surface parking lot located at the northeast corner of Main and Washington streets. Ingress and egress onto Winter Street to progress from one aisle to another aisle within the same lot could interfere with residential street traffic. DKS Associates has prepared a circulation plan (Exhibit 4.9-7) that has been incorporated into the project description which does not require vehicles to enter a public street (Winter Street) in order to progress from one aisle to another aisle within the same lot. The project at this site would have a less-than-significant impact on local circulation.	LTS	No mitigation is required.	LTS
Cement Hill/Temporary Court Sites The Cement Hill and Temporary Court sites are located on SR-49. Direct access to SR-49 is not proposed therefore no increase in turning movements would occur on a high-speed state route. The project would have a less-than-significant impact on highway traffic flows and local circulation.	LTS	No mitigation is required.	LTS
4.10 Utilities and Public Services			
Impact 4.10-1. Increased Demand for Water Facilities and Treatment.			
Existing Courthouse/Temporary Court Sites The proposed project would replace an existing use and demand, and would therefore not increase demand on water supplies or water treatment. The temporary location at the Government Center is fully served by utilities. The project at this location would have no impact on water facilities.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Cement Hill Site The proposed project would replace the existing use and demand, and would therefore not increase demand on overall water supplies or water treatment. However, this site is currently within the NID service area, and reuse of the existing downtown structures would ultimately result in an overall increase in demand. Construction of the courthouse at this location would also require the extension of water mains to the site. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS
Impact 4.10-2. Increased Demand for Wastewater Facilities and Treatment.			
Existing Courthouse/Temporary Court Sites The proposed project would replace an existing use and demand, and would therefore not increase overall demand on wastewater collection or treatment. The temporary location at the Government Center is fully served by utilities. The project at this location would have no impact on wastewater facilities.	LTS	No mitigation is required.	LTS
Cement Hill Site The proposed project would replace an existing use and demand, and would therefore not increase demand overall on wastewater treatment. However, reuse of the existing structures would result in an increased demand, and construction of the courthouse at this location would require the extension of sewer mains to the site. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.10-3. Require or Result in the Construction of New Storm Water Drainage Facilities.			
Existing Courthouse/Temporary Court Sites The proposed project would replace an existing use and demand, and would therefore not increase demand overall on wastewater treatment. However, reuse of the existing structures would result in an increased demand, and construction of the courthouse at this location would require the extension of sewer mains to the site. This would be a less-than-significant impact.	LTS	No mitigation is required.	LTS
Cement Hill Site The proposed project would generate increased urban runoff from building and parking areas, which would increase the amount of runoff entering the local natural drainage system. The impact related to increased stormwater runoff would be less than significant.	LTS	No mitigation is required.	LTS
Impact 4.10-4 Increased Generation of Solid Waste. Demolition of the existing courthouse, annex, and child care building at the Existing Courthouse site, demolition of the house on the Cement Hill site, and construction of the project at all sites would increase the amount of construction waste generated in Nevada City. No change in operational waste would occur. Adequate long-term landfill disposal capacity is available at the Ostrom Road Landfill, which would receive the solid waste generated from the project. Therefore, the project's impacts at either site on solid waste disposal would be less than significant.	LTS	No mitigation is required.	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
Impact 4.10-5. Increased Demand for Fire Services and Facilities.			
Existing Courthouse/Temporary Court Sites The proposed project would replace an existing use in an urban setting with a modern use with internal sprinklers meeting current fire code, and would therefore not increase demand on fire services. The project at this location would have no impact on fire services and facilities.	NI	No mitigation is required.	LTS
Cement Hill Site The proposed project would replace the existing use and demand, and would therefore not increase population demands on fire services. However, the Cement Hill site would place the courthouse immediately adjacent to lands subject to wildland fires. This would be a potentially significant impact.	PS	**Mitigation Measure 4.10-5 – Cement Hill** 〉 During construction of the proposed project and off-site improvements (roadway extension and community septic system), the contractor shall perform the following tasks: — All on-site flammable vegetation and fuels shall be legally disposed of or removed. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code (PRC) 4291. Firebreaks shall be maintained by removing and clearing away all existing brush, flammable vegetation or combustible growth within 100 feet of structures. — Temporary provisions for emergency access and fuel modification zones shall be provided. The project applicant shall prepare a temporary fire protection plan that will provide temporary emergency access and fuel modification zones for development. — Any grass or other vegetation planted along cut/fill areas (i.e., roadways for erosion control purposes) shall be low growing grasses and shall be on the Nevada County (County) approved plant list. Tall grasses can subject the development to an increase in fire danger. 〉 The AOC shall submit construction and improvement plans to the Nevada City Fire Department (NCFD) and the Nevada County Consolidated Fire District (NCCFD) for review and approval. The final plans shall contain the following items:	LTS

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		— Designation of a fuel modification zone or greenbelt established along the perimeter of the project site. Perimeter fuel breaks shall be a minimum of 30 feet (typically ranging between 30 and 100 feet) as required by the Nevada County Fire Marshal. The AOC, with the assistance of California Department of Forestry and Fire Protection (CAL FIRE) and NCCFD, will determine the specific dimensions of each fuel modification zone located along the project perimeter based on the location, topography, access points, vegetation, degree of exposure, local weather conditions, and design and construction of structures. 〉 The AOC shall submit a Vegetative Fuel Management Plan to the NCFD and the NCCFD. The plan shall contain information about fuel modification zones/fuel breaks, canopy spacing, roads, and types of plants to be used in landscaping and erosion control. The Vegetative Fuel Management Plan shall include: — Requirements that fire resistant landscaping is used in the fuel modification zones for project accesses. — Provisions and funding for maintenance of fuel modification zones. — No trees that will grow over 20 feet in height will be planted or allowed to grow within 20 feet of any high voltage power line.	

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Chapter 3

Project Description

Draft Environmental Impact Report
New Nevada City Courthouse

3 PROJECT DESCRIPTION

This chapter of the Environmental Impact Report (EIR) describes the location and setting of the New Nevada City Courthouse (proposed project) and provides a detailed description of the proposed project's characteristics and objectives.

3.1 PROJECT OVERVIEW

The Administrative Office of the Courts (AOC) is considering two sites for the development of a proposed new courthouse in Nevada City (Exhibit 3-1). For this project, the AOC proposes to acquire property for and construct a new, approximately 84,000 building gross square foot (BGSF) courthouse, including six courtrooms in the City of Nevada City (City) for the Superior Court of California, County of Nevada (Superior Court). The AOC is considering two different locations within the City for the project: 1) the Existing Courthouse site or 2) the Cement Hill site, as further discussed below.

3.2 PROJECT LOCATION

The AOC is currently considering two sites in Nevada City for the location of the proposed New Nevada City Courthouse, as identified on Exhibit 3-2:

- **Existing Courthouse site** (201 Church Street, Nevada City)

  The existing site, which includes the courthouse and courthouse annex, is almost one-acre. The existing site would include the following two adjacent sites: 1) 215 Washington Street; and 2) the Nevada County (County)-owned surface parking lot located at the northeast corner of Main and Washington streets. With these additional two parcels the existing site totals approximately 1.83 acres. It is not known yet whether or not the adjacent parcels will be needed, but in an effort to identify worst-case impacts, this site will be analyzed including those adjacent parcels.

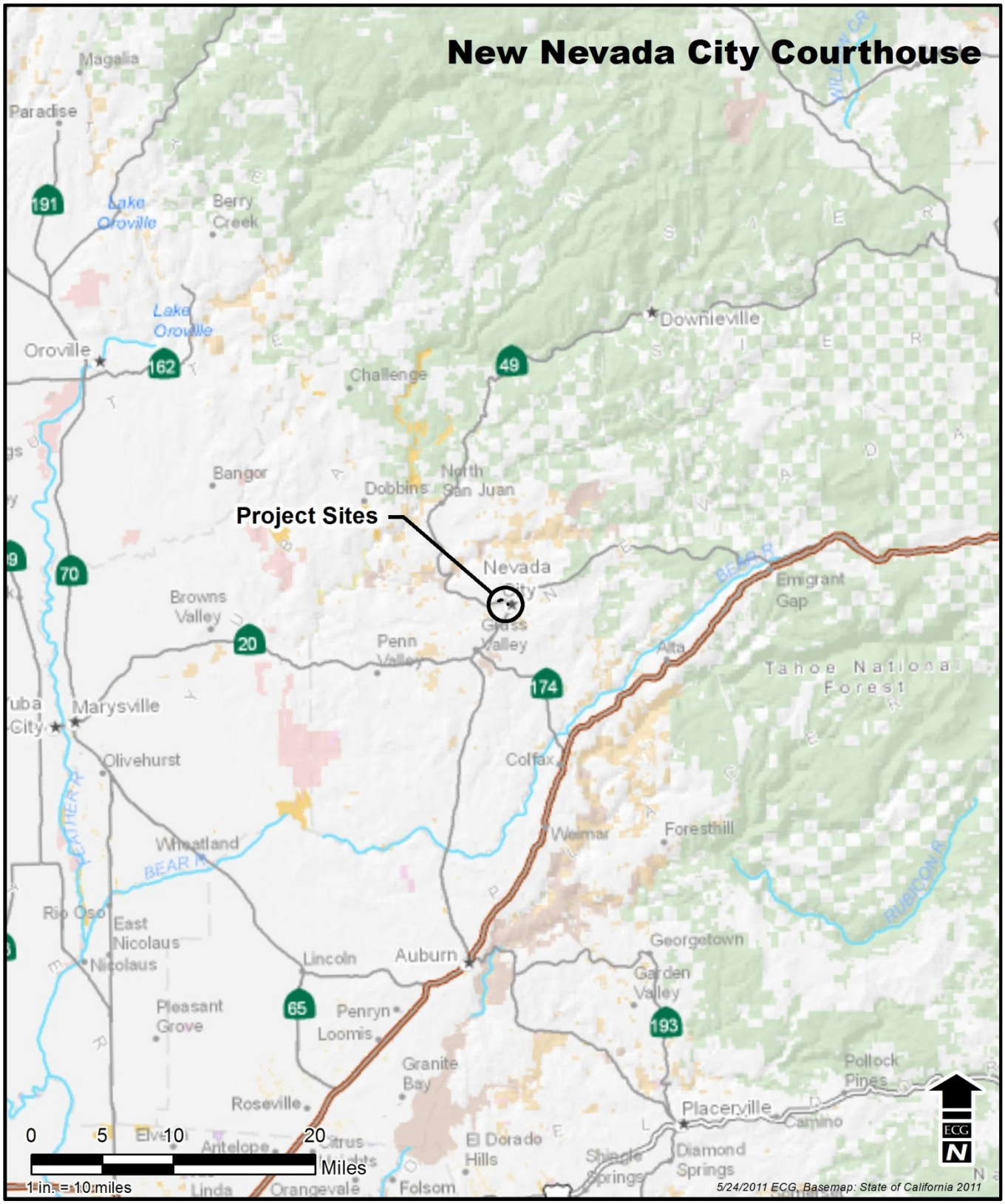
  In order to use the existing site, the Superior Court would need to temporarily relocate to the Nevada County Government Center (Government Center) during construction (Temporary Court site). The Government Center is located at 950 Maidu Avenue in Nevada City, just north of State Route 49 (SR-49), as shown in Exhibit 3-2. Among the County facilities located at the Government Center are the Wayne Brown Correctional Facility (Correctional Facility) and the Eric W. Rood Administration Center (Rood Center).

- **Cement Hill site** (Northwest corner of Cement Hill Road and SR-49, Nevada City)

  This site consists of two public parcels owned the City (APN: 05-010-58 and 05-010-298) and one private parcel (APN: 05-020-20). The public property includes vacant land and one small residence. The private parcel consists of 2.2-acres on the southeast corner. The site is directly across the street from the Correctional Facility at the Government Center.

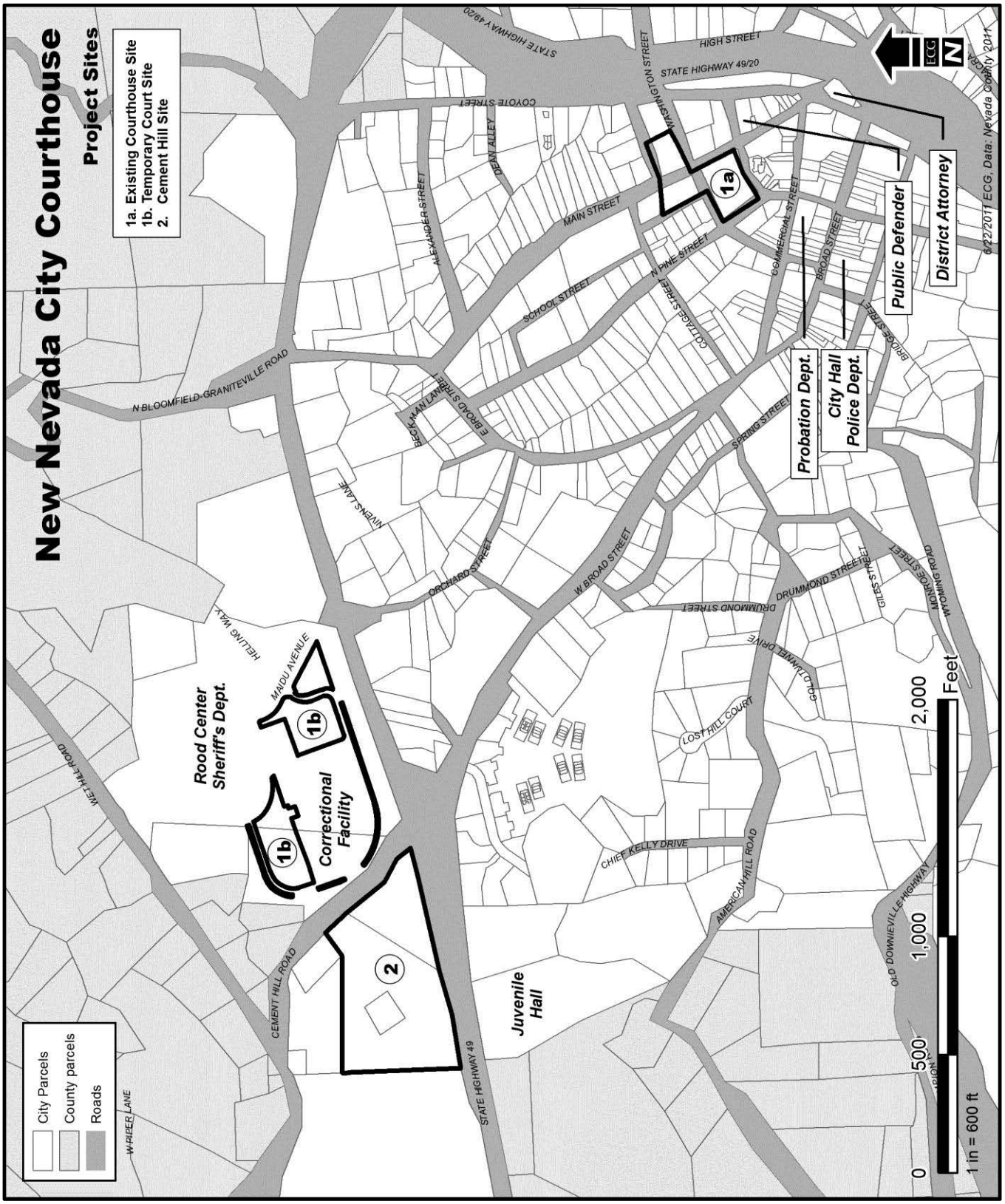
3.3 EXISTING SETTING

As mentioned above, the AOC is considering two sites for the development of the proposed project. The existing settings of the two sites are described below.



Source: The Ervin Consulting Group, 2011

Exhibit 3-1 **Regional Location Map**



Source: The Ervin Consulting Group, 2011

Exhibit 3-2 **Site Location Map**

3.3.1 EXISTING COURTHOUSE SITE

NEVADA CITY COURTHOUSE AND COURTHOUSE ANNEX

The Nevada City Courthouse and courthouse annex are located at 201 Church Street in historic Downtown Nevada City. The courthouse complex includes two interconnected buildings, the original courthouse building and the courthouse annex. The original courthouse was built in 1864, although that building was consumed by a major fire, remodeled, and later expanded. The façade of the existing courthouse was constructed in 1939 as part of the Works Progress Administration (WPA) program; however, elements of the building date back to the original structure. The courthouse annex was built in 1964.

The courthouse and courthouse annex contain approximately 65,000 square feet (sf) of space, of which approximately 24,000 sf is exclusively occupied by the Superior Court. The balance of space is occupied by various functions, including an old jail currently being used for central holding and county office space. The courthouse building includes six courtrooms and accommodates criminal, misdemeanor, traffic, family law, juvenile, and civil calendars. Based on the Project Site Feasibility Report (Feasibility Report) prepared by the AOC, the square footage required to meet the Superior Court's current and near-term needs is approximately 60,000 departmental gross square feet (DGSF) or 84,000 BGSF.[1]

The existing courthouse is a significant downtown landmark, but no longer functions well as the main courthouse for the Superior Court. It contains numerous deficiencies relative to efficiency, security, and access. The Feasibility Report determined that approximately 800 people enter the building each day, using the single front door to access security, and all queuing is outside, leaving those waiting to enter the building exposed to the elements. The existing entrance has room for only one security screening station, which may require up to 15 minutes to clear security screening at peak times. The building lacks a jury assembly room, so current juror check-in and assembly takes place in the hallways. The building also lacks secure hallways and holding cells adjacent to courtrooms, so in-custody defendants use the same hallways as the jurors, witnesses, public visitors, and Superior Court employees. The courthouse is also not compliant with the Americans with Disability Act (ADA) and provides no public parking.

The existing site is almost one acre, and is surrounded on three sides by existing historic structures in downtown Nevada City. The Nevada County Historical Society and Forest Charter School parking area are located to the south across Church Street, the Doris Foley Historical Library is located to the west across Pine Street, and the Nevada City First Baptist Church and a Victorian office building are located to the east across Main Street. Three well-formed London plane trees with a diameter at breast height (DBH) of approximately 24 to 30 inches and height of approximately 60 feet are located along the west side of the courthouse in the elevated landscaped setback on North Pine Street at Church Street; otherwise the courthouse, annex, and handicapped parking abut the sidewalk on all sides, except for some minor landscaping along Church and Main streets. Other than the courthouse stairway and entrance on Church Street, there is no active pedestrian interface on the block, although there are ground floor windows along North Pine Street.

ADDITIONAL PARCELS WITHIN THE PROJECT SITE

To accommodate a new courthouse on the Existing Courthouse site, two adjacent parcels are being considered for surface parking, including 1) 215 Washington Street; and 2) the county-owned surface parking lot located at the northeast corner of Main and Washington streets. With these additional two parcels the Existing Courthouse site would total approximately 1.83 acres. The 215 Washington Street parcel is bounded by

[1] AOC Office of Court Construction and Management. (2010, June 9). Superior Court of California, County of Nevada, New Nevada City Courthouse: Project Site Feasibility Report. Accessible from http://www.courts.ca.gov/facilities-nevada.htm/.

Washington, Main, and Winter streets. The site is owned by the school district, and is currently occupied by a residential structure and lawn area being leased short-term to a private preschool. The preschool building, although originally built as a residence in the 1800s, has been significantly modified and is not considered historic (see Section 4.4, Cultural Resources). There are historic single-family residential uses to the west along Winter Street, and a modern multi-family building immediately to the north. Access is currently provided off a private drive between Main and Winter streets.

The county-owned parking is located on two levels immediately to the east across Main Street, with access from Main and Court streets. This parking area abuts a modern era Catholic Church building to the east, and historic single-family homes to the north. Four well-formed Linden trees of slightly smaller DBH and height than the London plane trees are located along the south side of the existing parking lot on Washington Street. Above ground utility lines serve the Court Street area; otherwise, all utilities are underground.

An aerial map of the Existing Courthouse site including the adjacent parcels is shown in Exhibit 3-3.

TEMPORARY COURT SITE

If the proposed project were constructed on the Existing Courthouse site, the court functions would need to be temporarily relocated in order to construct the new courthouse. The temporary court facilities would be constructed on vacant parcels near the Correctional Facility at the Government Center. An aerial map of the temporary court facilities and parking area is shown in Exhibit 3-4.

The Government Center is where most county offices are located including the Correctional Facility, the Rood Center, the County Sheriff's Department, and the Madelyn Helling Library. Ingress and egress to the Temporary Court site is provided off Maidu Avenue and Cement Hill Road. The parcels proposed for the Temporary Court site are mostly vacant and graded, and are located immediately north and east of the Correctional Facility. A minor amount of landscaping is located on the outer edges of the parcels, and a demonstration rain garden and bioswale project is located within the area north of the Correctional Facility.

3.3.2 CEMENT HILL SITE

The Cement Hill site is located at the northwest corner of Cement Hill Road and SR-49 and consists of the 2.2-acre privately-owned corner parcel and five acres owned by the City that contain one rental house. The site ranges from 2,500 to 2,650 feet in elevation and encompasses some areas of steep terrain, disturbed Ponderosa Pine forest with scrub riparian corridors, and non-native grasslands. There are several abandoned hard rock and hydraulic mining features located throughout the site.

The site is directly across Cement Hill Road from the Correctional Facility to the east, and directly north of SR-49. Along the southern boundary of the site within the SR-49 Caltrans-owned right-of-way (ROW) is a ditch that progressively deepens from Cement Hill Road westward into a deep ravine.

The 2.2-acre corner parcel has limited tree coverage, and features an elevated hill that appears to be mostly fill dirt and sawdust from wood cutting operations and previous mining operations. The periphery of this parcel contains some tree cover. Access is from an unimproved drive on the north that ends at the house on the city-owned parcel.

The city-owned parcel contains heavy tree canopy on uneven terrain. Historic mining-related features include landscape modifications resulting from hydraulic and sluicing operations, and short sections of ditch throughout the parcel. The property contains steep slopes in excess of 30% and seasonal streams. Wetlands are located along the northern boundary and around a small pond in the northwest corner, and a creek bisects the eastern

portion of the site, as discussed in Section 4.3, Biological Resources. The public trail project known as "Hirschman's Pond Trail" starts at the drive's entrance at Cement Hill Road, crossing through the site heading west.

An aerial image identifying the house, parcel boundaries, and Hirschman's Trail is included as Exhibit 3-5.

3.4 PROJECT BACKGROUND

The Judicial Council of California (Judicial Council) is the rule-making arm of the California court system. It was created by an amendment to article VI of the California Constitution in 1926. In accordance with the California Constitution and under the leadership of the Chief Justice of the Supreme Court of California, the Judicial Council is responsible for ensuring the "consistent, independent, impartial, and accessible administration of justice." The Judicial Council's administrative arm, the AOC, is responsible for implementing the Judicial Council's policies. In that role, the AOC is responsible for implementation of the Trial Court Facilities Act of 2002, the landmark legislation that shifted the governance of courthouses from California counties to the State of California (State).

Following the Trial Court Facilities Act of 2002, the AOC conducted a survey to assess the physical condition of the State's courthouses. The survey showed that 90% of the courthouses need improvements to protect the safety and security of the public, litigants, jurors, and families who are served by California's courts. In October 2008, the Judicial Council identified 41 "Immediate and Critical Need" courthouse projects, in an effort to prioritize future courthouse construction and renovation. The 41 projects are located in 34 counties across the state.

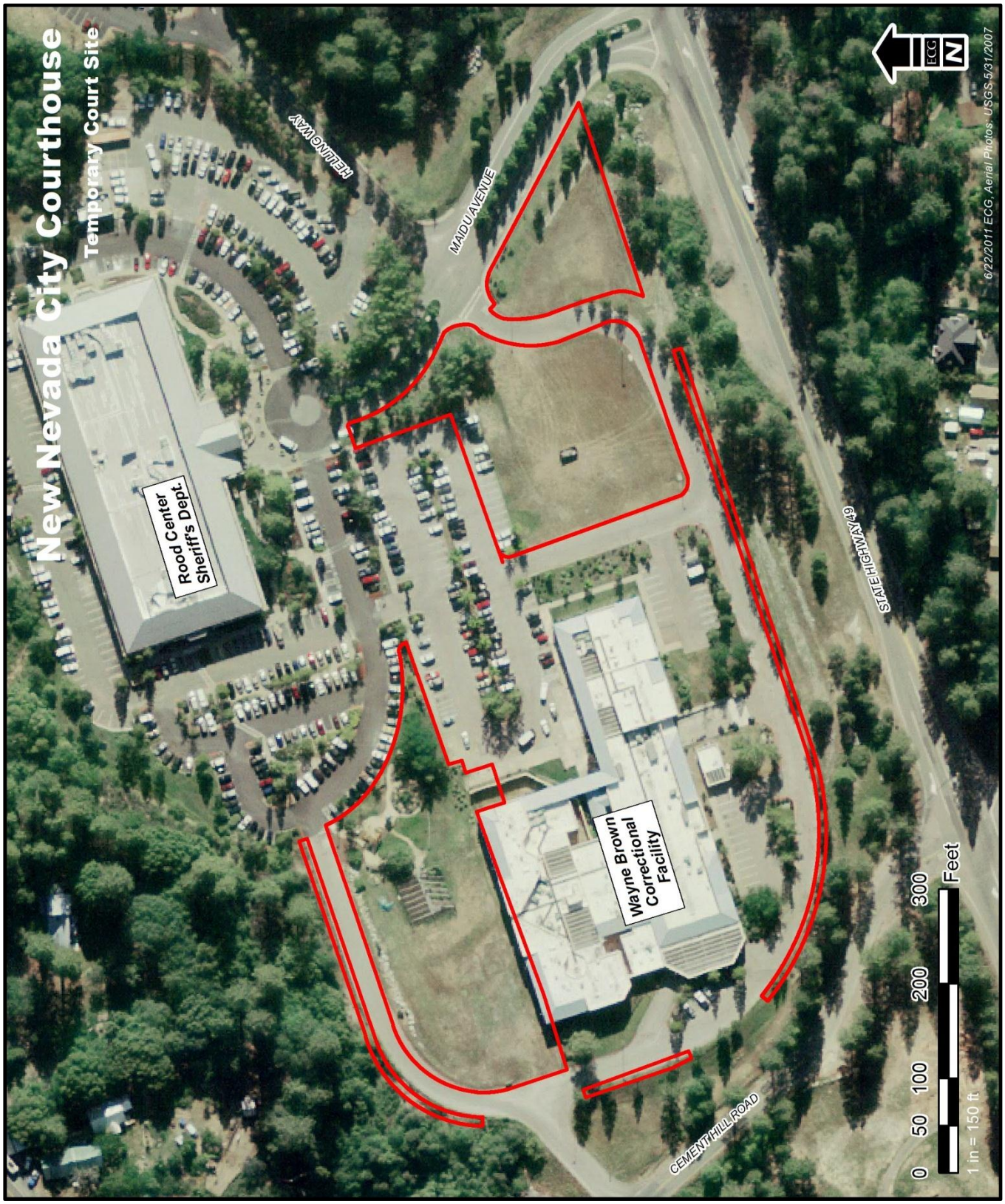
Also in 2008, Senate Bill (SB) 1407 was passed by the State legislature and signed by then-Governor Schwarzenegger. SB 1407 identified funding to address the physical condition of the State's courthouses. The funding identified includes court fines and fees, and does not draw from the State's general fund.

The New Nevada City Courthouse (proposed project) is one of the 41 "Immediate and Critical Need" courthouse projects identified by the Judicial Council in 2008. For this project, the AOC proposes to acquire property for and construct and operate a new, approximately 84,000 BGSF courthouse, including six courtrooms in Nevada City for the Superior Court.

The AOC has determined that the current courthouse and courthouse annex, located at 201 Church Street in Downtown Nevada City, is "unsafe, substandard, overcrowded, and functionally deficient." The proposed project will address the physical and functional deficiencies of the existing courthouse space. The AOC, in conjunction with the Nevada City community, is in the process of determining the feasibility of building the proposed project on the Existing Courthouse site. At the same time, the AOC is also investigating other sites for the proposed project, since the Existing Courthouse site may not be feasible. The Cement Hill site is considered in this Draft EIR at an equal level of analysis throughout Chapter 4. Other potential sites are discussed in lesser detail in Chapter 6, Alternatives.

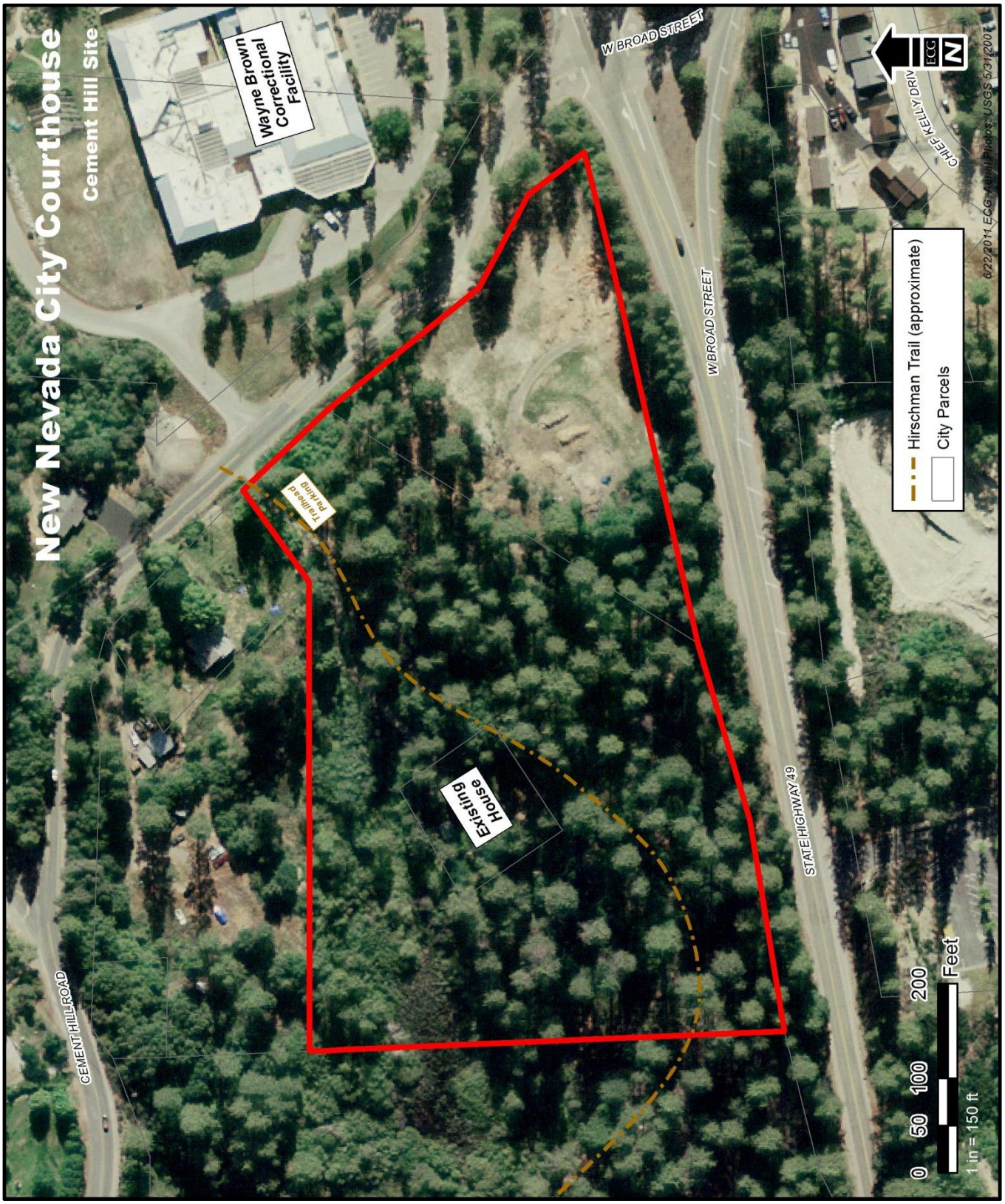
Source: The Ervin Consulting Group, 2011

Exhibit 3-3 **Existing Courthouse Site**



Source: The Ervin Consulting Group, 2011

Exhibit 3-4 **Temporary Court Site**



Source: The Ervin Consulting Group, 2011

Exhibit 3-5 **Cement Hill Site**

Other sites identified by the AOC during the December 2010 public meeting and during the Notice of Preparation public scoping meeting, but determined to be infeasible, include:

- Nevada City Elementary School
- Willow Valley Road
- Chief Kelly Drive / Hwy 49
- 747 Zion at Argall Way
- 170 Ridge Road
- Nevada City Armory, 161 Nevada City Hwy
- Rankin Trailer Park- Zion Street
- Highway 49 Corridor Site B
- Nevada City Tech Center
- Elks Lodge Highway 49
- USFS Site

Please see Chapter 6, Alternatives for a full discussion regarding why these sites were considered to be infeasible and are not further analyzed in this Draft EIR.

3.5 PROJECT OBJECTIVES AND DESIGN PRINCIPLES

A primary and fundamental objective of the proposed project is to develop a new courthouse facility to improve safety and security by increasing secure movement within the building and to provide sufficient capacity to the public, litigants, jurors, and families who are served by California's courts. Other project objectives include the following:

- Improve access to justice. The existing courthouse is overcrowded, which affects scheduling, public services, jury services, and the general administration of justice. A new courthouse would improve access to justice by providing additional facilities to meet the Superior Court's demands and provide improved accessibility;
- Create a modern, secure courthouse for centralized proceedings for Nevada County, and for the provision of basic services currently not adequately provided. These services include appropriately-sized jury assembly and deliberation rooms, adequately-sized in-custody holding, attorney interview/witness waiting rooms, and security screening for all Superior Court users;
- Provide for additional and efficient parking for courthouse users; and
- Create operational efficiencies and on-going savings through the consolidation of Superior Court services.

The AOC's proposed courthouse design would conform to the specifications of the California Trial Court Facilities Standards (Judicial Council, 2006). These standards include:

- Court buildings shall represent the dignity of the law, the importance of the activities within the courthouse, and the stability of the judicial system;
- Court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located;
- Court buildings shall represent the best in architectural planning, design, and contemporary thought, and shall have requisite and adequate spaces that are planned and designed to be adaptable to changes in judicial practice;
- Court buildings shall be economical to build, operate, and maintain;
- Court buildings shall provide a healthy, safe, and accessible environment for all occupants; and

- Court buildings shall be designed and constructed using proven best practices and technology with careful use of natural resources.

The AOC will also apply the following codes and standards to the proposed project:

- California Building Code (edition in effect as of the commencement of the schematic design phase of the proposed project);
- California Code of Regulations (CCR) Title 24;
- California Energy Code;
- ADA and American Disability Act Accessibility Guidelines (Section 11); and
- Division of the State Architect's Access Checklist.

The proposed project would implement sustainable elements throughout its design, operation, and maintenance. Pursuant to the California Trial Court Facilities Standards, the proposed project would be designed for sustainability and, at a minimum, to the standards of a Leadership in Energy and Environmental Design (LEED) certified rating. Design components that qualify for LEED credits that the AOC will consider during design include those that increase energy efficiency, water efficiency, stormwater runoff quality, and decrease stormwater quantiity, vehicle miles traveled, etc. The proposed project would be designed to the specifications of the LEED Silver rating and the AOC will seek certification of the Silver rating by the US Green Building Council.[2]

The AOC would implement the proposed project in compliance with standard conditions and requirements for state and/or federal regulations or laws that are independent of CEQA compliance. The standard conditions and requirements serve to prevent specific resource impacts. Typical standard conditions and requirements include the following:

- California Building Code
- Uniform Fire Code
- National Pollutant Discharge Elimination System (NPDES) for construction activities
- Public Resources Code (PRC) §5097 for the discovery of unexpectedly encountered human remains
- Northern Sierra Air Quality Management District (NSAQMD) rules

The proposed project, using the California Trial Court Facilities Standards, would incorporate specific design elements into the construction and operation to reduce some potential environmental effects. For example, the parties constructing and/or operating the proposed project would use BMPs and technologies aimed at conserving natural resources and limiting operating costs over the life of the building. Because the AOC is incorporating these design features into the project description, the design features do not constitute mitigation measures as defined by CEQA.

3.6 PROJECT CHARACTERISTICS

3.6.1 PROJECT DESIGN AND OPERATION

The AOC proposes to construct a six-courtroom, full-service courthouse for the Superior Court. The project is estimated to be approximately 84,000 BGSF. The new courthouse will replace the court space and functions in the existing Nevada City Courthouse and courthouse annex, and will include court support space for court operations, court administration, criminal/civil/traffic/family law divisions, collaborative court, jury assembly

[2] A copy of LEED requirements can be found at http://www.usgbc.org/ShowFile.aspx?DocumentID=7244.

and jury services, self-help, court security operations and holding, and building support space. No expansion in the number of courtrooms or staffing is proposed.

The proposed project will include surface parking spaces for staff, jurors, and the general public, and secure parking spaces in the basement of the courthouse. The specific building design and plan will depend on the final site selected and may vary in the number of floors and the need for a mechanical penthouse.

BUILDING AND SITE REQUIREMENTS

The building footprint is based on preliminary space allocation per floor. The site calculations include the building footprint, site elements, landscaping, and site setbacks. The calculation of site acreage needed has been done on a formula basis, which assumes a flat site. The approach does not take into account any environmental factors, topographic features, or other unique characteristics of a site, and thus should be viewed as only a guide to site acreage requirements. Because of site constraints for both the Existing Courthouse and Cement Hill sites, Table 3-1 delineates the minimum site area to accommodate the needs of the proposed project based on an assumed 3-story building plus basement.

Table 3-1 Preliminary Space Allocation Needs

Site Component	Project Need		Comments
	GSF	Acres	
Court Structure	32,683	0.75	3-story with basement footprint and 20" setback, as identified in Test Fit Diagram
Site Elements	1,268	0.03	Loading Bay, Refuse/ Recycling Collection, Emergency Generator, Bicycle Parking Area, Outdoor Staff Area
Parking	73,500	1.69	Visitor, Juror and Staff Parking - Assume up to 35 spaces per courtroom (35 x 6 = 210), and 350 SF per space
Total Site Requirements	**107,451**	**2.47**	

Notes: GSF = gross square feet.

Building design will be completed during the preliminary planning phase of the project after a site is acquired. The quality of design would be consistent with other courthouse designs approved by the AOC and would also include design characteristics that consider the specific location of the project. Exhibit 3-6 and Exhibit 3-7 provide two recent examples of courthouses constructed or soon to be constructed by the AOC, and exemplify the unique designs developed for specific environments. Design criteria for the proposed project are provided in the California Trial Court Facilities Standards approved by the Judicial Council in 2006 (Appendix H).

The key standards that affect the size of the building and the required site include:

- A sally port for the secure transport of in-custody defendants
- Central holding facilities
- Courtroom holding facilities
- Three separate circulation paths into the courtrooms for the general public, in-custody defendants, and judges
- A single public entrance with screening equipment including magnetometer and package weapons scanner
- Structural bay width of 32 to 36 feet for courtrooms
- Floor-to-floor height of 14 to 16 feet
- Ceiling height of 12 feet in courtrooms

Source: AOC, 2009

Exhibit 3-6 **Design Example: Plumas/Sierra Counties Courthouse**

Source: AOC, 2011

Exhibit 3-7 **Design Example: Calaveras County Courthouse (Architect's Model)**

- Twenty-foot setbacks from vehicular roadways to courthouse buildings
- Twenty-five foot setbacks from on-site surface parking to courthouse buildings
- Separate jury assembly and deliberation rooms
- Adequate queuing areas at all public counters

3.6.2 SITE-SPECIFIC DESIGN CONSIDERATIONS

EXISTING COURTHOUSE SITE

To accommodate the proposed project at the Existing Courthouse site, the court functions would be temporarily relocated to new modular buildings adjacent to the Correctional Facility, and the existing courthouse, annex, and preschool structures would be demolished and the sites cleared. A feasibility study commissioned by the AOC generated a set of "test fit diagrams" that show how the site could potentially accommodate a structure to meet the courthouse requirements, as presented in Exhibit 3-8 through Exhibit 3-10. The test fit diagrams illustrate a 3-story courthouse with public access off of Church Street, secure access off North Pine Street, and a secure basement, with a required 20 foot buffer area surrounding the building. ***These drawings are illustrative only, developed solely to determine potential physical site feasibility and the potential extent of development impacts regarding area and height.*** As noted above, the architect will begin more detailed and site-specific design of the courthouse after the AOC completes due diligence, decides whether or not to approve the project, and a site is selected and acquired.

Parking would be provided on the two sites to the north and northeast, as shown on Exhibit 3-8. The preschool building would be demolished and the preschool site would be cleared to construct parking on the site. The existing county parking lot would be repaved.

Temporary Court Site

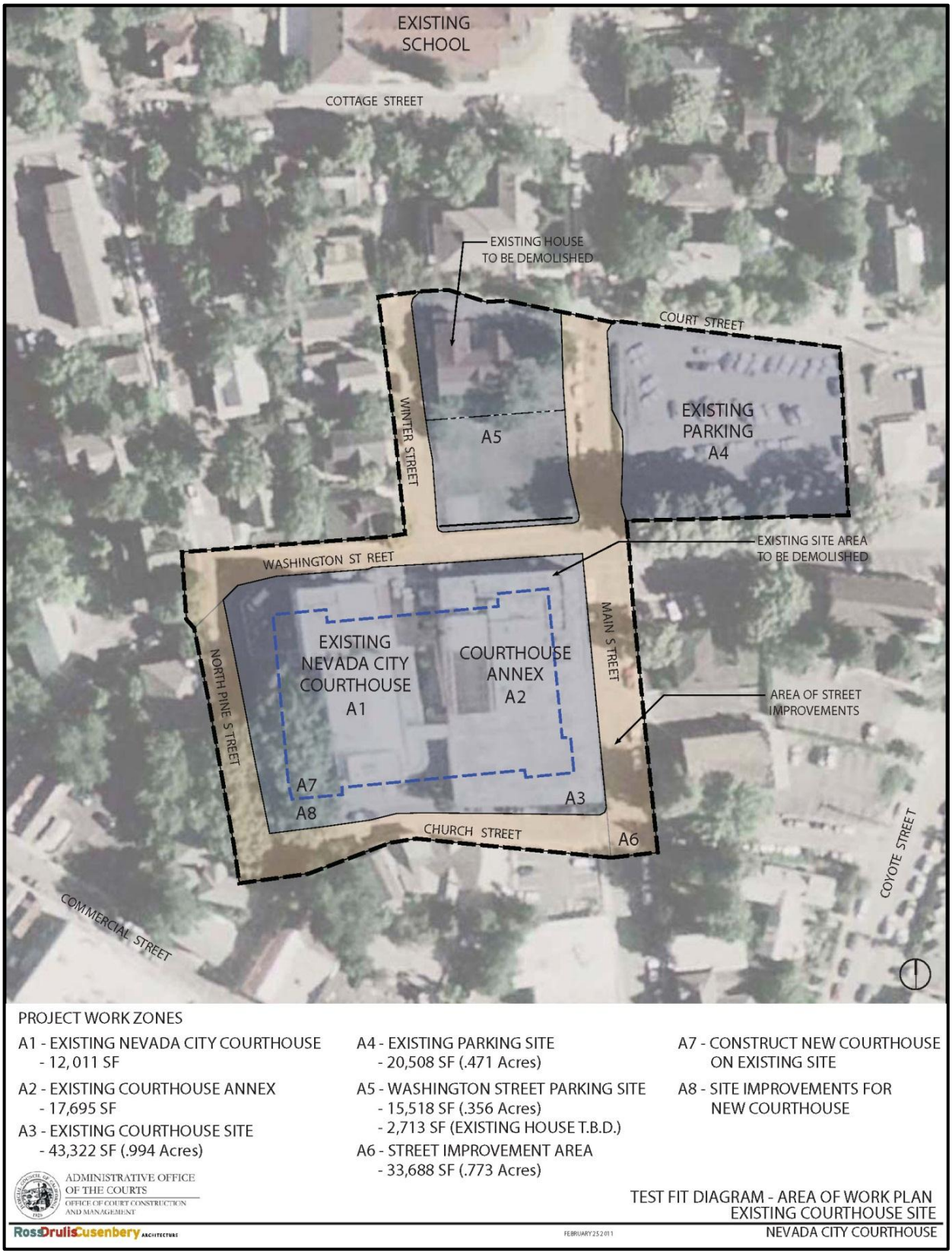
The temporary court facilities at the Government Center are presented in Exhibit 3-11 through Exhibit 3-13. The vacant land surrounding the Correctional Facility would accommodate a criminal court facility to be connected to the north, and a civil court facility connected to the east. The temporary criminal court building could be constructed from approximately 30 12-ft modular buildings, containing three courtrooms and associated administrative functions. A temporary civil court building could similarly be constructed from approximately 29 12-ft modular buildings, containing three courtrooms and associated administrative functions.

It is anticipated that the temporary facilities would be constructed during the design phase for the Existing Courthouse site.

CEMENT HILL SITE

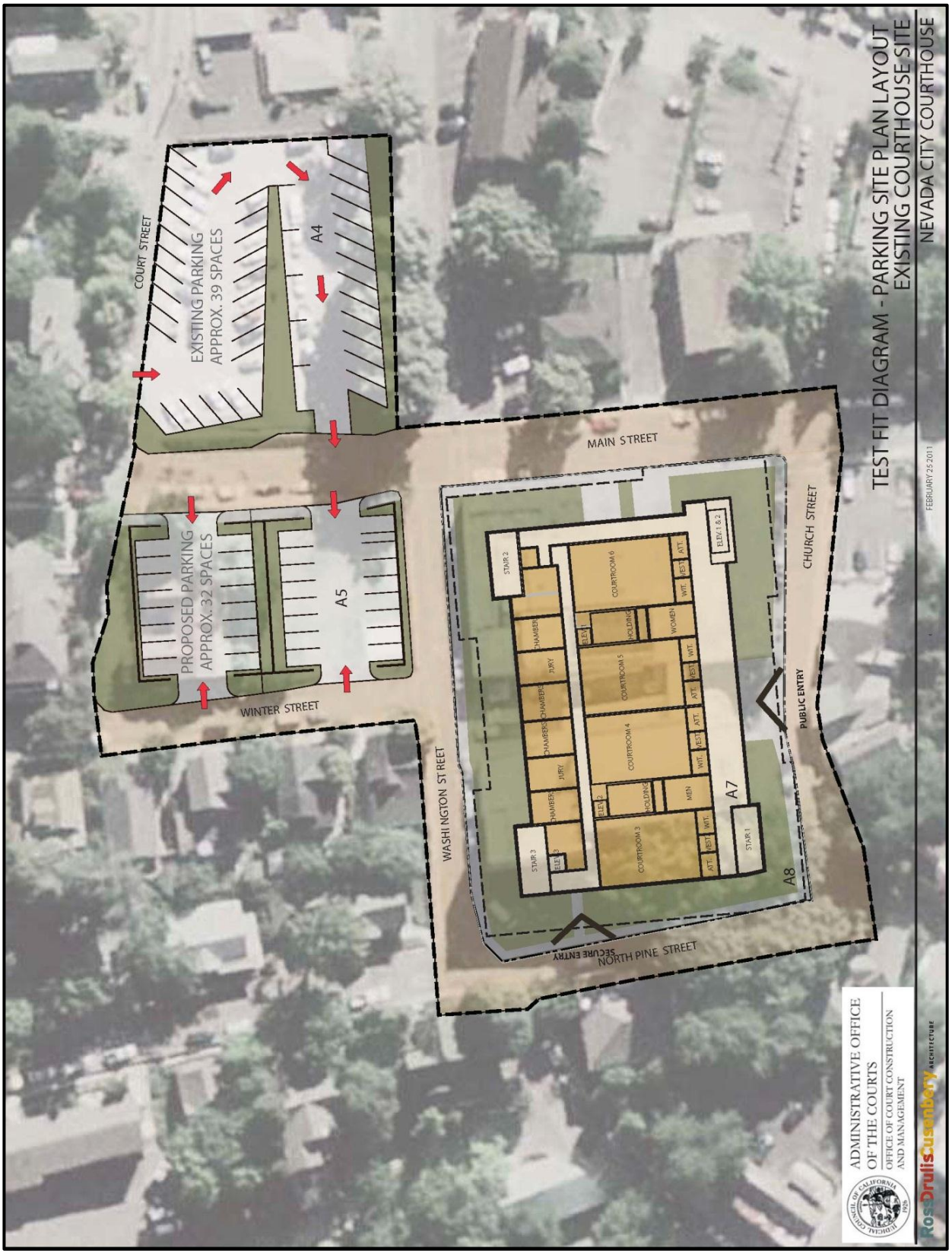
Although the entire Cement Hill site encompasses 7.2 acres, the AOC anticipates only using 2.5 acres nearest the corner parcel for the courthouse, and only relying on the city-owned land to the extent needed to accommodate parking. The corner parcel is highly disturbed, and the existing elevated area appears to be fill dirt. The AOC has discussed the potential of excavating the fill dirt, and constructing a 3-story courthouse with basement within the existing disturbed area. The basement would be only partially excavated. Surface parking would be designed into the remaining site based on existing site constraints such as the Hirschman's Trail, streams, historic mining, or other site constraints.

The existing courthouse would remain in use until the new courthouse is completed and then all court functions would be relocated to the new building. There are no current proposals for a subsequent use of the existing courthouse after the court vacates the building.



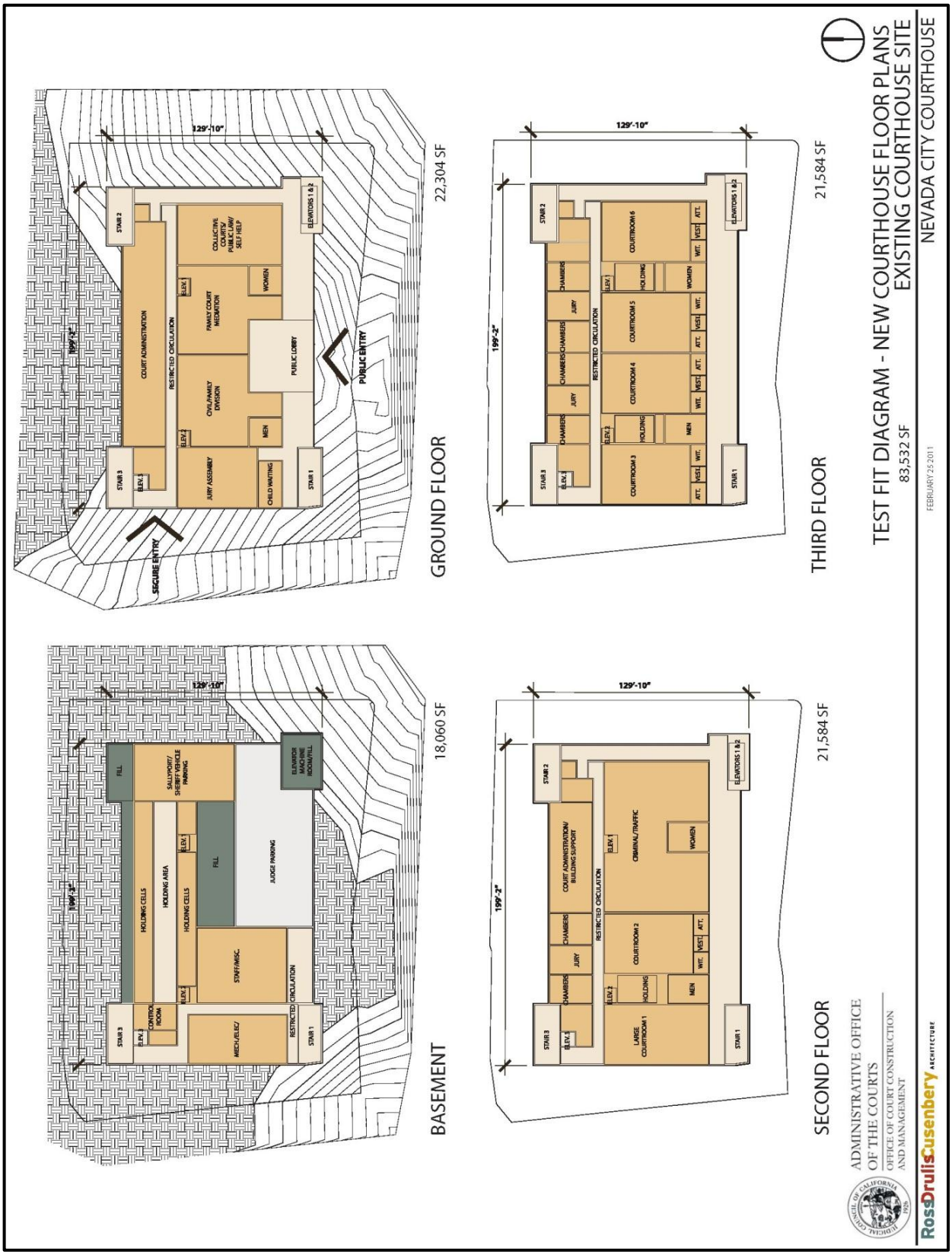
Source: RossDrulicCusenbery, 2011; Formatted by ECG, 2011. ***NOTE: ILLUSTRATIVE FOR PLANNING PURPOSES ONLY***

Exhibit 3-8 **Existing Courthouse Site**
Test Fit Diagram – Area of Work Plan



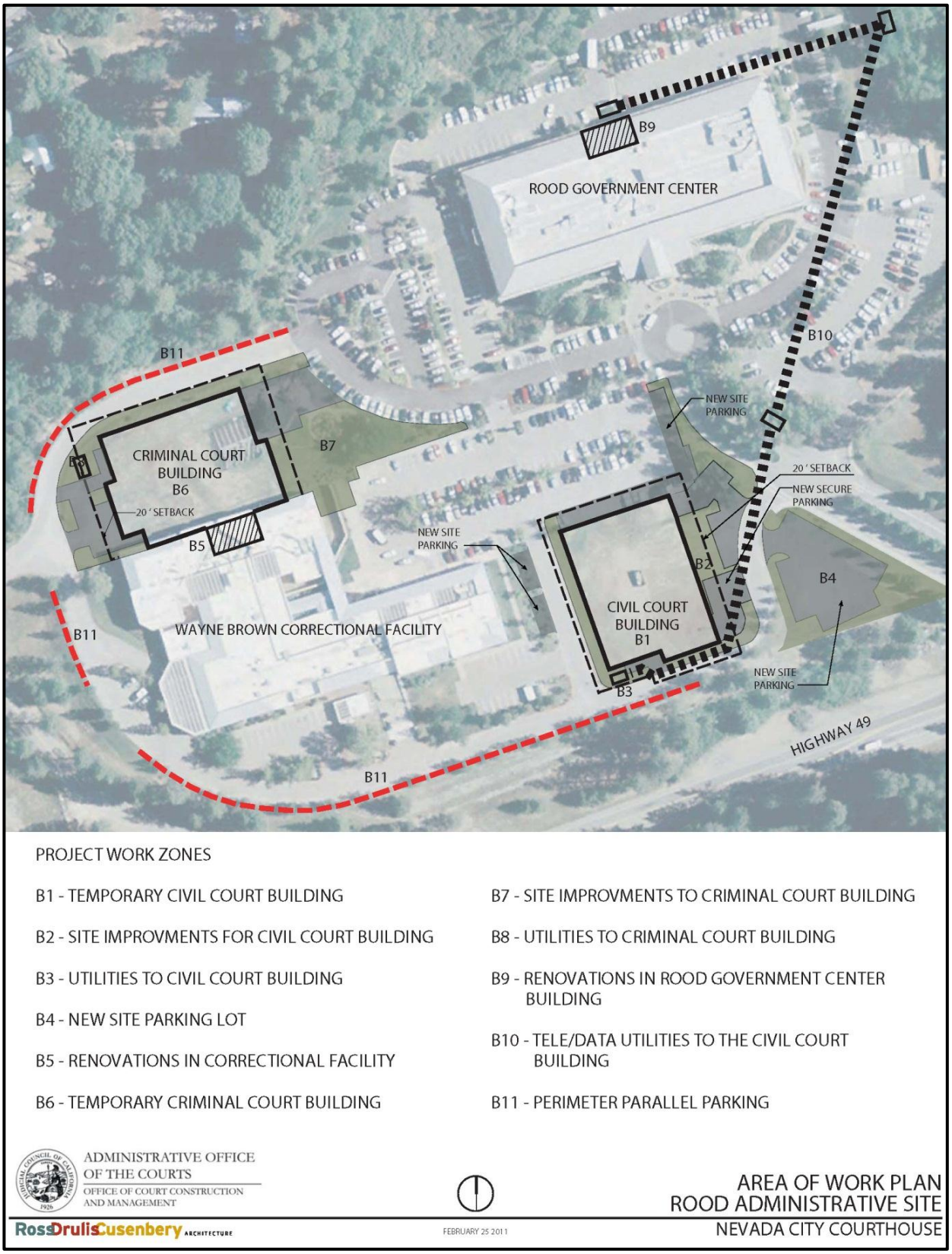
Source: RossDrulicCusenbery, 2011; Formatted by ECG, 2011. ***NOTE: ILLUSTRATIVE FOR PLANNING PURPOSES ONLY***

Exhibit 3-9 **Existing Courthouse Site**
Test Fit Diagram – Potential Parking Layout



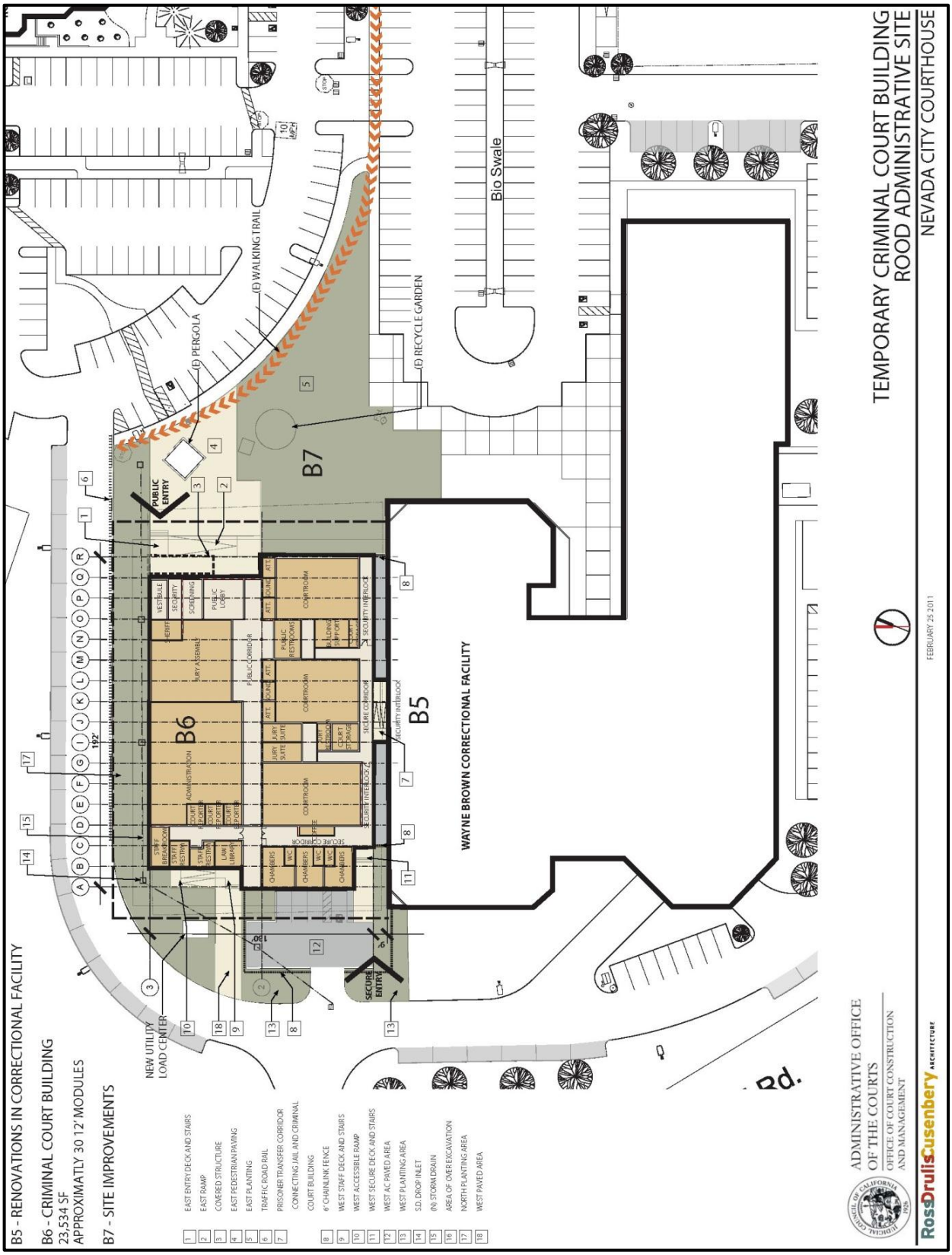
Source: RossDrulicCusenbery, 2011; Formatted by ECG, 2011. ***NOTE: ILLUSTRATIVE FOR PLANNING PURPOSES ONLY***

Exhibit 3-10 **Existing Courthouse Site**
Test Fit Diagram – Possible Floor Plans



Source: RossDrulicCusenbery, 2011; Formatted by ECG, 2011. ***NOTE: ILLUSTRATIVE FOR PLANNING PURPOSES ONLY***

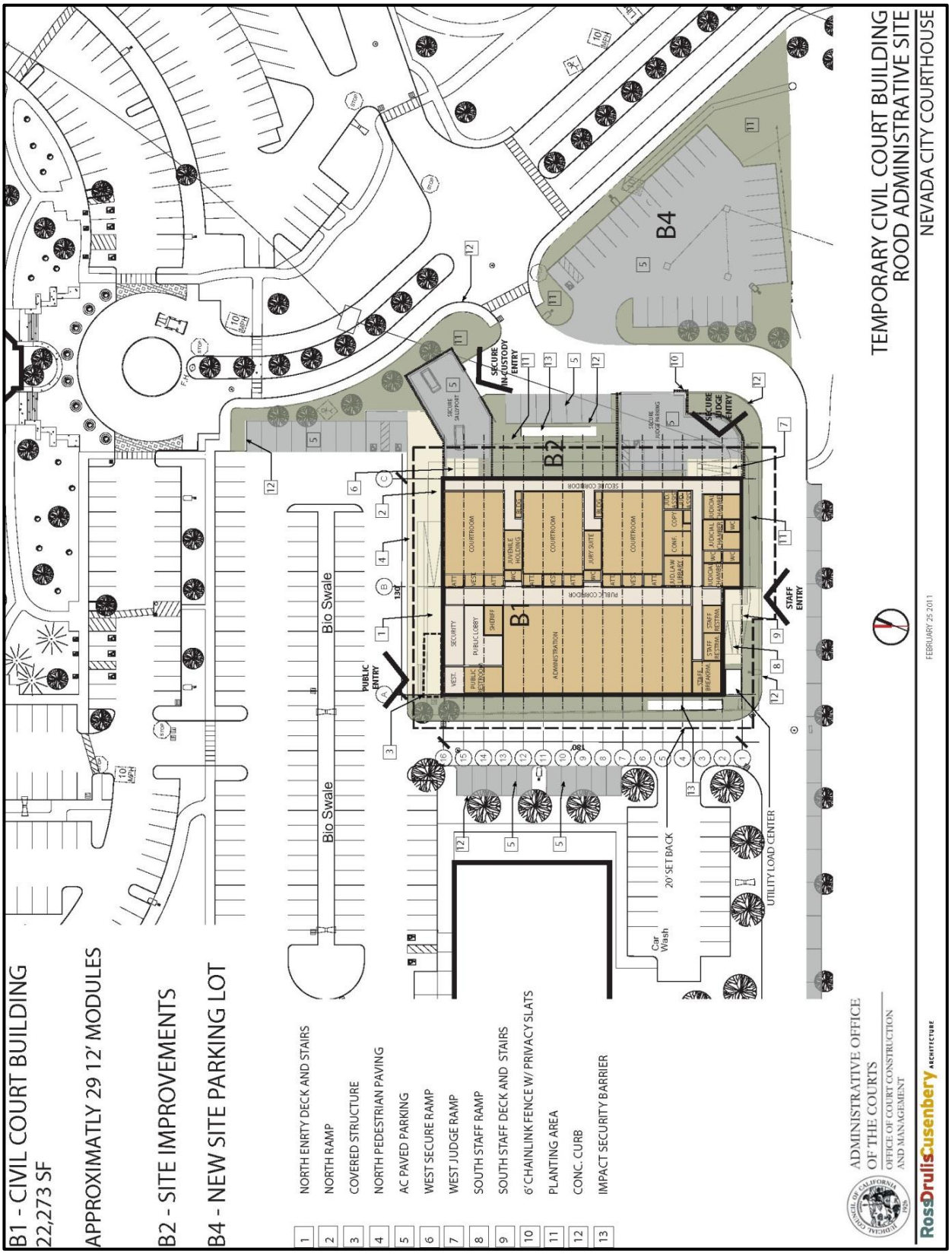
Exhibit 3-11 **Temporary Court Site**
Test Fit Diagram – Potential Area of Work



Source: RossDrulicCusenbery, 2011; Formatted by ECG, 2011. ***NOTE: ILLUSTRATIVE FOR PLANNING PURPOSES ONLY***

Exhibit 3-12

Temporary Court Site
Test Fit Diagram – Criminal Court Building



Source: RossDrulicCusenbery, 2011; Formatted by ECG, 2011. ***NOTE: ILLUSTRATIVE FOR PLANNING PURPOSES ONLY***

Exhibit 3-13 **Temporary Court-Site Test Fit Diagram – Civil Court Building**

3.6.3 PROJECT ACCESS, CIRCULATION, AND PARKING

The two sites are each located within a unique local transportation network, and proximity to available parking differs for each site, therefore proposed access, circulation, and parking scenarios are unique to each site and are described separately.

EXISTING COURTHOUSE SITE

The Existing Courthouse site is bound by Washington Street on the north, Church Street on the south, North Pine Street on the west and Main Street on the east. Freeway access to the site is provided to and from southbound SR-49 via Coyote Street and northbound off-ramp access and southbound on-ramp access via Broad Street. Parking may be provided at 215 Washington Street and at the county-owned surface parking lot located at the northeast corner of Main and Washington streets. With these additional two sites the existing site totals approximately 1.83 acres. It is not known yet whether or not the adjacent sites will be needed for parking.

Temporary Court Site

The Temporary Court site is located on the northeast corner of Cement Hill Road/SR-49. If the proposed project is constructed on the existing downtown site, the court functions would be temporarily relocated to vacant parcels near the Correctional Facility. The site has two access points at Maidu Avenue and at Cement Hill Road.

CEMENT HILL SITE

The Cement Hill site is located on the northwest corner of Cement Hill Road/SR-49. The site is directly across the street from the Correctional Facility. Primary access to this facility would be via the north leg of the Cement Hill Road/SR-49 intersection. Ingress and egress would be anticipated to occur off Cement Hill Road.

3.6.4 UTILITIES

EXISTING COURTHOUSE

The Existing Courthouse is fully served by water, sewer, and drainage infrastructure. The City Engineer has indicated that all utilities at the existing site are adequate for the new building (Falconi, 2011).

Temporary Court Site

The Temporary Court site is fully served by existing on-site water, sewer, and drainage infrastructure. The City Engineer has indicated that all utilities at the Government Center are adequate to service a temporary courthouse (Falconi, 2011).

CEMENT HILL

The Cement Hill site relies on surface drainage facilities and an existing culvert that crosses under SR-49. Water infrastructure is located in Cement Hill Road, and water supply is provided by the Nevada Irrigation District (NID). Water supply to this site would be considered a new water demand. Sewer infrastructure is located in the SR-49 ROW at Maidu Avenue. Access to the sewer line would require approximately 1,000 feet of new sewer line along the Caltrans ROW (Falconi, 2011).

3.6.5 PROJECT CONSTRUCTION SCHEDULE AND ACTIVITIES

The selected site would be acquired in late 2011/early 2012. Construction for the Existing Courthouse site would begin in 2013 with construction of the temporary court facilities at the Temporary Court site, with demolition of the existing site in 2014 and project completion by 2016. Building occupancy would be completed by late-2016. Construction for the Cement Hill site would begin in 2013 and be completed by 2015. Building occupancy would be completed by late 2015.

Construction would commence no earlier than 7:00 a.m. and would cease no later than 9:00 p.m. on weekdays, consistent with the local noise ordinance. Construction work might occur on Saturdays; if so, it would commence no earlier than 9:00 a.m. and cease no later than 6:00 p.m.

Construction workers would be encouraged to carpool or take transit to the site and would report to a designated on-site staging area. The construction contractors would install fencing around the perimeter of the construction area.

Construction equipment necessary for site preparation includes a grader, dozer, loader/backhoe, and water truck. During building construction, a crane, two forklifts, and a loader/backhoe would be necessary regardless of which site is selected. Paving would require cement mixers, a paver, a roller, and a loader/backhoe.

EXISTING COURTHOUSE SITE

Construction of the proposed project on this site would include demolition of the existing courthouse and annex structure, the construction of a courthouse building including secure parking, modification of utilities, possible demolition of a residential structure and construction of new parking at 215 Washington Street, and renovation of the county-owned surface parking lot located at the northeast corner of Main and Washington streets.

It is anticipated that during demolition, the buildings would be braced to keep anything from falling on adjacent buildings and keep the buildings stable enough to protect workers. The Courthouse and Annex are three-story structures with basements. The roof structures would need to be removed by a crane, cut, and what could not fall through to the ground hoisted out. The top one and one half to two stories may be demolished by hand from outside with manlifts to the point where mechanical hydraulic excavator demolition equipment could be used safely. The granite blocks that comprised the west wall of the historic jail facility, still visible in the northwest corner of the current courthouse, would be remove and stored, as well as any other historic features identified for preservation and reuse. Hydraulic excavators are similar to a backhoe on track, with a big long arm with a bucket on end and a claw, which grabs portions of building and brings it in on itself; the first and second floors could be demolished with an excavator.

All demolition activity would happen from the back until the major portion of building is hauled off. Construction equipment anticipated on the site would include a crane for a short period, manlifts, a hydraulic excavator, bobcat for small cleanup, and dump trucks.

Debris removal would involve high side end dump trucks, coming in and out of Washington Street from Coyote Street, and would likely take the demolition debris to the Nevada County landfill for recycling and disposal. Although no specific information is available at this early stage, similar three-story historic building demolitions indicate there could be five to six loads per day, 10 at most during the peak, with trucks anticipated entering and exiting Washington Street about once every two hours.[3] The length of time needed for demolition will depend on the volume of materials and the level of historic preservation.

[3] David Holloway, Sterling-Holloway Contractors, 10/26/02 for the Ebner Hotel Demolition Project, Sacramento.

Once demolition is complete and the site is cleared, construction activities would include excavation, framing, and architectural coating. Construction staging would be located onsite or on the 215 Washington Street parcel. A single lane closure on Washington Street between Winter Street and Main Street may be required to allow additional room for laydown and construction worker access.

Temporary Court Site

Construction of the temporary court facilities would involve minor grading, site preparation, utility extensions, paving, and assembly of temporary, prefabricated modular buildings adjacent to the existing Correctional Facility. The temporary criminal court building could be assembled from approximately 30 12-ft modular buildings, and a temporary civil court building could similarly be constructed from approximately 29 12-ft modular buildings. One or both of these buildings could be dismantled or reused upon completion and occupation of the new downtown courthouse.

Cement Hill Site

The Cement Hill site would require grading and excavation of existing fill dirt, as well as demolition and clearance of the existing single-family dwelling. The construction contractor would reuse and keep a maximum amount of soil material on-site. Where there is excess soil material, this material may be exported to an off-site location.

3.6.6 Environmental Protection Measures—Construction

The AOC will utilize BMPs and other measures throughout the construction phase to avoid or minimize potential impacts. These BMPs and other measures include, but are not limited to:

- General measures:
  - Designate a contact person for public interaction.
  - Inform the community through the use of a website that identifies the upcoming work and potential impacts to the surrounding communities.
- Stormwater, water quality, and soil erosion management measures:
  - The Administrative Office of the Courts (AOC) design and construction contracts will include provisions that require the development of a SWPPP by a Qualified Service Developer (QSD). The SWPPP will need to be approved by the CVRWQCB. In addition, the construction contractor will need to engage a Qualified Service Practitioner (QSP) to implement the approved SWPPP. Prior to the start of construction, the AOC will ensure that the SWPPP was prepared and approved by the CVRWQCB.
  - The construction contractor will incorporate BMPs consistent with the guidelines provided in the *California Storm Water Best Management Practice Handbooks: Construction* (California Stormwater Quality Association, 2003).
  - For construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fences, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, and/or other measures.
  - Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.

- Air quality management measures. Consistent with NSAQMD rules the construction contractor will:
  - Apply water or a stabilizing agent when necessary to exposed surfaces to prevent generation of dust plumes.
  - Moisten or cover excavated soil piles to avoid fugitive dust emissions.
  - Discontinue construction activities that generate substantial dust blowing on unpaved surfaces during windy conditions.
  - Install and use a wheel-washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the proposed project site.
  - Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions.
  - Ensure that all construction and grading equipment is properly maintained.
  - Ensure that construction personnel turn off equipment when equipment is not in use.
  - Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.
  - When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
  - Suspend heavy-equipment operations during first-stage and second-stage smog alerts.
- Noise and vibration measures. The construction contractor will:
  - Install sound barriers around the perimeter of the proposed project site when engaging in activities that will produce a prolonged noise exposure exceeding the City's noise ordinance.
  - Ensure that construction operations do not use impact or sonic pile drivers. Piles that are screwed into the ground are appropriate.
  - When feasible, for construction operations use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.

3.6.7 REQUIRED PROJECT APPROVALS

The AOC is the agency responsible for certifying the CEQA document and approving the proposed project. The State of California Public Works Board is responsible for approving the acquisition of the site for the proposed project.

Because the AOC is the lead agency and is acting for the State on behalf of the Judicial Council, local government land use planning and zoning regulations would not apply to the proposed courthouse project.

Chapter 4

ENVIRONMENTAL ANALYSIS

Draft Environmental Impact Report
New Nevada City Courthouse

4 ENVIRONMENTAL ANALYSIS

4.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS

This environmental impact report (EIR) has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) and the State of California (State) CEQA Guidelines. Chapter 4 contains discussions of the environmental setting, thresholds of significance, environmental impacts, mitigation measures, and levels of significance after mitigation. The issues evaluated in Chapter 4 consist of the significant and potentially significant environmental issue areas identified for review in the Notice of Preparation (NOP), found in Appendix A. The sections in Chapter 4 are organized into the following major components.

4.0.1 EXISTING SETTING

The *Existing Setting* subsection presents the existing regional and local environmental conditions, in accordance with State CEQA Guidelines Section 15125. This subsection describes the baseline conditions against which the environmental impacts associated with the proposed project are assessed. In accordance with CEQA Guidelines Section 15125(a), the environmental baseline, as analyzed in this EIR, is the environmental setting as it existed at the time the NOP was published on March 4, 2011.

4.0.2 REGULATORY SETTING

The *Regulatory Setting* provides a summary of federal, state, and local regulations, plans, policies, and laws that are relevant to each issue area.

4.0.3 ENVIRONMENTAL IMPACTS

This subsection presents thresholds of significance used in the Draft EIR and discusses significant effects on the existing environmental conditions associated with the proposed project, in accordance with State CEQA Guidelines Sections 15126(a) and 15143. The thresholds of significance are presented at the beginning of each subsection. Project impacts are numbered sequentially by section and impact number throughout these sections. That is, impacts in Section 4.2 are numbered 4.2-1, 4.2-2, 4.2-3; and impacts in Section 4.3 are numbered 4.3-1, 4.3-2, and so on. A bold font impact statement precedes the discussion of each impact and provides a summary of each impact and its level of significance. The discussion that follows the impact statement includes the substantial evidence upon which a conclusion is made as to whether the impact would be significant or less than significant. A summary discussion of cumulative and growth-inducing impacts is provided in Chapter 5.

The analysis of environmental impacts considers both the construction and operational phases associated with the implementation of the proposed project. Both sites under consideration, the Existing Courthouse site including the Temporary Court site at the Nevada County Government Center, and the Cement Hill site, are specifically addressed at an equal-level of analysis.

The Administrative Office of the Courts (AOC) is not subject to local land use regulations. However, land use regulations can define the planning context of an area and inform mitigation requirements, and are considered in the evaluation of the project's impacts.

4.0.4 MITIGATION MEASURES

Following the individual impact discussions, potentially feasible mitigation measures are identified to avoid or reduce significant effects associated with the proposed project, in accordance with State CEQA Guidelines Sections 15002(a)(3), 15021(a)(2), and 15091(a)(1). The mitigation measures are numbered corresponding to the impacts that they address. For example, Mitigation Measure for Impact 4.2-1 would mitigate Impact 4.2-1.

4.0.5 SIGNIFICANCE AFTER MITIGATION

Following the individual mitigation measures, a conclusion is provided regarding whether mitigation measures would or would not reduce an impact to a less-than-significant level. The conclusion is presented in accordance with State CEQA Guidelines Section 15126(b), which requires identification of significant and unavoidable impacts. Significant and unavoidable impacts are also summarized in Chapter 2, Executive Summary, of this document.

4.1 AESTHETICS

Draft Environmental Impact Report
New Nevada City Courthouse

JUDICIAL COUNCIL OF
EUREKA

CHAPTER 4
ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

This section addresses the aesthetics and visual quality that could be affected by the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada County Government Center (Government Center), or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). This section describes the existing aesthetic setting of each project site, the regulatory background that applies to the project, and the aesthetic resource impacts associated with implementation of the proposed project. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15125(a), the environmental baseline, as analyzed in this Draft Environmental Impact Report (EIR), is the environmental setting as it existed at the time the Notice of Preparation (NOP) was published, March 4, 2011.

Comments were received in response to the NOP (located in Appendix B) regarding the need for future local review of any courthouse design and the need to adopt a design that is contextually sensitive, and regarding concerns regarding light pollution affecting impacts on residents.

4.1.1 EXISTING SETTING

The following text describes the existing visual character of each of the potential project sites and surrounding land. The descriptions of existing conditions are accompanied by photographs of representative views taken during site visits on February 4th, March 22nd, April 26th, and June 16th 2011. The locations of project site photos and viewpoints are identified in Exhibit 4.1-1.

VISUAL CHARACTER OF THE POTENTIAL PROJECT SITES

Existing Courthouse Site

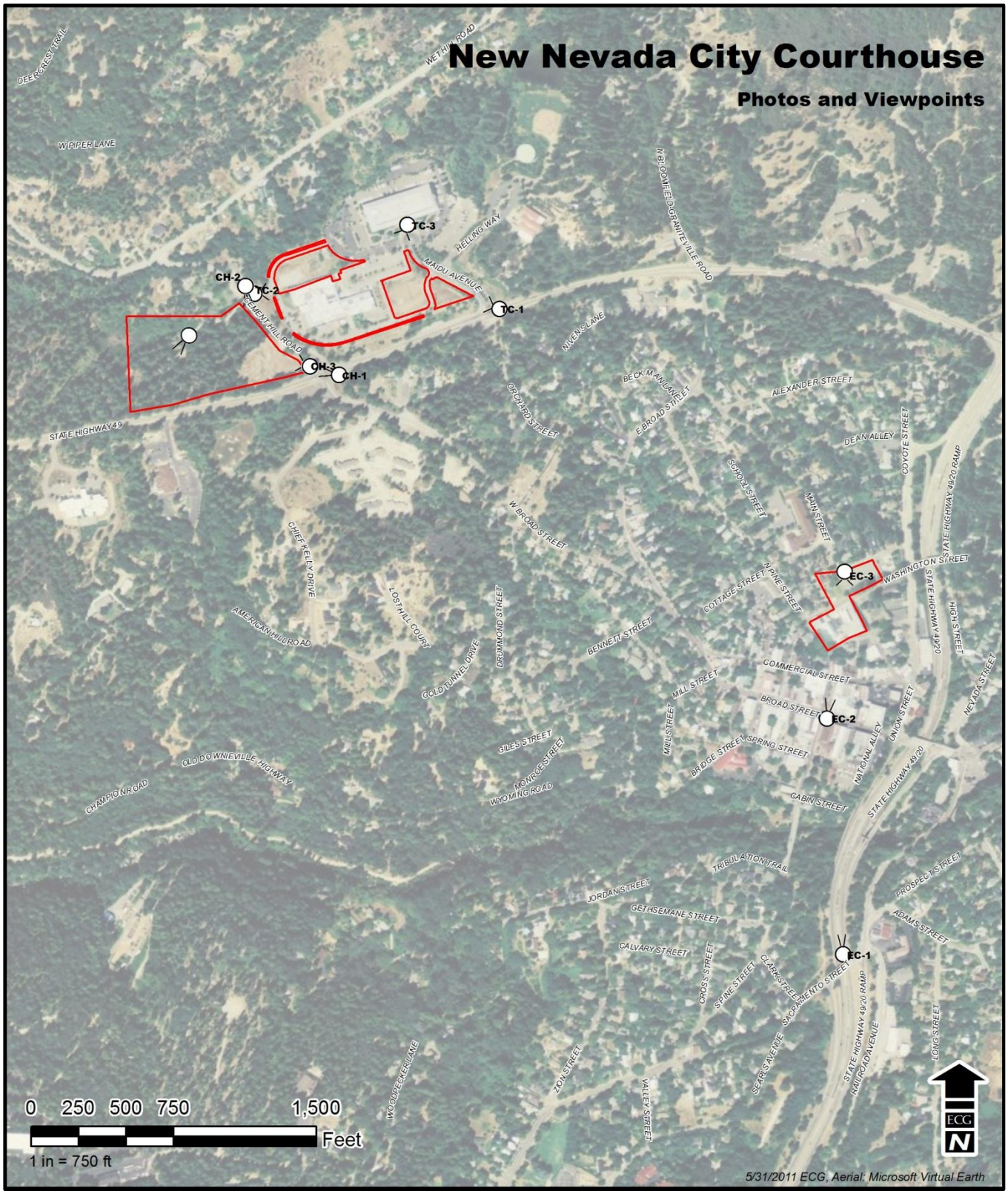
The historic courthouse and annex structures occupy a 0.88-acre site comprising of a city block in Downtown Nevada City (City). Parking is proposed for the 0.34-acre parcel immediately to the north (across Washington Street) and on the 0.38-acre existing Nevada County (County)-owned courthouse parking lot to the northeast (across Washington and Main streets). In addition, use of the existing courthouse site would require the relocation of the court functions to a temporary facility at the Government Center. An aerial view of the site is provided in Exhibit 4.1-2.

- **Existing Courthouse and Annex**

  The existing historic art deco courthouse occupies the west half of the site while the eastern half is occupied by the 1970s Courthouse Annex. The site slopes dramatically along all four sides, with the corner of Church and Main streets (southeast) being the lowest point. The main entrance and façade of the existing courthouse structure is on Church Street, to the south. The south side ground floor of the Annex structure consists of secured parking.

- **215 Washington Street**

  The property immediately to the north of the existing courthouse complex is a former residential property currently used as a preschool with a grass play yard. The former residential structure is on the north end of the parcel and the yard is surrounded on three sides by a six-foot chain link fence. There is a random rubble block wall with boardwalk along Washington Street. An asphalt access drive with space for parallel parking makes up the northern boundary of the parcel.

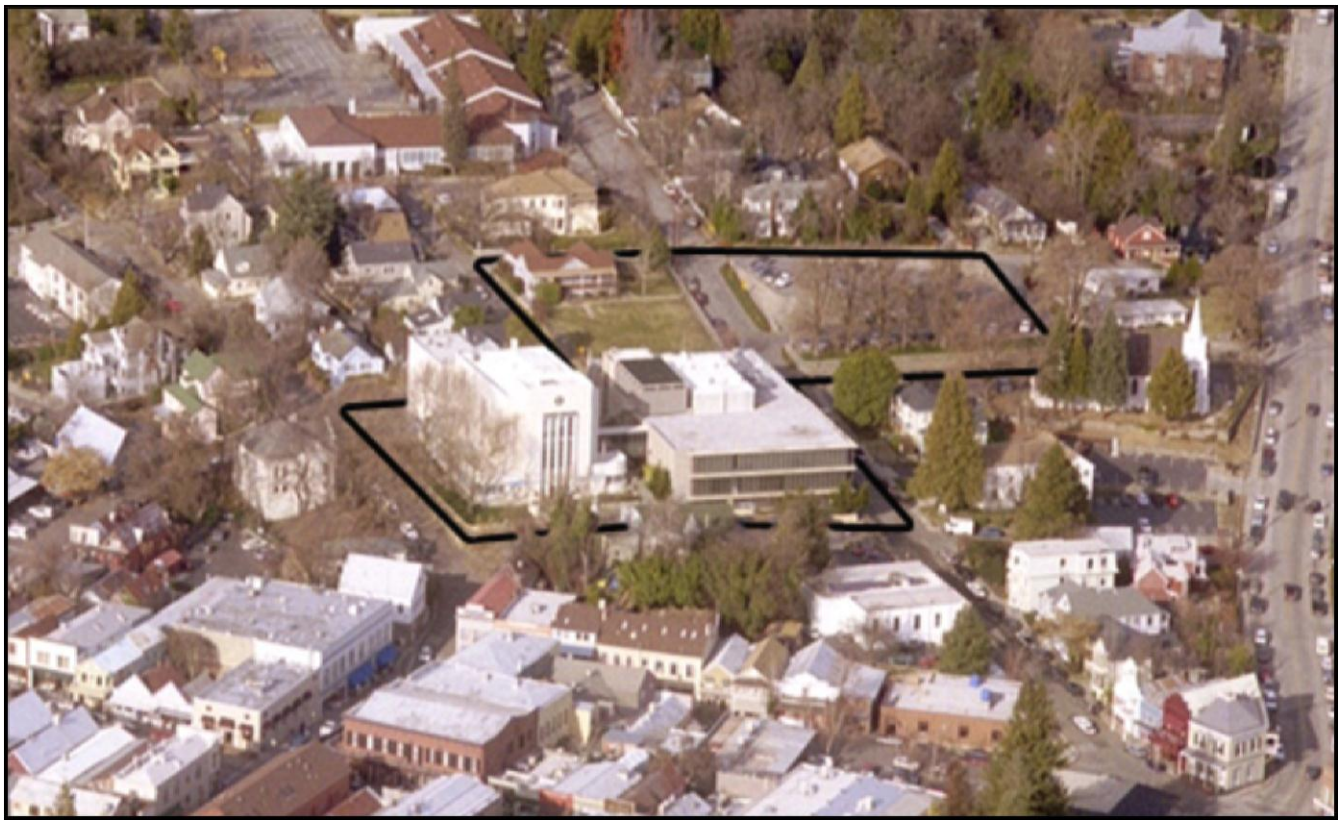


Source: The Ervin Consulting Group, 2011

Exhibit 4.1-1 **Viewpoint Locations**

- **Temporary Court Site**

  The Temporary Court site is mostly flat, located approximately 10 to 15 feet above SR-49 on the Government Center campus. Two portions of the campus could be used to house the temporary court facilities. To the east of the Wayne Brown Correctional Facility (Correctional Facility) and south of the Eric W. Rood Administrative Center (Rood Center) is a graded pad that is currently grass covered. To the north of this facility is currently a community demonstration garden planted in 2005[1] and additional graded area reportedly used as a stormwater retention area (Falconi, 2011). The demonstration garden is shown in Exhibit 4.1-3.



Source: Douglas Keachie, © 2007

Exhibit 4.1-2: Aerial Photo of Existing Courthouse Site

Cement Hill Site

This almost 7.7-acre site is located along SR-49 at Cement Hill Road. The site consists of three parcels, each with a distinct visual character. The parcel that faces the intersection is currently used as a wood yard. There are screening trees along both SR-49 and Cement Hill Road, but the majority of the parcel has been cleared of all vegetation. The majority of the remainder of the site consists of dense forest over undulating mine tailings (see Section 4.4, Cultural Resources for a description of the historic mine tailings). The northwestern area is characterized by an emergent wetland at the site of the hydraulic mining retention pond (see Section 4.3, Biological Resources for a description of the emergent wetlands). The only structure on the site is a residence in

[1] Irving, Kathy. (n.d.). Seed of Life Garden. http://www.seedoflifegarden.com/recycledemo.html.

the forested area (Exhibit 4.1-4). The main portion of this small home has a gambrel roof and there are several additions.

Source: The Ervin Consulting Group, 2011

Exhibit 4.1-3: Demonstration Garden on Temporary Court Site

Source: Historic Environment Consultants, 2011.

Exhibit 4.1-4: Existing Residence on Cement Hill Site

VISUAL CHARACTER OF THE AREA SURROUNDING THE POTENTIAL PROJECT SITES

Existing Courthouse Site

The land surrounding this potential project site consists entirely of developed properties. The site is located in Downtown Nevada City, the county seat of Nevada County. First settled in 1849 and incorporated in 1856, Nevada City developed as one of the centers of the California Gold Rush and much of the architecture in the vicinity is typical of that period. The general character of the surrounding area includes:

- **North:** Immediately to the north of the Existing Courthouse site are several residences. These homes are located across Washington Street from the historic courthouse and across Court Street from the County-owned court parking lot. The residences along North Pine, Winter, Main and Court streets are all typical of construction between 1890 and 1910 with wood siding in shingle or American foursquare style.
- **East:** Directly across Main Street from the Annex building is the First Baptist Nevada City Church, a Federal and Gothic Revival-style structure. Uphill from the church is an American foursquare and federal-style building. East down Washington Street from the courthouse and south of the existing parking lot is the steepled St. Canice Catholic Church built in 1864. Adjacent to the parking lot to the east are the St. Canice auxiliary buildings in ranch style.
- **South:** Immediately to the south of the existing courthouse complex are several small historic structures housing law offices and the Nevada City Historical Society. The City slopes away to the south, leaving the courthouse prominently displayed atop a hill and visible from much of the central business district as well as from the northbound SR-49 entrance to the City.
- **West:** As with the south, immediately to the west the land slopes away quickly leaving the courthouse in a prominent visual location. Directly across North Pine Street lies the Nevada City Library, a significant historic structure.

Temporary Court Site

The land surrounding the site for the potential temporary court facility consists mostly of coniferous forest and wetlands. The area was heavily placer mined and the undulating ground of the site and its surroundings are a result of this hydraulic mining. The site is located outside of the Downtown area on SR-49 and is therefore sparsely developed with primarily residential uses beyond the adjacent Cement Hill site. The general character includes:

- **North:** Immediately to the north of the potential site is the Rood Center. North of the Government Center campus are several rural homes accessed from Wet Hill Road. These homes range in age from 20 to 80 years and are not fully visible from Wet Hill Road. Most appear to be of basic design. Across Wet Hill Road to the north, the rural residential area continues. However, due to the dense coniferous forest, nothing is visible beyond the Government Center campus. To the west lies a large granite rock on Cement Hill Road at the west entrance to the Government Center, likely exposed by the heavy hydraulic mining in the area.
- **East:** To the east of the potential site across the Government Center parking lot lies the Madelyn Helling Library. The library building is not visible from the potential temporary court facility. It is a modern structures with ground floors approximately 10 to 15 feet above the level of SR-49 at Cement Hill Road.
- **South:** Across SR-49 to the south the view is limited to coniferous forest. Just beyond the trees lies several homes (accessed off West Broad Street and Conley Street or off Orchard Street). These homes are varied, being built as early as 1890 and as late as 1993. None of these homes are visible from the site.
- **West:** To the west of the Temporary Court site and continuing into the perceivable distance is dense coniferous forest. The “woodlot” discussed below as part of the Cement Hill site is partially visible from the potential temporary criminal court building.

Cement Hill Site

The land surrounding this potential site consists mostly of coniferous forest and wetlands. The area was heavily placer mined and the undulating ground of the site and its surroundings are a result of this hydraulic mining.

The site is located on the exterior edges of the city limits and is therefore sparsely developed with primarily residential uses beyond the adjacent Government Center. The general character includes:

- **North:** Immediately to the north of the potential site are two rural homes. These homes are of unknown age and are not fully visible from Cement Hill Road. Across Cement Hill Road to the north the rural residential area continues. Most appear to be of ranch or prairie style architecture. To the northeast lies a large granite rock, likely exposed by the heavy hydraulic mining in the area.
- **East:** To the east of the potential site lie the Correctional Facility and the Rood Center. Both are modern structures with ground floors approximately 10 to 15 feet above the level of SR-49 at Cement Hill Road.
- **South:** Across SR-49 to the south the view is limited to coniferous forest. Just beyond the trees lies a group of newly-developed homes (accessed off West Broad Street and Chief Kelley Drive) and, further to the west, the Nevada City Elks Lodge (1996). Further to the west is the modern Carl F. Bryan II Regional Juvenile Hall. Both the Elks Lodge and Juvenile Hall are set well off SR-49 and behind dense stands of conifers.
- **West:** The western portion of the site and continuing into the perceivable distance is dense coniferous forest. The terrain is undulating due to the mining tailings. As discussed in Section 4.3, Biological Resources, the western portion of the site also contains an emergent wetland. To the northwest – following Hirschman Trail through the forest – lies Hirschman Pond, partially visible from above on Indian Flat Road.

REPRESENTATIVE VIEWS OF THE PROJECT SITES

Methodology

In order to evaluate visual impacts key viewpoints are selected which are representative of the most critical locations from which the project would be seen. Viewpoints are often located in an effort to evaluate impacts on visual resources with various levels of sensitivity, in different landscape types and terrain, and from various vantage points. *Critical* viewpoints are defined as being those sensitive public views that would be most affected by the project (e.g., the greatest intensity of impact due to viewer proximity to the project and project visibility, duration of the affected view, etc.). Typical critical viewpoint locations include:

- Along major or significant travel corridors
- At key vista points
- In proximity to existing uses
- At significant recreation/attraction areas

An important assumption in assessing aesthetics is not necessarily related to aesthetic appeal. Landscape components and areas may be visually significant even though they would otherwise appear unexceptional. Therefore the method of describing the baseline for the visual impact analysis measures visual *sensitivity* rather than aesthetic appeal. The degree of visual sensitivity is treated as occurring at one of four levels as follows:[2]

- **High Sensitivity**. High sensitivity suggests that there is great potential for the public to react strongly to any lessening of visual quality. Concern is expected to be great because the affected views are rare,

[2] Headley, Lawrence. (2007). The visual modification class approach to assessing impacts on aesthetics/visual resources. Lawrence Headley and Associates.

unique, or are special to the region or locale. A highly concerned public is assumed to be more aware of any given level of adverse change and less tolerant than a public that has little concern. A small modification of the existing landscape may be visually distracting to a highly sensitive public and represent a substantial reduction in visual quality.

- **Moderate Sensitivity**. Moderate sensitivity suggests that there is substantial potential for the public to voice some concern over visual impacts of moderate to high intensity. Often the affected views are secondary in importance or are similar to others commonly available to the public. Noticeably adverse changes would probably be tolerated if the essential character of the views remains dominant.

- **Low Sensitivity**. A small minority of the public may have a concern over scenic/visual resource impacts on the affected area. Only the greatest intensity of adverse change in the condition of aesthetics/visual resources would have the potential to register with the public as a substantial (significant) reduction in visual quality.

- **No Sensitivity.** There is no scenic/visual resource or potential.

Visual Conditions are expressed in terms of four Visual Modification Classes (VMCs), defined below. The highest quality landscapes are those that are Visual Modification Class 1, in which all features and their distribution, as well as sources of lighting, appear to be characteristic of the established setting, and past actions have not introduced incongruous changes or altered viewing conditions, nor have such actions adversely affected the coherence (scale, pattern, organization, composition) of the landscape and its lighting.

- **VMC 1** – Not noticeable

  Changes in the congruence and/or coherence of the landscape that have occurred in the past, or may potentially occur in the future due to a proposed project – generally – would be overlooked by all but the most concerned and interested viewers. They generally would not be noticed unless pointed out (inconspicuous because of such factors as distance, screening, low contrast with context, or other features in view, including the adverse impacts of past activities). Historically available and important views remain unencumbered and are accessible.

- **VMC 2** – Noticeable, visually subordinate

  Changes in the congruence and/or coherence of the landscape that have occurred in the past, or may potentially occur in the future due to a proposed project would not be overlooked (noticeable to most without being pointed out). They may attract some attention but do not compete for it with other features in the field of view, including the adverse impacts of past activities. Such changes often are perceived as being in the background. And/or: historically available scenic views have become partially blocked and/or the vantage points have become physically inaccessible.

- **VMC 3** – Distracting, visually co-dominant

  Changes in the congruence and coherence of the landscape that have occurred in the past, or may potentially occur in the future due to a proposed project, would compete for attention with other features in view (attention is drawn to the change about as frequently as to other features in the landscape). And/or: historically available scenic views have become substantially blocked and/or the vantage points have become inaccessible.

- **VMC 4** – Visually dominant, demands attention

  Changes in the congruence and/or coherence of the landscape that have occurred in the past, or may potentially occur in the future due to a proposed project, would be the focus of attention and tend to

become the subject of the view. Such changes often cause a lasting impression of the affected landscape. And/or: historically available scenic views have become totally blocked and/or the vantage points have become inaccessible.

The VMC definitions apply to the description of existing visual conditions of critical public views, as well as to the potential future visual conditions resulting from the project under consideration.

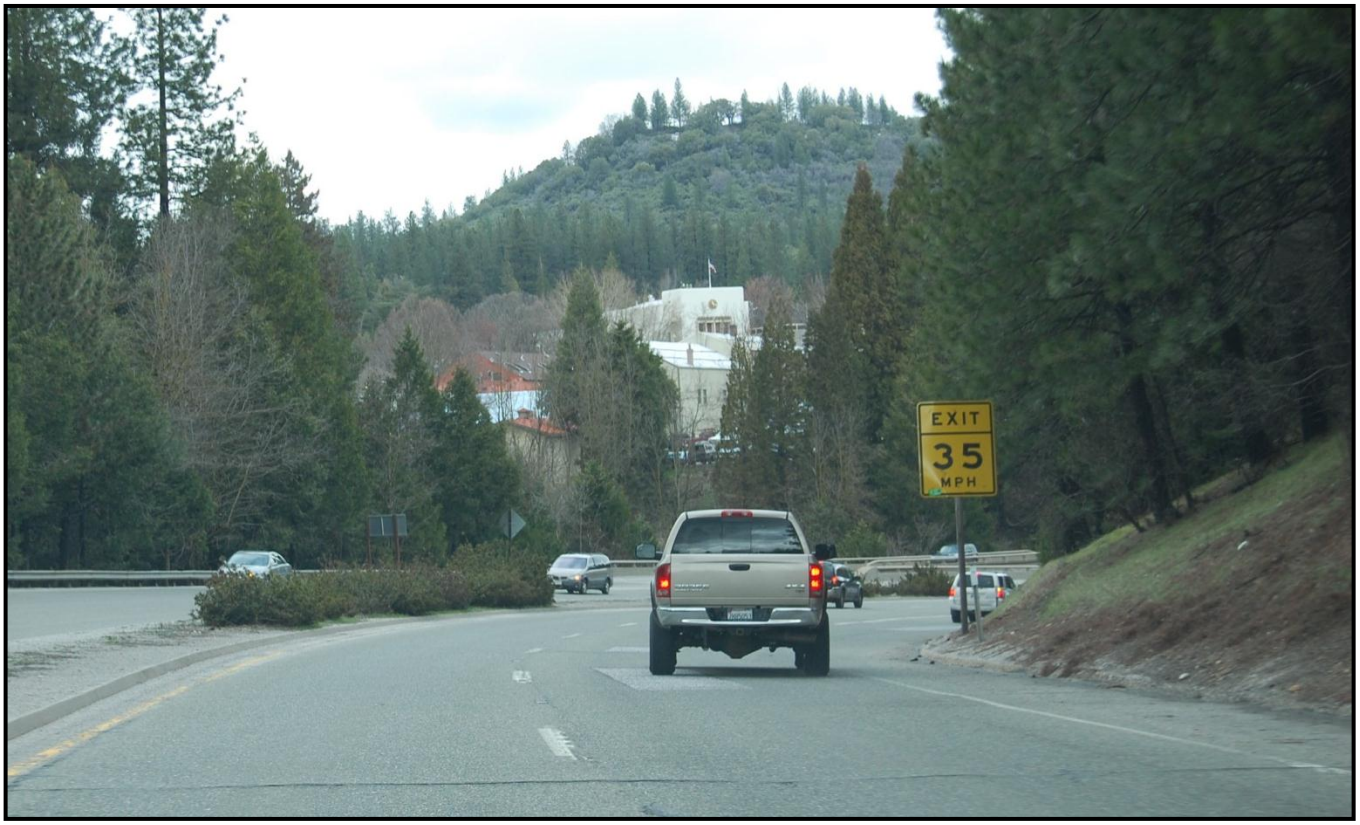
The following critical viewpoints were selected to provide an overall impression of the visual character of each of the potential project sites and their degree of visual sensitivity was assessed (see previous Exhibit 4.1-1). The current VMC was then determined for each viewpoint.[3]

- Existing Courthouse Site
  - Viewpoint EC-1: Existing Courthouse Site from SR-49 at Sacramento Street
  - Viewpoint EC-2: Existing Courthouse Site from Broad and South Pine Streets
  - Viewpoint EC-3: Existing Courthouse Site from the Court Street Parking Lot
- Temporary Court Site
  - Viewpoint TC-1: Temporary Court Site from SR-49 at Maidu Avenue
  - Viewpoint TC-2: Temporary Court Site from Cement Hill Road at the Government Center Entrance
  - Viewpoint TC-3: Temporary Court Site from the Rood Center
- Cement Hill Site
  - Viewpoint CH-1: Cement Hill Site from SR-49 and West Broad Street
  - Viewpoint CH-2: Cement Hill Site from Cement Hill Road at the Government Center Entrance
  - Viewpoint CH-3: Cement Hill Site from Cement Hill Road near SR-49

[3] Note that all photographs used for representative viewpoints were taken using a 50mm focal length, which is commonly known as the focal length that best simulates natural human eyesight.

Existing Courthouse Site

Viewpoint EC-1



Source: The Ervin Consulting Group 2011

Exhibit 4.1-5: Viewpoint EC-1: Existing Courthouse Site from SR-49 at Sacramento Street

This viewpoint is representative of the views of the Existing Courthouse site while entering the City from the south, which is the primary entrance to the City and provides access to Interstate 80 (I-80). The historic courthouse structure defines the City's skyline. Its white façade is in high contrast to the surrounding coniferous forest and therefore is immediately recognizable from the freeway. Other white and terra cotta-colored structures in the skyline contribute, but the existing courthouse structure – or any future structure of similar massing constructed on this site – provides the first impression of the City. Because nearly everyone who enters Nevada City is greeted by this view and the project site is dominant, this viewpoint is classified as having **high sensitivity**.

The historic courthouse structure is dominant in this critical viewpoint, has been so for more than a generation, and is generally considered to be the defining feature of this view. No significant changes to this view have been made that could be considered noticeable since the modification of the courthouse in 1936. Therefore, the existing VMC of this viewpoint is determined to be **Class 1**.

Viewpoint EC-2

Source: Historic Environment Consultants 2011

Exhibit 4.1-6: Viewpoint EC-2: Existing Courthouse Site from Broad and South Pine Streets

Viewpoint EC-2, taken from street level on Broad Street, provides views of the potential project site from the busy Downtown area. Broad Street provides primary access to the city center from SR-20/49 (Golden Center Freeway) and is one of the busiest streets in the community. Also shown in this viewpoint is the impact that a tall courthouse on the site has on the visual setting. The relatively tall structure on top of a hill is visually dominant from many areas of the commercial district. The deciduous trees shown in front of the structure help to soften its impact, especially during spring and summer months. Because of the dominance of the project site over views at this heavily visited portion of the City, this viewpoint is classified as having **high sensitivity**.

The historic courthouse structure is dominant in this critical viewpoint, has been so for more than a century (see Exhibit 4.4-2, Cultural Resources), and is generally considered to be the defining feature of this view. No significant changes to this view have been made that could be considered noticeable in many years except for the methodical restoration of many of the Downtown structures and features to their historic designs. Therefore, the existing VMC of this viewpoint is determined to be **Class 1**.

Viewpoint EC-3

Source: The Ervin Consulting Group, March 22, 2011

Exhibit 4.1-7: Viewpoint EC-3: Existing Courthouse Site from the Court Street Parking Lot

This viewpoint shows the view of the existing courthouse complex from the rear, or uphill, side. Residents to the north of the project will view this side of the structure on a regular basis. From this elevated level, the courthouse's size remains prominent but the 1970s Annex structure significantly lessens its impact. There is very little presence to the structure in the rear since the front of the complex was designed as its only public entrance. Because the parking lot and yard have no vertical massing, the courthouse complex defines this view. This viewpoint is classified as having **low sensitivity** because it will be viewed by only a small portion of the public. In addition, changes to the view would likely be tolerated if the essential character (massing of the buildings) remained similar.

The existing courthouse structure is dominant in this critical viewpoint; it has been so for over a century and is generally considered to be the defining feature of this view. However, the addition of the Annex building is visually co-dominant to the main courthouse and generally considered to detract from the view. The historic view from this portion of the City (including the historic courthouse) was substantially blocked by the addition of the Annex. Therefore, the existing VMC of this viewpoint is determined to be **Class 3**.

Temporary Court Site

Viewpoint TC-1

Source: The Ervin Consulting Group, June 16, 2011

Exhibit 4.1-8: Viewpoint TC-1: Temporary Court Site from SR-49 at Maidu Avenue

This viewpoint shows the Temporary Court site from SR-49 at the entrance to the Government Center. Currently, views onto the site are blocked by a row of evergreen and deciduous trees along SR-49. A potential temporary civil court building would likely be located on this site nearest this intersection as shown in the test fit diagrams in Chapter 3, Project Description. Just visible through the screening trees is the Rood Center. This viewpoint is classified as having **moderate sensitivity**, as it is located on a scenic highway.

While views to the project site are important to the community, the existing character is of a developed government complex and does not contribute to the scenic qualities of the highway. The VMC of this critical view has been determined to be **Class 2** because the Government Center – especially its large sign – is noticeable, but visually subordinate to the abundant conifers. The adverse impacts of past activities – including the grading and deforesting of the site – have remained in the background of the view.

Viewpoint TC-2

Source: The Ervin Consulting Group, June 16, 2011

Exhibit 4.1-9: Viewpoint TC-2: Temporary Court Site from Cement Hill Road at the Government Center Entrance

Viewpoint TC-2 shows the entrance to the Government Center campus from Cement Hill Road. This driveway serves the Correctional Facility and the Rood Center and would be a point of access for the temporary court. The site is elevated above street level as shown here. The Cement Hill site is immediately across Cement Hill Road to the right. The dense coniferous forest and underbrush in the left of the photo is typical of the majority of the views from the site. This view will be seen by relatively few people, but it is one of only two entrances to the Government Center. Because the view will be seen by relatively few people and is dominated by the Correctional Facility, this viewpoint is classified as having **low sensitivity**.

The VMC of this viewpoint has been determined to be **Class 3.** While much of the forest remains visible and prominent around the site, construction of the Correctional Facility has detracted from the view and changed it from primarily forest to primarily urban. The adverse impacts of past activities–including the deforesting and construction of the Government Center–compete for attention with the historical view of a narrow mountain road.

Viewpoint TC-3

Source: The Ervin Consulting Group, June 16, 2011

Exhibit 4.1-10: Viewpoint TC-3: Temporary Court Site from the Rood Center

This panorama shows the view from the Rood Center. The viewpoint was selected because it represents the best view of the interior of the site that would be publically accessible. The City has improved walking routes throughout the site. The temporary court facility would be split into two structures, including a criminal court building on the western portion of the site (right in photo) and a civil court building on the south portion of the site (left in photo) as shown in the test fit diagram in Chapter 3, Project Description. Because this view is currently of urbanized character and will be viewed by a small portion of the population, this viewpoint is classified as having **moderate sensitivity**. The County has taken great care to ensure that the Government Center campus is well maintained. This viewpoint has been assigned a VMC of **Class 3**. While the view is typified by a government structure and parking lot, it is this character that visitors and employees of the Government Center facilities would like to preserve.

Cement Hill Site

Viewpoint CH-1

Source: The Ervin Consulting Group, June 16, 2011

Exhibit 4.1-11: Viewpoint CH-1: Cement Hill Site from SR-49 and West Broad Street

This viewpoint shows the only view the majority of the population will see if the project is constructed at this site. Currently, views onto the site are blocked by a row of evergreen and deciduous trees along both SR-49 and Cement Hill Road. A potential courthouse would likely be located on this site nearest this intersection, due to other site constraints. Just visible through the screening trees is the wood cutting yard that currently defines the character of this portion of the site. This viewpoint is classified as having **moderate sensitivity**, as it is located on a scenic highway. While views to the project site are important to the community, the majority of the public opinions received express that the existing conditions of the site detract from the visual resource as a whole.

The VMC of the Cement Hill site for this viewpoint has been determined to be **Class 2** because the current use of the site as a wood yard is noticeable, but visually subordinate to the abundant conifers. The adverse impacts of past activities – including the grading and deforesting of this portion of the site – have remained in the background of the view.

Viewpoint CH-2

Source: The Ervin Consulting Group, June 16, 2011

Exhibit 4.1-12: Viewpoint CH-2: Cement Hill Site from Cement Hill Road at the Government Center Entrance

Viewpoint CH-2 shows the entrance to the existing residence on the Cement Hill site. This private driveway also serves as the trailhead for Hirschman's Trail. The site is surrounded on its street frontages by drainage ditches as shown here. The Correctional Facility at the Government Center is immediately across Cement Hill Road to the left. The dense coniferous forest and underbrush in the right of the photo is typical of the majority of the site. This view will be seen by relatively few people, but it is an integral part of the trailhead for an important recreational resource. Because the view is a part of the Hirschman's Trail, this viewpoint is classified as having **moderate sensitivity**.

The VMC of the Cement Hill site for this viewpoint has been determined to be **Class 3.** While much of the forest remains visible and prominent, the addition of driveways and utility lines have detracted from the view. The adverse impacts of past activities–including the deforesting and construction of the adjacent Government Center–compete for attention with the historical view of a narrow mountain road.

Viewpoint CH-3

Source: The Ervin Consulting Group 2011.

Exhibit 4.1-13: Viewpoint CH-3: Cement Hill Site from Cement Hill Road near SR-49

This panorama shows the state of the front portion of the site. The viewpoint was selected because it represents the best view of the interior of the site that would be publically accessible. The City has improved a bike trail along SR-49 that may eventually extend through this portion of Cement Hill Road and connect to the Hirschman Trail. The wood cutting yard is mostly clear, with some grasses and low vegetation at its periphery. The center of the cleared area is defined by the elevated area at the interior and the depression (foreground) that is below the grade of SR-49 (left). The existing topography of this portion of the site would lend itself to a courthouse with a basement level accessible from the south (left) and a main entrance to the north (right) as shown in the test fit diagram in Chapter 3, Project Description.

Because this view is currently of low scenic quality and will be viewed by a small portion of the population, this viewpoint is classified as having **low sensitivity**. This viewpoint has been assigned a VMC of **Class 3**. While the wood yard is dominant in the view, it has been so for many years and has become a part of the landscape for many.

4.1.2 REGULATORY SETTING

STATE

California Scenic Highway Program

The California Department of Transportation (Caltrans) manages the California Scenic Highway Program. The goal of the program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to highways. The closest scenic highways to the potential project sites are SR-49 and State Route 20 (SR-20). Both highways are “eligible” for listing as a scenic highway. As shown in Viewpoint EC-1 (Exhibit 4.1-5, page 4.1-9), the historic courthouse structure is prominently visible from the Golden Center Freeway. The Cement Hill site is immediately adjacent to SR-49.

Although SR-49 and SR-20 are not officially designated, they could become so in the future. There are no known plans for the City or County to apply for official designation or to adopt a Corridor Protection Program. Official designation requires a local governing body to enact a Corridor Protection Program that protects and enhances scenic resources along the highway. A properly-enforced program can:

- Protect the scenic corridor from encroachment of incompatible land uses such as junkyards, dumps, concrete plants, and gravel pits, etc.
- Mitigate activities within the corridor that detract from its scenic quality by proper siting, landscaping, or screening
- Prohibit billboards and regulate on-site signs so that they do not detract from scenic views
- Make development more compatible with the environment and in harmony with the surroundings
- Regulate grading to prevent erosion and cause minimal alteration of existing contours and to preserve important vegetative features along the highway
- Preserve views of hillsides by minimizing development on steep slopes and along ridgelines
- Prevent the need for noise barriers (sound walls) by requiring a minimum setback for residential development adjacent to a scenic highway

California Trial Court Facilities Standards

The Administrative Office of the Courts (AOC), in accordance with rule 6.183 of the California Rules of Court, applies the *California Trial Court Facilities Standards* (*Standards*; Judicial Council of California, 2006) for design and construction of court facilities. The Standards are utilized with professional care as defined in the Agreement for Services between the AOC and consultants retained for specific projects, and are used in conjunction with applicable code and project requirements as the basis of design for new court facilities in California. For capital projects, the AOC and the local court establish an advisory group in accordance with California Rules of Court, rule 6.183(d); the advisory group assists the AOC with implementing the facilities standards for that specific building.

The Standards include many design principles and objectives. The most applicable design principles for the aesthetics analysis are listed below. The entire Standards document is included as Appendix H of this Draft EIR.

- Use site design to engage and reinforce the architectural design principles.
- Community and regional context: Local community groups' point of view must be considered in the design process. The siting of the court facility should take into consideration and ideally improve the existing context by complying with local restrictions and planning mandates, such as compatibility with neighboring land use and view corridors.
- Natural surveillance: The placement of physical features, activities, and people in such a way as to maximize visibility, thus preventing the opportunity of crime (e.g., proper placement of windows overlooking sidewalks and parking lots, using transparent vestibules at building entrances to divert persons to reception areas, etc.). This strategy can be supplemented with the use of security and police patrols and the application of closed-circuit television.
- Natural and constructed access control: Natural access control focuses on limiting and providing guided access through use of properly located entrances, exits, fencing, landscaping, sidewalks and roadways, signage, and lighting. This guidance helps deter access to a crime target and creates a perception of risk to a perpetrator.
- Territoriality: The use of physical attributes that express ownership such as fencing, pavement treatments, signage, and landscaping promotes a perception that these areas are controlled. In an area

that is physically designed to protect designated space, people are more likely to challenge intruders or report suspicious activity, and the design itself causes intruders to stand out.

- Consider airflow and microclimate when siting buildings; in hot climates, maintain airflow around buildings to reduce interior temperatures. Avoid creating enclosed areas, which can block airflow. Maximize solar orientation for outdoor seating and to cool the buildings.
- Building shape, size, and scale contribute to a facility's architectural and visual character. To convey human scale, and not overwhelm court users, massing and scale of all new construction shall be considered during planning and design. The following shall apply:
  - Building height and coverage may respect local zoning regulations, although such regulations do not strictly apply to state buildings.
  - Detail architectural elements of large buildings to maintain a sense of scale and sensitivity to the neighborhood context. Consider the visual and environmental effects that new and existing structures will have on the neighborhood, and on existing buildings located in the sphere of influence caused by shading or reflectance, changes in airflow, and views to and from existing buildings.
- Access to and from the courthouse must be safe, convenient, and consistent with universal design principles. If access involves crossing of streets, provide traffic control measures. On extremely busy streets, engage local government in discussion of potential for signalized pedestrian crossing to the courthouse from the parking area.

LOCAL

Nevada City Design Guidelines

As noted in the AOC design standards listed above, "building height and coverage may respect local zoning regulations, although such regulations do not strictly apply to state buildings." While not required, the AOC intends to consult local design guidelines, wherever feasible. In the City, the applicable guidelines include the Nevada City Design Guidelines adopted September 18, 1995. The following guidelines are applicable to the project and will be considered by the AOC:

> When a non-residential use is proposed in close proximity to existing residences or residentially zoned areas, the design should be accomplished to minimize impacts on existing or future residences. The intent should be to ensure that design aspects, which would not normally be expected in a residential neighborhood, are not visible from residences. For instance:
>
> - Signs should not be visible from existing or future residences unless the business is located directly across a street from the residences.
> - Internally lit signs should not be allowed in mixed-use areas and sign lighting shall be turned off after business hours.
> - Parking areas should not be visible from residences through proper placement or screening.
> - Site, signage, and interior lighting should not illuminate existing or future residences beyond existing levels.
>
> Architecture must exhibit high quality design, which is compatible and sympathetic to Nevada City's Mother Lode architecture incorporating traditional materials, building lines, features, and landscaping wherever possible. For instance:
>
> - Roofs may vary in their design and detailing, but they should be steeply pitches (6:12 to 12:12).

- Wall material - Siding should be high quality and at least reminiscent of traditional materials. Painted siding, hardboard siding, shingles, brick, and traditionally surfaced stucco are examples of preferred materials though it must be reviewed for furthering the intent of achieving a continuation of Mother Lode architecture. T-111 type siding. Vinyl and other synthetic siding are strongly discouraged.
- Covered porches and entries should be used wherever possible to continue a Nevada City architectural tradition.
- Windows should be reminiscent of traditional forms. True multi pane, vertical, and bay windows are encouraged.
- Trim, railing, and details should fit the style of the building. The intent should be to add texture, shadowing, contrast, and interest, which are reminiscent of Nevada City architecture.

The mass and scale of new commercial establishments should be reviewed within the context of the neighborhood. In newly developed areas, which are not visible from existing neighborhoods, mass and scale should be kept to historically traditional sizes to fit into the urban design of the City as a whole. In general, shingle structures under 8,000 square feet are encouraged in infill areas in proximity to older neighborhoods. Rather, a series of structures are encouraged if additional square footage is needed. (For instance, the Gold Flat Industrial Park is not a concern in this area since it is not in proximity to an older neighborhood.

Parking lots should be placed with attention to the surrounding neighborhood. Parking areas should not be visible from residences through proper placement or screening. In other areas, the majority of parking should be place to the rear or side of structures where visible from the street or surrounding public use areas. 50% tree canopy coverage at maturity is required.

Site lighting should be kept to the minimum amount necessary for safety purposes. Outdoor light shall not be directed toward existing residences and shall not increase the lighting intensity on surrounding residential properties such that a nuisance is created. For example, parking lot lighting is discouraged, as is amber lighting or a level of lighting, which is not normally expected in a residential area. Site, signage, and interior lighting should not illuminate existing or future residences beyond existing levels.

Nevada City Municipal Code

Nevada City Zoning Code Section 17.80.210 of the Nevada City Municipal Code specifies that new outdoor lighting on private property other than the site of a single-family dwelling or duplex shall comply with the following requirements. All such lighting shall be limited to the minimum necessary for safety and security.

A. An outdoor light fixture shall be limited to a maximum height of 14 feet of the height of the nearest building, whichever is less except adjacent to or within a residential area where the height shall be reduced to 8 feet. A fixture greater than 14 feet in height may be approved by the Planning Commission where it fist determines that the additional height will provide lighting that still complies with all other requirements of this Section.

B. Outdoor lighting shall utilize energy efficient (high pressure sodium, low pressure sodium, hard wired compact florescent, light emitting diodes (LED) or other lighting technology that is of equal or greater efficiency) fixture/lamps.

C. Lighting fixtures shall be shielded or recessed to minimize light spill to adjoining properties by:

1. Ensuring that the light source (e.g., bulb) is shielded and directed downward with no more than a 30 degree horizontal deflection from the slight source.

2. Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way. No on-site light source shall directly illuminate an area off the site.

D. No lighting on private property shall produce an illumination level greater than one foot candle on any property within a residential zone, except on the site of the light source.

E. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.

4.1.3 Impacts and Mitigation Measures

Method of Analysis

This visual impact analysis evaluated the visual changes that would occur at either project site using the standards of quality, consistency, and symmetry typically used for a visual assessment. The visual impacts are compared against the thresholds of significance discussed below. The following definition of "visual impact" is used for the purposes of this report:

- **Visual Impact**: a change in aesthetics and visual resources which occurs when, relative to a public view:
  - Features are altered, introduced, made less visible, or are removed, such that the resultant effect on public views is perceptibly incongruous with the inherent, established character of the landscape. Changes that seem incongruous are those that appear out of place, discordant, or distracting.
  - Access to public views is substantially diminished or eliminated by the screening or blocking of the affected view; and/or physical access to public viewing positions is substantially restricted or eliminated.

Visual impacts are further defined as follows:

- **Visual Impact Intensity**. The terms "intensity" and "magnitude" are used interchangeably. The intensity of a visual impact depends upon how noticeable the adverse change may be. It is indicated by the degree to which existing visual conditions (the baseline for the analyses) would change as a result of features of project construction and operation. Four levels of visual impact intensity may occur:
  - *Negligible intensity* is a change in visual conditions that maintains the same VMC rating
  - *Low intensity* is a reduction in visual conditions by one VMC rating
  - *Moderate intensity* is a reduction by two VMC ratings
  - *High intensity* is a reduction by three VMC ratings

Thresholds of Significance

The following stated thresholds of significance address the CEQA-listed issues of concern in Appendix G of the CEQA Guidelines. Key to these thresholds is the determination of whether "substantial" impacts would occur.

Table 4.1-1 serves to help in assessing whether an impact passes over the threshold to become a "substantial," and therefore a significant adverse, effect.

A. Would the proposed project or its alternatives cause substantial, adverse effects on a scenic vista?

   This CEQA issue of concern, as interpreted here, addresses the degree to which project-related features interfere with a scenic vista, either by physically screening the vista from view, or by blocking access to a formerly available public viewing position. This does not include adverse effects on the visual resources within view, as these impacts are applicable to Threshold C.

B. Would the proposed project or its alternatives cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within [view from] a state scenic highway?

   The editorial inclusion of "view from" corrects an assumed typographical error. Although the emphasis here is damage to scenic resources within view from a scenic highway, also considered is project-related blocking of views from such a road. Also, reference to "scenic highways" is interpreted to include state or locally designated scenic highways, byways, drives, corridors, or parkways.

C. Would the proposed project or its alternatives cause a substantial degradation of existing visual character or quality of a site and its surroundings?

   Here the issue is project-related incongruity with the character of the lands within critical public views and adverse effects on the coherence (unity) of the established patterns of landscape features.

D. Would the proposed project or alternatives result in a new source of substantial light or glare that would adversely affect day or nighttime views in the area?
   Issues of concern are:
   - The change in ambient nighttime illumination levels as a result of project sources;
   - The extent to which project lighting would spill off the project site and affect adjacent light-sensitive areas; and
   - The incidence of daytime reflective solar glare from reflective surfaces.

Table 4.1-1: Level of Significance for Visual Impacts [a]

		Visual Sensitivity			
		High	**Moderate**	**Low**	**None**
Visual Impact Intensity [b]	**Negligible**	LTS	LTS	LTS	LTS
	Low	S	LTS	LTS	LTS
	Moderate	S	S	LTS	LTS
	High	S	S	S	LTS

[a] "S" = significant; "LTS" = less than significant

[b] Visual Impact intensity is measured by the number of VMC class ratings reduced by an action; 0 = Negligible, 1 = Low, 2 = Moderate, 3 = High.

IMPACTS AND MITIGATION MEASURES

Impact 4.1-1	**Impacts on Scenic Vistas.** The project constructed at either site would not interfere with a scenic vista or view by diminishing the extent to which it is visible to the public or by interfering with public access to a vantage point currently available to the public from which it may be appreciated. Therefore the project will have no impact on the visibility of scenic vistas.

The issue addressed by Impact 4.1-1 is a concern over the degree to which proposed project-related features would interfere with a scenic vista or view by diminishing the extent to which it is visible to the public or by interfering with public access to a vantage point currently available to the public from which it may be appreciated. Adverse effects on the *character* or *quality* of a scenic vista or view are addressed relative to Impact 4.1-3, below.

Impact 4.1-1 is interpreted as addressing the obstruction of a recognized scenic view or vista, or interference with public access to such a view. A view is "recognized" if it is protected or otherwise addressed as a valued view in the regulatory framework of the agency having jurisdiction over the potentially affected lands. Or, if not meeting that criterion, the potentially affected view is demonstrably high in quality, and its value is indicated by how the public uses the area from which the view occurs (e.g., a recreation site, an informal but well-used scenic turnout, a tourist attraction, or a historic or archeological site).

The views from the Golden Center Freeway and SR-49 in the project's vicinity are listed as eligible for the State Scenic Highway System. Though the routes are not designated as scenic highways and no corridor protection plan has been adopted for them, views from these highways can be considered scenic vistas.

Of the critical views under consideration, only two appear to be recognized and valued for representing a scenic vista. This would be the view of the Existing Courthouse Site from SR-49 at Sacramento Street (Viewpoint EC-1) and the view of the Cement Hill Site from SR-49 and West Broad Street (Viewpoint CH-1). While the proposed project would change the character and quality of the views (Impact 4.1-3, below), it would not physically interfere with these views nor impair public access to them. In conclusion, there would be no visual impact relative to Impact 4.1-1 under CEQA.

Mitigation Measure 4.1-1

No mitigation is required.

Impact 4.1-2	**Impacts on Scenic Resources.** The proposed project could cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within [view from] a state scenic highway. **Existing Courthouse Site.** The Existing Courthouse site is prominently visible from an eligible state scenic highway and would include the demolition of a contributing structure to a District listed on the National Register of Historic Places (National Register or NRHP). Implementation of the proposed project at the Existing Courthouse site would result in a **significant** impact. **Temporary Court Site.** Construction of the temporary court next to the Correctional Facility would temporarily add to the existing modern building without encroaching into the existing building setbacks from SR-49. Construction of the proposed courthouse would not affect trees, rock outcroppings, or historic buildings within view of the highway. Therefore, the temporary court facilities would have no effect on the eligible scenic highway. **Cement Hill Site.** The Cement Hill site is immediately adjacent to an eligible state scenic highway. However, construction of the proposed courthouse would not significantly damage trees, rock outcroppings, or historic buildings within view of the highway. Therefore, implementation of the proposed project at the Cement Hill site would result in a less-than-significant impact.

The issue addressed by Impact 4.1-2 is the degree to which project-related features would adversely affect scenic resources within view from scenic highways, corridors, or parkways. While the Golden Center Freeway and SR-49 are not designated as a scenic route or corridor by the State of California, the County of Nevada, or by the City of Nevada City, they are both listed as eligible by the State.

Existing Courthouse Site

One critical public view of the Existing Courthouse site is available from a scenic highway. Viewpoint EC-1: View of Existing Courthouse Site from SR-49 at Sacramento Street (Exhibit 4.1-5) shows the third floor and upper façade of the historic courthouse structure. The proposed project would include the demolition of this historic structure and the construction of a new courthouse of similar massing. As discussed in section 4.1.1 Existing Setting, this viewpoint is currently rated VMC 1 with high sensitivity.

Construction and Near-term

During construction of the proposed project at the Existing Courthouse site, the historic courthouse and annex would be demolished and a new structure would be built. The removal of the existing courthouse would cause the view to be reduced to a rating of VMC 4 because the view would be substantially and noticeably changed. Without the structure or with visible construction activities, the site would be visually dominant and the change itself would focus attention and become the focus of view. Therefore, the near-term impact on the view would be the reduction to VMC 4.

Using Table 4.1-1 (page 4.1-22), it is clear that temporary reduction of this viewpoint from Class 1 to Class 4 (high intensity) at high sensitivity would result in a **significant impact**.

Long-term

Although the change in the view would be significant during construction and in the near-term, the long-term impact of the proposed project would not necessarily result in the reduction of the VMC rating. This is because the existing composition or character of the view would not necessarily be significantly modified by the

replacement of the structure with a similarly sized structure. Changes to the character of the view will be discussed in Impact 4.1-3. However, unless a building is constructed on the site that is similar in massing and size to the existing structures, this impact could remain significant. Therefore, implementation of the proposed project at the Existing Courthouse site would result in a **potentially significant** long-term impact to scenic resources relating to Impact 4.1-2.

Mitigation Measure 4.1-2a – Existing Courthouse

No mitigation is available.

Significance after Mitigation

Whereas no mitigation is available for construction and near-term impacts on scenic resources, and the design is unknown and thus does not allow a determination regarding long-term effects, this impact remains ***significant and unavoidable***.

Cement Hill Site

One critical public view of the Cement Hill site is available from a scenic highway. Viewpoint CH-1: View of Cement Hill Site from SR-49 and West Broad Street (Exhibit 4.1-11, page 4.1-15) shows the potential site as viewed from an eligible scenic highway. The proposed project would include the construction of a new courthouse on treeless portions of the site, as well as the removal of trees on the northeast portion of the site for parking (assuming implementation of mitigation measures to avoid wetland and archaeological site constraints). As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated VMC 2 with moderate sensitivity.

Implementation of the proposed project on this site would reduce the rating of the view to VMC 3, resulting in an intensity level of 1. This is because the open character of the site in its current state as a wood yard would be changed into a courthouse building and surface parking, and existing trees along the roadways at the intersection may be removed and replaced with landscaping. Although the design details of the proposed courthouse cannot be determined at this time, adherence to the California Trial Court Facilities Standards would ensure that the structure would not have a significant effect on the coherence of the view with the surrounding buildings. The new structure would compete for attention with the Correctional Facility but would be appropriate to its surroundings. The removal of the trees on the northeast portion of the site for parking would not be easily visible from the highway, and neither the removal nor the maintenance of the existing trees and shrubs on the corner of Cement Hill Road and SR-49 would significantly affect the character or coherence of the site.

Using Table 4.1-1, it is clear that reduction of this viewpoint from Class 2 to Class 3 (low intensity) at moderate sensitivity would result in a less-than-significant impact.

Mitigation Measure 4.1-2b

No mitigation is required.

Impact 4.1-3	**Changes in Visual Character of the Project Site.** The issue addressed by this impact is the degree to which project-related features would contrast unfavorably and noticeably with their environs. Each of the six critical views is evaluated and the level of impact determined. **Existing Courthouse Site.** The Existing Courthouse site is prominently visible and any changes to the structure would be noticeable, but with appropriate design may not contrast unfavorably with the existing environs. Implementation of the proposed project at the Existing Courthouse site could result in a **potentially significant** impact to the visual character of the project site. **Temporary Court.** Construction of the temporary court on the Government Center campus would temporarily add to existing modern buildings and would have a less-than-significant effect on the visual character of the temporary site. **Cement Hill Site.** Implementation of the proposed project at the Cement Hill site would not contrast unfavorably with the existing environs and would therefore result in a less-than-significant impact on the visual character of the project site.

Existing Courthouse Site

- Viewpoint EC-1: Existing Courthouse Site from SR-49 at Sacramento Street

  This viewpoint shows the third floor and upper façade of the existing courthouse structure. The proposed project would include the demolition of this historic structure and construction of a new courthouse of similar massing. As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated VMC 1 with high sensitivity.

  During construction of the proposed project at the Existing Courthouse site, the existing courthouse and annex would be demolished and a new structure would be built. Short-term impacts on the view were discussed in Impact 4.1-2.

  The historic courthouse is a prominent attribute of this viewpoint and, therefore, any changes to this structure would necessarily result in the change appearing as visually dominant and would become the focus of attention. Although the change in the view would be significant during construction and in the near-term, the long-term impact of the proposed project would not necessarily result in the reduction of the VMC rating. This is because the existing composition or character of the view would not necessarily be significantly modified by the replacement of the structure with a similarly sized structure. The composition and coherence of the view would not be modified (impacts on the historic district are discussed in Section 4.4, Cultural Resources).

  Adherence to the *California Trial Court Facilities Standards* would ensure that any new structure is visually compatible with the existing context. However, because the historic courthouse structure itself does not conform to the guidelines set forth by the City for the local Nevada City Historical District, construction of a new facility in its place would bring a significant change to the view while potentially increasing the coherence and character of the "mother lode style" historic district. The existing view is of a historic town area within a dense forest. Implementation of the project will not change that character. However, the potential change in the architecture of the structure and unknown future design decisions make it possible that implementation of the project could reduce the VMC by 2. Therefore, implementation of the proposed project at the Existing Courthouse site would result in a potentially significant impact to the visual character of Viewpoint EC-1.

- Viewpoint EC-2: Existing Courthouse Site from Broad and South Pine Streets

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 1 with high sensitivity. From this viewpoint, the massing would increase where the annex is now, and similar to Viewpoint EC-1, any changes to the character of the view would be dependent upon future design decisions. Therefore, the proposed project would have a potentially significant impact on the visual character of the project site.

- Viewpoint EC-3: Existing Courthouse Site from the Court Street Parking Lot

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 3 with low sensitivity. Because the primary view from this point is of the rear of the existing courthouse structure and annex building, construction of a new courthouse at this facility consistent with AOC standards would not result in a reduction of the VMC rating. Therefore, implementation of the project would result in a less-than-significant impact to the visual character of the project site for Viewpoint EC-3.

Temporary Court Site

- Viewpoint TC-1: Temporary Court Site from SR-49 at Maidu Avenue

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 2 with moderate sensitivity. While the temporary court facility will be located on the portion of the site closest to this viewpoint, the structure will be difficult to see due to the grade change and the existing screening trees. In addition, the impact to the character of the site will be short-term (less than five years). Because a temporary structure adding to the existing government buildings on the site would not change the character of the site, this viewpoint would remain a rating of VMC 2. Therefore, implementation of the temporary court facility would result in a less-than-significant impact to the visual character of the project site for Viewpoint TC-1.

- Viewpoint TC-2: Temporary Court Site from Cement Hill Road at the Government Center Entrance

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 3 with low sensitivity. The temporary court building would be prominently visible from this viewpoint. In addition, visual access to the interior of the Government Center would be greatly reduced. This viewpoint would be reduced to a rating of VMC 4 in the short-term. Therefore, implementation of the temporary court facility would result in a less-than-significant impact to the visual character of the project site for Viewpoint TC-2.

- Viewpoint TC-3: Temporary Court Site from the Rood Center

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 3 with a moderate sensitivity. The temporary court building would be prominently visible from this viewpoint. However, the temporary court building would be an addition to the existing Correctional Facility building, which is of modern construction. While this viewpoint would be reduced to a rating of VMC 4 in the short-term as the landscape is removed and replaced by temporary buildings, implementation of the temporary court facility would result in a less-than-significant impact to the visual character of the project site for Viewpoint TC-3.

Conclusion

The proposed project at the Existing Courthouse site would result in a **potentially significant** change in the character of the project site.

Mitigation Measure 4.1-3a – Existing Courthouse Site

- *The AOC and its architect shall consult with the State Office of Historic Preservation and the City of Nevada City to create a design that is compatible with the National Register and Nevada City Historical districts.*

Significance after Mitigation

Until a design is identified, it is unknown whether Mitigation Measure 4.1-3a would reduce impacts on the visual character of the historic districts. This impact therefore remains ***significant and unavoidable***.

Cement Hill Site

- Viewpoint CH-1: Cement Hill Site from SR-49 and West Broad Street

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 2 with moderate sensitivity. While the construction of a new courthouse at this site will be a conspicuous change from the existing conditions, the new structure would be consistent with the surrounding structures. As the existing use on the site is generally considered to be unattractive, any new structures and associated landscaping may be considered an improvement. In addition, the new courthouse and parking lot would be well screened by existing trees. Because the new structure would not become visually dominant from this viewpoint, the rating will remain at VMC 2. Therefore, implementation of the project at the Cement Hill site would result in a less-than-significant impact to the visual character of the project site for Viewpoint CH-1.

- Viewpoint CH-2: Cement Hill Site from Cement Hill Road at the Government Center Entrance

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 3 with moderate sensitivity. The addition of a new courthouse on the site, while conspicuous, will not become the dominant feature of the view. A courthouse would be similarly distracting from the natural view as the existing wood yard. A new structure on the Cement Hill site would likely be less distracting than the current conditions. This could occur because a new courthouse would be visually congruent and continuous with the adjacent Correctional Facility. Therefore, implementation of the project at the Cement Hill site would not result in a reduction in VMC to Viewpoint CH-2 and would have a less-than-significant impact on the visual character of the project site.

- Viewpoint CH-3: Cement Hill Site from Cement Hill Road near SR-49

  As discussed in Section 4.1.1 Existing Setting, this viewpoint is currently rated at VMC 3 with low sensitivity. Due to this viewpoint's low accessibility and low visual character, implementation of the proposed project site would not likely result in detrimental changes to this view. However, a three-story structure on the site would be visually dominant and demand attention from this viewpoint. Development of the courthouse at this site would therefore reduce the VMC of Viewpoint CH-3 from a rating of 3 to 4 resulting in a less-than-significant impact to the visual character of the site.

Mitigation Measure 4.1-3b – Cement Hill Site

No mitigation is required.

Impact 4.1-4	**Impacts from Nighttime Lighting and Daytime Glare.** **Existing Courthouse/Temporary Court Sites.** The project sites are located within or immediately adjacent to urbanized areas with substantial existing lighting sources. However, the AOC is not required to comply with the City's zoning code regarding lighting, and the materials palette for the proposed structure, including potential glazing materials, is currently not known; therefore, the possibility exists that the design could include highly reflective glazing (and other materials). The proposed project at this site could result in a **potentially significant** impact associated with nighttime lighting and daytime glare. **Cement Hill Site.** The Cement Hill site is adjacent to a significant source of urban lighting on its eastern boundary from the Government Center; however, if the courthouse were to be constructed on the western portion of the Cement Hill Site, the facility and surface parking lighting would introduce a significant new source of lighting in a rural residential environment. In addition, the materials palette for the proposed structure, including potential glazing materials, is currently not known; therefore, the possibility exists that the design could include highly reflective glazing (and other materials) and result in a **potentially significant** impact associated with nighttime lighting and daytime glare.

Existing Courthouse/Temporary Court Sites

At night, artificial lighting can cause glare or disturb residents. Typical of urbanized areas, Downtown Nevada City and the Government Center currently include substantial lighting sources. Residents in the vicinity of the historic courthouse have reported being adversely affected by existing exterior security lighting.

The proposed project would replace existing light-producing fixtures at the courthouse and add new fixtures to the 215 Washington Street parking area. These light fixtures would provide exterior lighting associated with the new courthouse and surface parking. Internal lighting visible from outside the building would be minor, because the building would not be open to the public after 6 p.m. The proposed project would generate new sources of lighting Downtown and at the Temporary Court site. No significant increases are anticipated at the Temporary Court site, since the site is well lit for security around the Correctional Facility. However, although new lighting fixtures within the City must be shielded or recessed to minimize light spill to adjoining properties, per Section 17.80.210 of the City's zoning code, the AOC is not required to comply with local regulations. Therefore, lighting could impact Downtown residents near the courthouse and parking.

Glare is caused by light reflections from pavement, vehicles, and building materials, such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. Glare can create hazards to motorists and nuisances for pedestrians and other viewers. The modular buildings at the Temporary Court site would not contain significant window areas that could result in glare. However, the materials palette for the proposed courthouse, including potential glazing materials, is currently not known; therefore, the possibility exists that the design could include highly reflective glazing (and other materials), which could result in annoyance to pedestrians and hazards for motorists (and subsequently to pedestrians).

The proposed project at this site could therefore result in a **potentially significant** impact associated with nighttime lighting and daytime glare.

The Nevada City zoning code governs the installation of new lighting fixtures to reduce spillover lighting, and the Nevada City Design Guidelines specify that siding should be high quality and at least reminiscent of traditional materials, and windows should be reminiscent of traditional forms. True multi-pane, vertical, and bay windows

are encouraged, and would not result in significant glare. Compliance with local zoning and design guidelines could reduce impacts to less-than-significant levels.

Mitigation Measure 4.1-4a – Existing Courthouse

- *New lighting fixtures must be shielded or recessed to minimize light spill to adjoining properties, in compliance with the intent of Section 17.80.210 of the City's zoning code.*
- *The final courthouse design shall not include highly reflective glazing or other highly reflective materials (i.e. polished metals) in any location where the sun could reflect harshly onto nearby pedestrian and/or vehicular traffic, and exterior materials shall comply with the intent of the Nevada City Design Guidelines.*

Significance after Mitigation

Implementation of this mitigation measures would reduce potential nighttime lighting impacts and daytime glare associated with reflective building surfaces, and would minimize potential hazards to nearby pedestrians and motorists. Implementation of Mitigation Measure 4.1-4a would reduce these impacts to a less-than-significant level.

Cement Hill Site

At night, artificial lighting can cause glare or disturb residents, which are currently located north of the Cement Hill site, and are planned and approved for west of the site. The proposed project would install light-producing fixtures and provide exterior lighting associated with the new courthouse and surface parking. Internal lighting visible from outside the building would be minor, because the building would not be open to the public after 6 p.m.

The Cement Hill site is larger than needed for the proposed project, thus the facility could be placed in different areas of the site. Placement along the western and/or northern boundary would separate the court facilities from the existing urban uses to the east at the Government Center, and place significant new sources of light next to existing or proposed residential uses. As discussed in Sections 4.3, Biological Resources and 4.4, Cultural Resources, there are both biological and archaeological constraints to developing the western and northern portions of the site. Cultural Resource Mitigation Measure 4.4-2c would restrict the courthouse facilities to the eastern portion of the site adjacent to Cement Hill Road and the lighting at from the Correctional Facility, and would therefore minimize nighttime lighting impacts. New lighting fixtures within the City must be shielded or recessed to minimize light spill to adjoining properties, per Section 17.80.210 of the City's zoning code. However, the AOC is not required to comply with local regulations. Therefore, lighting from the proposed project could impact nearby residents.

Glare is caused by light reflections from pavement, vehicles, and building materials, such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. Glare can create hazards to motorists and nuisances for pedestrians and other viewers. The materials palette for the proposed courthouse, including potential glazing materials, is currently not known; therefore, the possibility exists that the design could include highly reflective glazing (and other materials), which could result in annoyance to pedestrians and hazards for motorists (and subsequently to pedestrians).

The proposed project at the Cement Hill site could therefore result in a **potentially significant** impact associated with nighttime lighting and daytime glare.

Mitigation Measure 4.1-4b – Cement Hill

- *Implement Cultural Resources Mitigation Measure 4.4-2c – Cement Hill:*
  - *A minimum 30 foot buffer shall be provided along the east side of the ravine and a minimum 20 foot buffer from the south side of Hirschman's Trail. All construction of the courthouse and parking facilities shall occur to the east and south of this buffer.*
- *New lighting fixtures must be shielded or recessed to minimize light spill to adjoining properties, in compliance with the intent of Section 17.80.210 of the City's zoning code.*
- *The final courthouse design shall not include highly reflective glazing or other highly reflective materials (i.e. polished metals) in any location where the sun could reflect harshly onto nearby pedestrian and/or vehicular traffic.*

Significance after Mitigation

Implementation of these mitigation measures would reduce potential nighttime lighting impacts and daytime glare associated with reflective building surfaces, and would minimize potential hazards to nearby pedestrians and motorists. Implementation of Mitigation Measure 4.1-4c would reduce these impacts to a less-than-significant level.

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4.2 Air Quality

Draft Environmental Impact Report
New Nevada City Courthouse

4.2 AIR QUALITY

This section assesses the potential air quality effects that could be caused by the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse (201 Church Street, Nevada City) with a Temporary Court site or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City), and recommends mitigation measures to reduce or eliminate significant impacts. Climate in the project area is described, as well as existing air quality conditions for criteria air pollutants and toxic air contaminants (TACs), and applicable federal, state, and regional air quality standards. This section analyzes the air quality effects caused by stationary and mobile sources related to construction and operation of the proposed project. Both sites under consideration, the Existing Courthouse site with a temporary site at the Nevada County Government Center (Government Center) and the Cement Hill site, are analyzed at an equal level of analysis.

As discussed in the Initial Study (Appendix A), there are no substantial odor sources in the project vicinity and the proposed project would not generate substantial odors. This issue is not further discussed in this section.

Sources reviewed for this section include the Northern Sierra Air Quality Management District (NSAQMD) Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects, the City of Nevada City General Plan (General Plan), and the California Air Resources Board (ARB) and NSAQMD web sites.

One comment relating to air quality was received in response to the Notice of Preparation (NOP) from NSAQMD on April 5, 2011. The comments were included in the preparation of this chapter, and can be found in Appendix B.

4.2.1 EXISTING SETTING

The project sites are located in the City of Nevada City (City). This area is a part of the Mountain Counties Air Basin (MCAB), which is influenced by the region's climate, topography, and pollutant sources that result in a potential for high concentrations of regional and localized air pollutants. Surrounding land uses include civic, commercial, office, parking, religious, and residential; there are no known land uses (such as dry cleaners or industrial uses) that emit TACs near the site. The Existing Courthouse site is approximately one block from the Golden Center Freeway, and the Cement Hill site is on State Route 49 (SR-49).

TOPOGRAPHY, METEOROLOGY, AND CLIMATE

Climate and air quality are determined by the geographic location, topography, and urbanization of an area. This section describes pertinent characteristics of the air basin and provides an overview of the physical conditions affecting pollutant dispersion in the project area.

Climate

The climate of the MCAB is Mediterranean in character, though with wetter winters than the Sacramento Valley, caused by the westerly winds lifting into the Sierra Nevada. Rainy winter weather is common from November through March with occasional light snowfall. Precipitation averages over 50 inches per year, with most occurring between October and May. The climate is cool to warm, with summer highs around 90º F and lows around 32º F. The physiographic features giving shape to the MCAB are the Sacramento Valley to the west, the Sierra Nevada to the east, and the Cascade Range to the north. These ranges channel winds through the Northern Sacramento Valley up into the foothills, but also inhibit dispersion of pollutant emissions.

The City is 100 miles northeast of the Carquinez Strait, a sea-level gap between the Coast Range and the Diablo Range. The intervening terrain between Nevada City and the strait is primarily flat. The prevailing wind is from the southwest, primarily because of marine breezes through the Carquinez Strait that influence the entire Sacramento Valley and its foothills. During the winter, sea breezes diminish and winds blow from the north.

Meteorology

Vertical dispersion of air pollutants in the MCAB is often hampered by the presence of a persistent temperature inversion in the atmospheric layers of the earth's surface. The net input of cumulative pollutants into the atmosphere from mobile and stationary sources does not vary substantially by season. The duration of an inversion layer increases the concentration of pollutants in the inversion layer. Strong winds or daytime warming of the surface air layer is required to disperse the pollutants horizontally. During the winter, motor vehicle emissions such as carbon monoxide (CO) and nitrogen dioxide (NO_2) are of concern because of low inversions and stagnant air that prevent them from dispersing. Ozone (O_3) is less prevalent in the winter due to the lack of intense sunlight needed to produce it from its chemical precursors, volatile organic compounds (VOCs) and oxides of nitrogen (NO_X), with higher O_3 levels occurring between the late spring and early fall.

Higher concentrations of particulate matter (PM, also called respirable particulate and suspended particulate) sized 10 micrometres (μ) or less (PM_{10}) occur during the late summer, fall, and winter months. Fine particulate matter equal to or less than 2.5 μ in size ($PM_{2.5}$) is highest in the late fall and winter in Nevada County (County). The colder, more stagnant conditions during this time of the year are conducive to buildup of PM. In addition, increased activity from residential wood combustion may also occur.

EXISTING AIR QUALITY

Criteria Air Pollutants

Air pollution is a general term that refers to one or more chemical substances that degrade the quality of the atmosphere. Individual air pollutants may adversely affect human or animal health, reduce visibility, damage property, and reduce the productivity or vigor of crops and natural vegetation.

Seven air pollutants have been identified by the United States Environmental Protection Agency (EPA) as being of concern nationwide: CO; O_3; NO_2; PM_{10}; $PM_{2.5}$; sulfur dioxide (SO_2); and lead (Pb). These pollutants are collectively referred to as criteria pollutants. The sources of these pollutants, their effects on human health and the nation's welfare, and their final deposition in the atmosphere vary considerably. Table 4.2-1 lists the health effects associated with criteria pollutants.

Most of the criteria pollutants are directly emitted. O_3, however, is a secondary pollutant that is formed in the atmosphere by chemical reactions between NO_X and VOCs, most commonly referred to as reactive organic gases (ROG). According to the most recent emissions inventory data for Nevada County,[1] mobile sources are the largest contributors of both ROG and NO_X.

Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with state and federal standards. If a pollutant concentration is lower than the standard, the area is classified as attainment for that pollutant. If an area exceeds the standard, the area is classified as nonattainment for that pollutant. If there is not enough data available to determine whether the standard has been exceeded in an area, the area is designated unclassified.

[1] California Air Resources Board. 2009. 2010 Estimated Annual Average Emissions: Nevada County. Accessed May 4, 2011 from http://www.arb.ca.gov/app/emsinv/emssumcat.php.

Table 4.2-1 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute Health Effects [a]	Chronic Health Effects [b]
Ozone (O_3)	secondary pollutant resulting from reaction of ROG and NO_X in presence of sunlight. ROG emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO_X results from the combustion of fuels	increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	incomplete combustion of fuels; motor vehicle exhaust	headache, dizziness, fatigue, nausea, vomiting, death	permanent heart and brain damage
Nitrogen dioxide (NO_2)	combustion devices; e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines	coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis or pulmonary edema; breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, death	chronic bronchitis, decreased lung function
Sulfur dioxide (SO_2)	coal and oil combustion, steel mills, refineries, and pulp and paper mills	irritation of upper respiratory tract, increased asthma symptoms	insufficient evidence linking SO_2 exposure to chronic health impacts
Respirable particulate matter (PM_{10}), Fine particulate matter ($PM_{2.5}$)	fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO_2 and ROG	breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	alterations to the immune system, carcinogenesis
Lead (Pb)	metal processing	reproductive/ developmental effects (fetuses and children)	numerous effects including neurological, endocrine, and cardiovascular effects

Notes: NO_X = oxides of nitrogen; ROG = reactive organic gases.

[a] *Acute* refers to effects of short-term exposures to criteria air pollutants, usually at fairly high concentrations.

[b] *Chronic* refers to effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations.

Source: EPA 2011.

Carbon Monoxide

CO is a colorless and odorless gas which, in the urban environment, is associated primarily with the incomplete combustion of fossil fuels in motor vehicles. Relatively high concentrations are typically found near crowded intersections and along heavily used roadways carrying slow-moving traffic. Even under the most severe meteorological and traffic conditions, high concentrations of CO are limited to locations within a relatively short distance (300 to 600 feet) of heavily traveled roadways. Overall CO emissions are decreasing as a result of the Federal Motor Vehicle Control Program, which has mandated increasingly lower emission levels for vehicles

manufactured since 1973. CO concentrations are typically higher in winter. As a result, California has required the use of oxygenated gasoline in the winter months to reduce CO emissions.

Ozone

O_3 is the principal component of smog, and is formed in the atmosphere through a series of reactions involving ROG and NO_X in the presence of sunlight. ROG and NO_X are called precursors of O_3. NO_X includes various combinations of nitrogen and oxygen, including NO, NO_2, etc. O_3 is a principal cause of lung and eye irritation in the urban environment. Significant O_3 concentrations are normally produced only in the summer, when atmospheric inversions are greatest and temperatures are high. ROG and NO_X emissions are critical in O_3 formation. Control strategies for O_3 have focused on reducing emissions from vehicles, industrial processes using solvents and coatings, and consumer products.

Emissions of the O_3 precursors ROG and NO_X have decreased over the past several years because of more stringent motor vehicle standards and cleaner burning fuels. During the last 20 years the maximum amount of ROG and NO_X over an 8-hour period decreased by 17%. However, the O_3 problem in the downwind Sacramento Valley Air Basin (SVAB) still ranks among the most severe in the state (ARB 2009), and is a major contributor to the 0_3 problem in the MCAB.

Nitrogen Dioxide

NO_2 is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO_2 are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO_2. The combined emissions of NO and NO_2 are referred to as NO_X and are reported as equivalent NO_2. Because NO_2 is formed and depleted by reactions associated with photochemical smog (O_3), the NO_2 concentration in a particular geographical area may not be representative of the local sources of NO_X emissions (EPA 2011).

Respirable Particulate Matter

PM includes both liquid and solid particles of a wide range of sizes and composition. While some PM_{10} comes from automobile exhaust, the principal source in Nevada County is dust from construction, and from the action of vehicle wheels on paved and unpaved roads. In other areas, agriculture, wind-blown sand, and fireplaces can be important sources. PM_{10} can cause increased respiratory disease, lung damage, and premature death. Control of PM_{10} is through the control of dust at construction-sites, the cleaning of paved roads, and the wetting or paving of frequently used unpaved roads.

Fine Particulate Matter

The sources, health effects, and control of $PM_{2.5}$ are similar to those of PM_{10}. In 1997, the EPA determined that the health effects of $PM_{2.5}$ were severe enough to warrant an additional standard; NSAQMD started testing for this constituent in 1999 and 2001.

Sulfur Dioxide

SO_2 is a combustion product, with the primary source being power plants and heavy industry that use coal or oil as fuel. SO_2 is also a product of diesel engine combustion. The health effects of SO_2 include lung disease and breathing problems for asthmatics. SO_2 in the atmosphere contributes to the formation of acid rain. In the MCAB, there is relatively little use of coal and oil, and SO_2 is of a lesser concern than in many other parts of the country.

Lead

Lead is a stable compound, which persists and accumulates both in the environment and in animals. The lead used in gasoline anti-knock additives represented a major source of lead emissions to the atmosphere. However, lead emissions have significantly decreased due to the near elimination of the use of leaded gasoline.

Monitoring Station Data and Attainment Area Designations

The overall air quality in the County is good with the exception of two known air quality problems: O_3 and PM_{l0}. The County is in attainment for all National Ambient Air Quality Standards (NAAQS) with the exception of Western Nevada County, which is in non-attainment for the NAAQS 8-hour O_3 standard. Under the more stringent California Ambient Air Quality Standards (CAAQS), the County is in non-attainment for the 1- and 8-hour O_3 standards and PM_{10} standards. The project sites lie within Western Nevada County.

Although O_3-producing sources exist in the County, most of the O_3 is transported from urban areas to the southwest. Local sources of O_3-producing chemicals occur during seasonal and peak traffic flows around the Interstate-80 (I-80) corridor. PM_{10} violations in winter are primarily due to wood smoke from the use of woodstoves and fireplaces and debris burning, while summer and fall violations often occur during forest fires or periods of open burning.

In 1997, the EPA acknowledged that $PM_{2.5}$ represents an air pollutant of concern and subsequently released new NAAQS for $PM_{2.5}$. In order to meet these new standards, the ARB and local air quality management districts (AQMDs) in California are developing a $PM_{2.5}$ monitoring network. The NSAQMD currently has seven years of monitoring data for $PM_{2.5}$. With another three years of continuous monitoring, more solid conclusions regarding $PM_{2.5}$ pollution in the area may be obtained and local standards developed. Like PM_{10}, $PM_{2.5}$ is also primarily a product of combustion processes, e.g., woodstoves, forestry and residential open burning, vehicle traffic and wind-blown dust, common in the populated areas of the county. Natural sources of suspended particulates occur from wind blow dust and pollen.

The ambient air quality standards (AAQS) and the attainment status for western Nevada County portion of the MCAB for criteria pollutants are summarized in Table 4.2-2. Monitors that collect air quality data are located throughout the MCAB. The closest monitoring station to the project site is the Litton Building, located in Grass Valley at 200 Litton Drive. This monitoring station is operated by the ARB. Recent air quality data collected at this monitoring site is summarized in Table 4.2-3.

Both ARB and EPA use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify those areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are “nonattainment,” “attainment,” and “unclassified.” “Unclassified” is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards. In addition, the California designations include a subcategory of the nonattainment designation, called “nonattainment-transitional.” The nonattainment-transitional designation is given to nonattainment areas that are progressing and nearing attainment. Attainment designations for the year 2010 with respect to the project site are shown in Table 4.2-3 for each criteria air pollutant.

Table 4.2-2 Summary of Annual Data on Ambient Air Quality (2008-2010) [a]

	2008	2009	2010
OZONE (O_3)			
Maximum concentration (1-hr/8-hr avg, ppm)	0.111/0.108	0.103/0.091	0.093/0.087
Number of days state standard exceeded (1-hr/8-hr)	8 / 42	3 / 38	0 / 18
Number of days national standard exceeded (8-hr)	**24**	**17**	**6**
CARBON MONOXIDE (CO)			
Maximum concentration (8-hr, ppm)	*	*	*
Number of days national standard exceeded (measured[b])	*	*	*
FINE PARTICULATE MATTER ($PM_{2.5}$)			
Maximum concentration (µg/m^3)	102.2	12.9	10.5
Number of days national standard exceeded (measured[b])	**4**	0	0
RESPIRABLE PARTICULATE MATTER (PM_{10})			
Maximum concentration (µg/m^3)	*	*	*
Number of days state standard exceeded (measured/calculated[b])	*	*	*
Number of days national standard exceeded (measured/calculated[b])	*	*	*
NITROGEN DIOXIDE (NO_2)			
Maximum concentration (1-hr avg, ppm)	0.048	0.026	0.033
Number of days state standard exceeded	0	0	0

Notes: avg= average; µg/m^3 = micrograms per cubic meter; ppm = parts per million.

[a] Measurements from the Grass Valley–Litton Building.

[b] Measured days are those days that an actual measurement was greater than the level of the state daily standard or the national daily standard. Measurements are typically collected every 6 days. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.

* There was insufficient data to determine the value.

Source: ARB, 2011; http://www.arb.ca.gov/adam/topfour/topfourdisplay.php, accessed June 23, 2011.

Toxic Air Contaminants

In addition to the criteria air pollutants, another group of airborne substances called TACs are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (injury or illness). TACs are classified as non-criteria pollutants, because no AAQS have been established for them. The effects of these substances are very diverse and their health impacts tend to be local rather than regional.

TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. Natural source emissions include windblown dust and wildfires. Farms, construction-sites, and residential areas can also contribute to toxic air emissions. The ARB has also identified diesel particulate matter (DPM) as a TAC.

Table 4.2-3 Ambient Air Quality Standards and Designations for Western Nevada County

Pollutant	Averaging Time	California		National Standards [a]	
		Standards [b,c]	Attainment Status [d]	Primary [c]	Attainment Status [f]
Ozone (O_3)	1-hour	0.09 ppm (180 µg/m^3)	N (with recognition of overwhelming transport, so no Triennial Plan or AFM required)	–	N
	8-hour	0.070 ppm (137 µg/m^3)		0.075 ppm (147 µg/m^3)	
Carbon Monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	U	35 ppm (40 mg/m^3)	U
	8-hour	9 ppm (10 mg/m^3)		9 ppm (10 mg/m^3)	
	8-hour (Lake Tahoe)	6 ppm (7 mg/m^3)		–	
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	A	0.053 ppm (100 µg/m^3)	U
	1-hour	0.18 ppm (339 µg/m^3)		–	
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	–	A	0.030 ppm (80 µg/m^3)	U
	24-hour	0.04 ppm (105 µg/m^3)		0.14 ppm (365 µg/m^3)	
	3-hour	–		0.5 ppm (1300 µg/m^3)[e]	
	1-hour	0.25 ppm (655 µg/m^3)		–	
Respirable Particulate Matter (PM_{10})	Annual Arithmetic Mean	20 µg/m^3	N	–	U
	24-hour	50 µg/m^3		150 µg/m^3	
Fine Particulate Matter ($PM_{2.5}$)	Annual Arithmetic Mean	12 µg/m^3	U	150 µg/m^3	U/A
	24-hour	–		35 µg/m^3	
Lead (Pb) [g]	30-day Average	1.5 µg/m^3	A	–	U
	Calendar Quarter	–		1.5 µg/m^3	
	Rolling 3-Month Avg	–		0.15 µg/m^3	
Sulfates	24-hour	25 µg/m^3	A	No National Standards	
Hydrogen Sulfide	1-hour	0.03 ppm (42 µg/m^3)	U		
Vinyl Chloride [g]	24-hour	0.01 ppm (26 µg/m^3)	A		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient of 0.23 per kilometer — visibility of 10 mi or more	U		

Notes: avg=average; µg/m^3 = micrograms per cubic meter; ppm = parts per million

[a] National standards (other than ozone, PM, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. The PM_{10} 24-hour standard is attained when 99% of the daily concentrations, averaged over 3

years, are equal to or less than the standard. The $PM_{2.5}$ 24-hour standard is attained when 98 % of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact the EPA for further clarification and current federal policies.

[b] California standards for ozone, CO (except Lake Tahoe), SO_2 (1- and 24-hour), NO_2, PM, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. CAAQS are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

[c] Concentration expressed first in units in which it was promulgated [i. e. parts per million (ppm) or micrograms per cubic meter ($\mu g/m^3$)]. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

[d] Unclassified (U): a pollutant is designated unclassified if the data are incomplete and do not support a designation of attainment or nonattainment. Attainment (A): a pollutant is designated attainment if the state standard for that pollutant was not violated at any site in the area during a 3-year period. Nonattainment (N): a pollutant is designated nonattainment if there was a least one violation of a state standard for that pollutant in the area. Nonattainment/Transitional (NT): is a subcategory of the nonattainment designation. An area is designated nonattainment/transitional to signify that the area is close to attaining the standard for that pollutant.

[e] Secondary Standard

[f] Nonattainment (N): any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. Attainment (A): any area that meets the national primary or secondary ambient air quality standard for the pollutant. Unclassifiable (U): any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant. Maintenance (M): any area previously designated nonattainment pursuant to the Clean Air Act Amendments of 1990 (CAAA) and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under Section 175A of the Clean Air Act (CAA), as amended.

[g] ARB has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Source: ARB 2010a; ARB 2010b.

The ARB has determined that any source that poses a risk to the general population that is equal to or greater than 10 people out of 1 million contracting cancer as excessive. When estimating this risk, it is assumed that an individual is exposed to the maximum concentration of any given TAC continuously for 70 years.

The ARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by ARB showing the estimated inhalation cancer risk for TACs in the State of California (State),[2] the project site is located in an area with an existing estimated risk that is less than 50 cancer cases per one million people. This represents the lifetime risk that between 0 and 50 people in one million may contract cancer from inhalation of toxic compounds at current (2010) ambient concentrations. While TACs are produced by many different sources, the largest contributor to inhalation cancer risk in California is DPM.

Emission Sources and Concentrations

NSAQMD has identified several types of emission sources, which need to be considered when evaluating the impacts of a project under the California Environmental Quality Act (CEQA). For many development projects, motor vehicle trips are the principal source of air pollution; projects in this category, such as shopping centers, office buildings, arenas, and residential developments, are often referred to as indirect sources. Such sources do not directly emit significant amounts of air pollutants from on-site activities but cause emissions from motor vehicles traveling to and from the development over its planning lifetime.

Most development projects also generate what are known as area source emissions. Area source emissions are relatively small quantities of air pollutants when considered individually, but cumulatively may represent

[2] California Air Resources Board website, retrieved May 5, 2011 from http://www.arb.ca.gov/ch/communities/ hlthrisk/hlthrisk.htm.

significant emissions. Water heaters, fireplaces, lawn maintenance equipment, and application of paints and lacquers are examples of area source emissions.

Certain projects may directly generate stationary or point source emissions from operations. Examples of facilities with point sources include manufacturing plants, quarries, and print shops.

Project-related demolition and construction emission impacts are also a significant contributor to regional air pollution. On- and off-road construction vehicles, along with on-site portable equipment – such as generators and air compressors – generate exhaust emissions. Construction vehicles and equipment operation can also cause unacceptable levels of entrained dust (PM_{10}). Even though they are temporary, in some cases construction emissions may be quantitatively greater on a daily basis than emissions from the operation of the development once it is built.

Sensitive Receptors

The location of a development project is a major factor in determining whether it will result in localized air quality impacts. The potential for adverse air quality impacts increases as the distance between the source of emissions and members of the public decreases. Impacts on sensitive receptors are of particular concern. Sensitive receptors are facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors. Residential uses are considered sensitive because people in residential areas are often at home for extended periods of time, so they can be exposed to pollutants for extended periods. Recreational areas are considered moderately sensitive to poor air quality because vigorous exercise associated with recreation places a high demand on the human respiratory function.

Residences are located immediately adjacent to the Existing Courthouse Site to the north. An apartment complex is located to the west. The Nevada City Elementary is located approximately 350 feet to the north; however, the school has been closed and is therefore not considered a sensitive receptor.

The nearest sensitive receptors to the Cement Hill Site are residences (i.e., single-family housing) located approximately 300 feet to the north.

Air quality problems arise when sources of air pollutants and sensitive receptors are located near one another. The ARB notes that a sensitive receptor in close proximity to a congested intersection or roadway with high levels of emissions from motor vehicles, with high concentrations of CO, fine PM, or TACs, is a common concern. A sensitive receptor close to a source of high levels of nuisance dust emissions is also a concern.

4.2.2 REGULATORY SETTING

Air quality in the project vicinity is regulated by several jurisdictions including the EPA, ARB, and NSAQMD. Each jurisdiction develops rules, regulations, policies, and/or goals to attain the directives imposed upon them through legislation. Although EPA regulations may not be superseded, both state and local regulations may be more stringent. In general, air quality evaluations are based on air quality standards developed by the federal and state governments.

Since many air pollution problems are regional in nature, the federal government sometimes designates multi-county areas or areas consisting of several different air districts as “Nonattainment Areas”. The “Nonattainment Area” designation for areas comprising of more than one district means that these individual local agencies must work together to solve regional air pollution problems. The Western Nevada County Ozone Nonattainment Area includes all portions of Nevada County west of the crest of the Sierra Nevada.

Local AQMDs have been given authority by the state to manage their own stationary source emissions. The ARB requires that local AQMDs develop their own strategies for achieving compliance with the NAAQS and CAAQS, but maintains regulatory authority over these strategies, as well as all mobile source emissions throughout the state.

The AAQS define clean and healthful air for the general public. Specifically, AAQS establish the concentration above which a pollutant is known to cause adverse health effects to sensitive groups within the population, such as children and the elderly. The amount of pollutants released and the atmosphere's ability to transport and dilute the pollutants affect a given pollutant's concentration in the atmosphere. Factors affecting transport and dilution include terrain, wind, atmospheric stability, and for photochemical pollutants, sunlight. Nevada County's poor air quality can largely be attributed to emissions, geography, meteorology, and transport of emissions from the Sacramento Valley.

FEDERAL

Criteria Air Pollutants

At the federal level, EPA implements the national air quality programs. EPA's air quality mandates are drawn primarily from the Federal Clean Air Act (CAA), enacted in 1970. The most recent major amendments were made by Congress in 1990.

The CAA requires the EPA to establish NAAQS. EPA has established primary and secondary NAAQS for the following criteria air pollutants: O_3, CO, NO_2, SO_2, PM_{10}, $PM_{2.5}$, and lead (ARB 2010). The primary standards protect public health and the secondary standards protect public welfare. The CAA also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The Federal Clean Air Act Amendments of 1990 (CAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The EPA reviews all state SIPs to determine whether they conform to the mandates of the CAA and its amendments and whether implementing them will achieve air quality goals. If the EPA determines a SIP to be inadequate, a Federal Implementation Plan that imposes additional control measures may be prepared for the nonattainment area. If the state fails to submit an approvable SIP or to implement the plan within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basins.

Hazardous Air Pollutants

The EPA has programs for identifying and regulating hazardous air pollutants (HAPs). Title III of the CAAA directed to issue National Emissions Standards for Hazardous Air Pollutants (NESHAP). The NESHAP may be different for major sources than for area sources of HAPs. Major sources are defined as stationary sources with potential to emit more than 10 tons per year (TPY) of any HAP or more than 25 TPY of any combination of HAPs; all other sources are considered area sources. The emissions standards are to be issued in two phases. In the first phase (1992–2000), EPA developed technology-based emission standards designed to produce the maximum emission reduction achievable and are generally referred to as requiring maximum available control technology for toxics (MACT). For area sources such as generators, the standards may be different, based on generally available control technology. In the second phase (2001–2008), EPA is required to issue emissions standards based on health risks where the standards are deemed necessary to address risks remaining after implementation of the technology-based NESHAP standards.

STATE

The State of California, for purposes of air quality classification, has divided the state into meteorologically and geographically similar areas called air basins. Each air basin is responsible for meeting NAAQS and CAAQS for criteria pollutants and is classified by the EPA and ARB as an attainment or nonattainment area for each pollutant.

The ARB is responsible for enforcing the California Clean Air Act of 1988 (CCAA, 26 California Health and Safety Code [CH&SC §10000 et seq.]). The CCAA established a legal mandate to achieve the CAAQS by the earliest possible date. These state standards apply to the same seven criteria pollutants as the NAAQS, and also include sulfate, visibility reducing particles, hydrogen sulfide, and vinyl chloride. These CAAQS are generally more restrictive than the NAAQS.

Criteria Air Pollutants

The ARB coordinates and oversees the state and local programs for controlling air pollution in California and implements the CCAA. The CCAA requires ARB to establish CAAQS (Table 4.2-3, above; ARB 2010a). The ARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. In most cases the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

The CCAA requires that all local AQMDs in the state endeavor to achieve and maintain the CAAQS by the earliest practical date. The CCAA specifies that local AQMDs should focus particular attention on reducing the emissions from transportation and areawide emission sources. The CCAA provides AQMDs with the authority to regulate indirect sources.

The ARB also oversees local AQMDs compliance with federal and state laws, approving local air quality plans, submitting SIPs to EPA, monitoring air quality, determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

Toxic Air Contaminants

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807 [Statutes of 1983]) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588 [Statutes of 1987]). AB 1807 sets forth a formal procedure for ARB to designate substances as TACs. This process includes research, public participation, and scientific peer review before ARB can designate a substance as a TAC. ARB has identified more than 21 TACs to date and has adopted EPA's list of HAPs as TACs. Most recently, DPM was added to the ARB list of TACs.

Once a TAC is identified, the ARB then adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there no safe threshold exists, the measure must incorporate best available control technology for toxics (BACT) to minimize emissions.

The Hot Spots Act requires that existing facilities that emit toxic substances above a specified level prepare an inventory of toxic emissions, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

The ARB has adopted diesel exhaust control measures and more stringent emissions standards for various transportation-related mobile sources of emissions, including transit buses, and off-road diesel equipment (e.g., tractors, generators). Recent and upcoming milestones for transportation-related mobile sources include a low-sulfur diesel fuel requirement and tighter emissions standards for heavy-duty diesel trucks (2007) and off-road diesel equipment (2011) nationwide. Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, DPM) have been reduced significantly over the last decade and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. With implementation of ARB's Risk Reduction Plan, it was expected that DPM concentrations were 75% less than the estimated year-2000 level in 2010 and will be 85% less in 2020. Adopted regulations are also expected to continue to reduce formaldehyde emissions from cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

ARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (ARB 2005) provides guidance concerning land use compatibility with TAC sources. While not a law or adopted policy, the handbook offers advisory recommendations for the siting of sensitive receptors near uses associated with TACs, such as freeways and high-traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations, and industrial facilities, to help keep children and other sensitive populations out of harm's way. A number of comments on the handbook were provided to ARB by AQMDs, other agencies, real estate representatives, and others. The comments included concern over whether ARB was playing a role in local land use planning, the validity of relying on static air quality conditions over the next several decades in light of technological improvements, and support for providing information that can be used in local decision making.

REGIONAL AND LOCAL

Criteria Air Pollutants

Northern Sierra Air Quality Management District

NSAQMD has jurisdiction over most air quality matters in the County. NSAQMD is responsible for implementing certain programs and regulations required by the CAA and the CCAA.

Western Nevada County is non-attainment for the federal 8-hour O_3 standard and all of Nevada County is non-attainment for the State 1-hour ozone standard. O_3 exceedances in the County are primarily due to transport from the broader Sacramento area and the San Francisco Bay Area. As a federal non-attainment area, the NSAQMD must prepare a federally enforceable SIP for western Nevada County in accordance with the CAA. The SIP is an air quality attainment plan designed to reduce emissions of ozone precursors enough to re-attain the federal ozone standard by the earliest practicable date. This will include various pollution control strategies. Overall emissions of ozone precursors must be reduced in western Nevada County (consistent with Reasonable Further Progress requirements specified in the Clean Air Act) until attainment is reached. Most of these reductions are expected to come from motor vehicles becoming cleaner and from State regulations. Failure to submit and implement the SIP in a timely manner could result in federal sanctions, including the loss of federal highway funds, greater emission offset ratios for new sources, and other requirements the EPA may deem necessary. As western Nevada County's population, industry, and motor vehicle travel grow, the pollution transport fraction will decrease if local emissions are insufficiently mitigated.

Though the area is in non-attainment for O_3, the ARB has recognized the source as "overwhelming transport" and has therefore not required triennial reports to be prepared.

The NSAQMD has several rules that relate to the proposed project, which are summarized below:

Rule 202 – Visible Emissions

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

- As dark or darker in shade as that designated as No.1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
- Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this section.

Rule 205 – Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons, or to the public, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

Rule 207 – Particulate Matter

A person shall not release or discharge into the atmosphere from any source or single processing unit, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

Rule 209 – Fossil Fuel Steam Generator Facility

A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

- 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2)
- 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2)
- 10 pounds per hour of combustion contaminants as defined in Rule 102, and derived from the fuel

Rule 226 – Dust Control

Rule 226 requires the submittal of a Dust Control Plan to the District for approval prior to any surface disturbance, including clearing of vegetation. To help assure compliance by project contractors, it is preferable for the conditions to be included in the General Notes and/or the Grading Plan for the project, under a descriptive heading such as "Dust Control." Conditions should be more stringent for projects near sensitive receptors or for mitigation purposes.

City of Nevada City General Plan

The 1988 General Plan does not contain an Air Quality Element.

4.2.3 IMPACT ANALYSIS

The analysis in this section focuses on the nature and magnitude of the change in the air quality environment due to the construction and operation of the proposed project. Air pollutant emissions would result from construction activities, project operations, and increased traffic volumes.

METHOD OF ANALYSIS

NSAQMD has published air quality thresholds of significance for use by lead agencies when making a determination of significance for a project. NSAQMD thresholds establish standards for three criteria pollutants (NO_X, ROG, and PM_{10}) at three levels. The District has developed a tiered approach to significance levels: a project with emissions meeting Level A thresholds will require the most basic mitigations; projects with projected emissions in the Level B range will require more extensive mitigations; and those projects which exceed Level C thresholds will require the most extensive mitigations. The tiered thresholds for Level A, B, and C are given below for a project's estimated emissions of criteria pollutants in pounds per day (lbs/day).

The net increase in emissions generated by the proposed project and other secondary sources have been estimated and compared to thresholds of significance recommended by the NSAQMD. The methodology for estimating emissions, as described in NSAQMD's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects, was used in this analysis. In the place of using URBEMIS to model air quality emissions, California Emissions Estimator Model™ (CalEEMod version 2011.1.1) was used at the recommendation of NSAQMD.[3]

The criteria pollutants that are most important for this air quality impact analysis are those that can be traced principally to motor vehicles. Of these pollutants, CO, ROG, NO_X, and PM_{10} are evaluated on a regional or "mesoscale" basis. CO is often analyzed on a localized or "microscale" basis in cases of congested traffic conditions. Although PM_{10} has very localized effects, there is no EPA approved methodology to evaluate microscale impacts of PM_{10}. Methods for analysis of $PM_{2.5}$ are anticipated within the next few years, as implementation of the new standard progresses.

Short-term air quality impacts during construction and long-term impacts during operation were considered, including intermittent demolition/construction-related impacts from fugitive dust (PM_{10}) and mobile or stationary construction equipment emissions, and construction and vehicular emissions.

Construction Emissions

Construction emissions for both criteria air pollutants were calculated by estimating the equipment that would be used during the most intensive periods of demolition, clearing, and grading of the project site, excavation of the site, and construction of the proposed structures and their associated support facilities. The worst-case daily construction emissions associated with these activities were estimated using emission factors and default equipment lists from the CalEEMod version 2011.1.1 as recommended by NSAQMD. Although information from the project developer indicated that the use of diesel equipment would be unnecessary during building construction due to the early availability of city electricity, the default values supplied by the model were used as a conservative estimate.

Operational and Area Source Emissions

Operational Emissions refer to the emissions generated by increased vehicle trips to and from the project. Worst case average daily emission factors for operational emissions of criteria pollutants are estimated by using the default emission factors in CalEEMod. Emissions from increased vehicle traffic, also known as mobile source emissions, are also calculated using CalEEMod.

[3] Longmire, Sam. (2011, March 25). Air Pollution Control Specialist III, Northern Sierra Air Quality Management District. Personal Communication.

Area Source emissions refer to the emissions that are generated by the normal day-to-day activity of the project. These activities include heating and cooling of the building, landscape maintenance, and the use of consumer products by residents and employees. The average daily emission factors for operational and area source emissions of criteria pollutants are estimated by using emission factors in CalEEMod.

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, impacts to air quality are considered significant if the proposed project would exceed the NSAQMD Level C thresholds of significance as revised August 18, 2009, as shown in Table 4.2-4:

Table 4.2-4 NSAQMD Emission Thresholds of Significance

Level	NO_X	ROG	PM_{10}
Level A (less than significant)	<24 lbs/day	<24 lbs/day	<79 lbs/day
Level B (potentially significant)	24-136 lbs/day	24-136 lbs/day	79-136 lbs/day
Level C (significant)	>136 lbs/day	>136 lbs/day	>136 lbs/day

Source: NSAQMD. (2009, Aug 18). Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

NO_X, ROG, and PM_{10} emissions must be mitigated to a level below significant. If emissions for NO_X, ROG, and PM_{10} exceed 136 pounds per day (Level C), then there is a significant impact; below Level C is potentially significant.

Cumulative Air Quality Impacts

Development projects are considered to be cumulatively significant if the project requires a change in the existing land use designation (i.e., general plan amendment, rezone), and projected emissions (ROG, NO_X, PM_{10}) of the proposed project are greater than the emissions anticipated for the site if developed under the existing land use designation.

In addition, a project would have a significant air quality impact if the following qualitative criteria are met:

- **Air Quality Plan Consistency** – The project conflicts with or obstructs implementation of the applicable air quality plan.
- **Odors** – The project results in excessive nuisance odors, as defined under California Code of Regulations (CCR), CH&SC §41700[4], air quality public nuisance.
- **Sensitive Receptors** – The project results in a land use, which creates emissions that conflict with sensitive receptors, such as schools, elderly housing, hospitals, or clinics, etc.
- **District Rules and Regulations** – The project is not in compliance with all applicable district, state, or federal air quality rules and regulations.
- **Conformity** – The project does not comply with EPA general and transportation conformity regulations.

[4] CH&S 41700: "Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property."

IMPACTS AND MITIGATION MEASURES

The proposed project includes two potential development sites: the Existing Courthouse site, which would include a temporary court at the Government Center, or the Cement Hill site. For more details on the differences between each site, refer to Chapter 3, "Project Description." Impacts and mitigation measures are identified below for each site, as applicable and appropriate.

Impact 4.2-1 **Short-Term Construction-Generated Emissions of Ozone Precursors (ROG & NO_X).** Short-term construction-generated emissions would exceed NSAQMD's significance threshold Level A for ROG and NO_X and, therefore, could potentially contribute to pollutant concentrations that exceed the NAAQS or CAAQS. This is a **potentially significant** impact, regardless of which site is selected.

Construction will include demolition of existing structures, grading and site preparation for new construction, and construction activities such as pouring concrete and spraying architectural coatings. NSAQMD has developed a tiered threshold for ROG and NO_X of 136 pounds per day as significant (Level C), and over 24 pounds per day as potentially significant (Level B). Construction emissions estimates generated by CalEEMod for the Existing Courthouse and Temporary Court site and the Cement Hill site from construction equipment (i.e., graders, backhoes, haul trucks etc.) are shown in Table 4.2-5 and Table 4.2-6, respectively.

Construction emissions are described as "short term" or temporary in duration and may represent a significant impact on air quality. Construction-related activities would result in project-generated emissions of ROG and NO_X from demolition, site preparation (e.g., excavation, grading, and clearing), off-road equipment, material delivery, and worker commute exhaust emissions, vehicle travel, and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings). During construction on either site, ozone precursor emissions of ROG and NO_X are associated primarily with construction equipment exhaust and the application of architectural coatings.

An area of approximately 83,780 building gross square feet (BGSF) comprises the gross floor area of new structures to be constructed as part of the project. Project-specific details related to construction phasing and site design are not fully known at this time. For the purposes of this analysis, construction was assumed to take place over 4 years (2013-2016) for the Existing Courthouse Site due to the need for a temporary facility at the Temporary Court site and 3 years (2013–2015) for the Cement Hill Site. Please see Appendix C for model input and output parameters, detailed assumptions, and daily construction emissions estimates. Construction emissions for the Existing Courthouse and Temporary Court site are summarized in Table 4.2-5, below. Construction emissions for the Cement Hill site are summarized in Table 4.2-6, below. Based on the modeling, construction of the proposed project (at either site) would result in maximum unmitigated daily emissions of approximately 117 lb/day of ROG and 80 lb/day of NO_X.

The following air quality control measures relative to ozone precursors are incorporated into the project description:

- Ensure that all construction and grading equipment is properly maintained.
- Ensure that construction personnel turn off equipment when equipment is not in use.
- Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.

Table 4.2-5 Summary of Modeled Short-Term Construction-Generated Emissions for the Proposed Project – Existing Courthouse Site with Temporary Court Site

Construction Phase	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Preparation of Temporary Court site (2013)	10.07	80.17	46.96	0.07	12.30	8.42
Grading of Temporary Court site (2013)	6.50	48.96	32.34	0.05	5.75	4.24
Assembly of Temporary facility (2013)	5.71	37.69	27.61	0.04	3.42	2.39
Paving of Temporary Court site (2013) [a]	9.85	62.72	46.01	0.07	5.76	4.48
Demolition of Existing Courthouse (2014)	5.47	43.67	26.98	0.05	11.42	2.38
Preparation of Existing Courthouse Site (2014)	3.82	29.74	18.59	0.03	3.96	2.77
Grading of Existing Courthouse Site (2014)	5.36	51.61	26.62	0.07	32.09	3.38
Construction of New Courthouse (2014)	5.02	26.55	22.63	0.05	3.49	1.66
Paving of Existing Courthouse Site (2014) [a]	7.56	41.93	35.28	0.07	4.89	2.9
Construction of New Courthouse (2015)	4.57	24.48	21.72	0.05	3.33	1.50
Construction of New Courthouse (2016)	4.16	22.6	20.9	0.05	3.17	1.34
Paving of Existing Courthouse Site Parking (2016) [a]	110.39	25.01	23.11	0.05	3.44	1.54
Architectural Coatings for New Courthouse (2016) [a]	4.16	22.6	20.9	0.05	4.57	2.58
Disassembly of Temporary facility (2016) [a]	8.92	71.25	44.24	0.08	9.85	3.42
Maximum daily emissions	**110.39**	**80.17**	**46.96**	**0.08**	**32.09**	**8.42**
Threshold Level	**B**	**B**	**-**	**-**	**A**	**-**

Table 4.2-6 Summary of Modeled Short-Term Construction-Generated Emissions for the Proposed Project – Cement Hill Site

Construction Phase	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Demolition (2013)	5.27	39.58	25.19	0.04	2.88	2.34
Site Preparation (2013)	4.28	34.79	18.72	0.04	1.88	1.65
Grading (2013)	7.43	70.38	36.26	0.09	33.81	4.72
Construction of New Courthouse (2013)	6.16	33.95	26.92	0.06	3.93	2.10
Paving for New Courthouse (2013) [a]	9.93	56.97	44.56	0.09	6.02	4.00
Construction of New Courthouse (2014)	5.62	31.44	25.84	0.06	3.72	1.89
Construction of New Courthouse (2015)	5.13	28.85	24.91	0.06	3.53	1.70
Paving of additional Parking Areas (2015) [a]	8.90	51.87	42.55	0.09	5.62	3.60
Architectural Coatings (2015) [a]	111.40	31.46	27.17	0.06	3.82	1.92
Maximum daily emissions	**111.40**	**70.38**	**44.56**	**0.09**	**33.81**	**4.72**
Threshold Level	**B**	**B**	**-**	**-**	**A**	**-**

Table 4.2-5 and Table 4.2-6 Notes: Emissions estimates are in pounds per day calculated as the maximum of summer and winter daily emissions. "Mitigated" numbers are shown here to account for NSAQMD required dust control measures. lb/day = pounds per day; NO_X = oxides of nitrogen; $PM_{2.5}$ = fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less; PM_{10} = respirable particulate matter with an aerodynamic diameter of 10 micrometers or less; ROG = reactive organic gases. See Appendix C for modeling results.

[a] Paving and Coatings phases include concurrent emissions for building construction.

Table 4.2-5 and Table 4.2-6 Source: Data Modeled by The Ervin Consulting Group in 2011.

- When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
- Suspend heavy-equipment operations during first-stage and second-stage smog alerts.

Daily unmitigated emissions of the ozone precursors ROG and NO_X would not exceed NSAQMD's tiered Level C significance threshold of 136 lb/day. However, the emissions fall within Level B and it is anticipated that the proposed project construction could contribute to ozone concentrations that exceed the NAAQS or CAAQS. Therefore, this impact is considered **potentially significant**.

Mitigation Measure 4.2-1

- *Temporary traffic control shall be provided during all phases of the construction to improve traffic flow.*
- *Construction activities shall be scheduled to direct traffic flow to off-peak hours as much as practicable.*
- *All self-propelled off-road diesel-powered equipment and vehicles greater than 25 horsepower shall be equipped with an engine meeting at least CAA Tier 1 emission standards (typically manufactured 1996 or later).*

Significance after Mitigation

The Administrative Office of the Courts (AOC) would implement the above-described measures to the degree feasible; however, because emissions may not be lowered to below the NSAQMD 24 lbs/day (Level A) threshold, the impact remains ***potentially significant and unavoidable*.**

Impact 4.2-2	**Short-Term Construction-Generated Emissions of Particulate Matter (PM_{10} & $PM_{2.5}$).** Short-term construction-generated emissions would not exceed NSAQMD's significance threshold for PM_{10} or $PM_{2.5}$ and, therefore, would not be expected to contribute to pollutant concentrations that exceed the NAAQS or CAAQS. This is a less-than-significant impact, regardless of which site is selected.

Construction will include demolition of existing structures, grading, and site preparation for new construction, and construction activities – such as pouring concrete and spraying architectural coatings. Construction emissions estimates generated by CalEEMod for both the Existing Courthouse Site and the Cement Hill Site from construction equipment (i.e., graders, backhoes, haul trucks etc.) are shown in Table 4.2-5 and Table 4.2-6, above.

Construction emissions are described as "short term" or temporary in duration and may represent a significant impact on air quality, especially in the case of PM_{10}. Construction-related activities would result in project-generated emissions of PM_{10} and $PM_{2.5}$ from site preparation (e.g., excavation, grading, and clearing), off-road equipment, material delivery, and worker commute exhaust emissions, vehicle travel, and other miscellaneous activities (e.g., building construction, asphalt paving, application of architectural coatings). On all sites, fugitive dust emissions are associated primarily with site preparation and vary as a function of soil silt content, soil moisture, wind speed, acreage of disturbance, vehicle miles travelled (VMT) on- and off-site, and other factors.

Project-specific details related to construction phasing and site design are not fully known at this time. For the purposes of this analysis, construction was assumed to take place over 4 years (2013-2016) for the Existing

Courthouse site due to the need for a temporary facility at the Temporary Court site and 3 years (2013–2015) for the Cement Hill site. It was further assumed for the analysis that an area of approximately 83,780 building gross square feet (bgsf) would comprise the gross floor area of structures to be constructed as part of the project on either site. Please see Appendix C for model input and output parameters, detailed assumptions, and daily construction emissions estimates. Based on the modeling, construction of the proposed project would result in worst-case maximum unmitigated daily emissions of approximately 34 lb/day of PM_{10} at the Cement Hill site, and approximately 8.4 lb/day of $PM_{2.5}$ for the Existing Courthouse option. Neither site option exceeds the NSAQMD's Level A threshold for PM_{10}.

The following air quality control measures relative to PM are incorporated into the project description:

- Apply water or a stabilizing agent when necessary to exposed surfaces in sufficient quantity at least two times a day to prevent generation of dust plumes.
- Moisten or cover excavated soil piles to avoid fugitive dust emissions.
- Discontinue construction activities that generate substantial dust blowing on unpaved surfaces during windy conditions.
- Install and use a wheel-washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the proposed project site.
- Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions.
- Ensure that all construction and grading equipment is properly maintained.
- Ensure that construction personnel turn off equipment when equipment is not in use.
- Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.
- When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
- Suspend heavy-equipment operations during first-stage and second-stage smog alerts.

Because fewer than 2.5 acres would be disturbed on any given day and the required basic control measures recommended by NSAQMD would be incorporated into the project for either site, the impact from PM_{10} and $PM_{2.5}$ emissions generated by construction is considered less than significant.

Mitigation Measure 4.2-2

No mitigation is required.

Impact 4.2-3	**Generation of Long-Term Operational (Regional) Emissions of ROG, NOX, PM10 and PM2.5.** Implementation of the proposed project at either site would not result in a net increase of long-term operational emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$ that exceed NSAQMD's thresholds of significance or substantially contribute to concentrations that exceed the NAAQS or CAAQS. Therefore, impacts related to these long-term operational (regional) emissions would be less than significant.

Long-term operation of the proposed project would not result in any net increase of regional emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$ from area and mobile sources, as discussed in detail below.

Mobile Sources

The court currently operates six courtrooms, and the same number of courtrooms and employees would continue either temporarily at the temporary court site before returning to the existing location, or move to a new courthouse at Cement Hill. The proposed project would not increase the number of courtrooms available or the number of employees. Although the temporary court site and the Cement Hill locations are approximately 0.7 miles from the existing location, estimating whether that would result in a net increase in VMT over current operations would be speculative because of varied access routes. Construction of a new courthouse is not anticipated to result in a significant increase in the number of trips or VMT over current operations. The proposed project would therefore have a less than significant impact on long term operational emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$.

Stationary Sources

It is likely that the project would install a diesel-fueled emergency backup generator onsite. Such stationary equipment would be required to obtain the appropriate permits from NSAQMD. As is true for the operational and area source emissions of the project, this would not result in a net increase in emissions due to the fact that the existing facility already maintains such an emergency backup generator. As a result, the impact attributable to the operation of stationary sources is considered less than significant.

Mitigation Measure 4.2-3

No mitigation is required.

Impact 4.2-4	**Exposure of Sensitive Receptors to Toxic Air Contaminant Emissions.** Neither the short-term construction nor the long-term operation of the proposed project at either site would result in the exposure of sensitive receptors to excessive TAC emissions that exceed NSAQMD's significance threshold. Therefore, impacts related to exposure of sensitive receptors to TACs would be less than significant.

The exposure of sensitive receptors (e.g., existing and future offsite residents) to TAC emissions from construction, mobile, stationary, and other sources are discussed separately below.

Short-Term Construction

Construction of the proposed project would result in short-term diesel exhaust emissions from onsite heavy duty equipment. Particulate-exhaust emissions from diesel-fueled engines (DPM) were identified as a TAC by ARB in 1998. NSAQMD has not established a quantitative threshold of significance for construction-related TAC

emissions, but the ARB recommends that lead agencies address this issue on a case-by-case basis taking into consideration the specific construction-related characteristics of each project and its proximity to offsite receptors.

The nearest sensitive receptors to the Existing Courthouse site are residences located approximately 30 feet to the north. The nearest sensitive receptors to the Cement Hill site are residences (i.e., single-family housing) located approximately 300 feet to the north.

Construction of the project would generate DPM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The dose to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). According to the Office of Environmental Health Hazard Assessment, health risk assessments (HRAs), which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period; however, for construction, use of mobilized equipment would be temporary (i.e., only constituting 4% of the total health-risk exposure period). The predominant wind direction in the project vicinity is from the south. The sensitive receptors are located immediately north for either site.

The following air quality control measures are incorporated into the project description that would reduce project-generated TAC emissions:

- Ensure that all construction and grading equipment is properly maintained.
- Ensure that construction personnel turn off equipment when equipment is not in use.
- Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times.
- When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations.
- Suspend heavy-equipment operations during first-stage and second-stage smog alerts.

These factors, in combination with the dispersive properties of DPM (Zhu et al., 2002), short-term construction activities would not result in the exposure of sensitive receptors to levels that would result in a health hazard or exceed applicable standards.

Stationary Sources

Long-term operation of the proposed project would likely include the installation of a diesel-fueled emergency backup generator, though in replacement or upgrade of an existing generator. This, in addition to any other stationary sources that may emit TACs, would be subject to NSAQMD permitting and BACT requirements for toxics. Before granting a permit for any new sources, NSAQMD would perform or refer to a formal HRA to ensure the operation of such would not result in the exposure of sensitive receptors to levels of TAC emissions that exceed the recommended threshold. As a result, operation of any stationary sources would not result in the exposure of sensitive receptors to TAC emissions that exceed applicable standards.

Land Use Compatibility

Implementation of the proposed project would not result in the siting of residents on the project site. Although commercial land uses are not typically considered sensitive, AOC employees and contractors would be on the project site for a substantial portion of the year. Further, the nature of the operations suggests some court employees would be long-term employees, working at the site over a period of years. This information would

suggest that the project should be considered a sensitive receptor as it relates to potential exposure to TACs. There are no major stationary sources of TACs in the immediate vicinity (within 1,000 feet) of the proposed project site, but SR-49 (as a freeway) is located approximately 400 feet from the Existing Courthouse Site and (as a 2-lane highway) immediately adjacent to the Cement Hill Site.

The ARB developed the *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) (ARB 2005), which provides guidance concerning land use compatibility with sources of TAC emissions. The handbook offers recommendations for the siting of sensitive receptors near uses associated with TACs such as freeways and high-traffic roads, commercial-distribution centers, railyards, ports, refineries, dry cleaners, gasoline stations, and industrial facilities. While the handbook is advisory and not regulatory, it offers the following recommendations that may be pertinent to the proposed project:

- Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads carrying 100,000 vehicles per day, or rural roads carrying 50,000 vehicles per day.

According to the California Department of Transportation, SR-49 experiences approximately 34,000 average vehicles per day and approximately 2,850 vehicles per hour during the peak hour south of the junction with State Route 20 (SR-20; Caltrans 2009). Because SR-49 does not exceed the threshold described in ARB's recommendation, and in the case of the Existing Courthouse site the proposed project would not constitute a "new" use, the proposed project would not result in a significant impact with regards to siting a sensitive land use.

The siting of the proposed courthouse on either site would be consistent with all of the recommendations listed above and thus would not result in the exposure of sensitive receptors to TACs that exceed the recommended thresholds. This impact is considered less than significant.

Mitigation Measure 4.2-4

No mitigation is required.

4.3 Biological Resources

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New Nevada City Courthouse

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4.3 BIOLOGICAL RESOURCES

This section addresses biological resources that could be affected by the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse (201 Church Street, Nevada City) with a Temporary Court site or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). It is based on a Biological Resources Study prepared by North State Resources, Inc. (NSR) for the proposed project. The section discusses relevant policies, and examines potential impacts on plant, wildlife, and wetland habitats and on rare, threatened, or endangered species that could result from the acquisition of land for and the construction and operation of the proposed project. Mitigation measures are identified where appropriate.

One comment was received in response to the Notice of Preparation (NOP) expressing concerns for biological impacts if the Cement Hill site is selected. One late comment regarding the need for a timberland conversion permit for the Cement Hill site was received in response to the NOP from the California Department of Forestry and Fire Protection (CAL FIRE) on April 26, 2011. The comments were considered in the preparation of the EIR, and can be found in Appendix B.

4.3.1 EXISTING SETTING

Both project sites are located in the City of Nevada City (City) in Nevada County (County), California on the western slope of the Sierra Nevada. The sites range in elevation from 2,500 to 2,650 feet above mean sea level (AMSL), and the regional climate is characterized as temperate and humid. Precipitation in the overall study area primarily falls as rain with an average annual precipitation of approximately 54 inches. Air temperatures range between an average January high of 51 ºF, and an average July high of 88 ºF. The year-round average is approximately 54 ºF (Western Regional Climate Center, 2011).

The soils, topography, hydrology, and vegetation of the composite study area were largely influenced by the hydraulic mining that occurred in and around Nevada City during the late 19th century. The composite study area is within the Deer Creek United States Geological Survey (USGS) hydrologic unit (HU 1802012510), which drains to the Yuba River. Surface flow of water at all sites drains to Deer Creek. The location and environmental setting of each site is described below.

EXISTING COURTHOUSE SITE

The Existing Courthouse site includes the historic courthouse, the courthouse annex, a converted house with a large fenced yard (a preschool building), an existing county parking lot, and portions of the adjacent streets. All of the habitat associated with this site is urban, and includes a variety of horticultural trees, shrubs, and lawn grass surrounding the edifices and the parking lot. Seven of the horticultural trees are large, mature well-formed trees. Tree of Heaven (*Ailanthus altissima*) is an invasive tree that grows at the edge of the pavement at the corner of Church and North Pine Streets, and also in the southeast corner of the fenced yard at the corner of Washington and Main streets.

The soil map units within this site and its vicinity are described in the 1975 Soil Survey of Nevada County Area, California prepared by the United States Department of Agriculture (USDA) and Soil Conservation Service. The only soil map unit defined within this site is Hoda sandy loams on 9% to 15% slopes. The landform in this section of the City, including this entire site is a south-facing hill slope with a slope of about 10%. The lowest elevation of the site is located at the intersection of Church and Main streets and is approximately 2,500 feet above AMSL.

Temporary Court Site

The Temporary Court site is located at the intersection of Cement Hill Road and State Route 49 (SR-49). The site is due east of Cement Hill Road, and this location corresponds to a portion of Section 12, Township 16 North, Range 8 East of the Nevada City, California USGS 7.5-minute topographic quadrangle. This site consists of several distinct areas surrounding the existing buildings at the Wayne Brown Correctional Facility (Correctional Facility), as shown in the aerial photograph of the Temporary Court site (see Figure 3-4, Project Description). The two main buildings associated with the area are the Eric W. Rood Administrative Center (Rood Center) and the Correctional Facility. The three relatively large areas identified within the site are maintained primarily as lawn; and the remaining narrow areas include landscape trees, vegetated and non-vegetated drainage ditches, and portions of existing parking lots and access roads.

The soil map units within the study area and vicinity are described in the Soil Survey of Nevada County Area, California (USDA and Soil Conservation Service, 1975). The only soil map unit defined within the study area is Placer diggings. This map unit is a miscellaneous land type consisting of the remnants of the mined alluvial deposits. The alluvial soil series that are mapped in the vicinity of the site include Cohasset, Hoda, and Mussick. The topography of the site is nearly level as it has been graded and terraced as part of the construction of the buildings, parking, and landscaping associated with the Temporary Court site. The site slopes to the south and west, and the elevation is approximately 2,650 feet AMSL.

Cement Hill Site

The Cement Hill site consists of two public parcels owned by the City (APN: 05-010-58 and 05-010-298) and one private parcel (APN: 05-020-20). The larger public parcel is mostly wooded with coniferous forest and includes a public hiking trail known as the Hirschman's Pond Trail. A private residence is located on the smaller public parcel near the center of the study area. The cleared area in the southeast corner is referred to as the "woodlot" and is within the private parcel.

The soil map units within the study area and vicinity are described in the Soil Survey of Nevada County Area, California (USDA and Soil Conservation Service, 1975). The only soil map unit defined within the study area is Placer diggings. This map unit is a miscellaneous land type consisting of the remnants of the mined alluvial deposits. The alluvial soil series that are mapped in the vicinity of the site include Cohasset, Hoda, and Mussick. The topography of the site is undulating with a slope to the south and east. The elevation of the site is approximately 2,650 feet AMSL.

The northwest quarter of the study area is occupied by a wetland complex that is associated with the unnamed stream that enters the site from the west. The wetland complex extends into the swales of the undulating landscape formed on the hydraulic mining remnants. East of the residence, the intermittent stream splits into two branches that drain southward across the site, and then under SR-49 via separate culverts.

Field Reconnaissance

On March 31, 2011 and May 19, 2011, NSR biologist Paul Kirk conducted reconnaissance-level biological surveys at each of the study area sites. All distinct habitats occurring within each site were characterized and evaluated for their potential to support regionally occurring special-status species and other sensitive biological resources. Dominant plants within each habitat type were identified and noted (Appendix D, Attachment B). Representative photographs of the study area are provided in Appendix D, Attachment C.

Mr. Kirk also identified areas that showed obvious indicators of wetland hydrology and/or hydrophytic vegetation. At the Cement Hill site, these areas were mapped using a Trimble GPS and aerial photographs to

indicate areas that may qualify as waters of the United States. At the other sites the presence, if any, of these areas was recorded in field notes, but not mapped using a Trimble® GPS.

HABITAT CHARACTERIZATION

Habitat types were classified based on the descriptions provided in *A Guide to Wildlife Habitats of California* (Mayer and Laudenslayer, 1988) which is a component of the California Wildlife Habitat Relationship (WHR) System utilized by California Department of Fish and Game (CDFG). The only habitat type occurring within either the Existing Courthouse study area is Urban. The dominant WHR habitat type occurring within the Temporary Court site is Urban. The dominant WHR habitat types occurring within the Cement Hill site is Sierran Mixed Conifer. Habitat types at each of the study areas are characterized below.

Existing Courthouse Site

Urban

The majority of this study area is occupied by buildings, streets, and sidewalks. Urban habitat is represented by seven large horticultural trees alongside the courthouse and existing parking lot, and a variety of smaller shrubs in planter boxes and around the existing house on Winter Street. Three well-formed London plane trees (*Platanus x acerifolia*) with a diameter at breast height (DBH) of approximately 24 to 30 inches and height of approximately 60 feet are located along the west side of the courthouse. Four well-formed linden trees (*Tilia* sp.) of slightly smaller DBH and height than the London plane trees are located along the south side of the existing parking lot on Washington Street. There are several varieties of ornamental juniper (*Juniperus chinensis*) in planters adjacent to the buildings, the parking lot, and the residence.

Temporary Court Site

The Temporary Court site also consists of urban and barren habitat. The site is largely graded and barren except for smaller trees and shrubs along the outer boundaries of the potential development parcels, and a vermicomposting demonstration garden.

Urban

Urban habitat is represented by three large areas of lawn, and narrow areas along some of the roads that are landscaped with shrubs and trees. The lawn is dominated by a variety of non-native grasses and forbs, including bulbous bluegrass (*Poa bulbosa*), silver European hairgrass (*Aira caryophyllea*), orchardgrass (*Dactylis glomerata*), English plantain (*Plantago lanceolata*), shamrock (*Trifolium dubium*), and rattail fescue (*Vulpia myuros*). Wet swales within the lawn areas are dominated by Mediterranean barley (*Hordeum marinum ssp. gussoneanum*). Common horticultural shrubs include wild lilac (*Ceanothus sp*.) and manzanita (*Arctostaphylos sp*.). Common horticultural trees include poplar (*Populus sp*.), maple (*Acer sp.*), pine (*Pinus sp.*) and dogwood (*Cornus sp*.). The landscape at the outer edges of the roads surrounding the Nevada County Government Center (Government Center) includes some of the native trees and shrubs of the surrounding forest: Ponderosa pine, incense-cedar, Canyon live oak, and white leaf manzanita.

Barren

Barren habitat is represented primarily by the roads, parking lots, and sidewalks within the Temporary Court site. There is also barren habitat in the open area north of the Correctional Facility, where tree trimmings and other debris are stockpiled.

Fresh Emergent Wetland/Montane Riparian

These two habitat types only occur within and along the rocked ditch adjacent to the north edge of the road directly north of the Correctional Facility. The ditch was recently mowed, and the dominant plants that could be identified during the site visit include rushes, sedges, and nut-sedge. Riparian areas provide valuable ecological functions (e.g., wildlife resources, filter pollutants) and are considered a sensitive biological resource. The montane riparian habitat consisted of a single cluster of shrubby willows in the western half of this rocked ditch.

Cement Hill Site

Annual Grassland

Annual grassland habitat occupies most of the woodlot located in the southeast corner of the property. The annual grassland habitat is highly disturbed and no shrubs or trees are present. Within this habitat, the herbaceous vegetation is sparse and is dominated by non-native grasses, including bromes (*Bromus sp*.). A small intermittent drainage runs from the high ground of the stockpiling area within the woodlot southward across the lower portion of the woodlot towards the drainage ditch along SR-49 in the southeast corner of the study area. These seasonally wet areas in the lower portion of the woodlot are inclusions within the annual grassland and are dominated by common velvet grass (*Holcus lanatus*). The annual grassland habitat also contains inclusions of barren areas represented by graveled road and processing areas of the woodlot.

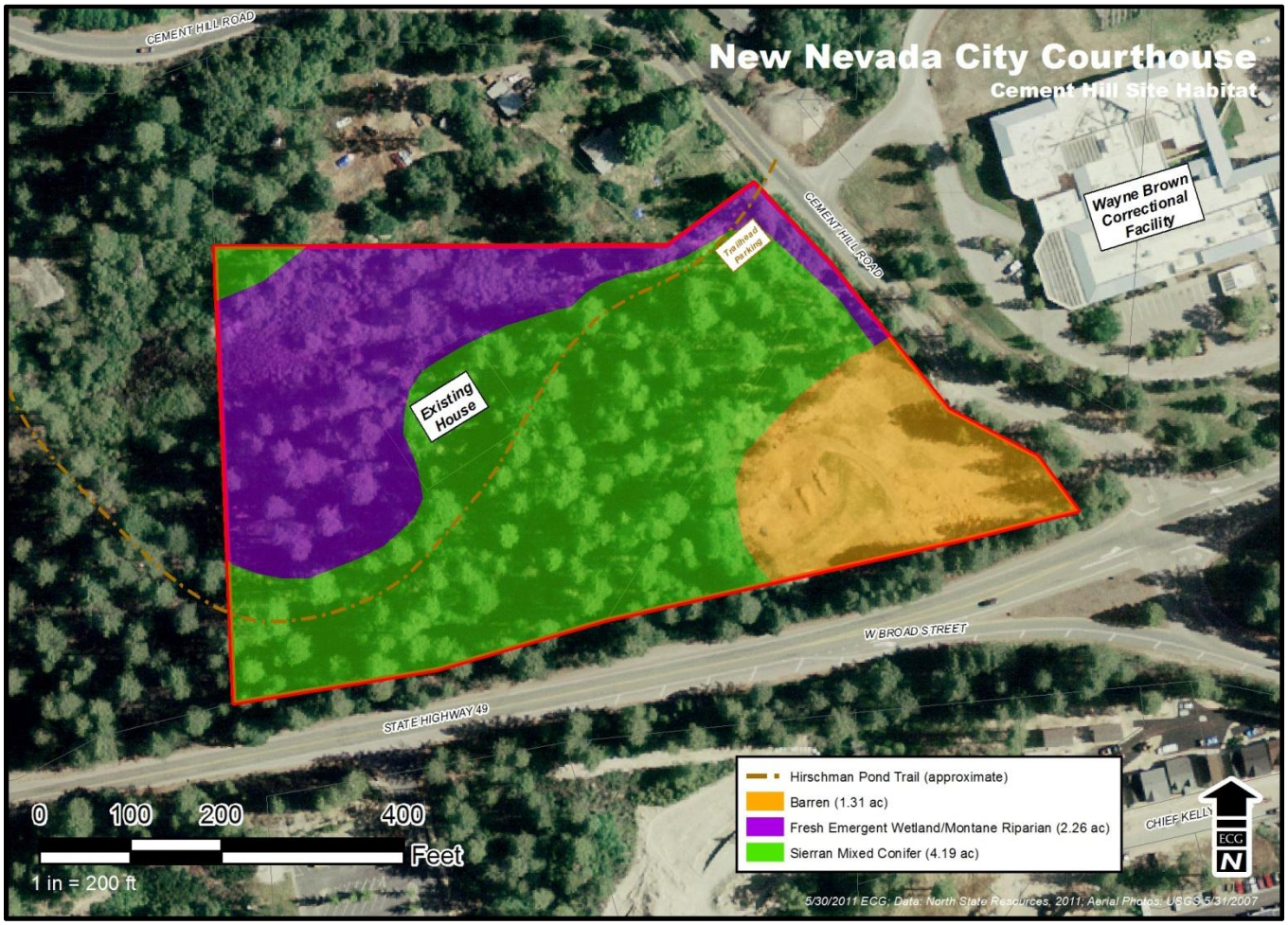
Fresh Emergent Wetland/Montane Riparian

These two habitat types form a complex that occupies approximately one third of the study area (Exhibit 4.3-1). The largest ponded feature containing Fresh Emergent Wetland habitat is located in the northwest corner of the study area. Dominant plants within the Fresh Emergent Wetland component are narrow-leaved cattail (*Typha angustifolia*), common bog rush (*Juncus effusus*), sedges (*Carex* sp.), curly dock (*Rumex crispus*), and tall fescue (*Festuca arundinacea*).

Riparian areas along stream corridors provide valuable ecological functions (e.g., wildlife resources, filter pollutants) and are considered a sensitive biological resource. The Montane Riparian habitat component surrounds the ponded area and extends along the edges of the intermittent stream and one of its branches from the northwest corner of the study area to the driveway entrance from Cement Hill Road. Dominant plants within the Montane Riparian component are willows (*Salix sp*.), California ash (*Fraxinus dipetala*), creeping snowberry, (*Symphoricarpos mollis*), and Himalayan blackberry (*Rubus discolor*). Dead and dying white birch (*Betula sp*.) are located along the northern edge of the study area.

Sierran Mixed Conifer

Sierran Mixed Conifer occupies approximately one third of the study area and the dominant trees are Ponderosa pine (*Pinus ponderosa*), tan bark oak (*Lithocarpus densiflora*), and canyon live oak (*Quercus chrysolepis*). Other trees and shrubs include incense cedar (*Calocedrus decurrens*), Pacific madrone (*Arbutus menziesii*), scotch broom (*Cytisus scoparius*), white leaf manzanita (*Arctostaphylos viscida*), and Sierran mountain misery (*Chamaebatia foliolosa*). Herbaceous cover is sparse with this habitat type. Scotch broom is abundant along the more disturbed edges of this habitat type, including the northwest edge of the woodlot.



The Ervin Consulting Group, 2011; habitat data from North State Resources, Inc., 2011

Exhibit 4.3-1 **Cement Hill Site Habitat**

An intermittent stream running along the north and east boundaries of the site and the drainage along the toe of the SR-49 embankment support narrow bands of Montane Riparian habitat which are inclusions within the mapped Sierran Mixed Conifer habitat. These narrow riparian bands are relatively sparse and the dominant plants include Himalayan blackberry, California ash, and snowberry (*Symphoricarpos albus var. laevigatus*).

Special-Status Species

For the purpose of this evaluation, special-status plant species include plants that are (1) listed as threatened or endangered under the California Endangered Species Act (CESA) or the Federal Endangered Species Act (FESA); (2) designated as rare by the CDFG; (3) state or federal candidate or proposed species for listing as threatened or endangered; or (4) have a California Rare Plant Rank (RPR) of 1A, 1B, 2, or 3.

Special-status animal species include species that are (1) listed as threatened or endangered under CESA or FESA; (2) proposed for federal listing as threatened or endangered; (3) state or federal candidates for listing as threatened or endangered; and/or (4) identified by the CDFG as Species of Special Concern or California Fully Protected Species.

A list of regionally occurring special-status species was compiled based on a review of pertinent literature, the results of the field assessment, and the review of the United States Fish and Wildlife Service (USFWS) species list

and California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) database (Appendix D, Attachment A). For each species, habitat requirements were assessed and compared to the habitats within the study area and its immediate vicinity (Appendix D, Attachment D).

Based on this review of habitat requirements and the results of the field assessment, the Cement Hill site provides potentially suitable habitat for three special-status plant species and two special-status animal species. The Existing Courthouse site and the Temporary Court site do not provide potentially suitable habitat for any special-status plants or animals.

Special-Status Plant Species

The Cement Hill site provides potentially suitable habitat for three special-status plant species. These special-status plant species and their federal status, state status, and RPR are identified in Table 4.3-1.

Table 4.3-1: Potential Special Status Plant Species on the Cement Hill Site

Common Name	Scientific Name	Federal Status	State Status	CDFG RPR
Inundated bog club-moss	*Lycopodiella inundata*	none	none	2.2
Brownish beaked-rush	*Rhynchospora capitellata*	none	none	2.2
Scadden Flat checkerbloom	*Sidalcea stipularis*	none	Endangered	1B.1

Source: North State Resources, Inc., 2011

All vascular plants observed during the field reconnaissance were recorded and are presented in Appendix D. No special-status plants were observed during the field reconnaissance. However, the field reconnaissance was conducted on March 31, outside of the identification period for these special-status plant species. Therefore, additional botanical surveys during the summer (July or August) would be required to document the status (i.e., presence or absence) of special-status plants within the study area.

Inundated bog club-moss, brownish beaked-rush, and Scadden Flat checkerbloom have the potential to occur in the fresh emergent wetland/riparian wetland complex in the northeast portion of the Cement Hill site. Habitat for these three species is characterized by marshes and swamps.

Special-Status Animal Species

Five special-status animal species were identified as having potential to occur at the Cement Hill site. These include the California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys marmorata*), yellow warbler (*Dendroica petechia*), yellow-breasted chat (*Icteria virens*), and the California black rail (*Laterallus jamaicensis coturniculus*). None of these species were observed at the site, but the fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides potentially suitable habitat for all of these species. The regulatory status and habitat requirements for these five species are summarized below.

California Red-Legged Frog

The California red-legged frog is listed as a threatened species under the FESA, and is designated as a Species of Special Concern by the CDFG. California red-legged frogs have been observed in a number of aquatic habitats throughout their historic range. The key to their occurrence in these habitats is the presence of perennial or nearly perennial water and the general lack of introduced aquatic predators such as crayfish (*Pacifastacus leniusculus* and *Procambarus clarkii*), bullfrogs (*Rana catesbeiana*), bluegill (*Lepomis macrochirus*), and other

centrarchid fishes such as largemouth bass (*Micropterus salmoides*). In addition to aquatic habitats, juvenile and adult California red-legged frogs use areas of riparian vegetation located within a few yards of perennial or nearly perennial waters. The species also uses small mammal burrows in or under vegetation, willow root wads, and the undersides of old boards and other debris within the riparian zone (Jennings and Hayes, 1994b).

The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides potentially suitable habitat for the California red-legged frog. The wetland complex provides perennial or near perennial aquatic habitat with adjacent dense riparian habitat. The wetland complex does support resident bullfrogs (observed during the field survey), but it is unlikely that the unnamed intermittent stream that feeds this wetland supports predatory fish such as largemouth bass or bluegill. No California red-legged frogs were observed during the reconnaissance-level field survey.

Western Pond Turtle

The western pond turtle is designated as a Species of Special Concern by the CDFG, and is found in the quiet waters of ponds, marshes, creeks, and irrigation ditches. This species requires basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud banks. They frequently bask on logs or other objects out of the water when water temperatures are low and air temperatures are greater than water temperatures. When air temperatures become too warm, western pond turtles "water bask" by lying in the warmer surface water layer with their heads out of the water. In colder regions, western pond turtle typically hibernate underwater in bottom mud (Zeiner, 1990). Mating typically occurs in late April or early May, but may occur year-round. Nests are located in an upland location that may be a considerable distance from the aquatic site (up to 0.25 mile) (CDFG, 1994). Hatchling turtles are thought to emerge from the nest and move to the aquatic site in the spring. Today, the western pond turtle occurs in 90% of its historic range in the Central Valley and along the western slope of the Sierra Nevada, but in greatly reduced numbers (Jennings and Hayes, 1994a). It occurs throughout California west of the Sierra crest and absent from desert regions except along the Mojave River (Zeiner, 1988).

The fresh emergent wetland/riparian wetland complex at the Cement Hill site provides suitable habitat for the western pond turtle. Habitat elements observed at the site include slow-moving open water and partially submerged woody debris that provides potential basking sites. The deeper part of the open water is approximately two feet deep, and provides cooler water that could be used as hibernation habitat. No western pond turtles were observed during the reconnaissance-level field survey.

Yellow Warbler

The yellow warbler is a California Species of Special Concern. The yellow warbler is a Neotropical migrant that principally occurs in California as a migrant and summer resident from late March through early October (Shuford and Gardali, 2008). It is usually found in dense riparian deciduous habitats with cottonwoods, willows, alders, and other small trees and shrubs typical of open-canopy riparian woodlands. The species breeds from mid-April to early August, building an open cup nest in a tree or shrub. They typically produce one clutch size of 4 to 5 eggs per year. Foraging patterns typically involve gleaning and hovering for insects and spiders. No yellow warblers were observed during the reconnaissance-level field survey.

Yellow-Breasted Chat

The yellow-breasted chat is a California Species of Special Concern. The yellow-breasted chat is a very large warbler with a robust build. A Neotropical migrant, it usually arrives in California in April and departs by late September. In California, they typically occur in early successional riparian habitats with a well-developed shrub layer and an open canopy (Shuford and Gardali, 2008). Nesting habitat is usually restricted to the narrow border

of streams, creeks, sloughs, and rivers (Shuford and Gardali, 2008). Breeding occurs from early May to early August. Nests are built low to the ground, often in dense shrubs along streams. Clutch size generally varies from 3 to 5 eggs and, typically, only one clutch is produced per year. Foraging patterns usually involve gleaning insects, spiders, and berries from the foliage of shrubs and low trees. No yellow breasted-chats were observed during the reconnaissance-level field survey.

California Black Rail

The California black rail is listed as a threatened species under the CESA, and is designated by the CDFG as a California Fully Protected Species. The California black rail is a non-migratory, sparrow-sized marsh bird. This species has patchy distribution near the west coast including San Francisco Bay, Sierra Nevada foothills, Imperial Valley, Lower Colorado River, and Baja California. The majority of the known population occurs in the San Francisco Bay in salt marshes that are dominated by pickleweed (*Salicornia virginica*), gumplant (*Grindelia stricta*), and alkali bulrush (*Scirpus maritimus*). The populations in the fresh water marshes of the Sierra Nevada foothills are concentrated in a core area that extends from the southern end of Butte County to the southern end of Nevada County. These fresh water marshes are characterized as permanent or semi-permanent wetlands with shallow zones (<1.25 inches deep) and dense emergent vegetation. California black rails of the Sierra Nevada foothill population are rarely reported to occur at elevations above 1,150 feet, which may be due to freezing winter temperatures above this elevation. However, there have been documented occurrences within Nevada County at elevations up to approximately 2,550 feet. No California black rails were observed during the reconnaissance-level field survey.

OTHER SENSITIVE BIOLOGICAL RESOURCES

Raptors

Raptor species (birds of prey) and migratory birds may potentially nest in trees and other vegetation located within, or in the immediate vicinity of, the study areas. All raptors, including common species and their nests, are protected from “take” under California Fish and Game Code (FGC). All migratory birds and their nests are protected from “take” under the federal Migratory Bird Treaty Act (MBTA).

Migratory Deer

The western portion of the County supports both winter populations of the migratory Nevada City deer (*Odocoileus hemionus*) herd and a resident population of the Mother Lode herd. The Nevada City herd moves seasonally between the winter range in the western portion of the County and the summer and spring ranges in the timbered central portion of the County. Deer populations throughout the County have been characterized by both the CDFG and the Tahoe National Forest as unstable and declining (Nevada County, 1995). According to deer range data provided by CDFG, the Cement Hill and Temporary Court sites are located within the Nevada City deer herd winter range, but south (and outside) of the critical winter range area (CDFG, 1985).

Protected Trees

Many of the trees and shrubs on the Existing Courthouse site and the Cement Hill site would be classified as “protected trees” under the Nevada City Municipal Code (Municipal Code). The Existing Courthouse site supports three London plane trees and four linden trees, each with a DBH of approximately 30 inches or greater. As discussed above, many of the trees (i.e., pine, oak, cedar) and shrubs (i.e., madrone, manzanita) on the Cement Hill site, and several of the trees at the Temporary Court site would be classified as “protected trees” under the Municipal Code.

POTENTIAL WATERS OF THE UNITED STATES

Potential waters of the United States were identified at the Cement Hill and Temporary Court sites. NSR advises all interested parties to treat this description of potential waters of the United States as a preliminary investigation. This EIR discussion is not intended to be submitted for verification as jurisdictional boundaries by the United States Army Corps of Engineers (USACE).

The term "waters of the United States" is defined as:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
- All interstate waters including interstate wetlands
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use or degradation of which could affect interstate or foreign commerce including any such waters

The term "wetlands" is defined as:

- Waters of the United States or isolated features that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions

Existing Courthouse Site

No potential waters of the United States were identified within this study area.

Temporary Court Site

Several perennial and intermittent streams intersect the upslope (northern) edge of the Temporary Court site. Although the surface flow from these streams is largely diverted around or under the site via a system of rocked drains, storm drains, and culverts, there are several areas within the Temporary Court site where groundwater seepage supports hydrophytic plants. These areas are potential waters of the United States.

Two perennial streams and one intermittent stream flow into and along the rocked ditch that runs adjacent to the north edge of the road directly north of the Correctional Facility within the Temporary Court site. A berm above the rocked ditch interrupts much of the direct flow, and water seeps into the ditch. The portions of the rocked ditch that are closest to the alignment of these drainages are vegetated with hydrophytic plants, including rushes, sedges, and willows. A storm drain at the east end of the rocked ditch carries water from the intermittent stream. The western half of the rocked ditch flows to the west to culverts that pass under Cement Hill Road. Hydrologic indicators include surface water, saturated soil, and rill erosion.

Groundwater from these streams also passes under the road north of the Correctional Facility and resurfaces near the toe of the road embankment on the south side of the road in the grassy open area just north of the Correctional Facility where tree trimmings are piled. The seepage from this embankment flows westward via a shallow swale towards the access drive to the west. The swale is dominated primarily by the hydrophytic plant, Mediterranean barley. During the May 19, 2011 field assessment, the swale was saturated to the surface near the debris piles; at the west (down gradient) end of the swale the water table was observed to be 6 inches below the ground level.

At the northeast corner of the Temporary Court site, east of the main Government Center building, a grassy area was observed that is characterized by saturated soil and some hydrophytic plants. Much of this area is barren and rutted, due to the use of tractors or other heavy equipment. This grassy area is located at the toe of the hill slope north of the Temporary Court site, and is also adjacent to a perennial stream that runs along the east edge of the Government Center. A 36-inch concrete culvert is located near this northeast corner and carries some of the flow from the perennial stream underneath the parking lot. There is also a small storm water detention pond/swale within the narrow project area that passes through the eastern parking lot.

The large lawn area just east of the Correctional Facility has two grassy swales that drain westward and enter separate storm culverts. Mediterranean barley is the dominant hydrophytic plant along the center of these swales. The large lawn area in the southeast corner of the Temporary Court site has a rocked swale and a vegetated swale that convey water to a single storm drain. Due to the presence of a high water table at locations across this site, it is likely that all of the swales in these lawn areas convey groundwater seepage in addition to storm water runoff.

These potential waters of the United States include approximately 0.05 acres of vegetated ditches and vegetated swales, and approximately 0.014 acres (approximately 200 linear feet) of non-vegetated ditch. They also support a small amount of montane riparian habitat.

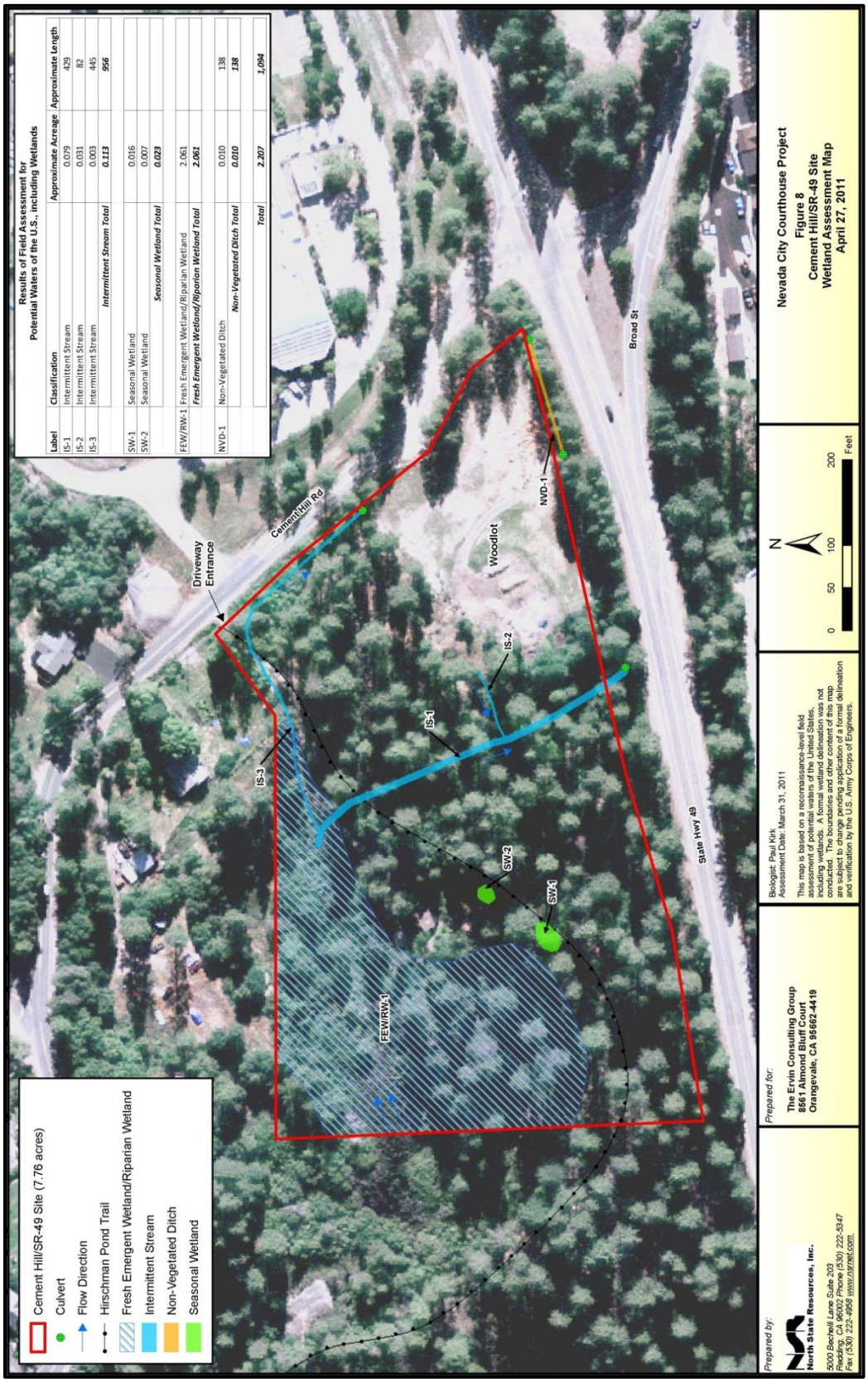
Cement Hill Site

An unnamed intermittent stream enters the site at the northwest corner. Surface flows exit the site through two separate culverts that pass southward under SR-49. On the day of the March 31, 2011 site visit, slowly moving surface water was observed crossing much of the site. Areas identified as potential waters of the United States include fresh emergent wetland/riparian wetland complex, seasonal wetland, intermittent stream, and non-vegetated ditch. Exhibit 4.3-2 shows the results of the field assessment for potential waters of the United States at this site, including wetlands.

A fresh emergent wetland/riparian wetland complex is located in the northwest quarter of the site. This wetland/riparian complex is fed by the unnamed intermittent stream west of the site boundary. The complex includes a relatively small area of open water, and larger surrounding areas that support dense stands of cattail and willows. Water within the wetland/riparian complex flows slowly eastward and drains to an intermittent stream that splits at a point northeast of the residence within the site.

The western branch of the intermittent stream (IS-1) drains southward through a gully approximately 20 feet deep across the middle of the site, and then drains under SR-49 via a 24-inch corrugated metal pipe (CMP). The ordinary high water mark (OHWM) of IS-1 is evidenced by a cobble bed and bank that is approximately eight feet wide. The bank and bed of IS-1 has only sparse riparian vegetation. On the date of the survey, flowing water within the western branch was approximately four inches deep. The western branch has a short and steep tributary (IS-2) that is approximately two feet wide.

The eastern branch of the intermittent stream (IS-3) continues eastward alongside the earthen driveway leading to the residence, and then turns south along the west side of Cement Hill Road. IS-3 has a substrate composed of more sand and less cobbles than IS-1, and supports more riparian vegetation than IS-1. The bank and bed of IS-3 is dominated by willows and Himalayan blackberry. At the northern edge of the woodlot, IS-3 enters a culvert that passes under the entire woodlot and exits into a non-vegetated ditch (NVD-1) draining eastward along the toe of the embankment of SR-49. NVD-1 enters a culvert that drains southward under SR-49.



Source: North State Resources, Inc., 2011

Exhibit 4.3-2 **Wetland Assessment Map**

4.3.2 REGULATORY SETTING

Biological resources in California are protected and/or regulated by a variety of federal and state laws and policies. Key regulatory and conservation planning issues applicable to the proposed project are discussed below.

FEDERAL

Federal Clean Water Act

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation's surface waters, including lakes, rivers, and wetlands. It operates on the principle that all discharges into the nation's waters are unlawful unless specifically authorized by a permit; permit review is the CWA's primary regulatory tool.

Section 404, Discharge of Dredged or Fill Material

The objective of the CWA (1977, as amended) is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Discharge of dredged or fill material into waters of the United States, including jurisdictional wetlands, is regulated by the USACE under Section 404 of the CWA (33 United States Code (USC) 1251-1376). USACE regulations implementing Section 404 define waters of the United States to include intrastate waters, including lakes, rivers, streams, wetlands, and natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce. Wetlands are considered "special aquatic sites" and are defined for regulatory purposes as "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 Code of Federal Regulations (CFR) 328.3; 40 CFR 230.3). To comply with the Section 404 policy that there be no net loss of wetlands, discharge into wetlands must be avoided and minimized to the extent practicable. For unavoidable impacts, compensatory mitigation is required to replace the loss of wetland functions in the watershed. Projects are permitted under either individual or general (i.e., nationwide) permits.

Federal Endangered Species Act

The FESA defines "take" (Section 9) and generally prohibits the "taking" of animal species listed as endangered or threatened (16 USC 1532, 50 CFR 17.3). Under the FESA, the "take" of a federally listed species is deemed to occur when an intentional or negligent act or omission causes the agent of the action "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The term "harm" includes acts that actually kill or injure wildlife. Such acts may include significant habitat modification or degradation when it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Listed plants are not protected from take for private projects on private lands. However, it is illegal to collect or maliciously harm them on federal lands, and the FESA prohibits interstate or international trade in listed plant and animal species.

Section 7 of the FESA requires federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species (plant or animal), or result in the destruction or adverse modification of designated critical habitat for these species.

Migratory Bird Treaty Act

The MBTA, first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it shall be unlawful,

except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. The current list of species protected by the MBTA can be found in 50 CFR 10.13. The list includes nearly all migratory birds native to the United States.

STATE

Section 401 Water Quality Certification

The Central Valley Regional Water Quality Control Board (CVRWQCB or Central Valley RWQCB) is the state agency responsible for protecting water resources in the project area. The CVRWQCB requires project sponsors to apply for and obtain a CWA Section 401 Water Quality Certification for any project that requires a CWA Section 404 permit from the USACE.

Streambed Alteration Agreement

The CDFG has jurisdictional authority over fish and wildlife resources associated with rivers, streams, and lakes under the Streambed Alteration Agreement (SAA; FGC Sections 1600 to 1616). CDFG must be notified when any person, business, state or local government agency, or public utility proposes an activity that will do any of the following:

- Divert, obstruct, or change the natural flow or the bed, channel or bank of any river stream or lake
- Use material from a streambed
- Result in the disposal or deposition of debris, waste, or other material where it can pass into any river, stream, or lake

The notification requirement applies to any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel. This includes ephemeral streams, desert washes, and watercourses with a subsurface flow and includes adjacent wetland and riparian habitat. It may also apply to any work undertaken within the flood plain of a body of water.

If CDFG determines that a proposed project or activity could have substantial adverse effects on fish or wildlife, a SAA is required. As part of this agreement, CDFG may require reasonable modifications in the proposed construction that would allow for the protection of the fish and wildlife resources. The project proponent must notify CDFG before beginning construction activities within lands under CDFG jurisdiction.

California Endangered Species Act

Under the CESA, CDFG is responsible for maintaining a list of endangered and threatened species (FGC §2070). CDFG also maintains a list of "candidate species," which are species that CDFG formally notices as being under review for addition to the list of endangered or threatened species, and lists of "species of special concern," which serve as species "watch lists."

Pursuant to the requirements of CESA, a state or local agency proposing or reviewing a proposed project within its jurisdiction must determine whether any state listed endangered or threatened species may be present in the project area and determine whether the proposed project could have a significant impact on such species. In addition, the CDFG encourages informal consultation on any proposed project that may affect a candidate species.

Project-related impacts to species listed as threatened or endangered under CESA would be considered significant. State-listed species are fully protected under its mandates. "Take" of protected species incidental to

otherwise lawful management activities may be authorized under FGC Section 2081. Authorization from CDFG would be in the form of an Incidental Take Permit.[1]

Birds of Prey

Under Section 3503.5 of the FGC, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird, except as otherwise provided by this code or any regulation adopted pursuant thereto.

Migratory Birds

FGC Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such a migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. Under Code Section 3513, CDFG may consider impacts similar to those described above under the MBTA a significant impact.

Fully Protected Species

California statutes accord "fully protected" status to a number of specifically identified birds, mammals, reptiles, amphibians, and fish. These species cannot be "taken," even with an incidental take permit (FGC, Sections 3505, 3511, 4700, 5050, and 5515).

LOCAL

City of Nevada City General Plan 1980-2000

The Nevada City General Plan 1980-2000 (General Plan) includes a principal goal of preserving the sense of a distinct city surrounded by green, wooded hills and encourages a joint effort with Nevada County to preserve the forested part of the City's historic setting (Nevada City, 1986). The objectives and policies set forth in the General Plan are not directly applicable to the proposed project. The Administrative Office of the Courts (AOC), as lead agency, considers these policies in determining whether the project's impacts are significant, and to inform the development of potential mitigation measures.

City of Nevada City Municipal Code

Chapter 18.01 of the Municipal Code provides basic standards and measures for the preservation and protection of trees through the issuance of discretionary tree removal permits. The City's permits and decision-making authority are applicable to private and local agency landowners. According to the ordinance, all trees in the city are considered "protected trees" if their diameter is greater than the DBH specified in the ordinance. The specified DBH is 6 inches for all trees, except oak (4 inches) and sugar pine which is protected regardless of DBH. The ordinance also classifies madrone and manzanita shrubs with a cumulative DBH of 4 inches as "protected trees." Furthermore, the ordinance defines certain "additionally protected" trees and groves, including any tree with a DBH of 14 inches or more, among other criteria (Nevada City, 2004).

[1] CESA authorizes that "(p)rivate entities may take plant or wildlife species listed as endangered or threatened under the CESA and FESA, pursuant to a federal incidental take permit issued in accordance with Section 10 of the FESA, if the CDFG certifies that the incidental take statement or incidental take permit is consistent with CESA" (Fish & Game Code §2080.1(a)). Under CESA, take is defined as an activity that would directly or indirectly kill an individual of a species, rather than also including "harm" or "harass" as is included in the federal act. As a result, the threshold for a take under the CESA is higher than that under the FESA (i.e., habitat modification is not necessarily considered a take under the CESA).

4.3.3 IMPACTS AND MITIGATION MEASURES

METHOD OF ANALYSIS

This impact analysis is based on the environmental setting and results described in Sections 2 and 4 of the Biological Resource Assessment prepared by NSR (Appendix D), respectively. Existing information was reviewed before and after the field reconnaissance to assess the potential for the proposed project to result in potentially significant impacts to special-status species and other sensitive biological resources. The following is a list of the principal resources that were reviewed:

- The USGS Nevada City, California 7.5 minute topographic quadrangle
- Color aerial photographs of the study area and vicinity, dated 2009 (USDA 2009)
- The USFWS official list of endangered and threatened species that may occur, or be affected by future projects within the Nevada City, California USGS quadrangle and in Nevada County, California (Appendix D, Attachment A)
- The CNDDB (CDFG, 2011a) plant and animal records for the Nevada City, California and eight adjacent USGS quadrangles (Appendix D, Attachment A)
- The CNPS online Inventory of Rare and Endangered Plants (CNPS, 2011) records for the Nevada City, California and eight adjacent USGS quadrangles (Appendix D, Attachment A)
- CDFG publications including:
  - State and Federally Listed Endangered, Threatened, and Rare Plants of California (CDFG, 2011b)
  - Special Vascular Plants, Bryophytes, and Lichens List (CDFG, 2011c)
  - State and Federally Listed Endangered and Threatened Animals of California (CDFG, 2011d)
  - Special Animals List (CDFG, 2011e)
- Pertinent biological literature including the following:
  - Inventory of Rare and Endangered Plants of California (Tibor, 2001)
  - The Jepson Manual: Higher Plants of California (Hickman, 1993)
  - Amphibian and Reptile Species of Special Concern in California (Jennings and Hayes, 1994a)
  - Bird Species of Special Concern in California (Shuford and Gardali 2008)
  - Mammalian Species of Special Concern in California (Williams, 1986)

The special-status species assessment is based on a review of resource agency species lists, a taxa-specific literature review, a CNDDB query (CDFG, 2011a), and a reconnaissance-level field survey of the project sites. The special-status species considered for these sites are those having a reasonable probability of occurring on-site under existing conditions based on the presence of suitable habitat conditions.

The impact analysis for special-status species focuses on those special-status species that may occur in the project area and may be affected by project activities. The impact analysis for sensitive habitats is based on an assumption that construction of the courthouse, parking areas, driveways, and necessary infrastructure would remove all biological resources existing within the project sites.

The loss of habitat was quantified and the effects of this loss were determined based on the species that may occur in the project area and the jurisdictional status of the habitat. No off-site construction for roads, utilities, or any other project components are assumed to be needed for the project.

THRESHOLDS OF SIGNIFICANCE

Criteria for determining the significance of impacts related to biological resources were based on the environmental checklist form in Appendix G of the State California Environmental Quality Act (CEQA) Guidelines and mandatory findings of significance. For the purposes of this Draft EIR section, impacts on biological resources resulting from implementation of the proposed project would be considered significant if the project would:

- 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, by the CDFG, or by the USFWS
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, by the CDFG, or by the USFWS
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA; (including, but not limited to, marshes, vernal pools, rivers, etc.) through direct removal, filling, hydrological interruption, or other means
- 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
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Other impacts associated with the other issues identified in the environmental checklist form in Appendix G of the CEQA Guidelines were previously addressed in the Initial Study (IS) prepared for this project and attached to the NOP (Appendix A).

ISSUES NOT DISCUSSED FURTHER

None of the sites are governed by a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved state habitat conservation plan; therefore, consistency with such plans will not be discussed further. A comment received on the NOP noted that the Cement Hill is considered timberland pursuant to Public Resources Code (PRC) 4526. In the event this site is selected for the New Nevada City Courthouse, removing the trees and building a courthouse would be a timberland conversion (PRC 4621). If the conversion is less than 3 acres, a Less Than 3 Acre Conversion Exemption (14 CCR 1104.1(a)) may be submitted in-lieu of a timber harvest plan (PRC 4581) and timberland conversion permit (PRC 4628). As noted in Chapter 3, Project Description, less than 2.5 acres are needed for the project, and much of this can be provided in an area without timber on the southeast corner of the Cement Hill site.

PROJECT IMPACTS AND MITIGATION

The proposed project includes two potential development sites: the Existing Courthouse site which would include a temporary court facility at the Government Center, or the Cement Hill site. For more details on the differences between each site, refer to Chapter 3, Project Description. Impacts and mitigation measures are identified below.

Impact 4.3-1 **Loss of Waters of the United States.**

Existing Courthouse/Temporary Court Sites. No wetlands, riparian habitat, or other potential waters of the United States are located within the Existing Courthouse site; however, implementation of the proposed project would result in the loss of approximately 0.05 acres of wetlands, approximately 0.014 acres (200 linear feet) of other waters, and a small amount of montane riparian habitat at the Temporary Court site. Therefore, this impact is considered **significant**.

Cement Hill Site. Implementation of the proposed project would result in the loss of approximately 2.08 acres of wetlands, 0.12 acres of other waters, and Montane Riparian habitat along portions of the intermittent drainages. Therefore, this impact is considered **significant**.

Existing Courthouse /Temporary Court Sites

No wetlands, riparian habitat, or other potential waters of the United States are located within the Existing Courthouse site. However, the Temporary Court site contains several wetlands and drainages that are potentially waters of the United States. These features are considered sensitive habitats because of their state and federal protections and the important aquatic functions they provide. These potential waters of the United States include approximately 0.05 acres of vegetated ditch and vegetated swale wetlands, and approximately 0.014 acres (approximately 200 linear feet) of non-vegetated ditch. The vegetated ditches and vegetated swales are located adjacent to the northwest access road, and convey groundwater seep and direct flow from intermittent and perennial streams. They also support a small amount of montane riparian habitat. The east end of the rocked ditch along the northwest road is non-vegetated. A vegetated swale and a non-vegetated rocked swale occur along two edges of the large lawn area in the southeast corner of the Temporary Court site.

The project is assumed to convert the entire Temporary Court site to temporary court-related uses, including new parking areas along the north side of the existing road north of the Correctional Facility, thereby resulting in the loss of approximately 0.05 acres of vegetated ditches and vegetated swales, approximately 0.014 acres (approximately 200 linear feet) of non-vegetated ditch, and a small amount of montane riparian habitat. This impact is considered **significant**.

Mitigation Measure 4.3-1a – Existing Courthouse /Temporary Court Sites

The AOC shall implement the following measures to reduce wetlands impacts:

- *The AOC shall develop the project in a manner that completely avoids any direct impacts to the streams, wetlands, and riparian habitat outside the Temporary Court site. Fencing and signage shall be implemented as necessary to avoid unintentional disturbance to off-site wetlands and streams.*
- *The AOC shall design the project in a manner that minimizes impacts to other waters of the United States to the degree practicable. Any necessary direct impacts (i.e., discharge of dredged or fill material) to waters of the United States shall be limited to the minimum area necessary to accomplish project objectives. Prior to any direct impacts to waters of the United States, all required United States Army Corps of Engineers, (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented.*
- *Any permanent loss of waters of the United States shall be offset by purchasing mitigation credits (1:1 acreage ratio) at a USACE-approved mitigation bank or by payment of in-lieu fees to USACE-approved in*

lieu fee program (according to current fee schedule). The purchase of mitigation credits or payment of in-lieu fees shall be completed prior to any discharge into waters of the United States. All waters of the United States temporarily impacted by construction activities shall be restored, as close as practicable, to pre-construction contours and conditions.

Significance after Mitigation

Implementation of these measures would reduce this impact to wetlands and other waters of the United States to a less-than-significant level, because direct conversion of wetlands, drainages, and riparian habitat would be minimized and adequately compensated.

Cement Hill Site

The project area contains several wetlands and drainages that potentially fall under the jurisdiction of the USACE and the CDFG; these features are also considered sensitive habitats because of their state and federal protections and the important aquatic functions they provide.

The Cement Hill site supports approximately 2.06 acres of fresh emergent wetland/riparian wetland, 0.02 acres of seasonal wetlands, 0.11 acres of intermittent streams, and 0.01 acres of non-vegetated ditch. The fresh emergent wetland/riparian wetland complex comprises about one-fourth of the site and is located in the northwest quarter of the site. The complex includes a relatively small area of open water, and larger surrounding areas that support dense stands of cattail and willows. The two seasonal wetlands are also located in the northwest portion of the site, within 50 feet of the fresh emergent wetland/riparian wetland complex. All three wetland areas are located northwest of Hirschman Pond Trail. In addition to these wetlands and drainages, the site supports Montane Riparian habitat along portions of the intermittent drainages.

The project is assumed to convert the entire Cement Hill site to courthouse-related uses, thereby resulting in the loss of approximately 2.08 acres of wetlands, 0.12 acres of non-wetland waters (i.e., intermittent streams and a non-vegetated ditch), and Montane Riparian habitat along portions of the intermittent drainages. This impact is considered **significant**.

Mitigation Measure 4.3-1b – Cement Hill Site

The AOC shall implement the following measures to reduce wetlands impacts:

- *The AOC shall design the project in a manner that completely avoids the fresh emergent wetland/riparian wetland habitat on the Cement Hill site and provides a buffer between the wetland habitat and the developed portion of the site (and all construction areas). The buffer area shall be the maximum width practicable, and in no event shall be less than 50 feet in width.*
- *The AOC shall design the project in a manner that minimizes impacts to other waters of the United States to the degree practicable. Any necessary direct impacts (i.e., discharge of dredged or fill material) to waters of the United States shall be limited to the minimum area necessary to accomplish project objectives. Prior to any direct impacts to waters of the United States, all required USACE, RWQCB, and CDFG permits and authorizations shall be obtained. All terms and conditions of the required permits and authorizations shall be implemented.*
- *Any permanent loss of waters of the United States shall be offset by purchasing mitigation credits (1:1 acreage ratio) at a USACE-approved mitigation bank or by payment of in-lieu fees to a USACE-approved in lieu fee program (according to current fee schedule). The purchase of mitigation credits or payment of in-lieu fees shall be completed prior to any discharge into waters of the United States. All waters of the*

United States temporarily impacted by construction activities shall be restored, as close as practicable, to pre-construction contours and conditions.

Significance after Mitigation

Implementation of these measures would reduce this impact to wetlands and other waters of the United States to a less-than-significant level, because direct conversion of wetlands, drainages, and riparian habitat would be minimized and adequately compensated.

Impact 4.3-2 **Impacts to Special-Status Plants.**

Existing Courthouse/Temporary Court Sites. No potentially suitable habitat for special-status plant species is located within the Existing Courthouse site or on the Temporary Court site. Therefore, project implementation would not result in a loss of these resources. Construction of the proposed project at these sites would have no impact on special status plants.

Cement Hill Site. Implementation of the proposed project could adversely affect three special-status plant species – including the inundated bog club-moss, the brownish beaked-rush, and the Scadden Flat checkerbloom. All three of these plant species have the potential to occur in the fresh emergent wetland/riparian wetland complex in the northeast portion of the site. This impact is considered **potentially significant**.

Cement Hill Site

The project area provides potentially suitable habitat for three special-status plant species including inundated bog club-moss (CDFG – RPR 2.2), brownish beaked-rush (CDFG – RPR 2.2), and Scadden Flat checkerbloom (State Status – Endangered; CDFG – RPR 1B.1). All three of these plant species have the potential to occur in the fresh emergent wetland/riparian wetland complex in the northeast portion of the site. Habitat for these three species is characterized by marshes and swamps. None of these plants were observed during the field reconnaissance; however, the field reconnaissance was conducted on March 31; outside of the identification period for these plant species. Therefore, additional botanical surveys during the summer (July or August) would be required to document the status (i.e., presence or absence) of special-status plants within the study area.

The project is assumed to convert the entire Cement Hill site to courthouse-related uses, potentially causing the removal of individuals, local populations, and habitats that support these species. The loss of individuals of these special-status plants is considered a **potentially significant** impact.

Mitigation Measure 4.3-2 – Cement Hill Site

The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site.

Significance after Mitigation

Implementation of this measure would reduce this impact to a less-than-significant level, because direct take of special-status plants and conversion of their habitat would not occur.

Impact 4.3-3	**Impacts on California Red-Legged Frog.** **Existing Courthouse/Temporary Court Sites.** No potentially suitable habitat for California red-legged frog is located within the Existing Courthouse or Temporary Court sites. Therefore, project implementation at this location would have no impact on this species. **Cement Hill Site.** Implementation of the proposed project could result in adverse effects on the California red-legged frog. The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides suitable habitat for this species. This impact is considered **potentially significant**.

Cement Hill Site

The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides potentially suitable habitat for California red-legged frog. The wetland complex provides perennial or near perennial aquatic habitat with adjacent dense riparian habitat. The California red-legged frog is listed as a threatened species under the FESA, and is designated as a Species of Special Concern by the CDFG. No California red-legged frogs were observed during the reconnaissance-level field survey.

The project is assumed to convert the entire Cement Hill site to courthouse-related uses, potentially resulting in adverse effects on the California red-legged frog. This impact is considered **potentially significant**.

Mitigation Measure 4.3-3 – Cement Hill Site

The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site.

In addition, the AOC shall implement the following measures to reduce impacts to the California red-legged frog:

- *All construction personnel shall complete environmental awareness training prior to beginning work. The training shall instruct workers on how to identify the California red-legged frog, the need to avoid disturbance of suitable aquatic habitat for California red-legged frog, and what to do if a California red-legged frog is encountered during construction activities.*
- *Prior to construction activities, animal exclusion fencing (sediment fence) shall be installed between the fresh emergent wetland/riparian wetland habitat and the construction area. The fencing shall be installed under the supervision of a qualified biologist. The fencing shall be buried a minimum of six inches into the ground and checked a minimum of one time per week by construction personnel trained by the project biologist to identify weaknesses in the fence structure. Any compromised portion of the fence shall be repaired and/or replaced immediately. The fencing shall be removed within three days after construction is completed.*
- *Prior to construction, the areas to be avoided (e.g., the buffer area) shall be flagged and signed. No construction activities or personnel shall be allowed to enter the flagged areas. Flagging shall remain in place until construction activities are complete, and removed upon completion of construction.*
- *Staging areas, as well as fueling and maintenance activities, shall be located a minimum of 100 feet from the fresh emergent wetland/riparian wetland habitat. The AOC or its contractor shall prepare a spill prevention and clean-up plan and have the necessary clean-up equipment on-site at all times.*
- *If a California red-legged frog is found at any time during project work, construction shall stop and the United States Fish and Wildlife Service (USFWS) shall be contacted immediately for further guidance.*

- *Any required Section 7 consultation with the USWFS (e.g., as part of the Clean Water Act (CWA) Section 404 permitting process) shall be completed prior to implementation of construction activities. All conservation measures resulting from the Section 7 process shall be implemented.*

Significance after Mitigation

Implementation of this measure would reduce this impact to a less-than-significant level, because direct take of individual California red-legged frog would be avoided.

Impact 4.3-4 **Impacts on Western Pond Turtles.**

Existing Courthouse/Temporary Court Sites. No potentially suitable habitat for western pond turtles is located within the Existing Courthouse or the Temporary Court sites. Therefore, project implementation at this location would have no impact on this species.

Cement Hill Site. Implementation of the proposed project could result in adverse effects on western pond turtles. The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides suitable habitat for this species. This impact is considered **potentially significant**.

Cement Hill Site

The fresh emergent wetland/riparian wetland complex at the Cement Hill site provides suitable habitat for the western pond turtle. Habitat elements observed at the site include slow-moving open water and partially submerged woody debris that provides potential basking sites. The deeper part of the open water is approximately two feet deep, and provides cooler water that could be used as hibernation habitat. The western pond turtle is designated as a Species of Special Concern by the CDFG. No western pond turtle were observed during the reconnaissance-level field survey.

The project is assumed to convert the entire Cement Hill site to courthouse-related uses, potentially resulting in adverse effects on the western pond turtle. This impact is considered **potentially significant**.

Mitigation Measure 4.3-4 – Cement Hill Site

The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site.

In addition, the AOC shall implement the following measures to reduce impacts to the western pond turtle:

- *Pre-construction surveys for western pond turtles shall be conducted by a qualified biologist the morning of initiation of construction activities. Any western pond turtles observed shall be allowed to move out of the construction area before construction activities are initiated. If necessary, a qualified biologist may relocate the turtle outside the construction area with the approval of the California Department of Fish and Game (CDFG).*
- *Prior to initiation of construction activities, workers shall participate in a worker environmental awareness training provided by a qualified biologist. The training shall instruct workers regarding how to identify the turtle, the habitats used by the turtle, the potential for turtle egg clutches (i.e., nest sites) to be discovered during vegetation clearing, what to do if a turtle or suspected egg clutch is encountered during construction*

activities, and how to contact the monitoring biologist. The monitoring biologist shall be contacted immediately in the event that a turtle or eggs are encountered.

- *Any dead or injured turtles shall be immediately reported to the CDFG. The treatment of any injured or dead turtles shall be coordinated with the CDFG.*

Significance after Mitigation

Implementation of this measure would reduce this impact to a less-than-significant level, because direct take of individual turtles would be avoided.

Impact 4.3-5 **Impacts on Yellow Warbler and Yellow-Breasted Chat.**

Existing Courthouse/Temporary Court Sites. No potentially suitable habitat for the yellow warbler or the yellow-breasted chat is located within the Existing Courthouse or Temporary Court sites. Therefore, project implementation at this location would have no impact on these species.

Cement Hill Site. Implementation of the proposed project could result in adverse effects on yellow warbler and yellow-breasted chat. The fresh emergent wetland/riparian wetland complex in the northwest portion of the Cement Hill site provides potentially suitable nesting habitat for these species. This impact is considered **potentially significant**.

Cement Hill Site

Portions of the fresh emergent wetland/riparian wetland complex at the Cement Hill site provide potentially suitable nesting habitat for the yellow warbler and the yellow-breasted chat. These species are designated as a Species of Special Concern by the CDFG. No yellow warblers or yellow-breasted chats were observed during the reconnaissance-level field survey.

The project is assumed to convert the entire Cement Hill site to courthouse-related uses, potentially resulting in direct effects on yellow warbler and/or yellow-breasted chat or removal of potential nesting habitat for these species. This impact is considered **potentially significant**.

Mitigation Measure 4.3-5 – Cement Hill Site

The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site.

In addition, the AOC shall implement the following measures to reduce impacts to the yellow warbler and/or yellow-breasted chat:

- *Pre-construction surveys for nesting yellow warbler and yellow-breasted chat in vegetation removal areas shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. If active nests (more than half completed) are identified within the vegetation removal areas, appropriate conservation measures (as determined by a qualified biologist in coordination with the California Department of Fish and Game (CDFG)) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.*

Significance after Mitigation

Implementation of these measures would reduce this impact to a less-than-significant level, because loss of potential nesting habitat and active nests would be avoided.

Impact 4.3-6 **Impacts on California Black Rail.**

Existing Courthouse/Temporary Court Sites. No potentially suitable habitat for California black rail is located within the Existing Courthouse or Temporary Court sites. Therefore, project implementation at this location would have no impact on these species.

Cement Hill Site. Although this site is located outside the typical elevation range of habitats occupied by California black rail, potentially suitable habitat (i.e., emergent wetland) is present and California black rails have been infrequently detected at elevations up to 2,550 feet in the Sierra Nevada. If California black rails are present within the site, implementation of the proposed project could result in significant impacts on this species. This impact is considered **potentially significant**.

Cement Hill Site

Portions of the fresh emergent wetland/riparian wetland complex at the Cement Hill site provide potentially suitable habitat for California black rail. The California black rail is listed as a threatened species under the CESA, and is designated by the CDFG as a California Fully Protected Species. No California black rails were observed during the reconnaissance-level field survey.

The project is assumed to convert the entire Cement Hill site to courthouse-related uses, potentially resulting in direct effects on California black rails or removal of habitat used by this species. Potential construction impacts include mortality of individuals caused by equipment use and vehicle traffic within suitable aquatic and upland habitat. Loss of individual California black rails and/or their nests would constitute a substantial adverse effect. This impact is considered **potentially significant**.

Mitigation Measure 4.3-6 – Cement Hill Site

The AOC shall implement Mitigation Measure 4.3-1b – Cement Hill Site

Significance after Mitigation

Implementation of this measure would reduce this impact to a less-than-significant level, because direct take of California black rail would be avoided.

Impact 4.3-7	**Impacts to Raptors and Migratory Birds.** If active nests of raptors or migratory birds are present in the vicinity of the project site, construction activities associated with demolition, clearing, grubbing and/or grading would adversely affect these birds. This impact is considered **potentially significant**.

Raptor species (birds of prey) and migratory birds may potentially nest in the trees located within, or in the immediate vicinity of the project site(s). If active nests are present in the vicinity of the project, construction activities associated with demolition, clearing, grubbing, and/or grading would cause temporary impacts to birds in the project vicinity. These activities could result in injury or mortality of individuals and could affect reproductive success of the species through direct impacts to nest sites, eggs, and young, if the birds nest in the project area. Impacts to nest sites would be limited to activities conducted between March 1 and August 31 (the general breeding period for birds). Indirect impacts would include noise and disturbance associated with the construction activities that cause birds in nearby trees to abandon their nests. Although temporary, construction impacts, especially during the breeding period, could affect the regional populations of protected species (a substantial adverse effect). This impact is considered **potentially significant**.

Mitigation Measure 4.3-7 - All Sites

If practicable, construction activities (especially removal of woody vegetation) shall be conducted outside of the nesting season (i.e., conduct construction from August to February). If construction activities are conducted outside of the nesting season, no further mitigation is necessary. If construction activities are to occur during the nesting season, the following measures shall be implemented:

- *Pre-construction surveys for active raptor nests within 250 feet of construction areas shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. Areas to be surveyed shall be limited to those areas subject to increased disturbance as a result of construction activities (i.e. areas where existing traffic, human activity, etc. is greater or equal to construction-related disturbance, need not be surveyed). If any active raptor nests are identified, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.*
- *Pre-construction surveys for active migratory bird nests in vegetation removal areas shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. If active nests (more than half completed) are identified within the vegetation removal areas, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to: establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.*

Significance after Mitigation

Implementing this mitigation measure would ensure avoidance of nesting birds and would reduce this impact to a less-than-significant level.

Impact 4.3-8	**Removal of Protected Trees.** **Existing Courthouse/Temporary Court Sites.** Implementation of the proposed project at either site could cause removal of trees protected by the city tree ordinance. This impact is considered **potentially significant**. **Cement Hill Site.** Implementation of the proposed project at either site could cause removal of trees and madrone and manzanita shrubs that are protected by the city tree ordinance. This impact is considered **potentially significant**.

Existing Courthouse/Temporary Court Sites

Three well-formed London plane trees with a DBH of approximately 24 to 30 inches and a height of approximately 60 feet are located along the west side of the courthouse. Four well-formed linden trees of slightly smaller DBH and height than the London plane trees are located along the south side of the existing parking lot on Washington Street. The city tree ordinance classifies these trees as protected trees. Several trees at the Temporary Court site also have sufficient DBH to be classified by the city tree ordinance as protected trees. Courthouse construction may require removal of these trees. This impact is considered **potentially significant**.

Mitigation Measure 4.3-8a – Existing Courthouse/Temporary Court Sites

The AOC shall perform an arborist survey of the three London plane trees and the four linden trees near the existing courthouse prior to site design to assess the status of the trees with respect to disease and danger of falling. The AOC shall also perform an arborist survey and inventory of trees protected by the City's ordinance within the portion of the Temporary Court site that would be developed. The survey shall also include madrone and manzanita shrubs, and shall assess the status of the trees and shrubs with respect to disease and danger of falling. To the degree feasible, the AOC shall design the courthouse to avoid removal of all trees that have been determined to be healthy and safe. If any healthy and safe protected trees must be removed to accommodate the courthouse facilities, the AOC shall consult with the City to develop a reasonable plan to replace lost trees or to define a reasonable contribution to the City's tree preservation fund consistent with the city tree ordinance.

Significance after Mitigation

Implementing this mitigation measure would reduce this impact to a less-than-significant level by ensuring consistency with the city tree ordinance and effectively mitigating the loss of protected trees through replacement of trees or the payment of fees into the City's tree fund.

Cement Hill Site

The site supports a substantial number of trees and shrubs including ponderosa pine, tan bark oak, canyon live oak, incense cedar, Pacific madrone, and white leaf Manzanita. Many of the trees and madrone and manzanita shrubs have sufficient DBH to be classified by the city tree ordinance as a protected tree. Courthouse and parking lot construction may require removal of these trees. This impact is considered **potentially significant**.

Mitigation Measure 4.3-8b – Cement Hill Site

The AOC shall perform an arborist survey and inventory of trees protected by the City's ordinance within the portion of the Cement Hill site that would be developed. The survey shall also include madrone and manzanita shrubs, and shall assess the status of the trees and shrubs with respect to disease and danger of falling. To the degree feasible,

the AOC shall design the courthouse to avoid removal of all city-protected trees and shrubs that have been determined to be healthy and safe. If any healthy and safe protected trees and shrubs must be removed to accommodate the courthouse facilities, the AOC shall coordinate with the City to develop a reasonable plan to replace lost trees and shrubs or to define a reasonable contribution to the City's tree preservation fund consistent with the city tree ordinance.

Significance after Mitigation

Implementing this mitigation measure would reduce this impact to a less-than-significant level by ensuring consistency with the city tree ordinance and effectively mitigating the loss of protected trees and shrubs through replacement of trees or payment of fees into the City's tree fund.

Impact 4.3-9 **Impacts on Nevada City Migratory Deer Herds.**

Existing Courthouse/Temporary Court Sites. No potentially suitable habitat for migratory deer is located within the Existing Courthouse site. Development of the Temporary Court site could reduce the size of the winter range of the Nevada City deer herd. However, the site is characterized as urban habitat and is located within the existing Government Center adjacent to the Correctional Facility and other government facilities and SR-49. Therefore, the loss of this site would not substantially affect the winter range of the Nevada City herd nor would the project interfere substantially with herd migration. This impact is considered less than significant.

Cement Hill Site. The project could reduce the size of the winter range of the Nevada City deer herd by up to 7.2 acres. However, the loss of this site would not substantially affect the winter range of the Nevada City herd nor would the project interfere substantially with herd migration. This impact is considered less than significant.

Existing Courthouse/Temporary Court Sites

No potentially suitable habitat for migratory deer is located within the Existing Courthouse site. According to deer range data provided by CDFG, the Temporary Court sites are located within the Nevada City deer herd winter range, but south (and outside) of the critical winter range area (CDFG, 1985). The project is assumed to convert the entire Temporary Court site to courthouse-related uses, reducing the size of the winter range of the Nevada City deer herd. However, the site is characterized as urban habitat and is located within the existing Government Center adjacent to the Correctional Facility and other government facilities and SR-49. Therefore, the loss of this site would not substantially affect the winter range of the Nevada City herd nor would the project interfere substantially with herd migration. This impact is considered less than significant.

Cement Hill Site

According to deer range data provided by CDFG, the Cement Hill site is located within the Nevada City deer herd winter range, but south (and outside) of the critical winter range area (CDFG, 1985). The project is assumed to convert the entire Cement Hill site to courthouse-related uses, reducing the size of the winter range of the Nevada City deer herd by up to 7.2 acres. However, the site is located directly adjacent to the Correctional Facility and other government facilities to the east and SR-49 to the south. Therefore, the loss of this site would not substantially affect the winter range of the Nevada City herd nor would the project interfere substantially with herd migration. This impact is considered less than significant.

Mitigation Measure 4.3-9

No mitigation is required.

Impact 4.3-10	**Project Contribution to Cumulative Impacts to Biological Resources.** The proposed project at either site would result in potentially significant impacts related to biological resources. Because the project could result in individual impacts to biological resources, a substantial contribution to a cumulative impact could occur. Therefore, the project's contribution would be **potentially cumulatively considerable**.

As determined in the IS (Appendix A), the proposed project would have no impacts related to conflicts with adopted or approved habitat conservation plans. However, the Cement Hill and Temporary Court sites both contain riparian habitat or other sensitive natural communities, including wetlands, on or within the vicinity of the project sites. Development at the Cement Hill site could result in the loss of special status plant and animal species. These potentially significant project impacts, in combination with cumulative development, would be potentially cumulatively considerable. However, with implementation of Mitigation Measures 4.3-1a, 4.3-7a, and 4.3-8a for the Existing Courthouse/Temporary Court site, and Mitigation Measures 4.3-1b, 4.3-3, 4.3-4, 4.3-5, and 4.3-8b for the Cement Hill site, project impacts would be reduced to a less-than-significant level.

Cumulative projects would contribute to the loss of regional biological resources through the incremental conversion of habitat for special-status species to human use, and thus limit the availability and accessibility of remaining natural habitats to regional wildlife. Cumulative development could also affect designated critical habitat and thus directly impact threatened and/or endangered species through habitat conversion or unauthorized take. Therefore, the project's contribution would be **potentially cumulatively considerable**.

Mitigation Measure 4.3-10 – All Sites

Implement Mitigation Measures 4.3-1a, 4.3-7a, and 4.3-8a for the Existing Courthouse/Temporary Court site, and Mitigation Measures 4.3-1b, 4.3-3, 4.3-4, 4.3-5, and 4.3-8b for the Cement Hill site.

Significance after Mitigation

Because mitigation measures would reduce project-specific impacts to less-than-significant levels, the proposed project would not be expected to measurably contribute to significant cumulative biological resources impacts. Therefore, the proposed project would result in less-than-significant cumulative biological resource impacts after mitigation.

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4.4 Cultural Resources

Draft Environmental Impact Report
New Nevada City Courthouse

JUDICIAL COUNCIL OF
EUREKA

4.4 CULTURAL RESOURCES

This section addresses cultural resources that could be affected by the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada County Government Center, or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). This section of the Draft EIR analyzes the project's potential to result in impacts to historic resources, archaeological resources, paleontological resources, and human remains. The analysis in this section is based on a Historic Resources Evaluation prepared by Historic Environment Consultants and a Cultural Resources Inventory prepared by Tremaine and Associates (both attached at Appendix E).

Numerous comments were received during the Notice of Preparation (NOP) period concerning cultural resources. These comments have been considered in this analysis, and are included in Appendix B of this EIR.

4.4.1 HISTORIC CONTEXT

A full discussion of the prehistoric setting, ethnographic context, and historic setting can be found in Appendix E. The following sections summarize the setting in relationship to what resources may be present on the potential project sites.

PREHISTORIC SETTING

The City of Nevada City (City) and the surrounding area have had a long cultural history and are known to have been occupied by Native American groups for thousands of years prior to settlement by non-Native peoples. Flaked stone tools associated with the Late Pleistocene Period (12,000-10,000 B.P.[1]; i.e., Paleo-Indian) occur in Northern California. The Middle Sierran Period (c. 1,400-600 B.P.) was marked by the introduction of bow and arrow technology, and an initial dramatic decrease in obsidian production, especially from the Bodie Hills source. Within the American River Watershed, use of mortar and pestle technology was emphasized during this period. As time progressed, Middle Sierran land use in the Sierra foothills was characterized by irregular occupation of the region, ephemeral site use, lower population numbers and density, and signs of social disruption.

The Late Sierran Period (c. 600-150 B.P.) was characterized by intensive use of the Sierra foothills. Widespread, intensive land use, active trade, permanent settlements in some areas, and populations grew. Habitual use of mid- and high-elevation Sierran sites took place in the summer. At this time, establishment of the ethnohistoric pattern of land use probably occurred.

ETHNOGRAPHIC CONTEXT

The Nisenan

Nevada City is situated within the ethnographic territory of the Nisenan, also referred to as the Southern Maidu. Part of the Maiduan Family, the Nisenan spoke three dialects; Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Nisenan territory extended across the watersheds of the Yuba, Bear, and American rivers and the lower watershed of the Feather River.

[1] There are three temporal references: B.C. - before Christ; A.D. - anno Domini (in the year of the Lord); and B.P. - before Present (1950), which is used in the prehistory discussion in this document

The Nisenan established permanent villages along stream and river courses and on gentle slopes with a southern exposure. Large populations were concentrated along the banks of major waterways, streams, sloughs, and wetlands. Hill Nisenan villages often were located on ridges and large flat areas adjacent to watercourses, and consisted of houses ranging in numbers from three to fifty. Large villages contained semi-subterranean dance and/or assembly houses. Other sites included task camps, resource procurement locations, cemeteries, and ceremonial grounds.

The Nisenan territory is between the Bear and Yuba rivers. The continual movement of the Foothill Nisenan meant that the foothill people did not have large year-round villages. However, there are hundreds of small campsites and villages scattered across the foothills and mountains. Many place names refer to these old or unoccupied sites. The closest known Nisenan ethnographic villages to the potential project sites are Ustuma and Wokodot.

Existing Courthouse Site

Ustuma (alternately spelled Oustomah) is within the boundaries of present-day Nevada City. The village of Ustuma was located where Cottage and North Main streets intersect. Additionally, the principal village in Nevada City "ran up the hill where Main Street is now located. At the top of the hill the Indian Rock is still in place" (i.e., CA-NEV-1345H). These sources put the location of this village in the immediate vicinity of the Existing Courthouse site. A round house (communal gathering house) used to be situated beneath the courthouse.

Cement Hill/ Temporary Court Sites

Wokodot was located near the Indian colony or rancheria historically formed in 1913 near the intersection of Cement Hill Road and Indian Flat Road. In 1896, an Indian camp roughly corresponding to this location was situated on a knoll several hundred feet above Deer Creek. This places the village within 0.25 mile of the Cement Hill and Temporary Court sites.

HISTORIC SETTING

During the California Gold Rush, a mining camp was established on Deer Creek in 1849. At first the camp had the names of Caldwell's Upper Store, Coyoteville, and Deer Creek Dry Diggings. The arrival of a store, such as Caldwell's, made the camp a center for supplies. Miners and merchants (which included hotels, restaurants, gambling halls, theaters, blacksmiths, and saloons) began to settle there and soon the small camp grew to be among the largest communities in California during the Gold Rush period with as many as 10,000 residents.

In 1850 the newly established city needed an official name and *Nevada*, which means snow covered in Spanish, was chosen. The next year the community was selected to be the county seat of the newly formed Nevada County (County). As the county seat, it became a center for the legal and administrative business of the county. Later, when the territory of Nevada was created out of the former Utah territory, the City was required to change its name by the postal service. It then became Nevada City.

The first gold that was discovered in California was placer gold, which was found as flakes and nuggets in the beds of creeks, streams, and rivers. This gold was easy to get with simple tools such as picks, shovels, gold pans, and various forms of sluices. Most of this gold was quickly mined out by the thousands of gold seekers who flocked to California during the Gold Rush. Placer style mining flourished into the early to mid-1850s and then steadily diminished, as did the number of miners. The mining industry still persisted as it changed to more corporate forms of obtaining gold, such as hydraulic and quartz mining. Many early Gold Rush communities began to disappear.

Communities like Nevada City survived the Gold Rush because it was a transportation and distribution center for the industries, which grew up in place of the "sourdough" placer miners. Goods and services flowed into the foothill region from San Francisco to cities such as Sacramento, Marysville and Stockton. From there the paths to the foothills branched out toward communities like Nevada City, Auburn, Placerville, Columbia and others. What is now State Route 49 (SR-49) was originally the old network of north-south roads that distributed goods to and from the Central Valley.

As placer mining waned, quartz mining and the lumber industries grew and Nevada City was a center for both. Hard rock mining required heavy equipment that needed to be fabricated and repaired and metal foundries developed to meet those needs. Other, smaller implements needed to be made and blacksmiths filled those needs. Timber needed to be cut and transported to mills where it was turned into lumber. Beams by the thousands were needed to shore up the tunnels of the hard rock mines and later to make ties for the railroads. The lumber was transported to lumber yards, where it was sold to local construction projects or was transported down to the valley to build homes and businesses. Wagons, teams and teamsters were needed to transport the goods supplied to support the enterprises and the population. Housing and caring for the needs of all these people required hotels, rooming houses, markets, dry goods stores, restaurants, laundries, and many other businesses. Nevada City became a center for all this commercial activity. While hydraulic mining ended in the 1880s, quartz mining and the timber industries continued to thrive well into the 20th century.

Like many other Northern California communities, Nevada City had numerous destructive fires, which devastated its commercial core. Two of those fires in 1856 and 1863, also destroyed the county courthouse. Wood frame structures that were built closely together were at the root of the disastrous fires. Each time, as the city began to rebuild, more and more of the replacement buildings were built using brick. More firehouses were added and eventually the need became apparent for a full-time fire department. For these reasons, many of the surviving structures in the central business district from the latter half of the 19th century are brick buildings.

Because the mining and timber industries remained stable during the first part of the 20th century, and because it was the county seat, Nevada City remained a stable, though small, community. Despite the Stock Market Crash of 1929, the region experienced record employment and a doubling of population between 1930 and 1940 (McKinney, 2009). The area also benefited from local public works project of the New Deal, including the expansion of the courthouse through federal Works Progress Administration in 1936.

After World War II, the boom of the 1950s and 60s put pressure on communities to grow and expand. Those communities – particularly in the Central Valley, which were surrounded by large tracts of flat land – began to expand outward and before long, their once prosperous central business districts were largely abandoned. In many cases the old buildings were torn down. By comparison many mountain communities, including Nevada City, which were hemmed in by steep canyons, kept their focus on the old central business district.

In the early- to mid-1960s, a few owners of business property in the core business district began to make modifications to their buildings to "modernize" them. Then during the late 1960s and early 1970s a preservation movement began to emerge in many California communities. One of the outcomes of this movement was the establishment of Historic Districts and Landmark structures.

Adopted Historic Districts within Nevada City

In 1968, the Nevada City Historical District (Local District) was established by city ordinance. In 1985, a smaller commercial district was placed on the National Register of Historic Places (National Register or NRHP). Several Nevada City buildings have also been individually placed on various historic registers, including the National

Register. Given its protected historic nature, as the mining and timber industries slumped, Nevada City has been able to survive as a government center and prosper as a tourist attraction.

Nevada City Historical District

The Local District, established in 1968, is the largest and most representative collection of downtown commercial buildings in the area of the Northern Mines. The Local District boundaries and contributing structures to the Local District are identified on Exhibit 4.4-1. The Local District reflects the changes in mining techniques as they occurred in the nearby Northern Mines. Early growth came about because gold was initially easy to get from placer deposits. Transients could move about to follow new strikes. Consequently, early buildings were largely of canvas-wood construction, vulnerable to fire, which first occurred in 1856. Changes from transient-oriented placer mining to longer-term hydraulic and quartz mining were reflected in the construction of more substantial brick buildings with iron doors and shutters, and well-constructed timber buildings as the city shifted from a tent camp to a proper city, and protected itself from fires.

The Local District is still characterized by a number of such brick and timber buildings. Another notable Local District feature is the wide use of balconies for both residential and commercial uses. Nearly every building in the Local District had a roofed balcony, a balustraded veranda-balcony, or a shed canopy.

The Nevada City Downtown Historic District

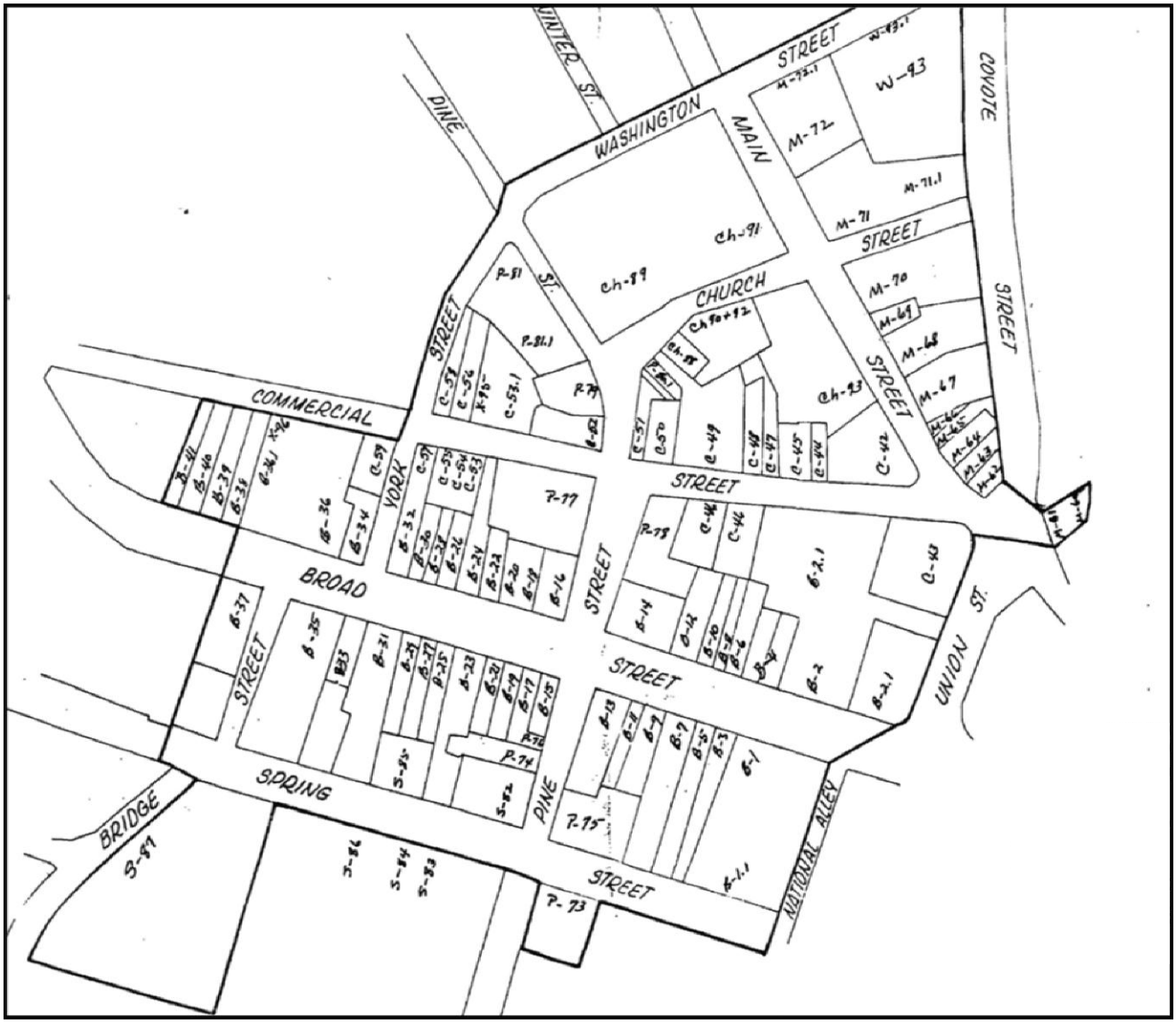
A group of 96 structures within the Local District was listed on the National Register in 1985. The Nevada City Downtown Historic District (NRHP District) boundaries and contributing structures to the NRHP District are identified on Exhibit 4.4-2 and Exhibit 4.4-3.

The NRHP District has been determined to be "significant as the largest and most representative collection of downtown commercial buildings in the area of the Northern Mines" (NRHP Nomination). The NRHP District reflects the changes in mining techniques as they occurred in the nearby Northern Mines. Early growth came about because gold was initially easy to get from placer deposits. Transients could move about to follow new strikes. Consequently, the first town was largely of canvas-wood construction, vulnerable to fire; the City burned down in 1856. Changes from placer to hydraulic and quartz mining were reflected in the construction of more substantial brick buildings with iron doors and shutters, and well-constructed timber buildings. The NRHP District is still characterized by a number of such buildings. Another notable NRHP District feature is the wide use of balconies for both residential and commercial uses. As noted in the Local District which the NRHP District is a part of, nearly every building in the historic district had a roofed balcony, a balustraded veranda-balcony, or a shed canopy.

Most of the buildings in the district date from the last half of the 19th century; a product of the development of a local government center and retail expansion of one of California's most prosperous mining communities. An excerpt from the National Register nomination states "The predominantly two-story business blocks with ground-level retail uses and upper-story residential or office uses are complemented by such three-story buildings as the National Hotel and Nevada County Courthouse." The Courthouse building is a major character-defining feature of the NRHP District, visible throughout the downtown area as well as from busy traffic corridors.

Source: Historic Environment Consultants, 2011; City of Nevada City

Exhibit 4.4-1: Nevada City Historical District



Source: Historic Environment Consultants, 2011; National Register Nomination

Exhibit 4.4-2: NRHP Nevada City Downtown Historic District

History of the Nevada County Courthouse

The first Nevada County Courthouse was located in a store building at the corner of Main and Washington streets. Soon after, it was moved to the Eagle Hotel (near Calanan Park) and a log jailhouse was built across the street. A permanent brick courthouse was built on the current courthouse site in 1855. It was destroyed in the fire of 1856, which burnt most of the central business district of Nevada City. It was rebuilt, but was again destroyed in the fire of 1863, which also leveled most of the community. Dynamite had been stored in the basement of the building and it had exploded during the fire. Even though the building was constructed of brick, it was so weakened by the exploding dynamite that it had to be leveled and completely rebuilt.

Note: Although the entire courthouse parcel is highlighted, the Annex was specifically listed as a NON-contributing resource, because it neither conformed to the character of the Gold Rush town, nor the Art Moderne style of the courthouse.

Source: Historic Environment Consultants, 2011; National Register Nomination

Exhibit 4.4-3: NRHP Nevada City Downtown Historic District Contributing Structures by Parcel

The courthouse was immediately rebuilt after the fire of 1863 and in 1865 an addition was built to the rear, which included a jail and a yard enclosed by a block wall. The granite blocks that comprised the west wall of the jail facility are still visible in the northwest corner of the current courthouse. In 1900, the courthouse was enlarged and a third story was added to the main courthouse building (Exhibit 4.4-4). In 1913, a third story was also added to the jail building.

Exhibit 4.4-4: **Nevada County Courthouse Circa 1910**

Source: California State Library, #001412554

By the 1930s, due to an increase in caseload there was a need to expand the courthouse again to serve the rapidly growing population. New Deal funding was available from the federal Works Progress Administration and construction on the expanded courthouse began in 1936. The existing courthouse was enclosed within the new building. An unpublished monograph from the Searl's Library, *A Brief History of Nevada County Courthouse*, describes the project as, "In the 1930s, the need for an elevator and more space drove the remodel design of the face of the building… [In Exhibit 4.4-5], forms are visible for the left wing of the art deco remodel. At right, with the forms removed the left wing is visible against the old portico entrance." As noted by McKinny (2009), "the design didn't call for demolition of the old three-story court house, portions of which dated back to 1860s, but incorporated the old within a new four-story shell. The project substantially changed a conventional nineteenth century structure into a modern-looking one. The work doubled the size of the building from 13,000 to 26,000 square feet. It enlarged all the offices, court rooms and chambers, and enlarged the county jail to meet federal standards."

The new exterior featured Art Moderne design and was designed by prominent California Architect George Sellon (Exhibit 4.4-6). The Art Moderne courthouse structure was nominated to the National Register in 1985 as a "contributing" property to the NRHP District, which means that it expresses the values that meet the federal criteria of significance for inclusion in the NRHP District. The annex to the east of the existing courthouse was built to meet additional need for space in 1963-65. The architecture of the annex is described as modern. Neither the Art Moderne courthouse structure nor the annex reflect the "Mother Lode" architecture that is more typical of the Historic District buildings.

Source: Searl's Library, A Brief History of Nevada County Courthouse

Exhibit 4.4-5 **1930s Renovation of the Courthouse**

Source: Historic Environment Consultants, 2011

Exhibit 4.4-6: Existing Courthouse 1936 Art Moderne Facade

History of Mining in and around Nevada City

Individual placer mine claims sprung up all around the City at the onset of the gold rush in 1849. American Hill was the first mine in the County to employ hydraulicking[2] in its operations (just south of the Cement Hill/Temporary Court sites). This was innovative for its time, in 1852, as the shift in practice did not occur in force until 1864 with the decline in placer yields along Deer Creek.

The most extensive hydraulic mines in the vicinity of the City were situated northwest of town, exposing at least 100 acres of bedrock (Lindgren and Knowles, 1911). The different portions of this ground, from east to west, are referred to as Buckeye Hill, Oregon Hill, Coyote Hill, Lost Hill, Wet Hill, and American Hill. Cement Hill, while not named, is within this hydraulically blasted area. Brace (1869:169-170) claimed that nearly one-half of the gold found in California at the time of his observations was extracted from the cemented beds of ancient river channels. Raymond (1872:45) reported that at Cement Hill, a company had installed a 720-foot long flume (made of 60 boxes, 12 feet to the box, each four feet wide) for delivering 500 inches of water each day to conduct hydraulicking operations.

In 1884, hydraulic mining was banned to prevent debris from washing into the rivers and effecting navigation as well as levee building/flood protection efforts in the Sacramento Valley. The last hydraulic mining in the area reportedly occurred at Hirschmann's cut, located to the west of the Cement Hill site. With the cessation of hydraulic mining in 1884, Nevada City miners shifted to drift mining (Crawford, 1894).

[2] Hydraulicking, or hydraulic mining, is a form of mining that uses high-pressure jets of water to dislodge rock material or move sediment. In the placer mining of gold or tin, the resulting water-sediment slurry is directed through sluice boxes to remove the gold.

Cement Hill Site

The Cement Hill site encompasses at least three different placer mines: Sterling, Turner & Allen, and Pennsylvania. Sterling owned the mine situated on Oustomah Hill (Cement Hill) in 1880 and eventually sold it to the Arbogast family. All of these smaller mining claims were eventually consolidated into the Champion Mine, which was active from 1874 to 1920 (Jensen, 2008). A Nevada County map dating to 1913 shows the Cement Hill site owned by Arbogast. Ultimately, according to Jensen (2008), the Champion Mines took over many of the claims northwest of Nevada City, and continued production through 1920, when the North Star Mining Company bought them out. North Star's domination in the area was short-lived, as they became a subsidiary of Empire-Newmont Mining Company by 1930. Eventually Carl Jones and Errol MacBoyle of Nevada City acquired portions of these lands in an attempt to reopen mining operations. This was effectively put to an end due to World War II (Jensen, 2008).

4.4.2 REGULATORY SETTING

Prehistoric and historic resources of importance throughout the City and County of Nevada are inventoried and governed by national, state, and local laws and regulations. The regulations that apply to cultural and historic resources for the proposed project are discussed below.

FEDERAL

National Register of Historic Places

The National Historic Preservation Act of 1966 established the National Register as the official national listing of important historic and prehistoric resources worthy of preservation. The National Register includes districts, sites, buildings, structures, and objects with local, regional, state, or national significance. The definition of a historic property includes "any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in, the National Register" (Advisory Council on Historic Preservation, 1986). A historic property must meet specific criteria to be considered eligible for listing on the National Register.

Under federal law, a significant historical resource is a building or a district that is eligible for listing on the National Register. Any changes to a structure within a National Register district are to be guided by the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards; 1995).

Criteria for Evaluation

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of persons significant in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in prehistory or history.

STATE

Public Resources Code, Section 5024.5

(a) No state agency shall alter the original or significant historical features or fabric, or transfer, relocate, or demolish historical resources on the master list maintained pursuant to subdivision (d) of Section 5024 without, early in the planning processes, first giving notice and a summary of the proposed action to the officer who shall have 30 days after receipt of the notice and summary for review and comment.

(b) If the officer determines that a proposed action will have an adverse effect on a listed historical resource, the head of the state agency having jurisdiction over the historical resource and the officer shall adopt prudent and feasible measures that will eliminate or mitigate the adverse effects. The officer shall consult the State Historical Building Safety Board for advice when appropriate.

California Environmental Quality Act

The State Historic Resources Commission and Office of Historic Preservation (OHP), within the Department of Parks and Recreation (DPR), administer the State's historic preservation programs. The OHP oversees State agency compliance with State preservation statutes and programs, administers federal preservation programs in California, and state programs such as the California Register. The California Register is a guide to identifying the State's historical resources and establishes a list of those properties that are to be protected from substantial adverse change (Public Resources Code (PRC) Section 5024.1).

The California PRC defines a historical resource to include, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC §5010.1(j)).

In California, the standard of historical (including archeological) significance is listing in, or eligibility for listing in, the California Register. The California Register is the authoritative guide to be used by state and local agencies to identify the state's historical resources (PRC §5024.1(a)). It includes properties nominated to and placed on the register by the State Historic Resources Commission, properties listed in or formally determined eligible (under §106 of the National Historic Preservation Act) for listing in the National Register (PRC §5024.1(b) and (d)(1)). Both individual properties and historic districts may be listed in the California Register (PRC §5024.1(e)(1)(2)).

In addition to properties listed, or formally determined eligible for listing, historical resources or districts designated or listed as city or county landmarks or locally listed pursuant to any city or county ordinance are presumed to be eligible for listing in the register unless a preponderance of evidence in the record indicates that it is not historically or culturally significant (PRC §21084.1). Historical resources identified as significant in historical resource surveys conducted by local governments also may be eligible for listing (PRC §5024.1(e)(3)), if the survey meets one or more of the criteria for eligibility set forth in PRC §5024.1(g). Further, if a historical resource is not listed in the California Register, is not designated by a local agency, and is not identified as significant in a historical survey, a lead agency may determine that the resource may be a historical resource as defined in the PRC §5020.1(j) or §5024.1 (California Environmental Quality Act (CEQA) Guidelines, §15064.5(a)(4)).

The criteria for listing in the California Register are defined in statute (PRC §5024.1 (C)(1-4)), in the CEQA Guidelines (California Code of Regulations (CCR) Title 14 Ch 3 §15064.5 (3)(A-D) and in the Guidelines for the California Register (CCR Title 14, Ch. 11.5 §4852(b)(1-4)). These criteria are very similar to the federal criteria for listing in the National Register.

The criteria include:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- It is associated with the lives of persons important to local, California, or national history.
- It embodies the distinctive characteristic of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

One or more of these criteria may apply to a single property or a district.

In addition to meeting the above criteria, a property or district must possess integrity. Integrity is defined as the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. A property must retain enough of its historic character or appearance to be recognizable as a historic resource and to convey the reasons for its significance (CCR Title 14, Ch 11.5 §4852(C)).

LOCAL

City of Nevada City General Plan

The following objectives and policies set forth in the *General Plan 1980-2000 Nevada City, California* relate to historic and cultural resources. These policies are not directly applicable to the proposed project. The Administrative Office of the Courts (AOC), as lead agency, is citing these policies in order to assist with the determination of whether the project's impacts are significant, and to inform the development of potential mitigation measures.

- 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 context.
  - 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 (leases to appropriate private uses, grants from private and/or government sources).
  - Formulate design guidelines laying out the essential elements constituting Nevada City's special "flavor." These guidelines would be a handbook to prospective developers and a guide for evaluation by the architectural review committee.
  - Retain a maximum amount of city and county government functions in downtown Nevada City.
  - Encourage appropriate infill uses in downtown (e.g., visitor accommodations and cultural facilities).

City of Nevada City Municipal Code

Nevada City has adopted Objectives and Policies regarding the preservation of its historic architectural heritage and has designated a downtown area historic district, the Local District discussed above. The city-adopted Ordinance, Title 17-Zoning, Chapter 17.68 - Combining District Regulations, Article II - HD Historical Combining District, describes the regulations governing the designated historic district and its components:

A. Purpose: The City Council finds and declares that the area described in this section is one of great historical interest and aesthetic value. Within said district are many places and buildings which are important historical exhibits and unique architectural specimens. Said places and buildings are symbolic of the city's historical past as a mining town during the days of the California gold rush and thereafter. Examples of such places and buildings are:

- The Plaza
- Ott's Assay Office, 132 Main Street
- Methodist Church, 433 Broad Street
- Trinity Episcopal Church, 226 Nevada Street
- St. Janice Catholic Church, 317 Washington Street
- Community Baptist Church, 300 Main Street
- New York Hotel, 408 and 410 Broad Street
- Nugget Building, 318 Broad Street
- Union Building, 301 Broad Street
- Osborn & Woods Building, 244 Commercial St
- Old Chinese Laundry, 312 Commercial Street
- National Hotel, 211 Broad Street
- Firehouse No. 1, Main Street
- Firehouse No. 2, Broad Street
- Nevada Opera House, Broad Street
- Masonic Temple, 110 North Pine Street
- Searle's Building, 214 Church Street
- The Red Castle, 104 Prospect Street
- The Old Brewery, 107 Sacramento Street

B. The historic character and distinctive architecture of such places and buildings, and of the historic district as a whole, have attracted tourists and visitors to the city in great numbers, thereby augmenting the economy and general welfare of the city and its inhabitants. The preservation of such places and buildings, and of the architectural appearance of the surrounding properties within the district, is essential to the economic and cultural life of the city. To permit a departure from the established type of architecture in the construction of new buildings or in the alteration of existing buildings within the district, and to permit uncontrolled use of advertising signs therein, would be detrimental to the historical places and buildings, and would tend to depreciate the values of all properties within the district. In order to promote the public health, safety and general welfare, it is necessary, pursuant to Section 37361 of the California Government Code, to provide for such places and buildings having a special character or special historical or aesthetic interest or value, special conditions and regulations for their protection, enhancement and perpetuation, and to provide appropriate and reasonable control of the appearance of neighboring property within public view." (Ord.344 § 1, 1969: Ord.338 § 1, 1968)

Section 17.68.060 states "No building of special historical interest or value, or of the Mother Lode type of architecture, situated within the historical district and fronting upon bay of the streets or alleys within or bounding said district shall be torn down, demolished or removed, unless such building is or becomes so damaged or dilapidated, whether from damage by fire or other elements or from natural deterioration, that it is unusable and cannot reasonably be repaired or restored."

Review standards for development projects are noted in Ord.89-6 § 1, Exh. A, 1989, in 15.12.010 subsection B, describing the guidelines for repair or rehabilitation of properties within the historic district or pre-World War II buildings located outside the historic district, constructed before 1942.

4.4.3 PHYSICAL SETTING

The proposed project is located in the western portion of the County. The Existing Courthouse, Temporary Court, and Cement Hill sites are all located within the city limits of Nevada City. The Existing Courthouse site is situated approximately 0.25-miles (0.4-kilometers) north of Deer Creek and 0.65-miles (1.04-kilometers) south of Sugarloaf Mountain. The Temporary Court site is roughly 0.6-miles (0.97-kilometers) north of the creek and 0.75-miles (1.21-kilometers) southwest of the mountain. Finally, the Cement Hill site is 0.5-miles (0.8-kilometers) north of Deer Creek and 0.6-mile (0.97-kilometer) southwest of Sugarloaf Mountain. Nevada City rests on the western slopes of the Sierra Nevada at the western terminus of Harmony Ridge.

PREHISTORIC RESOURCES

Existing Courthouse Site

The Existing Courthouse site evinces a high sensitivity for encountering prehistoric resources. This area was heavily utilized by the Hill Nisenan, as evidenced by the "Medicine Rock" memorialized at the outskirts of town (CA-NEV-1345H; 0.3-miles north of the current courthouse), as well as the center of the known village of Oustamah, situated at Cottage and Main streets (just one-half block north of the existing courthouse site). However, extensive residential and commercial development and successive fires in the early years of the town may have destroyed most, if not all, evidence of prehistoric deposits.

Cement Hill/Temporary Court Sites

These two sites possess a moderate to high sensitivity for encountering prehistoric cultural resources. Initial observations and study of this region would indicate a greater sensitivity given the region's low terraces, intermittent watercourses, and the nearby documented village of Wokodot. However, the records search only indicated eight previously recorded sites in the immediate area. This probably owes to the fact that the area has been greatly disturbed by mining for at least a century. Among the resources that may be encountered are village/habitation sites, other settlement locations, camp/task sites, bedrock milling features, lithic scatters, and/or isolated artifacts/ecofacts. Prehistoric constituents may include lithic debitage, flaked and ground stone tools, bone tools, and glass/stone/shell beads and ornaments, animal bone, fire-affected rock, and charcoal.

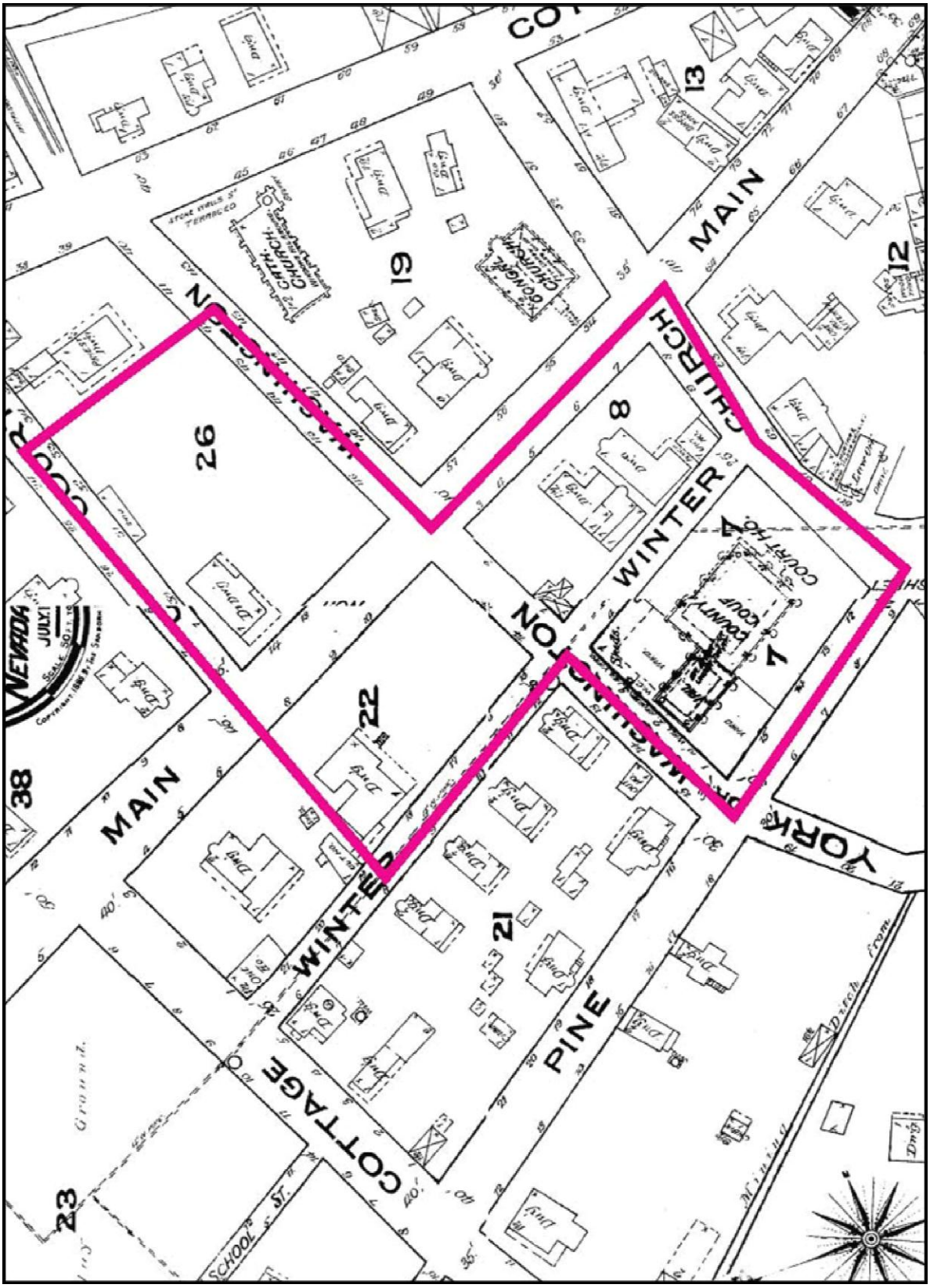
SUBSURFACE HISTORIC RESOURCES

Existing Courthouse Site

The Existing Courthouse site is moderately sensitive for subsurface historic resources, related to the courthouse and county jail, as well as several residential dwellings. These are indicated in a series of Sanborn Fire Insurance maps (1885, 1891, 1898, and 1912) in Blocks 7, 8, 22, and 26. Exhibit 4.4-7 shows the project area overlaid on the 1885 map. Block 7 (within the footprint of the existing courthouse) is shown on all the Sanborn maps to have been occupied solely by the courthouse and jail. These facilities and yard took up the majority of the block. Earlier, however, in 1857, a Sash, Door, and Blind Factory was established and operated behind the courthouse at least through 1867 when it was advertised in Bean's Nevada County Directory. It was also known as [George] Hughe's Planing Mill.

The lots within Block 8, sitting within the footprint of the existing courthouse annex, are shown on the Sanborn maps hosting two dwellings, an outhouse, and an outbuilding in 1885, 1891, and 1898. By 1912, the block had been split into three lots, each with a dwelling and associated outbuildings.

Block 22 (within the footprint of the existing preschool/playground behind the annex) had a single dwelling in the northern lot shown in each of the reviewed Sanborn maps.



Source: Tremaine and Associates, 2011

Exhibit 4.4-7: 1885 Sanborn Fire Industry Map – Existing Courthouse Site

Lots within Block 26 (within the footprint of the existing county parking lot) are shown occupied by a single dwelling and one outhouse in 1885 and 1891. By 1898, an additional dwelling and buggy shed had been constructed and was still present in 1912.

Cement Hill/Temporary Court Sites

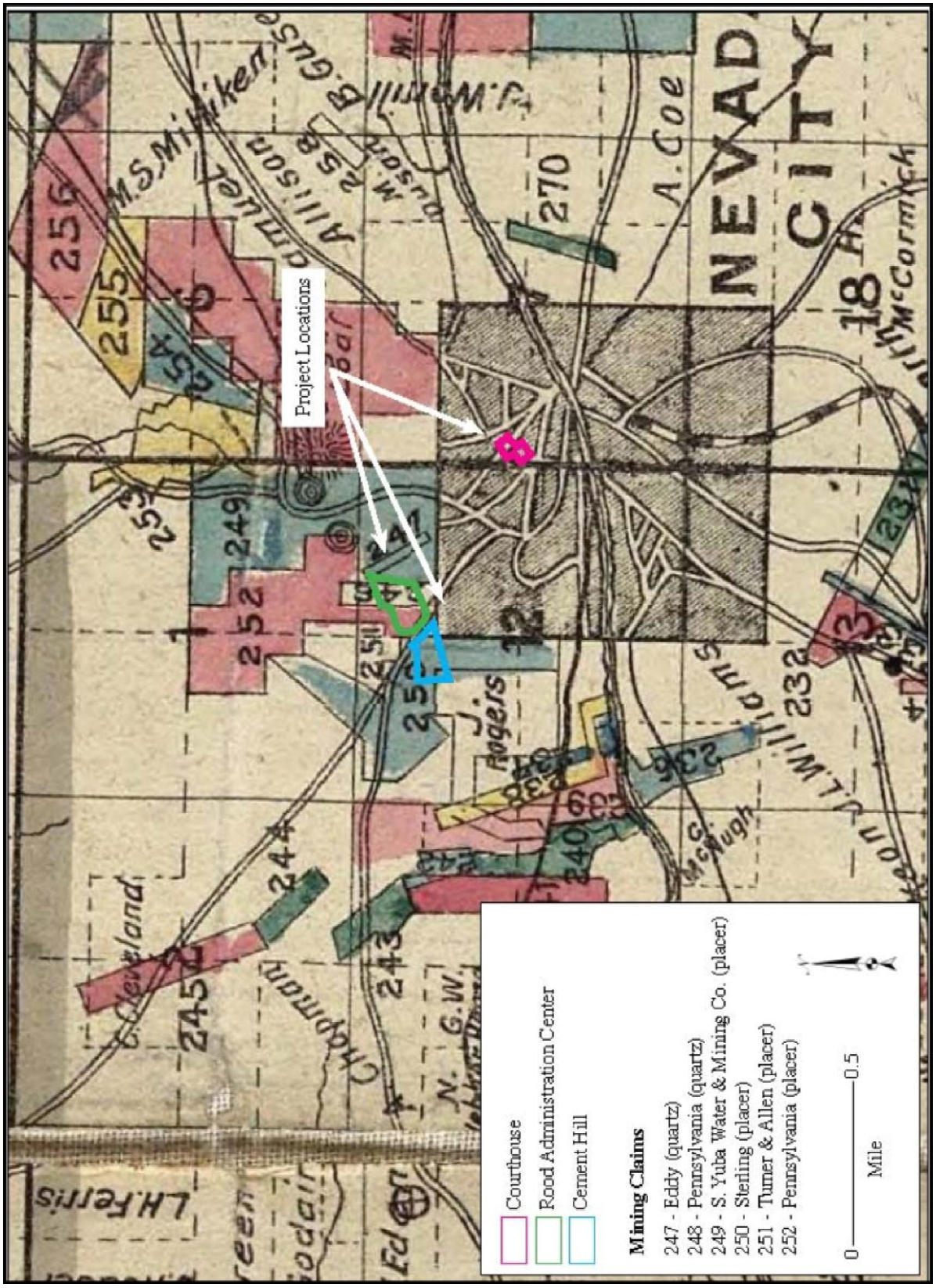
The 1867 General Land Office Plat documents several structures within a one-mile radius of this area, including houses, vineyards, ditches, roads, and mills. A birds-eye illustration of Nevada City in 1871 shows the Cement Hill/Temporary Court area obliterated by hydraulic mining. A subsequent birds-eye in 1883 again shows these two areas obliterated, but also shows two ponds on either side of road that is probably Cement Hill Road. These ponds were likely reservoirs for hydraulic mining. Today, there is no evidence of such a pond within the Nevada County Government Center (Government Center) complex. It was likely backfilled so that the property could be developed. However, two ponds exist west of Cement Hill Road today: the Hirschman's pond just west of the Cement Hill site and the Arbogast pond at the western edge of the Cement Hill project area. A map in 1896 shows a pond at the western edge of the Cement Hill project area. This likely represents the pond that exists in this location today. A 1947 Assessor's Parcel map shows a different configuration of the pond that seems to better correspond with the current dimensions.

An examination of Hartwell's (1880) Map of Nevada County places the Cement Hill site straddling the Sterling, Turner and Allen, and Pennsylvania placer mines (Exhibit 4.4-8). The Temporary Court site footprint is located on the Pennsylvania and the South Yuba Water and Mining Company's placer mines and the Pennsylvania and Eddy quartz mines.

The 1896 United States Geological Survey (USGS) Special Nevada City economic map indicates that both the Cement Hill and Temporary Court sites were situated within hydraulically mined placer diggings (Appendix E). The underlying bedrock is identified as granodiorite. An ancient river channel dating to the Neocene Period (100,000 to 1.8 million years ago) is shown as a ribbon trending east/west, situated just north of the boundary of the project (Lindgren 1896). Clark (1970) later refers to this feature as the Cement Hill channel, suggesting it is slightly older, dating to the Tertiary Period (2.6-65 million years). The fill of boulders, cobbles, and gravel was embedded in cemented gold-bearing clay and sand. Cement Hill likely received its name due to this channel and the cement mining that occurred to extract the gold.

Temporary Court Site

Three vacant areas subject to proposed disturbance were examined immediately north and east of the Wayne Brown Correctional Facility (Correctional Facility). The northern lot appears to have been previously cut into a hillside and graded. Currently, portions are landscaped with walking paths, a garden, a composting area, and a gazebo with benches. The remaining portion consists of a flat open area covered in short grass with low ground visibility. Exposed soils appeared sterile. No artifacts were observed. The eastern lots were flat and covered entirely by a maintained lawn. Ground visibility was less than 5%. No artifacts or features were found.



Source: Map of Nevada County (Hartwell, 1880); Tremaine and Associates, 2011

Exhibit 4.4-8: Historic Mining Claims

Cement Hill Site

This site occupies a portion of the previously recorded hydraulic mining landscape, CA-NEV-290H, known historically as the Arbogast Mine. This site was first recorded by Storm and Barry in 1978 (S-000437) and is described as a hydraulic mining landscape consisting of a large central sluiceway partially blasted out of rock on the east side, fed by five smaller sluices (north portion of site, above SR-49) as well as extensive gravel outwash and ground sluicing activities (south of SR- 49). It contains massive tailing piles that cross the property from the northeast to the southwest, a deep ravine that cuts through the center of the property running north-south (possibly a sluiceway), and a holding pond at the northwest edge of the property, referred for the purposes of this report as the Arbogast Pond. A walking trail, recently created, runs through the property, leading to Hirschman's Pond (past Arbogast Pond) and an adjacent hydraulic mining landscape, CA-NEV-291H, known historically as the Hirschman and Grover Mine. Currently, a residence is situated between the tailings and Arbogast Pond, where surface parking is likely to be designed. Recent disturbances are most evident within the southeast corner of the site. This area is cleared of trees. A single lane road, roughly paved, leads from an entrance at Cement Hill Road to the top of a hill that currently serves as a wood-cutting lot. With the exception of the hydraulic mining features mentioned, only a couple of historic tin cans were observed. No prehistoric materials were found.

HISTORIC RESOURCES

Existing Courthouse Site

The Existing Courthouse site includes the courthouse and annex on almost one acre. In addition, there are two adjacent sites being considered as part of the site, including 1) 215 Washington Street; and 2) the county-owned surface parking lot located at the northeast corner of Main and Washington streets. With these additional two sites the Existing Courthouse site could total approximately 1.83 acres.

The historic courthouse is one of two local administrative buildings designed in the same Art Deco/Moderne architectural mode. City Hall, located on Broad Street, is another unique interpretation of the style, also designed by George Sellon. The two buildings are a particularly important resource, designed in the same style and era by a distinguished architect, and in such a different image than most of the Mother Lode-style buildings of the City. They are also notable products of the Works Progress Administration. Together, they constitute an important design statement of the era. The Art Deco design is an element of the evolution of the building from the 1800s until the present. During the Depression, Nevada City actually prospered, which created the need for a larger courthouse and city hall at a time when the Art Deco style was in full vogue.

Prior to the expansion and rehabilitation in the 1930s, the historic courthouse was a three-story rectangular stone masonry building with a parapet at the roof. The original building had a ground story with a rusticated arched portico, a second story with Corinthian pilasters and square window heads, and a third story with arched windows and quoins at the corners. The composition of the entrance element was three stories high with an arched portico projecting at ground floor forming a balcony at the second floor with one arched opening and three arched openings at the third story with a pediment at the roof cornice (Historic American Building Survey, HABS). The HABS states that the granite front was removed and the architecture completely altered by the 1930s rehabilitation and expansion, although in Exhibit 4.4-5, it appears the entire former façade may still be located behind the Art Deco/Modern façade. However, other elements of the building date back to 1865, such the granite blocks of the jail visible on the west wall.

The courthouse/annex parcel within the Existing Courthouse site is located within two recognized historic districts and listed on the California Register, and the courthouse building is noted in the HABS, as follows:

1. **Nevada City Historical District (Local District)**

   As shown on previous Exhibit 4.4-1, the courthouse/annex parcel is located within the Local District boundaries. Although not in the predominate Mother Lode architecture of the Downtown area, the Art Moderne courthouse structure appears to have been included in the Local District as a "building of special historical interest or value" (section 17.68.060). The annex to the east of the existing courthouse was built to meet additional need for space in 1963-65. The architecture of the annex is described as modern and is not considered to be a building of special historical interest or value.

2. **National Register Nevada City Downtown District (NRHP District)**

   As shown on previous Exhibit 4.4-2, the courthouse/annex parcel is located within the NRHP District boundaries. The courthouse/annex parcel is identified as contributing to the NRHP District (Exhibit 4.4-3); although the entire courthouse parcel is identified as being within the NRHP District, the annex was specifically listed as a NON-contributing resource, because it neither conformed to the character of the Gold Rush town, nor the Art Moderne style of the courthouse. The courthouse building is a significant example of the Art Moderne/Art Deco style and it was designed by California's first State Architect, George Sellon. The courthouse has been placed on the NRHP as a significant contributing structure within the NRHP District, which means that it expresses the values that meet the federal criteria of significance for inclusion in the NRHP District. The annex to the east of the existing courthouse was built to meet additional need for space in 1963-65; the architecture of the annex is described as modern. The historic courthouse is considered a major character-defining feature of the NRHP District, visible throughout the Downtown area, as well as from busy traffic corridors.

3. **The California Register of Historical Resources**

   The Courthouse building is listed as a contributing building on the California Register of Historical Resources. As noted above, the California Register includes properties listed on the National Register.

4. **The Historic American Building Survey**

   The Courthouse building has been recognized in the Historic American Building Survey (HABS; HABS Cal-1803).[3] The HABS and the Historic American Engineering Record (HAER) collections are among the largest and most heavily used in the Prints and Photographs Division of the Library of Congress. The collections document achievements in architecture, engineering, and design in the United States and its territories through a comprehensive range of building types and engineering technologies including examples as diverse as the Pueblo of Acoma, houses, windmills, one-room schools, the Golden Gate Bridge, and buildings designed by Frank Lloyd Wright. Administered since 1933 through cooperative agreements with the National Park Service, the Library of Congress, and the private sector, ongoing programs of the National Park Service have recorded America's built environment in multi-format surveys comprising more than 556,900 measured drawings, large-format photographs, and written histories for more than 38,600 historic structures and sites dating from Pre-Columbian times to the 20th century.

[3] Library of Congress, American Memory, accessible from http://memory.loc.gov/cgi-bin/query/D?hh:1:./temp/~ammem_gaJ9::

Temporary Court Site

The Government Center complex was constructed in 1986 and does not meet the 50-year age requirement criterion for a designated historic property listed in the National Register or the California Register. The Correctional Facility was constructed in 1991 and also does not meet the 50-year age requirement criterion for a designated historic property listed in the National Register or the California Register.

Cement Hill Site

As noted above, this site occupies a portion of the previously recorded hydraulic mining landscape, CA-NEV-290H, known historically as the Arbogast Mine. CA-NEV-290H was recently recommended as eligible for the National Register under criteria A and B, and the California Register under equivalent criteria (Jensen 2008). This landscape was found to be associated with "very substantial business undertakings that shaped the character and established the complex ethnic makeup of the County and [the State]... [These undertakings]… attracted immigrants and entrepreneurs from across America and from overseas, advanced various mining techniques and associated extractive technology subsequently used world-wide, and contributed to the rapidity with which the 'west' was opened and developed."

115 Cement Hill Road

115 Cement Hill Road includes a small house near the center of the city-owned parcel. The wood frame house is a composite structure, which has been added onto at least twice. It has a gambrel roof and two shed roofs. It is surfaced with a mix of horizontal and vertical wood siding.

The house lacks design distinction, does not appear to be fifty years old and has experienced substantial alterations. The house does not appear to be eligible for listing on the National Register, California Register, or a local historic designation.

117 Cement Hill Road

Just to the north of these parcels, a house stands near Cement Hill Road with the address of 117 Cement Hill Road. This property lies outside of the proposed site of the new Courthouse but is visible to the project site and therefore within the APE. The building on the property is not distinctive in design and has been somewhat altered. It does not appear eligible for listing on the National Register, California Register, or a local historic designation.

4.4.4 IMPACT ANALYSIS

This section describes the analysis of impacts to cultural resources associated with the implementation of the proposed project for both potential project sites. Mitigation to avoid or reduce significant impacts is provided following the discussion of the impact.

Construction vibration impacts on nearby historic structures are addressed in Section 4.8, Noise.

METHOD OF ANALYSIS

On March 28, 2011, a records search was conducted at the North Central Information Center, California State University, Sacramento (NCIC) to research previous sites and surveys present within a one-mile (1.6-kilometers) radius of the various project areas. Various organizations were consulted, including the Native American Heritage Commission (NAHC), Native American contacts, the Grass Valley Museum, Miners Foundry Cultural Center, and the Nevada County Historical Society.

Additional research was conducted at the Searls Historical Library on March 22, 2011 to review the general mining history of the area. The Doris Foley Historic Research Library was visited on April 2, 2011 which yielded access to historic assessors' parcel maps and mining map claims. Additionally, Maria Brower, author of Images of America: Nevada City was contacted on April 7, 2011, to discuss the evolution of location names in Nevada City, specifically the surrounding hills (i.e., outside of Nevada proper) and their transformation from tribal names to names given by early settlers/miners.

The historic evaluation prepared for the proposed project is based upon site review, historic research of structures on the sites including historic maps, the Nevada City Municipal Code and policies regarding the Local District, the NRHP District Nomination forms, and the *Secretary's Standards*.

The APE for the Existing Courthouse site was defined as the entire Nevada City Historical District, including the NRHP District within it. The APE for the Cement Hill site includes the project site, properties to the north and east, and SR-49.

THRESHOLDS OF SIGNIFICANCE

Criteria for determining the significance of impacts related to cultural resources were based on the environmental checklist form in Appendix G of the State CEQA Guidelines and mandatory findings of significance. For the purposes of this Draft EIR section, impacts on cultural resources resulting from implementation of the proposed project would be considered significant if the project would:

- Cause a substantial change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
- Disturb any human remains, including those interred outside formal cemeteries

Section 15064.5 of the State CEQA Guidelines defines a "substantial adverse change in the significance of a historical resource" to mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired" (CEQA Guidelines §15064.5(b)(1)). CEQA Guidelines, section 15064.5, subdivision (b)(2), defines "materially impaired" for purposes of the definition of "substantial adverse change..." as follows:

The significance of a historic resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of a historic resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of §5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA (CEQA Guidelines, §15064.5(b)(2)).

IMPACTS AND MITIGATION MEASURES

The proposed project includes two potential development sites: the Existing Courthouse site which includes a temporary court facility located at the Temporary Court site, or the Cement Hill site. For more details on the differences between each site, refer to Chapter 3, Project Description. Impacts and mitigation measures are identified below for each site, as applicable and appropriate.

Impact 4.4-1	**Impacts to Known or Undiscovered Subsurface Prehistoric and Historic Resources.** Demolition and construction at the Existing Courthouse, Temporary Court, or Cement Hill sites would include ground-disturbing activities such as infrastructure improvements, grading, trenching, pile driving, and excavating for development. Any site would likely encounter prehistoric and/or historic subsurface resources during construction activities relating to earlier periods of Nevada City's history. It is possible for buried resources to be uncovered during any subsurface construction activities, and such resources and their immediate surrounding matrix could be damaged. Therefore, this is a **potentially significant impact**.

Existing Courthouse Site

The Existing Courthouse site displays a high sensitivity for encountering prehistoric resources. This area was heavily utilized by the Hill Nisenan, as evidenced by the "Medicine Rock" memorialized at the outskirts of town (CA-NEV-1345H; 0.3-mile north of the current courthouse), as well as the center of the known village of Oustamah, situated at Cottage and Main streets (just one-half block north of the Existing Courthouse site). However, extensive residential and commercial development and successive fires in the early years of the town may have destroyed most, if not all, evidence of prehistoric deposits.

While the current site is not the location of the original county courthouse (located on Broad Street), the site is where the county courthouse has remained since 1854, although the structure itself burned down in 1855, 1856, and 1863 and was rebuilt here after each fire. Resources that may be recovered during construction include possible building foundations, construction materials, and other resources congruent with the associated jail, as well as possible evidence of the Hughes Planing Mill operation. Additionally, the area surrounding the current courthouse was primarily occupied by residential dwellings indicated in Blocks 8, 22, and 26.

While the ground beneath the Existing Courthouse site is very likely highly disturbed, it is also likely that prehistoric deposits exist. Native Americans, during consultation, have indicated that a round house once existed beneath the courthouse. The area, centered at Cottage and Main streets, was once the village of Oustamah. In addition, remnants of historic-period deposits will likely be found. Within the footprint of the existing courthouse, there may be materials related to the courthouse and jail. Within the footprint of the existing annex, two dwellings and an outhouse are shown on the historic Sanborn Fire Insurance maps during the years 1885, 1891, 1898. A third dwelling is shown in a 1911 Sanborn map. Within the 215 Washington Street site, a single dwelling is indicated in 1885, 1891, 1898, and 1911. The Existing Courthouse site, as such, is considered highly sensitive.

Demolition and construction activities would include ground-disturbing activities such as grading, trenching, and excavation. Such activities could encounter cultural resources relating to earlier periods of the area's history. It is possible for buried resources to be uncovered during any subsurface construction activities, and such resources and their immediate surrounding matrix could be damaged. Disruption during construction could

result in the permanent loss of potentially important cultural resource data. Therefore, this is considered a **potentially significant impact**.

Temporary Court Site

Historically, this area was severely impacted by hydraulic mining. Modern impacts include cutting and grading to create the Government Center. In addition, there will be no excavating for a basement at this site. Thus, there is little potential to encounter cultural resources during construction. In addition, construction disturbances will be limited due to the temporary nature of the use planned. In a past survey of this site, no prehistoric or historic resources were noted. Therefore, impacts to this site would be less than significant.

Cement Hill Site

The Cement Hill site possesses a moderate to high sensitivity for encountering prehistoric cultural resources. Initial observations and study of this area would indicate a greater sensitivity given the region's low terraces, intermittent watercourses, and the nearby documented village of Wokodot. However, the records search only indicated eight previously recorded sites in the immediate area, most likely related to the fact that the area has been greatly disturbed by mining for at least a century. Among the resources that may be encountered are village/habitation sites, other settlement locations, camp/task sites, bedrock milling features, lithic scatters, and/or isolated artifacts/ecofacts. Prehistoric constituents may include lithic debitage, flaked and ground stone tools, bone tools, and glass/stone/shell beads and ornaments, animal bone, fire-affected rock, and charcoal.

As noted above, the Cement Hill site was subject to extensive hydraulic mining, and retains landscape features reflecting its past use. The primary ground-disturbing activities are planned within the southeast corner of the proposed project site. This part of the site is already highly disturbed due to past and on-going woodcutting operations. Hydraulic mining features are not immediately evident at this location. A basement for the new courthouse would be excavated into the hill, which has been identified as fill dirt.

Surface parking will be designed based on current site constraints, as further discussed under Impact 4.4-2, below.

Demolition and construction activities would include ground-disturbing activities such as grading, trenching, and excavating for development. It is possible for buried resources to be uncovered during any subsurface construction activities, and such resources and their immediate surrounding matrix could be damaged. Disruption during construction could result in the permanent loss of potentially important cultural resource data. Therefore, this is considered a **potentially significant impact**.

Mitigation Measure 4.4-1 – Existing Courthouse and Cement Hill Sites

The following mitigation measures should be used and monitored during demolition and construction activities:

- *The AOC shall hire a qualified professional – as specified in the Secretary of the Interior's Professional Qualifications Standards (36 Code of Federal Regulations (CFR) Part 61) – to formulate and implement a research design and field strategy with regard to possible sub-surface resources. Testing shall include geophysical mapping of the near-surface, ground-truthing using both the geophysical maps and historic maps, followed by evaluation of discovered resources for CRHR eligibility. All testing of accessible areas shall be conducted prior to initiation of construction for the project. Based on the results of testing, recommendations shall be provided, which may include additional testing and data recovery, and shall include preparation of a Monitoring Plan, Unanticipated Discovery Plan, and Research Design prior to any demolition or ground disturbance.*

- *All construction crews shall undergo cultural resources sensitivity training prior to demolition or construction activities.*
- *The AOC shall hire a qualified professional (see above) and Native American monitor to conduct archaeological monitoring during ground-disturbing construction activities for the duration of the project. If resources are discovered during construction, the archaeologist and/or Native American monitor shall be consulted according to the Unanticipated Discovery Plan.*
- *Should any unanticipated cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, all work within 20 meters of the find shall be suspended and a qualified archaeologist shall be consulted to develop, if necessary, further measures to reduce any archaeological impact to a less-than-significant level before construction continues. Such measures could include (but would not be limited to) researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the PRC, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission (NAHC) shall be adhered to in the treatment and disposition of the remains.*
- *All activities related to the data recovery of the site shall be recorded and compiled into a report and submitted to both the City and to the North Central Information Center (NCIC). In addition, appropriate public outreach material such as a leaflet, pamphlet, or booklet shall be developed detailing any finds and their historic context. Reports if produced in a digital format shall be deposited as both a hard copy and a digital copy. A release shall be included that allows the City the right to reproduce all documents and graphics (including photographs) without restriction.*

Significance after Mitigation

Implementation of the mitigation measures would ensure (1) that CRHR-eligible resources are identified; (2) that the important information these remains contain is recovered; and (3) that human remains are treated appropriately. These actions would reduce these impacts to less-than-significant.

Impact 4.4-2 **The Proposed Project Could Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource as Defined in Section 15064.5 of the CEQA Guidelines.**

Existing Courthouse/Temporary Court Sites. The proposed project would result in the demolition of a contributing structure to a NRHP District. This would be a **significant impact**. The temporary court facilities at the Temporary Court site would be constructed on vacant, graded land, and would have no impact on historic resources.

Cement Hill Site. The proposed project could result in the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine, a resource eligible for the National Register, and could contribute to the deterioration of a contributing structure to the NRHP District. This would be a **potentially significant impact**.

Existing Courthouse /Temporary Court Sites

The proposed project at the Existing Courthouse site would demolish the existing courthouse, the annex, and the structure on 215 Washington Street. It would also include the construction of temporary facilities at the Temporary Court site.

The annex does not meet the National Register, California Register, or CEQA criterion for a historic structure, and the 215 Washington Street has been overly modified over the years to meet the criterion, thus demolition of these structures would have a less-than-significant effect on historic resources. The temporary court facilities would be prefabricated buildings constructed on vacant, graded land, and would have no impact on historic resources.

However, the existing historic courthouse is a contributing structure to the NRHP District. The historic courthouse is also listed as a contributing building on the California Register and the Nevada City Historical District. Demolition of this structure would remove a building that is a major character-defining feature of the NRHP District, visible throughout the Downtown area as well as from major entrances to the city.

Although the courthouse has been physically altered over the years, its historic contribution as the county courthouse in the county seat has never changed. The last major renovation and expansion occurred in 1936 as a notable product of the Works Progress Administration during the Great Depression. While not reflective of the traditional "Mother Lode" design common in the District, the courthouse building represents a highly significant example of the Art Moderne/Art Deco style, and is one of two buildings in Nevada City designed by California's first State Architect, George Sellon. The two buildings constitute an important resource, designed in the same style and era by a distinguished architect, and in such a different image than most of the Mother Lode-style buildings of the city.

Demolition of the historic courthouse building would result in the irreplaceable loss of a highly significant contributing structure to the NRHP District, California Register, and Local District. Removal of the entire historic building and all of its original fabric would result in the complete loss of a significant historic structure. Demolition of the historic courthouse would be a **significant impact**.

Mitigation Measure 4.4-2a – Existing Courthouse/Temporary Court Sites

- *Prior to any demolition, the exterior and interior portions of the historic courthouse shall be recorded according to the Historic American Building Survey (HABS) standards, if not already completed. Recordation should consist of 4"x5" view camera photo-documentation and a written description of the building.*
- *The new courthouse design should integrate elements of the existing structure, where feasible, such as the granite blocks remaining from the original jail.*
- *The new courthouse design should provide a prominent interpretive display, illustrating the courthouse history and its contribution to the National Register Nevada City Downtown District. This display shall be visible to all courthouse visitors and shall be in place prior to the opening of the new courthouse.*

Significance after Mitigation

The proposed mitigation measures may somewhat reduce the magnitude of the impact, but the complete loss of a contributing structure to the NRHP District, California Register, and local Nevada City Historical District would remain a ***significant and unavoidable*** impact.

Cement Hill Site

CA-NEV-290H

The Cement Hill parcel consists of a 2.2-acre privately-owned corner parcel, and a five-acre parcel owned by the City that contains one rental house. As discussed above, the Cement Hill site is part of a larger historic hydraulic mining landscape (CA-NEV-290H) that was recently recommended as eligible for the National Register under

criteria A (associated with events that have made a significant contribution to the broad patterns of our history) and B (associated with the lives of persons significant in our past), and the California Register under equivalent criteria (Jensen 2008). CA-NEV-290H encompasses approximately 28 acres both north and south of SR-49, west of Cement Hill (the actual boundaries remain confidential to protect the resource). Approximately 10 acres within this resource have been disturbed by modern development or grading.

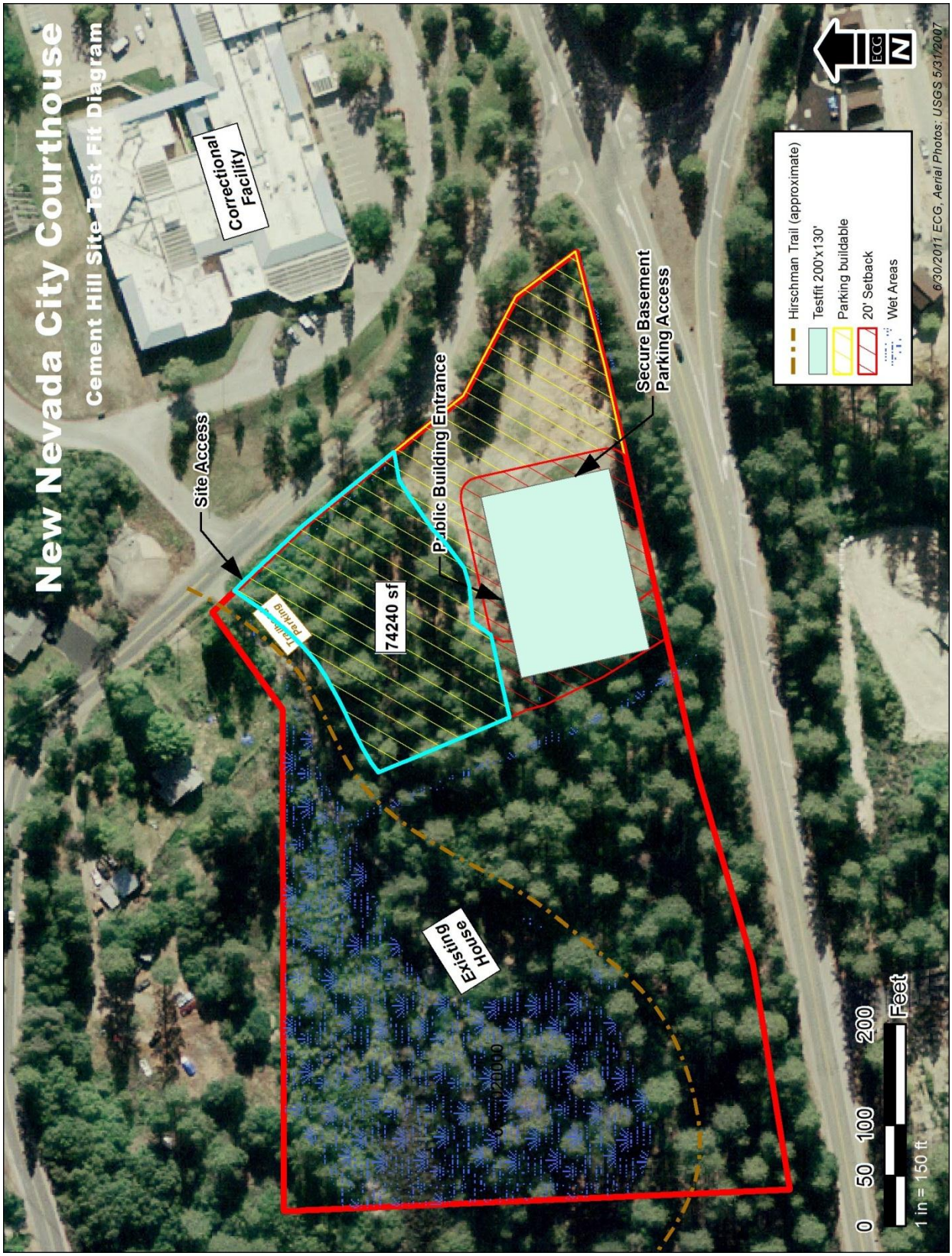
The portion of CA-NEV-290H on the Cement Hill site still contains massive tailing piles that cross the property from the northeast to the southwest, as well as a deep ravine that cuts through the center of the property running north-south (possibly a sluiceway) and a holding pond (referred to for the purposes of this report as the Arbogast Pond) at the northwest edge of the property. The Cement Hill site contains approximately 26% of CA-NEV-290H, and the undisturbed areas represent approximately 28% of the remaining undisturbed mining landscape.

The AOC has indicated that court construction at this location would primarily occur on the corner parcel. This parcel is already highly disturbed and hydraulic mining features are not immediately evident at this location. A basement for the three-story structure would be excavated into the hill, which has been identified as fill dirt. The courthouse building can be accommodated on this parcel, but there is not sufficient room for parking in this area.

The balance of the site is highly constrained by environmental factors, as illustrated in Exhibit 4.4-8. The existing rental house area is already cleared and partially graded, but sits between a wetlands area and Hirschman's Trail. The deep ravine/sluiceway splits the parcel north to south approximately 80 feet west of the cleared corner area. Dense tree coverage and tailing piles cover the remainder of the site. Using these areas for the project would require significant terraforming of the landscape and thus extensive destruction of the mining landscape.

Removal of the hydraulic mining landscape through grading would represent a partial loss of a significant historic resource, and could affect the eligibility of CA-NEV-290H for the National Register. This would be a **significant impact**.

The test fit diagram has been overlain on the site to show the required area for the courthouse. To mitigate impacts, surface parking would need to be designed to avoid Arbogast Pond, the ravine/sluice, and Hirschman's Trail, and to avoid the tailing piles to the extent feasible to minimize loss of mining features. Exhibit 4.4-9 illustrates a potential building area located 30 feet east of the ravine and 20 feet south of the trail. This buildable area provides sufficient area to accommodate parking as well as the building envelope requirements, while minimizing the loss of mining landscape and avoiding the trail and wetlands. Approximately one acre (44,000 square feet) of the remaining 18 acres of mining landscape would be destroyed within this area, representing a loss of approximately 5% of the remaining resource.



Source: The Ervin Consulting Group, 2011

*Note: **ILLUSTRATIVE; FOR PLANNING PURPOSES ONLY***

Exhibit 4.4-9: Cement Hill Test Fit for Buildable Area

Historic Courthouse

Moving the court functions to the Cement Hill site would vacate the historic courthouse building (impacts to the historic districts are discussed in Impact 4.4-3, below). The existing building was designed as a courthouse, and thus is not designed for other uses. In addition, the building is suffering structural deficiencies from age and needs seismic retrofitting. The adjacent annex is also designed for court functions, and both buildings would require significant investment to convert to another use. As a contributing structure to the NRHP District, the historic courthouse would need to be rehabilitated according to the *Secretary's Standards*, thus adding to the cost and challenges of converting the building to an alternative use. There are ownership issues to be resolved as well before a new use could be considered, since the site is owned by both the AOC and Nevada County. In the current economy, it is therefore anticipated that the buildings will remain boarded and vacant for an extended time period. If no use is found that would rehabilitate the historic courthouse, the building would continue to deteriorate, a process that accelerates in an empty building. The building could ultimately be subject to "demolition by neglect" if there is insufficient maintenance or an adaptive reuse does not occur, or it is determined to be financially infeasible to rehabilitate the building. Loss of the historic courthouse would result in the irreplaceable loss of a highly significant contributing structure to the NRHP District, California Register, and Local District. The potential for demolition by neglect is a **potentially significant impact**.

Mitigation Measure 4.4-2b – Cement Hill Site

- *A minimum 30 foot buffer shall be provided along the east side of the ravine and a minimum 20 foot buffer from the south side of Hirschman's Trail. All construction of the courthouse and parking facilities shall occur to the east and south of this buffer.*
- *The AOC shall participate in the development of interpretive trail markers for Hirschman's Trail that will describe the history and importance of the remaining mining landscape. This will entail additional in-depth documentary research of the site-specific mining history following California Department of Transportation (Caltrans) guidelines for Mining Sites: Historic Context and Archaeological Research Design (HARD Mining Sites Team 2007). Such documents include: claim records, business records, government reports, mining trade journals, local maps, assessment records, census reports, photographs, and other available resources such as probate records, diaries, and surveyors' notes. The trail markers will need to be in place prior to the new courthouse opening.*
- *The AOC and Nevada County, as co-owners of the building, shall actively market the building for historic adaptive reuse.*

Significance after Mitigation

The proposed mitigation measure focuses the loss of mining landscape closest to the eastern boundary next to urban development on Cement Hill Road, and would protect the portions of the mining landscape that include Arbogast Pond, the ravine/sluiceway, and the majority of the tailing piles in CA-NEV-290H's western boundary. Approximately 5% of the resource would be lost, but the major features and continuity will be preserved and the interpretive trail would highlight the contribution of the mine and its owners to the area's history, maintaining the eligibility of the resource for the National Register under criteria A and B. Implementation of the mitigation measures would reduce the impact to the mining landscape to less than significant. However, the potential for future demolition of the historic courthouse would remain ***potentially significant and unavoidable***.

Impact 4.4-3 **The Proposed Project Could Cause an Adverse Effect on a Historic District.**

Existing Courthouse/Temporary Court Sites. The proposed project would result in the demolition of a contributing structure to the NRHP District and construction of a new courthouse building. This would be a **significant impact**.

Cement Hill Site. Relocation of the courthouse to the Cement Hill site would remove the historic courthouse function out of the NRHP District, and would be contrary to Nevada City's Historic and Cultural Resources objective to continue concentration of public and cultural activities which reinforce the historic core as the "heart" of Nevada City. This would be a **significant impact.**

Existing Courthouse/Temporary Court Sites

The NRHP District contains the Nevada County Courthouse as a listed "contributing" property within the designated NRHP District, which means that it expresses the values that meet the federal criteria of significance for inclusion in the NRHP District. The NRHP District has been determined to be "significant as the largest and most representative collection of Downtown commercial buildings in the area of the Northern Mines."

As discussed above, demolition of the existing courthouse would remove a building that is a major character-defining feature of the NRHP District, visible throughout the Downtown area as well as from entrances to the City. The Courthouse is also listed as a contributing building on the California Register, as well as the Local District.

The loss of an important component of the NRHP District would affect the remaining character and integrity of both the NRHP District and the Local District. Its removal would constitute a significant and irreplaceable loss to the historic districts and to the character of the entire Downtown due to its dominating style and unique image. Its removal would also constitute a loss of the embodiment of a significant era of the history of Nevada City and Northern California.

The proposed project at this site would construct a new building on the current courthouse/annex parcel and thus introduce a new building into the historic districts. The *Secretary's Standards* provide guidance regarding protecting the settings of National Register districts. If a project conforms with the *Secretary's Standards*, it will generally not cause a substantial adverse change or impair the significance of the resource (CEQA Guidelines §15064.5 [b][3]). The setting is the area or environment in which a historic property, in this case the historic district, is found. It may be an urban or suburban neighborhood or a natural landscape in which a building has been constructed.

The elements of setting, such as the relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees together create the character of a district or neighborhood. In some instances, many individual building sites may form a neighborhood or setting.

With respect to protecting historic settings such as Downtown Nevada City, the *Secretary's Standards*[4] recommend that:

- New work should be compatible with the historic character of the setting in terms size, scale, design, material, color, and texture. It is not recommended that new construction:
  - Create a false historical appearance.
  - Introduce a new building or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character.
  - Introduce new construction into historic districts that is visually incompatible or that destroys historic relationships within the setting.
  - Remove a historic building, building feature or landscape feature that is important in defining the historic character of the setting.

Other relevant guidance from the *Secretary's Standards* includes:

- Identifying, retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets, furnishing such as lights or benches, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.
- Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.

The City also has adopted policies which include design guidelines laying out the essential elements constituting Nevada City's special "flavor" to serve as a guide for evaluating historic building projects by the architectural review committee, retaining a maximum amount of City and County government functions in Downtown Nevada City, and encouraging appropriate infill uses in Downtown. Such regulations and policies state that new construction should follow the image of Mother Lode-type buildings as evident in the Northern Mines area. The City's objectives regarding its historic and cultural resources include maintaining the dominance of the City's primary, 19th century historic period, allowing new development complementary to form and scale of its context, and continued concentration of public and cultural activities – which reinforce the historic core as the "heart" of Nevada City.

The relationship between the exterior of the courthouse and annex site and the Mother Lode-style buildings of the majority of the District has shifted over time by the construction of the annex, the Art Moderne/Art Deco façade changes to the Courthouse in 1936, and changes in surrounding buildings. According to both the *Secretary's Standards* and the City's Historic District Review standards, materials for a new building would need to reflect what is currently in the District now. The new Courthouse should therefore incorporate design elements that complement the historic district.

Construction of a new courthouse guided by the *Secretary's Standards* and the City's architectural standards could result in a signature building that maintains the courthouse function in its historic setting, and maintains the visual presence of the courthouse as a dominant landmark in the Downtown area. Although any new construction would be non-contributing to the District, it could reflect the design elements of the District and be compatible with and maintain the historic relationships within the setting. Because the 1936 renovation was in

[4] Standards Guidelines. District or Neighborhood Setting. Retrieved May 15, 2011 from http://www.nps.gov/history/hps/tps/tax/rhb/setting01.htm

a completely different design theme (Art Moderne/Art Deco façade over the original Mother Lode design), the *Secretary's Standards* need to be carefully considered, particularly in the context of the City's local historic standards. However, while the image of the new building may ultimately enhance a contemporary version of the District, both materials and design would not possess an actual historical association with the original district or its historical development. Because there is no design yet, it is unknown whether the design of a new courthouse would be consistent with the *Secretary's Standards* and meet the intent of the City's Historic District Review standards.

Although the NRHP District would retain sufficient integrity with the remaining buildings to remain on the National Register, loss of a contributing structure would be inconsistent with the *Secretary's Standards* and would have a **significant impact** on the NRHP District.

Temporary relocation to the vacant Temporary Court site would have no effect on the downtown historic districts, and there are no historic districts within or adjacent to the temporary location.

Mitigation Measure 4.4-3a – Existing Courthouse Site

- *The design of the new courthouse shall comply with the Secretary's Standards to the extent feasible, and be compatible with the historic character of the setting in terms size, scale, design, material, color, and texture.*
- *To the extent feasible, the new design shall retain building and landscape features which are important in defining the historic character of the setting, such as the granite blocks from the original jail building.*

Significance after Mitigation

While sensitive and appropriate design of the new building and integration of building and landscape features consistent with the *Secretary's Standards* and City design guidelines would reduce the magnitude of the visual impact on the District, demolition of the existing courthouse would permanently remove a character-defining building of the District. Demolition of the courthouse remains a ***significant and unavoidable impact***.

Cement Hill Site

Relocation of the courthouse to the Cement Hill site would remove the historic courthouse function out of the NRHP District, contrary to Nevada City's Historic and Cultural Resources objective to continue concentration of public and cultural activities which reinforce the historic core as the "heart" of Nevada City. A courthouse has continuously occupied its current site for more than 155 years. The courthouse is an integral and central part of the economic, social, and cultural life of the Downtown area, and its relocation would alter the historic character of the Downtown setting. Although subsequent use of the building would retain the physical presence of the structure in the District, and the change in use would not remove the District's eligibility for the National Register, the association of the courthouse to the area's history and setting as the county seat would be significantly diminished, the effect on the integrity of the Nevada City Historical District would be **significant**.

Mitigation Measure 4.4-3b – Cement Hill Site

There are no measures available to mitigate the impact on the Nevada City Historical District.

Significance after Mitigation

While retaining the existing courthouse building in situ would maintain the visual context within the District and preserve historic fabric, as well as an individually distinctive building, there is no mitigation available to reduce

the adverse effect that moving the historic courthouse function out of downtown would have on the District. This impact remains ***significant and unavoidable***.

Impact 4.4-4 **The Proposed Project Could Cause a Cumulative Loss of Cultural Resources.**

Existing Courthouse Site. The proposed project at this site would result in the demolition of a contributing structure to a NRHP District, and would construct a new building and parking on sites which likely contain subsurface ethnographic and historic resources. The project at this location would contribute to a **cumulatively considerable** loss of cultural resources.

Temporary Court Site. The temporary court facilities would be constructed on vacant, graded land, and shallow trenching would be required. This would have a less than cumulatively considerable effect on cultural resources.

Cement Hill Site. The proposed project at this site would result in the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine's eligibility for the National Register, and would construct a new building and parking on a site which may contain subsurface ethnographic resources. The project at this location would contribute to a **cumulatively considerable** loss of cultural resources.

Based upon previous surveys and research, the County has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity. As development continues throughout the region, cumulative development could result in archaeological resources being unearthed and damaged or destroyed, and historic buildings are often demolished when the cost of rehabilitation is too great. The removal, destruction, or significant alteration of such resources from their place of origin would destroy their value as a resource and thus be a significant cumulative impact on cultural resources.

Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one designated archaeological site or historic building affects all others in a region because these other properties are best understood in the context of the cultural system of which they (and the destroyed resource) were a part.

Given the presence of known nearby ethnographic villages, Oustamah and Wokodot, it is possible that prehistoric remains exist within the project sites. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found. Federal, state, and local laws are also in place, as discussed above, that protect these resources; in addition, compliance with Mitigation Measure 4.4-1 would ensure that the proper steps are taken for the handling and treatment of subsurface resources that may still exist on each project site.

Existing Courthouse/Temporary Court Sites

The project at the Existing Courthouse location would demolish a significant historic building that is a contributing structure to the NRHP District, California Register, and the local Nevada City Historical District. As discussed under Impacts 4.4-2 and 4.2-3, demolition of the courthouse would have a significant and unavoidable impact on an individually significant historic resource and a historic district. Considered in the context of ongoing losses of other historic buildings due to development within the Mother Lode region, this would result in a **significant cumulative impact** on historic resources.

Mitigation Measure 4.4-4 – Existing Courthouse/Temporary Court Sites

- *Implement Mitigation Measure 4.4-2a.*
- *Implement Mitigation Measure 4.4-3a.*

Significance after Mitigation

The proposed mitigation measures may somewhat reduce the magnitude of the impact, but the complete loss of a contributing structure to the NRHP District, California Register, and the local Nevada City Historical District would contribute to a ***significant and unavoidable cumulative impact***.

Cement Hill Site

The Cement Hill site is part of a larger historic hydraulic mining landscape (CA-NEV-290H) that was recently recommended as eligible for the National Register. Construction of the project at this site could result in the destruction of significant remaining mining landscape. As the region develops, more and more examples of historic hydraulic mining activities are being lost, thus development on this site could result in a **significant cumulative impact** on historic resources.

Mitigation Measure 4.4-4 – Cement Hill Site

- *Implement Mitigation Measure 4.4-2b.*

Significance after Mitigation

The proposed mitigation measures would mitigate the project-specific loss of mining landscape, but combined with destruction of historic mining landscapes throughout the region, this impact would contribute to a ***significant and unavoidable cumulative impact***.

4.5 Greenhouse Gases

Draft Environmental Impact Report
New Nevada City Courthouse

4.5 GREENHOUSE GASES

This section addresses greenhouse gas emissions that could be generated by the construction and operation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada County Government Center (Government Center), or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). This discussion presents the current state of climate change science and GHG emissions sources in California, a summary of applicable regulations, and a description of project-generated GHG emissions and their contribution to global climate change.

No comments were received on the Notice of Preparation (NOP) regarding climate change or GHG emissions.

4.5.1 EXISTING SETTING

Cumulative impacts are the collective impacts of one or more past, present, and future projects that, when combined, result in adverse changes to the environment. In determining the significance of a proposed project's contribution to anticipated adverse future conditions, a lead agency should generally undertake a two-step analysis. The first question is whether the *combined* effects from *both* the proposed project *and* other projects would be cumulatively significant. If the agency answers this inquiry in the affirmative, the second question is whether "the proposed project's *incremental* effects are cumulatively considerable" and thus significant in and of themselves. The cumulative project list for this issue (climate change) comprises anthropogenic (i.e., human-made) greenhouse gas (GHG) emissions sources across the globe, and no project alone would reasonably be expected to contribute to a noticeable incremental change to the global climate. However, legislation and executive orders on the subject of climate change in California have established a statewide context and a process for developing an enforceable statewide cap on GHG emissions. Given the nature of environmental consequences from GHGs and global climate change, California Environmental Quality Act (CEQA) requires that lead agencies consider evaluating the cumulative impacts of GHGs, even relatively small (on a global basis) additions. Small contributions to this cumulative impact (from which significant effects are occurring and are expected to worsen over time) may be potentially considerable and therefore significant.

ATTRIBUTING CLIMATE CHANGE – THE PHYSICAL SCIENTIFIC BASIS

Certain gases in the earth's atmosphere, classified as 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 back 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. The earth has a much lower temperature than the sun; therefore, the earth 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. Without the greenhouse effect, Earth would not be able to support life as we know it.

Prominent GHGs contributing to the greenhouse effect include:

- **Carbon Dioxide** (CO_2) is an odorless, colorless gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. CO_2 is the most widely emitted GHG; fossil fuel combustion in stationary and mobile sources is the primary source of

anthropogenic (human-made) emissions. Due to the emergence of industrial facilities and mobile sources in the past 250 years, the concentration of CO_2 in the atmosphere has increased 35%.[1]

- **Methane** (CH_4) emissions come from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. In the United States, the top three sources of CH_4 are landfills, natural gas systems, and enteric fermentation. CH_4 is the primary component of natural gas, which is used for space and water heating, steam production, and power generation. The Global Warming Potential (GWP)[2] of methane is 21.
- **Nitrous oxide** (N_2O) production sources include natural and human-related sources. Primary human-related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 310.
- **Hydrofluorocarbons** (HFCs) are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is growing, as the continued phase out of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) gains momentum. The GWP of HFCs range from 140 to 6,300.
- **Perfluorocarbons** (PFCs) are compounds consisting of carbon and fluorine. They are primarily created as a by-product of aluminum production and semi-conductor manufacturing. PFCs are potent GHGs with a GWP several thousand times that of CO_2, depending on the specific PFC. Another area of concern regarding PFCs is their long atmospheric lifetime (up to 50,000 years).[3] The GWP of PFCs range from 5,700 to 11,900.
- **Sulfur hexafluoride** (SF_6) is a colorless, odorless, nontoxic, nonflammable gas. It is most commonly used as an electrical insulator in high voltage equipment that transmits and distributes electricity. SF_6 is the most potent GHG that has been evaluated by the Intergovernmental Panel on Climate Change (IPCC) with a GWP of 23,900; however, its global warming contribution is not as high as the GWP indicates due to its low mixing ratio compared to CO_2 (4 parts per trillion (ppt) in 1990 versus 365 parts per million (ppm)).[4]

Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for intensifying the greenhouse effect and have led to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. It is extremely unlikely that global climate change of the past 50 years can be explained without including the contribution from human activities (IPCC 2007).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, it is understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused

[1] United States Environmental Protection Agency, *Inventory of US Greenhouse Gas Emissions and Sinks 1990 to 2004*, April 2006, http://www.epa.gov/climatechange/emissions/usinventoryreport.html.

[2] Global Warming Potential (GWP)- Water vapor is also a GHG, and is naturally occurring and unregulated. The most abundant GHGs are water vapor and CO2. Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of GHGs, scientists have established a GWP for each GHG based on its ability to absorb and re-radiate long wave radiation and uses CO2 as the reference gas with a GWP of one.

[3] Energy Information Administration, *Other Gases: Hydrofluorocarbons, Perfluorocarbons, and Sulfur Hexafluoride*, October 29, 2001, http://www.eia.doe.gov/oiaf/1605/gg00rpt/other_gases.html.

[4] United States Environmental Protection Agency, *High GWP Gases and Climate Change*, October 19, 2006, http://www.epa.gov/highgwp/scientific.html#sf6.

CO_2 emissions, approximately 54% is sequestered through ocean uptake, uptake by northern hemisphere forest regrowth, and other terrestrial sinks within a year, whereas the remaining 46% of human-caused CO_2 emissions remains stored in the atmosphere (Seinfeld and Pandis 1998).

Similarly, impacts of GHGs are borne globally, as opposed to localized air quality effects of criteria air pollutants and toxic air contaminants. The quantity of GHGs that it takes to ultimately result in climate change is not precisely known. The quantity is enormous, and no single project alone would measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or micro climate. From the standpoint of CEQA, GHG impacts related to global climate change are inherently cumulative.

ATTRIBUTING CLIMATE CHANGE—GREENHOUSE GAS EMISSION SOURCES

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial and agricultural emissions sectors (California Air Resources Board (ARB) 2008:17). In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation (ARB 2010). Emissions of CO_2 are byproducts of fossil fuel combustion. CH_4, a highly potent GHG, results from off-gassing[5] is largely associated with agricultural practices and landfills. N_2O is also largely attributable to agricultural practices and soil management. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution, respectively, two of the most common processes of CO_2 sequestration.

State Greenhouse Gas Emissions Inventory

According to different ranking systems, California is the 12th to 16th largest emitter of CO_2 in the world (California Energy Commission (CEC) 2006). California produced 484 million metric tons (MMT) of CO_2 equivalent (CO_2e) in 2004 at its peak over the inventory period, and produced 478 MMT in 2008 (ARB 2010). CO_2e is a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the GWP of a GHG, is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, as described in Appendix C, "Calculation References," of the General Reporting Protocol of the California Climate Action Registry (CCAR; 2009), one ton of CH_4 has the same contribution to the greenhouse effect as approximately 21 tons of CO_2. Therefore, CH_4 is a much more potent GHG than CO_2. Expressing emissions in CO_2e takes the contributions of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Combustion of fossil fuel in the transportation sector was the single largest source of California's GHG emissions in 2008, accounting for 37% of total GHG emissions in the state (ARB 2010). This sector was followed by the electric power sector (including both in-state and out-of-state sources; 24%) and the industrial sector (19%). (ARB, 2010.)

Local Inventory

Neither the City of Nevada City (City) nor the County of Nevada (County) has conducted a community-wide GHG emission inventory. The City is currently working with PG&E to prepare such an inventory, but it is unlikely that it will be completed prior to development of the proposed project. In 2008, the City prepared a GHG emissions inventory for municipal operations, determining that the largest contributor to emissions was wastewater treatment (34%), followed by buildings and facilities (22%) and vehicle fleet (20%).

[5] Off-gassing is the release of chemicals from nonmetallic substances under ambient or greater pressure conditions.

4.5.2 REGULATORY SETTING

FEDERAL

The United States Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court ruled on April 2, 2007, that CO_2 is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. In response to the mounting issue of climate change, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions.

Proposed Greenhouse Gas Permitting Requirements on Large Industrial Facilities

On September 30, 2009, the EPA proposed new thresholds for GHG emissions that define when CAA permits under the New Source Review and Title V operating permits programs would be required. The proposed thresholds would tailor these permit programs to limit which facilities would be required to obtain permits and would cover nearly 70% of the nation's largest stationary source GHG emitters—including power plants, refineries, and cement production facilities, while shielding small businesses and farms from permitting requirements.

Mandatory Greenhouse Gas Reporting Rule

On September 22, 2009, the EPA issued a final rule for mandatory reporting of GHGs from large GHG emissions sources in the United States. In general, this national reporting requirement will provide the EPA with accurate and timely GHG emissions data from facilities that emit 25,000 metric tons (MT) or more of CO_2 per year. This publicly available data will allow the reporters to track their own emissions, compare them to similar facilities, and aid in identifying cost-effective opportunities to reduce emissions in the future. Reporting is at the facility level, except that certain suppliers of fossil fuels and industrial greenhouse gases along with vehicle and engine manufacturers will report at the corporate level. An estimated 85% of the total United States (US) GHG emissions, from approximately 10,000 facilities, are covered by this final rule.

National Program to Cut Greenhouse Gas Emissions and Improve Fuel Economy for Cars and Trucks

On September 15, 2009, the EPA and the US Department of Transportation's National Highway Traffic Safety Administration (NHTSA) proposed a new national program that would reduce GHG emissions and improve fuel economy for all new cars and trucks sold in the United States. The EPA proposed the first-ever national GHG emissions standards under the CAA, and NHTSA proposed Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act. This proposed national program would allow automobile manufacturers to build a single light-duty national fleet that satisfies all requirements under both federal programs and the standards of California and other states.

Endangerment and Cause or Contribute Findings

On December 7, 2009, the EPA adopted its Proposed Endangerment and Cause or Contribute Findings for GHGs under the Section 202(a) of the Clean Air Act (Endangerment Finding). The Endangerment Finding is based on Section 202(a) of the CAA, which states that the Administrator (of the EPA) should regulate and develop standards for "emission[s] of air pollution from any class or classes of new motor vehicles or new motor vehicle engines, which in [its] judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." The rule addresses Section 202(a) in two distinct findings. The first addresses whether or not the concentrations of the six key GHGs (CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6) in the

atmosphere threaten the public health and welfare of current and future generations. The second addresses whether or not the combined emissions of GHGs from new motor vehicles and motor vehicle engines contribute to atmospheric concentrations of GHGs and therefore the threat of climate change.

The Administrator found that atmospheric concentrations of GHGs endanger the public health and welfare within the meaning of Section 202(a) of the CAA. The evidence supporting this finding consists of human activity resulting in "high atmospheric levels" of GHG emissions, which are very likely responsible for increases in average temperatures and other climatic changes. Furthermore, the observed and projected results of climate change (e.g., higher likelihood of heat waves, wild fires, droughts, sea level rise, and higher intensity storms) are a threat to the public health and welfare. Therefore, GHGs were found to endanger the public health and welfare of current and future generations.

The Administrator also found that GHG emissions from new motor vehicles and motor vehicle engines are contributing to air pollution, which is endangering public health and welfare. The EPA's final findings respond to the 2007 US Supreme Court decision that GHGs fit within the CAA definition of air pollutants. The findings do not in and of themselves impose any emission reduction requirements but rather allow the EPA to finalize the GHG standards proposed earlier in 2009 for new light-duty vehicles as part of the joint rulemaking with the US Department of Transportation.

STATE

California Air Resources Board

The ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA), which was adopted in 1988.

Various statewide and local initiatives to reduce the state's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term. Because every nation emits GHGs and therefore makes an incremental cumulative contribution to global climate change, cooperation on a global scale will be required to reduce the rate of GHG emissions to a level that can help to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

Assembly Bill 1493

In 2002, former-Governor Gray Davis signed Assembly Bill (AB) 1493. AB 1493 required the ARB to develop and adopt by January 1, 2005, regulations that achieve "the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by ARB to be vehicles whose primary use is noncommercial personal transportation in the state."

To meet the requirements of AB 1493, in 2004 ARB approved amendments to the California Code of Regulations (CCR) adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to 13 CCR 1900 and 1961, and adoption of 13 CCR 1961.1 required automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty passenger vehicle weight classes (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily for the transportation of persons), beginning with the 2009 model year. Implementation of AB 1493 lapsed because of delays in receiving proper approvals from EPA to implement this law under the CAA. California received the necessary approvals June 30, 2009; however, the

state has agreed to allow the federal government to implement similar legislation (see National Program to Cut Greenhouse Gas Emissions and Improve Fuel Economy for Cars and Trucks, above).

Executive Order S-3-05

Executive Order S-3-05, which was signed by Former-Governor Arnold Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra Nevada snowpack, exacerbate California's air quality problems, and potentially cause a rise in sea level. To combat those concerns, the executive order established total GHG emission targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80% below the 1990 level by 2050.

Assembly Bill 32

California Global Warming Solutions Act of 2006

In September 2006, former-Governor Arnold Schwarzenegger signed AB 32, the California Global Warming Solutions Act of 2006. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. To effectively implement the cap, AB 32 directs ARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

Climate Change Scoping Plan

On December 11, 2008 ARB adopted its *Climate Change Scoping Plan* (Scoping Plan), which functions as a roadmap of ARB's plans to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations (ARB 2008). The Scoping Plan contains the main strategies California will implement to reduce CO_2e emissions by 169 MMT, or approximately 30%, from the state's projected 2020 emissions level of 596 MMT of CO_2e under a business-as-usual scenario. (This is a reduction of 42 MMT CO_2e, or almost 10%, from 2002–2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.) The Scoping Plan also breaks down the amount of GHG emissions reductions ARB recommends for each emissions sector of the state's GHG inventory. The Scoping Plan calls for the largest reductions in GHG emissions to be achieved by implementing the following measures and standards:

- improved emissions standards for light-duty vehicles (estimated reductions of 31.7 MMT CO2e)
- the Low-Carbon Fuel Standard (15.0 MMT CO2e)
- energy efficiency measures in buildings and appliances and the widespread development of combined heat and power systems (26.3 MMT CO2e)
- a renewable portfolio standard for electricity production (21.3 MMT CO_2e)

ARB has not yet determined what amount of GHG emissions reductions it recommends from local government land use decisions; however, the Scoping Plan does state that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions. ARB further acknowledges that decisions on how land is used will have large effects on the GHG emissions that will result from the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors. The Scoping Plan states that the ultimate assignment to local government operations is to be determined (ARB 2008).

With regard to local land use planning, the Scoping Plan expects a reduction of approximately 5.0 MMT CO_2e from local land use changes associated with implementation of Senate Bill (SB) 375, discussed below. Also noteworthy is the fact that the Scoping Plan does not include any direct discussion about GHG emissions generated by construction activity.

The status of the Scoping Plan is uncertain; in January 2011, a superior court issued a tentative ruling that ARB's environmental analysis for the Scoping Plan did not comply with CEQA in various respects. At this time, it is unknown whether the court will direct the ARB to rescind its approval of the Scoping Plan, whether the ARB will appeal such a ruling, or whether the court will adopt a final ruling that is consistent with its tentative ruling.

Senate Bill 1368

SB 1368 is the companion bill of AB 32 and was signed by Former-Governor Arnold Schwarzenegger in September 2006. SB 1368 required the California Public Utilities Commission (CPUC) to establish a GHG performance standard for baseload generation from investor-owned utilities by February 1, 2007. The CEC was required by SB 1368 to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emission rate from a baseload combined-cycle natural gas–fired plant. The legislation further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Executive Order S-1-07

Executive Order S-1-07, which was signed by Former-Governor Arnold Schwarzenegger in 2007, proclaims that the transportation sector is the main source of GHG emissions in California, at over 40% of statewide emissions. It establishes a goal that the carbon intensity of transportation fuels sold in California should be reduced by a minimum of 10% by 2020. This order also directed ARB to determine whether this Low Carbon Fuel Standard could be adopted as a discrete early action measure after meeting the mandates in AB 32. The ARB adopted the Low Carbon Fuel Standard on April 23, 2009.

Senate Bills 1078 and 107 and Executive Order S-14-08

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20% of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010. In November 2008, Former-Governor Arnold Schwarzenegger signed Executive Order S-14-08, which expands the state's Renewable Energy Standard to 33% renewable power by 2020.

Senate Bill 97

As directed by SB 97, the Natural Resources Agency adopted amendments to the State CEQA Guidelines for GHG emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the amendments, and filed them with the Secretary of State for inclusion in the CCR. The amendments became effective on March 18, 2010.

Senate Bill 375

SB 375, signed in September 2008, aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS), which will prescribe land use allocation in that MPO's Regional Transportation Plan (RTP). ARB, in consultation with MPOs, will provide each affected region with reduction targets for GHGs emitted by passenger cars and light trucks in

the region for the years 2020 and 2035. These reduction targets will be updated every 8 years, but can be updated every 4 years if advancements in emissions technologies affect the reduction strategies to achieve the targets. ARB is also charged with reviewing each MPO's SCS or APS for consistency with its assigned targets. If MPOs do not meet the GHG emission reduction targets, transportation projects would not be eligible for funding programmed after January 1, 2012.

LOCAL

Neither the City nor the County has implemented a Climate Action Plan (CAP) or any other regulation pertaining to the reduction of GHGs. As noted above, the City is currently working with Pacific Gas & Electric Company (PG&E) to prepare a community-wide inventory and possibly a CAP, but it is unlikely that either will be completed prior to development of the proposed project. In 2008, the City prepared a GHG emissions inventory for municipal operations, but has not implemented any measures aimed at directly reducing the emissions.

4.5.3 IMPACT ANALYSIS

This section describes the project's construction-related (short-term) and operation-related (long-term) emissions of GHGs. The discussion includes the criteria for determining the level of significance of the effects and a description of the methods and assumptions used to conduct the analysis.

METHOD OF ANALYSIS

Short-term construction-related and long-term operation-related (regional and local) impacts were assessed in accordance with Northern Sierra Air Quality Management District (NSAQMD)-recommended methodologies (Longmire 2011). GHG emissions were modeled using the California Emissions Estimator Model Version 2011.1.1 (CalEEMod v2011.1.1) computer program and emission factors from CCAR, as recommended by NSAQMD, which estimates construction and operations emissions of CO_2, among other air pollutants. Project-generated emissions were modeled based on general information provided in the project description and an estimated potential construction schedule provided by the Project Manager. Data from the traffic analysis was not included in the model in favor of the more conservative defaults of the program.

THRESHOLDS OF SIGNIFICANCE

For the purpose of this analysis, the following qualitative thresholds of significance, as suggested by the State CEQA Guidelines (Appendix G, §VII), have been used to determine whether implementation of the proposed project would result in significant GHG or climate change impacts.

A GHG or climate change impact is considered significant if the proposed project would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

As described previously, California is the 12th to 16th largest producer of GHG in the world, producing 478 MMT in 2008. This is a fraction of the GHGs generated throughout the world, and an individual project cannot generate enough GHG emissions on its own to significantly influence global climate change. A project participates in this potential impact to the extent its incremental contribution, combined with the cumulative contributions of all other sources of GHGs, when taken together, is considerable in its contribution to global climate change impacts.

Although a numeric threshold is typically the best measure for determining significance in CEQA analyses, no agency with jurisdiction over the project, or the area in which the project is located, has adopted a quantitative threshold. NSAQMD – like nearly every other air district in California – and the ARB have not adopted quantitative GHG thresholds of significance for discretionary projects subject to CEQA. Only two air quality management districts (AQMDs), the Bay Area Air Quality Management District (BAAQMD) and the South Coast Air Quality Management District (SCAQMD), have adopted GHG thresholds which are specific to the projects within those districts. Although the BAAQMD and SCAQMD thresholds provide context as explained below for consideration of the project, each of these two AQMDs established the thresholds based on regional targets and criteria specific to the district. They are therefore not directly applicable to the project.

To establish context in which to consider the order of magnitude of project-generated GHG emissions, it should be noted that facilities (i.e., stationary, continuous sources of GHG emissions) that generate greater than 25,000 MT CO_2e/year are mandated to report their GHG emissions to ARB pursuant to AB 32. On a national (federal) level, the Council on Environmental Quality[6] recommends 25,000 MT CO_2e/year as the level below which full analysis of GHG emissions is not required for projects subject to the National Environmental Policy Act (NEPA). In addition, BAAQMD and SCAQMD have both adopted 10,000 MT CO_2e/year as the CEQA significance threshold for stationary industrial source projects where the AQMD is the lead agency. This emissions level also corresponds to the limit used by ARB for facilities to report their GHG emissions and participate in cap-and-trade. In addition, on June 2, 2010, BAAQMD adopted 1,100 MT CO_2e/year as its CEQA significance threshold for GHG emissions from land use development projects in its jurisdiction. SCAQMD is currently considering a 3,000 MT CO_2e/year threshold. As noted above, both are unique to those AQMDs.

It is not the intention of the AOC to adopt 25,000, 10,000, 3,000, or 1,100 MT CO_2e/year as a numeric threshold. AOC typically would use thresholds adopted by the agency with jurisdiction over the project or its geographic area, but given there are none in this instance the AOC's intention is to put project-generated GHG emissions in the appropriate statewide context in order to evaluate whether the project's contribution to the global impact of climate change is considered substantial.

IMPACTS AND MITIGATION MEASURES

Impact 4.5-1	**Project-Generated Emissions of Greenhouse Gases.** The proposed project would not generate substantial GHG emissions during construction (short-term) or operation (long-term) that would be cumulatively considerable at either the Existing Courthouse/Temporary Court sites or Cement Hill site. This impact would be considered less than cumulatively significant.

The proposed project would result in GHG emissions during construction (short-term) and operation (long-term) at either the Existing Courthouse site or Cement Hill site. NSAQMD does not have an adopted significance threshold for GHG emissions. GHG emissions from construction and operation are described separately below.

Short-Term Construction-Related Emissions

Construction of the proposed project would include a New Nevada City Courthouse at either the Existing Courthouse site or at the Cement Hill site. Both potential sites are within the city limits of Nevada City. Construction activities would include demolition, site preparation, building construction, asphalt paving, architectural coatings application, and other miscellaneous construction activities. Construction is anticipated to last approximately three years (four for the Existing Courthouse site with temporary facility at the Government

[6] The Council on Environmental Quality coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives.

Center). During construction of the proposed project, GHG emissions would be temporarily and intermittently generated. The emissions would be associated primarily with exhaust emissions from heavy off-road equipment, on-road trucks, and construction employee vehicle trips. Construction emissions were estimated using emission factors from the ARB, as contained in CalEEMod, based on information contained in the project description, and model default settings where project-specific information was not available. Table 4.5-1 and Table 4.5-2 summarize construction-related GHG emissions.

Existing Courthouse/Temporary Court Sites

Construction of the proposed project would result in approximately 1,491 MT CO_2e over the four-year construction period. Because construction would occur over a finite period of time (four years) and then all construction-related GHG emissions would cease and the annual emissions are below any threshold currently adopted or planned in the state, this quantity of emissions is not cumulatively considerable, and therefore would not substantially contribute to the cumulative impact of climate change.

Table 4.5-1 Summary of Construction-Related GHG Emissions for Existing Courthouse Site

Construction Year	MT CO_2e
Annual GHG Emissions during Year 1 (2013) – Temporary Court Site	520
Annual GHG Emissions during Year 2 (2014) – Temporary Court Site	101
Annual GHG Emissions during Year 2 (2014) – Existing Courthouse Site	421
Annual GHG Emissions during Year 3 (2015) – Existing Courthouse Site	449
Total GHG Emissions During Construction Period	**1,491**

Notes: CO_2e = carbon dioxide equivalent; GHG = greenhouse gas; MT = metric tons. Detailed assumptions regarding the type and number of pieces of construction equipment, hours in use and modeling output files are included in Appendix C. Totals may not sum exactly due to rounding.

Source: Modeling conducted by The Ervin Consulting Group, 2011.

Table 4.5-2 Summary of Construction-Related GHG Emissions for Cement Hill Site

Construction Year	MT CO_2e
Annual GHG Emissions during Year 1 (2013)	437
Annual GHG Emissions during Year 2 (2014)	530
Annual GHG Emissions during Year 3 (2015)	241
Total GHG Emissions During Construction Period	**1,208**

Notes: CO_2e = carbon dioxide equivalent; GHG = greenhouse gas; MT = metric tons. Detailed assumptions regarding the type and number of pieces of construction equipment, hours in use and modeling output files are included in Appendix C. Note that CO_2 emissions from the removal of forest were calculated. Totals may not sum exactly due to rounding.

Source: Modeling conducted by The Ervin Consulting Group, 2011

Cement Hill Site

Construction of the proposed project would result in approximately 1,208 MT CO_2e over the three-year construction period. Because construction would occur over a finite period of time (three years) and then all construction-related GHG emissions would cease and the annual emissions are below any threshold currently adopted or known to be planned in the state, this quantity of emissions is not cumulatively considerable, and therefore would not substantially contribute to the cumulative impact of climate change.

Long-Term Operation-Related Emissions

The net increase in operational emissions (regional area-, mobile-, and indirect-source emissions of GHGs) associated with implementation of the proposed project was not modeled. Because the intensity of use (number of employee, juror, and visitor vehicle trips) is not expected to change, there will be no increase in operational emissions from the New Nevada City Courthouse. In addition, the replacement of the existing building with one constructed to current CALGreen and Leadership in Energy and Environmental Design (LEED) Silver standards would necessarily result in reduced emissions of GHGs through reduced energy usage and waste production. Therefore, the proposed project at either site would result in no adverse impact on long-term operation-related emissions of GHGs.

The following attributes are already incorporated into the proposed project and would further reduce the GHG emissions below existing conditions:

- The proposed project would be designed to the specifications of the LEED Silver rating, at a minimum, and the AOC will seek certification of the Silver rating by the US Green Building Council. LEED certification requires that projects meet certain energy efficiency, low water use, and other criteria that reduce energy use and potential emissions from areawide energy sources. (Both sites)
- The proposed project is located within close proximity (i.e., less than ¼ mile) to public transit (both sites) and a mix of land uses (Existing Courthouse site only).
- The proposed project would be located at an in-fill site (Existing Courthouse site only), and is located near banks, restaurants, and justice partners (i.e., Probation Department, Public Defender, District Attorney). The Cement Hill site is closest to justice partners such as the Wayne Brown Correctional Facility and the Carl F. Bryan II Regional Juvenile Hall. It is within 0.7 miles of commercial services. While not easily measurable, this proximity would be expected to result in substantially more pedestrian transportation than a site not located in close proximity to these uses. This attribute has the potential to substantially reduce potential automobile use and associated emissions generation.

Although the project would not result in a significant impact related to GHG emissions, the AOC has nonetheless decided to implement the following measures to further reduce potential GHG emissions from the project:

- Sufficient, convenient, and secure bicycle parking shall be included in the project design for both employees and a limited number of jurors.
- The project shall include end-of-trip facilities, which shall include private showers, lockers, and changing facilities for building employees.
- Site design and building placement on the project site shall minimize barriers to pedestrian access and connectivity. Physical barriers such as walls, berms, and landscaping that impede bicycle or pedestrian circulation shall not be included.
- The project shall provide safe and convenient bicycle/pedestrian access to transit.
- The project shall provide information publicizing transit options (e.g., routes, schedules, locations of stations) to employees and visitors in a centralized, highly visible location.

For all of these reasons, and the reasons discussed above, the project would not result in a considerable contribution to cumulative GHG emissions. These same factors suggest the project would not result in inefficient, wasteful or unnecessary consumption of energy, and per the criteria described in Appendix F of the CEQA Guidelines additional analysis of energy conservation is not needed.

The proposed project would not be anticipated to generate GHG emissions, directly or indirectly, that would have a significant impact or cumulatively considerable contribution to climate change. As a result, this short-term increase in GHGs from construction would not be cumulatively considerable and would be less than significant.

Mitigation Measure 4.5-1

No mitigation is required.

Impact 4.5-2 **Project Consistency with Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing Greenhouse Gas Emissions.** The proposed project at either the Existing Courthouse/Temporary Court sites or Cement Hill site would not conflict with applicable land use designations and GHG-related policies. This impact is less than significant.

The City is currently in the process of preparing a community-wide inventory as the first step in reducing GHG emissions. Part of this process will involve GHG emissions projections, which are typically based on planned growth. The proposed project is consistent with the land uses designated in the City's General Plan and does not propose any change in land uses. In addition, it is unlikely that any such plan or policies would be adopted prior to approval or construction of this project. Thus, GHG emissions projections that the City might develop would account for the land uses proposed as part of this project. Therefore, since the project would result in GHG emissions consistent with the growth assumptions that the City would be expected to use in its subsequent analysis, the project would not be expected to conflict with the City's emission reduction approach. However, because the plan is in preparation and has not been adopted, a conclusion regarding ultimate compliance with this plan cannot be made.

The proposed project includes elements in the project description to reduce GHG emissions. The proposed project would achieve high-level energy efficiency standards (LEED Silver), and other renewable energy/zero-emission technologies for energy consumption. In addition, the proposed project would implement transportation control measures such as proximity to bike and public transit infrastructure and other incentives for non-vehicle travel to reduce employee commute-related GHG emissions.

The project does not conflict with applicable policies adopted for the purposes of reducing GHG emissions. This impact is less than significant.

Mitigation Measure 4.5-2

No mitigation is required.

4.6 Hazards and Hazardous Materials

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4.6 HAZARDS AND HAZARDOUS MATERIALS

This section addresses potential impacts related to hazardous materials and hazards associated with historic and current use of the project sites and surrounding areas for the acquisition of land and the construction and operation of a New Nevada City Courthouse (proposed project). This section is based in part on a review of the Phase I Environmental Site Assessment (Phase I ESA) by Earth Tech for the Existing Courthouse site (201 Church Street, Nevada City) that was performed October 2007. In addition, a Phase I ESA was prepared by URS Corporation for the Cement Hill site (Northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City) in December 2010. The impacts of airborne toxics risks are discussed in Section 4.2, Air Quality, of this Draft Environmental Impact Report (EIR). The impacts of wildland fires are discussed in Section 4.10, Utilities and Public Services, of this Draft EIR.

Comments were received during the Notice of Preparation (NOP) period concerning asbestos discovered during construction and dust and toxic hazards during construction.

As indicted in the Initial Study (IS) attached to the NOP (Appendix A), the project is not located within an airport land use plan. As such, no safety hazards related to public airports are anticipated. The IS also concludes that the project is not anticipated to affect emergency response plans or emergency evacuation plans. This issue will also not be evaluated further in this Draft EIR. Since issuance of the NOP, it was determined that the only existing school within one-quarter mile of the Existing Courthouse site (the preschool at 215 Washington Street) would be removed as a part of the project at that site; therefore, this issue also will not be further discussed in this Draft EIR.

4.6.1 ENVIRONMENTAL SETTING

DEFINITIONS OF TERMS

Under Title 22 of the California Code of Regulations (CCR), a hazardous material is defined as a substance or combination of substances that may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness, or may pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed (CCR, Title 22, Chapter 11, Article 2, Section 66261.10).

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can be properly disposed. According to Title 22 of the CCR, hazardous materials and hazardous wastes are classified according to four properties: toxic, ignitable, corrosive, and reactive (CCR, Title 22, Chapter 11, Article 3), which are further defined below.

- Toxic substances may cause short-term or long-lasting health effects, ranging from temporary effects to permanent disability or death. Toxic substances can cause eye or skin irritation, disorientation, headache, nausea, allergic reactions, acute poisoning, chronic illness, and other adverse health effects, depending on the level of exposure. Carcinogens (substances known to cause cancer) are a special class of toxic substances. Examples of toxic substances include most heavy metals, pesticides, and benzene (a carcinogenic component of gasoline).
- Ignitable substances, such as gasoline, hexane, and natural gas, are hazardous because of their flammable properties.
- Corrosive substances, such as sulfuric acid (battery acid) and lye, can damage other materials or cause severe burns upon contact.

- Reactive substances, such as explosives, pressurized canisters, and pure sodium metal (which reacts violently when exposed to water), may cause explosions or generate gases or fumes.

Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Remediation (cleanup) of hazardous wastes found at a project site is generally required if those materials are excavated. Cleanup requirements are determined on a case-by-case basis by the agency with lead jurisdiction over the project.

POTENTIAL RECEPTORS

The sensitivity of potential receptors in the areas of known or potential hazardous materials contamination is dependent primarily on an individual's potential pathway for exposure. Hazardous materials exposure on the project sites could occur through exposure to contaminated groundwater during construction or to building materials such as asbestos or lead-based paint, and/or contaminated soil during demolition and construction. With respect to this possible form of hazardous materials exposure, construction workers have the highest potential for exposure to groundwater, asbestos, and/or soil contamination. Other potential receptors include nearby residential uses.

LAND USES AND CONDITIONS AT THE PROJECT SITES

Existing Courthouse Site

The Existing Courthouse site includes the historic courthouse, annex building, county parking lot, and the preschool at 215 Washington Street. The site is located less than one-quarter mile west of State Route 20 (SR-20) between Church and Washington streets in Downtown Nevada City. Surrounding land uses are primarily characterized by commercial and municipal government office space, parking lots and some single-family residential housing. Map records generally confirm that historical use of adjacent properties was principally residential between 1885 and 1941. Aerial photographs dated after 1952 confirm the presence of a fully developed Downtown area, with primarily commercial and institutional (government) use of the adjacent properties. The Phase I ESA determined there were no recognized environmental concerns (RECs) identified in the vicinity based on the historical sources reviewed. There is no hazardous material storage on any of the parcels.

The courthouse and annex buildings are located adjacent to each other, connected via an enclosed hallway on the south end of the buildings. The main entry is off Church Street. The courthouse, constructed in 1880 with subsequent rebuilding after fires, expansions, and renovations, occupies approximately 12,070 net square feet (sf) in three levels with a fourth level "crow's nest.

The two-story Annex, constructed in 1968, occupies 12,900 net sf. Various residential and library uses, as well as bars and brothels were located on the parcel between 1885 and 1968 before the Annex was constructed.

The county parking lot across Washington Street has approximately 39 spaces, 13 of which are for jury parking, with the remaining available to the public and court staff. The lot is two levels, with primary access from Main Street.

The 215 Washington Street property consists of a converted residential structure constructed in the late 1800s and subsequently renovated on several occasions, with a large sloped lawn. The Nevada City School District acquired the property and converted it to administrative office space. In 2008, the District vacated the property due to concerns over the structure's compliance with modern seismic standards. Since September 2010, the site has been leased month-to-month to the Forest Charter School for a preschool.

The single-story wood frame structure with basement has wood subfloors with a combination of concrete and brick foundation, painted vertical wood siding exterior, aluminum framed windows, and a composition shingle roof. There is a one-way access drive with parallel parking on the northern edge of the property with ingress from Main Street and egress onto Winter Street.

Temporary Court Site

The Temporary Court site consists of two vacant and graded parcels located to the north and east of the Wayne Brown Correctional Facility (Correctional Facility), within the Nevada County Government Center (Government Center). This site was constructed in 1991, and therefore no lead based paint or asbestos containing materials would be anticipated on-site. The areas identified for the Temporary Court site are vacant, graded parcels, with some minor landscaping around the edges.

Cement Hill Site

The Cement Hill site is located on the northwest corner of the intersection of Cement Hill Road and SR-49. The elevation of the site is approximately 2630 feet above the National Geodetic Vertical Datum with a slight decrease in topographic relief southwest to southeast. The current ground surface elevation at the subject property is 20-30 feet lower than its historic elevation due to extensive gold mining activities during the 1800s (Falconi 2010).

The site encompasses a total of approximately 8.65 acres on three parcels. The Assessor's parcel numbers/acreage are 05-010-20/2.20 (Parcel 1), 05-010-29/0.39 (Parcel 2), and 05-010-058/5.06 (Parcel 3). Only Parcel 2 has an assigned address of 115 Cement Hill Road, Nevada City, California and contains a small residence and recreational walking trail that lead into the surrounding Parcel 3. Parcel 1 does not contain any site features except wood pilings associated with the property owner's recreational activities. Parcel 1 is privately owned, and Parcels 2 and 3 are owned by the City.

Parcel 2 includes a small, wood-framed residence, an accessory unit, and gravel driveway connecting to Cement Hill Road. According to the Nevada City Engineer, the residence was built in the 1940s and is connected to city-provided sewer systems. One approximately 100-gallon propane tank associated with the residence was observed on Parcel 2. Parcels 2 and 3 contain the "Hirschman's Pond Trail" maintained by the Nevada County Land Trust. No other structures or improvements were observed at the time of the Phase I ESA site visit or a subsequent site visit in March 2011.

The site is currently zoned as R1-SC-AN, single-family residence-scenic corridor-annexation. Land uses in the vicinity include a mix of undeveloped, residential, and governmental properties. The Government Center is located to the east across Cement Hill Road; residential uses are to the north; vacant land is to the west; and the Elks Lodge is located south across SR-49.

Results of Records Search for Hazardous Materials

The purpose of the Phase I ESAs was to document recognized environmental conditions on the potential project sites related to current and historic uses of each area and to evaluate the potential for a release of hazardous materials from on-site or off-site sources that could significantly affect environmental conditions at the site. The term "recognized environmental conditions" (RECs) means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of such materials into structures on the property or into the ground, ground water, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws (American Society for Testing and Materials (ASTM; 2002).

No Phase I ESA was conducted for the Temporary Court site.

Existing Courthouse Site

The County of Nevada Environmental Health Department, Hazardous Materials Division (EHD) maintains files on the Existing Courthouse site with the following information:

- Between 1992 and 1993 paint solids were removed from the Courthouse/Annex. Disposal of the solids occurred in March 1993 as six 55-gallon drums of hazardous waste solid.
- Underground Storage Tank (UST) removals occurred in 1994 and 1998. Three fuel USTs were present at the site at one time, but appear to have been removed. Documentation was reviewed for the Phase I ESA concerning the removal of USTs in 1994 and 1998. Soil contamination resulted from leaked gasoline from the tank removed in 1998. The tank area was excavated and closure from the EHD was received for this leaking UST (LUST) case on February 26, 2001. No other LUST cases were identified for the site and no USTs are believed to remain on the site.
- Between September 27, 2001 and October 4, 2001 the Courthouse/Annex was remediated for asbestos containing materials (ACM) and lead-based paint (LBP).
- Radon database test results indicate that radon has been detected at levels exceeding the EPA guidance value in 26% of structures tested within the Existing Courthouse site's zip code area. However, Nevada County (County) is listed as being within the Federal EPA Radon Zone 2, where the average indoor radon levels are generally less than the EPA guidance value.

The Phase I ESA revealed areas where additional ACM is likely to be present. The Annex may have ACM in floor tile, water heater wrap and pipe wrap, and the Courthouse may have ACM in floor tile. No sampling or testing of building materials was conducted during this Phase I ESA, thus an ACM/LBP survey is recommended prior to any building disturbance.

No potential poly-chlorinated biphenyls (PCB)-containing electrical transformers were observed to be present on the site and no current or historic RECs were identified during the Phase I ESA.

No Phase I ESA has been conducted on the 215 Washington Street property. Although the site has been used recently for a preschool, there is no information indicating the site has been tested for or remediated for potential ACM or LBP. No obvious environmental hazards were identified during the exterior site visit in March 2011.

Temporary Court Site

The Temporary Court site footprint is located on the Pennsylvania and the South Yuba Water and Mining Company's placer mines and the Pennsylvania and Eddy quartz mines. The 1896 United States Geological Survey (USGS) Special Nevada City economic map indicates that both the Cement Hill and Temporary Court sites were situated within hydraulically mined placer diggings. The underlying bedrock is identified as granodiorite.

Cement Hill Site

The Cement Hill site is located within an area of Nevada County known to have naturally occurring asbestos in soils weathered from serpentine bedrock materials that underlie the Cement Hill site and surrounding area. The Phase I ESA noted that in the event that site work performed on the property includes excavation, grading, or other ground surface disturbances, mitigation measures should be enacted to control dust and be protective of human health and the environment.

Nevada City has an extensive history of hydraulic and lode mining throughout the 19th and 20th century. Elevated metal concentrations associated with these mining activities have been documented in regional soils; however, no specific observations or research confirmed the presence of metals in site soils during the Phase I ESA.

Based on its pre-1977 construction, ACM and LBP are anticipated to be present in the housing materials on Parcel 2. No friable suspect ACM was observed and all non-friable suspect ACM was in good condition. In addition, no peeling or flaking paint was observed.

No current or historic RECs were identified during the Phase I ESA.

4.6.2 REGULATORY SETTING

FEDERAL

Many agencies regulate hazardous substances. These include federal agencies such as the Environmental Protection Agency (EPA), the federal Occupational Safety and Health Administration (OSHA), the Nuclear Regulatory Commission (NRC), the United States Department of Transportation (DOT), and the National Institutes of Health (NIH). The following federal laws and guidelines govern hazardous substances:

- Federal Water Pollution Control Act
- Clean Air Act (CAA)
- Occupational Safety and Health Act
- Federal Insecticide, Fungicide, and Rodenticide Act
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Guidelines for Carcinogens and Biohazards
- Superfund Amendments and Reauthorization Act, Title III (SARA)
- Resource Conservation and Recovery Act (RCRA)
- Safe Drinking Water Act (SDWA)
- Toxic Substances Control Act (TSCA)

At the federal level, the principal agency regulating the generation, transport, and disposal of hazardous substances is the EPA, under the authority of the RCRA. The EPA regulates hazardous substance sites under CERCLA. Applicable federal regulations are contained primarily in the Code of Federal Regulation (CFR) Titles 29, 40, and 49.

Hazardous Substances

The RCRA established an all-encompassing federal regulatory program for hazardous substances that is administered by the EPA. Under the RCRA, the EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the cradle-to-grave system of regulating hazardous substances. The HSWA specifically prohibits the use of certain techniques for the disposal of some hazardous substances.

Hazardous substances are a subclass of hazardous materials. They are regulated under CERCLA and SARA (and the federal Clean Water Act (CWA) for water resources). Under CERCLA, the EPA has authority to seek the parties responsible for releases of hazardous substances and ensure their cooperation in site remediation. CERCLA also provides federal funding (the “Superfund”) for remediation. SARA Title III, the Emergency Planning

and Community Right-to-Know Act, requires companies to declare potential toxic hazards to ensure that local communities can plan for chemical emergencies. EPA maintains a National Priority List (NPL) of uncontrolled or abandoned hazardous waste sites identified for priority remediation under the Superfund program. EPA also maintains the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database, which contains information on hazardous waste sites, potential hazardous waste sites, and remedial activities across the nation.

Hazardous Wastes

Hazardous wastes, although included in the definition of hazardous materials and hazardous substances, are regulated separately under RCRA. A waste can legally be considered hazardous if it is classified as ignitable, corrosive, reactive, or toxic. CCR Title 22, Section 66261.24 defines characteristics of toxicity. Under RCRA, EPA regulates hazardous waste from the time that the waste is generated until its final disposal ("cradle to grave"). RCRA also gives EPA or an authorized state the authority to conduct inspections to ensure that individual facilities are in compliance with regulations, and to pursue enforcement action if a violation is discovered. Under the RCRA, individual states may implement their own hazardous substance management programs as long as those programs are consistent with, and at least as strict as, the RCRA. The EPA must approve state programs intended to implement the RCRA requirements. The RCRA was updated in 1984 by the passage of the federal Hazardous and Solid Waste Amendments, which required phasing out land disposal of hazardous waste.

Hazardous Substances Worker Safety Requirements

OSHA is the agency responsible for ensuring worker safety. OSHA sets federal standards for implementation of training in the workplace, exposure limits, and safety procedures in the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

STATE

The California Environmental Protection Agency (Cal/EPA) and the Governor's Office of Emergency Services (OES) establish rules governing the use of hazardous substances in the state. The State Water Resources Control Board (SWRCB) has primary responsibility to protect water quality and supply.

Applicable State laws include the following:

- Porter-Cologne Water Quality Control Act (Porter-Cologne Act)
- Public safety and fire regulations and building codes
- Hazardous Substance Control Law
- Hazardous Substances Information and Training Act
- Hazardous Substances Release Response Plans and Inventory Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act

The Department of Toxic Substance Control (DTSC), a division of Cal/EPA, has primary regulatory responsibility over the generation, transport, and disposal of hazardous substances under the authority of the Hazardous Waste Control Law (HWCL), working in conjunction with the federal EPA to enforce and implement hazardous materials laws and regulations. DTSC can delegate this enforcement role to local jurisdictions that enter into agreements with the state agency. State regulations applicable to hazardous substances are codified in CCR Titles 8, 22, and 26, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety

Code (HSC). These regulations must be implemented by employers/businesses, as appropriate, and are monitored by the State and/or local jurisdictions such as the Nevada City Fire Department (NCFD) and the EHD.

The hazardous waste management program enforced by DTSC was created by the Hazardous Waste Control Act (HSC §25100 et seq.), which is implemented by regulations described in CCR Title 26. The state program thus created is similar to, but more stringent than, the federal program under RCRA. The regulations list materials that may be hazardous and establish criteria for their identification, packaging, and disposal.

Environmental health standards for management of hazardous waste are contained in CCR Title 22, Division 4.5. In addition, as required by California Government Code §65962.5, DTSC maintains a Hazardous Waste and Substances Site List for the state, commonly called the Cortese List. Neither project site is included on this list (DTSC 2011).

California's Secretary for Environmental Protection has established a Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) as required by Senate Bill (SB) 1082 (1993). The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for the following environmental programs:

- hazardous waste generator and hazardous waste on-site treatment programs
- UST program
- hazardous materials release response plans and inventories
- California Accidental Release Prevention Program (CalARPP)
- Aboveground Petroleum Storage Act requirements for spill prevention, control, and countermeasure plans
- California Uniform Fire Code (UFC) hazardous material management plans and inventories

The six environmental programs within the Unified Program are implemented at the local level by local agencies—Certified Unified Program Agencies (CUPAs). CUPAs carry out the responsibilities previously handled by approximately 1,300 state and local agencies, providing a central permitting and regulatory agency for permits, reporting, and compliance enforcement.

California Department of Industrial Relations, Division of Occupational Health Administration

The California Department of Industrial Relations, Division of Occupational Safety and Health Administration (Cal/OSHA), assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are more stringent than federal OSHA regulations, and are presented in CCR Title 8. Cal/OSHA regulations concerning the use of hazardous substances include requirements for safety training, availability of safety equipment, hazardous substances exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous substances, describing the hazards of chemicals, and documenting employee-training programs. Both federal and state laws include special provisions for hazard communication to employees who work with and/or encounter hazardous materials and wastes. The training must include safe methods for handling hazardous substances, an explanation of Material Safety Data Sheets, use of emergency response equipment, implementation of an emergency response plan, and use of personal protective equipment.

Governor's Office of Emergency Services

The OES issued the State of California Multi-Hazard Mitigation Plan (Multi-Hazard Mitigation Plan) (OES, 2004) in September 2004. The federal Disaster Mitigation Act required all state emergency services agencies to issue such plans by November 1, 2004, for the states to receive federal grant funds for disaster assistance and mitigation under the Stafford Act (44 CFR 201.4). The overall intent of the Multi-Hazard Mitigation Plan is to reduce or prevent injury and damage from natural hazards in California, such as earthquakes, wildfires, and flooding. The plan identifies past and present hazard mitigation activities, current policies and programs, and mitigation goals, objectives, and strategies for the future (California Office of Emergency Services 2004).

California Department of Transportation and California Highway Patrol

The California Department of Transportation (Caltrans) and California Highway Patrol (CHP) enforce and monitor DOT hazardous materials and waste transportation laws and regulations in California. Together, these agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads. All motor carriers and drivers involved in transportation of hazardous materials must apply for and obtain a hazardous materials transportation license from CHP. When transporting explosives, inhalation hazards, and highway route-controlled quantities of radioactive materials, safe routing and safe stopping-places are required, as described in 26 CCR, Section 13 et seq. A route map must be carried in the vehicle.

LOCAL

Nevada County Department of Environmental Health, Hazardous Materials Division

The Nevada County Department of Environmental Health, Environmental Materials Division (EMD) enforces state regulations governing hazardous substance generators, hazardous substance storage, and the inspection, enforcement, and removals of USTs in both Nevada City (City) and Nevada County (County) and serves as the area's CUPA. Large cases of hazardous materials contamination or violations are referred to the RWQCB and the DTSC. The EMD is the administering agency for the implementation of Chapter 6.95, Section 25500 et seq. of the HSC regarding Hazardous Material Release Response Plan and Inventory Plans. These plans detail the duties and responsibilities of governmental and other responsible agencies in a hazardous materials incident.

The EMD maintains the County Hazardous Waste Management Plan (CHWMP), which addresses existing and projected hazardous waste generation from the residential, commercial, and industrial sectors. Types of treatment and disposal for such wastes are identified and possible locations for treatment and disposal facilities are discussed. The CHWMP also addresses emergency response programs, contaminated sites, and educational and administrative programs related to hazardous wastes. The County CHWMP has been adopted locally, but was not accepted by the DTSC. The CHWMP provides criteria that, when implemented, would minimize safety hazards associated with the use, transport, storage, and disposal of hazardous materials in the County.

Nevada County Office of Emergency Services

The *December 2003 Nevada County Operational Area Emergency Operations Plan* (EOP) was published by the Nevada County Office of Emergency Services. The EOP addresses the planned response to extraordinary emergency situations associated with natural disasters, technological (man-made) emergencies, weapons of mass destruction, terrorism and war emergency operations in, or affecting, the Nevada County Operational Area. The EOP consists of the Basic Plan, including Continuity of Government, the Nevada County Hazardous Materials Area Response Plan that includes annexes for Weapons of Mass Destruction and Biological Terrorism and the Care and Shelter Plan of the American Red Cross. A companion Resource Directory has been developed for use by the Emergency Operations Center (EOC). A Nevada County Operational Area Hazard Identification, Assessment and Mitigation Plan became a part of the EOP in November 2004.

Duties of the EMD as a part of the EOP include responding to hazardous materials incidents, establishing the criteria for cleanup and disposal of hazardous materials, and overseeing and supervising clean-up of hazardous materials incident sites.

4.6.3 IMPACTS AND MITIGATION MEASURES

METHOD OF ANALYSIS

This analysis considers the range and nature of foreseeable hazardous materials use, storage, and disposal resulting from the proposed project and identifies the primary ways that these hazardous materials could expose individuals or the environment to health and safety risks. Local and state agencies would be expected to continue to enforce applicable requirements to the extent that they do so now.

This analysis is based on a review of current lists made available by regulatory agencies with jurisdiction over storage, monitoring, and cleanup of hazardous wastes and a site visit conducted on March 22, 2011. The following reports documenting potential hazardous conditions at the project site were reviewed for this analysis:

- Land use plans for the proposed project
- Available literature, including documents published by city, county, state, and federal agencies
- Phase I ESA prepared by Earth Tech for the Existing Courthouse site
- Phase I ESA prepared by URS Corporation for the Cement Hill site

The information obtained from these sources was reviewed and summarized to establish existing conditions and to identify potential environmental effects, based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that development on either project site would comply with relevant federal and state laws and regulations.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, a public health and hazards impact is considered significant if implementation of the proposed project would do any of the following:

- 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 or through the routine transport, use, or disposal of hazardous materials
- Result in safety hazards to people residing or working in the project area
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to government code section 65962.5 and, as a result, create a significant hazard to the public or the environment
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, or otherwise increase the risks of fire damage to these areas

IMPACTS AND MITIGATION MEASURES

The proposed project includes two potential development sites for the proposed project: the Existing Courthouse Site – which would include a temporary transfer of court functions to the Government Center site – or the Cement Hill Site. For more details on the differences between each site, refer to Chapter 3 (Project Description). Impacts and mitigation measures are identified below for each site, as applicable and appropriate.

Impact 4.6-1	**Exposure to Hazardous Materials During Demolition.** **Existing Courthouse Site.** The Courthouse/Annex buildings and the 215 Washington Street building were constructed prior to 1977 and have the potential to contain hazardous materials such as asbestos and LBP. Records show that in 2001 the Courthouse/Annex underwent remediation of ACM and LBP. However, during the Phase I site visit, the environmental assessor noted areas where ACM is still likely to be present. The Annex may have ACM in floor tile, water heater wrap and pipe wrap and the Courthouse may have ACM in floor tile. An oil leak was also identified during the Phase I ESA at the Annex. Demolition of these buildings could result in human exposure to hazardous materials contamination. This impact is considered **potentially significant**. **Cement Hill Site.** The house located on the site was constructed prior to 1977 and has the potential to contain hazardous materials such as ACM and LBP. Demolition of this building could result in human exposure to hazardous materials contamination. This impact is considered **potentially significant**.

Both Sites

Demolition of buildings likely to contain asbestos, LBP, or other hazardous substances could result in human exposure to hazardous materials.

Asbestos, a naturally-occurring fibrous material, was used as a fireproofing and insulating agent in building construction before such uses were terminated due to liability concerns in the late 1970s. The Courthouse was originally built in 1880, with expansions and renovations occurring in 1937. The adjacent Annex building was constructed in 1968. The building at 215 Washington Street was constructed originally in the 1800s and has undergone numerous renovations since that time. The residential building on the Cement Hill site was constructed in the 1940s.

Because it was widely used prior to the discovery of its health effects, asbestos may be found in a variety of building materials and components such as insulation, walls and ceilings, floor tiles, and pipe insulation. Friable (easily crumbled) materials are particularly hazardous because inhalation of airborne fibers is the primary mode of asbestos entry into the body. Non-friable asbestos is generally bound to other materials such that it does not become airborne under normal conditions. Non-friable asbestos and encapsulated friable asbestos do not pose substantial health risks.

Asbestos exposure is a human respiratory hazard. Asbestos-related health problems include lung cancer and asbestosis. Cal/OSHA considers asbestos-containing building material a hazardous substance when a bulk sample contains more than 0.1% asbestos by weight. Cal/OSHA requires that a qualified contractor licensed to handle asbestos materials handle any material containing more than 0.1% asbestos by weight. Any activity that involves cutting, grinding, or drilling during building demolition or relocation of underground utilities could

release friable asbestos fibers unless proper precautions are taken. Inhalation of airborne fibers is the primary mode of asbestos entry into the body, making friable materials the greatest potential health risk.

There are currently federal laws and regulations in place that regulate the use, removal, and disposal of ACM. Such laws and regulations include:

- TSCA (15 USC. § 2601 et seq.)
- CAA (42 USC. § 7401 et seq.)
- Title 40 CFR Part 763 and 61

Lead (Pb) could also be present on the project sites. Among its numerous uses and sources, lead can be found in paint, water pipes, solder in plumbing systems, and in soils around buildings and structures painted with lead-based paint. In 1978, the federal government required the reduction of lead in house paint to less than 0.06% (600 parts per million (ppm)). However, some paints manufactured after 1978 for industrial or marine uses legally contain more than 0.06% lead. Excessive exposure to lead (even low levels of lead) can result in the accumulation of lead in the blood, soft tissues, and bones. Children are particularly susceptible to potential lead-related health problems because it is easily absorbed into developing systems and organs.

Heavy metals can also be found in and around older structures. Old light tubes, thermostats, and other electrical equipment typically contain heavy metals such as mercury. Elemental mercury can also be found in many electrical switches. Due to accidental spills and historic disposal practices before the adoption of more stringent disposal regulations, it is possible elemental mercury may be present on the sites. Mercury liquid evaporates slowly if exposed to air, and, at certain levels of exposure, mercury vapors are toxic and can cause kidney and liver damage.

Another common contaminate found in older structures is PCB, an organic chemical, usually in the form of an oil that was historically used in electrical equipment. PCBs are most commonly associated with pole-mounted electrical transformers, but they were also used in insulators and capacitors in building electrical equipment. PCBs are highly persistent in the environment, and exposure to PCBs can cause serious liver, dermal and reproductive system damage. PCBs are also a suspected human carcinogen.

Demolition activities would be subject to all applicable federal, state, and local regulations to minimize potential risks to human health and the environment, and worker and public safeguards would be included in the demolition contract. However, although there is a regulatory framework in place that governs the removal and disposal of these hazardous items once identified, the existing structures have not yet been thoroughly investigated to determine the types, amounts, and locations of hazardous substances that could be present in building materials. Therefore, implementation of the proposed project could expose construction workers to unmitigated hazards associated with the presence of hazardous substances (e.g., asbestos, lead, PCBs, etc.) during demolition. This is a **potentially significant** impact.

Mitigation Measure 4.6-1 – Both Sites

- *Prior to any demolition activities, the Administrative Office of the Courts (AOC) shall conduct an interior survey to evaluate the presence of ACM, LBP, PCB-containing electrical and hydraulic fluids, and/or chlorofluorocarbons (CFCs), as well as any other potential environmental concerns (i.e., aboveground/underground fuel tanks, elevator shafts/hydraulic lifts, floor drains/sumps, chemical storage/disposal), which may be present within structures on the properties.*
- *ACM and LBP shall be abated and any remaining hazardous substances and/or waste shall be removed in compliance with applicable state laws and regulations.*

Significance after Mitigation

Implementation of the above mitigation measures would reduce potential hazards to workers and the public associated with exposure to hazardous building materials by identifying and remediating hazardous materials before and during demolition. Therefore, this impact would be reduced to a less-than-significant level.

Impact 4.6-2 **Exposure to Hazardous Materials or Site Hazards During Construction.**

Existing Courthouse Site. Although basements exist on the Courthouse and Annex sites, construction may involve additional excavation on these sites. Excavation may also be required to construct a parking lot at 215 Washington Street. The City also has an extensive history of hydraulic and lode mining throughout the 19th and 20th centuries. Elevated metal concentrations or abandoned mine shafts associated with these mining activities could be exposed during site excavation. Excavation could uncover unanticipated soil contamination or other hazards during project construction activities. This impact is considered **potentially significant**.

Temporary Court Site. There is a slight chance the Temporary Court site may contain serpentine soils. However, the site has been prepared for development previously by the County, and the proposed temporary modular buildings would require minimal site disturbance for footings and utilities. The potential for exposure to hazardous materials during construction would be managed by standard air quality measures for dust control, therefore this impact is considered less than significant.

Cement Hill Site. The Phase I ESA noted that the Cement Hill site (and thus the adjacent Temporary Court site) is located within an area of the County known to have naturally occurring asbestos in soils weathered from serpentine bedrock materials that underlie the subject property and surrounding area. If serpentine is found on the site, excavation, grading, or other ground surface disturbances could expose workers and the public to respirable asbestos in construction dust. The sites were also subject to extensive hydraulic mining throughout the 19th and 20th centuries. Elevated metal concentrations associated with these mining activities have been documented in regional soils, and could be exposed during site excavation. This impact is considered **potentially significant**.

Existing Courthouse/Temporary Court Sites

The site reconnaissance and records search conducted for the Phase I ESA revealed that three USTs were removed from the site and contaminated soil remediated. Although no additional USTs are believed to remain on the site, the Courthouse site has been developed for over 100 years. The potential exists that unanticipated soil contamination or former storage tanks could be uncovered during project construction activities. The grading, excavation for basement, utilities, trenching, backfilling, and construction of proposed facilities associated with project development could result in the exposure of construction workers and the general public to previously undiscovered hazardous materials contamination. Hazardous materials beneath the Courthouse/Annex buildings could include petroleum hydrocarbons, lead, or contaminated equipment such as piping and USTs.

The City also has an extensive history of hydraulic and lode mining. Elevated metal concentrations or abandoned mine shafts associated with these mining activities could be exposed during site excavation for basements and the parking lot at 215 Washington Street. The release of hazardous materials into the

environment or the opening of an old mine shaft could result in a safety hazard for people residing or working in the project area. This would be a **potentially significant** impact.

Cement Hill Site

Extensive excavation and grading would be required on this site for both building and parking construction. The Phase I ESA noted that the Cement Hill site is located within an area of the County known to have naturally occurring asbestos in soils weathered from serpentine bedrock materials that underlie the subject property and surrounding area. The USGS maps do not show serpentine rock extending onto the project site, and the 1896 USGS Special Nevada City economic map indicates that both the Cement Hill and Temporary Court sites were situated within hydraulically mined placer diggings and the underlying bedrock is identified as granodiorite.

However, the known extent of serpentine bedrock is close enough that soils on the project site should be tested prior to construction. Serpentine rock often contains chrysotile asbestos. Serpentine rock, and its parent material, ultramafic rock, are abundant in the Sierra foothills, the Klamath Mountains, and Coast Ranges. Asbestos is released from ultramafic and serpentine rock when it is broken or crushed. This can happen during construction when land is excavated and graded for building purposes. It is also released naturally through weathering and erosion. Once released from the rock, asbestos can become airborne and may stay in the air for long periods of time. Excavation, grading, or other ground surface disturbances could expose workers and the public to respirable asbestos in construction dust. Because no safe asbestos exposure has been established for residential areas, public exposure to any amount of asbestos poses a potential health risk.

The City also has an extensive history of hydraulic and lode mining on this site. As noted in Section 4.4, Cultural Resources, an ancient river channel, known as the Cement Hill channel, was situated just north of the boundary of the project. The fill of boulders, cobbles, and gravel was embedded in cemented gold-bearing clay and sand, and cement mining occurred to extract the gold. Elevated metal concentrations associated with these mining activities have been documented in regional soils, and could be exposed during site excavation. This would be a **potentially significant** impact.

Mitigation Measure 4.6-2 – Both Sites

The following mitigation measures apply to either potential project site:

- *The AOC shall retain a qualified geotechnical engineer to identify soils on the project sites. If serpentine bedrock is identified as being present and potentially disturbed during construction activities, an asbestos hazard dust mitigation plan shall be formulated and implemented in coordination with the Northern Sierra Air Quality Management District.*
- *The AOC shall require in construction contract documents that a hazardous materials removal team be on-call and available for immediate response during site preparation, excavation, and any pile driving construction activities. Hazardous material removal activities may be contracted to a qualified hazardous materials removal contractor. Construction contract documents shall require the hazardous material removal contractor or subcontractor to comply with the following:*

    (1) Prepare a hazardous material discovery and response contingency plan.

    (2) In the event that a condition or suspected condition of soil and/or groundwater contamination are discovered during construction, work shall cease or be restricted to an unaffected area of the site as the situation warrants and the AOC shall be immediately notified. Upon notification, the AOC shall notify the DTSC or the local certified unified program agency (CUPA) of the contamination, and the hazardous material removal contractor shall prepare a site remediation plan and a site

safety plan, the latter of which is required by OSHA for the protection of construction workers. Similarly, the hazardous material removal contractor shall follow and implement all directives of DTSC or the local CUPA and any other jurisdictional authorities that might become involved in the remediation process.

(3) Preparation of any remediation plan shall include measures to be taken to protect the public from exposure to potential site hazards and a certification that the remediation measures would clean up the contaminants, dispose of the wastes properly, and protect public health in accordance with federal, state, and local requirements.

(4) Obtain closure and/or No Further Action letters from the appropriate agency(ies), if applicable.

(5) Construction contract documents shall include provisions for the proper handling and disposal of contaminated soil and/or dewatering water (including groundwater and contaminated rainwater) in accordance with federal, state, and local requirements.

Significance after Mitigation

Implementation of the above mitigation measures would reduce potential hazards to residents and workers associated with exposure to unknown contaminated soil or other hazards or hazardous materials by identifying the necessary procedures to follow if materials are discovered and implementing them. Therefore, this impact would be reduced to a less-than-significant level.

Impact 4.6-3	**Improper Use of Hazardous Materials during Project Construction.** Use of various paints, solvents, cements, glues, and fuels is expected during construction of the proposed project. While construction workers could be exposed to hazardous materials as a result of improper handling or use, accident, environmentally unsound disposal methods, or fire, explosion, or other emergencies, resulting in adverse health effects, all allowable uses would be subject to compliance with federal and state hazardous materials laws and regulations, and would be monitored by the state (e.g., Cal/OSHA, DTSC, CHP) and/or local jurisdictions. Therefore, the potential for human exposure to hazardous materials as a result of their improper use during construction would be considered a less-than-significant impact.

Hazardous materials would be used in varying amounts during construction of the proposed project. Construction and maintenance activities would involve the use of hazardous materials, such as fuels (gasoline and diesel), oils and lubricants, paints and paint thinners, glues, and cleaners (which could include solvents and corrosives in addition to soaps and detergents). Construction workers and the general public could be exposed to hazards and hazardous materials as a result of improper handling or use during construction activities (particularly by untrained personnel), transportation accidents, or fires, explosions, or other emergencies. Construction workers could also be exposed to hazards associated with accidental releases of hazardous materials, which could result in adverse health effects.

The proposed project would be required to comply with regulations on the transportation of hazardous materials codified in 49 CFR 173, 49 CFR 177, and CCR Title 26, Division 6. These regulations, which are under the jurisdiction of Caltrans and the CHP, provide specific packaging requirements, define unacceptable hazardous materials shipments, and prescribe safe-transit practices by carriers of hazardous materials. Compliance with these regulations would reduce the risk of exposure to humans and the environment related to the transportation of hazardous materials.

Hazardous materials regulations, which are codified in CCR Titles 8 and 22, and their enabling legislation set forth in HSC Chapter 6.5 (Section 25100 et seq.), were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. Construction specifications would include the following requirements in compliance with applicable regulations and codes, including, but not limited to CCR Titles 8 and 22, Uniform Fire Code, and HSC Division 20: all reserve fuel supplies and hazardous materials must be stored within the confines of a designated construction area; equipment refueling and maintenance must take place only within the staging area; and construction vehicles shall be inspected daily for leaks. These regulations and codes must be implemented, as appropriate, and are monitored by the state and/or local jurisdictions, including the EMD and the NCFD.

Contractors would be required to comply with Cal/EPA's Unified Program; regulated activities would be managed by the EMD, the designated CUPA for Nevada County, in accordance with the regulations included in the Unified Program (e.g., hazardous materials release response plans and inventories, UFC hazardous material management plans and inventories). Such compliance would reduce the potential for accidental release of hazardous materials during construction of the proposed project. As a result, it would lessen the risk of exposure of construction workers and the public to accidental release of hazardous materials, as well as the demand for incident emergency response.

Compliance with federal and state hazardous materials laws and regulations would reduce impacts related to hazards for construction workers and the general public involving the release of hazardous materials into the environment or through the routine transport, use, or disposal of hazards materials to a less-than-significant level.

Mitigation Measure 4.6-3

No mitigation is required.

Impact 4.6-4	**Exposure to Hazardous Materials during Project Operations.** The proposed project would use materials, some of which are considered hazardous, during the course of its daily operations. Compliance with federal and state laws and hazardous materials regulations, which would be monitored by the state and/or local jurisdictions, would avoid significant impacts associated with the use, transport, and storage of hazardous materials during operation of the project. Therefore, impacts related to the creation of significant hazards to the public or the environment would be less than significant.

The proposed project would use materials, some of which are considered hazardous, during the course of its daily operations, such as detergents, solvents, lubricants, etc. Employees and the general public could be exposed to hazardous materials as a result of improper handling or use, transportation accidents, environmentally unsound disposal methods, or fire, explosion, or other emergencies, resulting in adverse health effects.

As with construction, operation of the proposed project – at either location – is required to be consistent with federal, state, and local laws and regulations addressing hazardous materials management and environmental protection, including, but not limited to 49 CFR 173 and 177, and CCR Title 26, Division 6 for transportation of hazardous materials, and CCR Titles 8 and 22, the UFC, and HSC Division 20 for routine use of hazardous materials. These regulations and codes must be implemented, as appropriate, and are monitored by the state and/or local jurisdictions, including Caltrans, the CHP, the EMD, and the NCFD.

The EMD, as the local CUPA, oversees hazardous materials registrations, UST programs, aboveground petroleum storage tank spill prevention control and countermeasure plans, risk management plans, and some fire safety planning. Additionally, businesses are regulated as employers by Cal/OSHA and are therefore required to ensure employee safety. Specific requirements include identifying hazardous materials in the workplace, providing safety information to workers that handle hazardous materials, and adequately training workers.

The proposed project would be required to comply with all applicable federal and state laws and regulations pertaining to safe-transit practices, workplace safety, spill prevention, and other hazardous materials-related concerns. The EMD and the local fire departments, and other agencies would be required to enforce compliance, including tracking and inspections of hazardous materials transportation and storage. As a result, operation of the proposed project would not create a significant hazard to the general public or the environment involving the release of hazardous materials into the environment or through the routine transport, use, or disposal of hazards materials. Therefore, this impact is considered less than significant**.**

Because radon has been tested at levels greater than the EPA guidance value for some locations within the Existing Courthouse site's zip code area, if basement areas are planned for continuous human occupancy, it may be advisable to consider testing for radon levels within the Nevada County Courthouse to confirm that no risk is posed by this naturally-occurring carcinogen.

Mitigation Measure 4.6-4

No mitigation is required.

4.7 Hydrology and Water Quality

Draft Environmental Impact Report
New Nevada City Courthouse

4.7 HYDROLOGY AND WATER QUALITY

This section addresses hydrology and water quality that could be affected by the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada County Government Center (Government Center), or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). This section also addresses flooding and storm water discharge and general water quality within the City of Nevada City (City).

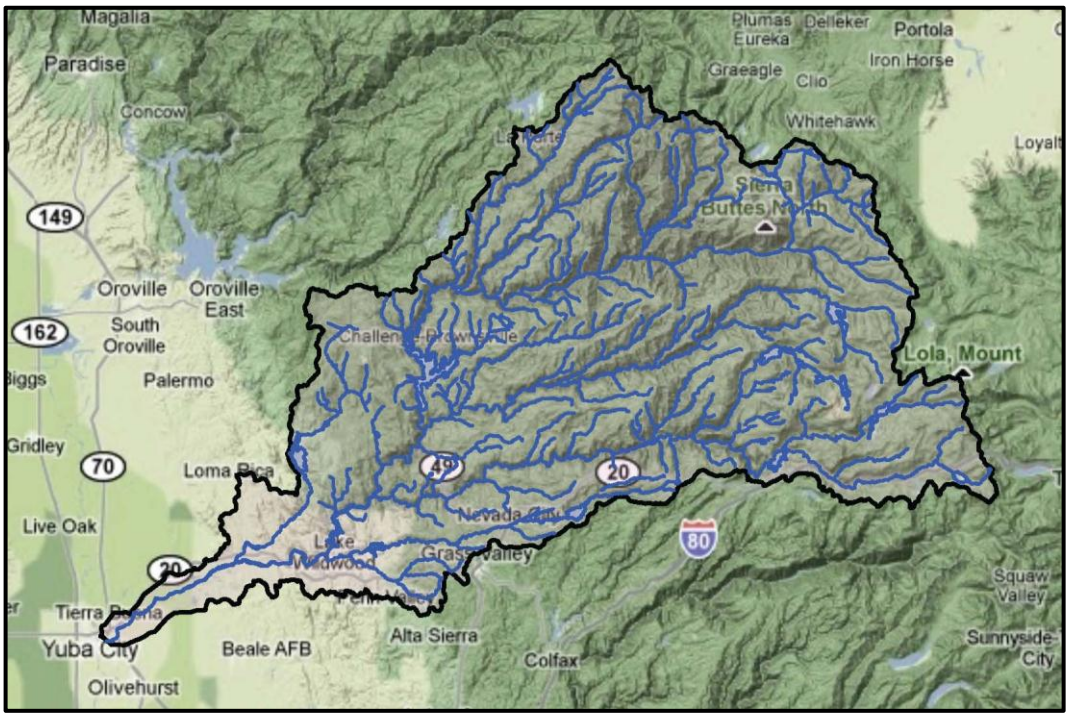
No comments were received during the Notice of Preparation (NOP) period concerning hydrology or water quality.

4.7.1 EXISTING SETTING

The soils, topography, hydrology, and vegetation of the composite study area were largely influenced by the hydraulic mining that occurred in and around Nevada City during the late 19th century. The composite study area is within the Deer Creek United States Geological Survey (USGS) hydrologic unit (HU 1802012510), which drains to the Yuba River. Surface flow of water at all sites drains to Deer Creek.

REGIONAL SURFACE WATER HYDROLOGY

The study area is located within the Yuba River Watershed. The Yuba River Watershed stems from the west slope of the Sierra Nevada at Donner Pass to the Feather River near Yuba City. Most of the Yuba River's flow comes from its three main tributaries: North Yuba, Middle Yuba, and South Yuba rivers. The Yuba River Watershed includes a diverse array of environments and conditions—from snow-covered subalpine zones near the Sierra crest to dry oak woodlands in the lower watershed (Exhibit 4.7-1).



Source: University of California, Davis website, http://yuba.ice.ucdavis.edu/

Exhibit 4.7-1 **Yuba River Watershed**

Compared to other Sierra Nevada watersheds, the Yuba has been rated in "fair" to "poor" condition based on native fish populations despite having one of the most important wild steelhead fisheries in the Central Valley. The largely forested upper watershed and flood-prone lower watershed have been affected by mining, logging, dams and diversions, and residential development.

Yuba River Mainstem

From the joining of the North and Middle Forks the Yuba River flows southward, then southwest through the Sierra Nevada foothills, forming the Yuba-Nevada County border. The river widens into the main arm of Englebright Lake near French Bar, and is joined by the South Yuba River within the reservoir. The Yuba River leaves the Englebright Dam near Lake Wildwood, and is then joined by Deer Creek, which flows through Nevada City. The Yuba River slows down as it flows from the mountains out into the Sacramento Valley near the Yuba Goldfields, a section of the Yuba River Valley consisting of dredged sediments washed down by hydraulic mining in the 19th century. The river then turns southwest, flowing through irrigated farmland. It then skirts the south side of Marysville and reaches its destination at the Feather River between the cities of Marysville, Yuba City, and Linda.

The Yuba River is a tributary of the Feather River, and the Feather River is the principal tributary of the Sacramento River in the Sacramento Valley. Flows in the watershed are typical of Sacramento Valley tributaries with headwaters in the Sierra Nevada. Flows are highest in winter and spring, decreasing quickly in late spring. In 2008, the State Water Resources Control Board (SWRCB) approved the lower Yuba River Accord Agreement, which is now fully operational. The agreement combines increased instream fisheries flows for wild, native salmon and steelhead, with increased supplemental water supplies for cities and farms.

The Yuba River has three forks: North, Middle, and South Yuba. The North and Middle Yuba rivers come together below New Bullards Bar Reservoir and form the mainstem of the Yuba River.

WATER QUALITY

The Yuba River Watershed contains a significant amount of sediment and mercury as a result of hydraulic mining that occurred in the mid to late 1900s. Mercury is present in the bottoms of rivers and reservoirs and is transported by erosion processes and can be converted into methylmercury. As methylmercury accumulates in the food chain, it becomes concentrated, so that in larger predatory fish (e.g., trout and bass), concentrations can exceed levels of concern for human consumption. Findings in the most recent and comprehensive survey of fish in the Yuba River Watershed meet and exceed federal Environmental Protection Agency (EPA) and United States Food and Drug Administration (FDA) levels.

Sediment loads in the watershed can be attributed to historical mining as well as recent human activities such as road construction associated with rural housing development, logging, and recreation. Temperature is also a significant water quality concern in the Yuba River Watershed; warming water temperatures can be attributed to dams, water diversions, inadequate shading by limited riparian canopy, and low instream flows. Yuba River tributaries Deer, Humbug, Kanaka, and Little Deer creeks are listed on the federal Clean Water Act of 1972 (CWA) 303(d) list of impaired water bodies along with Englebright and Scotts Flat Reservoirs. Humbug Creek is also listed for copper, sediment, and zinc.

FLOODING

Nevada City is located within the Yuba River Watershed on the western slope of the central Sierra Nevada in western Nevada County. Little Deer Creek is a tributary to Deer Creek, which is a perennial watercourse that flows from Scott's Flat Reservoir, east of Nevada City, approximately 17 miles to the confluence of Lake

Wildwood. Beneficial uses for Deer Creek include: municipal and domestic water supply, irrigation, stock watering, power, primary and secondary recreation, cold water habitat, spawning habitat, and wildlife habitat. Deer Creek – and many of its perennial tributaries – supports resident populations of Rainbow Trout. Little Deer Creek is the City's primary water source.

Flooding as a Result of the Failure of a Levee or Dam

Scott's Flat Reservoir is fed by and drained by Deer Creek, which is located east of the City. The elevation of Scott's Flat Reservoir is approximately 3,000 feet above mean sea level (AMSL), whereas the City ranges is approximately 2,500 feet above sea level. Failure of the Scott's Flat Dam, located to the northeast, could flood areas of the county east of Nevada City.

Inundation as a result of dam failure would most likely be the result of an earthquake. Since Scott's Flat Dam is not located within an historical seismic zone and since Nevada City is within the lowest earthquake intensity zone in California, the risk associated with inundation is considered low. In addition, both potential court sites are located within or west of Nevada City, outside the anticipated inundation zone.

Flood Zone Requirements

The Federal Emergency Management Agency (FEMA) publishes Flood Insurance Rate Maps (FIRM) that delineate flood hazard zones for communities. The potential project sites are both within an area designated as Zone X, an area protected by levees. The panel number for both sites is 06057C0369E dated 02/03/2010. This panel also has three Letter of Map Corrections (LOMC) – LOMC 10-09-3921A-060453 (dated 01/04/2011), LOMC 11-09-1548A-060453 (03/02/2011), and LOMC 11-09-1311A-060453 (03/08/2011). Zone X is applied to areas of the City that have at least 100-year flood protection (protection from a flood with a 1.0% chance of occurring in any year; Exhibit 4.7-2).

PROJECT AREA CONDITIONS

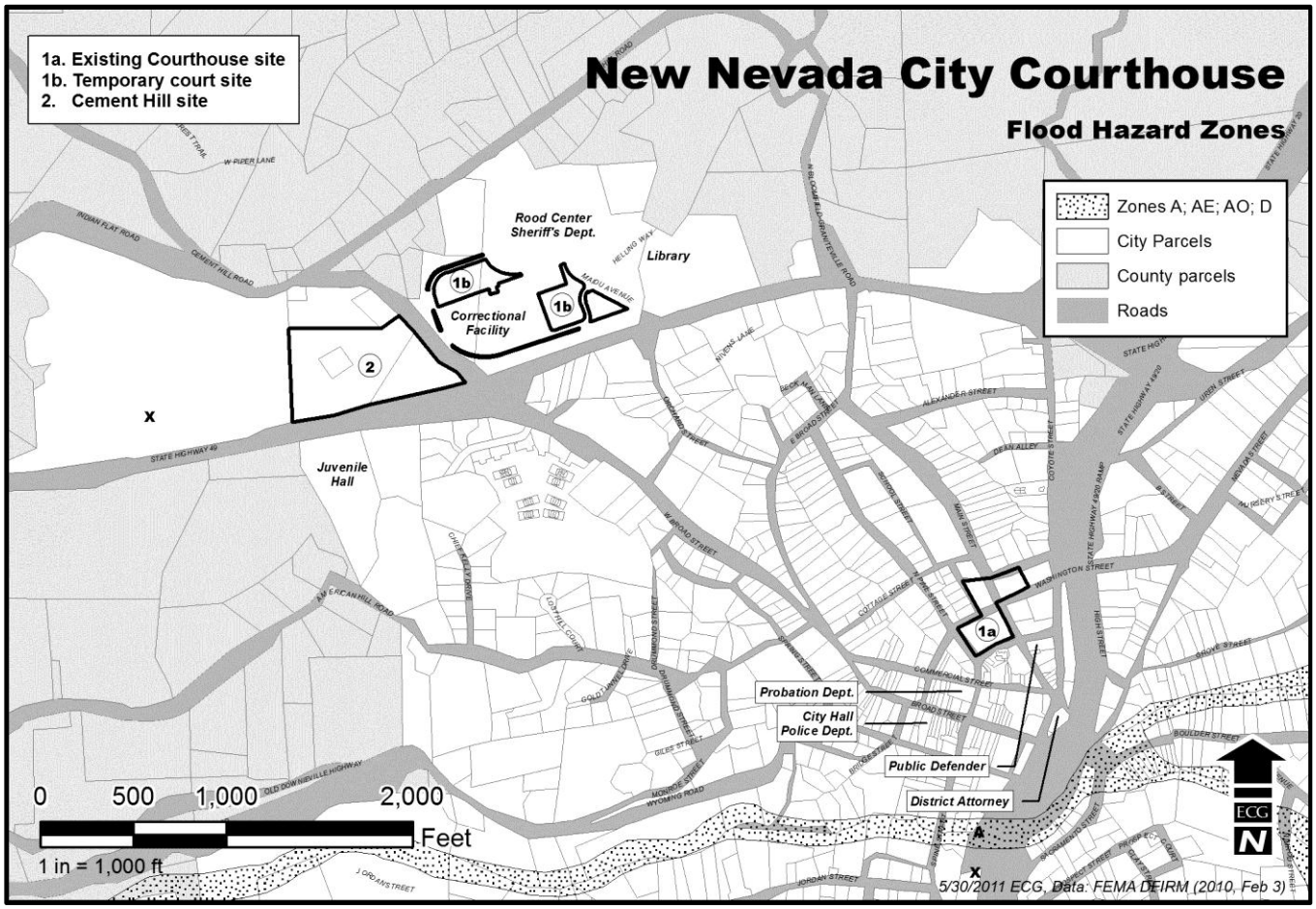
Existing Courthouse Site

The historic courthouse and courthouse annex covers an area of almost one-acre. The two adjacent sites being considered for parking include 215 Washington Street, which is a sloped property with a lawn area, access road, and former residence being used as a preschool, and the county-owned surface parking lot located at the northeast corner of Main and Washington streets. The overall site is located in downtown Nevada City, and is served by a municipal stormwater drainage system. There are no water features on the site.

Temporary Court Site

The Temporary Court site is located due east of Cement Hill/SR-49 site. The two main buildings associated with the site are the Eric W. Rood Government Center (Rood Center) and the Wayne Brown Correctional Facility (Correctional Facility). The parcels identified for the temporary court consist of three relatively large areas maintained primarily as lawn, with the remaining narrow areas including landscape trees, vegetated and unvegetated drainage ditches, and portions of existing parking lots and Government Center access roads. The conservation organization *American Rivers* maintains a demonstration rain garden and bioswale in the area north of the Correctional Facility.

The topography of the site is nearly level as it has been graded and terraced as part of the construction of the buildings, parking, and landscaping associated with the Temporary Court site. The site slopes to the south and west, and the elevation is approximately 2,650 feet AMSL. A recently mowed rocked ditch is located adjacent to the north edge of the road directly north of the Correctional Facility.



Source: The Ervin Consulting Group, 2011; Data from National Flood Hazard Layer, 2011.

Exhibit 4.7-2 **Flood Hazard Zones**

Several perennial and intermittent streams intersect the upslope (northern) edge of the Government Center. Although the surface flow from these streams is largely diverted around or under the site via a system of rocked drains, storm drains, and culverts, there are several areas within the Temporary Court site where groundwater seepage supports hydrophytic plants.

Two perennial streams and one intermittent stream flow into and along the rocked ditch that runs adjacent to the north edge of the road directly north of the Correctional Facility. A berm above the rocked ditch interrupts much of the direct flow, and water seeps into the ditch. A storm drain at the east end of the rocked ditch carries water from the intermittent stream. The western half of the rocked ditch flows to the west to culverts that pass under Cement Hill Road. Hydrologic indicators include surface water, saturated soil, and rill erosion.

Groundwater from these streams also passes under the road north of the Correctional Facility and resurfaces near the toe of the road embankment on the south side of the road in the grassy open area just north of the Correctional Facility where tree trimmings are piled. The seepage from this embankment flows westward via a shallow swale towards the access to the west. During the May 19, 2011 field assessment, the swale was saturated to the surface near the debris piles; at the west (down gradient) end of the swale the water table was observed to be six inches below the ground level.

The large lawn area just east of the Correctional Facility has two grassy swales that drain westward and enter separate storm culverts. The large lawn area in the southeast corner of the Temporary Court site has a rocked

swale and a vegetated swale that convey water to a single storm drain. Due to the presence of a high water table at locations across this site, it is likely that all of the swales in these lawn areas convey groundwater seepage in addition to storm water runoff.

Cement Hill Site

This property includes vacant land and one small residence, and is locally known as "Wet Hill." Several unnamed intermittent streams cross the site, and slowly moving surface water was observed crossing much of the site during the site visit. One unnamed intermittent stream enters the site at the northwest corner. Surface flows exit the site through two separate culverts that pass southward under SR-49. A fresh emergent wetland/riparian wetland complex is located in the northwest quarter of the site. This wetland/riparian complex is fed by the unnamed intermittent stream west of the site boundary. The complex includes a relatively small area of open water, and larger surrounding areas that support dense stands of cattail and willows. Water within the wetland/riparian complex flows slowly eastward and drains to an intermittent stream that splits at a point northeast of the residence within the site.

The western branch of the intermittent stream (IS-1) drains southward through a gully approximately 20 feet deep across the middle of the site, and then drains under SR-49 via a 24-inch corrugated metal pipe (CMP). The ordinary high water mark (OHWM) of IS-1 is evidenced by a cobble bed and bank that is approximately eight feet wide. On the date of the survey, flowing water within the western branch was approximately four inches deep. The western branch has a short and steep tributary (IS-2) that is approximately two feet wide.

The eastern branch of the intermittent stream (IS-3) continues eastward alongside the earthen driveway leading to the residence, and then turns south along the west side of Cement Hill Road. At the northern edge of the woodlot, IS-3 enters a culvert that passes under the entire woodlot and exits into a non-vegetated ditch (NVD-1) draining eastward along the toe of the embankment of SR-49. NVD-1 enters a culvert that drains southward under SR-49. Drainages on the site are illustrated in previous Exhibit 4.3-2.

Groundwater Conditions at the Cement Hill and Temporary Court Sites

Based on the USGS Nevada City, California, 7.5 Minute Series Topographic Map dated 2000, groundwater within the vicinity is expected to follow surface topography and flow to the southwest-southeast towards Deer Creek located approximately 0.5 mile south of the Cement Hill and Temporary Court sites. According to a 2004 site map of a nearby site located at 10020 East Broad Street, groundwater is at an approximate elevation of 2,610-2,620 feet AMSL (approximately 10 to 20 feet below ground surface [bgs]; Holdrege and Kull, 2004). However, according to a report for another nearby site located at 436 Broad Street, groundwater appears to flow to the southwest and have an elevation of approximately 2,505 feet AMSL (approximately 56 feet bgs; Geocon, 2010). Based on these reports, depth to water appears to vary between 10-56 feet bgs – most likely as a result of fractured bedrock – and groundwater flow direction is variable, but generally is to the southwest-southeast.

4.7.2 REGULATORY SETTING

Hydrology and water quality in California are protected and/or regulated by a variety of federal and state laws and policies. Key regulatory and conservation planning issues applicable to the proposed project are discussed below.

FEDERAL

Federal Clean Water Act

The EPA is the lead federal agency responsible for water quality management. The CWA is the primary federal law that governs and authorizes water-quality-control activities by the EPA, as well as the states. Various elements of the CWA address water quality; these are discussed below.

Water-Quality Criteria/Standards

Under federal law, the EPA has published water-quality regulations under Volume 40 of the Code of Federal Regulations (CFR). Section 303 of the CWA requires states to adopt water-quality standards for all surface waters of the United States. As defined by the CWA, water-quality standards consist of two elements: (1) designated beneficial uses of the water body in question and (2) criteria that protect the designated uses. Section 304(a) requires the EPA to publish advisory water-quality criteria that accurately reflects the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water-quality standards must protect the most sensitive use.

In California, the EPA has designated the SWRCB and its nine Regional Water Quality Control Boards (RWQCBs) with authority to identify beneficial uses and adopt applicable water-quality objectives.

Section 303(d)

Under Section 303(d) of the CWA, states are required to develop lists of water bodies that would not attain water-quality objectives after implementation of required levels of treatment by point-source dischargers (municipalities and industries). The most recent Section 303(d) list in California (2007) identifies Deer Creek downstream and the Sacramento River in non-attainment for a number of pollutants.

Section 303(d) requires that the state develop a total maximum daily load (TMDL) for each of the listed pollutants. The TMDL is the amount of loading that the water body can receive and still be in compliance with water-quality objectives. The TMDL is also a plan to reduce loading of a specific pollutant from various sources to achieve compliance with water-quality objectives. The TMDL prepared by the state must include an allocation of allowable loadings to point and nonpoint sources, with consideration of background loadings and a margin of safety. The TMDL must also include an analysis that shows the linkage between loading reductions and the attainment of water-quality objectives. The EPA must either approve a TMDL prepared by the state or disapprove the state's TMDL and issue its own. National Pollutant Discharge Elimination System (NPDES) permit limits for listed pollutants must be consistent with the waste-load allocation prescribed in the TMDL. After implementation of the TMDL, it is anticipated that the problems that led to placement of a given pollutant on the Section 303(d) list would be remediated.

National Toxics Rule

In 1992, the EPA promulgated the National Toxics Rule (NTR) under the CWA to establish numeric criteria for priority toxic pollutants. The NTR established water-quality standards for 42 pollutants for which Section 304(a) water-quality criteria exist, but that were not covered under California's statewide water quality regulations. As a result of the court-ordered revocation of California's statewide water-quality control plans in September 1994, the EPA initiated efforts to promulgate additional federal water-quality standards for California. In May 2000, the EPA issued the California Toxics Rule (CTR), which addresses all the priority pollutants for which the EPA has issued Section 304(a) numeric criteria that were not included in the NTR. Section 304(a) numeric criteria are

those CWA criteria, established by the EPA on a pollutant-by-pollutant basis, required to safeguard the chemical, physical, and biological integrity of a water body.

Section 408

Section 408 regulates the use of or alteration to levees or other improvements along rivers, unless otherwise permitted by the United States Army Corps of Engineers (USACE) through state or local agencies.

National Pollutant Discharge Elimination System

Since 1972, the CWA has regulated the discharge of pollutants to waters of the U.S. from all point sources. Section 402(d) of the CWA establishes a framework for regulating nonpoint source (NPS) stormwater discharges under the NPDES. Established in 1990, Phase I of the NPDES stormwater program regulates stormwater discharges from major industrial facilities, large and medium-sized municipal separate storm sewer systems (those serving more than 100,000 persons), and construction sites that disturb five or more acres of land.

In 1999 the NPDES stormwater program was expanded to include Phase II. Pursuant to the Phase II NPDES Final Rule in December 1999, discharges of stormwater associated with construction activities that result in the disturbance of one acre of land or more must also apply for coverage under the statewide NPDES General Construction Activities Permit.

The Central Valley Regional Water Quality Control Board (CVRWQCB or Central Valley RWQCB) has primary responsibility for protecting the surface and groundwater quality within the project area. The CVRWQCB's efforts are generally focused on preventing either the introduction of new pollutants or an increase in the discharge of existing pollutants into bodies of water that fall under its jurisdiction. The CVRWQCB is concerned with all potential sources of contamination that may reach both these subsurface water supplies and the Sacramento River system through direct surface runoff or infiltration.

Safe Drinking Water Act

Under the Safe Drinking Water Act (SDWA; Public Law 93-523) passed in 1974, the EPA regulates contaminants of concern to domestic water supply. Contaminants of concern relevant to domestic water supply are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by the EPA primary and secondary Maximum Contaminant Levels (MCLs). MCLs and the process for setting these standards are reviewed triennially; amendments to the SDWA enacted in 1986 established an accelerated schedule for setting drinking water MCLs.

STATE

Discharges from the potential project sites are subject to state water quality laws and regulations. The CVRWQCB is responsible for preparing a water quality control plan (Basin Plan) that identifies beneficial uses of the Sacramento River and its tributaries and also for preparing water quality objectives for the protection of beneficial uses. Numerical and narrative criteria are contained in the Basin Plan for key water quality constituents, including: dissolved oxygen, water temperature, trace metals, turbidity, suspended material, pesticides, salinity, radioactivity, and other related constituents.

In California, the SWRCB has broad authority over water quality control issues. The SWRCB is responsible for statewide water quality policy development and exercises the powers delegated to the state by the federal government under the CWA. Other state agencies with jurisdiction over water-quality regulation in California include the California Department of Health Services (DHS; drinking-water regulations), the California

Department of Pesticide Regulation, the California Department of Fish and Game, and the Office of Environmental Health and Hazard Assessment. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The regional boards are required to formulate and adopt Basin Plans for all areas in the region and establish water-quality objectives in the plans. The RWQCB responsible for the Sacramento River is the CVRWQCB (Region 5), headquartered in Sacramento.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water-quality policies, plans, and objectives that protect the state's waters for the use and enjoyment of the people. The act sets forth the obligations of the RWQCBs pertaining to the adoption of Basin Plans and establishment of water-quality objectives. It also authorizes the SWRCB and the RWQCBs to issue and enforce permits containing waste-discharge requirements for projects that may discharge wastes to land or water.

The regional Basin Plans, required by both the CWA and the Porter-Cologne Act, establish beneficial uses, water-quality objectives, and implementation programs for each of the nine RWQCBs. Each RWQCB is required to implement the provisions of several statewide plans and policies related to water quality. Several of these are relevant to the proposed project and are discussed below.

Basin Plan for the Sacramento-San Joaquin River Basins

The Basin Plan for the Sacramento-San Joaquin River basins, adopted by the CVRWQCB in 1998 (updated through 2009), identifies beneficial uses of water bodies and provides water quality objectives and standards for waters in the region. Deer Creek is included in this plan. State and federal laws mandate the protection of designated beneficial uses of water bodies. State law defines beneficial uses as "domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves" (Water Code Section 13050[f]). The Basin Plan contains specific numeric and narrative water-quality objectives applicable to ambient surface and groundwater resources and for a number of physical parameters, chemical inorganic and organic constituents, biological factors, and toxic priority trace metal and organic compounds. Water quality objectives for toxic pollutants in the Basin Plan complement the federal water-quality standards adopted in the CTR in May 2000.

California General Construction Activity Storm Water Permit

Construction activities that involve five acres or more of land disturbance must comply with a NPDES General Permit for Storm Water Discharges Associated with Construction Activities from the RWQCB that regulates storm water leaving the site (NPDES No. CAS000002, Order No. 99-08-DWQ). Construction on sites of less than five acres that are part of a larger project that covers more than five acres also must comply. Construction activities that essentially maintain existing facilities, and do not involve a change in grade, are not required to be covered under the general permit. The general permit requires the site owner to notify the State, to prepare and implement a stormwater pollution prevention plan (SWPPP), and to monitor the effectiveness of the SWPPP. The SWPPP does not have to be submitted to the RWQCB, but must be on-site and available to inspectors.

While neither of the potential courthouse sites meets these criteria, the project description includes preparation of an SWPPP, as further described below. The SWPPP is retained at the construction site, and includes descriptions of:

- The site

- Erosion and sediment controls
- Means of waste disposal
- Implementation of approved local plans
- Control of post-construction sediment and erosion control measures and maintenance responsibilities
- Non-storm water management controls

Contractors will also be required to inspect their construction sites before and after storms to identify storm water discharge associated with construction activity and to identify and implement controls where necessary.

General Dewatering Permit

The Waste Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters - Order No. R5-2008-0081/NPDES Permit No. CAG995001 was adopted by the CVRWQCB on June 12, 2008. Individuals, public agencies, private businesses, and other legal entities discharging relatively pollutant-free wastewaters that pose little or no threat to the quality of surface waters, for a duration of either four months or less or have an average dry weather flow less than 0.25 million gallons per day (mgd), may obtain authorization under this General Order to discharge. To obtain authorization for discharges to surface water, dischargers must submit a complete application.

LOCAL

City of Nevada City General Plan

- Objectives:
  - Protect and improve quality of both surface water and groundwater
- Policies:
  - Improve wastewater treatment system to meet state standards (completed)
  - In cooperation with the county, strictly regulate private sewage disposal systems
  - Encourage programs to reduce erosion and sedimentation (e.g., control of hillside development)

Nevada City Municipal Code

Section 17.80.100 - Grading and Erosion Control

A. The grading and erosion control requirements of Chapter 70 of the Uniform Building Code are adopted and made a part of this ordinance by reference. In addition to the requirements of the Uniform Building Code requiring that a grading plan be approved by the building department in certain circumstances, all such grading plans shall be approved by the planning commission or city council. The city may require grading plans to be approved by the city engineer, and that mitigation measures offsetting grading impacts be incorporated into the plan.

B. All grading activity shall be limited to the dry season of the year, between May 1st and October 15th, unless the property owner receives written permission from the city to conduct grading activity outside of those dates, based on dry weather conditions.

C. During the wet season, between October 16th and April 30th, or as amended by the city, all properties shall have temporary or permanent erosion control measures in place, as necessary to prevent soil erosion from the site. Erosion control shall include any and/or all effective methods generally accepted

as normal practice, such as fertilization and seeding, straw mulch, jute netting, earthen berms, straw barricades, plastic sheeting, holding basins and flow dissipators.

D. The city has the authority to review all temporary and permanent erosion control measures, and may require additional measures.

4.7.3 IMPACTS AND MITIGATION MEASURES

METHODS OF ANALYSIS

Analysis of potential hydrology and water quality impacts is based on identified existing conditions and review of the construction and operation of the New Nevada City Courthouse to identify potential environmental effects, based on the standards of significance presented in this section.

Impacts on surface and groundwater quality were analyzed by reviewing existing groundwater and surface water quality literature that pertains to the Nevada City area, identifying existing on-site ground and surface waters, including the depth to groundwater, and evaluating existing and potential sources of water quality pollutants based on the types of land uses and operational activities on the potential project sites. Additionally, the applicability of federal and state regulations, ordinances, and/or standards for the surface and groundwater quality and subsequent receiving waters were assessed. Potential impacts from implementation of the proposed project were determined by evaluating whether development of the proposed project land uses would exceed the thresholds of significance outlined below.

For significant impacts, mitigation measures are presented that would reduce the impacts to less-than-significant levels wherever possible. Where mitigation measures are unavailable to reduce the magnitude of impacts to a less-than-significant level, mitigation measures are presented that would substantially lessen the impacts.

THRESHOLDS OF SIGNIFICANCE

Criteria for determining the significance of impacts related to hydrology and water quality were based on the environmental checklist form in Appendix G of the State CEQA Guidelines. For the purposes of this Draft EIR section, impacts on hydrology and water quality resulting from implementation of the proposed project would be considered significant if the project would:

- Create or contribute runoff water which would provide substantial additional sources of polluted runoff
- Expose people or property to flood hazards
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level
- Substantially alter drainage patterns

Other impacts associated with housing in a floodplain and exposure of people and structures to a significant loss based on flooding identified in the environmental checklist form in Appendix G of the CEQA Guidelines were previously addressed in the Initial Study prepared for this project and attached to the NOP (Appendix A).

IMPACTS AND MITIGATION MEASURES

Impact 4.7-1 **Construction of the Proposed Project Could Degrade the Quality of Receiving Water Bodies.** The Existing Courthouse site is highly developed in an area served by a municipal stormwater system, and the Temporary Court site is a developed site in an area served by a system of rocked drains, storm drains, and culverts. The Cement Hill site is mostly undeveloped and construction could impact local drainages. Drainage from all sites flows to Deer Creek. Implementation of the project as proposed and existing state and federal requirements would ensure construction runoff would have a less-than-significant impact on receiving waters.

A SWPPP is a document that addresses water pollution control during construction. In addition, best management practices (BMPs) and guidelines in the California Stormwater Best Management Practice Handbooks: Construction (BMP Handbook) identify practices to control pollutants such as nutrients, bacteria, viruses, oil, grease, metals, organics, pesticides, and other gross pollutants during construction. Adherence to both of these plans and guidelines is included a part of the project description, as described in Chapter 3, Project Description:

- Stormwater, water quality, and soil erosion management measures:
  - The Administrative Office of the Courts (AOC) design and construction contracts will include provisions that require the development of a SWPPP by a Qualified Service Developer (QSD). The SWPPP will need to be approved by the CVRWQCB. In addition, the construction contractor will need to engage a Qualified Service Practitioner (QSP) to implement the approved SWPPP. Prior to the start of construction, the AOC will ensure that the SWPPP was prepared and approved by the CVRWQCB.
  - The construction contractor will incorporate BMPs consistent with the guidelines provided in the BMP Handbook: Construction (California Stormwater Quality Association, 2009; http://www.cabmphandbooks.com/).
  - For construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, and/or other measures.
  - Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.

Construction activities associated with the proposed project would result in minimal land-disturbing activities such as grading, excavation, and trenching for utility and infrastructure installation. The Existing Courthouse and Annex contain basements, and the county parking lot will undergo renovation with minimal grading, thus grading and excavation will be minimal to prepare for the new building. The 215 Washington site will require grading and excavation to create a parking lot. The Temporary Court site is already graded with most utility connections, thus ground moving activities and the increase in impermeable surfaces will be minimal and temporary. The existing drainage system includes waters of the United States, and therefore should be avoided during construction. Flows from the Temporary Court site would enter this system with other flows from the Government Center, and then enter the Deer Creek system. The Cement Hill site is mostly undeveloped, and will require extensive grading and excavation.

When areas are excavated or otherwise disturbed by construction activities, the potential for soil erosion and sedimentation in runoff discharging from the site can substantially increase during a rainstorm. In addition, construction equipment would have the potential to leak polluting materials, including oil and gasoline. Improper use of fuels, oils, and other construction-related hazardous materials, such as pipe sealant, may also pose a threat to surface or groundwater quality. Through stormwater runoff, these sediments and contaminants may be transported to Deer Creek, and ultimately the Sacramento River and its downstream drainages and water bodies.

Control of erosion and sediment transport during the construction phase will effectively mitigate potential sediment impairment of receiving waters. As part of the proposed project, the AOC contractor will develop and implement the spill prevention and control program to minimize the potential for and effects from spills of hazardous, toxic or petroleum substances during construction of the proposed project. In addition, the federal reportable spill quantity for petroleum products, as defined in 40 CFR 110, is any oil spill that would do any of the following:

- Violates applicable water quality standards
- Causes a film or sheen on, or discoloration of, the water surface or adjoining shoreline
- Causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines

If a spill occurs, the contractor's superintendent would notify the AOC, and the contractor would take action to contact the appropriate safety and clean-up crews to ensure that the SWPPP or BMP Handbook is followed. A written description of reportable releases would be submitted to the CVRWQCB by the contractor. This spill report submittal would be required to contain a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases.

If an appreciable spill occurs and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis would be performed to the specifications of the applicable regulatory agency, such as the Department of Toxic Substance Control (DTSC), to identify the likely cause of contamination. This analysis would include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the contractor would select and implement measures to control contamination, with a performance standard that surface and/or groundwater quality must be returned to baseline conditions. These measures would be subject to approval by the RWQCB. Implementation of the SWPPP and BMPs outline in the BMP Handbook for construction would comply with state and federal water quality regulations and reduce the impact to a less-than-significant level.

Mitigation Measure 4.7-1

No mitigation is required.

Impact 4.7-2	**Operation of the Proposed Project Would Generate New Sources and Volumes of Polluted Runoff That Could Violate Water Quality Standards or Waste Discharge Requirements for Receiving Waters.** Construction of the proposed project at either the Existing Courthouse/Temporary Court sites or the Cement Hill site would result in varying levels of increased impermeable surfaces and increased areas dedicated to parking lots. This would be a less-than-significant impact.

The proposed project at either site would result in a net increase in impervious surfaces after the existing uses are removed and the courthouse and parking lots have been constructed, although the increase would be greater at the Cement Hill site. As such, operation of the proposed project would increase stormwater and non-stormwater (landscape irrigation) runoff entering Deer Creek and ultimately the Sacramento River compared to existing conditions. The post-project runoff would contain varying types and amounts of chemical constituents typical of urban runoff, which are ultimately conveyed to the Sacramento River during large storm events. Pollutants likely to occur in stormwater from the site include the target pollutants such as pesticides, metals, and fecal coliform, among other urban pollutants.

State and federal programs require BMPs to be implemented by developers, property owners, and public agencies engaged in new development or redevelopment activities. Activities include parking areas over 10,000 square feet (sf); the proposed project would construct up to 73,500 sf of new parking. The intent of incorporating BMPs in new private development and public capital projects is to prevent any net detrimental change in runoff quantity or quality resulting from new development and redevelopment. Runoff reduction control measures should be implemented according to the New Development and Redevelopment Handbook (California Stormwater Quality Association, 2004), which provides general guidance for selecting and implementing BMPs to reduce pollutants in runoff in newly developed areas and redeveloped areas to waters of the State. The New Development and Redevelopment Handbook also provides guidance on developing project-specific stormwater management plans including selection and implementation of BMPs for a particular development or redevelopment project.

American Rivers – a conservation organization founded in 1973 – received a grant from the SWRCB in 2010 to develop a stormwater management plan in the Yuba River watershed. The project is intended to construct green infrastructure stormwater management demonstration facilities to reduce sediment and pollutants in the Yuba River. American Rivers has installed two rain gardens and a bioswale that capture and filter over three million gallons of stormwater runoff each year from two acres of parking lots. These green infrastructure installations remove pollution and sediment that would otherwise flow downstream. One of these is located at the Government Center, on the proposed Temporary Court site; this facility currently receives stormwater and grows vegetables for the jail. The rain garden and bioswale may need to be relocated to accommodate the temporary criminal court, based on current test fit Diagrams (see Chapter 3, Project description). The courthouse project would need to relocate any portions of this demonstration facility removed by the temporary court buildings, and connect the courthouse drainage system to this relocated facility.

Overall, the project must meet local, state and federal requirements that include implementation of BMPs (structural and non-structural) that are best suited to maximize reduction of the pollutants of concern. These requirements are specifically designed to protect downstream beneficial uses. Therefore, impacts on the volume and quality of runoff as a result of the proposed project would be less than significant.

Mitigation Measure 4.7-2

No mitigation is required.

Impact 4.7-3 **Implementation of the Proposed Project Could Adversely Affect Groundwater Quality, the Rate and Direction of Groundwater Flow, or Interfere with Groundwater Recharge.** The groundwater table varies between 10-56 feet bgs at the project sites. There are no plans for pile driving or excavation to this depth at either site that would reach groundwater. In addition, groundwater is not utilized for municipal uses in the City. Impacts to groundwater would be less than significant.

Because of the presence of shallow groundwater (as high as 10 ft bgs), some construction activities such as footings could potentially reach a depth that can expose the water table, in which case a direct path to the groundwater basin could become available for contaminants to enter the groundwater. Depending on the volume and characteristics of the discharge, coverage under the General Dewatering Permit is permissible. As part of the permit, the permittee will design and implement measures as necessary so that the discharge limits identified in the relevant permit are met. As a performance standard, these measures will be selected to control pollutant discharges using best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards.

Primary contaminants that could reach the groundwater would include oil, grease, and construction-related hazardous materials. In addition, discharge of project-related dewatering effluent could result in the release of contaminants to surface water. These impacts are considered potentially significant, but implementation of the NPDES General Dewatering Permit along with conformance with the provisions for dewatering would ensure that these impacts would be less than significant.

The groundwater under the project sites is not connected to the City's municipal water system, and neither site would use groundwater as a water supply. However, the proposed project would increase the amount of impervious surfaces by up to 2.47 acres and hence would reduce the ability for precipitation to percolate to the aquifer, thereby reducing groundwater recharge. This reduction is not considered a substantial concern because aquifer recharge in this area is driven primarily by deep percolation from local waterways, such as Deer Creek. Therefore, impacts on groundwater supplies are considered less than significant.

Mitigation Measure 4.7-3

No mitigation is required.

Impact 4.7-4 **The Proposed Project Could Expose People or Structures to an Increased Risk from Flooding.** No habitable improvements are proposed in a 100-year flood plain for either the Existing Courthouse/Temporary Court sites or the Cement Hill site. This would be a less-than-significant impact.

The potential project sites are located within areas designated as Zone X. This zone is applied to areas of the City that have at least 100-year flood protection (protection from a flood with a 1.0% chance of occurring in any year). No habitable improvements are proposed within a 100-year flood plain. Failure of the Scott's Flat Dam levee, located to the northeast, could flood areas of the County east of Nevada City. However, Scott's Flat Dam is not located within an historical seismic zone and since Nevada City is within the lowest earthquake intensity zone in California, the risk associated with inundation is considered low. In addition, both potential court sites are located within or west of the City.

The project would not expose people and/or property to the risk of injury and damage in the event of a 100-year flood, thus exposure to flood hazard areas would be less than significant.

Mitigation Measure 4.7-4

No mitigation is required.

Impact 4.7-5	**Construction of the Proposed Project Could Cause a Change in Drainage Patterns.** **Existing Courthouse /Temporary Court Sites.** There proposed project would tie into existing municipal drainage systems. This would be a less-than-significant impact. **Cement Hill Site.** All drainage on Cement Hill currently flows to on-site natural drainages. The proposed project would construct new drainage systems for the courthouse and parking facilities. This would be a **potentially significant** impact.

Existing Courthouse/Temporary Court Sites

There are existing municipal drainage systems that the proposed project would connect to in the downtown location, and the minimal increase in impervious surface at the 215 Washington Street parking would have a negligible effect on Deer Creek flows. The existing drainage system for the Correctional Facility may need to be relocated, but the temporary site would be connected to that system upon relocation.

As noted above, state and federal programs require BMPs to be implemented by developers, property owners, and public agencies engaged in new development or redevelopment activities. Typical California municipal permit thresholds for treatment BMPs include parking lots and road projects greater than 5,000 sf, and new and redevelopment projects above one acre or 10,000 square feet of impervious area. Thus the proposed project at this site must provide both source and area controls for the project. Requirements of the permit include:

- A list of source control (both non-structural and structural) BMPs and treatment control BMPs to be included or considered
- Specific water quality design volume and/or water quality design flow rate for treatment control BMPs
- A requirement for flow control BMPs when there is potential for downstream erosion
- Adopt a standard model or template for identifying and documenting selected BMPs including a plan for long-term operations and maintenance of BMPs

Compliance with the NPDES Stormwater Permit would ensure the project results in a less-than-significant impact.

Mitigation Measure 4.7-5a – Existing Courthouse/Temporary Court Sites

No mitigation is required.

Cement Hill Site

The proposed project at the Cement Hill site would construct new stormwater systems for the courthouse and parking facilities. All drainage on Cement Hill currently flows to on-site natural drainages. Drainage within the vicinity generally follows surface topography and flows to the southwest-southeast towards Deer Creek located approximately 0.5 mile south of the Cement Hill site. All drainage flows from the site under SR-49 via culverts to

drainages to the south. Although drainage would be redirected from the project site, this drainage would be directed to the existing drainages on the site to the west, and under SR-49.

As noted above, state and federal programs require BMPs to be implemented by developers, property owners, and public agencies engaged in new development or redevelopment activities. Typical California municipal permit thresholds for treatment BMPs include parking lots and road projects greater than 5,000 sf and new and redevelopment projects above one acre or 10,000 square feet of impervious area. Thus the proposed project must provide both source and area controls for the project. Requirements of the permit include:

- A list of source control (both non-structural and structural) BMPs and treatment control BMPs to be included or considered
- Specific water quality design volume and/or water quality design flow rate for treatment control BMPs
- A requirement for flow control BMPs when there is potential for downstream erosion
- Adopt a standard model or template for identifying and documenting selected BMPs including a plan for long-term operations and maintenance of BMPs

There are currently no on-site drainages in the portion of the site identified as "buildable" on Exhibit 4.6-8 (Section 4.6, Cultural Resources, page 4.6-25). If the project is constructed in this area, site drainage would be delivered to existing drainages. If other areas of the site are subject to construction, there would be a **potentially significant** change in drainage patterns on the site that could affect upstream uses.

Mitigation Measure 4.7-5b – Cement Hill Site

Implement Mitigation Measure 4.4-2b – Cement Hill Site (refer to Section 4.4, Cultural Resources), which includes the following:

- *A minimum 30-foot buffer shall be provided along the east side of the ravine and a minimum 20-foot buffer from the south side of Hirschman's Trail. All construction of the courthouse and parking facilities shall occur to the east and south of this buffer.*

Significance after Mitigation

The proposed mitigation measure focuses development on the Cement Hill site to an area that contains no drainages or wetlands. The change in drainage patterns would be less than significant.

Impact 4.7-6 **The Proposed Project Could Cumulatively Contribute to a Degradation of the Quality of Receiving Water Bodies.** Federal and state erosion and pollution control requirements pursuant to NPDES permits would protect Deer Creek and downstream water bodies from a cumulatively considerable increase in pollutants. This would be a less-than-significant cumulative impact for either project site.

Construction activities associated with the proposed project would result in land-disturbing activities such as grading, excavation, and trenching for utility and infrastructure installation. Ongoing operations on the parking facilities would contribute pollutants to storm waters. However, federal and state controls have significantly increased requirements over the last 10 years to ensure sediments and pollutants are filtered on-site and are not transported to Deer Creek and downstream drainages and water bodies. Therefore, compliance with NPDES requirements will ensure cumulative impacts to receiving water bodies will be less-than-cumulatively significant.

Mitigation Measure 4.7-6

No mitigation is required.

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4.8 Noise

Draft Environmental Impact Report
New Nevada City Courthouse

4.8 NOISE

This section includes a description of acoustic fundamentals and the existing noise environment, a summary of applicable regulations, and analyses of potential short- and long-term noise impacts of the proposed project. This section addresses sensitive receptors that could be affected by the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse (201 Church Street, Nevada City) with a Temporary Court site or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City), and recommends mitigation measures to reduce or eliminate significant impacts.

Comments were received in response to the Notice of Preparation (NOP) review period regarding short-term construction noise and vibration impacts on adjacent structures, and long-term operational noise on neighboring residential uses. These comments are included in Appendix B.

4.8.1 EXISTING SETTING

ACOUSTIC FUNDAMENTALS

Acoustics is the scientific study that evaluates perception, propagation, absorption, and reflection of sound waves. Sound is a mechanical form of radiant energy, transmitted by a pressure wave through a solid, liquid, or gaseous medium. Sound that is loud, disagreeable, unexpected, or unwanted is generally defined as noise. Common sources of environmental noise and noise levels are presented in Table 4.8-1.

Table 4.8-1 Typical Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	110	Rock band
Jet flyover at 1,000 ft	100	
Gas lawnmower at 3 ft	90	
Diesel truck moving at 50 mph at 50 ft	80	Food blender at 3 ft, Garbage disposal at 3 ft
Noisy urban area, Gas lawnmower at 100 ft	70	Vacuum cleaner at 10 ft, Normal speech at 3 ft
Commercial area, Heavy traffic at 300 ft	60	
Quiet urban daytime	50	Large business office, Dishwasher in next room
Quiet urban nighttime	40	Theater, Large conference room (background)
Quiet suburban nighttime	30	Library, Bedroom at night, Concert hall (background)
Quiet rural nighttime	20	Broadcast/Recording Studio
	10	
Threshold of Human Hearing	0	Threshold of Human Hearing

Notes: dB=A-weighted decibels; mph=miles per hour; ft=feet

Source: Caltrans 2009

Sound Properties

A sound wave is initiated in a medium by a vibrating object (e.g., vocal chords, the string of a guitar, the diaphragm of a radio speaker). The wave consists of minute variations in pressure, oscillating above and below

the ambient atmospheric pressure. The number of pressure variation cycles occurring per second is referred to as the frequency of the sound wave and is expressed in hertz.

Directly measuring sound pressure fluctuations would require the use of a very large and cumbersome range of numbers. To avoid this and have a more useable numbering system, the decibel (dB) scale was introduced. A sound level expressed in decibels is the logarithmic ratio of two like pressure quantities, with one pressure quantity being a reference sound pressure. For sound pressure in air the standard reference quantity is generally considered to be 20 micropascals, which directly corresponds to the threshold of human hearing. The use of the decibel is a convenient way to handle the million-fold range of sound pressures to which the human ear is sensitive. A decibel is logarithmic; it does not follow normal algebraic methods and cannot be directly summed. For example, a 65 dB source of sound, such as a truck, when joined by another 65 dB source results in a sound amplitude of 68 dB, not 130 dB (i.e., doubling the source strength increases the sound pressure by 3 dB). A sound level increase of 10 dB corresponds to 10 times the acoustical energy, and an increase of 20 dB equates to a 100 fold increase in acoustical energy.

The loudness of sound perceived by the human ear depends primarily on the overall sound pressure level and frequency content of the sound source. The human ear is not equally sensitive to loudness at all frequencies in the audible spectrum. To better relate overall sound levels and loudness to human perception, frequency-dependent weighting networks were developed. The standard weighting networks are identified as A through E. There is a strong correlation between the way humans perceive sound and A-weighted sound levels (dBA). For this reason the dBA can be used to predict community response to noise from the environment, including noise from transportation and stationary sources. Sound levels expressed as dB in this section are A-weighted sound levels, unless noted otherwise.

Noise can be generated by a number of sources, including mobile sources (i.e., transportation – such as automobiles, trucks, and airplanes) and stationary sources (i.e., non-transportation – such as construction sites, machinery, and commercial and industrial operations). As acoustic energy spreads through the atmosphere from the source to the receiver, noise levels attenuate (i.e., decrease) depending on ground absorption characteristics, atmospheric conditions, and the presence of physical barriers. Noise generated from mobile sources generally attenuates at a rate of 3-4.5 dB per doubling of distance. Stationary noise sources spread with more spherical dispersion patterns attenuate at a rate of 6 to 7.5 dB per doubling of distance.

Atmospheric conditions such as wind speed, turbulence, temperature gradients, and humidity may additionally alter the propagation of noise and affect levels at a receiver. Furthermore, the presence of a large object (e.g., barrier, topographic features, and intervening building façades) between the source and the receptor can provide significant attenuation of noise levels at the receiver. The amount of noise level reduction (i.e., shielding) provided by a barrier primarily depends on the size of the barrier, the location of the barrier in relation to the source and receivers, and the frequency spectra of the noise. Natural (e.g., berms, hills, and dense vegetation) and human-made features (e.g., buildings and walls) may be used as noise barriers.

All buildings provide some exterior-to-interior noise reduction. A building constructed with a wood frame and a stucco or wood sheathing exterior typically provides a minimum exterior-to-interior noise reduction of 25 dB with its windows closed, whereas a building constructed of a steel or concrete frame, a curtain wall or masonry exterior wall, and fixed plate glass windows of one-quarter-inch thickness typically provides an exterior-to-interior noise reduction of 30–40 dB with its windows closed (Paul S. Veneklasen & Associates 1973, cited in Caltrans, 2002).

Common Noise Descriptors

The intensity of environmental noise fluctuates over time, and several different descriptors of time-averaged noise levels are used. The selection of a proper noise descriptor for a specific source depends on the spatial and temporal distribution, duration, and fluctuation of both the noise source and the environment. The noise descriptors most often in relation to the environment are defined below (Caltrans, 2009).

- Equivalent Noise Level (L_{eq}): The equivalent steady-state noise level in a stated period of time that would contain the same acoustic energy as the time-varying noise level during the same period (i.e., average noise level).
- Maximum Noise Level (L_{max}): The highest instantaneous noise level during a specified time period.
- Minimum Noise Level (L_{min}): The lowest instantaneous noise level during a specified time period.
- Day-Night Noise Level (L_{dn}): The 24-hour L_{eq} with a 10 dB penalty applied during the noise-sensitive hours from 10 p.m. to 7 a.m., which are typically reserved for sleeping.
- Community Noise Equivalent Level (CNEL): Similar to the L_{dn} described above with an additional 5 dB penalty applied during the noise-sensitive hours from 7 p.m. to 10 p.m., which are typically reserved for relaxation, conversation, reading, and watching television.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the L_{eq} descriptor listed above, which corresponds to a steady-state A-weighted sound level containing the same total energy as a time-varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptors such as L_{dn} and CNEL, as defined above, and shows very good correlation with community response to noise.

Effects of Noise on Humans

Excessive and chronic exposure to elevated noise levels can result in auditory and non-auditory effects on humans. Auditory effects of noise on people are those related to temporary or permanent hearing loss caused by loud noises. Non-auditory effects of exposure to elevated noise levels are those related to behavioral and physiological effects. The non-auditory behavioral effects of noise on humans are associated primarily with the subjective effects of annoyance, nuisance, and dissatisfaction, which lead to interference with activities such as communications, sleep, and learning. The non-auditory physiological health effects of noise on humans have been the subject of considerable research attempting to discover correlations between exposure to elevated noise levels and health problems, such as hypertension and cardiovascular disease. The majority of research indicates that noise-related health issues are predominantly the result of behavioral stressors and not a direct noise-induced response. The extent to which noise contributes to non-auditory health effects remains a subject of considerable research, with no definitive conclusions.

The degree to which noise results in annoyance and interference is highly subjective and may be influenced by several non-acoustic factors. The number and effect of these non-acoustic environmental and physical factors vary depending on individual characteristics of the noise environment such as sensitivity, level of activity, location, time of day, and length of exposure. One key aspect in the prediction of human response to new noise environments is the individual level of adaptation to an existing noise environment. The greater the change in the noise levels that are attributed to a new noise source, relative to the environment an individual has become accustomed to, the less tolerable the new noise source will be perceived.

With respect to how humans perceive and react to changes in noise levels, a 1 dB increase is imperceptible, a 3 dB increase is barely perceptible, a 6 dB increase is clearly noticeable, and a 10 dB increase is subjectively

perceived as approximately twice as loud (Egan, 2007). These subjective reactions to changes in noise levels was developed on the basis of test subjects' reactions to changes in the levels of steady-state pure tones or broad-band noise and to changes in levels of a given noise source. It is probably most applicable to noise levels in the range of 50 to 70 dB, as this is the usual range of voice and interior noise levels. For these reasons, a noise level increase of 3 dB or more is typically considered substantial in terms of the degradation of the existing noise environment.

Negative effects of noise exposure include physical damage to the human auditory system, interference, and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is caused by sustained exposure to moderately high noise levels over a period of time; traumatic hearing loss is caused by sudden exposure to extremely high noise levels over a short period. Gradual and traumatic hearing loss both may result in permanent hearing damage. In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous. Noise may also be a contributor to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases depends on the frequency, bandwidth, and level of the noise, and the exposure time (California Department of Transportation (Caltrans), 2009).

Vibration

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may also be continuous (e.g., operating factory machinery) or transient in nature (e.g. explosions). Vibration levels can be depicted in terms of amplitude and frequency, relative to displacement, velocity, or acceleration.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (Federal Transit Administration (FTA), 2006; Caltrans, 2004). PPV and RMS vibration velocity are normally described in inches per second (in/sec).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a 1-second period. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA, 2006). This is based on a reference value of microinch per second (µin/sec).

The typical background vibration-velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA, 2006).

Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. Construction activities can

generate groundborne vibrations, which can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA, 2006).

Construction vibrations can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations result from vibratory pile drivers, large pumps, and compressors. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment. Table 4.8-2 describes the general human response to different levels of groundborne vibration-velocity levels.

Table 4.8-2 Human Response to Different Levels of Groundborne Noise and Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Notes: VdB = vibration decibels referenced to 1 inch/second and based on the root mean square (RMS) velocity amplitude.

Source: FTA 2006

EXISTING ENVIRONMENT

Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, schools, historic sites, cemeteries, and recreation areas are also generally considered sensitive to increases in exterior noise levels. Places of worship and transit lodging, and other places where low interior noise levels are essential are also considered noise-sensitive. Those noted above are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance. Existing noise- and vibration-sensitive land uses are discussed separately below for each potential project site.

Existing Courthouse Site

The Existing Courthouse Site is located at 201 Church Street in Nevada City. The existing site, which includes the courthouse and courthouse annex, is almost one-acre. The existing site would include the following two adjacent sites: 1) 215 Washington Street; and 2) the county-owned surface parking lot located at the northeast corner of Main and Washington streets. With these additional two sites the Existing Courthouse site totals approximately 1.83 acres.

The Existing Courthouse site is surrounded by various noise-sensitive uses (e.g., office, school, church, library, and residential uses). Additionally, the Existing Courthouse is located within the Nevada City Historical District and the Nevada City Downtown National Register District. There are several listed historic structures in the near vicinity (e.g., the Nevada First Baptist Church to the east, the Doris Foley Historical Research Library to the south, and the Searls Historical Library to the west). Exhibit 4.8-1 shows noise monitoring locations used for this EIR analysis of the Existing Courthouse site.

Source: The Ervin Consulting Group; j.c. brennan & associates, Inc, 2011

Exhibit 4.8-1 **Noise Monitoring Locations – Existing Courthouse**

Temporary Court Site

The Temporary Court site, at the Nevada County Government Center (Government Center), would consist of prefabricated modular buildings to house the court functions on two sides of the Wayne Brown Correctional Facility (Correctional Facility) if a Downtown courthouse is constructed. Residential uses are located south of SR-49 and east of the intersection of SR-49 and West Broad Street. There are no known historic structures in the immediate vicinity of the Temporary Court site.

Cement Hill Site

The Cement Hill site is located at the northwest corner of Cement Hill/SR-49 in Nevada City. This property includes vacant land and one small residence. The vacant land consists of a 2.2-acre privately-owned corner parcel and a five-acre parcel currently owned by the City. The site is directly across the street from the Correctional Facility.

Sensitive uses in the immediate vicinity of the Cement Hill site include residential uses to the north along Cement Hill and Wet Hill Road. Residential uses are also located south of SR-49 both west and east of the intersection of SR-49 and West Broad Street. There are no known historic structures in the immediate vicinity of the Cement Hill site. Exhibit 4.8-2 shows noise monitoring locations used in this analysis for the Cement Hill project site.

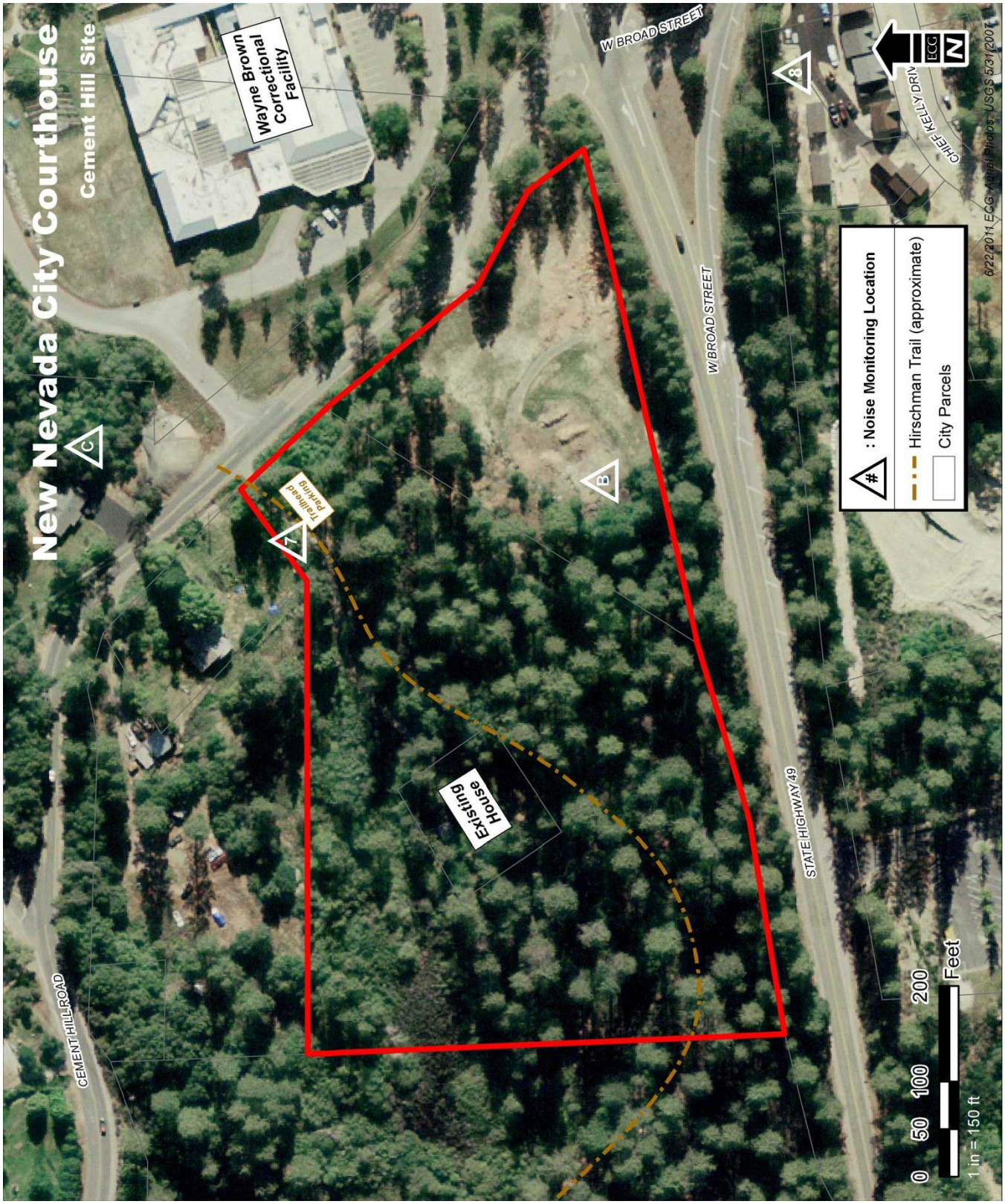
An ambient noise survey of both sites was conducted by j.c. brennan & associates, Inc. on April 11-12, 2011 (the results are available in Appendix F of this Draft EIR). The purpose of the survey was to establish existing noise conditions in the vicinity of the project sites. Short-term (i.e., 15 minute) noise measurements and continuous (24-hour) sound level monitoring were taken at locations around the project sites. Noise level measurements were taken in accordance with American National Standards Institute (ANSI) standards using a Larson Davis Laboratories (LDL) Model 820 and 824 precision integrating sound level meters (SLM):

- **Existing Courthouse Site**. Short-term (i.e., 15 minute) noise measurements were taken at five locations around the Existing Courthouse site. Additionally, a continuous (24-hour) sound level monitoring location was conducted at 407 Winter Street, immediately north of the Existing Courthouse site.
- **Cement Hill/Temporary Court Sites**. Short-term (i.e., 15 minute) noise measurements were taken at two locations around the Cement Hill/ Temporary Court sites. Additionally, a continuous (24-hour) sound level monitoring was conducted at 120 ft to centerline of SR-49 on the Cement Hill site, and at 10134 Cement Hill Road.

Refer to Table 4.8-3, below, for a summary of the measurement data. Attachment A of Appendix F provides the complete hourly results of the continuous noise monitoring.

To predict existing noise levels due to traffic, the Federal Highway Administration Highway (FHWA) Traffic Noise Prediction Model (FHWA RD-77-108) was used. The model is based upon the Calveno reference noise factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions.

Traffic volumes for existing conditions were obtained from DKS Associates in the form of peak-hour intersection movements. The a.m. peak-hour traffic volumes were compiled into segment volumes and converted into daily traffic volumes using a factor of 10. Truck usage and vehicle speeds on the local area roadways were estimated from field observations and Caltrans where available.



Source: The Ervin Consulting Group; j.c. brennan & associates, Inc, 2011

Exhibit 4.8-2 **Noise Monitoring Locations – Cement Hill Site**

Table 4.8-3 Summary of Existing Ambient Noise Level Measurements

Existing Site								
Short-Term								
Location Description		**dB – Daytime: April 12, 2011**						**Primary Sources**
		L_{50}	L_{eq}	L_{max}				
Site 1: Sidewalk across from 108 Court Street		55	57	67				SR-49 traffic, parking lot noise from existing court parking.
Site 2: In front of 414 Main Street		50	51	65				Traffic on Main Street, pedestrians, distant SR-49 traffic.
Site 3: West end of parking lot at Street Canice Catholic Church (317 Washington Street)		55	56	62				SR-49 traffic.
Site 4: In front of Nevada City First Baptist (300 Main Street)		57	58	68				SR-49 traffic. Church bells.
Site 5: NE corner of Washington Street and North Pine Street		51	56	72				Traffic on Washington and North Pine Street, pedestrians, distant SR-49 traffic.
Site 6: West side of North Pine Street at Church Street		50	54	70				Traffic on North Pine Street, pedestrians, distant SR-49 traffic, birds.
Long-Term								
Location Description	**dB, Ldn**	**dB - Daytime**			**dB - Nighttime**			**Primary Sources**
		L_{50}	L_{eq}	L_{max}	L_{50}	L_{eq}	L_{max}	
Site A: Front yard of 407 Winter Street	58	49	55	71	41	50	60	Elementary school playground, traffic noise.

Cement Hill / Temporary Court Sites								
Short-Term								
Location Description		**dB – Daytime: April 12, 2011**						**Primary Sources**
		L_{50}	L_{eq}	L_{max}				
Site 7: Northwest corner of site at residential property line.		45	48	60				Traffic on Cement Hill, distant SR-49, distant chain saw, birds.
Site 8: Multi-family residential at Chief Kelly Drive and West Broad Street		54	57	68				SR-49 and West Broad Street traffic noise.
Long-Term								
Location Description	**dB, Ldn**	**dB - Daytime**			**dB - Nighttime**			**Primary Sources**
		L_{50}	L_{eq}	L_{max}	L_{50}	L_{eq}	L_{max}	
Site B: Project Site – 120 ft to centerline of SR-49	64	60	64	77	38	55	71	Traffic on SR-49
Site C: 10134 Cement Hill Road	52	48	51	67	39	44	60	Traffic on SR-49 and Cement Hill, Temporary Court parking and circulation.

Notes: dB = A-weighted decibels; SR=State Route; L_{dn} = day-night noise level; L_{eq} = energy-equivalent noise level; L_{max} = maximum noise level; L_{50}= median noise level; ft=feet

Source: j.c. brennan & associates, Inc., 2011.

Please note that the modeling conducted does not account for any natural or human-made shielding (e.g., the presence of vegetation, berms, walls, or buildings) and consequently, represents worst-case noise levels. However, based on field observations, there is a direct line-of-sight from the project to surrounding land uses.

SOURCES AND AMBIENT LEVELS

Table 4.8-4 summarizes the modeled existing traffic noise levels at 50-100 feet from the centerline of each major roadway in the project vicinity and lists distances from each roadway centerline to the 65 dB, 60 dB, and 55 dB CNEL/L_{dn} traffic noise contours. Traffic noise modeling results are based on existing average daily traffic (ADT) volumes and speeds from the project-specific traffic report analysis and assumes no natural or human-made shielding (e.g., vegetation, berms, walls, buildings). The extent to which existing land uses in the project vicinity are affected by existing traffic noise depends on their respective proximity to the roadways and their individual sensitivity to noise.

Usually, the most likely source of groundborne vibration in an urban setting is roadway truck and bus traffic. Trucks and buses typically generate groundborne vibration velocity levels of approximately 63 VdB, with maximum levels of approximately 72 VdB and 86 dBA (at 25 feet) associated with passing over bumps in the road and loaded trucks, respectively.

Table 4.8-4 Summary of Modeled Existing Traffic Noise Levels

Roadway	Segment	CNEL/L_{dn} (dB) at 50-100 feet from Roadway Centerline [a]	Distance (feet) from Roadway Centerline to CNEL/L_{dn}(dB)		
			70	65	60
SR-49	West of Cement Hill Road	60.0	21	46	100
SR-49	Cement Hill Road to Maidu Avenue	59.8	21	45	97
SR-49	Maidu Avenue to North Bloomfield Road	61.5	27	59	127
SR-49	North Bloomfield Road to Coyote Street	62.2	30	65	139
SR-49	Coyote Street to SR-20	62.5	32	68	147
Cement Hill Road	SR-49 to Project Site	53.3	4	8	18
West Broad Street	South of SR-49	54.8	4	10	20
West Broad Street	West of North Pine Street	57.6	7	16	35
West Broad Street	East of North Pine Street	56.0	6	13	27
Coyote Street	North of SR-20 Ramps	50.7	3	6	12
Coyote Street	South of SR-20 Ramps	53.1	4	8	17
Coyote Street	North of Washington Street	53.3	4	8	18
Coyote Street	South of Washington Street	53.7	4	9	19

Notes: CNEL = Community Noise Equivalent Level; dB = A-weighted decibels; L_{dn} = day-night average noise level

[a] Roadway centerline distance for SR- 49 is 100 feet. All other roadway traffic noise levels are calculated at 50 feet.

Source: Data modeled by j.c. brennan & associates, Inc. Traffic inputs from DKS Associates.

4.8.2 REGULATORY SETTING

Various private and public agencies have established noise guidelines and standards to protect citizens from potential hearing damage and other adverse physiological and social effects associated with noise. Applicable standards and guidelines are described below.

FEDERAL

The United States Environmental Protection Agency (EPA) Office of Noise Abatement and Control was originally established to coordinate federal noise control activities. After its inception, the EPA Office of Noise Abatement and Control issued the Federal Noise Control Act of 1972, establishing programs and guidelines to identify and address the effects of noise on public health, welfare, and the environment. In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at more local levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to state and local governments. However, noise control guidelines and regulations contained in EPA rulings in prior years remain in place by designated federal agencies where relevant.

STATE

The State of California (State) has adopted noise standards in areas of regulation not preempted by the federal government. State standards regulate noise levels of motor vehicles, sound transmission through buildings, occupational noise control, and noise insulation.

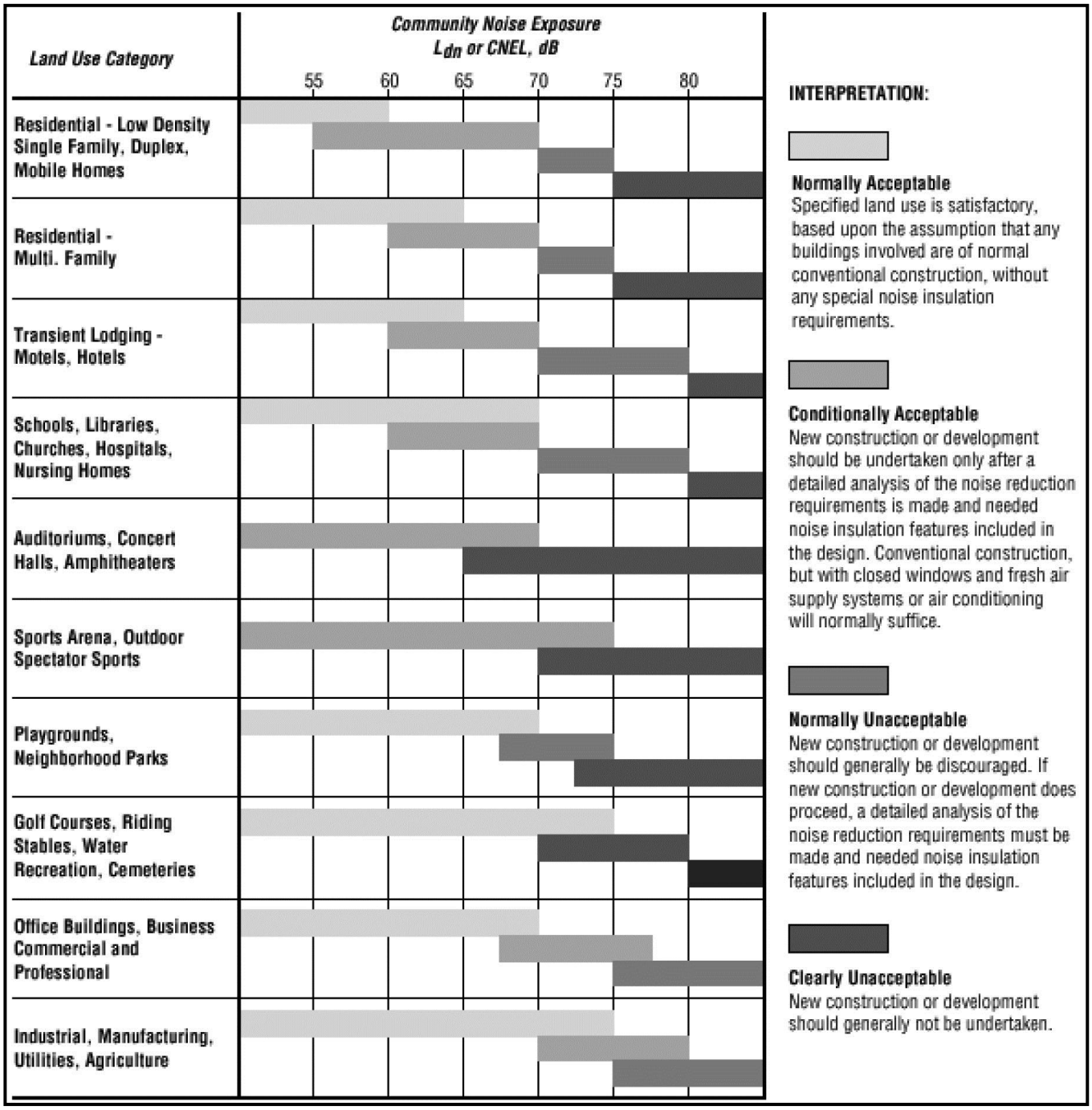
Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, establishes building standards applicable to all occupancies throughout the state. Title 24 provides acoustical regulations for both exterior-to-interior sound insulation as well as sound and impact isolation between adjacent spaces of various occupied units. Title 24 regulations state that interior noise levels generated by exterior noise sources shall not exceed 45 dB L_{dn}/CNEL, with windows closed, in any habitable room for general residential uses.

Though not adopted by law, the *State of California General Plan Guidelines 2003*, published by the California Governor's Office of Planning and Research (OPR), provides guidance for the compatibility of projects within areas of specific noise exposure. Exhibit 4.8-3 presents the City's table for acceptable and unacceptable community noise exposure limits for various land use categories based on the OPR guidelines. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

LOCAL

Nevada City General Plan 1980-2000

The objectives and policies set forth in the Nevada City General Plan 1980-2000 (General Plan) are not directly applicable to the proposed project. The Administrative Office of the Courts (AOC), as lead agency, considers these policies in determining whether the project's impacts are significant, and to inform the development of potential mitigation measures. The noise section of the Nevada City 1980-2000 General Plan Public Safety Chapter contains the following applicable goals and policies (Nevada City, 1986):



Source: State of California General Plan Guidelines, 2003

Exhibit 4.8-3 Land Use Compatibility for Community Noise Environments

Public Safety: Findings – Noise Exposure

The major noise generator in the City is traffic; noise exposure increases with traffic volume, unless measures are taken to shield uses adjacent to the traffic corridor.

Exhibit 4.8-3 sets out a Land Use Compatibility Chart for noise exposure, as recommended by state guidelines. To maintain noise levels within the "normally acceptable" range, single-family residential should not be exposed

to greater than 60 Ldn, hotel/motel to no greater than 65 dB Ldn, and office/commercial to no greater than 70 Ldn.

Public Safety: Objectives and Policies - Noise Exposure

Objective Maintain noise levels compatible with the rural and small-town setting of Nevada City

Policy Adopt the Land Use Compatibility Chart "normally acceptable range as a standard to be used in environmental evaluation of proposed uses.

Nevada City Municipal Code

The Nevada City Municipal Code (Municipal Code) Title 8 (Health and Safety), Chapter 8.20 (Noise Control), contains articles controlling construction and operational noise within the city limits. Sound limits are measured in dBA. Applicable sections are described below.

8.20.030 – Noise limits – Nighttime – Designated

A. Subject to the exceptions in Section 8.20.050 of this chapter, in the nighttime, no person shall make noise, nor allow an animal he keeps to make a noise exceeding the limits in this table:

Receiving Property	Source Property	Noise Limit (dBA)
Residential	Residential	55
Residential	Nonresidential	60
Nonresidential	All	70

B. For purposes of nighttime limits (with additional provisions in Section 8.20.050 of this chapter concerning noise in streets), noise is measured on the receiving property. If a different limit is specified in Section 8.20.040 of this chapter, no person shall make a noise louder than that limit.

8.20.040 – Noise limits – Nighttime – Specific exceptions

The following are specific nighttime noise limit exceptions applicable to the proposed project:

C. Garbage trucks operating in nonresidential zones;

D. Garbage trucks operating after six a.m. in residential zones;

I. Civil events, including charitable events conducted by private organizations, when the city council has given its permission and has set noise and time limits for the event;

J. In public parks and city buildings, private events with the approval of a city commission, board or official, when the approval sets noise and time limits for the event and is granted under authority delegated by ordinance or city council resolution.

8.20.050 – Measurement of street noise

When the source property is a street, no person shall make noise which, measured either on receiving property or twenty-five feet from the source, exceeds the limits set in Section 8.20.030 of this chapter.

8.20.060 – Noise limits – Daytime – Designated

Subject to the exceptions in Section 8.20.070 of this chapter, in the daytime, no person shall make noise louder than 75 dBA measured twenty-five feet from the source. If a different limit is specified in Section 8.20.070 of this chapter, no person shall make a noise louder than that limit.

8.20.070 – Noise limits – Daytime – Specific exceptions

The following are the specific daytime noise limit exceptions applicable to the proposed project:

A. Gardening and yard maintenance equipment, limited to 80 dBA, measured fifty feet from the source

C. Construction work, limited to 90 dBA, measured fifty feet from the source;

D. Chain saws, stump routers and brush clippers, limited to 90 dBA, measured fifty feet from the source;

J. Garbage trucks.

8.20.080 – General restrictions

The following noises are restricted to lower limits than specified in Sections 8.20.030 and 8.20.070 of this chapter: hum, whine or pure tone noise produced by an electrically powered device, limited to a maximum continuous noise level 5 dBA less than the applicable nighttime or daytime standards.

DETERMINATION OF A SIGNIFICANT INCREASE IN NOISE LEVELS

The California Environmental Quality Act (CEQA) guidelines define a significant impact of a project if it "increases substantially the ambient noise levels for adjoining areas."

Table 4.8-5 is based upon recommendations made in August 1992 by the Federal Interagency Committee on Noise (FICON) to provide guidance in the assessment of changes in ambient noise levels resulting from aircraft operations. The recommendations are based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by the noise. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, it has been asserted that they are applicable to all sources of noise described in terms of cumulative noise exposure metrics such as the L_{dn}.

Table 4.8-5 Significance of Changes in Cumulative Noise Exposure

Ambient Noise Level Without Project, L_{dn}	Increase Required for Significant Impact
<60 dBA	+5.0 dB or more
60-65 dBA	+3.0 dB or more
>65 dBA	+1.5 dB or more

Source: FICON, 1992

Based on Table 4.8-5, an increase in the traffic noise level of 1.5 dB or more would be significant where the ambient noise level exceeds 65 dB L_{dn}. The rationale for the Table 4.8-5 criteria is that, as ambient noise levels increase, a smaller increase in noise resulting from a project is sufficient to cause significant annoyance.

VIBRATION CRITERIA

CEQA states that the potential for any excessive groundborne noise and vibration levels must be analyzed; however, it does not define the term "excessive" vibration. Numerous public and private organizations and governing bodies have provided guidelines to assist in the analysis of groundborne noise and vibration; however, federal, state, and local governments have yet to establish specific groundborne noise and vibration requirements. The FTA and Caltrans have published the primary methodology used for the analysis of groundborne noise and vibration relating to transportation and construction-induced vibration.

With respect to structural damage, Caltrans recommends that a level of 0.2 in/sec PPV not be exceeded for the protection of normal residential buildings, and that 0.1 in/sec PPV not be exceeded for the protection of old or historically significant structures (Caltrans, 2004).

To address the human response to groundborne vibration, FTA has guidelines for maximum-acceptable vibration criteria for different types of land uses. These guidelines recommend 65 VdB referenced to µin/sec and based on the RMS velocity amplitude for land uses where low ambient vibration is essential for interior operations (e.g., hospitals, high-tech manufacturing, laboratory facilities); 80 VdB for residential uses and buildings where people normally sleep; and 83 VdB for institutional land uses with primarily daytime operations (e.g., schools, churches, clinics, offices) (FTA, 2006).

4.8.3 IMPACTS AND MITIGATION MEASURES

METHOD OF ANALYSIS

To assess potential short-term (construction-related) noise and vibration impacts, sensitive receptors and their relative exposure were identified. Project-generated construction source noise and vibration levels were determined based on methodologies, reference emission levels, and usage factors from the FTA Guide on Transit Noise and Vibration Impact Assessment methodology (FTA, 2006) and the FHWA Roadway Construction Noise Model User's Guide (FHWA 2006). Reference levels are noise and vibration emissions for specific equipment or activity types that are well documented and the usage thereof is common practice in the field of acoustics.

To assess potential long-term (operation-related) noise impacts due to project-generated increases in traffic the FHWA Highway Traffic Noise Prediction Model (FHWA, RD-77-108) was used. The model is based upon the Calveno reference noise factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions.

Traffic volumes for existing conditions were obtained from DKS Associates in the form of peak-hour intersection movements. The a.m. peak-hour traffic volumes were compiled into segment volumes and converted into daily traffic volumes using a factor of 10. Truck usage and vehicle speeds on the local area roadways were estimated from field observations and Caltrans where available.

Please note that the modeling conducted does not account for any natural or human-made shielding (e.g., the presence of vegetation, berms, walls, or buildings) and; consequently, represents worst-case noise levels. However, based on field observations, there is a direct line-of-sight from the project to many of the surrounding land uses.

With respect to non-transportation noise sources (e.g., stationary) associated with project implementation, the assessment of long-term (operational-related) impacts was based on reconnaissance data, existing documentation, reference noise emission levels, and standard attenuation rates and modeling techniques. As stated above, reference levels are noise emissions for specific equipment or activity types that are well documented and the usage thereof is common practice in the field of acoustics.

To evaluate relative significance, noise and vibration impacts were determined based on comparisons to applicable regulations and guidance provided by federal, state, and local agencies.

THRESHOLDS OF SIGNIFICANCE

In accordance with CEQA Guidelines Appendix G, the General Plan, and the Municipal Code, noise impacts are considered significant if implementation of the proposed project under consideration would result in any of the following:

- Exposure of persons to or generation of noise levels in excess of applicable standards (e.g., long-term exposure of nearby off-site sensitive receptors to increased stationary-source (non-transportation) noise levels from project operations that exceed the specified exterior noise levels. In the case of this project, the AOC is relying on those levels stated in 8.20 of the Municipal Code or increased transportation source noise levels that exceed the Table 4.8-5 thresholds.)
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (e.g., project-generated construction-related levels exceed Caltrans's recommended level of 0.2 in/sec PPV with respect to the prevention of structural damage for normal buildings [0.1 in/sec PPV for old or historically significant buildings] or FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses [i.e., annoyance] and 83 VdB for institutional uses, at nearby existing vibration-sensitive land uses; or if the project site would be located within FTA's screening level distances in regards to the exposure of the proposed project).
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (e.g., long-term exposure of nearby sensitive receptors to increased stationary or traffic source noise levels that exceed the thresholds shown in Table 4.8-5).
- A substantial temporary (or periodic) increase in ambient noise levels in the project vicinity above levels existing without the project.
- 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 expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of an active private airstrip, where the project would expose people residing or working in the project area to excessive noise levels.

ISSUES NOT DISCUSSED FURTHER

The potential project sites are not located within an airport land use plan or within the vicinity (i.e., two miles) of a public (including public use) airport or a private airstrip. Thus, the proposed project would not result in noise impacts related to the exposure of people residing or working in the project area to excessive aircraft-related noise levels. This issue is not discussed further in the EIR.

PROJECT IMPACTS AND MITIGATION

The proposed project includes two potential development sites for the proposed project: the Existing Courthouse site which would include a temporary court near the Correctional Facility, or the Cement Hill site.

For more details on the differences between each site, refer to Chapter 3, Project Description. Impacts and mitigation measures are identified below for each site, as applicable and appropriate.

Impact 4.8-1	**Long-Term Exposure of Existing Sensitive Receptors to Project-Generated Operational-Related Increases in Stationary Source Noise Levels.** Operation of the proposed project could result in increased noise levels from stationary-sources, including parking lots, which exceed the applicable standards (Municipal Code Section 8.20) at nearby off-site sensitive receptors at either of the potential project sites. Therefore, long-term on-site operation-related stationary-source noise could result in the generation of noise levels in excess of applicable standards or create a substantial permanent increase in ambient noise levels in the project vicinity without the proposed project. This impact is considered **potentially significant**.

On-Site Stationary Equipment – Both Sites

Implementation of the proposed project would include on-site stationary noise sources, including heating, ventilation, and air conditioning (HVAC) system(s) (e.g., electrical motors, pumps, air compressors, and fans). Without proper noise control or enclosure, such equipment could result in noise levels of more than 100 dBA at three feet from the source depending on the exact type and size (EPA 1971). Specifically, pumps could result in noise levels of more than 90 dBA at three feet, approximately 66 dBA L_{eq} at the nearest residences located approximately 50 feet from the Existing Courthouse site. Noise levels at the nearest residential located approximately 150 feet from the Cement Hill site would be approximately 56 dBA L_{eq}.

These levels would exceed the Nevada City applicable standard of 55 dB during nighttime hours, as stated in 8.20.030 of the Municipal Code. It is expected that on-site noise-generating stationary equipment would be shielded, enclosed, and/or placed on the building roof top, which would substantially reduce noise levels at the nearest residences by a minimum of 5-10 dBA. Use of modern sound attenuation design measures incorporated into the project design would reduce building stationary equipment to compliance with local noise standards. However, at this time no specific design information is available regarding mechanical equipment for the proposed project. Therefore, this impact is considered **potentially significant**.

Mitigation Measure 4.8-1a - On-Site Stationary Equipment

- *Mechanical equipment for the proposed project shall be designed and constructed to minimize sound exposure to existing sensitive receptors in the project vicinity and to comply with the noise standards of the Nevada City Municipal Code (Municipal Code). Equipment should be shielded from view by building parapets or sound barriers to reduce noise exposure. Mechanical rooms shall be fitted with sound attenuating louvers as applicable.*

Significance after Mitigation

Implementation of these mitigation measures would help to reduce the potential for an adverse reaction to on-site stationary noise sources. Therefore, this impact is considered less than significant after implementation of mitigation measures.

Parking Lots

Existing Courthouse Site

No major changes are proposed for existing parking lots serving the Existing Courthouse site. However, a new approximately 32 space parking lot would be constructed immediately north of the Courthouse at 215 Washington Street. The 215 Washington Street site is bounded by Washington, Main, and Winter streets. There are single-family residential uses to the west along Winter Street, and a multi-family building immediately to the north. The new parking facilities would be accessed off of Main Street. No parking access would be allowed onto Winter Street according to traffic Impact 4.9-6. Therefore, no increase in traffic noise levels would be expected along Winter Street. However increased noise levels could occur due to new parking lot circulation on the 215 Washington Street parcel.

Parking lot noise typically includes periods of conversation, doors slamming, engines starting and stopping and vehicle passage. j.c. brennan & associates, Inc. file data for parking lot activities was used to model the parking lot noise levels for the proposed new parking for the Existing Courthouse site. An average sound exposure level (SEL) of 71 dB at a distance of 50 feet was used to represent parking lot arrivals and departures. It was assumed that the parking lot could fill or empty in a peak hour.

Based upon these assumptions, the peak-hour L_{eq} value can be calculated as follows:

- L_{eq} = SEL + 10 log N_{eq} - 35.6, dB, where SEL is the mean SEL of the event, N_{eq} is the sum of the number of hourly events, and 35.6 is 10 times the logarithm of the number of seconds in an hour.

Based upon the calculation above, the predicted noise level due to parking lot activities is 50.5 dB L_{eq} at a reference distance of 50 feet. The nearest residential uses are located approximately 50 feet north and west of the center of the proposed parking lot. Therefore, peak-hour noise generation from the proposed new parking area is predicted to be approximately 51 dB L_{eq} at the nearest sensitive receptors.

This level would comply with the Nevada City applicable standard of 55 dB during nighttime hours, as stated in 8.20.030 of the Municipal Code and the Nevada City daytime standard of 75 dB at a distance of 25 feet. Parking operations at the Existing Courthouse site would have a less-than-significant impact on sensitive receptors.

Cement Hill Site

A project-level site plan is not available for the Cement Hill site at this time. However, the traffic study prepared for this project indicates that the a.m. peak-hour trip generation for the project is 150.

Parking lot noise typically includes periods of conversation, doors slamming, engines starting and stopping and vehicle passage. j.c. brennan & associates, Inc. file data for parking lot activities was used to model the parking lot noise environment for the Cement Hill project site. As noted above, an average SEL of 71 dB at a distance of 50 feet was used to represent parking lot arrivals and departures. It was assumed that the parking lot could fill or empty in a peak hour.

Based upon the peak-hour L_{eq} value calculation previously described above, the predicted noise level due to parking lot activities is 57.2 dB L_{eq} at a reference distance of 50 feet. A single family residential use is located immediately north of the Cement Hill site. It is estimated that from the center of a parking lot to the residential property line could be approximately 100 feet. Therefore, peak-hour noise generation from the proposed parking area is predicted to be approximately 51 dB L_{eq} at the nearest sensitive receptors. This level would comply with the Nevada City applicable standard of 55 dB during nighttime hours, as stated in 8.20.030 of the Municipal Code and the Nevada City daytime standard of 75 dB at a distance of 25 feet. Therefore, this impact is considered less than significant.

Mitigation Measure 4.8-1b – Parking Lots

No mitigation is required.

Impact 4.8-2 **Exposure of Existing Sensitive Receptors to Excessive Groundborne Vibration from Project-Related Activities.**

Existing Courthouse Site. Demolition, construction, and operation related project activities would potentially result in levels at the nearest sensitive land uses that exceed Caltrans's recommended level of 0.1 in/sec PPV with respect to the prevention of structural damage for old or historically significant buildings and FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses (i.e., annoyance) or 83 VdB for institutional uses (e.g. schools, churches, clinics, offices). Thus, implementation of the proposed project would result in the exposure of existing off-site sensitive receptors to excessive groundborne vibration or noise levels. Therefore, this impact is considered **significant**.

Cement Hill/Temporary Court Sites. Construction- and operational-related project activities would not result in levels at the nearest sensitive land uses that exceed Caltrans's recommended level of 0.2 in/sec PPV with respect to the prevention of structural damage for normal buildings or FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses (i.e., annoyance) or 83 VdB for institutional uses (e.g. schools, churches, clinics, offices). Thus, implementation of the proposed project would not result in the exposure of existing off-site sensitive receptors to excessive groundborne vibration or noise levels. Therefore, this impact is considered less than significant.

Existing Courthouse Site

Demolition and construction of the proposed project may result in varying degrees of temporary groundborne vibration and noise, depending on the specific construction equipment used and activities involved. Groundborne vibration and noise levels associated with various types of demolition and construction equipment and activities are summarized in Table 4.8-6. Based on the information provided in the project description and on the types of construction activities associated with the proposed project (e.g., site preparation, building erection) it is expected that maximum groundborne vibration and noise levels would be associated with the use of large dozers, drilling, or heavy construction trucks. It is not expected that pile driving would be required to construct the new courthouse.

Demolition activities are expected to generate vibration levels similar to other construction activities. It is expected that demolition would include the use of a crane, manlifts, hydraulic excavator, bobcats, and dump trucks. According to the FTA, levels associated with the use of a large dozer (or drilling) are 0.089 in/sec PPV and 87 VdB at 25 feet. Construction trucks are listed as 0.076 in/sec PPV and 86 VdB at 25 feet. Based on FTA's recommended procedure for applying a propagation adjustment to these reference levels, construction or demolition-related project activities could result in levels at the nearest sensitive land uses (i.e., Nevada First Baptist Church, Doris Foley Historical Research Library, and the Searls Historical Library) that exceed the Caltrans' recommended level of 0.2 in/sec PPV with respect to the prevention of structural damage for normal buildings, 0.1 in/sec PPV with respect to the prevention of structural damage for old or historically significant buildings or FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses (i.e., annoyance), and 83 VdB for Institutional uses (schools, churches, clinics, offices, other uses with primarily

daytime use). Table 4.8-7 shows potential construction or demolition-related vibration levels at nearby sensitive receptors.

Table 4.8-6 Representative Groundborne Vibration and Noise Levels for Construction Equipment

Equipment	PPV at 25 feet (in/sec) [a]	Approximate Lv (VdB) at 25 feet [b]
Blasting	1.13	109
Large Dozer	0.089	87
Caisson Drilling	0.089	87
Trucks	0.076	86
Rock Breaker	0.059	83
Jackhammer	0.035	79
Small Dozer	0.003	58

[a] PPV =peak particle velocity; [b] Lv=root mean square (RMS) velocity expressed in vibration decibels (VdB), assuming a crest factor of 4.

Source: FTA 2006

Based upon the Table 4.8-7 data, construction or demolition activity has the potential to exceed the 0.1 in/sec PPV vibration threshold with respect to the prevention of structural damage for old or historically significant buildings and the FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses and 83 VdB for institutional land uses.

Thus, implementation of the proposed project would result in the exposure of existing off-site sensitive receptors to excessive groundborne vibration levels. Therefore, this impact is considered ***significant***.

Mitigation Measure 4.8-2a - Existing Courthouse Site

- *Provide protective coverings or temporary shoring of on-site or adjacent historic features as necessary, in consultation with a qualified historian and structural engineer.*
- *The pre-existing condition of all buildings within a 50-foot radius shall be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 50-foot radius of construction activities susceptible to damage shall be documented (photographically and in writing) by the contractor prior to construction. All damage shall be repaired back to its pre-existing condition.*
- *If fire sprinkler failures are reported in surrounding buildings, the contractor shall provide monitoring during construction and repairs to sprinkler systems shall be provided.*
- *Should damage occur despite the above mitigation measures, construction operations shall be halted and the problem activity shall be identified. A qualified engineer shall establish vibration limits based on soil conditions and the types of buildings in the immediate area. The contractor shall monitor the buildings throughout the remaining construction period and follow all recommendations of the qualified engineer to repair any damage that has occurred to the pre-existing state, and to avoid any further structural damage.*
- *Construction or demolition trucks shall be prohibited from traveling on Church Street or North Pine Street to avoid the risk of vibration-related damage to historic buildings.*

Table 4.8-7 Potential Groundborne Vibration Levels – Existing Courthouse Site

Equipment	Distance[a]	PPV (in/sec)[b] (Threshold)	Approximate Lv (VdB)[c] (Threshold)
Existing Residential North of Courthouse			
Large Dozer	35	0.064 *(0.2)*	***84*** *(80)*
Caisson Drilling	35	0.064 *(0.2)*	***84*** *(80)*
Trucks	15	0.127 *(0.2)*	***90*** *(80)*
Historic Buildings West of Courthouse			
Large Dozer	40	0.056 *(0.1)*	*83 (83)*
Caisson Drilling	40	0.056 *(0.1)*	*83 (83)*
Trucks	15	***0.127*** *(0.1)*	***90*** *(83)*
Historic Buildings South of Courthouse			
Large Dozer	*25*	0.089 *(0.1)*	***87*** *(83)*
Caisson Drilling	*25*	0.089 *(0.1)*	***87*** *(83)*
Trucks	*10*	***0.190*** *(0.1)*	***94*** *(83)*
Historic Buildings East of Courthouse			
Large Dozer	*60*	0.037 *(0.1)*	79 *(83)*
Caisson Drilling	*60*	0.037 *(0.1)*	79 *(83)*
Trucks	*30*	0.063 *(0.1)*	***84*** *(83)*

[a] Distances are approximate and are measured at the closest distance from the project site to the adjacent sensitive structures. For trucks, the centerline of the nearest travel lane is assumed.

[b] PPV=peak particle velocity

[c] Lv=root mean square (RMS) velocity expressed in vibration decibels (VdB), assuming a crest factor of 4.

Source: FTA 2006

Significance after Mitigation

The mitigation measures provide for the identification and protection of historic buildings during demolition and construction activities, and would reduce the potential for vibration damage to adjacent structures to less-than-significant levels.

Cement Hill/Temporary Court Sites

As mentioned above, it is expected that maximum groundborne vibration and noise levels would be associated with the use of large dozers and drilling. According to FTA, levels associated with the use of a large dozer (or drilling) are 0.089 in/sec PPV and 87 VdB at 25 feet. Based on FTA's recommended procedure for applying a propagation adjustment to these reference levels, construction-related project activities would not result in levels at the nearest sensitive land uses to the north or south (150+ feet) that exceed Caltrans's recommended level of 0.2 in/sec PPV with respect to the prevention of structural damage for normal buildings or FTA's maximum acceptable level of 80 VdB with respect to human response for residential uses (i.e., annoyance) as shown in Table 4.8-8.

Table 4.8-8 Potential Groundborne Vibration Levels – Cement Hill / Temporary Court Sites

Equipment	Distance[a]	PPV (in/sec)[b] (Threshold)	Approximate Lv (VdB)[c] (Threshold)
Nearest Residences			
Large Dozer	*150*	0.015 *(0.2)*	71 *(80)*
Caisson Drilling	*150*	0.015 *(0.2)*	71 *(80)*
Trucks	*150*	0.013 *(0.2)*	70 *(80)*

[a] Distances are approximate and are measured at the closest distance from the project site to the adjacent sensitive structures. For trucks, the centerline of the nearest travel lane is assumed.

[b] PPV=peak particle velocity

[c] Lv=root mean square (RMS) velocity expressed in vibration decibels (VdB), assuming a crest factor of 4.

Source: FTA 2006

Please note that maximum groundborne vibration and noise levels from operational-related activities (e.g., buses or trucks) would be less than those discussed above for construction-related activities. Thus, implementation of the proposed project would not result in the exposure of existing off-site sensitive receptors to excessive groundborne vibration levels. Therefore, this impact is considered less than significant.

Mitigation Measure 4.8-2b – Cement Hill/Temporary Court Sites

No mitigation is required.

Impact 4.8-3 Long-Term Exposure of Existing Sensitive Receptors to Project-Generated Operational-Related Increases in Traffic Source Noise Levels.

Existing Courthouse/Temporary Court Sites. Because there is no change in staffing or number of courtrooms, most traffic changes related to the Existing Courthouse would occur during the temporary relocation of the courts to the Government Center. Implementation of the proposed project at the Existing Courthouse/Temporary Court sites would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project with regard to the long-term exposure of existing off-site sensitive receptors to project-generated operational-related increases in traffic source noise levels. Therefore, this impact is considered less than significant.

Cement Hill Site. Implementation of the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, with regard to the long-term exposure of existing off-site sensitive receptors to project-generated operational-related increases in traffic source noise levels. Therefore, this impact is considered less than significant.

Existing Courthouse/Temporary Court Sites

Project implementation at the Existing Courthouse site would result in an increase in ADT volumes on affected roadway segments during relocation of the courts to a temporary facility at the Government Center and, consequently, an increase in traffic source noise levels. To assess this impact, traffic noise levels associated with

the proposed project under Existing No Project and Plus Project conditions were predicted for affected roadway segments. Table 4.8-9 summarizes the modeled traffic noise levels at 50-100 feet from the roadway centerlines under Existing No Project and Existing Plus Project conditions, along with the overall net change. Table 4.8-10 summarizes the modeled traffic noise levels at 50 feet from the roadway centerlines under Future No Project and Future Plus Project conditions along with the overall net change.

As shown in Table 4.8-9, project implementation would result in increases of approximately 0.2-0.8 dB under Existing and Existing Plus Project conditions. As shown in Table 4.8-10, project implementation would result in increases of approximately 0.3-0.6 dB under Future and Future Plus Project conditions, even if the temporary court was still operating under 2030 conditions.

Thus, implementation of the proposed project at the Existing Courthouse site would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project with regard to the long-term exposure of existing off-site sensitive receptors to project-generated operational-related increases in traffic source noise levels. Therefore, this impact is considered less than significant.

Table 4.8-9 Summary of Modeled Traffic Noise Levels under Existing No Project and Existing Plus Project Conditions – Existing Courthouse & Temporary Court Sites

Roadway	Segment	CNEL/L_{dn} (dB) at 50 feet from Roadway Centerline		Net Change (dB)
		Existing (No Project) Conditions	Existing (Plus Project) Conditions	
SR-49	West of Cement Hill Road	60.0	60.5	0.5
SR-49	Cement Hill Road to Maidu Avenue	59.8	60.2	0.4
SR-49	Maidu Avenue to North Bloomfield Road	61.5	62.3	0.8
SR-49	North Bloomfield Road to Coyote Street	62.2	62.9	0.7
SR-49	Coyote Street to SR-20	62.5	63.1	0.6
Cement Hill Road	SR-49 to Project Site	53.3	53.3	0.0
West Broad Street	South of SR-49	54.8	54.7	0.5
West Broad Street	West of North Pine Street	57.6	57.6	0.0
West Broad Street	East of North Pine Street	56.0	56.0	0.0
Coyote Street	North of SR-20 Ramps	50.7	51.0	0.3
Coyote Street	South of SR-20 Ramps	53.1	53.3	0.2
Coyote Street	North of Washington Street	53.3	53.5	0.2
Coyote Street	South of Washington Street	53.7	53.7	0.0

Notes: CNEL = Community Noise Equivalent Level; dB = A-weighted decibels; L_{dn} = day-night average noise level

The net change may not be the exact difference between no project and plus project conditions due to rounding.

Source: Data modeled by j.c. brennan & associates, In. 2011.

Table 4.8-10 Summary of Modeled Traffic Noise Levels under Future No Project and Future Plus Project Conditions – Existing Courthouse & Temporary Court Sites

Roadway	Segment	CNEL/L_{dn} (dB) at 50 feet from Roadway Centerline		Net Change (dB)
		Future (No Project) Conditions	Future (Plus Project) Conditions	
SR-49	West of Cement Hill Road	61.6	61.9	0.3
SR-49	Cement Hill Road to Maidu Avenue	61.5	61.7	0.2
SR-49	Maidu Avenue to North Bloomfield Road	63.1	63.7	0.6
SR-49	North Bloomfield Road to Coyote Street	63.8	64.3	0.5
SR-49	Coyote Street to SR-20	63.7	64.8	0.5
Cement Hill Road	SR-49 to Project Site	51.1	51.1	0.0
West Broad Street	South of SR-49	55.3	55.3	0.0
West Broad Street	West of North Pine Street	57.9	57.9	0.0
West Broad Street	East of North Pine Street	56.4	56.4	0.0
Coyote Street	North of SR-20 Ramps	51.1	51.4	0.3
Coyote Street	South of SR-20 Ramps	53.7	53.9	0.2
Coyote Street	North of Washington Street	53.8	54.0	0.2
Coyote Street	South of Washington Street	54.8	54.8	0.0

Notes: CNEL = Community Noise Equivalent Level; dB = A-weighted decibels; L_{dn} = day-night average noise level

The net change may not be the exact difference between no project and plus project conditions due to rounding.

Source: Data modeled by j.c. brennan & associates, In. 2011.

Mitigation Measure 4.8-3a – Existing Courthouse/ Temporary Court Sites

No mitigation is required.

Cement Hill Site

Project implementation would result in an increase in ADT volumes on affected roadway segments and, consequently, an increase in traffic source noise levels. To assess this impact, traffic noise levels associated with the proposed project under Existing No Project and Plus Project conditions were predicted for affected roadway segments. Table 4.8-11 summarizes the modeled traffic noise levels at 50-100 feet from the roadway centerlines under Existing No Project and Existing Plus Project conditions along with the overall net change. Table 4.8-12 summarizes the modeled traffic noise levels at 50-100 feet from the roadway centerlines under Future No Project and Future Plus Project conditions along with the overall net change.

As shown in Table 4.8-11, project implementation would result in a maximum increase of approximately 0.3-3.5 dB under Existing and Existing Plus Project conditions. As shown in Table 4.8-12, project implementation would result in a maximum increase of approximately 0.3-3.3 dB under Future and Future Plus Project conditions.

Table 4.8-11 Summary of Modeled Traffic Noise Levels under Existing No Project and Existing Plus Project Conditions – Cement Hill Site

Roadway	Segment	CNEL/L_{dn} (dB) at 50 feet from Roadway Centerline		Net Change (dB)
		Existing (No Project) Conditions	Existing (Plus Project) Conditions	
SR-49	West of Cement Hill Road	60.0	60.5	0.5
SR-49	Cement Hill Road to Maidu Avenue	59.8	61.0	1.2
SR-49	Maidu Avenue to North Bloomfield Road	61.5	62.4	0.9
SR-49	North Bloomfield Road to Coyote Street	62.2	62.9	0.7
SR-49	Coyote Street to SR-20	62.5	63.1	0.6
Cement Hill Road	SR-49 to Project Site	53.3	56.8	3.5
West Broad Street	South of SR-49	54.8	54.7	0.5
West Broad Street	West of North Pine Street	57.6	57.6	0.0
West Broad Street	East of North Pine Street	56.0	56.0	0.0
Coyote Street	North of SR-20 Ramps	50.7	51.2	0.5
Coyote Street	South of SR-20 Ramps	53.1	53.4	0.3
Coyote Street	North of Washington Street	53.3	53.6	0.3
Coyote Street	South of Washington Street	53.7	53.7	0.0

Notes: CNEL = Community Noise Equivalent Level; dB = A-weighted decibels; L_{dn} = day-night average noise level

The net change may not be the exact difference between no project and plus project conditions due to rounding.

Source: Data modeled by j.c. brennan & associates, In. 2011.

It should be noted that the increase in traffic noise levels for Cement Hill Road is only predicted from SR-49 to the project entrance. Additionally, noise levels from Cement Hill Road would be approximately 54-57 dB Ldn at a distance of 50 feet from the centerline of Cement Hill Road. This level is less than the Nevada City acceptable exterior noise level of 60 dB Ldn for residential uses.

Thus, implementation of the proposed project at the Cement Hill site would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project with regard to the long-term exposure of existing off-site sensitive receptors to project-generated operational-related increases in traffic source noise levels. Therefore, this impact is considered less than significant.

Mitigation Measure 4.8-3b – Cement Hill

No mitigation is required.

Table 4.8-12 Summary of Modeled Traffic Noise Levels under Future No Project and Future Plus Project Conditions – Cement Hill Site

Roadway	Segment	CNEL/L_{dn} (dB) at 50 feet from Roadway Centerline		Net Change (dB)
		Future (No Project) Conditions	Future (Plus Project) Conditions	
SR-49	West of Cement Hill Road	61.6	61.9	0.3
SR-49	Cement Hill Road to Maidu Avenue	61.5	62.3	0.8
SR-49	Maidu Avenue to North Bloomfield Road	63.1	63.7	0.6
SR-49	North Bloomfield Road to Coyote Street	63.8	64.3	0.5
SR-49	Coyote Street to SR-20	63.7	64.8	0.5
Cement Hill Road	SR-49 to Project Site	51.1	54.4	3.3
West Broad Street	South of SR-49	55.3	55.3	0.0
West Broad Street	West of North Pine Street	57.9	57.9	0.0
West Broad Street	East of North Pine Street	56.4	56.4	0.0
Coyote Street	North of SR-20 Ramps	51.1	51.6	0.5
Coyote Street	South of SR-20 Ramps	53.7	54.0	0.3
Coyote Street	North of Washington Street	53.8	54.1	0.3
Coyote Street	South of Washington Street	54.8	54.8	0.0

Notes: CNEL = Community Noise Equivalent Level; dB = A-weighted decibels; L_{dn} = day-night average noise level

The net change may not be the exact difference between no project and plus project conditions due to rounding.

Source: Data modeled by j.c. brennan & associates, In. 2011.

Impact 4.8-4 **Short-term Exposure of Existing Sensitive Receptors to Project-Generated Increases In Demolition and Construction Source Noise Levels.** Project-generated increases in demolition and construction source noise levels would not exceed the applicable standards at nearby off-site sensitive receptors with regards to either of the potential project sites. However, project-generated demolition and construction source noise levels would result in the exposure of noise-sensitive receptors to a substantial temporary increase in ambient noise levels. Therefore, this impact is considered **short-term significant** for either project site.

Demolition and construction noise levels in the vicinity of the proposed project at either site would fluctuate depending on the particular type, number, and duration of usage for the varying equipment. The effects of construction noise largely depends on the type of construction activities occurring on any given day, noise levels generated by those activities, distances to noise sensitive receptors, and the existing ambient noise environment in the receptor's vicinity. Construction generally occurs in several discrete stages, each phase requiring a specific complement of equipment with varying equipment type, quantity, and intensity. These variations in the

operational characteristics of the equipment change the effect they have on the noise environment at the project site and in the surrounding community for the duration of the construction process.

To assess noise levels associated with the various equipment types and operations, construction equipment can be considered to operate in two modes, mobile and stationary. Mobile equipment sources move around a construction site performing tasks in a recurring manner (e.g., loaders, graders, dozers). Stationary equipment operates in a given location for an extended period of time to perform continuous or periodic operations. Operational characteristics of heavy construction equipment are additionally typified by short periods of full-power operation followed by extended periods of operation at lower power, idling, or powered-off conditions.

Additionally when construction-related noise levels are being evaluated, activities that occur during the more noise-sensitive evening and nighttime hours are of increased concern. Because exterior ambient noise levels typically decrease during the late evening and nighttime hours as traffic volumes and commercial activities decrease, construction activities performed during these more noise-sensitive periods of the day can result in increased annoyance and potential sleep disruption for occupants of nearby residential uses.

The site preparation phase typically generates the most substantial noise levels because of the on-site equipment associated with grading, compacting, and excavation are the noisiest. Site preparation equipment and activities include backhoes, bulldozers, loaders, and excavation equipment (e.g., graders and scrapers). Erection of large structural elements and mechanical systems could require the use of a crane for placement and assembly tasks, which may also generate noise levels. Based on the information provided in the project description and on the types of construction activities associated with the proposed project (e.g., site preparation, building erection) it is expected that maximum noise levels would be associated with the use of large dozers, graders, and loaders/backhoes. Noise emission levels from these types of construction equipment are shown in Table 4.8-13 below.

Based on the information provided in Table 4.8-13 and accounting for typical usage factors of individual pieces of equipment and activity types along with typical attenuation rates, on-site construction-related activities could result in hourly average noise levels of approximately 85 dB L_{eq} at 50 feet. Based upon an hourly noise level of 85 dB L_{eq}, construction noise levels at the sensitive uses nearest to the proposed project site(s) have been estimated and shown in Table 4.8-14.

The Municipal Code (8.20 [Noise Control]) exempts construction source noise levels that occur during the less-sensitive daytime hours as specified in 8.20.070 (Daytime Exemptions) (i.e., 7 a.m. – 9 p.m.) provided that construction activity does not exceed 90 dBA at 50 feet from construction activity. According to the project description, construction at both sites would commence no earlier than 7:00 a.m. and would typically cease no later than 6:00 p.m. on weekdays. Construction work might occur on Saturdays; if so, it would commence no earlier than 9:00 a.m. and cease no later than 6:00 p.m. In addition, the project description includes the following environmental protection measures:

- Ensure that all construction and grading equipment is properly maintained
- Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times
- Install temporary sound barriers around the perimeter of the proposed project site when engaging in activities that will produce a prolonged noise exposure exceeding the City's noise ordinance
- Ensure that construction operations do not use impact or sonic pile drivers
- When feasible, construction operations will use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations

Table 4.8-13 Noise Emission Levels from Construction Equipment

Equipment Type	Typical Noise Level (dBA) @ 50 feet
Air Compressor	78
Asphalt Paver	77
Backhoe	78
Blasting	94
Compactor	83
Concrete Breaker	82
Concrete Pump	81
Concrete Saw	90
Crane, Mobile	81
Dozer	82
Front-end Loader	79
Generator	81
Grader	85
Hoe Ram Extension	90
Jack Hammer	89
Pneumatic Tools	85
Rock Drill	81
Scraper	84
Trucks	74–81
Water Pump	81

Notes: Assumes all equipment is fitted with a properly maintained and operational noise control device, per manufacturer specifications. Noise levels listed are manufacture-specified noise levels for each piece of heavy construction equipment.

Source: FTA 2006

The aforementioned time limitations and protection measures are consistent with those specified in the Municipal Code exemption. Thus, project-generated increases in construction source noise levels would not exceed the applicable standards at nearby off-site sensitive receptors for either of the potential project sites. However, project-generated construction source noise levels will increase ambient noise levels at existing sensitive receptors during periods of heavy construction. Therefore, the proposed project may expose noise-sensitive receptors to a substantial temporary increase in ambient noise levels. Therefore, this impact is considered **short-term significant.**

MITIGATION MEASURE 4.8-4 – SHORT-TERM NOISE

- *Construction activities shall comply with the Nevada City Municipal Code (Municipal Code), Section 8.20. Demolition activities shall be coordinated with adjacent land uses in order to minimize potential disturbance of planned activities.*

- *Locate fixed construction equipment such as compressors and generators as far as possible from sensitive receptors. Consider the use of temporary noise barriers around stationary equipment. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.*
- *Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator shall receive all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem.*

Table 4.8-14 Potential Construction-Related Noise Levels

Location (Direction from Site)	Distance [a]	Noise Level, dBA	Existing Ambient Noise Level, dBA, L50 (Daytime)
Existing Site			
Single-Family Residential along Winter Street (Northwest)	40	87	49
Single-Family Residential along Court Street (North)	40	87	55
Doris Foley Historical Library (West)	15	95	50
Forest Charter School (South)	100	79	57
Nevada County Historical Society (South)	40	87	50
First Baptist Church (East)	60	83	57
Existing Site - Temporary Court			
Single-Family Residential Along Cement Hill Road (Northwest)	*200*	73	45-48
Single-Family Residential Along Wet Hill Road	*300*	69	48
Single-Family/Multi-Family Residential South of SR-49	*250*	71	54
Cement Hill Site			
Single-Family Residential Along Cement Hill Road (North)	*200*	73	45-48
Single-Family/Multi-Family Residential South of SR-49	*300*	69	54

[a] Distances are approximate and are measured at the closest distance from the project site to the adjacent sensitive structures.

Source: FTA 2006

SIGNIFICANCE AFTER MITIGATION

Implementation of these mitigation measures would help to reduce the potential for adverse reaction to construction noise. However, construction-related activities still have the potential to significantly increase ambient noise levels at sensitive receptor locations during project construction. Therefore, this impact will remain ***short-term significant and unavoidable***.

Impact 4.8-5	**Compatibility of Proposed On-site Land Uses with Ambient Noise and Vibration Levels.** On-site noise and vibration would not exceed applicable standards for the proposed land use type with regards to either of the potential project sites. Thus, long-term operation of the proposed project would not result in the exposure of persons on-site to noise levels in excess of applicable standards or to excessive groundborne vibration levels. This impact is considered less than significant.

As shown in previous Exhibit 4.8-3 (page 4.8-12), the exterior noise compatibility standard for office buildings, which is similar to the proposed land use type in terms of noise sensitivity, is 70 dB L_{dn}/CNEL.

Based upon future traffic noise modeling for the project, as shown in Attachment B of Appendix F, neither of the potential project sites would be located within a 70 dB L_{dn} noise contour for future traffic noise levels on surrounding roadways.

In addition, neither of the potential project sites would be located within the Category 3 (e.g., for institutional uses – including office buildings) vibration screening distances for conventional commuter railroads, rail rapid transit, light rail transit, and intermediate capacity transit which are 120, 120, 100, and 50 feet, respectively. Thus, long-term operation of the proposed project would not result in the exposure of persons on-site to noise levels in excess of applicable standards or to excessive groundborne vibration levels. This impact is considered less than significant.

Mitigation Measure 4.8-5

No mitigation is required.

4.9 Traffic and Circulation

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New Nevada City Courthouse

4.9 TRAFFIC AND CIRCULATION

This section summarizes the results of the traffic analysis prepared by DKS Associates, traffic consultants for the proposed project sites, at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada County Government Center (Government Center), or at the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). This analysis examines the traffic impacts expected to result from the vehicle traffic generated by the New Nevada City Courthouse (proposed project) to Existing and Future roadway conditions. This analysis also evaluates the project's impacts on transit, bicycle and pedestrian facilities and changes to local circulation. Mitigation measures are identified as appropriate. The following traffic scenarios were evaluated for the project sites:

- Existing No Project
- Existing Plus Project
- Future No Project
- Future Plus Project

From a transportation perspective, the proposed project adds no trips to the roadway network for the Existing Courthouse site because all trips are already occurring to and from the existing historic courthouse. Because no increase in courtrooms or employees is proposed, the number of trips to a new six room courthouse on the Existing Courthouse site will be similar to the number of trips captured in existing counts to the existing six courtroom historic courthouse.

The Temporary Court site or the Cement Hill site would add a relatively modest amount of traffic to the roadway network because most trips are already occurring within the study area associated with travel to and from the Downtown historic courthouse and ancillary facilities. The Temporary Court site and the Cement Hill site have no direct access to SR-49. Access is via either Cement Hill Road or Maidu Avenue; both of which connect to SR-49.

Proposed project circulation to the Existing Courthouse site and two adjacent surface parking lots are shown on Exhibit 4.9-7 (page 4.9-17). The parking design of the two sites adjacent to the Existing Courthouse site will allow drivers to park as close to the courthouse as possible while minimizing interference to street traffic. The project does not include driveways onto Winter Street. The 215 Washington Street site will be designed to mirror the existing Nevada County (County) lot, with a one-way entrance driveway to the north off Main Street, internal circulation to the aisle of parking below, and a one-way exit opposite the existing County lot.

One comment letter from the California Department of Transportation (Caltrans) was received during the Notice of Preparation (NOP) review period regarding potential impacts to SR-49.

4.9.1 EXISTING SETTING

STUDY AREA

Based on the trip generation and distribution of the proposed project, the following twelve existing intersections in the vicinity of the project sites have been selected for analysis during the a.m. peak hour. Since less than 100 p.m. peak hour trips are anticipated (see Section 4.9-3, below), a detailed traffic study was not performed for the p.m. peak hour based upon guidance provided in the *Institute of Transportation Engineers Transportation Impact Analyses for Site Development*.

Study Intersections

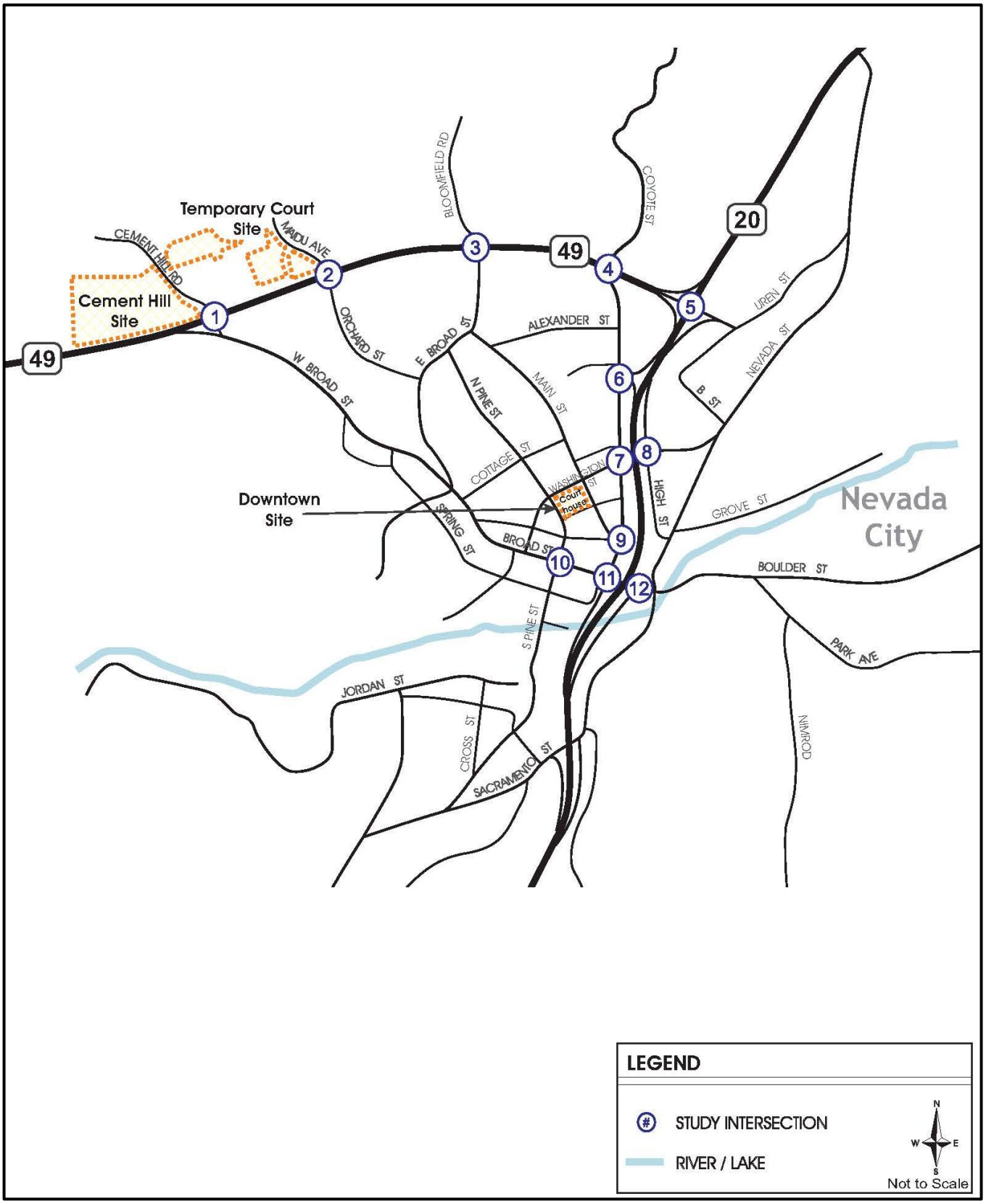
1. Cement Hill Road-West Broad Street/ SR-49
2. Maidu Avenue-Orchard Street/SR-49
3. North Bloomfield Road-East Broad Street/SR-49
4. Coyote Street/SR-49
5. State Route 20 (SR-20)/SR-49
6. SR-20 Southbound Ramps/Coyote Street
7. Coyote Street/Washington Street
8. SR-20 Northbound On Ramp-High Street/Washington Street
9. Coyote Street/Commercial Street
10. North Pine Street/Broad Street
11. SR-20 Southbound On Ramp-Union Alley/Broad Street
12. SR-20 Northbound Off Ramp/Broad Street

Exhibit 4.9-1 illustrates the roadway system near the project site and the locations of the study intersections. Exhibit 4.9-2 identifies existing a.m. peak hour traffic volumes, traffic control, and lane configurations.

ROADWAY NETWORK

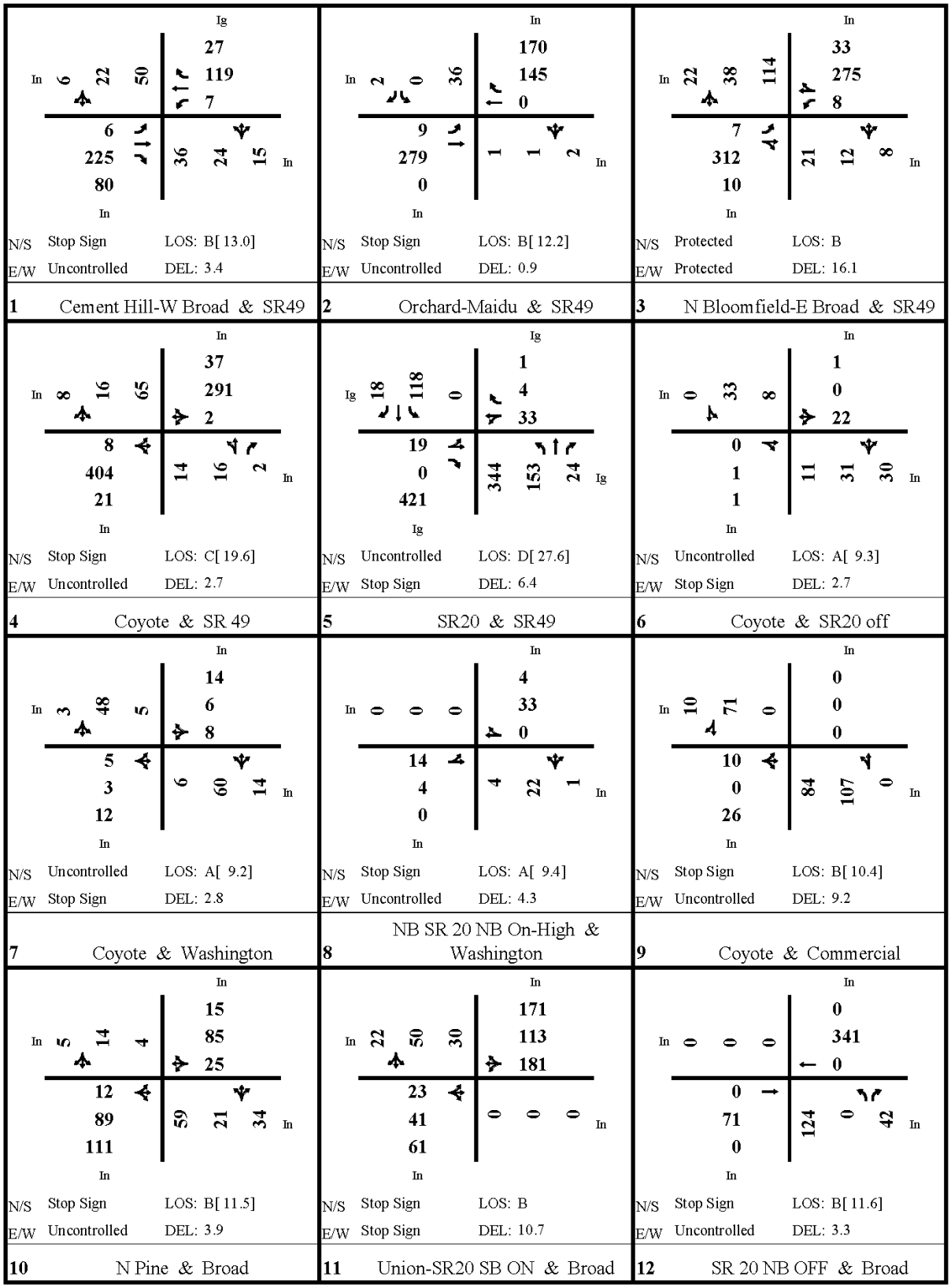
The characteristics of the roadway system in the vicinity of the project sites are described below:

- ***Broad Street*** is a two-lane east-west undivided roadway within the study area. It is the "Main Street" of Downtown Nevada City. Broad Street extends from the SR-49/SR-20 freeway interchange in Downtown, where it continues east as Boulder Street, to the two lane highway SR-49 intersection north of Nevada City (City), where it continues west as Cement Hill Road.
- ***Boulder Street*** is a two-lane east-west undivided roadway within the study area. Boulder Street extends from the SR-49/SR-20 freeway interchange in Downtown, where it continues west as Broad Street, to the eastern city limit, where it continues east as Red Dog Road.
- ***Cement Hill Road*** is a two-lane undivided roadway within the study area. Cement Hill Road extends from the rural areas west of the city limits to the SR-49 (two-lane highway) intersection north of the City, where it continues east as Broad Street.
- ***Commercial Street*** is a two-lane east-west undivided roadway within the study area. Commercial Street extends from Broad Street in the west to Coyote Street/Union Alley in the east, in Downtown.
- ***Coyote Street*** is a two-lane north-south undivided roadway within the study area. Coyote Street extends from the Commercial Street intersection in Downtown, where it continues south as Union Alley, north across the SR-49 (two-lane highway) intersection north of the City and it ends at Manzanita Diggins Road.
- ***East Broad Street*** is a two-lane north-south undivided roadway within the study area. East Broad Street extends from Broad Street north of Downtown to the SR-49 (two-lane highway) intersection north of the City, where it continues north as North Bloomfield Road.
- ***High Street*** is a two-lane north-south undivided roadway within the study area. High Street extends from Nevada Street to Washington Street east of the SR-49/SR-20 highway, where it continues north as the northbound on-ramp to SR-49/SR-20.



Source: DKS Associates, 2011

Exhibit 4.9-1 **Study Area**



Source: DKS Associates, 2011 *Note: for right turns; "In" = included, "Ig" = Ignored, "Ov" = overlap phase*

Exhibit 4.9-2 **Existing AM Peak Hour Intersection Volume and Lane Geometry**

- ***Main Street*** is a two-lane north-south undivided roadway within the study area. Main Street extends north from its intersection with Union Alley and Commercial Street to East Broad Street. Main Street runs along the east side of the existing historic courthouse and annex. Main Street also provides access to two adjacent sites (between Court Street and Washington Street) that would provide additional surface parking under plus project conditions at the Existing Courthouse site.
- ***Maidu Avenue*** is a two-lane north-south divided roadway within the study area. Maidu Avenue extends from the Nevada County Government Center (Government Center) to the SR-49 (two-lane highway) intersection north of the City, where it continues south as Orchard Street.
- ***North Bloomfield Road*** is a two-lane undivided roadway within the study area. North Bloomfield Road extends from the rural areas north of the city limits to the SR-49 (two-lane highway) intersection north of the City, where it continues south as East Broad Street.
- ***North Pine Street*** is a two-lane north-south undivided roadway within the study area. North Pine Street extends from East Broad Street to Broad Street, where it continues south as South Pine Street. North Pine Street is adjacent to the Existing Courthouse site.
- ***Orchard Street*** is a two-lane north-south undivided roadway within the study area. Orchard Street extends from East Broad Street north of Downtown to the SR-49 (two-lane highway) intersection north of Nevada City, where it continues north as Maidu Avenue. The south leg of the Orchard/SR-49 intersection is one-way northbound.
- ***Washington Street*** is a two-lane east-west undivided roadway within the study area. Washington Street extends from Coyote Street in Downtown, where it continues west from North Pine Street as York Street, and east to Nevada Street.
- ***State Route 49*** is a north-south highway that extends the length of California's Sierra Nevada foothills historic "Gold Country" from Sierra County in the north to Madera County in the south. SR-49 is a four-lane freeway from Grass Valley south of Nevada City to the SR-49/SR-20 split at the north end of Nevada City. SR-49 is a two-lane highway west of the split with SR-20. SR-49 serves as the commute corridor between Nevada City and the cities of Grass Valley and Auburn. SR-49 also serves as the main connection to most of the state by providing access to Interstate 80 (I-80) in Auburn.
- ***State Route 20*** is an east-west highway that extends the width of California from State Route 1 (SR-1) next to the Pacific Coast near Fort Brag to I-80 just west of the Sierra Nevada crest at Donner Pass. SR-20 is a four-lane highway from Grass Valley south of Nevada City to the SR-49/SR-20 split at the north end of Nevada City. SR-20 is a two lane highway north of the split with SR-49. SR-49/SR-20 serves as the commute corridor between Nevada City and the City of Grass Valley.

EXISTING CONDITIONS PEAK HOUR TRAFFIC VOLUMES

To determine the existing operation of the study intersections, a.m. peak period (7 a.m. to 9 a.m.) intersection turning movement counts were collected on Tuesday, March 29, 2011 and Wednesday, March 30, 2011 for the 12 study intersections. During the counts, weather conditions were generally dry and local schools were in full session. Each intersection's peak hour within the peak period was used for the analysis.

EXISTING CONDITIONS PEAK HOUR LEVEL OF SERVICE

Each study roadway facility was analyzed using the concept of Level of Service (LOS). LOS is a qualitative measure of traffic operating conditions whereby a letter grade, from A (the best) to F (the worst), is assigned. These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving. In general, LOS A represents free-flow conditions with no congestion, and LOS F represents severe congestion and delay under stop-and-go conditions.

Table 4.9-1 summarizes LOS under existing conditions during the a.m. peak hour at each study intersection. A description of intersection operations follows each summary table. Detailed LOS and signal warrant analysis sheets are contained in Appendix G. Table 4.9-1 displays the delay range associated with each LOS category for signalized and unsignalized intersections based on the Highway Capacity Manual (HCM).

Table 4.9-1 Existing AM Peak Hour Level of Service at Existing Courthouse Site

Intersection	Control	Delay[a]	LOS
1. Cement Hill Road-West Broad Street/SR-49	Two Way Stop	13.0	B
2. Maidu Avenue-Orchard Street/SR-49	Two Way Stop	12.2	B
3. North Bloomfield Road-East Broad Street/SR-49	Signal	16.1	B
4. Coyote Street/SR-49	Two Way Stop	19.6	C
5. SR-20/SR-49	Two Way Stop	27.6	D
6. SR-20 Southbound Ramps/Coyote Street	Two Way Stop	9.3	A
7. Coyote Street/Washington Street	Two Way Stop	9.2	A
8. SR-20 Northbound On Ramp-High Street and Washington Street	Two Way Stop	9.4	A
9. Coyote Street/Commercial Street	Two Way Stop	10.4	B
10. North Pine Street/Broad Street	Two Way Stop	11.5	B
11. SR-20 Southbound On Ramp-Union Alley/Broad Street	All Way Stop	10.7	B
12. SR-20 Northbound Off Ramp/Broad Street	Two Way Stop	11.6	B

[a] Delay and LOS is based on HCM 2000 Methodology. For signals, the average control delay and LOS is reported. For side-street stop controlled intersections the delay and LOS for the worst movement is reported.

Source: DKS Associates, 2011

Table 4.9-2 Intersection Level of Service Definitions

Level of Service	Average Control Delay (seconds/vehicle)[a]	
	Signalized	Unsignalized
A	0 – 10.0	0 – 10.0
B	10.1 – 20.0	10.1 – 15.0
C	20.1 – 35.0	15.1 – 25.0
D	35.1 – 55.0	25.1 – 35.0
E	55.1 – 80.0	35.1 – 50.0
F	> 80.0	> 50.0

[a] Control delay includes initial deceleration delay, queue move-up time, stopped delay, and acceleration delay.

Source: *Highway Capacity Manual,* Transportation Research Board, 2000.

The existing roadway system can be characterized as operating efficiently. Motorists typically incur modest delays and do not experience substantial vehicle queues. All of the study intersections operate at an acceptable LOS.

The SR-20/SR-49 study intersection has the highest side street delay due to competing traffic flows from SR-20 and SR-49 splitting into separate two-lane highways at an at-grade unsignalized intersection. SR-20 and SR-49 have two different LOS policies. Caltrans' Transportation Concept Reports (TCR) for the relevant sections show

the concept LOS for SR-49 is "F" while the concept LOS for SR-20 is "D". Both the SR-20 northbound approach and the SR-20 southbound approach to the SR-20/SR-49 intersection are uncontrolled and experience almost no delay and therefore meet the LOS D concept policy. Both the eastbound and westbound SR-49 approaches are stop sign controlled and operate at LOS E or better and meet the LOS F concept policy. The TCR for SR-49 indicates signalizing the SR-20/SR-49 intersection is included in the Nevada County Regional Transportation Plan (RTP) as a non-funded future project.

PEDESTRIAN CIRCULATION

The Existing Courthouse site is located within the central business district of Nevada City. Attached sidewalks are provided on both sides of nearly all of the streets in the central business district. The sidewalks on Broad Street end just south of SR-49. The sidewalks on East Broad Street continue past Orchard Street but end at Main Street, south of SR-49. There are no sidewalks on Orchard Street, SR-49, Cement Hill Road or Maidu Avenue.

All study intersections within the central business district have marked crosswalks. All study intersections outside the central business district, along SR-49, do not have marked crosswalks, with the exception of North Bloomfield Road-East Broad Street/SR-49 which does provide signal-controlled pedestrian crossings with marked crosswalks.

In 2010, the Nevada County Transportation Commission (NCTC) was awarded a Community-Based Transportation Planning Grant from Caltrans to develop the first pedestrian plan for the County and its jurisdictions. Exhibit 4.9-3 illustrates pedestrian facilities within the study area based upon information from this plan.

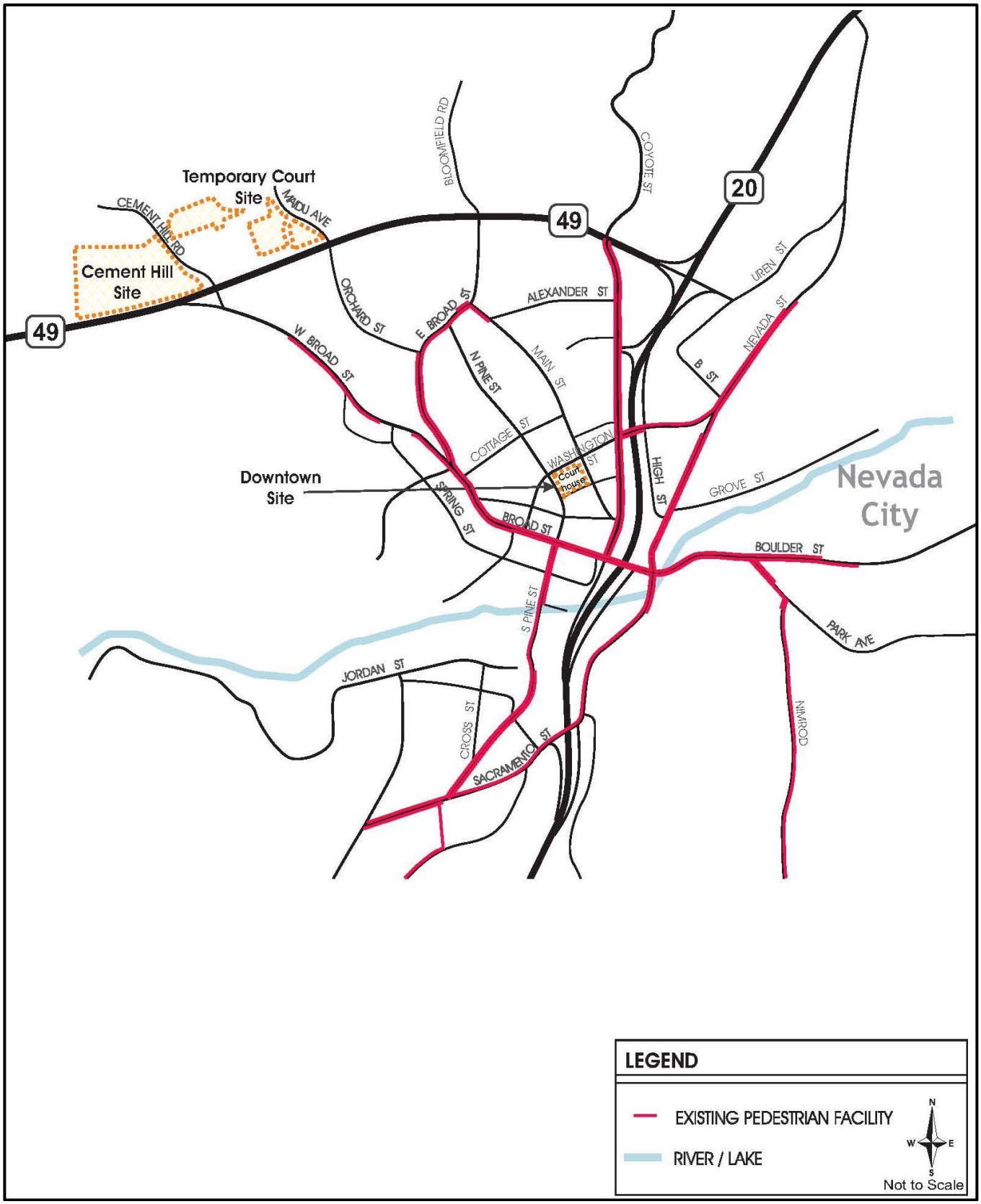
BICYCLE CIRCULATION

In July 2007, the Nevada County Bicycle Master Plan (Bicycle Master Plan) was adopted by the NCTC. The plan incorporated existing local plans, priorities and policies as part of its recommendations, and included review of the 1980-2000 Nevada City General Plan (General Plan). Figure 5-6 in the Bicycle Master Plan contains a map of Existing and Proposed Bikeways in Nevada City. Exhibit 4.9-4 illustrates proposed on-street bikeways within this project's study area based on Figure 5-6. There are currently no designated bikeways within the study area. To the south of the study area shown in Exhibit 4.9-4, there are approximately 1.1 miles of existing Class II bike lanes on the west side of SR 20/49, along Ridge Road to the city limits, and along Nevada City Highway south of the Ridge Road/Zion Street intersection.

TRANSIT

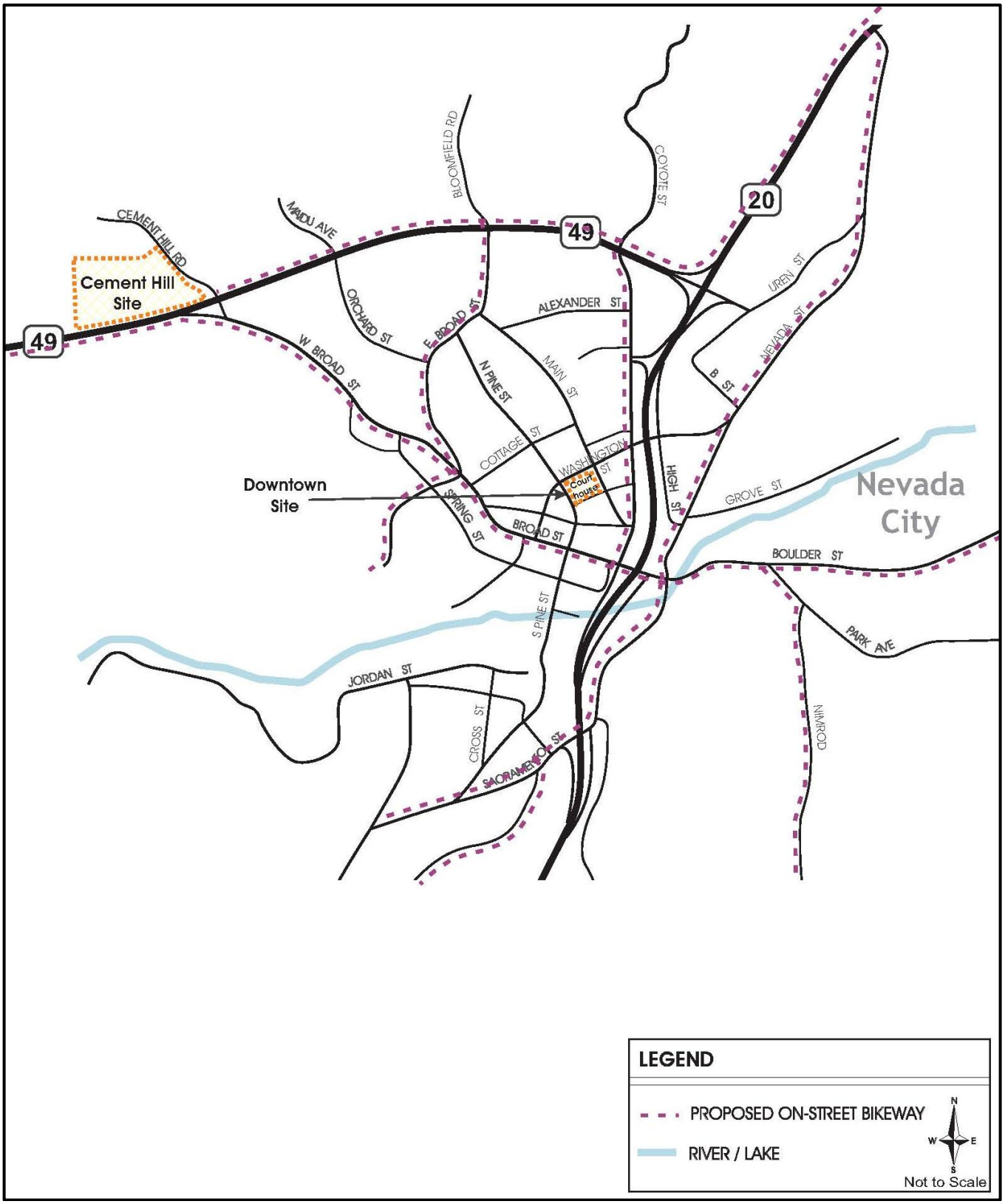
The Nevada City study area is served by Gold Country Stage bus service. Bus lines 1 "Nevada City" and 1X "Nevada City Express" operate within the Nevada City study area as shown in Exhibit 4.9-5. Bus line 1 "Nevada City" runs westbound on Broad Street over the SR-20/SR-49 freeway, turns right onto northbound Union Alley, then turns left onto northbound Main Street, then turns right onto northbound East Broad Street, then turns left onto eastbound SR-49, then turns right into the Government Center, then turns right out of the Government Center onto westbound SR-49, and finally then turns left onto eastbound Broad Street. It operates hourly from 2:25 am to 6:25 pm.

Bus line 1X "Nevada City Express" exits from the northbound SR-20/49 freeway at the Broad Street off ramp, turns left onto westbound Broad Street, then turns right onto northbound Union Alley, then turns left onto northbound Main Street, then turns right onto northbound East Broad Street, then turns left onto westbound SR-49, then turns right into the Government Center, then turns left out of the Government Center onto eastbound SR-49, and finally then turns right onto the southbound SR-20/49 freeway.



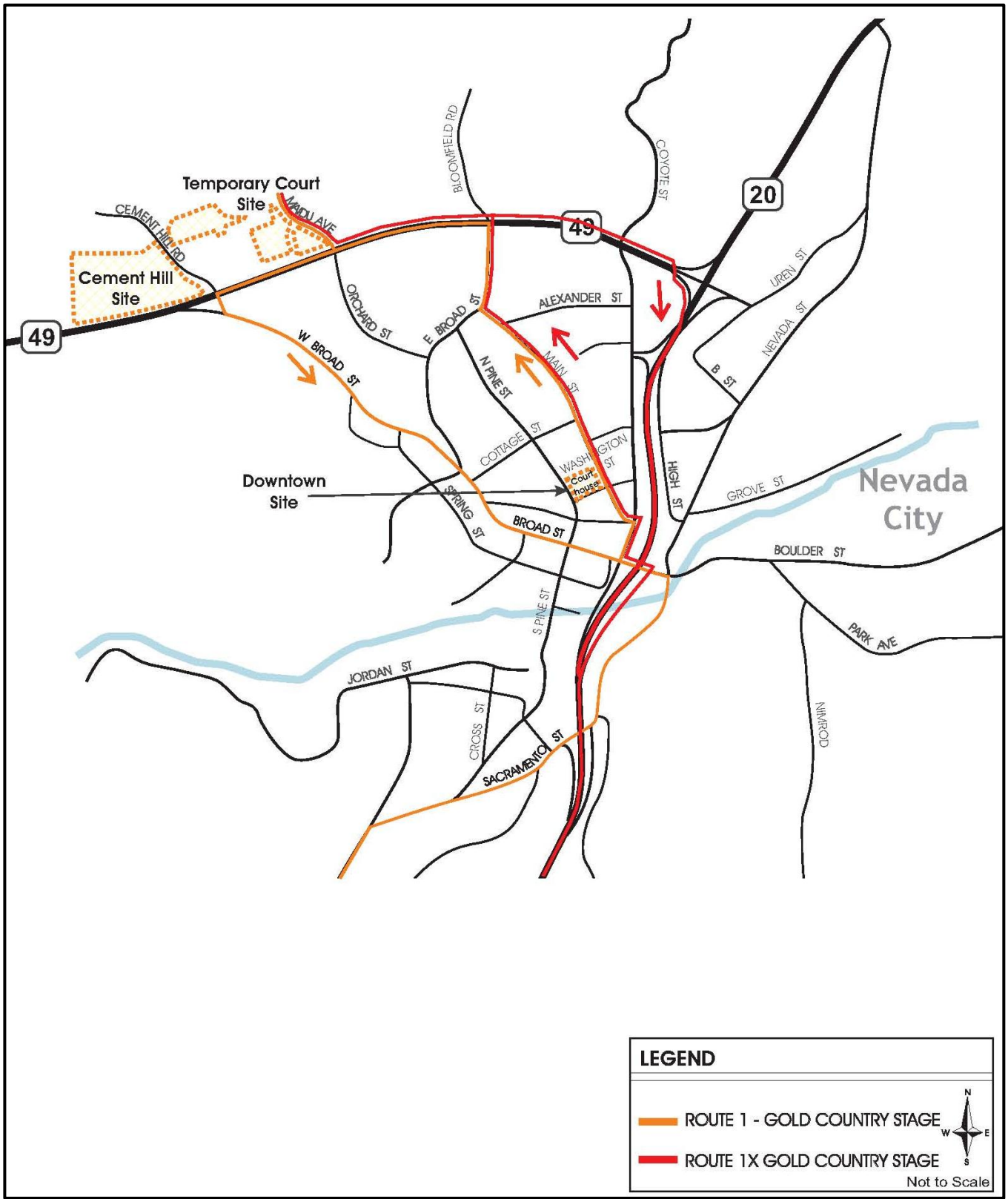
Source: DKS Associates, 2011

Exhibit 4.9-3 **Existing Pedestrian Facilities**



Source: DKS Associates, 2011

Exhibit 4.9-4 **Proposed On-Street Bikeways**



Source: DKS Associates, 2011

Exhibit 4.9-5 **Existing Transit Facilities**

Bus line 1X operates every four hours from 9:55 am to 5:55 pm.

4.9.2 REGULATORY CONTEXT

Existing transportation polices, laws, and regulations that would apply to the proposed project are summarized below. This information provides a context for the impact discussion related to the project's consistency with applicable regulatory conditions.

STATE

California Department of Transportation

Caltrans is responsible for operating and maintaining the state highway system. In the project vicinity, SR-20 and SR-49 fall under Caltrans' jurisdiction. Caltrans provides administrative support for transportation programming decisions made by the California Transportation Commission (CTC) for state funding programs. The State Transportation Improvement Program (STIP) is a multi-year capital improvement program that sets priorities and funds transportation projects envisioned in long-range transportation plans.

In September 2000, Caltrans released a TCR for the section of SR-49 in Nevada County. TCRs are long-term planning documents Caltrans prepares to evaluate the conditions of a given State Highway. TCR's establish a concept of what that highway should look like at the end of the 25-year planning period and includes the improvements necessary to achieve that concept. The concept for Segment 8 of SR-49 includes the segment from the junction of SR-20 in Nevada City to the Nevada/Yuba county line. The current LOS is E and the concept facility LOS is F. The concept for Segment 8 is to leave the roadway as a two-lane conventional highway, with suggestions for widening shoulders where feasible, installing passing lanes, and improving curves.

According to the *Guide for the Preparation of Traffic Impact Studies* (Caltrans, December 2002), if a State highway facility currently operates at an unacceptable LOS (e.g., LOS F), then the existing LOS should be maintained. A project impact is also said to occur if the addition of project trips exacerbates existing LOS F conditions and leads to a perceptible increase in density on freeway mainline segments or ramp junctions, or a perceptible increase in service volumes in a weaving area. In addition, a project impact is said to occur when the addition of project trips causes a queue on the off-ramp approach to a ramp terminal intersection to extend beyond its storage area and onto the freeway mainline.

LOCAL

Nevada County Transportation Commission

The NCTC is a Regional Transportation Planning Agency (RTPA) for Nevada County. NCTC coordinates transportation planning with the citizens and decision-makers of Grass Valley, Nevada City, Nevada County, the Town of Truckee and Caltrans. NCTC identifies transportation needs, proposes solutions, and assists in implementing projects to create a balanced regional transportation system while protecting the rural qualities and historic character of Nevada County.

In addition to serving as the RTPA for Nevada County, the NCTC includes a Technical Advisory Committee (TAC). The TAC includes representatives from local public works and planning departments, Caltrans, public airport operators, the air pollution control district and public transit operators. The TAC provides technical input on transportation issues and ensures there is coordination and cooperation in the transportation planning process.

The NCTC also includes a Social Services Transportation Advisory Council (SSTAC). The SSTAC includes representatives from potential transit users, social service providers, local consolidated transportation service

agencies and Truckee residents representing senior and Hispanic communities. The SSTAC advises the NCTC on transit issues.

The NCTC also is designated as an Airport Land use Commission (ALUC) for the Nevada County Airport. Primary functions of ALUCs are adoption of land use standards, preventing encroachment of incompatible land uses around pubic use airports, and preparation of an Airport Land Use Compatibility plan for the area around each public use airport.

Nevada City General Plan

The General Plan provides for the mobility of people and goods. Study intersections along SR-49 are within Caltrans' jurisdiction. All other study intersections are within Nevada City's jurisdiction. The following goals, objectives, and policies set forth in the General Plan relate to transportation and circulation. While they are not directly applicable to the proposed project, the Administrative Office of the Courts (AOC), as lead agency, is citing these policies in order to assist with the determination of whether the project's impacts are significant, and to inform the development of potential mitigation measures.

Introduction and Community Goals

Section 1 of the General Plan*, Introduction and Community Goals,* outlines principal goals of the City. The following principal goal is relevant to this study:

- Nevada City has many narrow, twisting, and dead-end streets; these eccentricities are part of the unique character of the town and should be preserved. However, the unusual street pattern creates great potential for congestion and safety problems, even though traffic volumes are low relative to other cities. A prime circulation goal is to preserve Nevada City's special character. Through traffic should be diverted directly to the highways, which should be separated from development by wooded green belts.

Circulation

Section 2 of the General Plan*, Circulation,* includes discussion of objectives and policies. The following findings, objectives and policies are relevant to this study:

Existing Policy Background

The County Regional Transportation Plan should be used as a basis for Nevada City's circulation planning, since it draws on a data base and funding far beyond Nevada City's resources. Upon release of each update to the RTP, the City should evaluate, make appropriate revisions, and finally adopted the updated RTP as part of Nevada City policy.

As an example, the functional hierarchy or road types for Nevada City should be consistent with the County RTP system. In particular, local streets should be protected from the intrusion of through traffic.

Regional Circulation

Objective: Cooperate with the County in fulfilling the aims of the current RTP. Policies:

1) Use the County RTP as the basis for the Nevada City Circulation Element, subject to adoption of the current version by the City Council
2) All circulation improvements shall be consistent with the Circulation Plan Map Classifications.

Local Circulation

Objectives: Limit road widening and other major change to the characteristic street pattern. Rather, use these eccentricities as traffic capacity constraints, and encourage added traffic to be diverted as directly as possible to the highways. Improve the access to the few freeway interchange points, since they are to receive a large portion of future added traffic. Policies:

1) Maintain reasonable traffic levels on local streets to protect residents from the harmful effects of noise, fumes, and safety hazards
2) Limit development served by traffic capacity constraints
3) Require proposed development served by the Gold Flat interchange to contribute to coordinate evaluation and implementation of needed traffic improvements in the area, as determined by RTP proposal and cost estimate, or else and independent evaluation prepared for Nevada City
4) Encourage the construction of pedestrian and bicycle pathways where appropriate, to provide safety alternatives to vehicular travel.

Because *Section 2* of the General Plan, *Circulation*, includes a policy that the County Regional Transportation Plan should be used as a basis for Nevada City's circulation planning, the following level of service policy discussion from the County General Plan is relevant to this study:

- The Nevada County General Plan Environmental Impact Report, Volume 1, Final Draft, March 1995, contains level of service polices. Relevant plan polices from Section 4.7, Traffic and Circulation include:

  Policy 4.9 and 4.3: The proposed General Plan Circulation Element policies 4.9 and 4.3 stipulate that the minimum acceptable Level of Service (LOS) allowable is "C" in Rural Regions and "D" in Community Regions, except where the existing LOS is below C (Rural Regions) or D (Community Regions).

4.9.3 IMPACT ANALYSIS

METHOD OF ANALYSIS

As noted above, each study roadway facility was analyzed using the concept of LOS. LOS is a qualitative measure of traffic operating conditions whereby a letter grade, from A (the best) to F (the worst), is assigned. These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving. In general, LOS A represents free-flow conditions with no congestion, and LOS F represents severe congestion and delay under stop-and-go conditions.

Traffic operations at the study intersections were analyzed using procedures and methodologies contained in the HCM (Transportation Research Board, 2000). These methodologies were applied using the Traffix software package. Previous Table 4.9-2 (page 4.9-6) displays the delay range associated with each LOS category for signalized and unsignalized intersections based on the HCM.

The LOS at two-way stop controlled intersections reflect the amount of delay to motorists that must wait at a side street stop controlled approach for an acceptable gap in through traffic. The number of gaps in through traffic, gap acceptance time and resulting delay to motorists waiting to turn are used for LOS analysis. While the worst-case unsignalized LOS may indicate long delays, traffic conditions are generally not assumed to be unacceptable unless signal warrants are satisfied. Meeting signal warrants indicates an intersection improvement may be needed, however other improvements, such as additional lanes, could also potentially mitigate poor LOS conditions.

THRESHOLDS OF SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA), the effects of a project are evaluated to determine if they will result in a significant adverse impact on the environment. For the purposes of this analysis, an impact is considered significant if implementation of the project would have any of the effects described below.

Local agencies adopt minimum LOS standards as a part of general plans and community plans to govern roads under their jurisdiction. The standards of significance in this analysis are based upon the policy goals of the appropriate regulatory agencies and current practice. The General Plan does not include an adopted LOS standard and relies on County standards. The Nevada County General Plan designates LOS C as the minimum standard in rural regions and LOS D in community regions. Caltrans' concept LOS range from E to F. For other areas related to transportation and circulation, current practice or typically applied standards have been used.

Intersections

A significant traffic impact occurs at an intersection when:

- The traffic generated by the project degrades LOS from an acceptable LOS (without the project) to an unacceptable LOS (with the project)

Pedestrian Circulation

Impacts to pedestrian circulation are considered significant if the proposed project would:

- Adversely affect existing or planned pedestrian facilities
- Fail to adequately provide for access by pedestrians

Bicycle Facilities

Impacts to bicycle facilities are considered significant if the proposed project would:

- Adversely affect existing or planned bicycle facilities
- Fail to adequately provide for access by bicycle

Transit

Impacts to the transit system are considered significant if the proposed project would:

- Adversely affect public transit operations
- Fail to adequately provide access to transit

Construction-Related Traffic Impacts

The project would have a temporarily significant impact during construction if it would:

- Degrade an intersection or roadway to an unacceptable LOS
- Cause significant inconveniences to motorists due to prolonged road closures
- Result in a substantial increase in the frequency of potential conflicts between vehicles, pedestrians, and bicyclists

In addition, the project would cause a significant traffic/circulation impact, as defined by the State CEQA Guidelines (Appendix G), if it would:

- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment)
- Result in inadequate emergency access
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities

EXISTING PLUS PROJECT ANALYSIS

This section describes the anticipated travel characteristics of the proposed project. It then presents the expected conditions of the transportation system with the addition of the project.

Project Land Use and Circulation

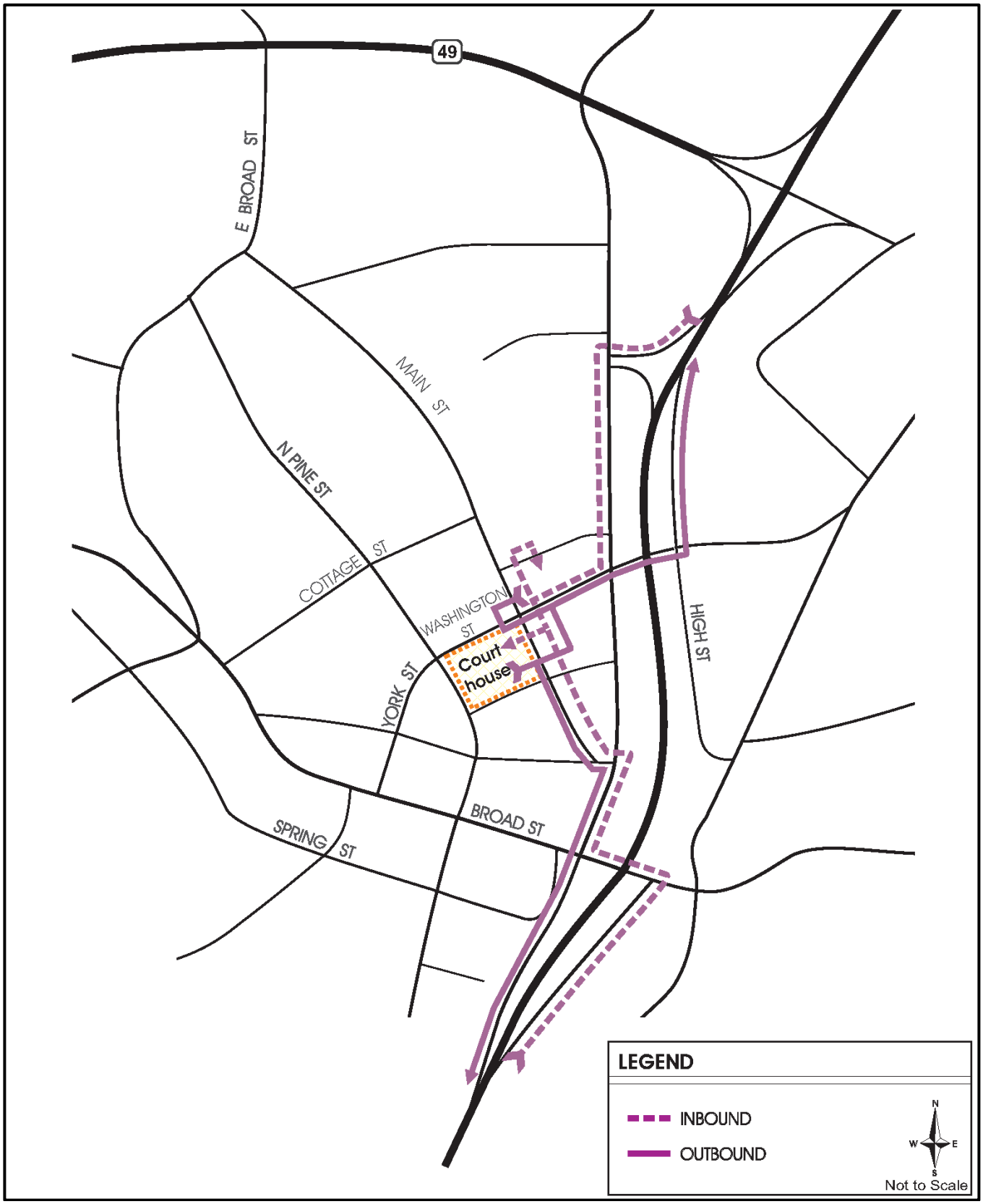
The proposed project is a six room courthouse in the City of Nevada City to be located on either the Existing Courthouse site (201 Church Street, Nevada City) with temporary (two years) operation at the Government Center site (northwest corner of Maidu Avenue/SR-49, Nevada City), or the Cement Hill site (northwest corner of Cement Hill/SR-49, Nevada City).

From a transportation perspective, the proposed project adds no trips to the roadway network for the Existing Courthouse site because all trips are already occurring to and from the existing historic courthouse. Because no increase in courtrooms or employees is proposed, the number of trips to a new six room courthouse on the Existing Courthouse site will be similar to the number of trips captured in existing counts to the existing six courtroom historic courthouse. The Temporary Court site or the Cement Hill site would add a relatively modest amount of traffic to the roadway network because most trips are already occurring within the study area associated with travel to and from the Downtown historic courthouse and ancillary facilities. Trip generation and distribution follow discussion of circulation assumptions for each of the proposed sites.

Existing Courthouse Site

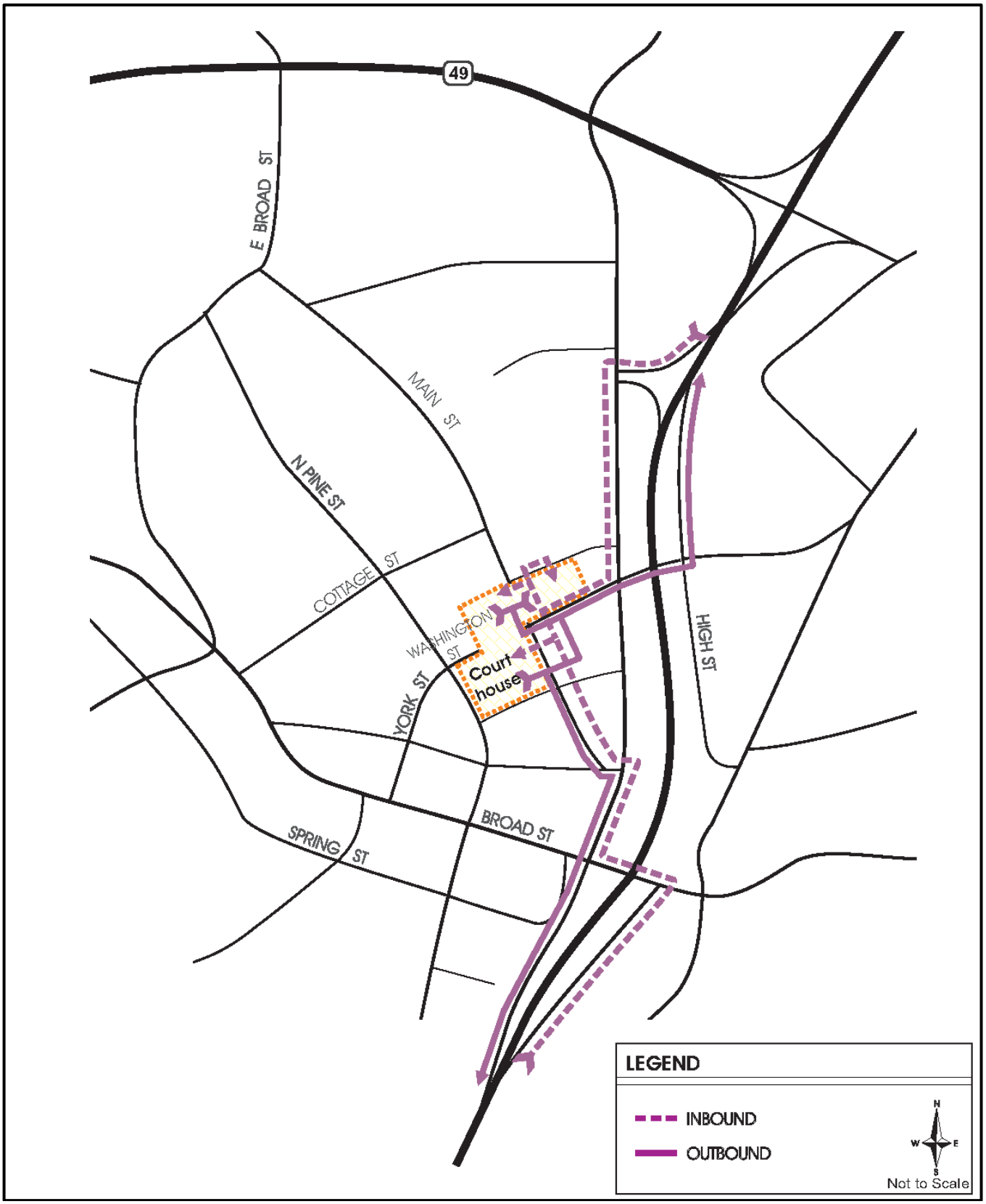
The Existing Courthouse site is bound by Washington Street on the north, Church Street on the south, North Pine Street on the west and Main Street on the east. Access to and from the Existing Courthouse site is provided by southbound SR-49 via Coyote and Broad streets. Circulation to the basement parking level of the courthouse annex on the Existing Courthouse site is shown on Exhibit 4.9-6. Exhibit 4.9-6 also shows existing ingress and egress circulation to jury parking spaces reserved in the existing County parking lot located at the northeast corner of Main and Washington streets. The County parking lot has approximately 39 spaces, 13 of which are for jury parking, with the remaining available to public and staff. The lot is two levels, with primary access from Main Street.

With the proposed project on the Existing Courthouse site, the area of the facility could potentially expand to include adjacent sites at 215 Washington Street and at the County-owned two-level surface parking. With these additional two sites the existing site totals approximately 1.83 acres. It is not known yet whether or not the adjacent sites will be needed for parking. Proposed project circulation to the basement parking level of a new courthouse on the site of the existing annex, and to potential surface parking on the two adjacent lots is shown on Exhibit 4.9-7.



Source: DKS Associates, 2011

Exhibit 4.9-6 **Existing Distribution – Existing Courthouse Site**



Source: DKS Associates, 2011

Exhibit 4.9-7 **Proposed Distribution – Existing Courthouse Site**

The parking design of the two adjacent sites will allow drivers to park as close to the courthouse as possible while minimizing interference to street traffic. Therefore, the traffic circulation design for the 215 Washington Street site does not require vehicles to enter a public street (Winter Street) in order to progress from one aisle to another aisle within the same lot. The project does not include driveways onto Winter Street and the 215 Washington Street site will be designed to mirror the existing county lot, with a one way entrance driveway to the north off Main Street, internal circulation to the aisle of parking below, and a one-way exit opposite the existing County lot as shown in Exhibit 4.9-7, above.

The proposed project adds no trips to the Existing Courthouse site because no increase in courtrooms or employees is proposed. The number of trips to a new six-room courthouse will be similar to the number of trips captured in existing counts to the existing historic courthouse. Under the design proposed for the two adjacent lots, the project would result in some local redistribution of traffic along a two block section of Main Street. Vehicles that currently park in the secured parking in the basement of the existing courthouse annex building would travel no further to enter the new secured parking under the proposed project.

The Temporary Court site is located on the northwest corner of Maidu Avenue/SR-49. If the proposed project is constructed on the Existing Courthouse site, the court functions would be relocated temporarily to vacant parcels near the Wayne Brown Correctional Facility (Correctional Facility). Primary access to this facility would be via driveways to Maidu Avenue on the north leg of the Maidu Avenue/SR-49 intersection. No direct access from the site to SR-49 is provided. Previous Exhibit 4.9-1 (page 4.9-3) shows the proposed location for the temporary court facilities.

Cement Hill Site

The Cement Hill site is located on the northwest corner of Cement Hill Road/SR-49. The site is directly across the street from the Correctional Facility. Primary access to this facility would be via one or two driveways to Cement Hill Road on the north leg of the Cement Hill Road/SR-49 intersection. No direct access from the Cement Hill site to SR-49 is provided. Previous Exhibit 4.9-1 (page 4.9-3) shows the geographical location of the proposed boundary of the Cement Hill site.

Trip Generation

The Existing Courthouse operations currently include on-site county staff who will not be housed in the new courthouse. Therefore, a courthouse with only court operations was used as the basis for determining the different transportation modes courthouse users might employ. On Tuesday, February 8, 2011, pedestrian counts were collected at each entrance to an existing 44 courtroom courthouse with 512 employees in the City of Sacramento, between 7 a.m. to 9 a.m. and from 3 p.m. to 6 p.m. in order to devise a method of calculating the number of trips generated by employees, jurors, and court visitors. Person trip rates were calculated based on the total number of people entering or exiting the site divided by the total number of employees. To assist in determining the number of vehicle trips per person, an intercept survey was administered on Tuesday, February 8, 2011 to ascertain mode choice. Mode split results determined 85% of persons arrived by personal vehicle and 15% via other modes (transit, biking, walking, and other).

The daily a.m. peak hour and p.m. peak hour vehicle trip generation was estimated assuming the proposed project has 87 employees, based on the project feasibility report (http://courts.ca.gov/2828.htm) prepared for this project. Appendix A of the project feasibility report contains a detailed breakdown of the employees. Calculated vehicle trip generation rates were applied directly to the proposed project. Because the proposed project would address space constraints and physical and functional deficiencies, basing trip generation on the number of employees is the most appropriate factor to determine the impact of the proposed project on the transportation network. As identified in Table 4.9-3, the number of trips forecasted to be generated to either

the Cement Hill site or the Temporary Court site is approximately 1,122 daily trips, which include 211 a.m. peak hour trips and 72 p.m. peak hour trips. Since less than 100 p.m. peak hour trips are anticipated, a detailed traffic study was not performed for the p.m. peak hour based upon guidance provided in the Institute of Transportation Engineers *Transportation Impact Analyses for Site Development*.

Table 4.9-3 Trip Generation

	AM Peak Hour 8AM – 9AM			PM Peak Hour 4:30 – 5:30PM			Daily
	In	Out	Total	In	Out	Total	
Sacramento Courthouse Baseline (512 Employees)							
Person Trips	1,230	205	1,435	46	433	439	7,712
Person Trip Rate [a]	2.4	0.4	2.8	0.1	0.8	0.9	15.1
Vehicle Trips [b]	1,067	178	1,245	41	391	432	6,605
Vehicle Trip Rate1	2.08	0.35	2.43	0.085	0.76	0.84	12.9
Existing Nevada City Courthouse (87 Employees)							
Vehicle Trips	181	30	211	7	66	72	1,122

[a] Trip rates are reported as total trips (all purposes) per employee.

[b] Vehicle trips include trips associated with employees utilizing onsite secure parking beneath Schaber Courthouse.

Source: DKS Associates, 2011

The proposed project adds no trips to the Existing Courthouse site because no increase in courtrooms or employees is proposed, thus the number of trips to a new six room courthouse will be similar to the number of trips captured in existing counts to the existing historic courthouse.

Trip Distribution

The project trip distribution is based primarily on existing traffic volume splits on SR-20 and SR-49 for the Cement Hill and Temporary Court sites. Exhibit 4.9-8 and Exhibit 4.9-9 summarize total inbound and outbound trip distribution for project trips to and from the Cement Hill and Temporary Court sites.

Traffic forecasts associated with Existing Plus Project at the Cement Hill and Temporary Court sites are illustrated on Exhibit 4.9-10 and Exhibit 4.9-11, respectively.

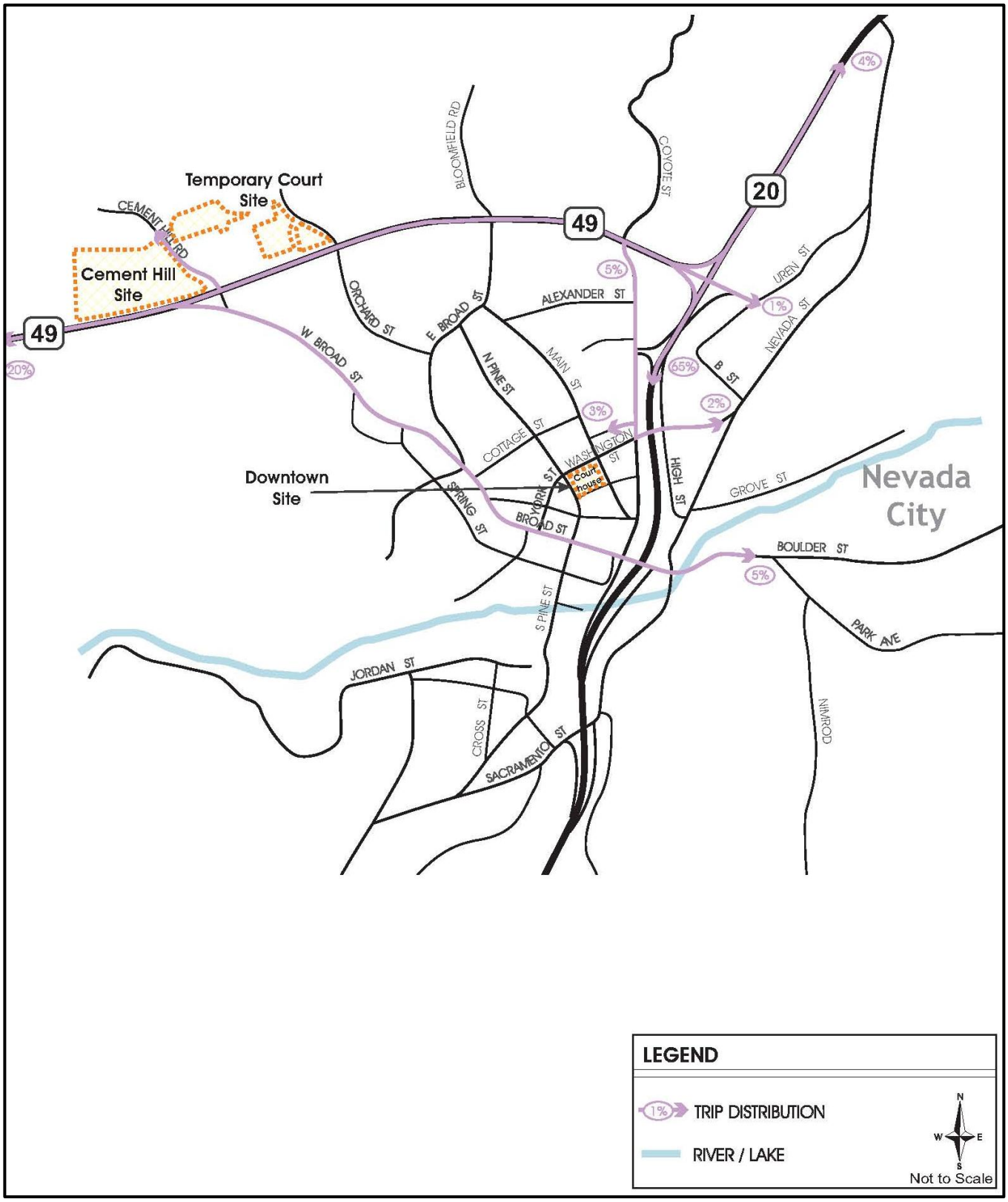
Analysis Results - Existing Plus Project

Existing Plus Proposed Courthouse – Cement Hill Site

Table 4.9-4 summarizes intersection LOS results associated with the proposed project. No intersections are projected to operate at an unacceptable LOS during the a.m. peak hour.

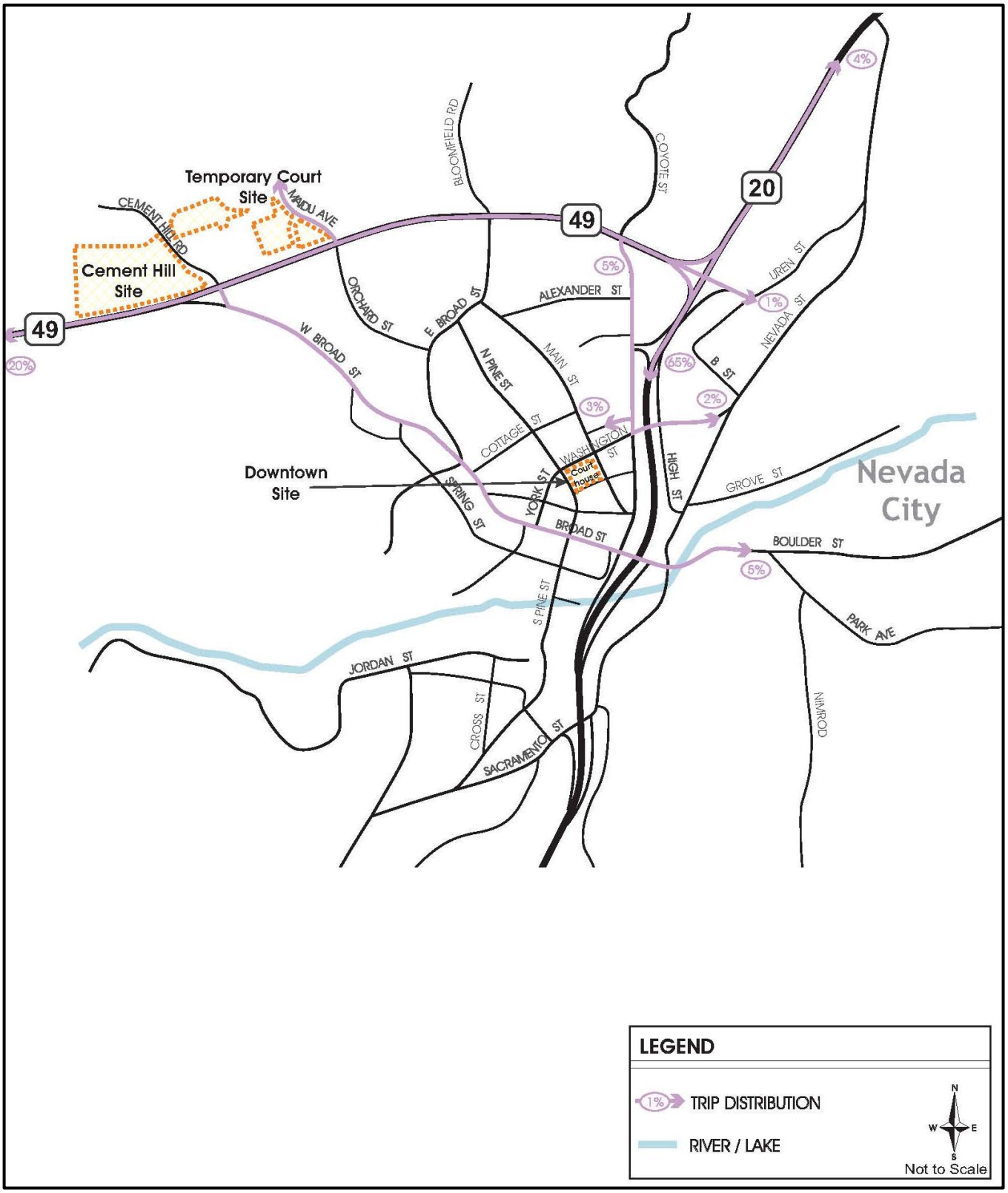
Existing Plus Proposed Courthouse – Temporary Court Site

Table 4.9-5 summarizes intersection LOS results associated with the proposed project. No intersections are projected to operate at an unacceptable LOS during the a.m. peak hour.



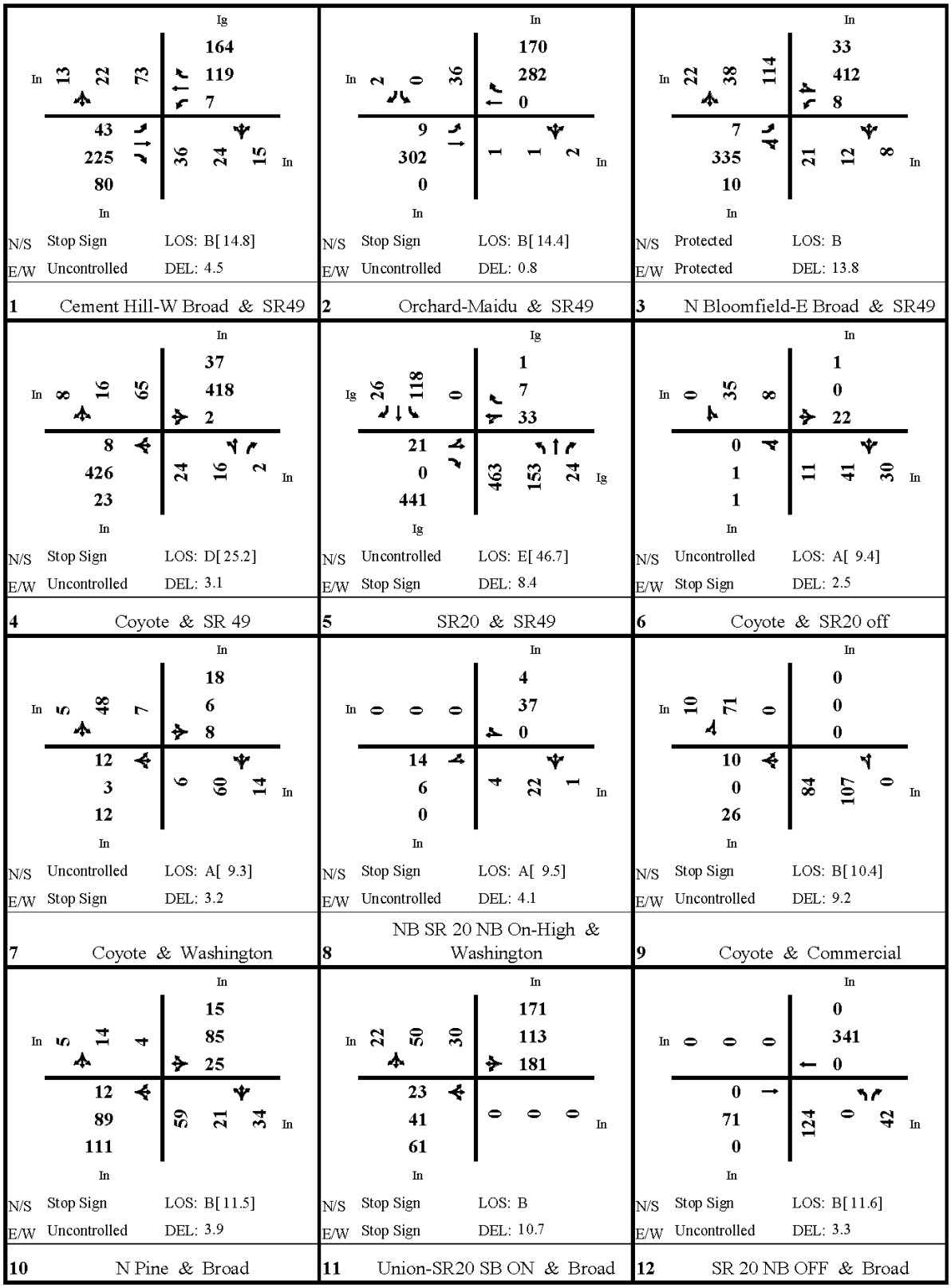
Source: DKS Associates, 2011

Exhibit 4.9-8 **Project Trip Distribution – Cement Hill Site**



Source: DKS Associates, 2011

Exhibit 4.9-9 **Project Trip Distribution – Temporary Court Site**

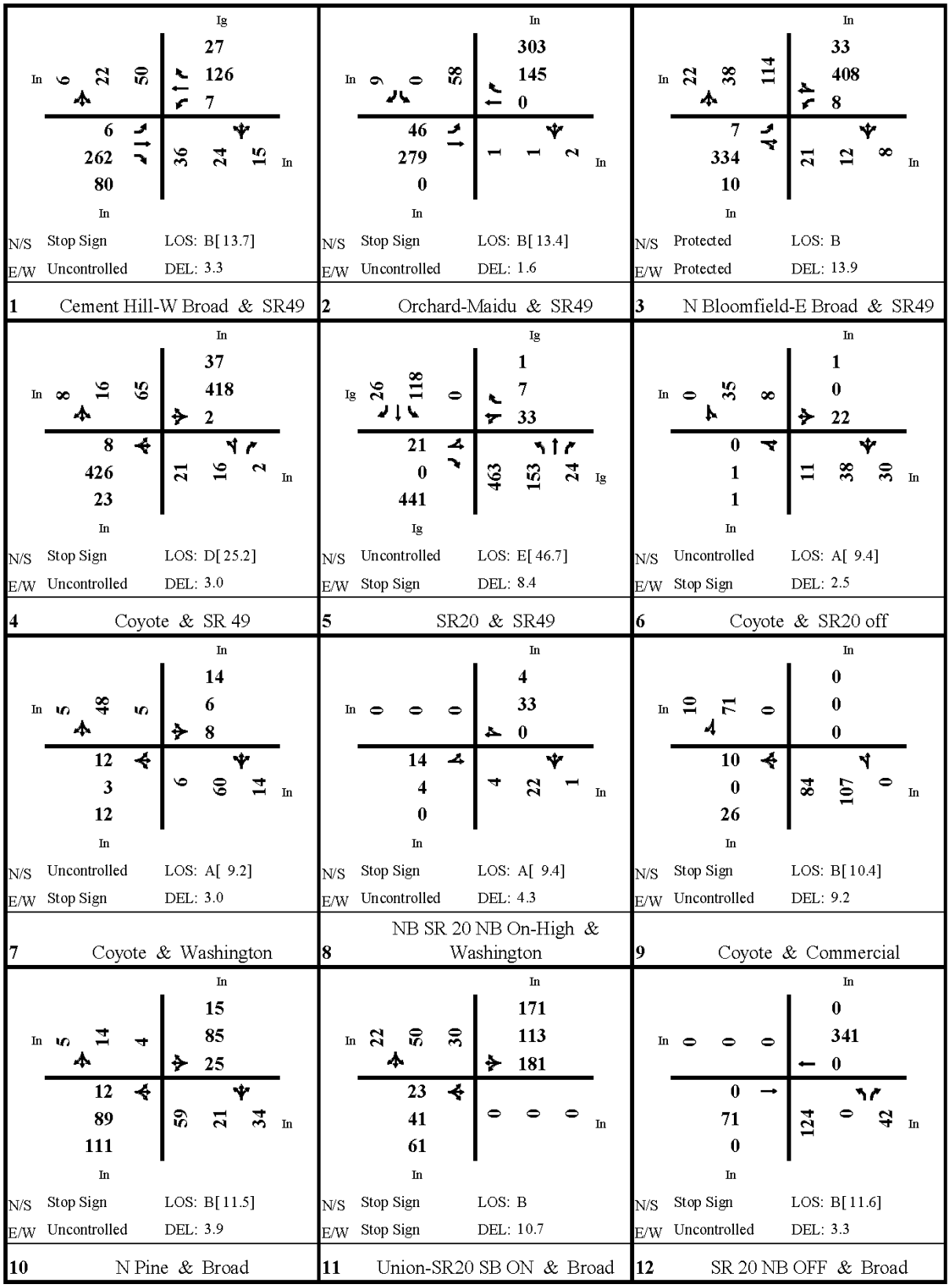


Source: DKS Associates, 2011

Note: for right turns; "In" = included, "Ig" = Ignored, "Ov" = overlap phase

Exhibit 4.9-10

Existing Plus Project at Cement Hill Site
AM Peak Hour Intersection Volume and Lane Geometry



Source: DKS Associates, 2011

Note: for right turns; "In" = included, "Ig" = Ignored, "Ov" = overlap phase

Exhibit 4.9-11

Existing Plus Project at Temporary Court Site
AM Peak Hour Intersection Volume and Lane Geometry

Table 4.9-4 Existing Plus Project at Cement Hill Site AM Peak Hour Level of Service

Intersection	Control	No Project		With Project	
		Delay[a]	LOS[a]	Delay[a]	LOS[a]
1. Cement Hill Road/SR-49	Stop	13.0	B	14.8	B
2. Maidu Avenue/SR-49	Stop	12.2	B	14.4	B
3. North Bloomfield Road /SR-49	Signal	16.1	B	13.8	B
4. Coyote Street/SR-49	Stop	19.6	C	25.2	D
5. SR-20/SR-49	Stop	27.6	D	46.7	E
6. SR-20 Southbound Ramps/Coyote Street	Stop	9.3	A	9.4	A
7. Coyote Street/Washington Street	Stop	9.2	A	9.3	A
8. SR-20 Northbound On-Ramp/Washington Street	Stop	9.4	A	9.5	A
9. Coyote Street/Commercial Street	Stop	10.4	B	10.4	B
10. North Pine Street/Broad Street	Stop	11.5	B	11.5	B
11. SR-20 Southbound On-Ramp/Broad Street	Signal	10.7	B	10.7	B
12. SR-20 Northbound Off-Ramp/Broad Street	Signal	11.6	B	11.6	B

[a] Delay and LOS is based on HCM 2000 Methodology. For signals, the average control delay and LOS is reported. For side-street stop controlled intersections the delay and LOS for the worst movement is reported.

Source: DKS Associates, 2011

Table 4.9-5 Existing Plus Project at Temporary Court Site AM Peak Hour Level of Service

Intersection	Control	No Project		With Project	
		Delay[a]	LOS[a]	Delay[a]	LOS[a]
1. Cement Hill Road /SR-49	Stop	13.0	B	13.7	B
2. Maidu Avenue /SR-49	Stop	12.2	B	13.4	B
3. North Bloomfield Road /SR-49	Signal	16.1	B	13.9	B
4. Coyote Street/SR-49	Stop	19.6	C	25.2	D
5. SR-20/SR-49	Stop	27.6	D	46.7	E
6. SR-20 Southbound Ramps/Coyote Street	Stop	9.3	A	9.4	A
7. Coyote Street/Washington Street	Stop	9.2	A	9.2	A
8. SR-20 Northbound On-Ramp/Washington Street	Stop	9.4	A	9.4	A
9. Coyote Street/Commercial Street	Stop	10.4	B	10.4	B
10. North Pine Street /Broad Street	Stop	11.5	B	11.5	B
11. SR-20 Southbound On-Ramp/Broad Street	Signal	10.7	B	10.7	B
12. SR-20 Northbound Off-Ramp/Broad Street	Signal	11.6	B	11.6	B

[a] Delay and LOS is based on HCM 2000 Methodology. For signals, the average control delay and LOS is reported. For side-street stop controlled intersections the delay and LOS for the worst movement is reported.

Source: DKS Associates, 2011

FUTURE PLUS PROJECT CONDITIONS ANALYSIS

The analysis of transportation and circulation in the future focuses on year 2030 cumulative conditions. Future no project traffic volume forecasts were developed through utilization of growth rates based upon summary

traffic volumes provided from the NCTC Model. Traffic associated with the proposed project was added to future no project traffic volume data based upon trip generation and distribution estimates prepared for existing plus project conditions. Traffic forecasts associated with Future No Project conditions during the a.m. peak hour are illustrated on Exhibit 4.9-12. Future Plus Project conditions with the proposed project at the Cement Hill and Temporary Court sites are illustrated on Exhibit 4.9-13 and Exhibit 4.9-14, respectively.

Analysis Results – Future Plus Project Conditions

Future Plus Proposed Courthouse – Cement Hill Site

Table 4.9-6 summarizes intersection LOS results associated with the proposed project. Most intersections operate at an acceptable average LOS during the a.m. peak hour. The SR-20/SR-49 intersection meets both delay and volume warrants during the a.m. peak hour. If this intersection is not signalized by 2030, this intersection will experience LOS F delays resulting in a significant impact due to the addition of traffic to a facility that is already operating at LOS F.

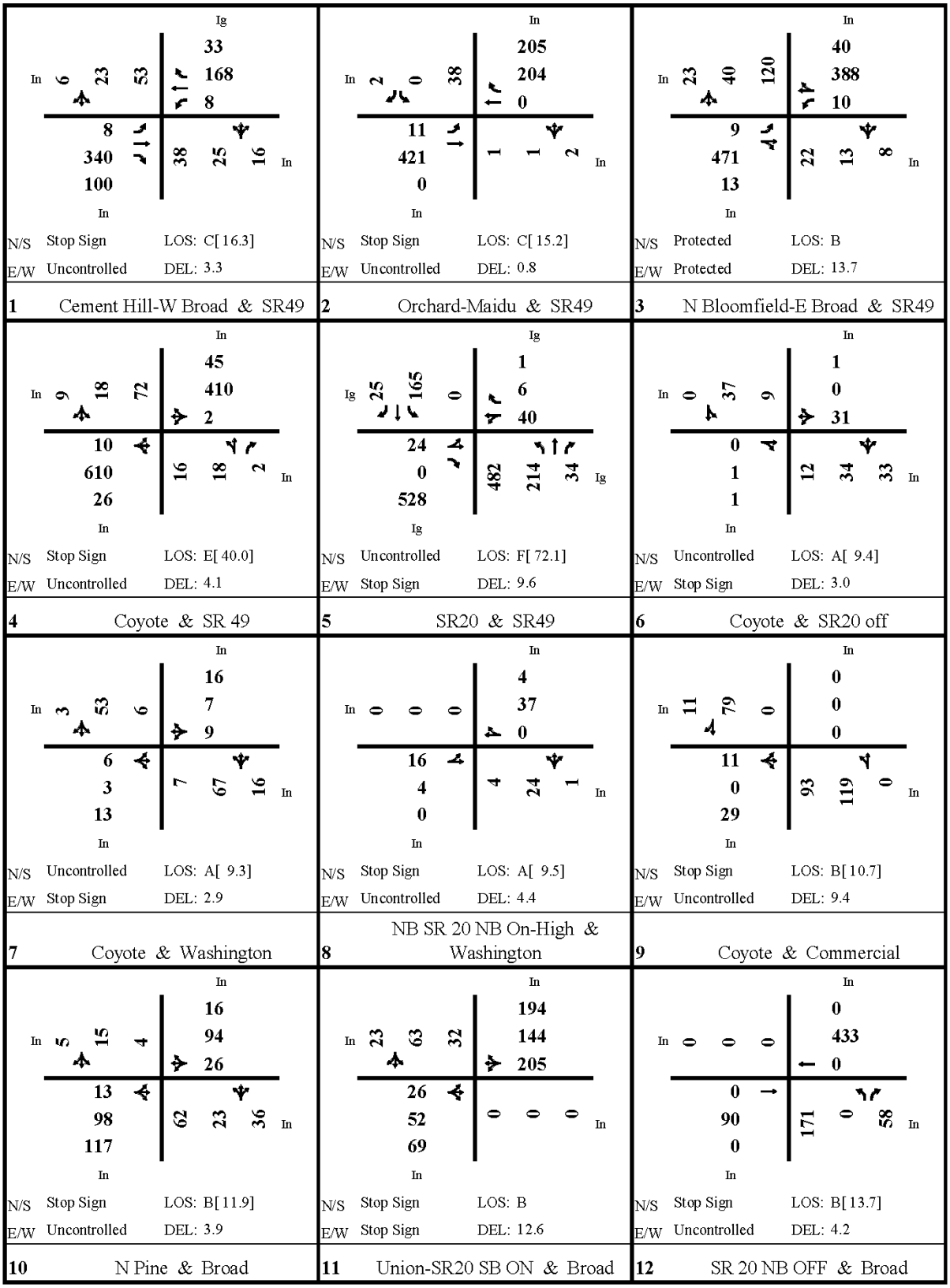
The Coyote Street/SR-49 intersection meets volume warrants during the a.m. peak hour, but does not meet delay warrants. If this intersection is not signalized by 2030, this intersection will experience LOS F delays resulting in a significant impact due to the addition of traffic to a facility that is already operating at LOS F.

Future Plus Proposed Courthouse – Temporary Court Site

Table 4.9-7 summarizes intersection LOS results associated with the proposed project. Most intersections are projected to operate at an acceptable LOS during the a.m. peak hour.

The SR-20/SR-49 intersection meets both delay and volume warrants during the a.m. peak hour. If the temporary court facility is still located at the Temporary Court site, and this intersection is not signalized by 2030, this intersection will experience LOS F delays resulting in a significant impact due to the addition of traffic to a facility that is already operating at LOS F.

The Coyote Street/SR-49 intersection meets volume warrants only during the a.m. peak hours, but does not meet delay warrants. If the temporary court facility is still located at the Temporary Court site, if this intersection is not signalized by 2030, this intersection will experience LOS F delays resulting in a significant impact due to the addition of traffic to a facility that is already operating at LOS F.

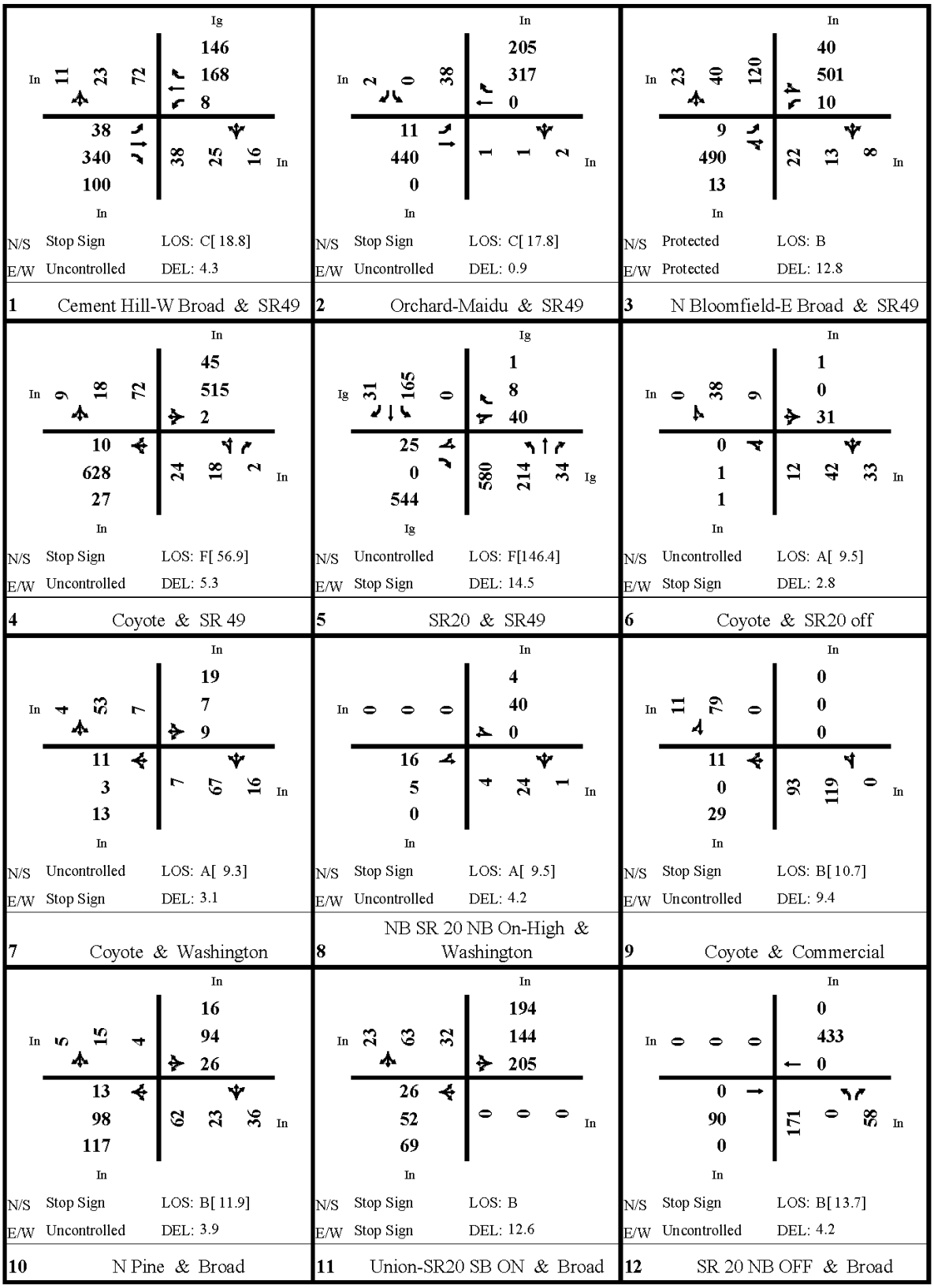


Source: DKS Associates, 2011

Note: for right turns; "In" = included, "Ig" = Ignored, "Ov" = overlap phase

Exhibit 4.9-12

Future No Project Conditions
AM Peak Hour Intersection Volume and Lane Geometry

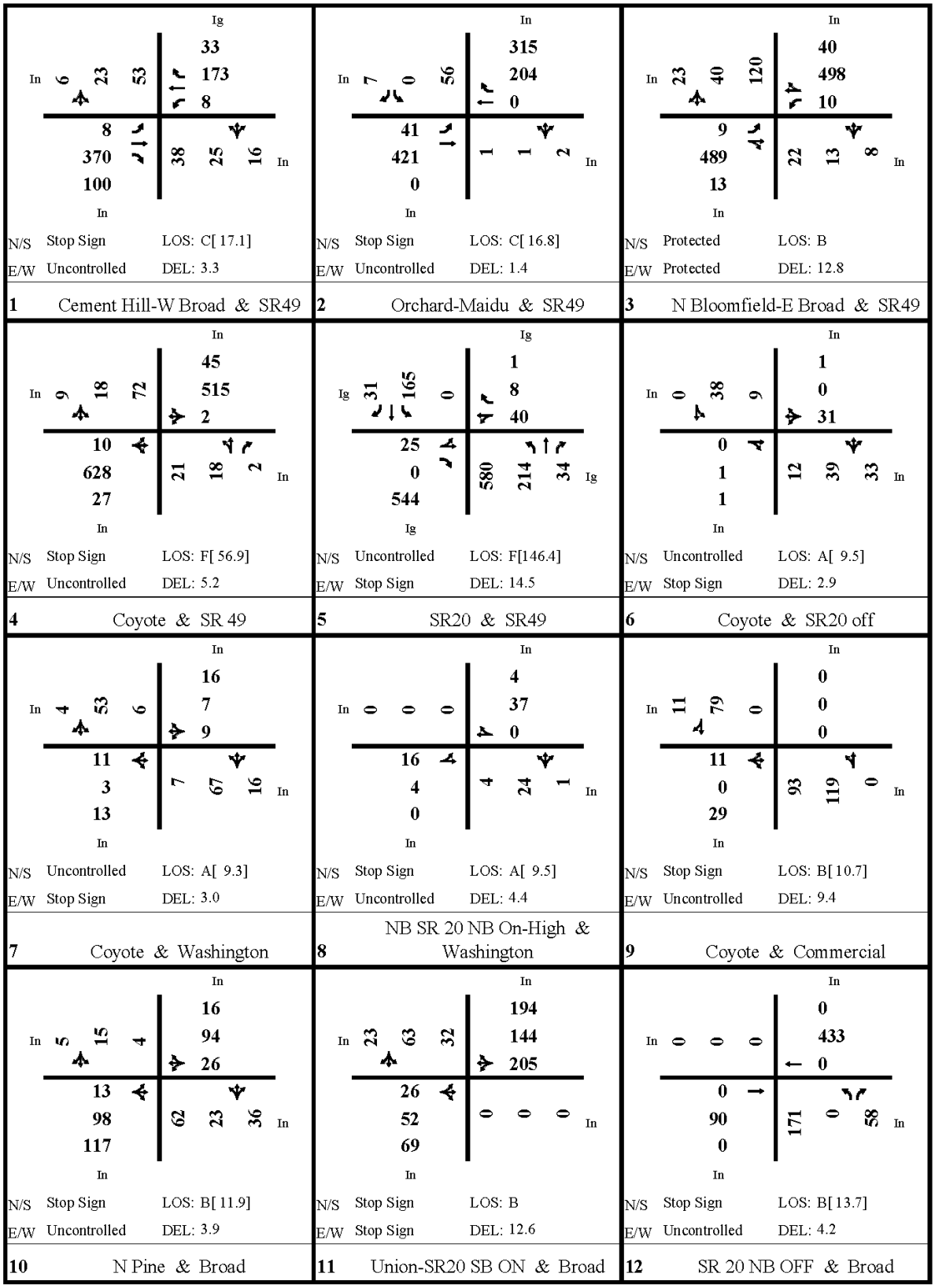


Source: DKS Associates, 2011

Note: for right turns; "In" = included, "Ig" = Ignored, "Ov" = overlap phase

Exhibit 4.9-13

Future Plus Project at Cement Hill Site
AM Peak Hour Intersection Volume and Lane Geometry



Source: DKS Associates, 2011

Note: for right turns; "In" = included, "Ig" = Ignored, "Ov" = overlap phase

Exhibit 4.9-14

Future Plus Project at Temporary Court Site
AM Peak Hour Intersection Volume and Lane Geometry

Table 4.9-6 Future Plus Project at Cement Hill Site AM Peak Hour Level of Service

Intersection	Control	No Project		With Project	
		Delay[a]	LOS[a]	Delay[a]	LOS[a]
1. Cement Hill Road /SR-49	Stop	16.3	C	19.5	C
2. Maidu Avenue /SR-49	Stop	15.2	C	18.4	C
3. North Bloomfield Road /SR-49	Signal	13.7	B	12.5	B
4. Coyote Street/SR-49	Stop	40.0	E	61.9	F
5. SR-20/SR-49	Stop	72.1	F	175.4	F
6. SR-20 Southbound Ramps/Coyote Street	Stop	9.4	A	9.5	A
7. Coyote Street/Washington Street	Stop	9.3	A	9.4	A
8. SR-20 Northbound On-Ramp/Washington Street	Stop	9.5	A	9.5	A
9. Coyote Street/Commercial Street	Stop	10.7	B	10.7	B
10. North Pine Street /Broad Street	Stop	11.9	B	11.9	B
11. SR-20 Southbound On-Ramp/Broad Street	Signal	12.6	B	12.6	B
12. SR-20 Northbound Off-Ramp/Broad Street	Signal	13.7	B	13.7	B

[a] Delay and LOS is based on HCM 2000 Methodology. For signals, the average control delay and LOS is reported. For side-street stop controlled intersections the delay and LOS for the worst movement is reported.

Source: DKS Associates, 2011

Table 4.9-7 Future Plus Project at Temporary Site AM Peak Hour Level of Service

Intersection	Control	No Project		With Project	
		Delay[a]	LOS[a]	Delay[a]	LOS[a]
1. Cement Hill Road /SR-49	Stop	16.3	C	17.3	C
2. Maidu Avenue /SR-49	Stop	15.2	C	17.1	C
3. North Bloomfield Road /SR-49	Signal	13.7	B	12.5	B
4. Coyote Street/SR-49	Stop	40.0	E	61.9	F
5. SR-20/SR-49	Stop	72.1	F	175.4	F
6. SR-20 Southbound Ramps/Coyote Street	Stop	9.4	A	9.5	A
7. Coyote Street/Washington Street	Stop	9.3	A	9.3	A
8. SR-20 Northbound On-Ramp/Washington Street	Stop	9.5	A	9.5	A
9. Coyote Street/Commercial Street	Stop	10.7	B	10.7	B
10. North Pine Street /Broad Street	Stop	11.9	B	11.9	B
11. SR-20 Southbound On-Ramp/Broad Street	Signal	12.6	B	12.6	B
12. SR-20 Northbound Off-Ramp/Broad Street	Signal	13.7	B	13.7	B

[a] Delay and LOS is based on HCM 2000 Methodology. For signals, the average control delay and LOS is reported. For side-street stop controlled intersections the delay and LOS for the worst movement is reported.

Source: DKS Associates, 2011

IMPACTS AND MITIGATION MEASURES

The proposed project includes two potential development sites for the proposed project: the Existing Courthouse site which would include a temporary court next to the Correctional Facility, or the Cement Hill site. For more details on the differences between each site, refer to Chapter 3, Project Description. This section describes project impacts applicable to both project sites under Existing Plus Project traffic conditions. Impact statements and mitigation measures apply to all analysis scenarios except where noted.

Impact 4.9-1	**Construction Traffic.** Project demolition and construction activities would generate traffic associated with the removal of materials and the delivery of materials and equipment to the project site and construction worker trips for both project sites. Although these vehicle trips would be limited to the project construction schedule, depending on the timing of the trips and local traffic conditions, these trips could result in substantial increase in traffic on local roadways. Therefore, this impact would be considered **potentially significant**.

Overall, the number of vehicles accessing the site on a daily basis during demolition and construction is anticipated to be substantially below the number of vehicle trips projected for the site during post-project operations. However, the proposed construction activities would temporarily increase traffic volumes on local roadways associated with the removal of demolition wastes and delivery of materials and equipment to the site, as well as the daily arrival and departure of construction workers. Construction workers would typically arrive at 7:00 a.m. and depart by 3:30 p.m. with some workers staying as late as 5:00 p.m. Therefore, the majority of construction workers would not contribute to a.m. and p.m. peak hour commute periods. Materials and equipment would be removed and delivered to the site throughout the day, including during peak hours. This would not be expected to represent more than several trucks per day.

The route to and from the Cement Hill or Temporary Court sites would be expected to directly use SR-49. The route to and from the Existing Courthouse site would use the routes shown on previous Exhibit 4.9-7 (page 4.9-17). Routes for recycling and disposal of construction wastes for the Existing Courthouse site do not include use of Coyote Street between the southbound SR-20 ramps and SR-49; on northbound Coyote Street (north of the SR-20 southbound off and on ramps) an existing warning sign states "No Thru Trucks." On southbound Coyote Street (south of SR-49) an existing W15 "ROAD NARROWS" warning sign exists. Heavy construction equipment would be delivered to the site when necessary and would remain on the site until no longer required. Several trucks would deliver the heavy construction equipment and the same number of trucks would be required to remove the equipment. Based on this scheduling, the heavy equipment delivery truck trips would be relatively infrequent. Nonetheless, construction vehicles could result in a substantial increase in traffic and cause potential conflicts on local roadways depending on the timing of construction activities and local traffic conditions. This impact would be considered **potentially significant**.

Mitigation Measure 4.9-1

To minimize construction impacts to the transportation system the following strategies shall be implemented:

- *Access to driveways and cross streets shall be maintained by the AOC's construction contractor during construction, in accordance with traffic control standard plans or traffic handling plans.*
- *Pedestrian access shall be maintained by the AOC's construction contractor during construction, with at least one sidewalk open on one side of the roadway at all times. Additional signs shall be required to detour pedestrians when sidewalks are closed for contract work.*

- *Bicycle traffic shall be maintained during construction if planned bikeways are completed by the time construction commences. Additional signs and striping shall be required to redirect bicycle traffic if bikeways are closed for contract work.*
- *Coordination with the City shall be required to handle traffic through the work area.*
- *During the development of plans, specifications, and estimates, the anticipated construction schedule(s) of adjacent project(s) shall be reviewed to determine if nearby projects should be indicated in the special provisions as requiring cooperation of the contractor during construction.*

Significance after Mitigation

Implementation of this mitigation measure would ensure that potential traffic construction impacts to the transportation system would be addressed. Therefore, this potentially significant traffic impact would be reduced to a less-than-significant level.

Impact 4.9-2	**Intersection Level of Service.** The addition of project-related traffic to local intersections would increase the traffic volumes at these intersections for both Cement Hill and the temporary court at the Government Center. If two of these locations remain stop signed controlled in the future, project-related traffic could result in the addition of traffic to Caltrans facilities already operating at LOS F under future cumulative traffic conditions. Therefore, this impact would be considered **potentially cumulatively considerable**.

The proposed project would increase traffic volumes at local intersections during the a.m. peak hour for both the Cement Hill and Temporary Court sites.

Previous tables compare resulting LOS with the project against no project conditions under Existing (Table 4.9-4 and Table 4.9-5) and Future traffic conditions (Table 4.9-6 and Table 4.9-7). If SR-20/SR-49 and/or the Coyote Street/SR-49 intersection remain two-way stopped controlled intersections in the future, project-related traffic could potentially result in the addition of traffic to facilities already operating at LOS F. Although the TCR for SR-49 indicates signalizing the SR-20/SR-49 intersection is included in the RTP as a future project, it is not currently funded. Therefore, this impact would be considered **potentially cumulatively significant**.

Mitigation Measure 4.9-2

- *If the Coyote Street/SR-49 and/or SR-20/SR-49 intersections are signalized by the year 2030, no mitigation is required. If temporary facilities at the Nevada County Government Center are vacated before year 2030, no mitigation is required.*
- *If the Cement Hill site is selected or the temporary court facility is still occupied at the time a traffic signal is determined to be warranted but unfunded, the AOC shall participate in any applicable fair share fees imposed by the Nevada Transportation Commission and the City of Nevada City for the traffic signal.*

Significance after Mitigation

With mitigation, the impact of the proposed project on intersection LOS is less than cumulatively significant.

Impact 4.9-3	**Pedestrian Facilities and Safety.** **Existing Courthouse Site.** There would be no change the number of courtrooms or employees, thus no change in the number of employees, jurors, and visitors to the study area. The proposed project at this site would have no impact on pedestrian facilities and safety. **Cement Hill/Temporary Court Sites.** The addition of project-related traffic to the transportation network near and around the Cement Hill site would increase pedestrian volumes on some sidewalks and street crossings. However, the project would not adversely affect existing or planned pedestrian facilities. The proposed project would not conflict with adopted policies, plans, or programs regarding pedestrian facilities, nor create new pedestrian hazards. Therefore, this impact would be considered less than significant.

The proposed project would result in the addition of employees, jurors, and visitors to the Cement Hill/Temporary Court study area, some of whom may arrive by walking. There are no existing or planned pedestrian facilities on SR-49 or at Cement Hill or Maidu roads.

Nearly all project vehicle trips include walking from ancillary surface parking lots or parking structures. The proposed project would not result in any substantial changes to the existing or planned pedestrian network. The project is not anticipated to result in unsafe conditions for pedestrians or conflict with adopted policies, plans, or programs. The impact of the proposed project on pedestrian facilities is less than significant.

Mitigation Measure 4.9-3

No mitigation is required.

Impact 4.9-4	**Bicycle Facilities and Safety.** **Existing Courthouse Site**. There would be no change in the number of courtrooms or employees, thus no change in the number of employees, jurors, and visitors to the study area. The proposed project at this site would have no impact on bicycle facilities. **Cement Hill/Temporary Court Sites**. The addition of project-related traffic to the transportation network would likely increase bicycle volumes on some on- and off-street bikeways. However, the project would not adversely affect existing or planned bicycle facilities. The proposed project would not conflict with adopted policies, plans, or programs regarding bicycle facilities. Therefore, this impact would be considered less than significant.

The proposed project would result in the addition of employees, jurors, and visitors to the Cement Hill/Temporary Court study area, some of which would arrive by biking. The Bike Master Plan identifies proposed on-street bikeways along SR-49 and along West Broad and East Broad streets into the Downtown bike network. The proposed project would not result in any substantial changes to the existing or planned bicycle network. The project is not anticipated to result in unsafe conditions for cyclists or conflict with adopted policies, plans, or programs. The impact of the proposed project on bicycle facilities is less than significant.

Mitigation Measure 4.9-4

No mitigation is required.

Impact 4.9-5	**Transit Facility Effects.** **Existing Courthouse Site**. There would be no change in the number of courtrooms or employees, thus no change in the number of employees, jurors, and visitors to the study area. The proposed project at this site would have no impact on transit facilities. **Cement Hill/Temporary Court Sites**. The addition of project-related traffic to the transportation network would likely increase ridership on some transit facilities. However, the project would not adversely affect existing or planned transit facilities. The proposed project would not conflict with adopted policies, plans, or programs regarding transit facilities. Therefore, this impact would be considered less than significant.

The proposed project would result in the addition of employees, jurors, and visitors to the Cement Hill or Temporary Court sites, some of which would arrive by transit. The Government Center is served by both Gold Country Stage bus routes with hourly service to Downtown Nevada City and Grass Valley. The proposed project would not result in any substantial changes to the existing or planned transit network. The project is not anticipated to result in unsafe conditions for transit or conflict with adopted policies, plans, or programs. The impact of the proposed project on transit facilities is less than significant.

Mitigation Measure 4.9-5

No mitigation is required.

Impact 4.9-6	**Local Circulation.** **Existing Courthouse Site**. The proposed project may include the construction of parking at 215 Washington Street and greater use of the county-owned surface parking lot located at the northeast corner of Main and Washington streets. Ingress and egress onto Winter Street to progress from one aisle to another aisle within the same lot could interfere with residential street traffic. DKS Associates has prepared a circulation plan (Exhibit 4.9-7) that has been incorporated into the project description which does not require vehicles to enter a public street (Winter Street) in order to progress from one aisle to another aisle within the same lot. The project at this site would have a less-than-significant impact on local circulation. **Cement Hill/Temporary Court Sites**. The Cement Hill and Temporary Court sites are located on SR-49. Direct access to SR-49 is not proposed therefore no increase in turning movements would occur on a high-speed state route. The project would have a less-than-significant impact on highway traffic flows and local circulation.

Existing Courthouse Site

The parking design of the two adjacent sites should allow drivers to park as close to the courthouse as possible while minimizing interference to street traffic. Therefore, the traffic circulation design for the 215 Washington Street site does not require vehicles to enter a public street (Winter Street) in order to progress from one aisle to another aisle within the same lot. The project does not include driveways onto Winter Street, and the 215 Washington Street site will be designed to mirror the existing county lot, with a one way entrance driveway to the north off Main Street, internal circulation to the aisle of parking below, and a one way exit opposite the existing county lot. The proposed project circulation would not result in turning movements on 215 Washington Street to access parking, thus impacts on local circulation would be less-than-significant.

Mitigation Measure 4.9-6a – Existing Courthouse Site

No mitigation is required.

Cement Hill/Temporary Court Sites

The Cement Hill site is located on the northwest corner of Cement Hill Road/SR-49, directly across the street from the Temporary Court site. Primary access to this facility would be via one or two driveways to Cement Hill Road on the north leg of the Cement Hill Road/SR-49 intersection. The Temporary Court site would be located on the northeast corner of Cement Hill and SR-49, with primary internal access from the Government Center via driveways to Maidu Avenue on the north leg of the Maidu Avenue/SR-49 intersection. No direct driveway access from SR-49 would be provided for either site. Traffic ingress and egress driveways off Cement Hill Road or via Maidu Avenue would have a less-than-significant impact on highway traffic flows and local circulation.

Mitigation Measure 4.9-6b – Cement Hill/Temporary Court Sites

No mitigation is required.

4.10 Utilities and Public Services

Draft Environmental Impact Report
New Nevada City Courthouse

4.10 UTILITIES AND PUBLIC SERVICES

This section provides an overview of existing utilities and public service systems for the proposed project sites, at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada County Government Center (Government Center), or at the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City). This section addresses water supply, wastewater treatment/conveyance, storm drainage, solid waste disposal, and fire and police services. Impacts are evaluated in relation to increased demand and infrastructure for these utilities and services associated with the New Nevada City Courthouse (proposed project) and actions needed to provide the services that could potentially lead to physical environmental effects. Analysis provided in this section is based on a review of agency documents and consultation with service providers.

No comments were received during the Notice of Preparation (NOP) period concerning utilities or public services.

4.10.1 EXISTING SETTING

The Existing Courthouse, Temporary Court, and Cement Hill sites are served by the utility providers within the City of Nevada City (City) and the County of Nevada (County). Publicly and privately owned local purveyors provide and maintain utilities associated with water, stormwater, wastewater, and solid waste. Fire and public safety services are provided by both the City and the County. These utility service systems and public services are described below.

WATER

Water Supply

Water supply is provided by the Nevada Irrigation District (NID). NID is a diversified water resource agency that supplies nearly 25,000 homes, farms, and businesses in Nevada and Placer counties in the Sierra Nevada foothills. The district was organized in 1921 under the California Irrigation District Act of 1897 as a nonprofit water agency, and operates under Division 11 of the State Water Code. Water supply for the NID is currently derived from mountain snowpack from Northern California's Sierra Nevada Mountains, and is stored in an extensive system of ten reservoirs that provide water surface water supply to NID's seven water treatment plants as well as the raw water supply for NID's raw water system. The reservoirs are also used to provide hydroelectric energy and public recreation. The district supplies both treated drinking water and irrigation water, including water for municipal, domestic, and industrial purposes. Municipal customers include Grass Valley, Nevada City, and a portion of Lincoln. The NID also generally provides treated water service to lands annexed in the last 30 years, which includes the Cement Hill site.

NID provides raw water to Nevada City. By 2015, NID will be providing 400 acre-feet per year (AFY) to the City, and that number is anticipated to remain steady through 2035. The City is also responsible for collecting, treating, and discharging treated wastewater within NID's service area. NID utilizes recycled sewage effluent from the Nevada City sewage treatment plant, which is diverted from Deer Creek. Some gets treated and re-used at the Smartville Water Treatment Plant and the remainder gets re-used as agricultural irrigation water.

The City provides treated water service to the majority of the original City townsite, including the Existing Courthouse site and Government Center; this water distribution system is gravity fed. The City provides treated water service to 1,217 customers. The customer base is primarily residential with both single and multi-family representing almost 85% of all customers and approximately 75% of water use. Commercial, government, and

non-profits represent the remainder. Most customers are served by the smallest meter sizes with nearly 95% served by 5/8-inch or 3/4-inch meters. This system, and the water treatment plant, are aging and require significant improvements. The City's Capital Improvement Plan 2010 – 2016 (CIP) identifies approximately $5.7 million in planned system upgrades, with most going to rebuild the water treatment plant in 2015.

Water Treatment

Existing Courthouse/Temporary Court Sites

The Nevada City Water Treatment Facility (WTF), a division of the City's Public Works Department, processes drinking water for most homes and businesses within the city limits, including both the Existing Courthouse and Temporary Court sites. Water is provided by NID from Little Deer Creek and the DS Canal, and stored in three tanks, which are undergoing upgrades. Distribution is provided across 17 miles with one pump station.[1]

The WTF was last rebuilt in the mid-1970s. The WTF is designed to produce 2.0 million gallons per day (mgd) of treated water; because the plant is essentially manually operated, the City is planning a complete rebuild of the facility. The goal is to increase the capacity of the WTF to produce sufficient amount of water during the summer peak demand, to increase the storage facilities, and to refurbish and automate the 35-year old plant. The treatment capacity serves approximately 1,400 connections, and no change is anticipated to be needed through 2023 to meet a future demand for 1,500 connections. The system experiences a current demand of approximately 1.54 mgd. The treatment plant and distribution system are in the process of being upgraded, with $3.625 million allocated from the Safe Drinking Water State Revolving Fund in 2009. No change in capacity is proposed.

Cement Hill Site

Cement Hill is served directly by NID. NID provides public treated water for the area surrounding Nevada City and selected areas within the City from the Elizabeth George Water Treatment Plant (EGWTP). Water is provided to areas primarily within district boundaries. The EGWTP Master Plan was updated in May 2006. The EGWTP has a capacity of 24 mgd; the NID recently expanded treatment plant capacity to meet future community potable water demands associated with planned and approved development envisioned in the City of Grass Valley 2020 General Plan and the Nevada County General Plan.[2]

The EGWTP is located southeast of Nevada City, and is routinely staffed by one employee on a part-time basis during normal business hours. The EGWTP provides treated drinking water to a service area with approximately 5,400 service connections and current daily water production ranging from 1 to 8 mgd. Treated water produced by the EGWTP is conveyed to the Banner Reservoir located off-site, approximately 0.5 miles to the west. Banner Reservoir consists of two smaller reservoirs that provide a total of 15 million gallons (mg) of treated water storage capacity. Banner Reservoir provides storage to meet peak customer water demands and can be used to facilitate the filter backwash operations at the EGWTP. The EGWTP is a conventional treatment plant utilizing rapid mix chemical coagulation, sedimentation, filtration, and chlorine disinfection.

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[1] Nevada County LAFCO. 2008, October 9. 2008 Update of the Nevada City Sphere of Influence Plan.

[2] Nevada Irrigation District. 2008, April. Preliminary Review and Initial Study for the Elizabeth George Water Treatment Plant Expansion Project.

Water Distribution

Existing Courthouse/Temporary Court Sites[3]

The City delivers water to and through the water meter, and uses the NID specifications for the water distribution system. The City owns and operates the water distribution system that supplies potable water throughout the city through a gravity fed system. The Existing Courthouse and Temporary Court sites are fully connected to the existing water distribution system.

City water lines are located in all streets surrounding the project sites, including eight-inch water lines located along North Pine and Main streets and six-inch lines located in Church and Washington streets. The six-inch line on Church Street would likely need to be upgraded if that line is used (Falconi, 2011). Pressure in the gravity-fed system is adequate for water supply and fire suppression needs. The static pressure ranges from 65 to 80 pounds per square inch (psi) adjacent to the site.

The Government Center is served by its own zone and pressure system, maintaining a minimum of 45-50 psi. Static pressure at the hydrants on the property is 120 to 125 psi. A 1.5 mg tank feeds the system and is more than adequate to supply water to the temporary court facility. Six-inch water mains are present throughout the site with several connection points available for the facility.

Cement Hill Site

Water supply for the Cement Hill site would be provided by the NID. The Reimbursement Agreement for the site expires on February 5, 2012, and after that date, the AOC would be responsible for any upgrades to the system necessary to provide water to the building. Currently, there is a 10-inch main located along Cement Hill Road. The nearest static pressure is located at Cement Hill and Wet Hill roads and is 102 psi. Water for the site would come from the EGWTP, which, as noted above, is currently being upgraded. While the NID does not anticipate any issues with the water supply, a formal analysis by their engineers would be required before a "will serve" letter could be provided to the City.[4]

WASTEWATER

Nevada City provides wastewater collection to all properties within the city limits. Wastewater is collected by gravity and force mains in a series of main, trunk, and interceptor sewers owned and operated by the City. The City maintains the main lines, and it is the responsibility of the property owner to maintain their sewer lateral. Both potential courthouse sites are currently within areas served by the city sewer system.

Nevada City Wastewater Treatment Plant

The City is the owner and operator of the Nevada City Wastewater Treatment Plant (WTP), a publicly owned treatment facility. The WTP was renovated in 2006 and provides sewer service to approximately 3,050 people. It is a tertiary treated activated sludge plant. Treatment consists of screening, grit removal, lime addition for pH control, biological treatment using nitrification/denitrification activated sludge, secondary clarification, filtration (cloth disc filters and sand filters in parallel operation), chlorination, and dechlorination. The WTP's existing National Pollution Discharge Elimination System (NPDES) permit became effective June 23, 2008 and is valid through 2013.[5] This NPDES permit contains new and/or more stringent effluent limitations for zinc, based on

[3] Falconi, Willliam. (2011, May 23). City Engineer, City of Nevada City, California. Personal Communication.
[4] Matteoni, Shannon. (2011 May 23). Business Coordinator, Nevada Irrigation District. Personal Communication.
[5] CVRWQCB. 2008. NPDES No. CA0079901, Waste Discharge Requirements for the City of Nevada City Wastewater Treatment Plant, Nevada County.

implementation of the California Toxics Rule (CTR) and the State Implementation Policy. Tertiary treated effluent is discharged to Deer Creek, a tributary to the Yuba River within the Sacramento River Watershed. The WTF meets or exceeds all current standards for operation.

Permitted dry weather flows are 0.69 mgd, with a recent effluent flow rate of 0.40 mgd (Central Valley Regional Water Quality Control Board; CVRWQCB). The predicted annual growth rate for the service area is 0.7%, based on Department of Finance 1971 to 2010 population information. The maximum predicted 2030 flows are estimated to be 0.50 mgd.[6] According to the Nevada County Local Agency Formation Commission Municipal Services Report (LAFCO MSR), the WTP has adequate permitted capacity to serve its needs through at least 2023, when plant capacity will reach approximately 80%.

The WTF is a division of the Nevada City Public Works Department; there are three full-time employees who operate the facility. The California Water Quality Monitoring Collaboration Network and Friends of Deer Creek provide ongoing citizen-based water quality monitoring of Deer Creek.

Wastewater Collection System

Existing Courthouse/Temporary Court Sites

The City owns and operates the wastewater collection system that collects sewage throughout the City through a gravity system. The Existing Courthouse site and Temporary Court site are fully connected to the City's existing sewer collection system. Sewer lines are located near the Existing Courthouse site, including two 6-inch lines located along Main Street and one along North Pine Street. Connection points (manholes) are located at the intersections of Church and North Pine streets and Church and Main streets (Falconi, 2011).

The Temporary Court site is served by a ten-inch sewer line running to SR-49 and Maidu Avenue. Six-inch lines run from there to the buildings in the Government Center and would be adequate to serve the temporary court facilities (Falconi, 2011).

Cement Hill Site

A sewer main was recently constructed along the south side of SR-49, ending east of the West Broad Street intersection. However, connecting to it across the California Department of Transportation (Caltrans) right-of-way (ROW) would likely prove infeasible. The project would likely need to connect to the existing 10-inch sewer main running to SR-49 and Maidu Avenue. This would require approximately 1,000-feet of new six-inch line across Cement Hill Road and along SR-49 as well as at least two manholes.

STORM DRAINAGE

Nevada City uses the standard CalTrans specifications for roads, drainage, and sidewalks. As described in the LAFCO MSR, the City has a noted lack of adequate stormwater management facilities. Stormwater management is generally done on a site-by-site level. The LAFCO MSR identified a need for a stormwater management plan and a program to ensure adequate facilities to meet present and anticipated needs.

Except for a small area in Downtown that includes the Existing Courthouse site, there are no publicly maintained storm drains in the City. The City uses surface drainage facilities. Stormwater is generally allowed to flow unimpeded and untreated into local perennial and seasonal streams, most of which feed into Deer Creek, which traverses the center of the City. The few existing storm drains are maintained by the Nevada City Street

[6] CVRWQCB. 2011, March. Wastewater Control Measures Study.

Department and do not include any treatment system prior to deposit in a local waterway. There is no information available regarding a more precise area or population served by the system, and there are no known plans to upgrade or expand the existing system.

The City has minimum impervious lot coverage standards established for projects within Section 17.80.130 of the Municipal Code. These standards require that the maximum lot coverage standards not exceed 85% for commercial projects within the Central Business District, and no more than 50% in all other non-specified districts. Projects in the City are typically conditioned to install detention and treatment facilities necessary to reduce peak hour flows into the drainage system.

Existing Courthouse Site

While the new parking areas will have landscaping and potential bioswales, for purposes of the CEQA analysis the maximum impact is assumed. Conversion of the existing lawn area on 215 Washington Street would result in approximately 10,000 square feet (sf) of impermeable surface added to the stormwater service area. The current system is sufficient to accommodate this addition without upgrades.

Cement Hill/Temporary Court Sites

Based on the United States Geological Survey (USGS) Nevada City, California, 7.5 Minute Series Topographic Map dated 2000, drainage within the vicinity is expected to follow surface topography and flow to the southwest-southeast towards Deer Creek located approximately 0.5 mile south of the Cement Hill site. The Cement Hill and Temporary Court sites are located in an area that has been heavily mined and ground level has been lowered close to the natural water table. This is the reason for the drainage issues that have led to the area being named "Wet Hill." Despite this moniker, the site is adequately served by a culvert running beneath SR-49 and into the natural watershed. The City does not anticipate needing to upgrade this culvert for the project (Falconi, 2011).

Solid Waste/Recycling Services

Solid waste is collected by Integrated Waste Management (Waste Management), disposed of at the Nevada County (County) McCourtney Road Transfer Station and then hauled to a permitted sanitary landfill, the Ostrom Road Landfill in Wheatland, California. The Ostrom Road Landfill has a reported capacity of 75 years, which would accommodate increased solid waste generated by new growth of all types within the City and its General Plan Sphere of Influence (SOI).

Waste Management offers customized recycling programs to residential, commercial, and industrial customers, to reduce the amount of solid waste generated in the County. Current programs include buy/drop-off centers; paper, wood and pallet recycling; and glass and plastic recycling. Waste Management also provides recycled materials pickup, transfer services, and offers a variety of sizes of mail-back sharps containers that provides customers a system for the safe disposal of sharps waste. The Waste Reduction Awards Program (WRAP) is sponsored by the California Integrated Waste Management Board to recognize businesses that have developed outstanding waste reduction programs. In addition, the County employs one Recycling Coordinator and three Recycling Technicians to assist the County in developing the infrastructure needed to meet the state mandate of diverting solid waste disposal.

Fire Services

The Nevada City Fire Department (NCFD) serves a population of approximately 3,050 people over 1.5 square miles; the population within Nevada City's current area is projected to reach 3,926 by 2027. NCFD has two paid staff and shares staff and equipment with the Nevada County Consolidated Fire District (NCCFD). NCFD operates

one fire station, Station 54 located at 201 Providence Mine Road (with NCCFD). Both project sites would also be served by NCCFD Station 84 at 10135 Coyote Street (at SR-49).

The NCFD serves the City as well as areas outside its boundaries. Due to its shared staffing/equipment arrangement with NCCFD, one staff member from the NCFD and one staff member from the NCCFD go out on the county engine for each call. The NCCFD has first response for a larger area, so NCFD provides service outside the City's boundaries, including east to Greenhorn Road, north to Bear Valley, west to Rough & Ready, and south to the County line. NCFD also has automatic aid and mutual aid agreements with all other fire districts in the region, as well as the United States Forest Service (USFS). Dispatch is provided through the California Department of Forestry and Fire Protection (CAL FIRE, formerly CDF).

The NCCFD serves the Alta, Oaks, and Sunset communities as well as the area bordering Watt Park and Penn Valley, Gold Flat, Glenbrook Basin, Loma Rica industrial area, Nevada County Airpark, and portions of the rural areas between Grass Valley, Nevada City, and Banner Mountain. Its service area is approximately 143 square miles and it provides fire protection and emergency medical services to 32,062 people.

The CAL FIRE also maintains two stations in the City located south of the project sites, at 10242 Ridge Road and 19076 Tyler Foot Crossing Road. The CAL FIRE provides wildfire protection to undeveloped forested areas of the Sierra Nevada. The CAL FIRE is largely concerned with the prevention and control of wildland fires, and deterring the spread of fire into developed areas. Although the CAL FIRE does not normally respond to structure fires, CAL FIRE provides protection to structures threatened by forest fire. Other sources of fire protection that could be called upon to serve the sites include the USFS and other Nevada County Fire Protection Districts.

All firefighters are trained as emergency medical technicians or first responders. Sierra Nevada Hospital Unit, a private ambulance service, is the nearest ambulance service provider with an ambulance stationed on SR-49.

Police Services

The Nevada City Police Department (NCPD) is located at City Hall and has nine full-time officers supplemented by two additional officers on grants and eight reserve officers. The NCPD provides public safety and emergency protection services within city limits. Backup is provided by the Nevada County Sheriff's Department (Sheriff's Department) and the California Highway Patrol (CHP).

The Sheriff's Department provides law enforcement services to operate the jail and provide in-custody transport to the courthouse. The Sheriff's Department currently has a staff of 185 employees, of which 77 are sworn officers and 58 are correctional officers who are sworn while on duty at the jail. The Wayne Brown Correctional Facility (Correctional Facility) is located at 925 Maidu Ave, Nevada City, across Cement Hill Avenue from the Cement Hill site, adjacent to the Temporary Court site, and 0.7 miles north of the Existing Courthouse site.

Sheriff's staff supervises the Court Holding Facility and coordinates all activities in the criminal courts in Nevada City and Truckee. Correctional Officers staff the Court Holding Facility where inmates are housed during their court appearances. The Correctional Officers assigned to the Court Holding Facility are responsible for the security of the courthouse and the Criminal Courts including the safety of the public when they are present in the courtrooms. Correctional Officers are also responsible for transporting and coordinating the transportation of inmates to and from the courts, other counties and states, and to and from the State Prison System.

Recreational Facilities – Hirschman's Trail

The City recently constructed Hirschman's Trail within the Cement Hill parcel. Cement Hill Road is the trail head for this 2.0 mile trail that meanders through the historic mine tailings from Cement Hill to Hirschman's Pond to

the west. The trail was initially planned to be built to American with Disabilities Act (ADA) accessible standards; however, from the trailhead to the edge of Hirschman's Pond, the trail is still constructed to a lower standard at this point with steeper grades, a rougher surface, and a narrow trail tread. From Hirschman's Pond the trail is routed west and north paralleling SR-49, through the city-owned open space properties and the two privately-owned parcels with recorded trail easements. The trail provides the opportunity to access the 1800s hydraulic mining landscape, and to interpret the landscape, the history of the site, and transformation from barren soil at Cement Hill to a forest of pines, oaks and brush that exist along the route.

4.10.2 REGULATORY SETTING

FEDERAL

Environmental Protection Agency

The United States Environmental Protection Agency (EPA) established primary drinking water standards in the Clean Water Act (CWA) Section 304 and states are required to ensure that potable water for the public meets these standards. Standards for 81 individual constituents have been established under the Safe Drinking Water Act of 1974 (SDWA), as amended in 1986.

Under the CWA, stormwater discharges are regulated through NPDES municipal stormwater permits. In California, the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) oversee implementation of the Clean Water Act, and the Central Valley Regional Water Quality Control Board (CVRWQCB or Central Valley RWQCB) issues and enforces NPDES stormwater permits within the Central Valley.

STATE

Statewide General Waste Discharge Requirements

The Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-0003-DWQ) established by the SWRCB apply to state agencies that own and operate more than one mile of pipe that collects and conveys untreated or partially treated wastewater to a publicly owned treatment facility. These waste discharge requirements, intended to reduce sanitary-sewer overflows, require agencies to develop and certify a sewer system management plan, sections of which must be submitted to the SWRCB.

Drinking Water Quality

The California Department of Public Health (DPH) is responsible for implementing the SDWA and its updates, as well as California statutes and regulations related to drinking water. As part of their efforts, the DPH inspects and provides regulatory oversight for public water systems within California. In addition, in the Sacramento area the RWQCB has the responsibility for protecting the beneficial uses of the state's waters, including groundwater and municipal drinking water supply, as well as various other uses.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State legislature passed the California Integrated Waste Management Act (CIWMA) of 1989 (Assembly Bill (AB) 939), effective January 1990. According to the CIWMA, all cities and counties were required to divert 25% of all solid waste from landfill facilities by January 1, 1995 and 50% by January 1, 2000. Each jurisdiction is required to develop solid waste and household hazardous waste plans demonstrating program implementation consistent

with the intent of the CIWMA. The plans must promote (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal.

Energy Efficiency Standards

Title 24, Part 6 of the California Building Code establishes energy efficiency standards for new construction (new buildings, additions, alterations, nonresidential buildings, and repairs). These standards were established in 1978 in response to a legislative mandate to reduce California's energy consumption and are updated periodically to allow consideration and incorporation of new energy efficiency technologies. New standards were adopted in 2008 to reduce California's electricity demand. For building permit applications submitted on or after January 1, 2010, the 2008 standards must be met. The 2010 building energy efficiency standards were developed in response to a number of efforts, including Assembly Bill 32, the Global Warming Solutions Act of 2006 which mandates that California must reduce its greenhouse gas (GHG) emissions to 1990 levels by 2020. The updated standards were adopted by the California Energy Commission (CEC) in April 2008.

LOCAL

Nevada City Municipal Code

Section 13.04.190 – Water main extensions

This section of the Nevada City Municipal Code (Municipal Code) requires that when an application is filed for a service connection where there is no water main adjacent to the applicant's property – and no immediate provision has been made by the City for the extension of any existing main to such property – the City will require an extension of sufficient size to provide for all intervening properties along the new line. All mains shall be of cast iron construction, shall extend the full length of the applicant's property, and shall belong to the City.

Section 13.08.050 – Sewer main extensions

This section of the Municipal Code requires that when an application is filed for a service connection where there is no sewer main adjacent to the applicant's property – and no immediate provision has been made by the City for the extension of any existing main to such property – the City will require an extension of sufficient size to provide for all intervening properties along the new line, as well as any additional properties within the City that may in the future be served by the further extension of the main.

4.10.3 IMPACTS AND MITIGATION MEASURES

METHOD OF ANALYSIS

Because the proposed project involves a temporary or permanent change in location but no increase in staff or activities, impacts on utilities and public services that would result from the project were identified by assessing existing service capacity and conditions at each location with project implementation. The evaluation of potential public utility and service impacts are based on documents pertaining to the proposed project area, including the LAFCO MSR. Additional information was obtained through consultation with appropriate agencies, a review of letters received during public scoping, and field review of the project site and surroundings.

THRESHOLDS OF SIGNIFICANCE

Pursuant to CEQA Guidelines Appendix G, a utilities impact is considered significant if implementation of the proposed project under consideration would do any of the following:

- Create a water supply demand in excess of existing entitlements and resources
- Result in the determination by the wastewater treatment provider that serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments
- Exceed wastewater treatment requirements of the applicable RWQCB
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects
- Require or result in the construction of new or expanded landfill facilities, the construction of which could cause significant environmental effects
- 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 fire or public safety services

As described in the Initial Study (IS; Appendix A), public service impacts related to parks, schools, libraries, and other public services are not evaluated further in this Draft EIR. Please see the IS for additional information.

IMPACTS AND MITIGATION MEASURES

Impact 4.10-1	**Increased Demand for Water Facilities and Treatment.** **Existing Courthouse/Temporary Court Sites.** The proposed project would replace an existing use and demand, and would therefore not increase demand on water supplies or water treatment. The temporary location at the Government Center is fully served by utilities. The project at this location would have no impact on water facilities or treatment. **Cement Hill Site.** The proposed project would replace the existing use and demand, and would therefore not increase demand on overall water supplies or water treatment. However, this site is currently within the NID service area, and reuse of the existing downtown structures would ultimately result in an overall increase in demand. Construction of the courthouse at this location would also require the extension of water mains to the site. This would be a less-than-significant impact.

Cement Hill Site

The Cement Hill site is located west of the farthest extension of existing city water facilities. The project at this location would require an agreement with NID for the City to provide service to the site, and the extension of the 10-inch main located along Cement Hill Road. As discussed above, the EGTP is currently being upgraded, and will have adequate long-term capacity to serve the site as well as anticipated growth in the City's SOI. If an agreement is made for the City to provide water service to this site, the City's WTF is undergoing reconstruction, and also has adequate long-term capacity to serve all anticipated City needs through 2023.

It is unknown what or if a potential reuse of the existing courthouse and annex buildings would result in an increased demand for water. This site is already served by the City, which as noted above has adequate long-term capacity to serve all anticipated city needs through 2023.

Because there is adequate treatment capacity and adequate water supply infrastructure that can be extended to serve the proposed project and the project would not require the construction of major new distribution or treatment facilities, the impact of the proposed project at the Cement Hill site on water facilities would be **less than significant**.

Mitigation Measure 4.10-1 – Cement Hill Site

No mitigation is required.

Impact 4.10-2	**Increased Demand for Wastewater Facilities and Treatment.** **Existing Courthouse/Temporary Court Sites**. The proposed project would replace an existing use and demand, and would therefore not increase overall demand on wastewater collection or treatment. The temporary location at the Government Center is fully served by utilities. The project at this location would have no impact on wastewater facilities. **Cement Hill Site**. The proposed project would replace an existing use and demand, and would therefore not increase demand overall on wastewater treatment. However, reuse of the existing structures would result in an increased demand, and construction of the courthouse at this location would require the extension of sewer mains to the site. This would be a less-than-significant impact.

Cement Hill Site

The Cement Hill site is located west of the farthest extension of existing city sewer facilities. The project at this location would likely need to connect to the existing 10-inch sewer main running to SR-49 and Maidu Avenue. This would require approximately 1,000-feet of new six-inch line across Cement Hill Road and along SR-49, as well as at least two manholes.

It is unknown what or if a potential reuse of the existing courthouse and annex buildings would result in an increased demand for wastewater treatment. This site is already served by the City, and as noted above, the wastewater treatment plant was upgraded in 2006, and has adequate long-term capacity to serve the site as well as anticipated growth in the City's SOI through 2023.

There is adequate treatment capacity and adequate sewer infrastructure that can be extended to serve the proposed project. In addition, the project would not require the construction of major new distribution or treatment facilities; therefore, the impact of the proposed project at the Cement Hill site on wastewater facilities would be less than significant.

Mitigation Measure 4.10-2 – Cement Hill Site

No mitigation is required.

Impact 4.10-3	**Require or Result in the Construction of New Storm Water Drainage Facilities.** **Existing Courthouse/Temporary Court Sites.** The proposed project may generate increased urban runoff from parking at 215 Washington Street, which would incrementally increase the amount of runoff entering the City's Downtown stormwater system. The impact related to increased runoff would be less than significant. **Cement Hill Site.** The proposed project would generate increased urban runoff from building and parking areas, which would increase the amount of runoff entering the local natural drainage system. The impact related to increased stormwater runoff would be less than significant.

Existing Courthouse/Temporary Court Sites

The Existing Courthouse site is located in Downtown Nevada City, in an area served by a municipal storm drainage system. This system collects runoff in a system of pipes within the streets, and carries it untreated to Deer Creek. Conversion of the existing lawn area on 215 Washington Street would result in approximately 10,000 sf of impermeable surface added to the stormwater service area. The current system has adequate capacity to accommodate this increased flow. Therefore, the proposed project would have a less-than-significant impact on storm drainage.

Mitigation Measure 4.10-3a - Existing Courthouse/Temporary Court Sites

No mitigation is required.

Cement Hill Site

The Cement Hill site drains naturally to the southwest-southeast towards Deer Creek, located approximately 0.5 miles south of the Cement Hill site. The proposed project would add approximately 2.5 acres of impervious surface to this site. As noted above, the site is adequately served by a culvert running beneath SR-49 and into the natural watershed. The City does not anticipate needing to upgrade this culvert for the project.

Urban storm water runoff is defined as including stormwater and dry weather flows from a drainage area that reaches a receiving water body or subsurface. The permit regulates the discharge of all wet and dry weather urban storm water runoff within the City and requires the City to implement a stormwater management program to reduce pollutants in stormwater to the maximum extent possible.

As stated in Chapter 3, Project Description, the proposed project would implement stormwater quality control measures that are designed using the criteria outlined in the Design Manual and in accordance with the policies and procedures of the RWQCB. The control measures would be properly constructed and maintained to ensure long-term performance. Because the AOC would implement the above practices and comply, to the extent feasible, with city policies requiring that new development protect the quality of water bodies and natural drainage systems through site design, storm water treatment, and best management practices (BMPs), the impact related to increased stormwater pollutants would be less than significant.

Mitigation Measure 4.10-3b - Cement Hill Site

No mitigation is required.

Impact 4.10-4	**Increased Generation of Solid Waste.** Demolition of the existing courthouse, annex, and child care building at the Existing Courthouse site, demolition of the house on the Cement Hill site, and construction of the project at all sites would increase the amount of construction waste generated in Nevada City. No change in operational waste would occur. Adequate long-term landfill disposal capacity is available at the Ostrom Road Landfill, which would receive the solid waste generated from the project. Therefore, the project's impacts at either site on solid waste disposal would be less than significant.

Demolition of the existing courthouse, annex, and childcare building at the Existing Courthouse site would generate large volumes of construction debris for a short period of time. Demolition of the house at the Cement Hill site would generate a much smaller volume of construction debris for a short-period of time. Construction activities associated with the proposed project at either project site would result in the temporary generation of solid waste. Materials associated with construction activities requiring disposal include such things as asphalt, piping, and rubber. While most soils from excavation and trenching activities are anticipated to be reused on-site, any excess soils would be disposed of at a licensed facility. Demolition and construction waste would be recycled to the extent feasible, including potential reuse of materials on-site, such as the granite blocks from the former jail. Many materials such as painted lumber, roofing materials, masonry (tile, mortar, brick), inerts (small rocks, dirt, fines), flooring, concrete rubble, and unpainted drywall can be recycled at the McCourtney Road Transfer Station Construction and Demolition Area.

Whereas no change in operations is planned, no change in operation waste would occur over existing conditions. If the courthouse is constructed at the Cement Hill site, reuse of the existing courthouse and annex structures would result in an incremental increase in solid waste disposal. However, as noted above, solid waste is collected by Waste Management, disposed of at the Nevada County McCourtney Road Transfer Station and then hauled to a permitted sanitary landfill, the Ostrom Road Landfill in Wheatland, California. The Ostrom Road Landfill has a reported capacity of 75 years, which would accommodate increased solid waste generated by new growth of all types within the City and its SOI.

In addition, AB 939 mandates the reduction of solid waste disposal in landfills, and Waste Management has recently added commercial recycling service. The landfill has adequate permitted capacity to accommodate construction waste generated by the proposed project and its closure date extends to 2086. The project would also be required to comply with all federal and state statutes and regulations related to solid waste reduction and recycling. Implementation of the proposed project at either potential site would not require the construction of new or expanded landfill facilities, thus this impact would be less than significant.

Mitigation Measure 4.10-4

No mitigation is required.

Impact 4.10-5	**Increased Demand for Fire Services and Facilities.** **Existing Courthouse/Temporary Court Sites.** The proposed project would replace an existing use in an urban setting with a modern use with internal sprinklers meeting current fire code, and would therefore not increase demand on fire services. The project at this location would have no impact on fire services and facilities. **Cement Hill Site.** The proposed project would replace the existing use and demand, and would therefore not increase population demands on fire services. However, the Cement Hill site would place the courthouse immediately adjacent to lands subject to wildland fires. This would be a **potentially significant** impact.

Cement Hill Site

The Cement Hill area is not within a designated wildland fire area as mapped on the CAL FIRE Wildland Fire Maps. The area is designated on those maps as being within a "Local Responsibility Area," meaning that the NCFD has primary responsibility for wildland fire protection within the designated area. However, this designated responsibility area is surrounded by a very high severity rating, thus the risk of wildland fires can be presumed to be high for the Cement Hill site.

Much of the Cement Hill site is heavily forested, and because of preservation requirements, the courthouse on this site would abut fuel loads in the form of dry grasses and thick trees. The presence of flammable vegetation presents the potential for wildland fire, which could threaten the courthouse facility in that location. The potential for a wildland fire based on the proximity of the project to wildland fire hazard areas and the presence of flammable vegetation is a **potentially significant** impact.

Mitigation Measure 4.10-5 – Cement Hill Site

During construction of the proposed project and off-site improvements (roadway extension and community septic system), the contractor shall perform the following tasks:

- *All on-site flammable vegetation and fuels shall be legally disposed of or removed. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code (PRC) 4291. Firebreaks shall be maintained by removing and clearing away all existing brush, flammable vegetation or combustible growth within 100 feet of structures.*
- *Temporary provisions for emergency access and fuel modification zones shall be provided. The project applicant shall prepare a temporary fire protection plan that will provide temporary emergency access and fuel modification zones for development.*
- *Any grass or other vegetation planted along cut/fill areas (i.e., roadways for erosion control purposes) shall be low growing grasses and shall be on the Nevada County (County) approved plant list. Tall grasses can subject the development to an increase in fire danger.*

The AOC shall submit construction and improvement plans to the Nevada City Fire Department (NCFD) and the Nevada County Consolidated Fire District (NCCFD) for review and approval. The final plans shall contain the following items:

- *Designation of a fuel modification zone or greenbelt established along the perimeter of the project site. Perimeter fuel breaks shall be a minimum of 30 feet (typically ranging between 30 and 100 feet) as required by the Nevada County Fire Marshal. The AOC, with the assistance of California Department of*

Forestry and Fire Protection (CAL FIRE) and NCCFD, will determine the specific dimensions of each fuel modification zone located along the project perimeter based on the location, topography, access points, vegetation, degree of exposure, local weather conditions, and design and construction of structures.

The AOC shall submit a Vegetative Fuel Management Plan to the NCFD and the NCCFD. The plan shall contain information about fuel modification zones/fuel breaks, canopy spacing, roads, and types of plants to be used in landscaping and erosion control. The Vegetative Fuel Management Plan shall include:

- *Requirements that fire resistant landscaping is used in the fuel modification zones for project accesses.*
- *Provisions and funding for maintenance of fuel modification zones.*
- *No trees that will grow over 20 feet in height shall be planted or allowed to grow within 20 feet of any high voltage power line.*

Significance after Mitigation

Implementation of the above mitigation measures would mitigate potential project wildland fire hazards to a less-than-significant level.

Chapter 5

Cumulative and Growth Inducing Impacts

Draft Environmental Impact Report
New Nevada City Courthouse

5 CUMULATIVE AND GROWTH INDUCING IMPACTS

5.1 CUMULATIVE IMPACTS OF THE PROPOSED PROJECT

This Draft Environmental Impact Report (Draft EIR) provides an analysis of cumulative impacts of the New Nevada City Courthouse (proposed project) taken together with other past, present, and probable future projects producing related impacts, as required by Section 15130 of the California Environmental Quality Act Guidelines (State CEQA Guidelines). The goal of such an evaluation is twofold: first, to determine whether the combined impacts of all such projects would be cumulatively significant; and second, to determine whether the proposed project itself would cause a "cumulatively considerable" (and thus significant) incremental contribution to any such cumulatively significant impacts (see State CEQA Guidelines Sections 15130[a]-[b], Section 15355[b], Section 15064[h], Section 15065[c]). Section 15130 of the State CEQA Guidelines states that:

> (t)he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

Mitigation measures are to be developed to reduce the project's contribution to cumulative effects to a less-than-significant level or to the degree feasible. State CEQA Guidelines Section 15130(c) acknowledges that sometimes the only feasible method for mitigating or avoiding significant cumulative effects is to adopt ordinances or regulations that apply to all projects that contribute to the cumulative effect.

5.1.1 CUMULATIVE DEVELOPMENT ASSUMPTIONS

State CEQA Guidelines Section 15130(b)(1) provides two approaches to analyzing cumulative impacts. The first is the list approach, which requires a listing of past, present, and probable future projects producing related or cumulative impacts. The second is the summary approach wherein the relevant projections contained in an adopted general plan or related planning document that is designed to evaluate regional or area-wide conditions are summarized.

The basis of the cumulative analysis varies by each topic in the environmental analysis. The most relevant information, given the sites' location, pertains to development in the City of Nevada City (City). Overall, the cumulative context includes buildout of the City of Nevada City General Plan (General Plan), but, in some cases, planned projects are included where they can be quantified. For example, traffic and traffic-related air emissions and noise analyses assume development that is planned and/or anticipated in the project area that would contribute to traffic on local and regional roadways. Air quality impacts are evaluated against conditions in the Mountain Counties Air Basin (MCAB). Other cumulative analyses, such as cultural resources, consider the potential loss of resources in a broader, more regional context. As such, both the list of projects and the use of relevant regional projections (City's General Plan) are utilized as the basis for cumulative impacts, as appropriate for each environmental analysis topic in this Draft EIR.

Since development of the proposed project is consistent with land use designations and zoning of both potential project sites, the cumulative impact analysis for this Draft EIR is based on buildout of the City's General Plan. Whereas the General Plan is outdated, future traffic volume forecasts were developed through utilization of growth rates based upon summary traffic volumes provided from the Nevada County Transportation

Commission (NCTC) Model, and this forecast was used for the air quality and noise assessments. Additional project-specific information is provided as needed.

5.1.2 CUMULATIVE IMPACTS

Cumulate impacts are addressed within Chapter 4, Environmental Analysis, of this Draft EIR. The court is an existing use in Nevada City, and only the structure is proposed for replacement at a size of 84,000 building gross square feet (BGSF). Therefore, most impacts related to the proposed project are related to construction and location as compared to long-term operation. The cumulative impacts identified for the proposed project are summarized below.

Cumulative Impact 4.3-10	**Project Contribution to Cumulative Impacts to Biological Resources** This would be a less-than-significant cumulative impact.

The proposed project at either site would result in potentially significant impacts related to biological resources. These potentially significant project impacts, in combination with cumulative development, would be potentially cumulatively considerable. Cumulative projects would contribute to the loss of regional biological resources through the incremental conversion of habitat for special-status species to human use, and thus limit the availability and accessibility of remaining natural habitats to regional wildlife. Cumulative development could also affect designated critical habitat and thus directly impact threatened and/or endangered species through habitat conversion or unauthorized take. Because mitigation measures have been required to reduce project specific impacts to less than significant levels, the proposed project would not be expected to measurably contribute to significant cumulative biological resources impacts. Therefore, the proposed project would result in less-than-significant cumulative biological resource impacts after mitigation.

Cumulative Impact 4.4-4	**The Proposed Project Could Cause a Cumulative Loss of Cultural Resources** This would be a ***significant and unavoidable*** cumulative impact.

The proposed project would result in a cumulatively considerable loss of historic and archaeological resources from demolition and construction at either project site. Based upon previous surveys and research, Nevada County has been inhabited by prehistoric and historic peoples for thousands of years. Over time, human activity in the area has left remnants of that activity. As development continues throughout the region, cumulative development could result in archaeological resources being unearthed and damaged or destroyed, and historic buildings are often demolished when the cost of rehabilitation is too great. The removal, destruction, or significant alteration of such resources from their place of origin would destroy their value as a resource and thus be a significant cumulative impact on cultural resources.

Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one designated archaeological site or historic building affects all others in a region because these other properties are best understood in the context of the cultural system of which they (and the destroyed resource) were a part.

While the proposed mitigation measures may somewhat reduce the magnitude of the impact, the loss of archaeological resources, complete loss of a contributing structure to the Nevada City Downtown Historic

National Register District, the California Register of Historic Places, and the local Nevada City Downtown Historical District, and/or the loss of National Register-eligible historic mining landscape would contribute to a ***significant and unavoidable*** cumulative impact.

Cumulative Impact 4.5-1	**Project-Generated Emissions of Greenhouse Gas Emissions (GHGs)** This would be a less-than-significant cumulative impact.

The proposed project would not generate substantial GHG emissions during short-term construction or long-term operation that would be cumulatively considerable. Construction would occur over a finite period of time (three to four years) and then all construction-related GHG emissions would cease, the annual emissions are below any threshold currently adopted or planned in the state, and the quantity of emissions generated is not cumulatively considerable; therefore, the proposed project would not substantially contribute to the cumulative impact of climate change. This impact would be considered less than cumulatively significant.

Cumulative Impact 4.7-6	**The Proposed Project Could Cumulatively Contribute to a Degradation of the Quality of Receiving Water Bodies** This would be a less-than-significant cumulative impact.

Construction activities associated with the proposed project would result in land-disturbing activities such as grading, excavation, and trenching for utility and infrastructure installation. Ongoing operations on the parking facilities would contribute pollutants to storm waters. However, federal, state and local controls have significantly increased requirements over the last ten years to ensure sediments and pollutants are filtered on-site and are not transported to Deer Creek and downstream drainages and water bodies. Therefore, compliance with NPDES requirements will ensure cumulative impacts to receiving water bodies will be less-than-cumulatively significant.

Cumulative Impact 4.9-2	**Intersection Level of Service** This would be a less-than-significant cumulative impact.

The addition of project-related traffic to local intersections would increase the traffic volumes at these intersections for both Cement Hill and the Temporary Court at the Nevada County Government Center (Government Center). If two of these locations remain stop signed controlled in the future, project-related traffic could result in the addition of traffic to Caltrans facilities already operating at LOS F under future cumulative traffic conditions. Therefore, this impact would be considered potentially cumulatively considerable.

Mitigation measures have been identified which would reduce the impact of the proposed project on intersection LOS to less than cumulatively significant.

5.2 GROWTH INDUCING IMPACTS

Public Resources Code (PRC) Section 21100(b)(5) specifies that growth-inducing impacts of a project must be addressed in an EIR. Section 15126(d) of the State CEQA Guidelines states that a proposed project is growth-inducing if it could "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Included in the definition are projects that would remove obstacles to population growth. Examples of growth-inducing actions include developing water, wastewater, fire, or other types of services in previously unserved areas, extending transportation routes into previously undeveloped areas, and establishing major new employment opportunities. The following is a summary of the direct and indirect growth-inducing impacts that could result with implementation of the proposed project.

Construction of major projects can sometimes foster short-term economic growth associated with construction employment opportunities. Relative to regional employment and the current unemployment problems within the construction industry, the small number of short-term jobs would be a beneficial effect and would not induce economic growth beyond pre-recession levels.

For project operation, the proposed project would not increase staff over historic levels. The proposed project is a replacement project to provide more security and better internal circulation. Therefore, the proposed project would not foster direct growth related to employment at the courthouse facility.

Both potential project sites are located in close proximity to existing retail and services; the Existing Courthouse site is Downtown, and the Cement Hill site is 0.7 miles from Downtown services. Moving the court to the Cement Hill site could potentially result in a shift of County employees from Downtown to the Cement Hill area. Up to 70 County employees are currently housed in leased office space Downtown, including the District Attorney, the Public Defender, and the Probation Department; these employees could relocate to the Government Center if the court were to move to Cement Hill. In addition, there is office/professional zoning just north of the Wayne Brown Correctional Facility on Cement Hill that could provide office space to private attorneys if appropriate space were available. A recent survey conducted by Keyser Marston Associates, however, indicated only 20% would be interested in relocating if the court moved. Even so, this would represent a relocation of jobs within a ¾ mile radius. The proposed project does not have a potential to induce significant secondary employment resulting from creation of jobs to provide goods and services to the facilities and employees.

The proposed project would replace existing buildings at the Existing Courthouse site, or develop a portion of the Cement Hill site which is significantly constrained by biological and archaeological resources. Whereas there is no significant extension of public facilities, no long-term job generation, or change in zoning to remove constraints to growth, the proposed project would result in a less-than-significant impact related to growth inducement.

Chapter 6

ALTERNATIVES

Draft Environmental Impact Report
New Nevada City Courthouse

6 ALTERNATIVES

6.1 INTRODUCTION

This section addresses the alternatives to the implementation of the New Nevada City Courthouse (proposed project) at either the Existing Courthouse site (201 Church Street, Nevada City) with the temporary relocation of court functions to the Nevada City Government Center (Government Center), or the Cement Hill site (northwest corner of Cement Hill/State Route 49 (SR-49), Nevada City).

6.1.1 CEQA REQUIREMENTS FOR ALTERNATIVES ANALYSIS

Section 15126.6(a) of the California Environmental Quality Act (CEQA) Guidelines requires EIRs to describe:

> ... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

This section of CEQA also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis, as follows:

> Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The State CEQA Guidelines further require that the alternatives be compared to the proposed project's environmental impacts and that the "no project" alternative be considered (CEQA Guidelines Section 15126.6[d][e]).

In defining "feasibility" (e.g.," ... feasibly attain most of the basic objectives of the project ..."), State CEQA Guidelines Section 15126.6(f)(1) states, in part:

> Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision-making body, which for the proposed project is the Director of the Administrative Office of the Courts (AOC). (See Public Resources Code (PRC), § 21081[a][3].)

6.1.2 RANGE OF ALTERNATIVES CONSIDERED

The range of alternatives to the proposed project is addressed below in the discussion of *Alternatives Considered but Not Analyzed in Detail*. The State CEQA Guidelines (Section 15126.6(e)) require that, among other alternatives, a No Project alternative be evaluated in comparison to the project and that it "discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with the available infrastructure and community services."

6.1.3 FACTORS CONSIDERED IN IDENTIFYING PROJECT ALTERNATIVES

As discussed above, alternatives examined in an EIR need to consider the objectives of the project, and while the objectives cannot be so narrow as to limit consideration of alternatives, sometimes a project has conditions that naturally limit feasible alternatives. For instance, a project proposing a wastewater treatment expansion may be limited by the area it serves, the embedded community infrastructure (sewer lines) constructed to the existing location, and limited treatment technology choices. Thus, only one or two alternatives may be available that are both feasible, and that reduce the impacts of the project.

There are two key limiting factors for this project. First, the existing court facilities contain numerous deficiencies relative to efficiency, security, and access. In October 2008, the Judicial Council of California (Judicial Council) identified 41 "Immediate and Critical Need" courthouse projects in an effort to prioritize future courthouse construction and renovation. The Nevada City Courthouse was included on this list, and funding was identified via Senate Bill (SB) 1407 to address the immediate and critical needs at this court facility. Sufficient space within a consolidated facility must be provided for the future accessible, safe, and efficient functioning of the Superior Court of California, Nevada County (Superior Court).

Secondly, the courthouse has been located in Downtown Nevada City for 150 years. Both the historic court building and the court function are strongly identified with Downtown Nevada City, which presents a limiting factor for identifying alternative locations in other areas of Nevada County.

As discussed in Chapter 3, Project Description, the primary and fundamental objective of the proposed project is to develop a new courthouse facility to improve safety and security by increasing secure movement within the building, and to provide sufficient capacity to the public, litigants, jurors, and families who are served by California's courts. Other project objectives include the following:

- Improve access to justice. The existing courthouse is overcrowded, which affects scheduling, public services, jury services, and the general administration of justice. A new courthouse would improve access to justice by providing additional facilities to meet the court's demands and provide improved accessibility;
- Create a modern, secure courthouse for centralized proceedings for Nevada County, and for the provision of basic services currently not adequately provided. These services include appropriately-sized

jury assembly and deliberation rooms, adequately-sized in-custody holding, attorney interview/witness waiting rooms, and security screening for all court users;

- Provide for additional and efficient parking for courthouse users; and
- Create operational efficiencies and ongoing savings through the consolidation of court services.

6.2 SUMMARY OF ENVIRONMENTAL IMPACTS

The purpose of this section is to summarize the site-specific environmental constraints, as identified and discussed in Chapter 4, Environmental Analysis, of this Draft Environmental Impact Report (Draft EIR). Site-specific environmental constraints and their effects on the range of alternatives considered in this Draft EIR are discussed in the summary statements below. The summary statements discuss implementation of the proposed courthouse at either or both of the potential sites. When necessary, the discussions for each potential project site are discussed separately.

SECTION 4.1: AESTHETICS

Existing Courthouse Site

The proposed project at the Existing Courthouse site would cause ***significant and unavoidable*** damage to a historic building within view from a state scenic highway (Golden Center Freeway/SR-49). In addition, project-related features may contrast unfavorably and noticeably with the Downtown Historic District and have a ***potentially significant and unavoidable*** impact on the visual character of the project site. Impacts associated with nighttime lighting and daytime glare would be reduced to a less-than-significant level by implementation of mitigation measures that minimize lighting spillover and limit the use of reflective materials.

Cement Hill Site

The proposed project at the Cement Hill site would not result in adverse changes to the site's visual character with mitigation. Impacts associated with daytime glare would be reduced to a less-than-significant level by implementation of mitigation measures that limit the use of reflective materials.

SECTION 4.2: AIR QUALITY

The proposed project implemented at either site would result in **potentially significant and unavoidable** impacts associated with short-term, construction-related emissions of ozone (O_3) precursors (reactive organic gases (ROG) and oxides of nitrogen (NO_x)) because the feasibility of mitigation is uncertain, the design is not finished, and the project includes demolition, grading, and paving that results in emissions that would not be lowered to below the Northern Sierra Air Quality Management District (NSAQMD) 24 pounds/day Level B threshold for potentially significant effects. The proposed project at either site would result in less-than-significant impacts associated with long-term operations-related emissions of criteria pollutants and exposure of employees and the public to elevated levels of toxic air contaminants (TACs).

SECTION 4.3: BIOLOGICAL RESOURCES

Both Sites

Implementation of the proposed project at either the Cement Hill or Temporary Court site would result in potentially significant impacts related to wetlands and other waters of the United States and special status species. The proposed project at either the Existing Courthouse site or Cement Hill site could result in

potentially significant effects on protected tree resources and raptors and migratory birds, and mitigation measures are included that would reduce impacts to less than significant.

Existing Courthouse Site

Implementation of the proposed project at the Existing Courthouse site would have a less-than-significant impact on all other biological resources.

Cement Hill Site

Implementation of the project at Cement Hill could potentially affect three special-status plant species including inundated bog club-moss, brownish beaked-rush, and Scadden Flat checkerbloom, and could result in adverse effects on the following special status species: California red-legged frog, western pond turtle, yellow warbler, yellow-breasted chat, and California black rail. Mitigation measures are included that would reduce these impacts to a less-than-significant level.

SECTION 4.4: CULTURAL RESOURCES

Both Sites

The potential exists for previously unidentified unique archaeological remains to be discovered during ground-disturbing construction activities at either site, as well as subsurface human remains. With the implementation of the recommended mitigation, this impact would be reduced to a less-than-significant level. The proposed project at either the Existing Courthouse site or Cement Hill site would contribute to a cumulatively considerable loss of historic resources despite mitigation measures that would have a **significant and unavoidable cumulative** impact on cultural resources.

Existing Courthouse Site

Implementation of the proposed project on the Existing Courthouse site would result in the demolition of a contributing structure to a district listed on the National Register of Historic Places (National Register), the California Register, and the Nevada City Historical District. Mitigation measures can reduce the magnitude of the impact, but the impact remains **significant and unavoidable** if the courthouse is constructed at this site. Demolition of the historic courthouse would also result in a **significant and unavoidable impact** on the surrounding historic districts.

Cement Hill Site

Construction of the courthouse at the Cement Hill site could result in the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine, a resource eligible for the National Register; mitigation measures have been identified to reduce the impact to this resource to a less-than-significant level. The relocation of the courthouse function from Downtown to the Cement Hill site would result in a **significant and unavoidable impact** on the surrounding historic districts; the courthouse is an integral part of the economic, social, and cultural life of the Downtown area, and its relocation would alter the historic character of the Downtown setting. In addition, the historic courthouse building would not be easily converted to a new use and could remain vacant and subject to deterioration and potential future demolition; this would be a **potentially significant and unavoidable impact**.

SECTION 4.5: GREENHOUSE GASES

Both Sites

The proposed project would not result in greenhouse gas (GHG) emissions that would contribute considerably to an existing significant cumulative impact. The impact resulting from implementing the proposed project at either the Existing Courthouse site or Cement Hill site is less than significant.

SECTION 4.6: HAZARDS AND HAZARDOUS MATERIALS

Both Sites

Because both project sites contain structures and soils that may contain levels of contamination—such as asbestos containing materials (ACM) and lead based paint (LBP), site hazards due to elevated metal concentrations, or abandoned mine shafts associated with former mining activities that could expose construction workers to health risks during demolition and construction—mitigation measures are included in this Draft EIR to reduce this impact to a less-than-significant level. The handling of hazardous materials during construction, and the operational use of hazardous materials (such as cleaning fluids) would not create significant hazards to the public or the environment.

SECTION 4.7: HYDROLOGY AND WATER QUALITY

Both Sites

The proposed project at either the Existing Courthouse or Cement Hill site would result in less-than-significant impacts on receiving waters in terms of runoff volume and quality, and would have no adverse effects on groundwater.

Cement Hill Site

All drainage on the Cement Hill site currently flows to on-site natural drainages, and the proposed project would construct new drainage systems for the courthouse and parking facilities. This would be a potentially significant impact, and mitigation measures are included to reduce these impacts to less than significant.

SECTION 4.8: NOISE

Both Sites

Project-generated increases in demolition and construction source noise levels would not exceed the applicable standards at nearby off-site sensitive receptors with regards to either of the potential project sites. However, project-generated demolition and construction source noise levels would result in the exposure of noise-sensitive receptors to a substantial temporary increase in ambient noise levels. Therefore, this impact is considered short-term significant for either project site. Short-term construction noise on nearby residential receptors was determined to be **significant and unavoidable**, even after mitigation. Long-term operational noise from site equipment such as generators could also exceed local standards, but such impacts can be mitigated.

SECTION 4.9: TRAFFIC AND CIRCULATION

Both Sites

Without additional employees, no additional trips would be generated by the proposed project, but relocation of the courthouse would result in increased traffic volumes at different intersections during the a.m. peak hours for both the Cement Hill and Temporary Court sites. Mitigation measures have been provided that reduce potential construction traffic impacts, intersection level of service impacts (LOS), and local access impacts to a less-than-significant level. With future planned signalization, the proposed project at either location would not adversely affect the local roadway network under the Existing and Future Plus Project traffic conditions and would not contribute to significant cumulative traffic impacts.

SECTION 4.10: UTILITIES AND PUBLIC SERVICES

Both Sites

The proposed project would not increase demand for water supply, wastewater treatment, solid waste disposal, police protection, or fire protection beyond the capacity of the utilities and service providers to maintain existing service levels.

6.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

State CEQA Guidelines Section 15126.6(c) provides that an EIR "should also identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." Two potential sites are considered in the body of this Draft EIR at an equal level of analysis. As described below, additional off-site alternatives were explored but dismissed from further analysis because they were determined to be either infeasible or they would not reduce or avoid any project impacts.

6.3.1 ADDITIONAL OFF-SITE ALTERNATIVES

The following alternative sites were reviewed by the AOC and discussed during the December 2010 public meeting but were rejected, as described below:

- **Nevada City Elementary School.** The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:
  - The Nevada City School District decided not to list the property for sale and it is therefore no longer available for purchase.
  - The Nevada City community was in opposition to using the site.

- **Willow Valley Road.** This site has a long history as a hospital and then Nevada County facilities. The land is just outside the city limits, but is served by city services. It is approximately 17 acres. The AOC considered this site for the proposed project. This site alternative was dismissed from further consideration due to the following:
  - While the site is 17 acres, the entire site is not all usable, particularly since there is an old cemetery in the center of the parcel.
  - The site frontage along Deer Creek is mostly open space since it is steep and unusable.
  - This site is not served by public transit.
  - The area surrounding the site is mostly single-family residential with a rural residential character.

- The nearby neighborhood did not want a courthouse in the area.
- Willow Valley Road is off a main collector street in Nevada City, which accesses SR-49 in several places, thus access to the highway is awkward and may not comply with Caltrans standards.

♦ **Chief Kelly Drive/SR-49.** This site has access off Chief Kelly Drive and SR-49. It is next door to the Nevada County Elks Lodge to the west and small multi-family cottages to the east. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:

- The site is surrounded by residential properties, which were determined to be incompatible with the court use.
- The steep slopes would be difficult to build on, and would require a large amount of fill to make the site usable.
- Traffic access would be difficult in this location.

♦ **747 Zion at Argall Way.** This site is comprised of five parcels and four owners and totals 3+ acres. It is at the corner of a major street, Zion Street, and a smaller connector road in the Seven Hills Business District. There are several buildings on this site – including an old gas station. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:

- This location was dismissed from further consideration because it is a Superfund site and the potential time and expense of the cleanup made the site infeasible.

♦ **Ridge Road.** This is a 4.59 acre, vacant and level parcel, fronted by three roads and quite visible at the entry to the Seven Hills Business District. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:

- The site is isolated from neighborhoods and businesses.
- The site suffers from traffic congestion and busy intersections.
- The AOC was unable to initiate negotiations with the property owners due to initial differences in perceived value of the property.

♦ **California Armory, 161 Nevada City Highway.** This property belongs to the military and is 1.5 acres. There was originally some indication that more surrounding property would be available to create a buildable site; however, no additional properties became available. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:

- The site alone is too small to accommodate the courthouse needs.
- The site was too isolated from the community.

♦ **Rankin Trailer Park – Zion Street.** This site is a combined total of 3.46 acres. One parcel, consisting of about 1.7 acres, is located within the Seven Hills Business District. It is surrounded by low-income housing and commercial properties. The site itself has some small commercial businesses and a small trailer park, which serves a senior and lower income population. Immediately adjacent to the rear of that parcel is another vacant parcel of approximately 1.76 acres of level, usable land that fronts Searls Avenue. This property is situated along the Zion Street corridor, which is served by public transit. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:

- This site would require displacing affordable housing to make the site large enough to be feasible, which was not desired by the AOC, and is a time consuming and expensive process.

- **SR-49 Corridor Site B.** This site is directly behind the property identified as the Juvenile Hall site. It is ten acres, about half of which is buildable, and would be accessed through the front parcel at the same access to SR-49 as Juvenile Hall. The site is in unincorporated Nevada County (County). The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:
  - No utilities can be provided to the site by the City until the site is annexed.
  - The site was too remote from other government services.
  - The courthouse would not have a physical presence in the community because it would be behind the County-owned site.

- **Nevada City Tech Center.** This site is off the main access road of Zion Street behind a business park and close to the entrance to the Grass Valley Products buildings and other high tech firms. It is 4.53 acres of vacant land with utilities available. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:
  - The site is isolated, with no visibility or connection to the community.
  - The site is nearly a mile from public transit.
  - The site would be difficult for jurors and visitors to access without a vehicle.

- **Elks Lodge SR-49.** This site is 4.74 acres with a 10,000 square-foot (sf) building inside the city limits and adjacent to the new Juvenile Hall Facility. It is within the government corridor and accessible to all services. The land currently has a large single-story 10,000 sf building with parking of less than 50 spaces. The remainder of the land is steep and has some vestiges of hydraulic mining. The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:
  - The AOC approached the property owner about purchasing the site, but the owner (the Elks) was not interested in selling.
  - Given the site's topographic features, it was also determined that the site does not have sufficient usable acreage.

- **United States Forest Service (USFS) Site.** The AOC considered this site for the proposed project. This alternative was dismissed from further consideration due to the following:
  - This site is owned by a private party. The site is currently being leased to the USFS. The USFS lease has optional extension terms, and the USFS' future intentions regarding exercising its options and staying on the land are unknown at this time. The USFS was not able to determine in a reasonable time frame if/when they will be exercising these options in the future. Therefore, the property is potentially not available for development.

6.3.2 ADDITIONAL ALTERNATIVES

The following alternative projects were reviewed and analyzed by the AOC but were rejected for the reasons described below.

Retain the Existing Building Entry Façade and Incorporate it into the Design of the New Courthouse

The AOC consulted with three outside consultants regarding this alternative, including:

1. SmithGroup, Inc. (the selected architect for the new courthouse). SmithGroup also consulted with Rutherford + Chekene, structural engineers;
2. Architectural Resources Group (historic preservation consultant); and
3. Ross Drulis Cusenberry (consulting architect).

This alternative was dismissed from further consideration due to the following:

- The existing façade is not placed in a location that would allow the AOC to design the new courthouse to the new facility standards. Retaining the façade in its current location would likely result in functional compromises within the new building that prevent the AOC from providing all the required services and operational efficiencies.
- The existing façade is tightly integrated with other building elements on the front and side of the building. These other elements vary in height and length, are lower than the entry façade, and wrap the façade. It is unlikely that the vertical element of the façade can be successfully separated from the other building elements as there isn't a clean "break line". This will lead to a larger portion of the building being saved and result in further impacts to the functional planning of the courthouse.
- Integrating such a strong historical element into the architecture of a new and larger building would be difficult. The façade would dominate the building because of its size. It forces either a historic copy of the Art Deco style or a severe contrast with an opposite material such as glass. Neither is an appropriate response due to the differences in modern construction materials and craft, the inappropriate copying of a past architectural style and the context of Nevada City. This would lead to a significant compromise in the architectural vocabulary of the building and a composition that lacks architectural clarity.
- The existing façade hampers the AOC's efforts to address the existing accessibility issues. A considerable amount of exterior ramping, changes to the entry door configuration and a lift at the interior lobby are required in order to meet current accessibility standards.
- The lobby space in the existing building behind the façade is significantly undersized to accommodate the necessary queuing and security functions for the new courthouse.
- The cost of demolition of the existing building would increase to allow for the protection of the existing façade should it remain in place. The existing façade is likely a cast-in-place reinforced concrete structure that is very stiff and brittle due to the properties and age associated with 1937 construction. The stiff and brittle factors of the façade would drive the basis of the entire new structure as the floor drift would need to be controlled to protect the older façade element. The two structures would need to be compatible in performance and therefore the new building would also have to be stiff. Steel moment frame and brace frame structures are most common today, but they are too flexible to match the stiffness properties of the older façade. A shear wall building is very stiff with good floor drift control so this would be the likely system choice. Shear wall buildings are not preferred in modern construction as they are typically inflexible due the large expanse of concrete shear walls.

- All of the above considerations would add a considerable expense that is not currently in the project budget.

Split Up the Court

The Split Court Functions Alternative would include renovating the historic courthouse and demolishing and reconstructing the annex for superior court activities, and splitting current court operations by building satellite criminal and juvenile courts. A criminal courthouse would be constructed next to the Wayne Brown Correctional Facility (Correctional Facility) and a juvenile court would be constructed near Juvenile Hall. This alternative was considered in an effort to attempt to preserve as much of the historic courthouse as possible. The AOC consulted with outside consultants regarding this alternative, including:

1. SmithGroup, Inc. (the selected architect for the new courthouse). SmithGroup also consulted with Rutherford + Chekene, structural engineers;
2. Architectural Resources Group (historic preservation consultant);
3. Ross Drulis Cusenberry (consulting architect); and
4. Dan L. Wiley & Associates, Inc.

This alternative would avoid the adverse impacts on the historic courthouse and historic districts, avoid the potentially significant biological, archaeological and drainage impacts related to the Cement Hill site, and result in similar or lesser impacts related to construction noise, and hazards and hazardous materials. However, air quality, GHG emissions, traffic and circulation, and utilities would be worse under this alternative, which would require construction and operations at three separate facilities instead of one consolidated site.

This alternative was dismissed from further consideration due to the following:

Construction Issues

Cost

Building three different facilities would add a substantial amount to the construction cost. Initial assessments of the existing courthouse indicate that renovation and seismic retrofitting of the historic building would exceed the construction funding available for this project. In addition, to build three facilities adds square footage to the overall project, since economies of scale will not be realized. To support the equivalent in judicial function, the three buildings, combined, would need to be bigger than one building, since it is necessary to repeat essential support spaces like public and staff toilets, lobbies, entry screening areas, and mechanical and engineering spaces. There is also a need to repeat such spaces as jury assembly functions and administrative support spaces.

If a juvenile court is built and it cannot be located near the existing Juvenile Hall, new holding cells and security features such as a sally port would be needed, adding substantially to the cost. If a new criminal court is built and it cannot be located near the existing jail (see below), new holding cells and security features would be needed, adding substantially to the cost.

The additional space impact of splitting this courthouse would be approximately (and minimally) the equivalent of one additional judgeship or about 10,000 to 12,000 gross square feet. At $600/SF that would equal $6M to $7.2M in additional construction costs.

Siting

The County has indicated that they have other long-term uses for the land at the Government Center; therefore, it is unknown whether space could be found near the existing jail for a criminal courthouse and/or near the Juvenile Hall property for a juvenile court facility.

Accessibility Issues

As noted above, the existing courthouse must address major accessibility issues in order to meet current standards. Maintaining the existing historic façade as the primary entry to a renovated civil courthouse, and the existing location of the courthouse on the site make designing new accessibility features difficult, if not impossible. Ramp length and slope must meet federal standards, and any new elements could significantly compromise the proper preservation of the façade, building, and the proper function of the courthouse entry.

Operational Issues

Efficiency

The AOC completed a survey of all of the existing courthouse facilities statewide. The survey identified the need to consolidate small split courts to improve case processing efficiency, utilization of judicial time, staff economies and spatial economies. Splitting the court functions into three separate facilities contradicts that strategically and fiscally significant policy direction. Recent State budgets have reduced court funding, therefore, operational and fiscal efficiency remain an important goal.

Operating three different courthouse facilities would preclude the operational cost savings available in a consolidated courthouse. The operational costs would increase, due to the need to provide safety and security for three different facilities, duplication of administrative functions for three different facilities, the need for an additional judgeship and support staff and facilities, and duplicative space needs, as further discussed below.

Ongoing Costs

If the courthouse was split into three separate facilities, the ongoing costs would increase substantially. Juvenile, civil, and criminal caseloads are not equal and do not work out neatly to equal whole judgeships, so judicial officers will have to move among the facilities to support one another and maintain disposition rates. Splitting the courts is a relatively common option in large jurisdictions where there is clear division of judicial caseload and resources, but almost never considered in small jurisdictions where caseloads are not so clearly defined and judicial sharing is essential. One or more locations, courtrooms, or other litigation spaces will have to be overbuilt to support transient judge occupancy. This would result in at least one extra courtroom (its supporting spaces and its location would have to be determined). Staffing three locations always takes more staff than one location with the same functions. Typically, additional clerks and security staff are needed at a minimum. All flexibility in the use of staff is lost and additional staff demands are inevitable. Additional court, litigation, and essential support spaces will increase energy usage and annual utility costs. In addition, there would ongoing costs and challenges related to:

- Increased prisoner transport (there are prisoners to/from civil/family/domestic relations case types, not just criminal and juvenile).
- Increased public confusion; some public invariably show up at the wrong courthouse.
- Increase delays due to Bar overlaps; lawyers in small jurisdictions are not as specialized as they might be in very large ones and may have cases in more than one court and of more than one case type, thus leading to conflicts in scheduling.
- Inefficient use of judicial time; time in transit is lost processing time.

- Multiple jury locations and increased jury costs related to lost economies of scale, limitations on pooling economies and revision/differentiation of all jury management forms and procedures. Invariably, multiple jury locations require more jurors than a single location of an equal number of judges.
- File movement is more complicated as case files must follow judges.
- Inequitable availability of services like self-help and family court mediation.

Finally, the notion of a juvenile/civil/criminal split fails to take into account the very real differences among case types and their related proceedings and clientels including the differences between delinquency and dependency cases (both technically juvenile); between, traffic, misdemeanor and felony cases (all criminal); and among probate, limited civil, small claims and unlimited civil (all civil). These differences in case types, processing patterns and clientel can be easily accommodated in a consolidated facility but are significant complications in multiple facilities.

6.4 ALTERNATIVES CONSIDERED FOR DETAILED EVALUATION

6.4.1 DESCRIPTION OF ALTERNATIVES

Based on the requirements of State CEQA Guidelines §15126.6 and the project's objectives, the following alternatives to the proposed project were identified:

- No Project Alternative – Two Scenarios
  - No Project/Status Quo
  - No Project/Court Leaves Nevada City
- Juvenile Hall/SR-49 Alternative

6.4.2 NO PROJECT ALTERNATIVE

State CEQA Guidelines Section 15126.6(e)(1) requires that the no project alternative be described and analyzed "to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." The no project analysis is required to discuss "the existing conditions at the time the notice of preparation is published…as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (Section 15126.6[e][2]).

> If the project is… a development project on identifiable property, the 'no project' alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed. In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment. (Section 15126.[e][3][B].)

Forecasting the "circumstance under which the project does not proceed" rests on whether the court stays at the current location. Due to the high priority needs of the court for greater security, it can be assumed that the

court could relocate out of Nevada City to some undefined location in the County if the project does not proceed as proposed on the Existing Courthouse or Cement Hill sites, or on one of the alternative sites discussed below. Because the actual size of the building and court operations generate no inherent significant impacts and could be an allowable use under an infill exemption on an unconstrained site, and the fact that the Court serves the entire western county and not just Nevada City, relocation is a predictable action by the AOC. The Nevada City sites under consideration have existing uses and site constraints that would be anticipated to preclude or significantly delay future development or change in use, so it is also reasonable to assume that there would be no change on the sites for many years. There are no development plans for the sites, and there are no current market demands for alternative uses for the properties.

Therefore, absent the proposed project, the No Project Alternative assumes two scenarios:

- **No Project/Status Quo Alternative**
  In this alternative both project sites remain in their physical conditions at the time the NOP was released and the court functions would remain operating in the existing building, under the existing conditions.
- **No Project/Court Leaves Nevada City Alternative**
  In this alternative both project sites remain in their physical conditions at the time the NOP was released, but the court function moves out of the historic courthouse and annex building and out of Nevada City.

This EIR evaluates the development of the new courthouse on two potential sites; therefore, the assumptions of the No Project Alternatives for each of the potential project sites are described below.

NO PROJECT/STATUS QUO ALTERNATIVE

Description

Existing Courthouse Site

The Existing Courthouse site contains the Superior, Criminal, and Juvenile court functions within the historic courthouse building and Annex. Minimal staff parking is provided in the Annex and jury parking is provided by agreement with the County at their parking lot at Main and Court streets. Under the proposed project, a site at 215 Washington Street would be converted to parking; this parcel contains a residential structure (non-contributing to the historic districts) and lawn area being used as a preschool. If no project is approved for this site, the current historic courthouse building would remain as the main courthouse for the court. Under the No Project/Status Quo Alternative, the court's current space conditions that the AOC has determined are unsafe, substandard, overcrowded, and functionally deficient would continue without change. The preschool operations would continue, and parking for staff and jurors would continue to be scattered throughout the downtown area.

Cement Hill Site

The Cement Hill site is largely undeveloped, with a small firewood operation on the southeast corner of the privately owned parcel, and a public recreation trail and rental house on the city-owned parcels. The private parcel has a large open area, but the remainder of the site contains significant tree canopy, wetlands, and a portion of a National Register of Historic Places (National Register or NRHP) eligible mining landscape. Although located in the City, the Cement Hill site is on the periphery in a primarily residential and government use area. The City has already designated a portion of the site for the Hirschman's Trail, and had plans to use the residential dwelling for a recreational use. The city-owned parcels are highly constrained by wetlands and archaeological resources. The private property on the corner is actively being used for a firewood business, which would be expected to continue if the property is not sold to the AOC. It is likely that no project at this site

would maintain the site in its existing functions and physical state for the foreseeable future. The Hirschman's Trail may be slightly improved for Americans with Disability Act (ADA)-compliant access. Under the No Project/Status Quo Alternative, no major changes to the site would be anticipated.

Impacts of the No Project/Status Quo Alternative

Existing Courthouse Site

Implementation of the No Project/Status Quo Alternative would result in the continuation of the current condition of the Existing Courthouse site. No demolition or construction would occur, and there would be no construction traffic, construction noise, or construction air quality impacts. Court operations would continue on the site. The courthouse and annex buildings would remain, and no parking would be constructed at 215 Washington Street, thus there would be no impacts to historic or subsurface cultural resources. The existing courthouse building as a visual landmark in the scenic view corridor would remain. No potential loss of protected trees would occur. Potential hazardous materials that would require cleanup under the proposed project would remain undisturbed and on the site. No changes to the existing utility systems or current level of GHG emissions would occur. All significant and unavoidable impacts would be avoided under the No Project/Status Quo Alternative for this site, although GHG emissions would be higher due to the age and poor energy efficiency of the existing buildings.

Cement Hill Site

The Cement Hill site would remain vacant except for the Hirschman's Trail, residential dwelling, and a small firewood business. No significant changes to the physical configuration of the site would be anticipated. There would be no change in visual quality within the scenic view corridor. No construction would occur, thus there would be no traffic, construction noise, or construction air quality impacts related to construction and operation. Existing wetlands and habitat for special status plant and animal species would remain largely undisturbed, and no significant changes to the National Register-eligible mining landscape would occur, except for slight improvements to Hirschman's Trail for all-persons access. No potential subsurface cultural resources would be disturbed, and no loss of protected trees would occur. Potential hazards and hazardous materials that would require cleanup under the proposed project would remain on the site. There would be no need for new utility connections or police or fire services and no new GHGs would be emitted on the site. All significant and unavoidable impacts would be avoided under the No Project/Status Quo Alternative for this site.

Conclusion

Under the No Project/Status Quo Alternative the current condition of each of the potential sites would be maintained. Implementation of the No Project/Status Quo Alternative would not result in any substantial adverse effects to the environment. This alternative would avoid all significant environmental impacts associated with implementation of the proposed project, including:

- Significant and unavoidable air quality impacts associated with short-term, construction-related emissions of O_3 precursors;
- Short-term construction noise impacts at either site; and
- Project-specific and cumulative impacts at either site related to historic and cultural resources.

Although this alternative may avoid significant impacts, no new courthouse or courthouse space would be constructed and therefore the No Project/Status Quo Alternative does not meet any objectives of the proposed project. Since the New Nevada City Courthouse project is one of the 41 "Immediate and Critical Need" courthouse projects identified by the Judicial Council in 2008, the No Project/Status Quo Alternative is therefore

considered infeasible. See Table 6-1 for a comparison of the relative impacts of the proposed project versus the No Project/Status Quo Alternative.

Table 6-1 Comparison of No Project/Status Quo Alternative with the Proposed Project at Each Potential Site

Environmental Topic	Proposed Project		No Project/Status Quo Alternative	
	Existing Courthouse	Cement Hill	Existing Courthouse	Cement Hill
Aesthetics	**SU**	LTSM	NI - **Significantly Reduced**	NI - Slightly Reduced
Air Quality	**PSU**	**PSU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**
Biological Resources	LTSM	LTSM	NI - Slightly Reduced	NI - **Significantly Reduced**
Cultural Resources	**SU**	**SU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**
Greenhouse Gases	LTS	LTS	NI - Slightly Greater	NI - Slightly Reduced
Hazards	LTSM	LTSM	NI – Slightly Reduced	NI – Slightly Reduced
Hydrology and Water Quality	LTS	LTSM	NI - Similar	NI - Slightly Reduced
Noise	**SU**	**SU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**
Traffic	LTSM	LTSM	NI - Similar	NI – Slightly Reduced
Utilities & Public Services	LTS	LTSM	NI - Similar	NI – Slightly Reduced

Impact Status:

SU = Significant and Unavoidable Impact
PSU = Potentially Significant and Unavoidable Impact
PS = Potentially Significant Impact
LTS = Less Than Significant Impact
LTSM = Less than Significant Impact after Mitigation
NI = No Impact or No Action.

Significantly Reduced = Alternative avoids or reduces a significant impact of the proposed project
Reduced = Alternative reduces the level of impact of the proposed project, but not significantly
Similar = Impact equivalent to the proposed project
Greater = Alternative results in an impact that is greater than the proposed project, but not a significant impact.
Significantly Greater = Alternative results in a significant impact that would not occur under the proposed project

NO PROJECT/COURT LEAVES NEVADA CITY ALTERNATIVE

Description

Existing Courthouse Site

Under the No Project/Court Leaves Nevada City Alternative, the court functions are assumed to move to an alternative location outside the City in order to accommodate security, functionality, and efficiency needs. It is assumed in this alternative that the historic courthouse and annex building would remain vacant. There is no certainty of a successful reuse of the Courthouse, as illustrated by the Amador County Courthouse in Jackson, California, which remains vacant after several years despite local efforts to identify a user. The existing structures on the site require significant rehabilitation for any subsequent use. This includes remediating ACM and LBP as well as installing seismic retrofits. As a contributing structure to a National Register District, the historic courthouse would need to be rehabilitated according to the Secretary of the Interior's Standards (*Secretary's Standards*), thus adding to the cost and challenges of converting the building to an alternative use. The added cost and existing economic conditions support an assumption that adaptive reuse of the existing

courthouse and reuse, and demolition or rehabilitation of the Annex building, would not likely occur in the foreseeable future, and therefore the buildings would remain vacant for a significant period of time.

Cement Hill Site

The Cement Hill site is largely undeveloped, with a small firewood operation on the southeast corner of the privately owned parcel, and a public recreation trail and rental house on city-owned parcels. The private parcel has a large open area, but the remainder of the site contains significant tree canopy, wetlands, and a portion of a National Register-eligible mining landscape. Although located in the City, the Cement Hill site is on the periphery in a primarily residential and government use area. The City has already designated a portion of the site for the Hirschman's Trail, and had plans to use the residential dwelling for a recreational use. The city-owned parcels are highly constrained by wetlands and archaeological resources. The private property on the corner is actively being used for a firewood business, which would be expected to continue if the property is not sold to the AOC. It is likely that no project at this site would maintain the site in its existing functions and physical state for the foreseeable future. The Hirschman's Trail may be slightly improved for all-persons access. No significant changes to the physical configuration of the site would be anticipated.

Impacts of the No Project/Court Leaves Nevada City Alternative

Existing Courthouse Site

Under the No Project/Court Leaves Nevada City Alternative, no demolition or construction would occur on the Existing Courthouse site, and there would be no construction traffic, construction noise, or construction air quality impacts. Court operations would move out of Nevada City, and the historic courthouse and annex buildings would remain vacant and boarded, similar to conditions if the court moved to the Cement Hill or other alternative site. The courthouse and annex buildings would remain, and no parking would be constructed at 215 Washington Street, thus there would be no impacts to historic or subsurface cultural resources. However, if no use is found for the historic courthouse, the building could continue to deteriorate, a process that accelerates in an empty building, and the building could ultimately be subject to "demolition by neglect" if there is insufficient maintenance or an adaptive reuse is not found; this would remain a **potentially significant and unavoidable impact**. No potential loss of protected trees would occur. Potential hazardous materials that would require cleanup under the proposed project would remain on the site. No changes to the existing natural drainage system would occur. A reduction in demand for utilities would occur, and no GHGs would be emitted from an unused building. The site's visual quality would deteriorate with boarding of the buildings, but the historic courthouse would continue to serve as a key visual landmark in the City's scenic view corridors. All significant and unavoidable impacts would be avoided under the No Project/Court Leaves Nevada City Alternative for this site except the potential for the historic courthouse building to remain vacant and subject to demolition by neglect.

Cement Hill Site

The Cement Hill site would remain vacant except for the Hirschman's Trail, residential dwelling, and a firewood business. No significant changes to the physical configuration of the site would be anticipated. There would be no change in visual quality within the scenic view corridor. No construction would occur, thus there would be no traffic, construction noise, or construction air quality impacts related to construction and operation. Existing wetlands and habitat for special status plant and animal species would remain largely undisturbed and no significant changes to the National Register-eligible mining landscape or subsurface cultural resources would occur, except for slight improvements to Hirschman's Trail. No loss of protected trees would occur. Potential hazards and hazardous materials that would require cleanup under the proposed project would remain on the site. There would be no need for new utility connections or police or fire services and no new greenhouse gases

would be emitted on the site. All significant and unavoidable impacts would be avoided under the No Project/Court Leaves Nevada City Alternative for this site.

Conclusion

Under the No Project/Court Leaves Nevada City Alternative the current physical configuration of each of the potential sites would not be changed. Implementation of the No Project/Court Leaves Nevada City Alternative would not result in any substantial adverse effects to the environment, unless the historic courthouse remains vacant and continues to deteriorate. This alternative would avoid significant environmental impacts associated with implementation of the proposed project. These significant impacts include significant air quality impacts associated with short-term, construction-related emissions of O_3 precursors (ROG and NO_x), short-term construction noise impacts at either site, and significant project-specific and cumulative impacts at either site related to cultural resources. This alternative could potentially meet some of the project objectives, since an objective is to "create a modern, secure courthouse for centralized proceedings for Nevada County" and not specifically Nevada City. However, this alternative would move the court further from the Correctional Facility and cause increased transportation and security issues for in-custody transfers.

See Table 6-2 for a comparison of the relative impacts of the proposed project versus the No Project/Court Leaves Nevada City Alternative.

Table 6-2 Comparison of No Project/Court Leaves Nevada City Alternative with the Proposed Project at Each Potential Site

Environmental Topic	Proposed Project		No Project/Court Leaves Nevada City Alternative	
	Existing Courthouse	Cement Hill	Existing Courthouse	Cement Hill
Aesthetics	**SU**	LTSM	NI - **Significantly Reduced**	NI - Slightly Reduced
Air Quality	**PSU**	**PSU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**
Biological Resources	LTSM	LTSM	NI - Slightly Reduced	NI - **Significantly Reduced**
Cultural Resources	**SU**	**SU**	**PSU - Significantly Reduced**	NI - **Significantly Reduced**
Greenhouse Gases	LTS	LTS	NI - Slightly Reduced	NI - Slightly Reduced
Hazards	LTSM	LTSM	NI - Slightly Reduced	NI – Slightly Reduced
Hydrology and Water Quality	LTS	LTSM	NI - Similar	NI - Slightly Reduced
Noise	**SU**	**SU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**
Traffic	LTSM	LTSM	NI - Slightly Reduced	NI – Slightly Reduced
Utilities & Public Services	LTS	LTSM	NI - Slightly Reduced	NI – Slightly Reduced

Impact Status:

SU = Significant and Unavoidable Impact
PSU = Potentially Significant and Unavoidable Impact
PS = Potentially Significant Impact
LTS = Less Than Significant Impact
LTSM = Less than Significant Impact after Mitigation
NI = No Impact or No Action.

Significantly Reduced = Alternative avoids or reduces a significant impact of the proposed project
Reduced = Alternative reduces the level of impact of the proposed project, but not significantly
Similar = Impact equivalent to the proposed project
Greater = Alternative results in an impact that is greater than the proposed project, but not a significant impact.
Significantly Greater = Alternative results in a significant impact that would not occur under the proposed project

6.4.3 JUVENILE HALL/SR-49 ALTERNATIVE

DESCRIPTION

The Juvenile Hall/SR-49 site is located along SR-49 approximately one mile west of downtown Nevada City in unincorporated Nevada County, California. This location corresponds to a portion of Section 12, Township 16 North, Range 8 East of the Nevada City, California USGS 7.5-minute topographic quadrangle. An aerial photograph of the Juvenile Hall/SR-49 site is provided in Exhibit 6-1.

The Juvenile Hall/SR-49 site is a 3.94-acre undivided portion of parcel APN 05-050-27. The Nevada County Juvenile Hall is located on the adjacent parcel to the east. A graded and rocked road bounds the northern and western edges of the site. The site and vicinity are dominated by coniferous forest, and several intermittent streams cross the site and drain to an unnamed intermittent stream approximately 200 feet west of the site.

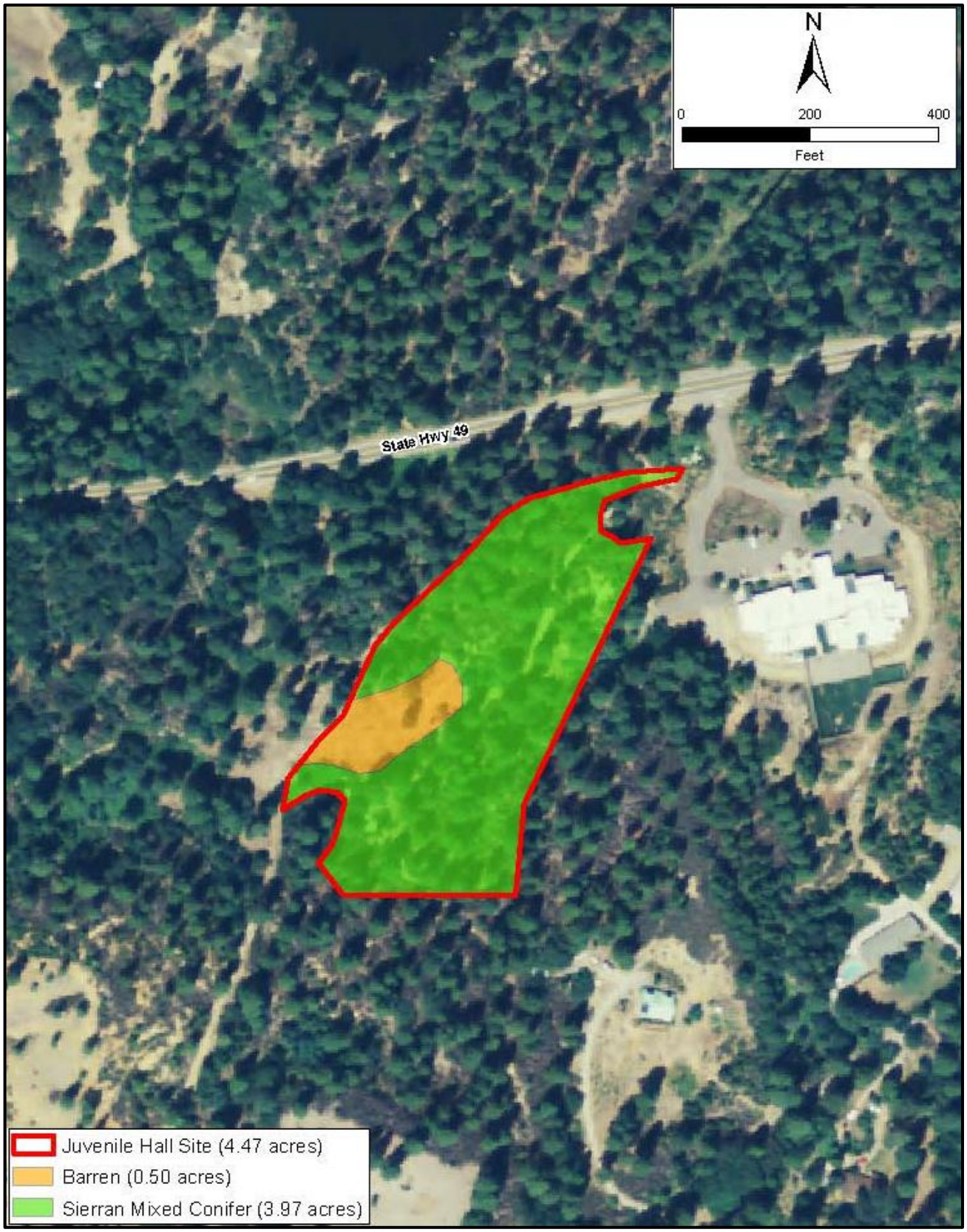
The soil map units within the study area and vicinity are described in the Soil Survey of Nevada County Area, California (U.S. Department of Agriculture and Soil Conservation Service 1975). The only soil map unit defined within the study area is Placer diggings. This map unit is a miscellaneous land type consisting of the remnants of the mined alluvial deposits. The alluvial soil series that are mapped in the vicinity of the site include Cohasset, Hoda, and Mussick. The topography of the site is undulating with a slope to the west. The elevation of the site is approximately 2,650 feet above mean sea level (AMSL).

Four intermittent streams and one seasonal pond were identified as potential waters of the United States within the Juvenile Hall/SR-49 site. All of these waters drain westward to an unnamed intermittent stream located west of the site. In the northwest corner of the site, one intermittent stream passes to the north of a steep mound and then exits the site as it passes through a 24-inch plastic culvert under the graded and rocked road forming the western site boundary. Two intermittent streams enter the site from the steep slope along the eastern edge of the site. Both of these intermittent streams drain westward across the site via the gullies created by past hydraulic mining. Portions of these intermittent streams exhibit bed and bank channels approximately three feet wide, and other portions are broader swales that are distinguished by an abundance of Scotch broom and common velvet grass.

A fourth intermittent stream enters the site in the southwest corner and joins where a seasonal pond has formed on the east side of a steep mound. Large cobbles form the substrate of the seasonal pond. During the survey, slow moving pond water approximately eight inches deep was observed flowing westward. Scotch broom is the dominant vegetation associated with the seasonal pond. The intermittent streams identified at the Juvenile Hall site support low quality aquatic habitat and virtually no riparian habitat. According to deer range data, the Cement Hill, Juvenile Hall, and Temporary Court sites are located within the Nevada City deer herd winter range, but south (and outside) of the critical winter range area (California Department of Fish and Game (CDFG), 1985). The trees at the Juvenile Hall site are not likely to meet the County definition of landmark or heritage trees or groves.

This property was recently purchase by the County for future buildings. The site shares access to SR-49 with Juvenile Hall, and is along the SR-49 Scenic View Corridor within close proximity to other government facilities, although the developable area is not visible from SR-49.

The Juvenile Hall/SR-49 Alternative was developed to determine whether any project impacts could be reduced by avoiding the demolition of the existing historic courthouse building and avoiding the noise, biological, and cultural impacts identified related to the Cement Hill site. This site was identified by the Courts as a feasible site, although it is not a preferred site based on its lack of visibility from SR-49. Development of the Court facilities would be consistent with the development concept identified in Chapter 3, Project Description.



Source: North State Resources, Inc., 2011

Exhibit 6-1 **Juvenile Hall/SR-49 Site and Vegetation Map**

IMPACTS OF THE JUVENILE HALL/SR-49 ALTERNATIVE

Aesthetics

The proposed project would include the construction of a new courthouse on treeless portions of the site, as well as the removal of trees for parking. Because the site is shielded from SR-49 and the Juvenile Hall parking area, only those accessing the site would see the building. While the building would be a change from the existing landscape, the site has been disturbed, and is not visible to surrounding users. Implementation of the project at this site would not obstruct any scenic vistas from sensitive viewing areas. Impacts related to light and glare would be minimal to its secluded location. **(Significantly less than project impacts at Existing Courthouse site. Less than project impacts at the Cement Hill site.)**

Air Quality

Emissions-related impacts resulting from project construction would be equivalent to the impacts identified for the Cement Hill site, which is located on the other side of SR-49 from this Juvenile Hall/SR-49 Alternative site. Both sites would require the same grading and construction activities, which would exceed NSAQMD's significance threshold Level A for ROG and NO_X and, therefore, could potentially contribute to pollutant concentrations that exceed the NAAQS or CAAQS. **(Similar to project impacts at both sites.)**

Biological Resources

The biological resources at the Juvenile Hall site would present less constraint to constructing and operating a new courthouse than those for the Cement Hill site. Sierran mixed conifer habitat occupies nearly all of the study area, and barren habitat occupies the remainder. Both of these habitat types are common in the project region, and neither is considered a sensitive habitat. Although the Juvenile Hall site supports a substantial number of trees including ponderosa pine, tan bark oak, canyon live oak, and incense-cedar in varying quantities, it is unlikely that the trees on the Juvenile Hall site would meet the definition of landmark and heritage trees and groves.

The Juvenile Hall site generally lacks riparian vegetation communities and suitable habitats for special-status species. All the special-status plant and animal species having potential to occur at the Cement Hill site depend on the fresh emergent wetland/riparian wetland complex in the northeast portion of that site; no such habitat occurs on the Juvenile Hall site. However, intermittent drainages and seasonally wet areas are present on the Juvenile Hall site. Impacts to these features may be considered significant and would likely require regulatory permitting. Additional investigation of the site would be required to further document and classify the aquatic resources present.

Similar to the Existing Courthouse site and the Cement Hill site, raptor species (birds of prey) and migratory birds may potentially nest in the trees and other vegetation located within, or in the immediate vicinity of, the Juvenile Hall site. If active nests are present in the vicinity of the project, construction activities associated with clearing, grubbing, and grading could result in adverse effects on nesting birds. Mitigation for this impact would be similar to the mitigation for the other two sites.

The Juvenile Hall site is located within the Nevada City deer herd winter range, but south (and outside) of the critical winter range area. The project would convert the entire site to courthouse-related uses, reducing the size of the winter range of the Nevada City deer herd by up to 3.94 acres. However, the site is located directly adjacent to the Nevada County Juvenile Hall to the east and SR-49 to the north. Therefore, the loss of this site would not substantially affect the winter range of the Nevada City deer herd nor would the project interfere

substantially with herd migration. **(Greater than project impacts at the Existing Courthouse, but not a significant increase. Significantly less than project impacts at Cement Hill.)**

Cultural Resources

The potential exists for previously unidentified unique archaeological remains to be discovered below the ground surface during ground-disturbing construction activities at this Juvenile Hall/SR-49 site, as well as subsurface human remains. With implementation of similar mitigation, this impact would be reduced to a less-than-significant level. This Alternative would avoid demolition of a contributing structure to a National Register District; however, the relocation of the courthouse function from Downtown could result in a potentially significant and unavoidable impact on the surrounding historic district, similar to the Cement Hill site. This Alternative would avoid the destruction of mining features that contribute to the CA-NEV-290H – Arbogast Mine, a resource eligible for the National Register. The Juvenile Hall/SR-49 Alternative has a lower potential to contribute to a cumulatively considerable loss of historic resources, but to a lesser degree that the two project sites. **(Significantly less than project impacts at the Existing Courthouse. Less than project impacts at Cement Hill.)**

Greenhouse Gases

This Alternative would construct a similar building to LEED Silver standards, and not would result in GHG emissions that would contribute considerably to an existing significant cumulative impact. The impact resulting from implementing the Juvenile Hall/SR-49 Alternative would be less than significant, similar to the Existing Courthouse and Cement Hill sites. **(Similar to project impacts at both sites.)**

Hazards and Hazardous Materials

The Juvenile Hall/SR-49 Alternative would construct a new courthouse on a vacant site that has previously been used for mining, which could expose construction workers to potential subsurface hazards, but no hazardous building materials. This potential impact can be reduced by mitigation measures included in this Draft EIR for the Cement Hill site. The handling of hazardous materials during construction, and the operational use of hazardous materials (such as cleaning fluids) would not create significant hazards to the public or the environment. **(Less than project impacts at both sites.)**

Hydrology and Water Quality

The proposed project at either the Existing Courthouse or Cement Hill sites would result in less-than-significant impacts on receiving waters in terms of runoff volume and quality, and would have no adverse effects on groundwater. All drainage on the Cement Hill site currently flows to on-site natural drainages, and the proposed project would construct new drainage systems for the courthouse and parking facilities. The Juvenile Hall/SR-49 Alternative would be similar to the Cement Hill site in the need for new drainage infrastructure. This would be a potentially significant impact, and mitigation measures have been identified that can reduce these impacts to less than significant. **(Greater than project impacts at the Existing Courthouse, but not a significant increase. Slightly less than project impacts at Cement Hill.)**

Noise and Vibration

The Juvenile Hall/SR-49 Alternative site is isolated from surrounding land uses by topography, with intervening hills between the site and future residential uses to the west and south. In addition, there are no historic buildings in the vicinity. Short-term construction related vibration and noise impacts on nearly sensitive receptors would not occur. Long-term operational noise from site equipment such as generators would not affect any nearby receptors. Furthermore, because trip generation would be very similar and would share much

of the same roadway network as the Cement Hill site, it would result in similar impacts related to increases in transportation noise, which are not significant. **(Significantly less than project impacts at both sites.)**

Transportation and Traffic

The courthouse at the Juvenile Hall/SR-49 Alternative would not add additional employees, thus no additional trips would be generated by the project. Relocation of the courthouse would result in increased traffic volumes at different intersections during the a.m. peak hour for the Juvenile Hall/SR-49 Alternative, similar to the Cement Hill site and the Temporary Court site. Mitigation measures have been provided that reduce potential construction traffic impacts, intersection LOS impacts, and local access impacts to less than significant, which would apply to this Alternative as well. Similar to the Existing Courthouse and Cement Hill sites, impacts to pedestrian, bicycle, and transit access would be less than significant**. (Similar to project impacts at both sites.)**

Table 6-3 Comparison of Juvenile Hall/SR-49 Alternative with the Proposed Project at Each Potential Site

Environmental Topic	Proposed Project		Juvenile Hall/SR-49 Alternative	
	Existing Courthouse	Cement Hill	Existing Courthouse	Cement Hill
Aesthetics	LTSM	LTSM	NI – Slightly Reduced	NI – **Significantly Reduced**
Air Quality	**PSU**	**PSU**	**PSU** - Similar	**PSU** – Similar
Biological Resources	LTSM	LTSM	LTSM - Slightly Greater	LTSM - Slightly Reduced
Cultural Resources	**SU**	**SU**	**SU** - **Significantly Reduced**	**SU** - Slightly Reduced
Greenhouse Gases	LTS	LTS	LTS - Similar	LTS – Similar
Hazards	LTSM	LTSM	LTSM - Slightly Reduced	LTSM – Slightly Reduced
Hydrology and Water Quality	LTS	LTSM	LTSM – Slightly Greater	LTSM - Slightly Reduced
Noise	**SU**	**SU**	LTS - **Significantly Reduced**	LTS - **Significantly Reduced**
Traffic	LTSM	LTSM	LTSM - Similar	LTSM – Similar
Utilities & Public Services	LTS	LTSM	LTSM - Slightly Greater	LTSM - Slightly Greater

Impact Status:

SU = Significant and Unavoidable Impact

PSU = Potentially Significant and Unavoidable Impact

PS = Potentially Significant Impact

LTS = Less Than Significant Impact

LTSM = Less than Significant Impact after Mitigation

NI = No Impact or No Action.

Significantly Reduced = Alternative avoids or reduces a significant impact of the proposed project

Reduced = Alternative reduces the level of impact of the proposed project, but not significantly

Similar = Impact equivalent to the proposed project

Greater = Alternative results in an impact that is greater than the proposed project, but not a significant impact.

Significantly Greater = Alternative results in a significant impact that would not occur under the proposed project

Utilities and Public Services

The Juvenile Hall/SR-49 Alternative would be located in the County. While the site is within the Nevada City Sphere of Influence (SOI), the parcel would have to be annexed to the City before municipal services for sewer

and solid waste could be provided. Water would be a new use provided by the Nevada Irrigation District (NID), and stormwater could be designed to continue to enter the natural drainage system. Fire services would continue to be provided by the Nevada County Consolidated Fire District (NCCFD), which shares facilities with the Nevada City Fire Department (NCFD). Police services would be provided by the Sheriff's Department, which provides service to the adjacent Juvenile Hall. Processing an annexation could add to the development timeline and longer utility connections would be required, thus impacts related to public utilities and services would be slightly greater than those at both sites. **(Slightly greater than project impacts at both sites.)**

CONCLUSION

The Juvenile Hall/SR-49 Alternative would involve construction and operations similar to those discussed in this Draft EIR for the Cement Hill site. Implementation of the Juvenile Hall/SR-49 Alternative would result in similar significant and unavoidable air quality impacts and cultural impacts related to the potential demolition by neglect of a vacant historic courthouse building. Utility impacts would be slightly greater than at either project site. Otherwise, the Juvenile Hall/SR-49 Alternative would avoid significant environmental impacts associated with noise and vibration impacts on nearby sensitive receptors and the loss of historic mining landscape. While impacts to special status species would be slightly greater than project impacts at the Existing Courthouse, they would be significantly less than project impacts at Cement Hill. No structures are on the site, so no demolition impacts or potential exposure to hazardous materials would occur. Hydrology and water quality impacts would be slightly greater than project impacts at the Existing Courthouse, but slightly less than project impacts at Cement Hill. Transportation and greenhouse gas emissions would be similar to impacts at either site. This alternative would meet all of the project objectives, and is therefore considered feasible.

See Table 6-3 (above) for a comparison of the relative impacts of the proposed project versus the Juvenile Hall/SR-49 Alternative.

6.5 SUMMARY OF THE COMPARATIVE EFFECTS OF THE ALTERNATIVES

Table 6-4 and Table 6-5 summarize the environmental analysis comparing the proposed project with all of the project alternatives at the Existing Courthouse and Cement Hill sites, respectively.

6.6 ENVIRONMENTALLY SUPERIOR SITE AND ALTERNATIVE

6.6.1 ENVIRONMENTALLY SUPERIOR PROJECT SITE

This Draft EIR evaluates the potential for environmental impacts resulting from the development of a new 84,000 building gross square foot courthouse with six courtrooms in Nevada City for the Superior Court at either the Existing Courthouse site or the Cement Hill site. The Existing Courthouse site contains not only a historic building, but has been the location of judicial branch activity in Nevada County for over 120 years. Both the historic courthouse building and the court function are fundamental contributors to the Downtown historic districts. Moving the court function out of the building to the Cement Hill site may save the building – but only if an adaptive reuse can be identified and funded. As noted above, however, there is real risk that a suitable reuse of the building may not be economically feasible or timely identified, with the result that the condition of the building may deteriorate and "self-demolish" over time. In addition, the Cement Hill site is also part of a National Register-eligible mining landscape, which may be impacted by construction of the courthouse at that site. Constructing the courthouse at either site within a city with the kind of rich history that Nevada City has experienced would result in different, but significant and unavoidable impacts on historic resources. Which is the least environmentally detrimental to the Nevada City community is a subjective choice between two significant impacts.

Table 6-4 Comparison of All Alternatives with the Proposed Project at the Existing Courthouse Site

Environmental Topic	Alternative			
	Proposed Project	No Project/Status Quo	No Project/Court Leaves Nevada City	Juvenile Hall/SR-49
Existing Courthouse Site				
Aesthetics	**PSU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**	NI – Slightly Reduced
Air Quality	**PSU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**	**SU** - Similar
Biological Resources	LTSM	NI - Slightly Reduced	NI - Slightly Reduced	LTSM - Slightly Greater
Cultural Resources	**SU**	NI - **Significantly Reduced**	SU - **Significantly Reduced**	**SU** - **Significantly Reduced**
Greenhouse Gases	LTS	NI - Slightly Greater	NI - Slightly Reduced	LTS - Similar
Hazards	LTSM	NI – Slightly Reduced	NI - Slightly Reduced	LTSM - Slightly Reduced
Hydrology and Water Quality	LTS	NI - Similar	NI - Similar	LTSM – Slightly Greater
Noise	**SU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**	LTS - **Significantly Reduced**
Traffic	LTSM	NI - Similar	NI - Slightly Reduced	LTSM - Similar
Utilities & Public Services	LTS	NI - Similar	NI - Slightly Reduced	LTSM - Slightly Greater

Impact Status:

SU = Significant and Unavoidable Impact

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Reduced = Alternative reduces the level of impact of the proposed project, but not significantly

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Greater = Alternative results in an impact that is greater than the proposed project, but not a significant impact.

Significantly Greater = Alternative results in a significant impact that would not occur under the proposed project

Biologically, the Existing Courthouse site is environmentally preferable to the Cement Hill site, although impacts can be mitigated. There are no wetlands or special status species habitat as is found on the Cement Hill site, although raptors and migratory birds can be found throughout the area. There are limited wetlands on the Temporary Court site, but these are located within man-made drainage ditches and the demonstration bioswale, and can therefore be more easily mitigated through relocation.

Noise and vibration impacts would be significantly greater at the Existing Courthouse site, due to the number of nearby residents and historic structures.

Construction impacts on air quality would be similar for both potential project sites, and GHG emissions would be the same with a slight improvement over the existing operations. Utilities and public services demands would be greater at Cement Hill, but not significantly. Traffic effects would be greater at the Cement Hill and Temporary Court sites for the short-term, but these can also be mitigated through future traffic signals.

Hydrology and water quality impacts would be greater at Cement Hill, and would need to be mitigated through site and drainage design.

Table 6-5 Comparison of All Alternatives with the Proposed Project at the Cement Hill Site

Environmental Topic	Alternative			
	Proposed Project	No Project/Status Quo	No Project/Court Leaves Nevada City	Juvenile Hall/SR-49
Cement Hill Site				
Aesthetics	LTSM	NI - Slightly Reduced	NI - Slightly Reduced	NI – **Significantly Reduced**
Air Quality	**PSU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**	**SU** – Similar
Biological Resources	LTSM	NI - **Significantly Reduced**	NI - **Significantly Reduced**	LTSM - Slightly Reduced
Cultural Resources	**SU**	NI - **Significantly Reduced**	SU - **Significantly Reduced**	**SU** - Slightly Reduced
Greenhouse Gases	LTS	NI - Slightly Reduced	NI - Slightly Reduced	LTS – Similar
Hazards	LTSM	NI – Slightly Reduced	NI – Slightly Reduced	LTSM – Slightly Reduced
Hydrology and Water Quality	LTSM	NI - Slightly Reduced	NI - Slightly Reduced	LTSM - Slightly Reduced
Noise	**SU**	NI - **Significantly Reduced**	NI - **Significantly Reduced**	LTS - **Significantly Reduced**
Traffic	LTSM	NI – Slightly Reduced	NI – Slightly Reduced	LTSM – Similar
Utilities & Public Services	LTSM	NI – Slightly Reduced	NI – Slightly Reduced	LTSM - Slightly Greater

Impact Status:

SU = Significant and Unavoidable Impact

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Significantly Reduced = Alternative avoids or reduces a significant impact of the proposed project

Reduced = Alternative reduces the level of impact of the proposed project, but not significantly

Similar = Impact equivalent to the proposed project

Greater = Alternative results in an impact that is greater than the proposed project, but not a significant impact.

Significantly Greater = Alternative results in a significant impact that would not occur under the proposed project

Comparing the relative impacts resulting from implementation of the proposed project at both sites, assuming there is no guarantee that the historic courthouse will be reused and ultimately survive on the site, the environmentally superior project site between the two proposed project sites may be the Existing Courthouse site. The Existing Courthouse site would avoid potentially significant impacts on wetlands, special status species, hydrology, and archaeological resources, and would maintain the historic court function on its current Downtown site. However, the demolition of the historic building is unequivocally significant and unavoidable under the Existing Courthouse scenario. Conversely, most environmental impacts at the Cement Hill site can be mitigated through careful site design and other measures, and the Cement Hill site has a greater possibility of preserving the historic courthouse building – though at the significant and unavoidable cost of losing the court function from the Downtown historic districts, and still risking the future viability of the courthouse building.

Due to the unique circumstances of the Existing Courthouse site and the environmental constraints on both project sites, there is no easy determination of which is the environmentally superior of the two sites. The final assessment becomes an issue of weighing local priorities.

6.6.2 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The No Project/Status Quo Alternative would substantially reduce three significant and unavoidable impacts associated with the proposed project:

- Construction air emissions
- Construction noise
- Loss of historic and archaeological resources

The No Project/Status Quo Alternative would also eliminate most other environmental issues analyzed in this EIR, with the exception of GHGs. Overall the No Project/Status Quo Alternative would significantly reduce impacts associated with the proposed project. However, the No Project/Status Quo Alternative does not meet any of the project objectives.

The No Project/Court Leaves Nevada City Alternative would avoid or substantially reduce most impacts resulting from construction of the proposed project at either site. However, the issues related to the removal of the court function from downtown, compounded by removing it completely from the City, and the issues regarding future adaptive reuse and ultimate survival of the historic courthouse remain significant and unavoidable under the No Project/Court Leaves Nevada City Alternative. Furthermore, the No Project/Court Leaves Nevada City Alternative would not meet most of the project objectives.

The Juvenile Hall/SR-49 Alternative would involve construction and operations similar to those discussed in this EIR for the Cement Hill site, and would result in similar significant and unavoidable air quality impacts and cultural impacts related to moving the court function out of the historic districts and the potential future loss of a vacant historic courthouse building. Utility impacts would be slightly greater than at either project site. Otherwise, the Juvenile Hall/SR-49 Alternative would avoid significant environmental impacts associated with noise and vibration impacts on nearby sensitive receptors and the loss of historic mining landscape, and impacts to special status species would be significantly less than project impacts at Cement Hill. No structures are on the site, so no demolition impacts or potential exposure to hazardous materials would occur. Hydrology and water quality impacts would be slightly greater than project impacts at the Existing Courthouse, but slightly less than project impacts at Cement Hill. Transportation and GHG emissions would be similar to impacts at either site. The Juvenile Hall/SR-49 Alternative would meet all of the project objectives, and is therefore considered feasible.

Because the No Project/Status Quo Alternative is the only alternative that would avoid significant and unavoidable impacts associated with the proposed project, this Alternative is considered to be the environmentally superior alternative. However, CEQA requires that if the No Project alternative is identified as the environmentally superior alternative, another alternative must be selected from the range as the environmentally superior.

The Juvenile Hall/SR-49 Alternative reduces many of the environmental effects associated with both the Existing Courthouse Site and the Cement Hill site. Comparing the relative impacts resulting from implementation of the proposed project at either the Cement Hill or Existing Courthouse sites - and in this case, even assuming that the historic courthouse could ultimately be reused and survives in situ - the environmentally superior project site would be the Juvenile Hall/SR-49 Alternative site because it would avoid significant impacts on noise, wetlands,

special status species, hydrology, and archaeological resources. However, it would still remove the historic court function from its current downtown location, and there is no guarantee that the courthouse building will be reused. Although not clearly environmentally superior in all aspects, of the project sites evaluated (aside from No Project/Status Quo), the Juvenile Hall/SR-49 Alternative is the environmentally superior alternative, and it meets all the project objectives.

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Chapter 7

Acronyms and Abbreviations

Draft Environmental Impact Report
New Nevada City Courthouse

7 ACRONYMS AND ABBREVIATIONS

A	Attainment: any area that meets the national primary or secondary ambient air quality standard for the pollutant. A pollutant is designated attainment if the state standard for that pollutant was not violated at any site in the area during a 3-year period.
AAQS	ambient air quality standards (concentration-based)
AB	Assembly Bill
ac	acres
ACM	asbestos-containing material
ADA	Americans with Disabilities Act
AFY	acre-feet per year
ALUC	Airport Land use Commission
AMSL	above mean sea level
ANSI	American National Standards Institute
AOC	Administrative Office of the Courts
APE	Area of Potential Effect
APS	Alternative Planning Strategy
ARB	California Air Resources Board
ASTM	American Society for Testing and Materials
avg	average
BAAQMD	Bay Area Air Quality Management District
BACT	best available control technology for toxics
Basin Plan	water quality control plan prepared by the Central Valley Regional Water Quality Control Board
BAT	best available technology
BCT	best conventional pollutant control technology
bgs	below ground surface
BGSF	building gross square foot
Bicycle Master Plan	Nevada County Bicycle Master Plan

BMP Handbook	California Stormwater Best Management Practice Handbooks: Construction
BMPs	Best Management Practices
CAA	Clean Air Act
CAAA	Clean Air Act Amendments of 1990
CAAQS	California ambient air quality standards
CAFE standards	Corporate Average Fuel Economy standards
CAL FIRE	California Department of Forestry and Fire Protection
Cal/EPA	California Environmental Protection Agency
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health Administration
CalARPP	California Accidental Release Prevention Program
CalEEMod v2011.1.1	California Emissions Estimator Model Version 2011.1.1
California Register or CRHR	California Register of Historical Resources
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAT	Climate Action Team
CCAA	California Clean Air Act
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CEC	California Energy Commission
Cement Hill site	Northwest corner of Cement Hill Road/SR-49, Nevada City, CA 95959
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CESA	California Endangered Species Act
CFCs	chlorofluorocarbons
CFR	Code of Federal Regulations

CH&SC	California Health and Safety Code
CH_4	methane
CHP	California Highway Patrol
CHWMP	County Hazardous Waste Management Plan
CIP	City of Nevada City Capital Improvement Plan 2010 – 2016
City	City of Nevada City
CIWMA	California Integrated Waste Management Act
CMP	corrugated metal pipe
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	CO_2 equivalent (measure of greenhouse gas emissions)
Correctional Facility	Wayne Brown Correctional Facility
Cortese List	Hazardous Waste and Substances Site List
County	County of Nevada
County General Plan	Nevada County General Plan
County General Plan EIR	Nevada County General Plan Environmental Impact Report
CPUC	California Public Utilities Commission
CSLC	California State Lands Commission
CTC	California Transportation Commission
CTR	California Toxics Rule
CUPA	Certified Unified Program Agency
CVRWQCB or Central Valley RWQCB	Central Valley Regional Water Quality Control Board
CWA	Federal Clean Water Act
dBA	A-weighted sound levels
DBH	diameter at breast height

Decibel, dB	A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
DFG	California Department of Fish and Game
DGSF	Departmental Gross Square Feet
DHS	California Department of Health Services
District	Nevada City Historical District
DOT	United States Department of Transportation
DPH	California Department of Public Health
DPM	diesel particulate matter
DPR	Department of Parks and Recreation
Draft EIR	Draft Environmental Impact Report
DTSC	California Department of Toxic Substance Control
EGWTP	Elizabeth George Water Treatment Plant
EHD	County of Nevada Environmental Health Department, Hazardous Materials Division
EIR	Environmental Impact Report
EMD	Nevada County Department of Environmental Health, Environmental Materials Division
Endangerment Finding	Proposed Endangerment and Cause or Contribute Findings for GHGs under the Section 202(a) of the Clean Air Act
EOC	Emergency Operations Center
EOP	Nevada County Operational Area Emergency Operations Plan
EPA	United States Environmental Protection Agency
Existing Courthouse site	201 Church Street, Nevada City, CA 95959
FDA	United States Food and Drug Administration
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FGC	California Fish and Game Code
FHWA	Federal Highway Administration Highway
FICON	Federal Interagency Committee on Noise

FIRM	Flood Insurance Rate Maps
ft	feet
FTA	Federal Transit Administration
General Plan	City of Nevada City General Plan
GHG	greenhouse gas
Government Center	Nevada County Government Center (includes the Eric W. Rood Administrative Center, Wayne Brown Correctional Facility, and the Madelyn Helling Library)
GSF	gross square feet
GWP	global warming potential
HABS	Historic American Building Survey
HAP	hazardous air pollutant
HCFC	hydrochlorofluorocarbon
HCM	Highway Capacity Manual
HFC	hydrofluorocarbon
HRA	health risk assessment
HSC	California Health and Safety Code
HSWA	Hazardous and Solid Waste Act
HVAC	heating, ventilation, and air conditioning
HWCL	Hazardous Waste Control Law
I-80	Interstate 80
in	inch
in/sec	inches per second
IS	Initial Study
IS-1	intermittent stream
IS-2	flowing steep tributary
IS-3	intermittent stream
JPA	Nevada County Fire and Emergency Services Joint Powers Agreement
Judicial Council	Judicial Council of California
LAFCO MSR	Nevada County Local Agency Formation Commission Municipal Services Report

lb/day	pounds per day
LBP	lead-based paint
LDL	Larson Davis Laboratories
L_{dn}	Day-Night Noise Level
Lead Agency	The agency with primary responsibility over the approval of the project – Administrative Office of the Courts
LEED	Leadership in Energy and Environmental Design
L_{eq}	Equivalent Noise Level
L_{max}	Maximum Noise Level
L_{min}	Minimum Noise Level
LOMC	Letter of Map Correction
LOS	Level of Service
LUST	leaking underground storage tank
M	Maintenance: any area previously designated nonattainment pursuant to the CAAA of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under Section 175A of the CAA, as amended
MACT	maximum available control technology for toxics
MBTA	Migratory Bird Treaty Act
MCAB	Mountain Counties Air Basin
MCL	Maximum Contaminant Level
mgd	million gallons per day
MMT	million metric tons
mph	miles per hour
MPO	Metropolitan Planning Organization
MT	metric tons
Multi-Hazard Mitigation Plan	State of California Multi-Hazard Mitigation Plan
Municipal Code	Nevada City Municipal Code

N	Nonattainment: a pollutant is designated nonattainment if there was a least one violation of a state standard for that pollutant in the area or any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.
N_2O	nitrous oxide
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
National Register or NRHP	National Register of Historic Places
NCCFD	Nevada County Consolidated Fire District
NCFD	Nevada City Fire Department
NCIC	North Central Information Center, California State University, Sacramento
NCPD	Nevada City Police Department
NCSD	Nevada City School District
NCTC	Nevada County Transportation Commission
N_{eq}	The sum of the number of hourly events
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NHTSA	National Highway Traffic Safety Administration
NID	Nevada Irrigation District
NIH	National Institutes of Health
NJUHSD	Nevada Joint Union High School District
NO	nitric oxide
NO_2	Nitrogen dioxide
NOP	Notice of Preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
NSAQMD	Northern Sierra Air Quality Management District
NT	Nonattainment/Transitional: is a subcategory of the nonattainment designation. An area is designated nonattainment/transitional to signify that the area is close to attaining the standard for that pollutant.

NVD-1	Non-ditch
O_3	ozone
OES	State of California Governor's Office of Emergency Services
OHP	Office of Historic Preservation
OHWM	ordinary high water mark
OPR	California Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PAC	Project Advisory Committee
Parks & Recreation Department	Nevada City Parks & Recreation Department
Pb	lead
PCB	poly-chlorinated biphenyl
PFC	perfluorocarbon
PG&E	Pacific Gas & Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PM	Particulate matter
PM_{10}	particulate matter sized 10 µ or less, also called respirable particulate and suspended particulate
$PM_{2.5}$	particulate matter sized 2.5 µ or less, also called fine particulate matter
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
ppm	parts per million
ppt	parts per trillion
PPV	peak particle velocity
PRC	Public Resources Code
proposed project	New Nevada City Courthouse
RCRA	Resource Conservation and Recovery Act of 1976
RECs	recognized environmental concerns
RMS	root-mean-square
ROG	reactive organic gases

ROW	Right-of-way
RPR	California Rare Plant Rank
RTP	Nevada County Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SARA	Superfund Amendments and Reauthorization Act, Title III
SB	Senate Bill
SCAQMD	South Coast Air Quality Management District
Scoping Plan	Climate Change Scoping Plan
SCS	Sustainable Communities Strategy
SDWA	Safe Drinking Water Act
Secretary's Standards	Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings
SEL	sound exposure level
sf	square foot
SF_6	sulfur hexafluoride
SHPO	State Office of Historic Preservation
SIP	State Implementation Plan
SLM	sound level meter
SNC	Sierra Nevada Conservancy
SO_2	sulfur dioxide
SOI	General Plan Sphere of Influence
sq ft	square feet
SR-1	State Route 1
SR-20	State Route 20
SR-20/49	Golden Center Freeway
SR-49	State Route 49

SSTAC	Social Services Transportation Advisory Council
Standards	California Trial Court Facilities Standards
State	State of California
State CEQA Guidelines	Section 15130 of the California Environmental Quality Act Guidelines
STIP	State Transportation Improvement Program
Superior Court	Superior Court of California, County of Nevada
SVAB	Sacramento Valley Air Basin
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Technical Advisory Committee
TAC	toxic air contaminant
TCR	Transportation Concept Report (Caltrans)
TMDL	total maximum daily load
TPY	tons per year
TSCA	Toxic Substances Control Act
U	Unclassified: a pollutant is designated unclassified if the data are incomplete and do not support a designation of attainment or nonattainment. (Federal) Unclassifiable: any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant. (State)
UFC	California Uniform Fire Code
Unified Program	Unified Hazardous Waste and Hazardous Materials Management Regulatory Program
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFS	United States Forestry Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
VdB	vibration decibels

VMC	Visual Modification Class
VOC	volatile organic compound
Waste Management	Integrated Waste Management
WPA	Works Progress Administration
WRAP	Waste Reduction Awards Program
WTF	Nevada City Water Treatment Facility
WTP	Nevada City Wastewater Treatment Plant
µ	micrometer (previously known as a micron)
$\mu g/m^3$	micrograms per cubic meter
µin/sec	microinches per second

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Chapter 8

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Chapter 9

Report Preparation

Draft Environmental Impact Report
New Nevada City Courthouse

Chapter 9
Report Preparation

9 REPORT PREPARATION

9.1 LEAD AGENCY

ADMINISTRATIVE OFFICE OF THE COURTS

Laura Sainz, Environmental Program Manager
Office of Court Construction & Management
Judicial Council of California - Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833
916-263-7992, fax: 916-263-2342
laura.sainz@jud.ca.gov
www.courts.ca.gov

9.2 REPORT AUTHORS

THE ERVIN CONSULTING GROUP

8561 Almond Bluff Court
Orangevale, CA 95662-4419
916-989-0269, fax: 916-200-1371
info@ervincg.com
www.ervincg.com

Gail Ervin, Principal
Travis Ervin, Senior Analyst
Laura Ervin, Senior Analyst

DKS Associates

Transportation and Traffic

8950 Cal Center Drive, Suite 340
Sacramento, CA 95826
916-368-2000, fax: 916-368-1020
prc@dksassociates.com
www.dksassociates.com

Pelle Clarke, Senior Consultant

Historic Environment Consultants

Historic Resources

5420 Home Ct
Carmichael, CA 95608
916-488-1680, fax: 916-359-8700
historic@surewest.net

Paula Boghosian, Principal
Don Cox, Researcher

j.c. brennan & associates, Inc.

Noise

263 Nevada Street
Auburn, CA 95603
530-823-0960, fax: 530-823-0961
lsaxelby@jcbrennanassoc.com
www.jcbrennanassoc.com

Luke Saxelby, Senior Consultant

North State Resources

Biological Resources

1321 20th Street
Sacramento, CA 95811
916-446-2566
goebl@nsrnet.com
www.nsrnet.com

Scott Goebl, Senior Manager

Tremaine & Associates, Inc.

Archaeological Resources

859 Stillwater Road, Ste. 1
West Sacramento, CA 95605
916-376-0656
ktremaine@tremaine.us
www.tremaine.us

Kim J. Tremaine, Principal

Appendix A

Notice of Preparation and Initial Study

Draft Environmental Impact Report
New Nevada City Courthouse

NOTICE OF PREPARATION
ADMINISTRATIVE OFFICE OF THE COURTS
NEW NEVADA CITY COURTHOUSE
NEVADA CITY, CALIFORNIA

INTRODUCTION

The Administrative Office of the Courts (AOC), as the lead agency under the California Environmental Quality Act (CEQA), is preparing a draft Environmental Impact Report (EIR) for the proposed New Nevada City Courthouse (proposed project) in the City of Nevada City (City). The proposed project is in the scoping phase and the AOC is soliciting input regarding the EIR's scope and content. The purpose of this Notice of Preparation (NOP) is to solicit input from public agencies and other interested parties on issues and alternatives that should be addressed in the EIR.

OPPORTUNITY FOR PUBLIC COMMENT

Interested individuals, groups, and agencies may provide the AOC with written **comments on topics to be addressed in the EIR** for the proposed project. Because of time limits mandated by State law, comments should be provided no later than **5:00 p.m. on Tuesday, April 5, 2011**. The AOC is holding a scoping meeting to present project information to the public and applicable agencies and to hear input regarding the scope of the EIR. The scoping meeting will be held on Tuesday, March 22nd in Department VI of the Nevada City Courthouse, located at 201 Church Street, in downtown Nevada City, CA from 5:30 – 6:30 p.m. Comments on environmental issues related to the potential courthouse sites will be heard at the scoping meeting or can also be written and sent to the contact person listed below.

GENERAL INFORMATION

Project Title: New Nevada City Courthouse

Lead Agency: Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Contact Person: Laura Sainz
Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833
E-mail: Laura.Sainz@jud.ca.gov

Project Location: The following four sites are being considered for the proposed project, including three within the City and one within the County of Nevada (County):

1. Existing Courthouse Site (existing site), located at 201 Church St, Nevada City, CA 95959
2. United States Forest Service (USFS) Site, located at 631 Coyote St, Nevada City, CA 95959

3. Cement Hill/SR-49 Site, located at 317 Broad St, Nevada City, CA 95959
4. Juvenile Hall/SR-49 Site, located along SR-49 at approximately 15434 SR-49, Nevada City, CA 95959

CEQA Requirement: This NOP is intended to satisfy the requirements of the CEQA Public Resources Code (PRC), Division 13, Section 21000–21177 and the State CEQA Guidelines California Code of Regulations, Title 14, Section 15000–15387.

POTENTIAL PERMITS AND APPROVALS REQUIRED

As the lead agency under CEQA, the AOC is responsible for considering the adequacy of the EIR and determining if the proposed project should be approved. The State of California Public Works Board must also approve acquisition of the site for the proposed project.

PROJECT BACKGROUND

The Judicial Council of California (Judicial Council) is the rule-making arm of the California court system. The Judicial Council's staff agency, the Administrative Office of the Courts, (AOC) is responsible for implementing the Judicial Council's policies. In that role, the AOC is responsible for implementation of the Trial Court Facilities Act of 2002, the legislation that shifted the governance of courthouses from California counties to the State of California (State).

In 2008, Senate Bill (SB) 1407 was passed by the State legislature and signed by the Governor. SB 1407 identified funding to address the physical condition of the State's courthouses. The funding identified includes court fines and fees and does not draw from the State's general fund. The New Nevada City Courthouse (proposed project) is one of the SB 1407 courthouse projects identified in 2008. For this project, the AOC proposes to acquire property for and construct a new, approximately 84,000 building gross square foot (BGSF) courthouse, including six (6) courtrooms in the City of Nevada City (City) for the Superior Court of California, County of Nevada (Superior Court).

PROJECT OBJECTIVES

The proposed project includes the following objectives:

- Create a modern, secure courthouse for the provision of basic services currently not adequately provided, including appropriately-sized jury assembly and deliberation rooms, adequately-sized in-custody holding, attorney interview/witness waiting rooms, a children's waiting room, and security screening for all court users.
- Create operational efficiencies and on-going savings through the consolidation of court services.

DESCRIPTION OF THE POTENTIAL PROJECT SITES

1. Existing Courthouse Site (201 Church Street, Nevada City, CA 95959)

The exiting courthouse and courthouse annex are located at 201 Church Street (Existing Site) in downtown Nevada City. The existing site, which includes the courthouse and courthouse annex is almost one-acre. In addition, there are adjacent sites being considered, including 1) 215

Washington Street; and 2) a county-owned surface parking lot located at the northeast corner of Main and Washington streets. If 215 Washington Street is included in the proposed project, the house currently on the parcel will need to be demolished. With these additional two sites the existing courthouse site could total approximately 1.83 acres. If this site is pursued, the existing court functions would need to be temporarily relocated in order to construct the proposed project.

2. *USFS Site (631 Coyote Street, Nevada City, CA 95959)*

This 4.2-acre site is currently leased by the USFS. The site is fully developed with an existing approximately 39,000 square foot (sf) building and surface parking. The on-site structure is a single level building with several accessory structures. The site is situated at the corner of SR-49 and Coyote Street.

3. *Cement Hill/SR-49 (317 Broad Street, Nevada City, CA 95959)*

This property includes vacant land and one small residence. The vacant land consists of a 2.2-acre privately-owned corner parcel and a five-acre parcel currently owned by the City. The site is directly across the street from the Wayne Brown Correctional Facility. This site is heavily forested with steep slopes and drainages.

4. *Juvenile Hall/SR-49 (approx. 15434 SR-49, Nevada County, CA 95959)*

This site, owned by the County, is approximately 21 acres and is located west of Juvenile Hall . The site is adjacent to the City, but is not within city boundaries. It is also adjacent to the Nevada County Juvenile Hall and shares access to SR-49 with Juvenile Hall. There are approximately 6-7 buildable acres on this site. Utilities were going to be brought to the site by the County. This site is also heavily forested with steep slopes and numerous drainages.

Courthouse Construction

The proposed project will construct a six-courtroom, full-service courthouse. The project is estimated to contain 84,000 BGSF. The new facility will replace the court space in the existing Nevada City Courthouse and courthouse annex. The design of the courthouse will be consistent with other facilities recently constructed by the AOC, and will include location-specific considerations. Design criteria for the proposed project are taken from the *California Trial Court Facilities Standards* approved by the Judicial Council in 2006.

PROJECT CONSTRUCTION SCHEDULE AND ACTIVITIES

The AOC plans to acquire the proposed courthouse site in 2011. Construction of the proposed project would begin in 2014 and would be complete by 2015. Building occupancy is expected to be complete by late 2015.

REQUIRED APPROVALS

The AOC is responsible for approving the CEQA document and the proposed project. The State of California Public Works Board must also approve acquisition of the site for the proposed project.

POTENTIAL ENVIRONMENTAL EFFECTS

The EIR will evaluate the potential direct and cumulative environmental impacts associated with the construction and operation of the proposed New Nevada City Courthouse. Note that an Initial Study (IS) has been prepared and is available at the AOC project website at http://www.courts.ca.gov/2828.htm. CEQA allows lead agencies to use an IS to focus the scope of the EIR on only those environmental issues for which a proposed project could result in a substantial adverse affect. Based on the results of the IS prepared for the proposed project, it is anticipated that the EIR will focus on the following environmental issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise and Vibration
- Public Services
- Transportation and Traffic
- Utilities and Service Systems
- Cumulative Impacts

ALTERNATIVES TO BE EVALUATED IN THE EIR

In accordance with the CEQA Guidelines Section 15126.6, the EIR will describe a reasonable range of alternatives to the proposed project that are capable of meeting most of the projects' objectives, but would avoid or substantially lessen any of the significant effects of the projects. The EIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain the reasons why. The EIR will also provide an analysis of the No Project Alternative.

NEW NEVADA CITY COURTHOUSE

INITIAL STUDY

JUDICIAL COUNCIL OF CALIFORNIA

Administrative office of the Courts

Prepared for:
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

March 4, 2011

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CHAPTER 1

Initial Study – Overview

1.	**Project Title:**	New Nevada City Courthouse Superior Court of California, County of Nevada
2.	**Lead Agency Name and Address:**	Judicial Council of California Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102-3688
3.	**Contact Person and Phone Number:**	Laura Sainz Environmental Program Manager Office of Court Construction and Management Administrative Office of the Courts (916) 263-7992
4.	**Project Location:**	The sites being considered for the proposed project within the City of Nevada City include: • Existing Courthouse Site (201 Church St, Nevada City, CA 95959) • Cement Hill/State Route-49 (SR-49; 317 Broad St, Nevada City, CA 95959) • USFS Site (631 Coyote St, Nevada City, CA 95959) The site being considered for the proposed project within Nevada County include: • Juvenile Hall/SR-49 (approximately 15434 SR-49, Nevada City, CA 95959)
5.	**Project Sponsor's Name and Address:**	Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, CA 94102-3688
6.	**General Plan Designation(s):**	• Existing Courthouse Site – GC (General Commercial) • United States Forest Service (USFS) Site – EC (Employment Center) • Cement Hill/SR-49 – SF (Single Family) • Juvenile Hall/SR-49 – EST (Estate)
7.	**Zoning Designation(s):**	• Existing Courthouse Site – GB-HD (General Business-Historical Combining District) • USFS Site – EC-SC (Employment Center-Scenic Corridor) • Cement Hill/SR-49 – GB-HD (General Business-Historical Combining District) • Juvenile Hall/SR-49 – RA-3-PD (Residential High Density-Planned Development)

CHAPTER 2

Project Description and Background

2.1 Introduction

The Judicial Council of California (Judicial Council) is the rule-making arm of the California court system. It was created by an amendment to article VI of the California Constitution in 1926. In accordance with the California Constitution and under the leadership of the Chief Justice of the Supreme Court of California, the Judicial Council is responsible for ensuring the "consistent, independent, impartial, and accessible administration of justice." The Judicial Council's staff agency, the Administrative Office of the Courts, (AOC) is responsible for implementing the Judicial Council's policies. In that role, the AOC is responsible for implementation of the Trial Court Facilities Act of 2002, the landmark legislation that shifted the governance of courthouses from California counties to the State of California (State).

Following the Trial Court Facilities Act of 2002, the AOC conducted a survey to assess the physical condition of the State's courthouses. The survey showed that 90% of the courthouses need improvements to protect the safety and security of the public, litigants, jurors, and families who are served by California's courts. In October 2008, the Judicial Council identified 41 "Immediate and Critical Need" courthouse projects, in an effort to prioritize future courthouse construction and renovation. The 41 projects are located in 34 counties across the state.

Also in 2008, Senate Bill (SB) 1407 was passed by the State legislature and signed by the Governor. SB 1407 identified funding to address the physical condition of the State's courthouses. The funding identified includes court fines and fees and does not draw from the State's general fund.

The New Nevada City Courthouse (proposed project) is one of the 41 "Immediate and Critical Need" courthouse projects identified by the Judicial Council in 2008. For this project, the AOC proposes to acquire property for and construct and operate a new, approximately 84,000 building gross square foot (BGSF) courthouse, including six (6) courtrooms in City of Nevada City (City) for the Superior Court of California, County of Nevada (Superior Court).

The following four sites are being considered for the proposed project, including three within the City and one within the County of Nevada (County):

1. Existing Courthouse Site (existing site), located at 201 Church St, Nevada City, CA 95959
2. United States Forest Service (USFS) Site, located at 631 Coyote St, Nevada City, CA 95959

3. Cement Hill/SR-49 Site, located at 317 Broad St, Nevada City, CA 95959
4. Juvenile Hall/SR-49 Site, located along SR-49 at approximately 15434 SR-49, Nevada City, CA 95959

Statutory Authority and Requirements

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Sections 21000-21177) and pursuant to Section 44063 of Title 14 of the California Code of Regulations (CCR), the Judicial Council typically acts as the lead agency for courthouse projects. The Judicial Council has delegated this authority to the AOC. In its evaluation of a proposed project, the AOC must consider a project's potential environmental impacts by preparing the appropriate environmental documentation as specified by CEQA.

The AOC recognizes a high level of interest regarding the location for the New Nevada City Courthouse, and has therefore committed to preparing an environmental impact report (EIR) to allow a higher level of public review and comment on the project. This document is an Initial Study which accompanies the Notice of Preparation (NOP) of an EIR. The purpose of this document is to provide an environmental basis for focusing the CEQA review for the proposed project on the potential effects that require further assessment and identifying what effects are clearly less-than-significant and require no additional review. This Initial Study includes all four of the potential sites listed.

This document is subject to public review and comment during the 30-day NOP circulation period. During the public review period, stakeholders, public agencies, and the general public may provide written comments to the AOC on environmental issues relative to the proposed project and the potential sites. The AOC will consider all comments received and incorporate responses in the Draft EIR, which will be circulated for a 45-day public comment period.

Upon completion of the feasibility analysis of the potential sites and the Project Advisory Group (PAG) selection of a preferred site, the Draft EIR will analyze the preferred site, identify why certain sites (such as the Nevada City Elementary School site) have been rejected from consideration as infeasible, and analyze a reasonable range of alternative locations.

CEQA Guidelines §15063 identifies specific requirements for an Initial Study, as provided in the following pages, including:

- A description of the proposed project, including the location of the project
- A description of the environmental setting
- The identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries
- A discussion of ways to mitigate significant effects identified, if any

- An examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls
- The name of the person or persons who prepared or participated in preparation of the Initial Study

Incorporation by Reference

Pertinent documents used in the development of this Initial Study have been cited and incorporated in accordance with CEQA Guidelines §44148 and 44440, to eliminate the need for including voluminous engineering and technical reports as appendices. This Initial Study has incorporated by reference the City of Nevada City General Plan (City General Plan), Nevada County General Plan (County General Plan), and the Nevada County General Plan Environmental Impact Report (County General Plan EIR). The City and County General Plans and the County General Plan Final EIR were utilized throughout this Initial Study, as referenced at the end of each section, and are available for review on the City's website at http://www.nevadacityca.gov/ and the County's website at http://www.nclibrary.co. nevada.ca.us/.

2.2 The Proposed Project

The AOC proposes to construct a six-courtroom, full-service courthouse for the Superior Court. The project is estimated to be approximately 84,000 BGSF. The new courthouse will replace the existing court space in the existing Nevada City Courthouse and courthouse annex, both of which are located at 201 Church Street in downtown Nevada City. The proposed project includes public surface parking spaces, and secure parking spaces in the basement of the courthouse. The specific building design and plan will depend on the final site selected and may vary in the number of floors and the need for a mechanical penthouse. However, for CEQA purposes the project description will analyze the maximum potential impacts. Building design will be completed during the preliminary planning phase of the project.

Project Location

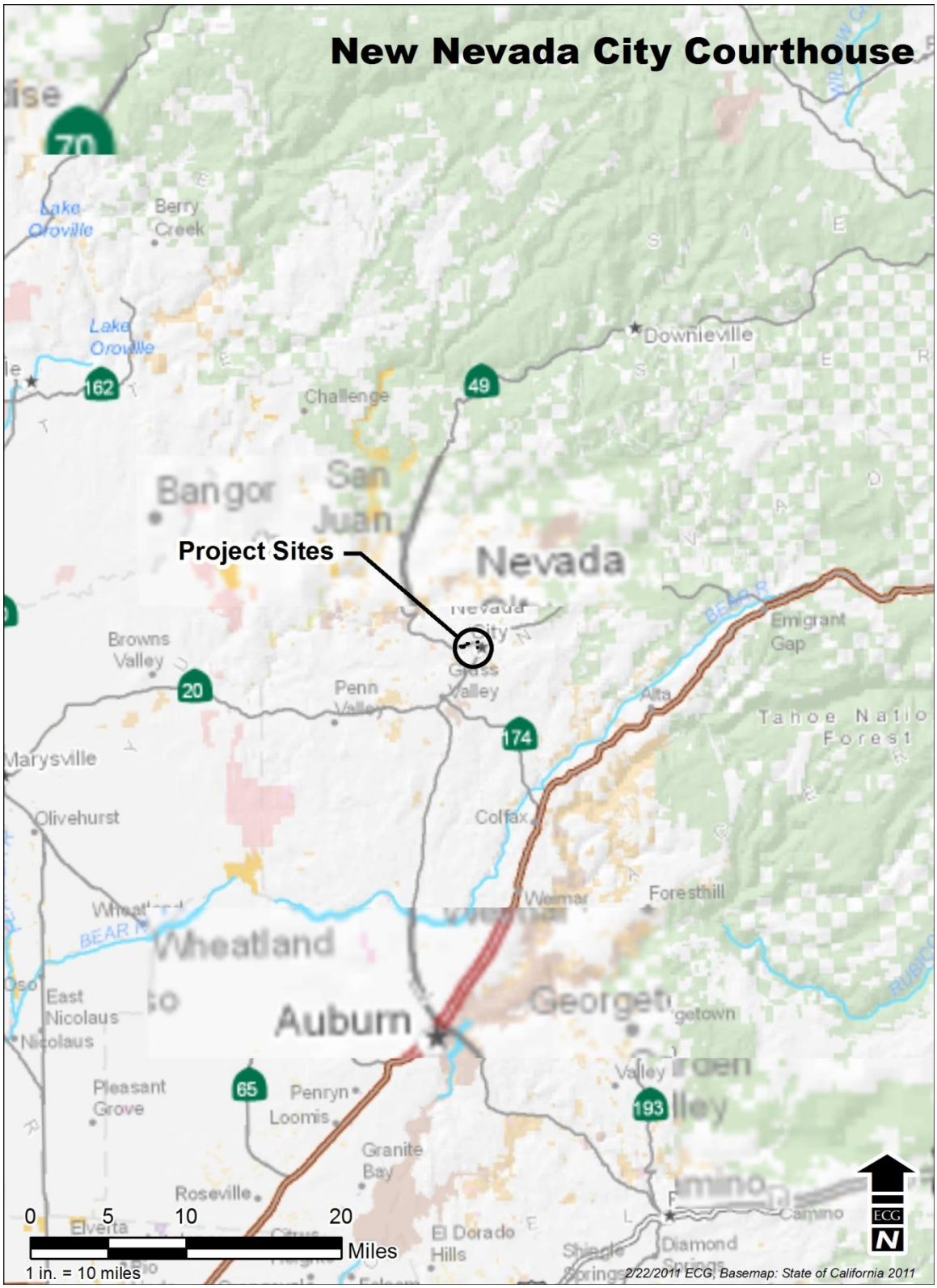
A regional location map is shown in **Figure 1**. A sites location map is shown in **Figure 2**. The four sites being considered for the proposed project include:

1. Existing Courthouse Site (201 Church Street, Nevada City, CA 95959)
   The existing site, which includes the courthouse and courthouse annex is almost one-acre. In addition, there are adjacent sites being considered as part of the feasibility analysis, including 1) 215 Washington Street; and 2) the county-owned surface parking lot located at the northeast corner of Main and Washington streets. If 215 Washington Street is included in the proposed project, the house currently on the parcel will need to be demolished. With these additional two sites the existing courthouse site could total approximately 1.83 acres. It is not known yet whether or not the adjacent sites will be needed, but in an effort to identify worst-case impacts, this site will be analyzed including the adjacent parcels.

2. USFS Site (631 Coyote Street, Nevada City, CA 95959)
   This 4.2-acre site is currently leased by the United States Forest Service. The site is situated at the corner of SR-49 and Coyote Street. Ingress and egress is from Coyote Street across from the Nevada County Consolidated Fire District facility.

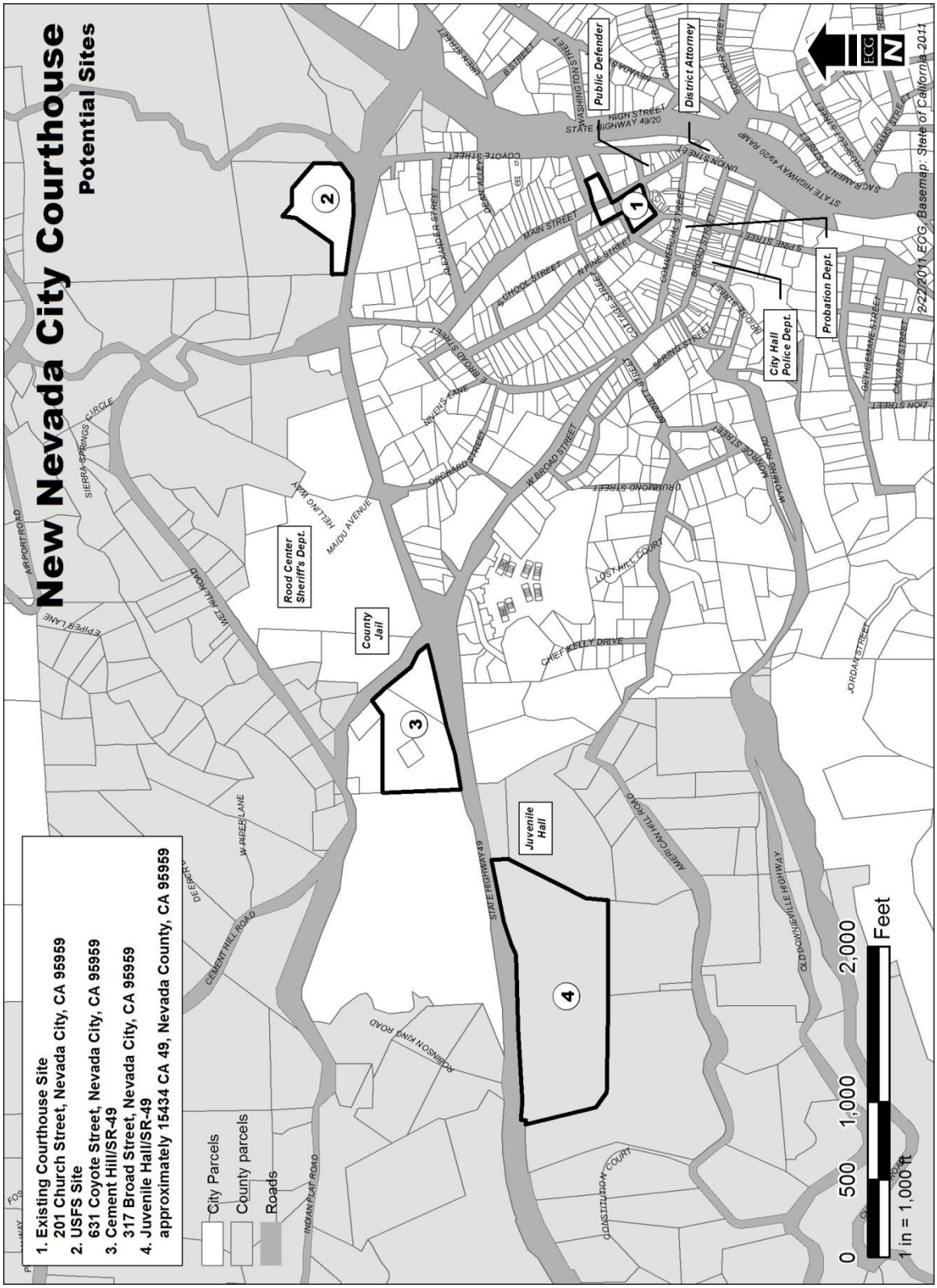
3. Cement Hill/SR-49 (317 Broad Street, Nevada City, CA 95959)
   This property includes vacant land and one small residence. The vacant land consists of a 2.2-acre privately-owned corner parcel and a five-acre parcel currently owned by the City. The site is directly across the street from the Wayne Brown Correctional Facility.

4. Juvenile Hall/SR-49 (approximately 15434 SR-49, Nevada County, CA 95959)
   This site is approximately 21 acres and is located west of Juvenile Hall . The site is adjacent to city limits, but is not within City. It is adjacent to and shares access to SR-49 with the Nevada County Juvenile Hall.



Source: The Ervin Consulting Group, 2011

FIGURE 1
REGIONAL LOCATION MAP



Source: The Ervin Consulting Group, 2011

FIGURE 2
SITE LOCATION MAP

Existing Setting

The AOC has determined that the current courthouse and courthouse annex, located at 201 Church Street in downtown Nevada City, is "unsafe, substandard, overcrowded, and functionally deficient."[1] The proposed project will address the physical and functional deficiencies of the existing courthouse space. The AOC, in conjunction with the Nevada City community, is in the process of determining the feasibility of building the proposed project on the existing courthouse site. This would include moving the court temporarily in order to construct the proposed project on the existing site, and involve either rehabilitation or demolition and new construction on the existing site. At the same time, the AOC is also reviewing the feasibility of building the proposed project on one of the other identified sites.

The Existing Courthouse Site (201 Church Street, Nevada City, CA 95959)

The Nevada City Courthouse and courthouse annex are located at 201 Church Street (Existing Site) in downtown Nevada City. This includes two interconnected buildings; one, the original courthouse building and the other, the courthouse annex. The original courthouse was built in 1864, although that building has since been consumed by a major fire, been remodeled and expanded. The façade of the existing courthouse is from 1939; however, elements of the building date back to the original structure. The courthouse annex was built in 1964.

The courthouse and courthouse annex contain approximately 65,000 square feet (sf) of space, of which approximately 24,000 sf is exclusively occupied by the court. The balance of space is occupied by various functions, including an old jail currently being used for central holding and county office space. The courthouse building includes six courtrooms and accommodates criminal, misdemeanor, traffic, family law, juvenile, and civil calendars. Based on the feasibility report prepared by the AOC, the square footage required to meet the Court's current and near-term needs is approximately 60,000 Departmental Gross Square Feet (DGSF) or 84,000 BGSF. The existing courthouse is a significant downtown landmark, but no longer functions well as the main courthouse for the Superior Court. It contains numerous deficiencies relative to efficiency, security, and access. Approximately 800 people enter the building each day, using a single front door, and all queuing is outside, leaving those waiting to enter the building exposed to the elements. The existing entrance has room for only one security screening station, which may require up to 15 minutes to clear security screening at peak times. The building lacks a jury assembly room, so current juror check-in and assembly takes place in the hallways. The building also lacks secure hallways and holding cells adjacent to courtrooms, so in-custody defendants use the same hallways as the jurors, witnesses, the public and court employees. The courthouse is also not ADA compliant .

The existing site is almost one-acre. In addition, there are adjacent sites being considered as part of the feasibility analysis, including 1) 215 Washington Street; and 2) the county-owned surface parking lot located at the northeast corner of Main and Washington streets. If 215 Washington Street is included in the proposed project, the house currently on the

[1] Administrative Office of the Courts (AOC). Office of Court Construction and Management. June 9, 2010. Superior Court of California, County of Nevada, New Nevada City Courthouse: Project Site Feasibility Report.

parcel will need to be demolished. With these additional two sites the existing courthouse site could total approximately 1.83 acres. It is not known yet whether or not the adjacent sites will be needed, but in an effort to identify worst-case impacts, this site will be analyzed including the adjacent parcels.

If this site is pursued, the existing court functions would need to be temporarily relocated in order to construct the proposed project.

USFS Site (631 Coyote Street, Nevada City, CA 95959)

This 4.2-acre site is currently leased by the USFS. The site is fully developed with an existing approximately 39,000 s.f. building and surface parking. The on-site structure is a single level building with several accessory structures. The site is situated at the corner of SR-49 and Coyote Street. The site is accessed from Coyote Street across from the Nevada County Consolidated Fire District facility.

Cement Hill/SR-49 (317 Broad Street, Nevada City, CA 95959)

This property includes vacant land and one small residence. The vacant land consists of a 2.2-acre privately-owned corner parcel and a five-acre parcel currently owned by the City. The site is directly across the street from the Wayne Brown Correctional Facility.

This site is heavily forested with steep slopes and drainages.

Juvenile Hall/SR-49 Site (approx. 15434 CA49, Nevada City, CA 95959)

This site, owned by the County, is approximately 21 acres and is located west of Juvenile Hall . The site is adjacent to the City, but is not within city boundaries. It is also adjacent to the Nevada County Juvenile Hall and shares access to SR-49 with Juvenile Hall. There are approximately 6-7 buildable acres on this site. Utilities were going to be brought to the site by the County. This site is also heavily forested with steep slopes and numerous drainages.

Proposed Project Characteristics

The proposed project includes the following objectives:

- Create a modern, secure courthouse for the provision of basic services currently not adequately provided, including appropriately-sized jury assembly and deliberation rooms, adequately-sized in-custody holding, attorney interview/witness waiting rooms, a children's waiting room, and security screening for all court users.
- Create operational efficiencies and on-going savings through the consolidation of court services.

Courthouse Construction

The proposed project will construct a six-courtroom, full-service courthouse. The project is estimated to contain 84,000 BGSF. The new facility will replace the court space in the existing Nevada City Courthouse and courthouse annex.

The design of the courthouse will be consistent with other facilities recently constructed by the AOC, and will include location-specific considerations. Design criteria for the proposed project are taken from the *California Trial Court Facilities Standards* approved by the Judicial Council in 2006.

Proposed Project Design Principles and Objectives

The AOC's proposed courthouse design will conform to the specifications of the *California Trial Court Facilities Standards* (Judicial Council of California, 2006). These principles include:

- Court buildings shall represent the dignity of the law, the importance of the activities within the courthouse, and the stability of the judicial system
- Court buildings shall represent an individual expression that is responsive to local context, geography, climate, culture, and history and shall improve and enrich the sites and communities in which they are located
- Court buildings shall represent the best in architectural planning, design, and contemporary thought, and shall have requisite and adequate spaces that are planned and designed to be adaptable to changes in judicial practice
- Court buildings shall be economical to build, operate, and maintain
- Court buildings shall provide a healthy, safe, and accessible environment for all occupants

Court buildings shall be designed and constructed using proven best practices and technology with careful use of natural resources. The AOC will also apply the following codes and standards to the proposed project:

- California Building Code (edition in effect as of the commencement of the schematic design phase of the proposed project)
- CCR Title 24
- California Energy Code
- ADA and American Disability Act Accessibility Guidelines (Section 11)
- Division of the State Architect's Access Checklist

The proposed project will implement sustainable elements throughout its design, operation, and maintenance. Pursuant to the *California Trial Court Facilities Standards*, all courthouse projects shall be designed for sustainability and, at a minimum, to the standards of a Leadership in Energy and Environmental Design (LEED) certified rating. The proposed project will be designed to the specifications of the LEED Silver rating and the AOC will seek certification of the Silver rating by the US Green Building Council. A copy of LEED requirements can be found at http://www.usgbc.org/ShowFile.aspx?DocumentID=7244.

The AOC will implement the proposed project in compliance with standard conditions and requirements for state and/or federal regulations or laws that are independent of

CEQA compliance. The standard conditions and requirements serve to prevent specific resource impacts. Typical standard conditions and requirements include the following:

- California Building Code
- National Pollutant Discharge Elimination System (NPDES)
- PRC §5097 for the discovery of unexpectedly encountered human remains
- Northern Sierra Air Quality Management District (NSAQMD) rules

The proposed project, using the *California Trial Court Facilities Standards,* will incorporate specific design elements into the construction and operation intended to reduce to below a level of significance any potential environmental effects to the extent feasible. For example, the parties constructing and/or operating the proposed project will use best management practices (BMPs) and technologies aimed at conserving natural resources and limiting operating costs over the life of the building. Because the AOC is incorporating these design features into the proposed project, the design features do not constitute mitigation measures as defined by CEQA, and are considered a part of the proposed project.

Project Construction Schedule and Activities

The AOC plans to acquire the proposed courthouse site in 2011. Construction of the proposed project would begin in 2014 and would be complete by 2015. Building occupancy, including the consolidation of court facilities and operations, is expected to be complete by late 2015.

The proposed project includes the construction of a courthouse building and surface parking.

The AOC will utilize BMPs and other measures throughout the construction phase to avoid or minimize potential impacts. These BMPs and other measures include:

- General measures:
  - Designate a contact person for public interaction
  - Inform the community through the use of a website that identifies the upcoming work and potential impacts to the surrounding communities
- Stormwater, water quality, and soil erosion management measures:
  - The AOC's construction contract will include provisions that require the construction contractor to obtain the Central Valley Regional Water Quality Control Board's (CVRWQCB) approval of a Storm Water Pollution Prevention Plan (SWPPP). Prior to the start of construction. The AOC will ensure that the construction contractor prepared a SWPPP and secured the CVRWQCB's approval of the plan.
  - The construction contractor will incorporate BMPs consistent with the guidelines provided in the *California Storm Water Best Management Practice Handbooks: Construction* (California Stormwater Quality Association, 2003).

  - For construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, and/or other measures.
  - Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.
- Air quality management measures. The construction contractor will:
  - Apply water or a stabilizing agent when necessary to exposed surfaces in sufficient quantity at least two times a day to prevent generation of dust plumes
  - Moisten or cover excavated soil piles to avoid fugitive dust emissions
  - Discontinue construction activities that generate substantial dust blowing on unpaved surfaces during windy conditions
  - Install and use a wheel-washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the proposed project site
  - Cover dump trucks hauling soil, sand, and other loose materials with tarps or other enclosures that will reduce fugitive dust emissions
  - Ensure that all construction and grading equipment is properly maintained
  - Ensure that construction personnel turn off equipment when equipment is not in use
  - Ensure that all vehicles and compressors utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times
  - When feasible, use electric construction power for construction operations, in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations
  - Suspend heavy-equipment operations during first-stage and second-stage smog alerts
- Noise and vibration measures. The construction contractor will:
  - Install sound barriers around the perimeter of the proposed project site when engaging in activities that will produce a prolonged noise exposure exceeding the ambient noise threshold of 65 dB
  - When feasible, for construction operations use electric construction power in lieu of diesel-powered generators to provide adequate power for man/material hoisting, crane, and general construction operations

Construction activities will include excavation, framing, and coating. The construction contractor will reuse and keep on-site the maximum amount of material. Excavation operations at the site will export material to an off-site location and replace and compact the remaining material on site. Construction will commence no earlier than 7:00 a.m. and will typically cease no later than 6:00 p.m. on weekdays. Construction work might occur on Saturdays; if so, it will commence no earlier than 9:00 a.m. and cease no later than 6:00 p.m.

Required Approvals

Since the AOC is the lead agency for the proposed project, and is acting for the state on behalf of the Judicial Council, local government land use planning and zoning regulations do not apply to the proposed courthouse project. However, the AOC incorporates City and/or County policies and guidelines as appropriate to ensure the proposed project is consistent with the site's character and surroundings.

The AOC is responsible for approving the CEQA document and the proposed project. The State of California Public Works Board must also approve acquisition of the site for the proposed project.

References

Administrative Office of the Courts (AOC). Office of Court Construction and Management. June 9, 2010. Superior Court of California, County of Nevada, New Nevada City Courthouse: Project Site Feasibility Report.

California Stormwater Quality Association, 2009. California Stormwater Best Management Practice Handbooks: Construction. Retrieved from http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards_with_Amendment1.pdf.

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City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City. Nevada City Municipal Code, Codified through Ordinance No. 2007-03. (Supplement No. 2). Retrieved 2/12/11 from http://library.municode.com/index.aspx?clientId=16305&stateId=5&stateName=California.

Judicial Council of California. 2006. California Trial Court Facilities Standards, 2006 Edition. April 21. Re-issued March 1, 2010 with Amendment 1.

Nevada County. Nevada County General Plan, Volume I, Goals, Objectives, Policies, and Implementation Measures. 1995 with 2008 and 2010 updates. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

Nevada County. Nevada County General Plan, Volume II, Background Data and Analysis, 1995. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

Nevada County. Nevada County General Plan Environmental Impact Report, Volume I, Final Draft, March 1995. Retrieved 2/10/11 from https://public.nevcounty.net/Planning %20Public%20Library/Forms/AllItems.aspx.

Nevada County. December 1991. Nevada County General Plan Master Environmental Inventory. Retrieved 2/10/11 from https://public.nevcounty.net/Planning %20Public%20Library/Forms/AllItems.aspx.

Nevada County. Nevada County Zoning Regulations. Adopted 10-23-07. Retrieved 2/12/11 from https://public.nevcounty.net/County%20Counsel%20Public%20Library/County%20Codes/Land%20Use%20Code/Land%20Use%20Code%20Chap.%20II,%20Zoning%20Regulations.pdf.

CHAPTER 3

Environmental Factors Potentially Affected

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

☒ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Geology, Soils and Seismicity
☒ Greenhouse Gas Emissions	☒ Hazards and Hazardous Materials	☒ Hydrology and Water Quality
☐ Land Use and Land Use Planning	☐ Mineral Resources	☒ Noise and Vibration
☐ Population and Housing	☒ Public Services	☐ Recreation
☒ Transportation and Traffic	☒ Utilities and Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by Lead Agency)
On the basis of this initial study:

☐ 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, no further environmental documentation is required.

L F Sainz
Signature

March 4, 2011
Date

Laura F. Sainz
Printed Name

For

Environmental Checklist

3.1 Aesthetics

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☒	☐	☐	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor?	☒	☐	☐	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☒	☐	☐	☐

Environmental Setting

Nevada City is located in an urban forest setting. The City lies in a basin that is surrounded by Cement Hill, Sugar Loaf Mountain, Harmony Ridge and Banner Mountain forming a forested back drop. The essence of Nevada City is that of a small, compact, historic town surrounded by green, wooded hills.

The City's General Plan and zoning ordinance call for promoting and providing aesthetic design in new development that reflects the City's existing character. The City actively promotes design that reflects its Mother Lode architecture. Where Mother Lode architecture is not prevalent, city design standards require incorporation of historic design elements .

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway
- Adversely alter the existing visual character or quality of the study area
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area

Discussion

3.1(a) Would the project have a substantial adverse effect on a scenic vista?

3.1(b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor?

3.1(c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

3.1(d) Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?

The proposed project includes the acquisition of land for and the construction and operation of a proposed courthouse. The preferred location for the proposed courthouse hasn't been determined, although four sites are under consideration. Three of the potential sites are along the State Scenic SR-49 corridor and may impact a designated scenic resource. In addition, three of the sites are outside of the downtown area, and the addition of light could affect the nighttime skyscape for nearby residential uses.

The existing courthouse site is within the National Register of Historic Places (NRHP or National Register) Nevada City Downtown Historic District and includes a contributing historic structure. Use of the existing site may require demolition of this structure to accommodate the new courthouse, which is a building that defines the skyline of the City from SR-49 northbound; it is the most visible building in town and serves as a major visual landmark. Demolition of this structure would have a significant impact on the existing visual character of Nevada City. A courthouse on any of the four potential sites could thus have an effect on aesthetic resources. Therefore, the Draft EIR will discuss the potential aesthetic effects of the courthouse location on the State Scenic Highway, the changes in visual context, architectural consistency, and light or glare.

Findings

Impacts associated with the New Nevada City Courthouse on scenic vistas, scenic resources, visual character or quality, and nighttime lighting are potentially significant and will be discussed in the EIR.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City. Nevada City Municipal Code, Codified through Ordinance No. 2007-03. (Supplement No. 2). Retrieved 2/12/11 from http://library.municode.com/index.aspx?clientId=16305&stateId=5&stateName=California.

3.2 Agricultural and Forest Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
AGRICULTURAL AND FOREST RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Setting

The study area is a mixed coniferous forest area. The existing courthouse site is fully urbanized, and the USFS site is currently developed, although surrounded by forested lands. The Cement Hill and Juvenile Hall sites are forested. There are no agricultural activities on any of the potential sites.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would conflict with adopted agricultural policies or zoning, or result in the loss of forestry land.

Discussion

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

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

3.2(c) Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or

timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

3.2(d) Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland of Statewide Importance to non-agricultural use or conversion of forest land to non-forest use?

None of the potential sites are classified Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance (Farmland) within the City or County, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. In addition, none of the potential sites are located on lands zoned for agriculture or Timberland Preserve Zones, or are located on lands within Williamson Act contracts.

The proposed construction and operation of the new courthouse would not convert prime agricultural land to non-agricultural use, would not conflict with agricultural zoning or a Williamson Act contract, nor would the construction and operation of the new courthouse involve any other changes resulting in a conversion of Farmland. The proposed construction and operation of the new courthouse would not result in a loss of forest lands or resources. Therefore, the proposed construction and operation of the new courthouse would have no effect on agricultural resources.

Findings

The proposed construction and operation of the New Nevada City Courthouse would have no effect on agriculture or forestry resources and this issue will not be further discussed in the EIR.

References

California State Department of Conservation, Farmland Mapping and Monitoring Program, Important Farmlands Map and Williamson Act Program, retrieved 2/12/11 from http://www.conservation.ca.gov/ dlrp/Pages/qh_maps.aspx

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Nevada County. December 1991. Nevada County General Plan Master Environmental Inventory. Retrieved 2/10/11 from https://public.nevcounty.net/Planning %20Public%20Library/Forms/AllItems.aspx.

3.3 Air Quality

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Environmental Setting

Nevada County is located in the Mountain Counties Air Basin (MCAB). State and federal ambient air quality standards (AAQS) have been established for six ambient air pollutants, primarily to protect human health and welfare. These six criteria air pollutants include ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead (Pb), and suspended particulate matter (PM_{10}, particulate matter with a diameter of 10 microns or less). When the monitored ambient air concentration exceeds an air quality standard, the state or federal government designates the area "non-attainment" for that pollutant. If no violations of the air quality standards occur, an area is said to be "in attainment."

The overall air quality in the County is good with the exception of two known air quality problems: O_3 and PM_{l0}. The County is in attainment for all National Ambient Air Quality Standards (NAAQS) with the exception of western Nevada County, which is in non-attainment for the NAAQS 8-hour O_3 standard. Under the more stringent California Ambient Air Quality Standards (CAAQS), the County is in non-attainment for the 1- and 8-hour O_3 standards and PM_{10} standards.

Although O_3-producing sources exist in the County, most of the O_3 is transported from urban areas to the southwest. Local sources of O_3-producing chemicals occur during seasonal and peak traffic flows around the Interstate-80 (I-80) corridor in eastern Nevada County. PM_{10} violations in winter are primarily due to wood smoke from the use of woodstoves and fireplaces and debris burning, while summer and fall violations often occur during forest fires or periods of open burning.

In 1997, the federal Environmental Protection Agency (EPA) acknowledged that $PM_{2.5}$ (particulate matter with a diameter of 2.5 microns or less) represents an air pollutant of concern and subsequently released new NAAQS for $PM_{2.5}$. In order to meet these new standards, the California Air Resources Board (CARB) and local air quality management

districts (AQMDs) in California are developing a $PM_{2.5}$ monitoring network. The Northern Sierra Air Quality Management District (NSAQMD) currently has seven years of monitoring data for $PM_{2.5}$. With another three years of continuous monitoring, more solid conclusions regarding $PM_{2.5}$ pollution in the area may be obtained and local standards developed. Like PM_{10}, $PM_{2.5}$ is also primarily a product of combustion processes, e.g., woodstoves, forestry and residential open burning, vehicle traffic and wind-blown dust, common in the populated areas of the County. Natural sources of suspended particulates occur from wind blow dust and pollen.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would result in any of the following:

- Conflict with or obstruct implementation of the applicable air quality plan
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation
- A cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors, including volatile organic compounds [VOCs] and oxides of nitrogem [NO_X])
- Expose sensitive receptors to substantial pollutant concentrations
- Create objectionable odors affecting a substantial number of people

Discussion

3.3(a) Would the proposed project conflict with or obstruct implementation of the applicable air quality plan?

3.3(b) Would the proposed project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

3.3(c) Would the proposed 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

The four potential sites are located within the MCAB, which is considered a non-attainment area for selected pollutants. Vehicles associated with construction and operation of the courthouse would produce emissions that contribute to regional O_3 and the deterioration of AAQS. The net increases in regional emissions of O_3 precursors may be significant environmental effects. In addition, air pollutants would be emitted by construction equipment and fugitive dust (PM) would be generated during grading and site preparation. Traffic increases (discussed in Section 16, Transportation and Traffic) and short-term construction impacts associated with the proposed courthouse could contribute to

significant adverse air quality impacts. Construction and operation emissions will be analyzed in the EIR.

3.3(d) Would the proposed project expose sensitive receptors to substantial pollutant concentrations?

The proposed project may expose sensitive receptors to substantial pollutant concentrations during construction and/or operation. Construction and operation emissions will be analyzed in the EIR.

3.3(e) Would the proposed project create objectionable odors affecting a substantial number of people?

The proposed project does not propose any uses that create objectionable odors, much like an office building does not create odors. The proposed project does not propose any change in land use to industrial uses that could create objectionable odors. The proposed project would have no impact on odors.

Findings

Construction and operation of the courthouse could result in potentially significant violations of air quality standards or contribute to existing or projected air quality violations; these issues will be further discussed in the EIR. The proposed project will have no impact associated with odors, and this issue will not be further discussed.

References

Northern Sierra Air Quality Management District website, retrieved 2/15/11 from http://www.myairdistrict.com/.

California Air Resources Board website, retrieved 2/15/11 from http://www.arb.ca.gov/homepage.htm.

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

3.4 Biological Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
BIOLOGICAL RESOURCES— Would the project:				
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 Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
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 Game or U.S. Fish and Wildlife Service?	☒	☐	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐
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?	☒	☐	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☒	☐	☐	☐
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?	☐	☐	☐	☒

Environmental Setting

Natural vegetation types predominant in the study area include mixed coniferous forest, oak woodland, annual grassland, and chaparral communities. Nevada City lies in a basin surrounded by Cement Hill, Sugar Loaf Mountain, Harmony Ridge, and Banner Mountain forming a forested backdrop. Wetlands in the study area are generally small, isolated features dependent on riparian water, ditch leaks, or overflows, diversions or natural seeps or springs.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- 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 (CDFG) or United States Fish and Wildlife Service (USFWS)

- 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 CDFG or USFWS
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA; including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- 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
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan

Discussion

3.4(a) Would the project have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species?

3.4(b) Would the proposed 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?

3.4(c) Would the proposed project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

3.4(d) Would the proposed 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?

3.4(e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Biological habitats and vegetation communities found in the study area include mixed coniferous forest, oak woodland, annual grassland, and chaparral communities, and potential wetlands. These habitats support a range of species that may include special status species that could be affected by construction and operation of the proposed project. In addition, mature trees are located within the study area which may be subject to protection from the City or County. Construction of the proposed project may therefore have an effect on biological resources; this issue will be discussed in the EIR.

3.4(f) Would the Proposed 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 known adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plans governing the four potential courthouse sites. Nevada County is located within the Sierra Nevada Conservancy (SNC) area; however, the SNC has no governing jurisdiction over the four potential courthouse sites. The SNC supports the Sierra Nevada Region by providing funding for local projects and offering technical assistance and other support for collaborative projects in partnership with local government, nonprofit organizations, and Tribal entities. Therefore the proposed project will not effect an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plans governing the four potential courthouse sites.

Findings

Construction of the proposed project could result in potentially significant impacts to biological resources; these issues will be further discussed in the EIR. There are no there are no HCPs or NCCPs governing the study area.

References

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Nevada County. Nevada County General Plan, Volume I, Goals, Objectives, Policies, and Implementation Measures. 1995 with 2008 and 2010 updates. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

City of Nevada City. General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

Sierra Nevada Conservancy website, retrieved 2/18/11 from http://www.sierranevadaconservancy.ca.gov/index.html

3.5 Cultural Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §44064.5?	☒	☐	☐	☐
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §44064.5?	☒	☐	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☒	☐	☐	☐

Environmental Setting

Nevada County was originally occupied by the Nisenan (also known as the Southern Maidu) tribe until placer gold was found along Wolf Creek in 1848. The Nisenan occupied the drainages of the Yuba, Bear, and American rivers from the Sacramento River on the west to the summit of the Sierras in the east. In the foothills and the mountains the major drainages became their formal and informal boundaries with the land in between forming districts. The Nevada City District is between the Bear and Yuba rivers. The continual movement of the Foothill Nisenan meant that the foothill people did not have large year-round villages. However, there are hundreds of small campsites and villages scattered across the foothills and mountains. Many place names refer to these old or unoccupied sites.

In the 1800s, Anglo-American settlers traveling along the immigrant trail through Grass Valley and Nevada City were first attracted to the region by its agricultural, timber, and mineral resources. Placer mining was established along Wolf Creek in 1848, prompting Anglo-Americans to settle there permanently. In 1851, the western portion of Sierra County was split off to form Nevada County, with Nevada City as the county seat. Both the layout of the town and the large number of Gold Rush era buildings give a strong sense of the 19th century origin of Nevada City. There are not only many designated "historic landmarks," but also a more permeating sense of place arising from man-made objects that complement its 19th century origins.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- Cause a substantial change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature

- Disturb any human remains, including those interred outside of formal cemeteries

Discussion

3.5(a) Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in §44064.5?

The study area is located in an area developed with both commercial and residential uses since the Gold Rush. The existing courthouse is a contributing structure in a National Register District, and the USFS structure was constructed more than 50 years ago. Construction of the courthouse on either site could involve the demolition of a listed or eligible structure, which would be a significant impact. Historic resources will be discussed in the EIR.

3.5(b) Would the proposed project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §44064.5?

The study area is located in an area originally occupied by the Nisenan and then developed with both commercial and residential uses since the Gold Rush. Previously recorded prehistoric and historic sites have been inventoried within and in proximity to the potential project sites. The construction of the proposed project could adversely affect subsurface cultural resources on any of the sites considered; this issue will be addressed in the EIR.

3.5(c) Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontology is defined as a science dealing with the life of past geological periods as known from fossil remains. Paleontological resources include fossil remains, as well as fossil localities and formations, which have produced fossil material in other nearby areas. This resource can be an important educational resource, and are classified as non-renewable scientific resources. Paleontological resources are protected by PRC §5097.5. Even though the four potential sites do not have a high likelihood of having paleontological resources there is potential for unanticipated discovery; therefore, the possibility for paleontological resources will be discussed in the EIR.

3.5(d) Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?

Human remains encountered within the potential sites would likely come from archaeological or historical archaeological contexts. Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in PRC §5097 and California Health and Safety Code (HSC) §7050.5, 7051, and 7054. Because prehistoric or archaeological sites are present in the study area, the presence of human remains is a possibility. If remains are encountered, disturbing these remains could violate PRC and HSC provisions, as well as destroy the resource. Therefore, this cultural resource issue will be discussed in the EIR.

Findings

Construction of the New Nevada City Courthouse could result in a potentially significant impact on paleontological, archaeological, and/or historic resources. These issues will be further discussed in the EIR.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Nevada County. Nevada County General Plan, Volume II, Background Data and Analysis, 1995. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

City of Nevada City, Nevada City General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

3.6 Geology, Soils, and Seismicity

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
GEOLOGY, SOILS, AND SEISMICITY — Would the project:				
a) Expose people or structures to 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? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on 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?	☐	☐	☒	☐
d) 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?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Environmental Setting

Regional Geology

Nevada County is within the Sierra Nevada Range, which is a geologic block approximately 80 miles wide oriented north to south that extends along eastern California for approximately 400 miles. Nevada City is located in the western portion of Nevada County, a transitional area between the Sierra Nevada mountain range and the Sacramento River Valley to the west. The foothills of western Nevada County are comprised of a geologic substructure that includes metavolcanic (Mesozoic Jura-Trias Metavolcanic) and granitic formations (Mesozoic Granitic).

Seismicity

Some faulting exists in the Nevada City area. Faults are fractures in the earth's crust across which there has been relative displacement. When the earth moves along a fault, large amounts of energy are released in all directions from the fault, known as an earthquake. Earthshaking occurs in areas near the fault, varying according to distance, magnitude of the earthquake, and the type of intervening geologic material. Prequaternary faults (those older than two million years) are located in western Nevada County, while quaternary and historic (younger than two million years and younger than 200 years, respectively) are located in the eastern portion of the County near Truckee. The closest active fault is Cleveland Hill, located about six miles southeast of Oroville (approximately

60 miles from the City). Various alignments of the Foothills Fault Zone are located in the County, as described by the California Geological Survey (formerly the California Division of Mines and Geology), and are categorized as Mesozoic (approximately 225 million years ago) reactivated in Cenozoic time (65 million years ago to present). The California Geological Survey identifies no fault zone that affects the County, according to Alquist-Priolo criteria. However, the City area may experience minor groundshaking from seismic activity in the general vicinity.

The study area is located in western Nevada County, an area that is classified as having a low risk of substantial seismic activity. A low-intensity zone is defined by the United States Geological Survey (USGS) as an area that is likely to experience an earthquake measuring 5.0-5.9 in magnitude on the Richter scale, and a maximum intensity of VI or VII on the Modified Mercalli scale. This corresponds with the maximum intensity expected near the City. Since 1887, Nevada County has experienced 26 earthquakes at a Modified Mercalli Intensity (MMI) of VI or VII and 10 earthquakes at a MMI of VIII. No known earthquakes of MMI X or greater have occurred in the county area.

Landslides

The term landslide includes a wide range of ground movement, such as rockfalls, deep failure of slopes, and shallow debris flows (mudflows). There are many different types of landslides, including translational/rotational slide, earthflow, debris slide, debris flow/torrent track, debris slide/amphitheater slope, and inner gorge. Many factors influence the potential for landslide occurrences, such as geological conditions, drainage characteristics, slope gradient and configuration, vegetation, and removal of underlying support.

The threat of landslides is present for any areas with steep slopes. However, due to the fact that most of the soils within the County are underlain with dense bedrock, and lack the depth and cohesionless structure associated with ground failure, including liquefaction, most secondary hazards are considered mild to moderate. Some communities have assigned a "low risk" landslide rating to all areas with igneous and metamorphic bedrock, and since most of the County is underlain with similar formations, it is a safe assumption to assign a similar "low risk" rating to most of the County. The "low risk" rating would apply to ground settlement and liquefaction hazards, as well.

Soils

Soils in the County have development constraints related to erosive capacity, permeability, septic tank suitability, and other factors. Soils in the general vicinity of the study area are generally classified as mountainous upland soils. Soils in the study area are classified as Aiken, Hoda, Josephine and Placer Diggings series soils, which are all deep and well drained soils.

Soils become unstable as a result of removal of vegetation, mining, timber harvest, and building and development. Depending on topographic, geologic, and hydrological conditions, certain types of soils may become unstable and threaten lives and property – especially during times of heavy precipitation. Certain bedrock formations have a higher

susceptibility to instability, such as landslides, compared to others. In general, formations with high susceptibility to landslide are not found in western Nevada County.

Erosion

Erosion is the process by which soil and rock are detached by running water, wind, and gravity. Soil erosion can result in habitat degradation, siltation of rivers, streams, and ponds, loss of productive soil, slope instability, and flooding.

Soil type, texture, slope angle, slope length, and vegetation cover are factors affecting susceptibility to erosion. Erosion hazard is variable but generally increases near major rivers and with steeper slopes.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would allow a project to be built that will introduce either geologic or seismic hazards by allowing the construction of the project on such a site without protection against those hazards.

Discussion

3.6(a)(i) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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?

3.6(a)(ii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

3.6(a)(iii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

3.6(a)(iv) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

3.6(c) Would the project be located on 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?

3.6(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?

Nevada City is located in western Nevada County, an area that is classified as having a low risk of substantial seismic activity. None of the potential sites are located within or near an Alquist-Priolo zone. The construction of the proposed project is subject to the Uniform Building Code, and a geotechnical report will be prepared to identify construction requirements to meet earthquake and stability requirements. In general, formations with high susceptibility to landslide are not found in western Nevada County. All sites are

assessed in the geotechnical report for potential seismic or geological risks, including landslide and liquefaction potential. Appropriate construction standards are applicable to each seismic zone and soils capabilities. Therefore, construction of the proposed project on any of the potential sites would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, ground shaking, seismic-related ground failure including liquefaction, or landslides.

3.6(b) Would the project result in substantial soil erosion or the loss of topsoil?

As noted above, soil resources will be evaluated for the potential for erosion, subsidence, liquefaction, and expansion in accordance with the Uniform Building Code, which is designed to protect structures from geologic and seismic risks and to ensure structural safety. Chapter 2. Project Description and Background, page 2-1 above, describes the following erosion control measures that are included as part of the project:

- The AOC's construction contract will include provisions that require the construction contractor to obtain the Central Valley Regional Water Quality Control Board's (CVRWQCB) approval of a Storm Water Pollution Prevention Plan (SWPPP). Prior to the start of construction the AOC will ensure that the construction contractor prepared a SWPPP and secured the CVRWQCB's approval of the plan.
- The construction contractor will incorporate BMPs consistent with the guidelines provided in the *California Storm Water Best Management Practice Handbooks: Construction* (California Stormwater Quality Association, 2003).
- For construction during the rainy season, the construction contractor will implement erosion measures that may include mulching, geotextiles and mats, earth dikes and drainage swales, temporary drains, silt fence, straw bale barriers, sandbag barriers, brush or rock filters, sediment traps, velocity dissipation devices, and/or other measures.
- Wherever possible, the construction contractor will perform grading activities outside the normal rainy season to minimize the potential for increased surface runoff and the associated potential for soil erosion.

Based on the above features of the proposed project construction of the proposed project would have a less-than-significant effect on soil erosion or the loss of topsoil.

3.6(e) Would the project site 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?

The proposed project would be required to connect to the existing sewer system, as further discussed under Section 3.17, Utilities and Service Systems. The proposed project would therefore have no effects related to septic tanks or alternative wastewater disposal systems.

Findings

Construction of the proposed project on any of the potential sites would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, ground shaking, seismic-related ground failure including liquefaction, or landslides. Erosion control measures are included in the project construction plans, and the project will connect to a public sewer system. Geology, soils, and seismicity impacts will be less than significant, and will not be further discussed in the EIR.

References

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Nevada County. Nevada County General Plan, Volume I, Goals, Objectives, Policies, and Implementation Measures. 1995 with 2008 and 2010 updates. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

Nevada County General Plan Environmental Impact Report, Volume I, Final Draft, March 1995, retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

3.7 Greenhouse Gas Emissions

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
GREENHOUSE GAS EMISSIONS — Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐

Environmental Setting

Global climate change refers to the change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. Projected climate changes will likely impact California's public health through changes in air quality, weather-related disasters, and a possible increase in infectious disease. If extreme precipitation and severe weather events become more frequent, and if sanitation and water-treatment facilities have inadequate capacity or are not maintained, increases in infectious diseases may result (California Environmental Protection Agency [Cal/EPA], 2007).

Greenhouse Gas Emissions

Greenhouse Gases (GHGs) are gases that trap heat in the atmosphere, analogous to the way a greenhouse retains heat. Common GHGs include:

- carbon dioxide (CO_2)
- methane (CH_4)
- nitrous oxide (N_2O)
- ozone (O_3)
- sulfur hexafluoride (SF_6)
- chlorofluorocarbons (CFCs)
- hydrofluorocarbons (HFCs)
- perfluorocarbons (PFCs)
- aerosols

Global atmospheric concentrations of CO_2, methane, and N_2O have increased markedly as a result of human activities and now far exceed pre-industrial values determined from ice cores spanning many thousands of years.

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat trapping effect of GHGs, the earth's surface would be about 34°C cooler (Climate Action Team [CAT], 2006). The average surface temperature of the earth has risen by about 1°F over the last 100 years, with most of the change occurring in the last 20 years. Evidence suggests that most of the last 50 years of warming is due to human activities, such as energy production and use of internal combustion vehicles. These activities have increased the amount of GHGs in the atmosphere, which may be causing average temperatures to rise. Warmer temperatures may lead to changes in rainfall

patterns, shrinking polar ice caps, a rise in sea level, and other impacts on the environment such as an anticipated loss of snow pack in the Sierra Nevada.

No GHG target or threshold of significance has been established by either the CARB or by the NSAQMD at this time.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs

Discussion

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

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

The construction (including demolition of existing structures) and operation of the proposed project would result in changes in transportation patterns and use of building materials that could generate increased GHG emissions. Increased GHG emissions could have a cumulatively considerable effect on climate change. Although the proposed project will be designed to the specifications of the LEED Silver rating and the AOC will seek certification of the Silver rating by the US Green Building Council, this issue will be discussed in detail in the EIR.

Findings

Construction and operation of the Courthouse could result in an increase in GHG emissions that contribute to cumulative global climate change; this issue will be further discussed in the EIR.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Northern Sierra Air Quality Management District website, http://www.myairdistrict.com/.

California Air Resources Board website, http://www.arb.ca.gov/homepage.htm.

Nevada County. Nevada County General Plan, Volume II, Background Data and Analysis, 1995. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

Nevada County General Plan Final Environmental Impact Report, Volume I, Final Draft, March 1995, retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

3.8 Hazards and Hazardous Materials

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐
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 for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☒	☐	☐	☐

Environmental Setting

The potential sites contain a mix of land uses that could contain hazardous materials or contamination from past uses. The structures on the existing courthouse site and the USFS site were built before the late 1970s and could contain lead based paint and asbestos containing materials (ACM). The Cement Hill/SR-49 and Juvenile Hall/SR-49 sites are vacant.

The Nevada County Air Park is located 3 miles east of Grass Valley, and is under the jurisdiction of and operated by the County. The airport provides general aviation services for the general public. The airport has two paved runways. According to data from AirNav.com, approximately 52% of airport operations are for local general aviation, while the remainder is mostly transient general aviation. The airport does not provide scheduled commercial passenger service. The nearest airport with this service is Sacramento International Airport.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would expose people (e.g., residents, pedestrians, construction workers) to:

- Existing contaminated soil during construction activities
- Asbestos-containing materials (ACM) or lead based paint
- Existing contaminated groundwater during dewatering activities
- Wildland fires

Discussion

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

The proposed project is an office-type use and would not involve the routine transport, use, or disposal of hazardous materials.

3.8(b) Would the proposed 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?

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

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

The potential project site could contain hazardous materials or contamination from past uses, including mining activity, that could expose construction workers or future site users to contamination. Demolition of existing structures constructed before the 1970s could contain ACM, lead based paint, boilers or transformers that could release contaminants into the environment, or expose construction workers to hazards. The existing courthouse site is located within one-quarter mile of an existing school. These issues will be discussed in the EIR.

3.8(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 for people residing or working in the project area?

3.8(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The study area is not located within two miles of the Nevada County Air Park or within the land use plan for that airport. In addition, there are no known private airstrips in proximity to the study area.

3.8(g) Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Nevada City is responsible for emergency response and evacuation plans within the city limits. The State of California passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency situations and respond to a disaster or hazardous materials release. The City has adopted the City of Nevada City Disaster Plan (revised March 1, 2010) as the planning document to be utilized by the City for response to natural disasters and technological hazards. The Disaster Plan "establishes a framework through which the City of Nevada City may prevent or mitigate the impacts of, prepare for, respond to, and recover from, a wide variety of disasters that could adversely affect the health, safety or general welfare of the citizens and visitors of Nevada City. This emergency operations plan outlines a method of incident management called the Incident Command System (ICS) that includes a coordinated (multi-department and or multi-agency) response to incidents beyond the scope of normal city operations."

The construction and operation of the proposed project would occur on land designated for development, and would not significantly interfere with evacuation routes or emergency response. The proposed project would not be expected to result in activities that interfere or negatively affect any adopted emergency response or evacuation plan. The construction and operation of the proposed project would have a less-than-significant effect on emergency response and evacuation plans.

3.8(h) Would the proposed project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The study area is not within a designated wildland fire area as mapped on the Calfire Wildland Fire Maps. The area is designated on those maps as being within a "Local Responsibility Area," meaning that the Nevada City Fire Department (NCFD) has primary responsibility for wildland fire protection within the designated area, which includes all four potential sites. However, this designated responsibility area is surrounded by a very high severity rating, thus the risk of wildland fires can be presumed to be high for the potential sites along SR-49 that are within forested areas. This issue will be addressed in the EIR under Fire Services.

Findings

The construction and operation of the proposed project could result in potentially significant impacts regarding exposure to hazards and hazardous materials and wildland fires; these issues will be further discussed in the EIR. The proposed project would have no impact or less-than-significant effects regarding the routine transport, use, or disposal of hazardous materials; airport-related safety hazards for people residing or working in the study area; and emergency response and evacuation plans. These issues are less-than-significant and will not be further discussed.

References

California Department of Forestry, Fire Hazard Severity Zones, retrieved 2/16/11 from http://frap.cdf.ca.gov/webdata/maps/nevada/fhszs_map.29.pdf

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Nevada County. Nevada County General Plan, Volume I, Goals, Objectives, Policies, and Implementation Measures. 1995 with 2008 and 2010 updates. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

Nevada County. Nevada County General Plan Environmental Impact Report, Volume I, Final Draft, March 1995. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

3.9 Hydrology and Water Quality

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☒	☐	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☒	☐	☐	☐
c) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?	☒	☐	☐	☐
d) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☒	☐	☐	☐
e) 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?	☒	☐	☐	☐
f) Otherwise substantially degrade water quality?	☒	☐	☐	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☒	☐	☐	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	☒	☐	☐	☐

Environmental Setting

The study area is located within the Yuba River Watershed on the western slope of the central Sierra Nevada in western Nevada County. Little Deer Creek is a tributary to Deer Creek, which is a perennial watercourse that flows from Scott's Flat Reservoir, east of Nevada City, approximately 17 miles to the confluence of Lake Wildwood. Beneficial uses for Deer Creek include municipal and domestic water supply, irrigation, stock watering, power, primary and secondary recreation, cold water habitat, spawning habitat, and wildlife habitat. Deer Creek, and many of its perennial tributaries, supports resident populations of Rainbow Trout. Little Deer Creek is Nevada City's primary water source.

Standards of Significance

Water Quality

For purposes of this Initial Study, an impact would be significant if the proposed project would result in substantially degraded water quality and result in a violation of any water quality objectives set by the State Water Resources Control Board (SWRCB), due to increased sediments and other contaminants generated by a substantial change in drainage patterns, construction, and/or operational activities.

Flooding

For purposes of this Initial Study, an impact would be significant if the proposed project would result in substantially increased exposure of people and/or property to the risk of injury and damage in the event of a 100-year flood.

Discussion

3.9(a) Would the proposed project violate any water quality standards or waste discharge requirements?

3.9(b) Would the proposed project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

3.9(c) Would the proposed project substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?

3.9(d) Would the proposed project substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

3.9(e) Would the proposed project 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?

3.9(f) Would the proposed project otherwise substantially degrade water quality?

The proposed project replaces an existing courthouse use in the study area. This may involve rehabilitation and reconstruction on the existing site, demolition and new construction at the USFS site, or new construction at the Cement Hill or Juvenile Hall sites. The erosion control measures included as part of the project, including the SWPPP, are intended to protect surface water from construction runoff. Because of the heavy drainage on three of the sites, it is unknown at this point what site designs would be required to ensure site drainage, including parking lot runoff, is appropriately routed and filtered to avoid downstream impacts. These issues will be addressed in the EIR.

3.9(g) Would the proposed project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?

The proposed project does not include housing.

3.9(h) Would the proposed project place within a 100-year flood hazard area structures that would impede or redirect flood flows?

3.9(j) Would the proposed project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

Three of the potential sites are affected by significant drainage, which could result in flooding, or cause increased drainage flows on downstream users. These sites also include steep slopes that could be subject to mudflows during times of heavy rain. These issues will be discussed in the EIR.

3.9(i) Would the proposed project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The only dam subject to failure near the City is Scott's Flat Dam, located to the northeast, which could flood areas of the County east of the City. All the potential court sites are located within or west of Nevada City; therefore, the study area is outside the dam inundation zone and no impact would occur.

Findings

Impacts associated with stormwater, flooding, and water quality are potentially significant and will be discussed in the EIR. Impacts associated with dam failure or placing housing within a flood zone are less-than-significant and will not be further discussed.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

Nevada County. Nevada County General Plan, Volume I, Goals, Objectives, Policies, and Implementation Measures. 1995 with 2008 and 2010 updates. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

Nevada County. Nevada County General Plan Environmental Impact Report, Volume I, Final Draft, March 1995. Retrieved 2/10/11 from https://public.nevcounty.net/Planning%20Public%20Library/Forms/AllItems.aspx.

3.10 Land Use and Land Use Planning

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
LAND USE AND LAND USE PLANNING — Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Environmental Setting

Founded in 1850 and incorporated April 19, 1856, Nevada City was a gold-mining community consisting mainly of tar-paper shacks and tents. The present city limits are approximately two square miles, which is twice the size of the original incorporated city. At the center is the historic core, largely composed of a mixture of general business and public uses. Clustered around the core are several residential neighborhoods. Further out from the core there is a mixture of newer residential areas with large estates and a few pockets of non-residential uses. The rural estate area adjacent to SR-20 west of SR-49 has been designated for government uses, and currently contains the County Rood Center, county jail, and Juvenile Hall.

Since the AOC is the lead agency for the proposed project, and is acting for the state on behalf of the Judicial Council, local government land use planning and zoning regulations do not apply to the proposed project. However, the AOC incorporates city and/or county policies and guidelines as appropriate to ensure the proposed project is consistent with the site's character and surroundings.

Land uses on the potential sites as designated by the City and County General Plans and zoning codes. The City's General Plan land uses for the potential sites include:

- Existing Courthouse Site – GC (General Commercial)
- USFS Site – EC (Employment Center)
- Cement Hill/SR-49 – SF (Single Family)
- Juvenile Hall / SR-49 – PD (Planned Development)

The County's General Plan land use for the potential courthouse site in the County is:

- Juvenile Hall/SR-49 – EST (Estate)

The City's zoning designations for the potential courthouse sites are:

- Existing Courthouse Site – GB-HD (General Business-Historical Combining District)

- USFS Site – EC-SC (Employment Center-Scenic Corridor)
- Cement Hill/SR-49 – GB-HD (General Business-Historical Combining District)

The County's zoning designations for the potential site in the County is:

- Juvenile Hall/SR-49 – RA-3-PD (Residential High Density-Planned Development)

Standards of Significance

Land use impacts would be significant if the proposed project would introduce a land use incompatible with city or county adopted land use policies or habitat protection plans, or incompatible with adjacent land uses.

Discussion

3.10(a) Would the proposed project divide an established community?

The proposed project is the construction and operation of a courthouse. No new roadways or major development is identified as part of the proposed project that would physically divide an established community at any of the potential sites; therefore, no impact would occur.

3.10(b) Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Since the AOC is the lead agency for the proposed project, and is acting for the state on behalf of the Judicial Council, local government land use planning and zoning regulations do not apply to the proposed project. However, the AOC incorporates City and/or County policies and guidelines as appropriate to ensure the proposed project is consistent with the site's character and surroundings. All sites are zoned for business or high density uses. Consistency with adopted plans and policies will be discussed in the EIR.

3.10(c) Would the proposed project conflict with any applicable habitat conservation plan or natural community conservation plan?

There are no adopted HCPs or NCCPs that governed development on any of the potential court sites.

Findings

Consistency with adopted plans and policies will be further discussed in the EIR.

References

City of Nevada City General Plan Designation Map
City of Nevada City Zoning Designation Map
City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.
City of Nevada City website, http://www.nevadacityca.gov/.
Nevada County website, https://public.nevcounty.net.

3.11 Mineral Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
MINERAL RESOURCES — Would the project:				
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Environmental Setting

Nevada City was formerly known as Deer Creek, Dry Diggins, and Caldwell's Upper Store. It was first settled in 1849 during the California Gold Rush and by 1850 had become the most important and well-known mining town in California. Along with its larger, southerly adjoining sister city, Grass Valley, this Sierra Foothill region became the leading gold mining area in the state. While there are many abandoned mines in Nevada City, none are in operation today. Federal funds have been used to clean up a number of closed mining sites over the past ten years.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state, or result in the loss of availability of a locally important mineral resource recovery site delineated on the City's and/or County's General Plan.

Discussion

3.11(a) Would the project 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?

3.11(b) Would the project 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?

While there were a number of active mines in the Nevada City area, there are no operating mines at present. To the extent that there may be valuable minerals present, the City and County General Plans no longer accommodate mining as an intended use on any of the potential development parcels. To the extent that there might be lands containing important minerals, those values have been forgone within the City and this area of the County. Therefore the impact on mineral resources by the proposed project would be less than significant.

Findings

The proposed project would have a less-than-significant impact on mineral resources, thus this issue will not be further discussed.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City. General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

3.12 Noise and Vibration

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
NOISE — Would the project:				
a) Result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐
b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☒	☐	☐	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Setting

A variety of sources and levels of noise are found in and around Nevada City. Sources of urban noise include traffic, aircraft, construction, manufacturing, and other mechanical noise and noise associated with concentrations of people. Nevada City is relatively quiet. The primary noise source is traffic on city streets and the two highways that traverse the City.

Standards of Significance

Thresholds of significance are those established by the CCR Title 24 standards. For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- Exposed people to exterior noise levels which are above the upper value of the normally acceptable category for various land uses caused by noise level increases due to the project
- Resulted in residential interior noise levels of L_{dn}[2] 45 dB[3] or greater caused by noise level increases due to the project

[2] Day-Night Average Sound Level – The average equivalent sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10 p.m and before 7 a.m.

[3] Decibel – A unit for describing amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the refernce pressure, which is 20 micropascals (20 micronewtons per square meter)

- Construction noise levels not in compliance with local ordinances

Discussion

3.12(a) Would the project result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

3.12(c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

3.12(d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Construction and normal operations from the proposed project could result in both a short-term (construction) and long-term (operation) increase in existing noise levels and potentially expose people to increased noise levels. The proposed project could contribute to traffic volumes along area roadways, which could result in increases in traffic noise levels at existing off-site receptors. Impacts associated with these issues are considered potentially significant and will be further addressed in the EIR.

3.12(b) Would the project result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

Courthouse construction may require the use of impact pile drivers. Pile driving could generate groundborne vibrations that could adversely affect nearby structures. This issue will be discussed in the EIR.

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

3.12(f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The study area is located more than two miles from the Nevada County Air Park and is therefore not within the land use planning area for that airport. In addition, there are no known private airstrips in proximity to the study area. None of the potential project sites would be affected by air traffic noise.

Findings

The proposed project may have a potentially significant impact regarding exposure to or the generation of excessive noise and groundborne vibration during construction and/or operation of the project; these issues will be discussed in the EIR. The proposed project would have no impact regarding air traffic noise, thus this issue will not be further discussed.

References

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City, Nevada City General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

3.13 Population and Housing

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
POPULATION AND HOUSING — Would the project:				
a) Induce substantial 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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting

Nevada City's population in 2009 was about 3,000. Nevada City's population continues to grow at a slow pace in comparison to the County and neighboring communities. Due to limited availability of vacant land in the City, projected growth is expected to continue at a similar slow pace through 2014. The population is evenly distributed between males and females with a median age of 43.5 years old. The largest age range in Nevada City was in the 45-54 age bracket. The population is primarily white with over 95% representing themselves as having a white ethnic origin.

In 2009, Nevada City had 1,414 occupied housing units. This is 101 more households than in 2000. According to the State Department of Finance, in 2000, there was an average of 2.14 persons living in these units. In 2009 there was an average of 2.04 persons per unit. In both owner and renter populations, over 70% of the housing units consisted of two or less persons per household.

Standards of Significance

Any physical impacts associated with increases in population or housing would be addressed in the appropriate environmental sections of this Initial Study or the EIR.

Discussion

3.13(a) Would the project induce substantial population growth in an area, either directly or indirectly?

The proposed project is the construction and operation of a courthouse to replace the current inadequate facility. No additional courtroom space will be provided; the changes are to provide a new, modern courthouse with appropriately designed, secure circulation for court staff and visitors, and adequately sized in-custody holding. No additional jobs are anticipated as a result of the modernized facility.

The proposed project does not include the construction of housing and therefore does not result in changes in population or induce substantial growth. There would be no impact on population growth.

3.13(b) Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?

3.13(c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

None of the potential sites currently contain housing, and the proposed project is a courthouse. The project would have no effect on displacement or affordable housing.

Findings

The proposed project would not induce substantial growth in the City or County, nor displace people or housing, and would have no impact on population and housing. These issues will not be further discussed.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City. General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

3.14 Public Services

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
PUBLIC SERVICES — Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the 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:				
i) Fire protection?	☒	☐	☐	☐
ii) Police protection?	☒	☐	☐	☐
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☒	☐	☐	☐

Environmental Setting

Fire Protection

The Nevada City Fire Department (NCFD) and the Nevada County Consolidated Fire District (NCCFD) provide fire protection services through a mutual aid agreement to the City and its sphere of influence (SOI). These two agencies coordinate operations, including emergency response, resource deployment and station operation and staffing, to provide coverage in the City, the SOI, and beyond. Both agencies are parties to the Nevada County Fire and Emergency Services Joint Powers Agreement (JPA).

Police Protection

Police protection within the City is provided primarily by the Nevada City Police Department (NCPD). The NCPD is located at City Hall and has 10 employees, including the Chief, one lieutenant, and one sergeant (who also function as detectives), six patrol officers, and one record clerk. Dispatch and detention facilities are provided under contract by the Nevada County Sheriff's Office.

Schools

The study area is served by two school districts. The Nevada City School District (NCSD) is a K-8 school district located in the Sierra Foothills. NCSD has two K-2 schools, Nevada City Elementary (closed) and Gold Run School. The K-2's feed the 3-5 school, Deer Creek Elementary and then students move to Seven Hills Middle School.

The Nevada Joint Union High School District (NJUHSD) is located in Grass Valley. The County has nine elementary/middle school districts feeding into the high schools, which provide secondary education to 3,700 students with a variety of schools and programs.

Parks

The City owns and operates one large park and several small ones, including 260 acres of parkland and open space. Pioneer Park and Calanan Park are the two developed parks in the City. Hirschman's Pond and the Old Airport are the two properties that encompass most of the open space owned by the City.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if significant if the proposed project would result in the need for new or altered services related to fire protection, police protection, school facilities, parks, or other governmental services.

Discussion

Would the proposed project result in substantial adverse physical impacts associated with the provision of, or the 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:

3.14(a)(i) Fire protection?

3.14(a)(ii) Police protection?

3.14(a)(v) Other public facilities?

The proposed project includes the construction and operation of a modernized courthouse. The courthouse may move to a different location temporarily or permanently and this may change the needs for public safety services and other public facilities over existing conditions. This issue will be addressed in the EIR.

3.14(a)(iii) Schools?

The proposed project includes the construction and operation of a proposed courthouse. The proposed project does not include an increase of housing and would not increase the number of students in the NCSD and the NJUHSD. Therefore, the proposed project will not have an impact on schools.

3.14(a)(iv) Parks?

The proposed project includes the modernization and replacement of the existing courthouse, either in its existing location or on a new site outside the city core. The proposed project does not include the increase of housing and would not increase the number of people living and using parks in the region. No new employees will be generated. Therefore, the proposed project will not no impact upon the quality or quantity of park facilities.

Findings

Impacts associated with fire protection, police protection, and other public facilities are potentially significant and will be addressed in the EIR. Potential school and park facility impacts would be less than significant, and will not be further addressed.

References

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City, Nevada City General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

City of Nevada City website, http://www.nevadacityca.gov/.

3.15 Recreation

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
RECREATION — Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Environmental Setting

Nevada City owns 260 acres of parkland and open space. Pioneer Park and Calanan Park are the two developed parks in the City. Hirschman's Pond and the Old Airport are the two properties that encompass most of the open space owned by the City.

Parks, open space, trails, a swimming pool, summer programs, and recreational classes are among the many things that the Nevada City Parks & Recreation Department (Parks & Recreation Department) offer. The Parks & Recreation Department employs one full-time employee year round and approximately 35 seasonal staff during the summer months. The Nevada City Veteran's Building is used as the City's community center, where many recreational classes are offered. The facility is available for rent or for experienced instructors to offer recreational classes.

There is a Parks & Recreation Committee, which consists of two City Council members, the Parks & Recreation Supervisor and several citizens. The committee is responsible for reviewing park programs, facilities and policies and making recommendations to City Council.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if implementation of the significant if the proposed project would do any of the following:

- Cause or accelerate substantial physical deterioration of existing area parks or recreational facilities
- Create a need for construction or expansion of recreational facilities beyond what was anticipated in the General or Community Plan

Discussion

3.15(a) Would the proposed 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?

3.15(b) Would the proposed project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The proposed project includes the modernization and replacement of the existing courthouse, either in its existing location or on a new site outside the city core. The proposed project does not include the increase of housing and would not increase the number of people living and using parks in the region. No new employees will be generated. Therefore, the proposed project will not impact upon the quality or quantity of park facilities.

Findings

The proposed courthouse would result in no impact on recreational resources. This issue will not be further discussed in the EIR.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City. General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

City of Nevada City website, http://www.nevadacityca.gov/.

3.16 Transportation and Traffic

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
TRANSPORTATION AND TRAFFIC — Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☒	☐	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☒	☐	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?	☐	☐	☒	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐
e) Result in inadequate emergency access?	☒	☐	☐	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☒	☐	☐	☐

Environmental Setting

Roadway Network

The study area's streets include principal and minor arterials, major and minor collectors, and other streets of future local significance (General Plan Land Use Map, 1986). In addition, the Golden Center Freeway (SR-20/49) generally runs north/south through the City, and SR-49 generally runs east/west in the northwest area of the City. The state is responsible for these state routes.

Pedestrian and Bicycle Facilities

The city street system has many narrow, twisting, and dead-end streets. From an engineering design standpoint, many streets lack adequate site distance and width, sidewalks, curbs, and gutters. The City's General Plan recognizes such eccentricities as a part of the unique character of the City and encourages their preservation. It is these characteristics that make Nevada City a walkable, pedestrian friendly city in the vicinity of the existing courthouse.

Transit Service

Gold Country Stage serves Nevada City, Grass Valley, Alta Sierra, Lake of the Pines, Auburn, Rough and Ready, and Penn Valley. Gold Country Stage buses will stop at any signed bus stop. In certain rural areas there are limited stops the bus will make if the passenger flags the bus and it is safe. The Gold Country Stage operates generally from 7:00 am to 6:00 pm on weekdays. All Gold Country Stage transit vehicles are equipped

with wheelchair lifts. Paratransit services for persons with disabilities are provided in the Gold Country Stage area by Gold Country Telecare.

Gold Country Stage Route 5 connects with Placer County Transit (which serves Auburn, Rocklin, Sierra College, Roseville Galleria, and Sacramento Light Rail), Auburn Transit, and Amtrak.

Rail Service

There is no railroad service in Nevada City but daily access is available to the region via connecting Amtrak train and bus service, from the San Francisco Bay Area and Sacramento and bus service from Reno. Trains stop in Colfax (12 miles south of Nevada City), but connecting transportation is not available.

Air Transportation

The Nevada County Air Park is located three miles east of Grass Valley, and is under the jurisdiction of and operated by the County. The airport provides general aviation services for the general public. The airport has two paved runways. According to data from AirNav.com, approximately 52% of airport operations are for local general aviation, while the remainder is mostly transient general aviation. The airport does not provide scheduled commercial passenger service. The nearest airport with this service is Sacramento International Airport.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system
- Conflict with an applicable congestion management program
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks
- Substantially increase hazards due to a design feature or incompatible uses
- Result in inadequate emergency access
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities

Discussion

3.16(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

3.16(b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

3.16(d) Would the proposed project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?e) Would the proposed project result in inadequate emergency access?

3.16(e) Would the proposed project result in inadequate emergency access?

3.16(f) Would the proposed project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

The proposed project would cause a change in traffic patterns, either during temporary court relocation until the existing site is modernized, and/or when currently shared site uses move to different locations. These changes may generate additional vehicular movements throughout the area over existing conditions, as well as an increased demand on transit and alternative transportation modes. A traffic study will be conducted for the EIR to assess changes in traffic and circulation.

During construction, there could be hazards or blocking of emergency access due to construction activities. As noted above, many streets surrounding the existing courthouse lack adequate site distance and width and sidewalks. Project construction could create a hazard to pedestrians and cyclists, or inadequate emergency access resulting in a potentially significant impact. Project access could increase hazards either for downtown circulation, or for ingress and egress off SR-49. The EIR will evaluate potential traffic impacts and roadway hazards occurring as a result of the Proposed Project.

3.16(c) Would the proposed project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?

Although a small percentage of courthouse employees and visitors may use general aviation, this number would be quite small and would not result in a significant increase in private air traffic levels or a change in location of air traffic patterns that would result in substantial safety risks from the Nevada County Air Park. The City is not within any airport safety zone. Therefore, the proposed project would have a less-than-significant impact on air traffic patterns and safety.

Findings

Impacts associated with transportation and circulation are potentially significant and will be addressed in the EIR. The proposed project would have a less-than-significant impact on air traffic patterns, thus this issue will not be further discussed.

References

City of Nevada City, 2009•2014 Housing Element Update, Initial Study, dated April 27, 2009, retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City, Nevada City General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

City of Nevada City website, http://www.nevadacityca.gov/.

Nevada City Chamber of Commerce website (http://www.nevadacitychamber.com/)

Nevada County website (http://mynevadacounty.com/transit/index.cfm)

3.17 Utilities and Service Systems

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
UTILITIES AND SERVICE SYSTEMS — Would the project:				
a) Conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☒	☐	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☒	☐	☐	☐
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☒	☐	☐	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☒	☐	☐	☐

Environmental Setting

Water Supply System

Public Water Service within the City and within its SOI is provided via three different sources. The City provides treated water service to the majority of the original city townsite. The Nevada Irrigation District (NID) generally provides treated water service to lands annexed in the last 30 years. NID will also be the designated service entity for newly annexed territory. Lands outside the urban service area and beyond NID service rely on individual private wells. It is expected that annexation into the City would result in treated public water service through NID. In general, absent major annexations and general plan amendments that will substantially increase development density and/or intensity, both entities have adequate water to accommodate projected growth through 2023.

Wastewater and Sewer System

Nevada City operates its own sewer treatment plant pursuant to California Regional Water Control Board treatment and discharge requirements. The City's treated effluent is discharged into Deer Creek. As the uppermost treatment plant in its watershed, the City is held to a standard applicable to pristine streams by state water quality authorities. In addition to the City's own monitoring of its intake and effluent, Friends of Deer Creek monitors water quality in Deer Creek.

The state permitted wastewater treatment plant dry-weather flow capacity is 0.69 million gallons per day (mgd). Actual dry weather flow is .375 mgd or 54.3% of the flow allowed by the state permit as measured by average daily flows over the six-month period of May through October during the 2007 summer season. System demand is expected to increase from the current total of 1,400 connections to almost 1,800 in the 2023 horizon, a population increase of approximately 700. This correlates with an increase in treatment-plant capacity utilization from 55% to approximately 80%.

Storm Drain System

The study area uses surface drainage facilities. All projects in the City are required to install required detention and treatment facilities to reduce peak hour flows into the drainage system.

Solid Waste

Solid waste is collected by Integrated Waste Management, disposed of at the Nevada County McCourtney Road Transfer Station and then hauled to a permitted sanitary landfill, the Ostrom Road Landfill in Wheatland, California. The Ostrom Road Landfill has a reported capacity of 75 years, which would accommodate increased solid waste generated by new growth of all types within the City and its SOI.

Standards of Significance

For purposes of this Initial Study, an impact would be significant if the proposed project would do any of the following:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Have insufficient water supplies available to serve the project from existing entitlements and resources, or need new or expanded entitlements
- Have inadequate wastewater treatment capacity to serve the project's projected demand in addition to the wastewater treatment provider's existing commitments
- Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs
- Fail to comply with federal, state, and local statutes and regulations related to solid waste

Discussion

3.17(a) Would the proposed project conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board?

3.17(b) Would the proposed project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

3.17(c) Would the project require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?

3.17(d) Would the proposed project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

3.17(e) Would the proposed project result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

3.17(f) Would the proposed project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

3.17(g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

Because the proposed project is replacing an existing use, no new demand on the overall water supply, sewage treatment capacity, or solid waste system is anticipated. However, depending on the location of the proposed project site, water, wastewater and drainage infrastructure will need to be constructed to accommodate the new facility. Demolition of existing structures will require recycling and disposal in the landfill. These issues will be further discussed in the EIR.

Findings

The proposed project could result in a potentially significant impact on existing water, sewer, drainage, and solid waste facilities. These issues will be addressed in the EIR.

References

City of Nevada City. 2009·2014 Housing Element Update, Initial Study, dated April 27, 2009. Retrieved 2/10/11 from http://nevadacityca.gov/content/housing-element.

City of Nevada City. General Plan 1980-2000, adopted March 24, 1986, retrieved 2/10/11 from http://nevadacityca.gov/content/general-plan.

City of Nevada City website, http://www.nevadacityca.gov/.

Nevada City Chamber of Commerce website (http://www.nevadacitychamber.com/)

Nevada County website (http://mynevadacounty.com/transit/index.cfm)

3.18 Mandatory Findings of Significance

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:				
a) Have the potential to 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, 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?	☒	☐	☐	☐
b) Have impacts that would be 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.)	☒	☐	☐	☐
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

Discussion

3.18(a) Would the proposed project have the potential to 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, 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?

Construction and operation of the courthouse could involve demolition, excavation, and construction activities in an area that may contain sensitive cultural and biological resources. These issues will be discussed in the EIR.

3.18(b) Would the proposed project have impacts that would be 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.)

Construction and operation of the courthouse, in conjunction with other projects in the City and County, may have a cumulative effect on air quality, biological resources, cultural resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation and traffic, and utilities and service systems. Cumulative impacts will be discussed in the EIR.

3.18(c) Would the proposed project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

Any of the identified potential impacts for air quality, biological resources, cultural resources, GHG emissions, hazards and hazardous materials, hydrology and water

quality, noise, public services, transportation and traffic, and utilities and service systems could cause a substantial adverse effect on human beings, either directly or indirectly. These issues will be discussed in the EIR.

CHAPTER 4

Report Preparers

Judicial Council of California

Administrative Office of the Courts

2860 Gateway Oaks Drive

Sacramento, CA 95833-3509

Laura Sainz, Environmental Program Manager

Office of Court Construction and Management

Ervin Consulting Group

8561 Almond Bluff Court

Orangevale, CA 95662

Gail Ervin, Principal

Travis Ervin, Senior Analyst

Laura Ervin, Senior Analyst

Appendix B

Responses to the Notice of Preparation

Draft Environmental Impact Report
New Nevada City Courthouse

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

JERRY BROWN
GOVERNOR

Notice of Preparation

March 4, 2011

To: Reviewing Agencies

Re: New Nevada City Courthouse
SCH# 2011032009

Attached for your review and comment is the Notice of Preparation (NOP) for the New Nevada City Courthouse draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Laura Sainz
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2011032009
Project Title New Nevada City Courthouse
Lead Agency Administrative Office of the Courts

Type NOP Notice of Preparation

Description The AOC proposes to construct a six-courtroom, full-service courthouse for the Superior Court. The project is estimated to be approximately 84,000 BGSF. The new courthouse will replace the existing court space in the existing Nevada City Courthouse and courthouse annex, both of which are located currently at 201 Church Street in downtown Nevada City. The proposed project includes public surface parking spaces, and secure parking spaces in the basement of the courthouse. The specific building design and plan will depend on the final site selected and may vary in the number of floors and the need for a mechanical penthouse.

Lead Agency Contact

Name Laura Sainz
Agency Administrative Office of the Courts
Phone 916 263-7992 **Fax**
email
Address 455 Golden Gate Avenue
City San Francisco **State** CA **Zip** 94102

Project Location

County San Francisco
City San Francisco
Region
Cross Streets
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways SR-20 and SR=49
Airports
Railways
Waterways
Schools various
Land Use The four potential courthouse sites have various urban and use designations.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Schools/Universities; Noise; Public Services; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wildlife; Landuse; Cumulative Effects

---

Reviewing Agencies Resources Agency; Cal Fire; Central Valley Flood Protection Board; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 2; Caltrans, District 3; California Highway Patrol; Native American Heritage Commission; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 03/04/2011 **Start of Review** 03/04/2011 **End of Review** 04/04/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

NOP Distribution List

County: Nevada

SCH# 2011032009

Resources Agency

- ■ **Resources Agency**
  Nadell Gayou
- ☐ **Dept. of Boating & Waterways**
  Mike Sotelo
- ☐ **California Coastal Commission**
  Elizabeth A. Fuchs
- ☐ **Colorado River Board**
  Gerald R. Zimmerman
- ☐ **Dept. of Conservation**
  Jonathan Martis
- ☐ **California Energy Commission**
  Eric Knight
- ▨ **Cal Fire**
  Allen Robertson
- ▨ **Central Valley Flood Protection Board**
  James Herota
- ▨ **Office of Historic Preservation**
  Ron Parsons
- ■ **Dept of Parks & Recreation**
  Environmental Stewardship Section
- ☐ **California Department of Resources, Recycling & Recovery**
  Sue O'Leary
- ☐ **S.F. Bay Conservation & Dev't. Comm.**
  Steve McAdam
- ▨ **Dept. of Water Resources**
  Resources Agency
  Nadell Gayou
- ☐ _____
  Conservancy

Fish and Game

- ☐ **Depart. of Fish & Game**
  Scott Flint
  Environmental Services Division
- ☐ **Fish & Game Region 1**
  Donald Koch
- ☐ **Fish & Game Region 1E**
  Laurie Harnsberger
- ▨ **Fish & Game Region 2**
  Jeff Drongesen
- ☐ **Fish & Game Region 3**
  Charles Armor
- ☐ **Fish & Game Region 4**
  Julie Vance
- ☐ **Fish & Game Region 5**
  Don Chadwick
  Habitat Conservation Program
- ☐ **Fish & Game Region 6**
  Gabrina Gatchel
  Habitat Conservation Program
- ☐ **Fish & Game Region 6 I/M**
  Brad Henderson
  Inyo/Mono, Habitat Conservation Program
- ☐ **Dept. of Fish & Game M**
  George Isaac
  Marine Region

Other Departments

- ☐ **Food & Agriculture**
  Steve Shaffer
  Dept. of Food and Agriculture
- ☐ **Depart. of General Services**
  Public School Construction
- ☐ **Dept. of General Services**
  Anna Garbeff
  Environmental Services Section
- ☐ **Dept. of Public Health**
  Bridgette Binning
  Dept. of Health/Drinking Water

Independent Commissions,Boards

- ☐ **Delta Protection Commission**
  Linda Flack
- ☐ **Cal EMA (Emergency Management Agency)**
  Dennis Castrillo
- ☐ **Governor's Office of Planning & Research**
  State Clearinghouse
- ■ **Native American Heritage Comm.**
  Debbie Treadway
- ☐ **Public Utilities Commission**
  Leo Wong
- ☐ **Santa Monica Bay Restoration**
  Guangyu Wang
- ☐ **State Lands Commission**
  Marina Brand
- ☐ **Tahoe Regional Planning Agency (TRPA)**
  Cherry Jacques

Business, Trans & Housing

- ☐ **Caltrans - Division of Aeronautics**
  Sandy Hesnard
- ☐ **Caltrans - Planning**
  Terri Pencovic
- ▨ **California Highway Patrol**
  Scott Loetscher
  Office of Special Projects
- ☐ **Housing & Community Development**
  CEQA Coordinator
  Housing Policy Division

Dept. of Transportation

- ☐ **Caltrans, District 1**
  Rex Jackman
- ☐ **Caltrans, District 2**
  Marcelino Gonzalez
- ▨ **Caltrans, District 3**
  Bruce de Terra
- ☐ **Caltrans, District 4**
  Lisa Carboni
- ☐ **Caltrans, District 5**
  David Murray
- ☐ **Caltrans, District 6**
  Michael Navarro
- ☐ **Caltrans, District 7**
  Elmer Alvarez
- ☐ **Caltrans, District 8**
  Dan Kopulsky
- ☐ **Caltrans, District 9**
  Gayle Rosander
- ☐ **Caltrans, District 10**
  Tom Dumas
- ☐ **Caltrans, District 11**
  Jacob Armstrong
- ☐ **Caltrans, District 12**
  Chris Herre

Cal EPA

Air Resources Board

- ☐ Airport Projects
  Jim Lerner
  - ☐ Transportation Projects
    Douglas Ito
  - ☐ Industrial Projects
    Mike Tollstrup
- ☐ **State Water Resources Control Board**
  Regional Programs Unit
  Division of Financial Assistance
- ☐ **State Water Resources Control Board**
  Student Intern, 401 Water Quality Certification Unit
  Division of Water Quality
- ☐ **State Water Resouces Control Board**
  Phil Crader
  Division of Water Rights
- ▨ **Dept. of Toxic Substances Control**
  CEQA Tracking Center
- ☐ **Department of Pesticide Regulation**
  CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- ☐ **RWQCB 1**
  Cathleen Hudson
  North Coast Region (1)
- ☐ **RWQCB 2**
  Environmental Document Coordinator
  San Francisco Bay Region (2)
- ☐ **RWQCB 3**
  Central Coast Region (3)
- ☐ **RWQCB 4**
  Teresa Rodgers
  Los Angeles Region (4)
- ▨ **RWQCB 5S**
  Central Valley Region (5)
  - ☐ **RWQCB 5F**
    Central Valley Region (5)
    Fresno Branch Office
  - ☐ **RWQCB 5R**
    Central Valley Region (5)
    Redding Branch Office
- ☐ **RWQCB 6**
  Lahontan Region (6)
  - ☐ **RWQCB 6V**
    Lahontan Region (6)
    Victorville Branch Office
- ☐ **RWQCB 7**
  Colorado River Basin Region (7)
- ☐ **RWQCB 8**
  Santa Ana Region (8)
- ☐ **RWQCB 9**
  San Diego Region (9)

☐ **Other** _____

Last Updated 218/11

From: Terry Lamphier [mailto:Terry.Lamphier@co.nevada.ca.us]
Sent: Wednesday, March 09, 2011 2:50 PM
To: Sainz, Laura
Cc: Janet Cohen (jcohen@sierranevada.ca.gov)
Subject: New Nevada City Courthouse

Dear Ms. Sainz;

I received a copy of the NOC regarding the proposed new Nevada City Courthouse. As a newly elected public official, I am still in the process of learning how things work, so please indulge me a little…
One subcommittee I am on is a task force re: use of biomass in some fashion. There is strong interest in exploring the possibility of establishing an energy cogeneration facility using biomass as part of the proposed courthouse project. Please advise me as to the procedures to further explore this concept. I realize that possibilities in this regard are likely to be complicated so I'm just looking for a basic orientation.

This letter was prompted by your NOC noticing, so the first question is, is there an avenue at this juncture to have this explored in some fashion in the "comments on topics to be addressed in the EIR"? Thank you for any assistance.

Terry Lamphier
Nevada County Supervisor, District 3 Grass Valley
(530) 256-1480

STATE OF CALIFORNIA Jerry Brown, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390

March 16, 2011

RCVD '11 MAR 18

Laura Sainz
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

RE: SCH# 2011032009 – New Nevada City Courthouse, Nevada City, Nevada County

Dear Ms. Sainz:

The Native American Heritage Commission has reviewed the NOP referenced above. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

1. Contact the appropriate Information Center for a record search. The record search will determine:
   - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
   - If any known cultural resources have already been recorded on or adjacent to the APE.
   - If the probability is low, moderate, or high that cultural resources are located in the APE.
   - If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
   - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and any associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
   - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
3. Contact the Native American Heritage Commission for:
   - A Sacred Lands File Check. Requests must be made in writing with the County, Quad map name, township, range and section.
   - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the development of mitigation measures.
4. Lack of surface evidence of archeological resources does not preclude their subsurface existence.
   - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
   - Lead agencies should include in their mitigation plan provisions for the disposition of recovered non-burial related artifacts, in consultation with culturally affiliated Native Americans.
   - Lead agencies should include provisions for discovery of Native American human remains and associated grave items in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

If you have any questions, please contact me by email at rw_nahc@pacbell.net.

Sincerely,

Rob Wood
Associate Government Program Analyst

CC: State Clearinghouse

From: Pat Chesnut [mailto:pchesnut@hughes.net]
Sent: Tuesday, March 22, 2011 10:49 AM
To: Sainz, Laura
Cc: Daniel Ketcham
Subject: New Nevada City Courthouse Initial Study

Laura-As Secretary of the Nevada County Historical Society and Director of the Society's Searls Historical Library I had planned to attend the scoping meeting scheduled for this evening at the current Nevada City Courthouse. Weather predictions indicate that there is a good possibility of severe weather tonight and I will be unable to attend the meeting. However, I feel that two items should be brought to your attention.

First, on page 2-4 (and other locations) project location #3 is shown as "Cement Hill/SR-49 (317 Broad Street, Nevada City, CA 95959). In the other options listed, the address shown is the physical address of the properties. Please note that 317 Broad Street is not the physical address of the Cement Hill/SR-49 property. In fact, 317 Broad Street is the physical address of the Nevada City City Hall. It would appear that this needs to be corrected.

Second, on page 3-12 "Environmental Setting" your report states "In 1851, the western portion of Sierra County was split off to form Nevada County." In fact, Nevada County was formed in 1851 by splitting it off from Yuba County. This is documented in Thompson & West's "History of Nevada County, California" on page 56. Thompson & West published this book in 1880 and it was reprinted in 1971. It is considered "the" early history of Nevada County.

On a personal note, The Searls Library is located immediately across the street from the front steps of the current courthouse and I am deeply concerned with the effect demolition of the building would have on our City and access to our building.

If you have any questions regarding these comments, please feel free to contact me by e-mail or by phone (530-272-6833). My internet service is by satellite. If snow covers the dish, I loose service. If you do not hear from me after an e-mail reply, please call me.

Sincerely,
Pat Chesnut
Secretary,
Nevada County Historical Society

March 23, 2011

Laura Saintz
Administrative Office of the Courts
2860 Gateway Oaks, Suite 400
Sacramento, California 95883

RE: Nevada County Courthouse

Dear Ms. Saintz,

We wanted our voices to be heard regarding the placement of the new Nevada County Courthouse. We strongly feel that the only sensible place to locate the new Courthouse would be next to the Nevada County Jail and administrative offices at the Rood Center.

When picking a site and designing the new building, cost effectiveness and safety should be paramount concerns. One would hope that the new building would have a life expectancy of at least 50 years. It would be much easier to design a suitable building without the constraints put on it by the downtown location. Being next to the jail would greatly reduce the cost of transporting prisoners while reducing the risks associated with it (Imagine, either a tunnel or an elevated walkway could be incorporated in the design to get prisoners back and forth).

The current location also does not have adequate parking for those with business at the Courthouse. Unless a multi-story replacement was made at the site, that would still be a concern. And to make efficient use of the existing location, the old building would have to be demolished, something that locals would hate.

Moving the Courthouse won't be the "death" of downtown businesses. I'm sure the County will be able to use the existing Courthouse for offices. Currently, the District Attorney's Office is renting a suite of offices just a block or two away. People will still be shopping and eating downtown, maybe even more so since some parking spaces will be freed up.

Please make the decision that is right in the long-term and right for the taxpayers!

Sincerely,

Donna Popovich-Miller
15022 Beyers Lane
Grass Valley, California 95949

George Miller
15022 Beyers Lane
Grass Valley, California 95949

RCVD '11 MAR 25

From: Dave White [mailto:dave@winterstreetdesign.com]
Sent: Tuesday, March 29, 2011 1:18 PM
To: Sainz, Laura
Subject: Nevada City NOP - Comments on the scope of the EIR

Hello Ms. Sainz,

I believe a lot of the concerns I'm about to list will be part of the EIR from what I heard at the meeting the other day, but I thought I'd list them just in case.

All of these have to do with building on the existing site of the courthouse. I live at 401 Winter Street, definitely the closest residence, if not structure to the existing courthouse.

How will dust be kept down during the demolition of the current building? Are there hazardous materials in the dust that will be created during demolition.

Will vibration from demolition or construction effect my house? Currently when the garbage truck empties the dumpster the glasses in my kitchen rattle, I would imagine it will eventually loosen the glass in my leaded glass windows that face the courthouse. I would imagine demolition and construction could be worse.

Noise pollution during demolition and construction. I understand it will be loud during the day but Nevada City has a noise ordinance, I know the morning limit is 7 am. Hopefully there won't be people making noise at night or early in the morning.

Noise after it's built. The service entrance for the existing courthouse faces the only residential neighbors, same with the diesel generator, and some type of evaporative cooler thing, not to mention the dumpster that is emptied three times a week sometimes at 5:30 am. Maybe they could rearrange things if they rebuild.

Light pollution after it's built. There's talk of a parking lot in front of our house. The current jury parking lot has a very bright light, same with the side that faces the old library on Pine Street. At the meeting it was mentioned that the lighting would be better if they rebuilt the courthouse, though she did say unless it was for security. Does that mean the parking lot is going to need a big bright light for security? Hopefully not.

Thanks

Dave White
(530) 265-6072

From: R Bryars [mailto:raybryars@yahoo.com]
Sent: Sunday, April 03, 2011 11:05 PM
To: Sainz, Laura
Cc: Ray Bryars
Subject: Nevada City Courthouse Comments

Hi Laura

I'm following up with some comments on the Courthouse since my understanding from the last meeting (held at the Courthouse) was that you wanted input by April 5th.

I have 4 comments:
- Negative economic impact for Nevada City if the Courthouse is moved
- Environmental impacts if the Cement Hill site is selected
- Phasing Construction
- Benefits of a parking structure between Washington St and Court St (sent in previous email)

I have more detailed comments on each item below

Negative economic impact for Nevada City if the Courthouse is moved

This comment has been made numerous times by others, but I wanted to add my concerns not only for the economic impacts which will be huge, but also the environmental impacts related to the development of another site and the ongoing impacts related to travel to and from the downtown area where many who have legal practices have their offices. Currently these professionals walk from their office to the Courthouse which has a very small environmental impact. If these same professionals have to drive back and forth multiple times a day, not only will there be a negative impact on the environment, but there will also be a negative impact on productivity, which will almost certainly result in delays and re-scheduling, compounding the negative environmental effects.

Environmental impacts if the Cement Hill site is selected

The Cement Hill site is home to a large variety of native plants and animals and has recently been blessed with a trail to Hirschman's Pond. This is one of the few natural sites close to downtown Nevada City that the public has access to. There are Native American sites on the property and discussions have been held regarding adding interpretive signs so that visitors can learn about the nature and history of the site. This site is a valuable part of the history of the area and should be left as natural as possible.

Phasing Construction

During the last meeting I asked if the existing Courthouse location was selected, would it be possible to phase construction to reduce the need for relocation? The response was that this was not an option. I did a little research and found that in 1963/1964 when the Annex was added, they were able to continue operating in the Courthouse and then made use of the new annex when construction was completed. The whole process took 17 months. I feel strongly that the option of phased construction should be investigated, it could greatly reduce the number of departments that would need to be relocated during construction.

Parking Lot Opportunity

Currently there is a parking lot at the Washington St level and another at the Court St level. These are not connected and because of the difficult terrain, they end up being a very poor use of the available space. If the lower level at Washington St were excavated all the way to Court St, it would make much better use of the parking area, but there would be no parking off Court St. Now, if a single level parking lot at Court St were built over the Washington St parking lot, without connecting to it, we would end up with 2 street level parking lots. The cost would certainly be more than one level, but since there would not be any ramps required it would be much less expensive than a multi-storey lot.

It may be best from a cost perspective if the Court St level only partially covered the Washington St level. Just enough for a couple of rows of cars.

I'm wondering if it would be possible to share construction cost with the City and have the City pay for the costs over time from meter revenue.

Having this much parking so close to the Courthouse and downtown would be a huge win for the community.

I very much appreciate your consideration of my input. I would be grateful if I could be added to any email lists regarding the Courthouse. I'd like to participate as best I can to support a positive development for the Courts and for Nevada City.

Ray Bryars

530-477-8725

CALIFORNIA PRESERVATION FOUNDATION

5 3RD STREET, SUITE 424
SAN FRANCISCO, CALIFORNIA
94103-3205

415.495.0349 PHONE
415.495.0265 FAX

CPF@CALIFORNIAPRESERVATION.ORG
WWW.CALIFORNIAPRESERVATION.ORG

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EXECUTIVE DIRECTOR
Cindy L. Heitzman

April 4, 2011

Submitted Electronically

Laura Sainz
Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833
E-mail: Laura.Sainz@jud.ca.gov

RE: NOTICE OF PREPARATION FOR A DRAFT ENVIRONMENTAL IMPACT REPORT FOR NEW NEVADA CITY COURTHOUSE

Dear Ms. Sainz,

On behalf of California Preservation Foundation (CPF), thank you for the opportunity to comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Nevada City Courthouse. The project is currently considering 4 project sites, three of which have existing structures.

California Preservation Foundation's Interest

CPF is the only statewide nonprofit organization dedicated to the preservation of California's diverse cultural and architectural heritage. Established in 1977, CPF works with its extensive network to provide statewide leadership, advocacy and education to ensure the protection of California's diverse cultural heritage and historic places. In May 2010, CPF held the California Preservation Conference in Nevada City and Grass Valley visiting many of Nevada County's historic sites.

Historic Significance of Nevada County and the Nevada City Courthouse

Nevada County represents a unique part of California's history. With archaeological remnants from the earliest inhabitants to the structures dating from the late 1800s, the location alternatives for a new Courthouse have the potential to impact a number of eligible and listed historic resources and districts of local, state, and National importance.

Since 1856, a courthouse has stood at its current location in Nevada City. The present building is listed as a contributing structure to the National Register District with sections potentially dating from the 1864 courthouse. In 1937, the building was enlarged and the façade was remodeled and is now one of three Works Progress Administration Projects, all of which are the only art deco buildings in Nevada City, and represent an important part of the City and County's history.

The Draft EIR Should Acknowledge the Numerous Archaeological and Cultural Resources Within the Potential Sites

CEQA Guidelines consistently provide that a resource is to be treated as historically significant if it is listed on a local historic register or meets any one criterion for listing in the California Register of Historical Resources; for example, if it is associated with events that have made a significant contribution to broad patterns of history and cultural heritage or is associated with the lives of important persons. (Guideline § 15064.5, subd.(a) subd.(3).)

For purposes of CEQA review, a property's potential eligibility for an historic register, rather than actual listing, is sufficient evidence for the City to consider that resource historic. Public Resources Code Section 21098.1 further defines what a historic resource is for purposes of CEQA.

> Historical resources included in a local register of historical resources, as defined in subsection (k) of Section 5020.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. **The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.**

Demolition of Historic Resources Will Have a Significant Impact

CEQA section 15064.5(b)(1) defines "substantial adverse change" to a historical resource as "**physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings** such that the significance of an historical resource would be materially impaired." Currently there is at least one proposed sites where an impact to a cultural resource could or would occur, including demolition. The demolition of a historic resource is a substantial adverse change that cannot be mitigated to less than significant level. Therefore, the Draft EIR must consider feasible alternatives for preservation of the resources.

Project Alternatives Must Include a Meaningful Preservation Option

Public agencies must "deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 40, 41; see also Public Resources Code § 21002, 21002.1. The **range of alternatives** analyzed in the Draft EIR should include those "**that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects**." CEQA Guideline § 15126.6(c). It is important that the decision makers, as well as the concerned public, are given sufficient objective information to determine the feasibility of project alternatives.

Specifically, the Draft EIR should include a preservation alternative that achieves a reasonable number of the project objectives while complying with the Secretary of the Interior's Standards for Treatment of Historic Properties. This alternative need not, and should not, exclude meaningful improvements to the area that would be consistent with the Secretary's Standards.

The Nevada City Courthouse sites, as currently proposed, have the potential to cause significant and unavoidable impacts on historic resources that cannot be meaningfully reduced. The Draft EIR must acknowledge the significance of these resources and analyze alternatives that would accomplish most project goals without resulting in the destruction of this important part of our heritage.

Please add California Preservation Foundation as an interested party and provide notice when the DEIR is available. If you have any questions or comments, please contact me at jgates@californiapreservation.org or by phone at 415-495-0349 x 204.

Sincerely,

Jennifer M. Gates, AICP
Field Services Director

cc: Gene Albaugh, City Manager, City of Nevada City
Wayne Donaldson, State Historic Preservation Officer, Office of Historic Preservation
Elaine Stiles, Program Officer, Western Office National Trust for Historic Preservation

Friends of NCE
310 Nevada St.
Nevada City, CA 95959

April 4, 2011

Laura Sainz
State of California
Administrative Office of the Courts
2860 Gateway Oaks Dr., #400
Sacramento, CA 95833
Laura.Sainz@jud.ca.gov

Submitted via email

Re: NOP for DEIR, New Nevada City Courthouse

Dear Ms. Sainz:

This letter is submitted for the Friends of NCE (Friends of Nevada City Elementary School). We are a support group for the historic NCE and the surrounding historic neighborhood which is part of the courthouse neighborhood. Many of our members are neighborhood residents. As a result, our concerns include the design and use of the new courthouse.

My qualifications include: 29 years as an environmental planner and CEQA practitioner in the Northern California foothills, 8 years as a Nevada City Council member and one year as mayor, 10 years as a Nevada City Planning Commissioner.

We would like to see the following issues discussed in the DEIR:

Project Description

The project description for each potential site must include at least a conceptual architectural plan with building footprint delineated. Without these aspects defined, the community cannot adequately understand the project, nor its potential impacts and the DEIR would not meet the requirements of CEQA. If architectural design is not defined, a subsequent, focused EIR would be needed when the design is proposed.

Aesthetics/ Cultural Resources

1. The art deco courthouse structure cannot be removed without concluding that significant aesthetic and historic impacts would result for the following reasons:

♦ This iconic structure has been one of the defining views of our historic town since it was built in 1939. There is not a photo of the entry to town from the south without the art deco tower looming dramatically above the city.

♦ The structure is of statewide and national significance and its demolition or major alteration would be a significant impact under CEQA. Please refer to the California Preservation Foundation NOP letter of April 4, 2011 for an in depth discussion.

♦ Local impact significance criteria must be utilized. The historic value of the art deco portion of the courthouse is linked to its aesthetic importance and is clearly defined in our General Plan. In addition, the Nevada City Demolition Ordinance makes if very difficult, if not impossible, to demolish any historic structures in the City. Historic homes and outbuildings are routinely denied demolition permits. The Design Review Ordinance and Design Guidelines further require that renovations of historic structures must closely replicate the historic structure including the use of historic materials.

While we understand that the State of California is not required to submit to Nevada City's regulations, our regulatory structure must be recognized in the DEIR as well established impact evaluation criteria in the DEIR. As mitigation, we recommend that the project be submitted to the Nevada City Planning Commission to undergo our usual design review process.

It would not be appropriate to simply conclude that loss of the art deco structure would result in a significant and unavoidable impact. CEQA requires that all available feasible mitigation be explored. (CEQA Guidelines Section 15126(a)(1) (A) and (B))and *Stevens v. City of Glendale* (1981).) In this case, it is clearly possible and feasible for the art deco tower to be retained as part of the new structure. It appears that the main concern is the ability to reach the square footage needed in the new structure(s) if the tower is retained. Numerous alternatives have been presented by the community to address this concern including a split site and use of additional footprint on or across Church St.

2. For the existing site alternative, the overall architecture of any additions or new structures will be critical to aesthetic and historic impacts and must be evaluated in the DEIR.

If the site plan or design changes do not honor the aesthetics and historic form of the surrounding neighborhood, impacts will be significant:

♦ A substantial change to the aesthetics and historic form of the surrounding neighborhoods and the downtown as a whole as a result in the final design of the new courthouse on the existing site cannot be underestimated. Nevada City's downtown and its historic neighborhoods are a finite resource and are critical to the economy, social fabric, and urban form of our community. These aspects of our city are becoming scarce in California and represent a disappearing example of a full service small town with intact pre- WWII aesthetics. Even relatively small disruptions in aesthetics or form of our downtown and its surrounding neighborhoods can have significant impacts because of the small scale and finite historic resources of these neighborhoods.

The value of the old courthouse building is not just as a structure, or whether or not it is on the National or State Registers, but in its continued use for its original intent in its historic form. Its locally significant historic, social, and, economic value cannot be underestimated. Each of these potential impacts must be evaluated if the art deco structure is proposed for major change or demolition.

♦ **Back side of courthouse and potential parking lot could result in significant impacts to the neighborhood.** In particular, the back side of a new courthouse should not "march up the hill" into the historic Victorian neighborhood, rather it should stop at Winter Street in order to mitigate potential impacts to the neighborhood. If a parking lot is planned on the Washington St. school property, it should be at or below the Washington St. grade and visually buffered with generous side and rear setbacks with heavy vegetation so that it will not loom above the historic Victorian cottages or the Victorian apartment building on Winter St. If the Washington St. grade is retained, the parking lot would be below the grade of the Winter St. houses for much of its extent implemented by a series of retaining walls, which would have the greatest mitigating effect. In order to understand impacts of this potential parking lot, grading studies and cross sections of the proposal must be included in the DEIR. Again, s mitigation, we recommend that the project be submitted to the Nevada City Planning Commission to undergo our usual design review process.

3. If the existing site is chosen, the impact of temporary court facilities needs to be considered in the EIR. Any use of NCE for temporary use would result in significant adverse impacts to the neighborhood, community, and the structure itself and should not be considered. We understand that this is highly unlikely at this point since NCE has been offered to a Charter School for lease and the AOC has indicated that NCE would not be appropriate for temporary use. However, we must raise the issue since it is critical to this neighborhood. Concerns include land use compatibility,

inconsistency with local plans and regulations, traffic, aesthetics, historic resources, safety, noise, lighting, social, recreation, and economic impacts.

Again, CEQA requires that all available mitigation be explored; numerous less impacting alternative sites exist for temporary court use other than NCE and have been submitted to the AOC by our group. Though NCE is not on a historic register, it is one of the trio of Nevada City WPA art deco community structures built in 1939. We again refer you to the comments in the California Preservation Foundation NOP letter of April 4, 2011 which note that alteration of structures which may be eligible for register status can also be significant. Our comments above on the City regulatory structure and the social and economic importance of Nevada City's Victorian neighborhoods also apply.

Thank you for the opportunity to comment. We would also appreciate it if you would place us on the list to receive all further public notices on the project.

Sincerely,

Laurie Oberholtzer
Environmental Planner
for
Friends of NCE

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4233
FAX (530) 741-4245
TTY 711

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Be energy efficient!

April 5, 2011

032011NEV0002
03-NEV-49 PM 16.14-17.14
New Nevada City Courthouse
NOPDEIR
SCH# 2011032009

Laura Sainz
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Dear Ms. Sainz:

Thank you for the opportunity to review and comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed New Nevada City Courthouse (SCH# 2011032009). The project is anticipated to measure about 84,000 sq ft and contain six courtrooms. There are four potential sites for the courthouse: the existing location, land owned by the US Forestry Service, land across from the Wayne Brown Correctional Facility, and a location adjacent to the Juvenile Hall. We have the following comments:

Traffic Operations

- The scope of the proposed traffic analysis for the four alternate sites appears to be adequate. Caltrans will need to review the analysis to ensure that impacts to State Route (SR) 49 and the SR 20/49 intersection are adequately addressed. Sites 2, 3, and 4 would increase traffic volumes along SR 49 and at this intersection. They may also stimulate greater pedestrian activity along and across SR 49, which may increase the need for improvements.

- Site 2 may have significant impacts at the Coyote Street intersection with SR 49. Both a roundabout and a traffic signal should be considered. Providing pedestrian facilities from the site to the East Broad Street intersection should be considered.

- Site 3 may specifically impact the intersection of West Broad Street and Cement Hill Road with SR 49, such that the intersection may need to become a controlled intersection. Both a roundabout and a traffic signal should be considered.

- Site 4 would require the construction of a left turn lane on SR 49 for the existing access.

Please provide our office with copies of any further action(s) related to this project.

If you have any questions regarding these comments, please contact the Placer County Intergovernmental Review Coordinator, Shannon Culbertson, by email at shannon_culbertson@dot.ca.gov or by phone at (530) 741-5435.

Sincerely,

Richard Helman

RICHARD HELMAN, Chief
Office of Transportation Planning—East

c: State Clearinghouse

Environmental Program Manager
Office of Court Construction and Management
Judicial Council of California
Administrative Office of the Courts
Fax 916-263-2342

APR. 5 2011
RECEIVED BY PAUL MENARD

Abigail Givens
11650 Banner Lava Trail
Nevada City, CA 95959
530-265-9184
abigailgivens@yahoo.com

Dear Mrs. Sainz:

Thank you for your continual support in Nevada County's endeavors to restore our county Courthouse. The meetings you have conducted for the public have been most helpful and respectful of our county's citizenry and their wishes to uphold our special history both as it relates to California history and the use of the county's keyed as were were the center of the gold rush as well as a critical force behind the industrial revolution (pelton wheel invented + forged here).

As I commented in the public meeting for keeping Courthouse site be retained, the WPA historic Deco facade be restored and the 1970's additions be removed. By then I would suggest the present Nevada City, downtown acquiring the property at 224 Church Street which Mrs. Christine Laster, Real Estate agent feels is available, now owned by Mr. Sauer et al, and combining it with the land containing the 70s Court additions it appears there would be adequate square footage. If necessary an "overbridge-type walkway" ~~across~~ over Church ~~Street~~, + if necessary similarly over Washington Street, would minimally impact downtown traffic flow. Parking under each section could be considered in as much as the City needs parking solutions for already overcrowded streets now. Perhaps a consortium of businesses might finance, own + manage such a parking service + space.

I would also suggest as our Juvenile Court case load is small and very specialized, to protect

the young people, consider having a small separate court room installed at Juvenile Hall. As a pediatrician I would advocate on young people's behalf for private, respectful handling of their particular problems separate from the daily handling of civil business and especially apart from adult criminal activity indication.

In addition, as the criminal case load is also low, I would suggest a court room at the jail facility which would be safer for the general public and would perhaps relieve the courthouse construction requirements of many square feet of corridor & special holding rooms demands really needed only for a few dangerous criminals. That way the downtown courthouse could perform its major function as a civil courthouse much more efficiently & economically, reducing building size & costs considerably.

By building as I have suggested above, the new courthouse could be constructed, hopefully without disrupting the old, Deco + Victorian components (inside) first, then all court activity could be done in the new facility while the "old" Court house is restored & upgraded. Because the two functions may not be as economically or skillfully done by a single contractor, it would allow for two different firms to be involved in sequence. New courthouse design + construction could be bid by one ~~firm~~ type of construction co. while restoration by a different company with extensive experience in renovation.

Please consider my previous comments as feasible alternatives to demolishing our beloved Courthouse and building a new historically inappropriate oversized Courthouse in the midde of our small, unique, precious "Victorian" town.

~~There will~~
There will be many better choices for our State, County, & our town than an "Either-Or" decision between a large new Courthouse or an abandoned "old one". Keeping the Courthouse downtown is a MUST, our town's cultural and economic life depends on it. As Mr. Sauer so eloquently stated, it is the heart of our town, please do not "cut it out" or "tear it down".

Please consider the entirety of the California CEQA of 1970 as included by reference in this request for issues to be covered in the EIR report for the new Courthouse to be designed and built in downtown Nevada City, Ca and for the restoration of the present Courthouse facade of the 1930's as well as the contained older, 1800's & early 1900's courthouse with the Deco walls.

In as much as there is no specific site or building plan available yet to critique in the EIR this may need to be a "two step" revisiting process after the plan & site have been officially chosen & designed. That is it maybe necessary to repeat the scoping and EIR process after the specifics are available.

Abigail Givens

I would expect the following items to be included in the EIR, covering both period of construction as well as completed project

1. Impact on cultural environment of Nevada City & Co. including historic, visual
2. " " economic " " " "
3. " " traffic flow in & around down town area
4. " " health – sound, dust, pollutants, light visual impact, psychosocial effect on juveniles.
5. Need for downtown park space for respite from stress of court activities for participants & observers i.e. judges, attorneys, citizens, neighbors, vendors etc.
6. Plan for energy saving + energy generation (solar panels, + other renewable resources) in design & final function) building with avoidance of "toxic" materials such as insulations, glues, paints etc where healthier alternatives are available, non renewable resources committed for future must be avoided.
7. Plan for adequate alternative energy in times of power outages
8. consideration of law library inclusion with possible inclusion – cooperation with Searls Library collection facilities and with preservation of Searls Library "house" now across the street from present Courthouse Entrance. Please discuss with Nevada County Historical Society.
9. Consider shuttle service or assistance to staff so that Juvenile Court + Criminal court could be located outside or off site of main Courthouse.
10. Cumulative impacts on Nevada City, Nevada County & Calif. State. as well as to individual citizens
11. Growth inducing impacts – critical –

Thank you,
(Abigail Givens)

Ms. Laura Sainz
Administrative Office of the Courts
2860 Gateway Oaks Dr. Suite 400
Sacramento, CA 95833

Transmitted Electronically

COMMENTS FOR
ENVIRONMENTAL IMPACT REPORT (EIR)
NEVADA COUNTY COURT HOUSE
201 CHURCH STREET
NEVADA CITY, CA 95959

April 5, 2010

Under the California Trial Court Facilities Standards, 2006 a court house must comply with the following standards:

Dignity of the law
Importance of the activities
Stability of the state
Responsive to the community character
Best architecture and adaptable to changing needs

The existing art deco court house meets all of the above criteria. It is an impressive structure atop a hill with a commanding view of the surrounding area. It is readily visible on approaching Nevada City, and has well and faithfully performed the above duties for over seven decades. A courthouse has continuously occupied this site for approximately 150 years, announcing to all that Nevada City is a rural county seat where justice will be available to all.

The courthouse, constructed as a WPA project, has been recognized as a culturally significant building in the online edition of Preservation magazine, January 31, 2010, and in the March/April print edition. (These articles are included by reference.)

The NOP suggested the building will have to be razed to allow a modern building to be located on the site. **DEMOLITION OF THE CURRENT COURTHOUSE, OR RELOCATION TO AN ALTERNATIVE SITE WOULD HAVE A SIGNIFICANT NEGATIVE IMPACT ON NEVADA CITY THAT CANNOT BE MITIGATED.**

The historic courthouse is an integral and central part of the economic, social and cultural life of the city, and its demolition or abandonment would cause irreparable damage to the city. The NOP describes Nevada City as “a walkable pedestrian city in the vicinity of the courthouse.” The city would be hard pressed to maintain this ambience without its courthouse.

A viable alternative would be to demolish the annex and jail, constructed in 1964 and having no significant historic or architectural merit, renovating the existing courthouse, and incorporating it with new adjacent buildings. This is a feasible solution because the City of Nevada City renovated the city hall, an art deco building, constructed by the WPA, in the same era as the courthouse with great success.

John W. Givens
11650 Banner Mountain Trail
Nevada City, CA 95959

530.265.9184
JGivens@Menke.com

From: Sam Longmire [mailto:sam@myairdistrict.com]
Sent: Tuesday, April 05, 2011 12:27 PM
To: Sainz, Laura
Subject: New Nevada City Courthouse project comments

Dear Ms. Sainz:

The Northern Sierra Air Quality Management District (NSAQMD) has reviewed the Initial Study for the preparation of a DEIR for the proposed New Nevada City Courthouse project.

The air quality management measures on page 2-11 are good, although the NSAQMD recommends adding the following:

1) The applicant (unless another responsible party is named) shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.

2) All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.

3) Paved streets adjacent to the project shall be swept or washed at the end of each day, or more frequently if necessary, to remove excessive accumulations or visibly raised areas of soil which may have resulted from activities at the project site.

With these additions, the NSAQMD approves the measures collectively as a Dust Control Plan as required under Rule 226: Dust Control.

Also, the last measure listed should be changed to "Suspend heavy-equipment operations when the NSAQMD has issued a health advisory for air quality." The air district doesn't use a smog alert system, but issues advisories when air quality is expected to be unhealthy for sensitive individuals, which typically occurs several times per year. To facilitate this, the NSAQMD recommends that the person in charge of construction on-site (or somebody in frequent communication with that person) sign up on the NSAQMD web site at www.myairdistrict.com for health advisories.

If any air pollution source, such as a standby generator, is proposed for the new courthouse, the NSAQMD should be contacted regarding the possible need for an Authority to Construct/Permit to Operate

None of the proposed potential sites are mapped as having ultramafic rock or naturally occurring asbestos. However, if such is found on the site during grading or disturbance, the NSAQMD must be notified no later than the following business day and the Statewide Naturally Occurring Asbestos ATCMs will apply. If it is found prior to disturbance the ATCMs will also apply, and the NSAQMD should be contacted for details.

Please contact me with any questions.

Samuel F. Longmire, MSES
Air Pollution Control Specialist III
Northern Sierra Air Quality Management District
PO Box 2509, Grass Valley, CA 95945
Phone: (530) 274-9360 x106

From: glennch@comcast.net [mailto:glennch@comcast.net]
Sent: Wednesday, April 06, 2011 10:17 PM
To: Sainz, Laura
Subject: Nevada County Courthouse-Site #4 environmental study

Dear Ms. Sainz,

I just became aware of the fact that you are soliciting comments regarding the proposed sites and that apparently such comments were to be received by you yesterday April 5th.

I am the adjacent property owner to the proposed site #4, the acreage next to the Juvenile Hall on Hwy 49. I am also the former owner of this property and only sold it recently to Nevada County at there request. This sale was contingent upon my maintaining access rights on a fifty foot right of way across the subject property and is so stated in the recorded deed of sale to this property to the County and on the contract of sale.

My property has, for some time now, had a tentative map approval by Nevada County for a small subdivision and an environmental initial study was conducted by the county as a part of my approval which, at the time, also included the subject acreage next to the juvenile hall. A variety of mitigation measures were required, some of which pertain to the proposed site #4.

For instance, I recently built, entirely at my own expense, a roadway across the subject site #4 from the Juvenile hall to American Hill Road within my fifty foot right of way easement to comply with the County's and the County fire department's initial study's mitigation measure requiring the provision of legal fire and emergency access to the American Hill Road area. Emergency access that did not previously exist on what is, in many areas, only a twelve foot wide roadway on American Hill Road. This access not only serves my subdivision but all residents who currently reside on American Hill in the vicinity of my new access road and on Queen Lil Road.

The Deer Creek watershed is considered by the state and the county to be of the highest priority fire risk in western Nevada County. My new access road that crosses the subject property #4 is the only access that meets legal standards for egress and emergency access in this particular residential area.

I would hope that any Environmental Study carried out on your subject site #4 would also incorporate these pre-existing environmental requirements that have already been promulgated by Nevada County and that apply to the subject property #4.

I hope you will give me the opportunity to send you some of the documentation I have referred to and that you will take advantage of some of the studies that already exist pertaining to this property, including recent mine remediation that I was required to carry out as a part of the contract of sale. There is substantial documentation regarding this property on file with the County.

Thank you for your time.

Best Regards,

Glenn Christ

Scoping Meeting Minutes

Tuesday, March 22, 2011, 5:30 PM

I. Attendees (from sign-in sheet)
- Gene Albaugh, City Manager
- Cindy Siegfried, City Planner
- John & Abby Givens
- Christine Foster
- Laurie Oberholtzer
- Annamaria Sauer
- Kim Shaffer
- Norm Sauer
- Abigail Givens
- Paul Matson
- Garret Walther
- Judith Berliner
- Ray Bryars
- David White
- Angela Diaz
- Eve Collins
- Ellen Jorgensen
- Robert Bergman
- Greg Archibald
- David Wellner

II. Agenda

III. Welcome & Intros

IV. What is CEQA

V. Potential Environmental Issues

VI. Comments

A. David White
   1. Timeline & Site Selection

B. Ray Bryars
   1. Positive Impacts?
   2. Can we submit them?

C. Greg Archibald
   1. How was it decided that there will be 2 sites?

D. Laurie Oberholtzer
   1. Environmental Planner
   2. Friends of NCE
   3. Concerns about impacts on other sites
   4. Historic Town, special real City Hall, courthouse is with an important context
   5. We are "real" NCE, Courthouse
   6. What are the historic impacts to the Existing site if another site is chosen?
   7. Please consider context of the structure as well as the courthouse itself
   8. Concerned about the impacts of the backside of any new structure to the neighborhood to the north. We'd like to see it stay in its existing footprint
   9. Important to consider massing, relationship to neighborhood
   10. Winter Street Area (school district site)
   11. Recommend MM that protects the historic nature of the Winter street
   12. Keep parking lot or any structures below grade of Winter Street - to minimize impact to surrounding uses in neighborhood
   13. Temporary court facilities
      a) EIR should address that
      b) Renting NCE is a bad idea - a major impact
      c) Hope that it’s not considered for the temp site

E. Garret Walther
   1. Live on Court St facing existing parking lot
   2. Will there be a structure?

F. David White
   1. 20' setback - does it apply to parking? North edge of the ROW

G. Ray Bryars – consider a parking structure

H. John Givens
   1. Described city as "walkable pedestrian-friendly"
   2. Hard to mitigate
      a) Include preservation, important that we are Co seat - this is where the State began. Began here on Deer Creek. This impact stretches statewide
      b) "dignity and stability" this is a dignified building & has been here a long time
      c) "Sensitive to Cultural History" WPA architecture is the cultural history
      d) Aesthetics
         (1) 800 people coming in an out? Suggest a pedestrian study about how many people come in and out of the building
         (2) Iconic courthouse over town as you come in on SR-49
         (3) Cultural historic aesthetic impacts of this building
      e) Sierra Conservancy - seek input from them "aggressively"
      f) Other courts relocated elsewhere - maybe just arraignments and juveniles as MM
      g) Building is sorely in need of a facelift
      h) Great architects should be able to renovate this building
      i) Understand the problems, but really a community center
      j) Economic Analysis to be included if courthouse moves

I. Norm Sauer
   1. Why can't you split the functions of the court, i.e. civil vs. criminal?
   2. We need to know the alternatives
   3. We don't know why it's more feasible to put everything in one courthouse
   4. Move part of the traffic?
   5. Moving part of the facility may be the only option to save the building
   6. The nut of the issue is that both the building and the facility MUST stay

J. David White
   1. WPA project encapsulates the older version of the structure
   2. Tearing down the 1937 structure is not much different than what they did in 1937

K. Garret Walther

   Removing the courthouse institution would be like ripping the heart out of the town. This town developed around the courthouse as the community seat. I think it would be literally and figuratively over if the courthouse moves out of town.

L. Mrs. Walther - people are just as important as saving the animals

M. Unknown
   1. I think that the architecture is very important and want to know what it would look like
   2. Use some of the wonderful artifacts of the existing structure

N. Paul Matson

   Historic exhibition of the site and the courthouse in the city.
   1. Cement Hill will likely be at + level of analysis
   2. Are the trail/recreation impacts to be considered for that site
      a) MM? public trail system as part of the project
      b) Trail route and history - Land Trust website and at city hall
      c) Historic park on the other site of the building

O. Abby Givens
   1. Recreation - scoped out? Suggest that it be included so that a park is included in some way on this (Existing) site. [maybe an after-hours use of the parking?]
   2. Loss of green hillside at preschool site

3. Light pollution – can see stars downtown
4. Abandonment - if it were to happen, a great deal of analysis would need to be done about the economic, aesthetic, culture impacts to the city.
5. Suggest: we don't need a big huge courthouse to do civil business. Let the criminals have their own courthouse out near the jail.
6. We need to discuss splitting the courthouse functions (civil v. criminal) as a considered alternative

P. David White
1. What are the chances of not converting the Washington street property to parking?
2. Right now the lighting is an issue in the neighborhood – currently there is a huge light over the back handicap parking. Too much light is going out into the surrounding neighborhood.

Q. Abby Givens
1. Is there a way for there to be joint funding in the parking issue? Maybe a sustainable structure
2. I'm for keeping the structure looking like it is and making it as green as possible

R. Unknown
1. I favor the institution [staying downtown]

S. David White

T. David Wellner
1. Please Clarify