Agenda Item: 7.2
Prepared by: Lance E. Lowe, AICP, Principal Planner
Reviewed by: Tom Last, Community Development Director

DATA SUMMARY

Application Number: 18PLN-46
Subject: Gilded Springs Tentative Subdivision Map for the division of a ±6.96-acre parcel into 27 single family lots ranging in size from 6,003 (Lot 3) to 16,058 (Lot 12) square feet in the R-1 Zone.
Location/APN: 652 Linden Avenue, situated west of Alta Street and north of W Main Street/APNs: 008-800-002, 003 & 004 (Exhibit A – Vicinity Map & Exhibit B – Aerial Photograph)
Applicant: Tobin T Dougherty, Architect/Rob Wood, Mill Millennium Planning & Engineering
Zoning/General Plan: Single Residential (R-1) Zone/Urban Low Density (ULD)
Entitlement: Tentative Subdivision Map
Environmental: Mitigated Negative Declaration

RECOMMENDATION:
Staff recommends the Planning Commission approve the Gilded Springs Tentative Subdivision Map, as presented or as modified by the Planning Commission, which includes the following actions:

1. Adoption of a Mitigated Negative Declaration, prepared for the Tentative Subdivision Map, as the appropriate level of environmental review, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment 1);

2. Adoption of a Mitigation Monitoring & Reporting Program (MMRP), implementing and monitoring all Mitigation Measures, in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment 2);

3. Adoption of Findings of Fact for approval of the Tentative Subdivision Map as presented in the Staff Report (Attachment 3); and,

4. Approval of the Tentative Subdivision Map in accordance with the Conditions of Approval as presented in the Staff Report (Attachment 3).
PROJECT DESCRIPTION:
The Gilded Springs Tentative Subdivision Map (TSM) (18PLN-46) divides the ±6.96-acre parcel into 27 lots in the Single Residential (R-1) Zone. The 27 lots range in size from 6,003 (Lot 3) to 16,058 (Lot 12) square feet. Minimum R-1 Zoning parcel dimensions, areas, setbacks and building envelopes are conceptually shown on the Tentative Subdivision Map to illustrate building areas and lot coverages.

Residential Building Design – The applicant proposes three floor plans with varying square footages ranging from 1,450 to 2,400 square feet with the following product type:

<table>
<thead>
<tr>
<th>Floor Plan</th>
<th>Type/Square Footage</th>
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<tbody>
<tr>
<td>Cottage IIB</td>
<td>Single Story/Two Story – 1,450 – 1,750 square feet – two floor plans – 2 –3 bedrooms; 2 bathrooms; 1 – 2 car garage.</td>
</tr>
<tr>
<td>Estate IA</td>
<td>Single Story/Two Story – 2,175 – 2,400 square feet – two floor plans – 3 –4 bedrooms; 2.5 bathrooms; 2 car garage.</td>
</tr>
<tr>
<td>Porch IIC</td>
<td>Single Story/Two Story – 1,800 – 2,100 square feet with alt Bonus Room – 2 –3 bedrooms; 2 bathrooms; 2 car garage.</td>
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The architectural detailing of the homes includes, but is not limited to:
- Useable front porches;
- One and two car garages with windows;
- A combination of horizontal and vertical siding;
- Combination of hip/gable/shed roofs with varying roof slopes, including dormers

Access, Parking & Circulation – Primary ingress/egress (Ben Taylor Crossing) is proposed at W Main Street. Secondary access is proposed with a connection onto Alta Street, which is reduced in width to ±12 feet for ingress purposes solely. The reduced roadway width will contain one-way signage to eliminate egress to Alta Street. The roadway will allow continued unobstructed access to the adjacent properties north and south of the access (360 & 366 Alta Street) which retain an ingress/egress easement. No project access is proposed via Linden Avenue; however, Linden Avenue will continue to be used for access of the historic home on 652 Linden Avenue.

Ben Taylor Crossing is proposed as a private modified version of the City Standard Detail ST-15. This road consists of two 10-foot travel lanes with ±9-foot parking on one side and a 5-foot-wide bioretention area between the curb/gutter and sidewalk within a 40-foot right-of-way. No parking is permitted on Ben Taylor Crossing north of Barker Lane and Cameron Court. Ben Taylor Crossing narrows to two 10-foot travels lanes north of Barker Lane.
Internal circulation consists of an unnamed court at the south end of the development, Barker Lane and Cameron Court which are constructed to City standards, with minor deviation (See Gilded Spring Tentative Subdivision Map Cross Sections A-A through D-D). The roads within the Gilded Springs development are proposed to be private roads and will be maintained by the Gilded Springs Home Owners Association (HOA).

All residential driveways will be a minimum of 20 foot in depth to accommodate off-street parking. Street parking will be utilized for guests and overflow parking on Ben Taylor Crossing and Cameron Court on the west side of the street accommodating approximately 25 on-street parking spaces.

*Riparian/Open Space* – A riparian/open space area of approximately 1 acre will be designated on the western side of Lots 1-12 fronting Peabody Creek (aka Rhode Island Ravine).

As proposed, a four-foot-tall black metal fence will be installed at the top of the slope and building footprints will range from ±10 to ±30 feet from the top bank of Peabody Creek. Due to the reduced setbacks, a *Habitat Restoration and Enhancement Plan has been prepared by Chainey-Davis Biological Consultants.* The riparian/open space area, subject to the plan and defined as the area west of the black metal fence, will be owned by the respective property owners of Lots 1 – 12 and will be maintained by the HOA. The delineation of this open space easement is shown on the Tentative Subdivision Map.

The applicant has designed the Habitat Restoration and Enhancement Plan to minimize the impacts of encroachment into the City’s 30-foot stream setback. The plan proposes to:

1. Enhance the species diversity and diversity of sources of food, cover, and nesting for a wider variety of birds, pollinators, and beneficial insects;
2. Remove the invasive exotic Himalayan blackberry and replace with locally native plant species;
3. Provide long-term management to prevent re-establishment of Himalayan blackberry within the stream riparian zone;
4. Ensure the planting are self-sustaining beyond the establishment phase; and,
5. Provide for the long-term protection of the steam easement ecological functions and values.

To achieve the above objectives and to ensure long-term viability and success, the plan contains details and specifications for the Planning Stages, Implementation & Establishment Stages, and Long-Term Management by the HOA.
**Landscaping** – A preliminary landscape plan has been prepared for the project. The landscaping will consist of street trees along Ben Taylor Crossing; within the bio-swale areas; and, front yard landscaping for the individual residences installed by the developer. With exception of the riparian/open space area noted above, the rear yard landscaping will be the responsibility of each homeowner.

**Lighting** – Lighting will consist of street lighting as well as typical lighting for each home. As required by the City’s Development Code, the lighting will contain shields to direct lighting downward.

**Fencing** – Good neighbor fencing will be constructed between the individual homes along the property lines. A black powder coated aluminum fence will be constructed along the riparian/open space parcel located on Lots 1 – 12.

**Tree Removal** – The project area does not contain any heritage trees that are subject to City of Grass Valley policies; however, with development of the project, an estimated ±30 trees will be removed. The tree removal plan is identified on Sheet 2 of 4 of the project plans. As shown, 1 Pear; 5 Redwood; 3 Maple; 9 Pine; 1 Doug Fir; 9 Black Walnut; 1 Cedar; and 1 Chestnut are to be removed with the project.

**Grading/Retaining Walls** – The site contains an elevation change of ±55 feet from south to north. The southern elevation has a low elevation of 2,520 (MSL) at the junction of Ben Taylor Crossing and W. Main Street and a high elevation of 2,575 at the north elevation along lots 12 – 14. The most severe grades are located at the northwest corner of the property with slopes of ±30 percent.

The project will include the construction of roadways, sidewalks, 27 single family homes and driveways. The project would require cut of ±6,195 cubic yards and fill of ±6,115 cubic yards resulting in an export of ±80 cubic yards. To minimize grading, all the lots will contain stem walls with the exception of Lots 1 – 4, 26 & 27 which will be pad graded.

Small retaining walls will be constructed along the southwest property lines of lots 22 – 24 and lots 13 – 16. The retaining walls will be approximately 1 – 2 feet and 2 – 4 feet in height respectively.

*Balance Hydrologics, Inc., prepared a Limited Hydrologic Assessment on September 27, 2018 and a supplemental Limited Groundwater Investigation dated May 20, 2019 for the project.* Based upon the field observations and testing, the geologist of record has concluded that groundwater is seasonally and spatially variable at the project site and groundwater is rarely if ever present at the ground surface. Boring logs taken on April 26, 2019, show groundwater was encountered between 3.25 and 4.5 feet below ground surface during a very wet period as part of the investigation, but was not observed in test pits to 10 feet below ground surface in July 2018 (Gularte, G., 2018).

**Preliminary Drainage Plan** – Millennium Planning & Engineering prepared a preliminary drainage study dated October 2018. Approximately 2/3 of the site flows southwest toward
Peabody Creek (aka Rhode Island Ravine), and approximately 1/3 of the property flows southeast toward an existing pond at the southeast corner of the property, and toward Linden Avenue. Under post development conditions, runoff will be directed to bioretention systems in a westerly direction and overflow runoff will be directed toward Peabody Creek to the west. No drainage is proposed to be directed towards Linden Avenue.

Drainage systems have been designed to convey 24-hour storm events and mitigate any potential runoff increases in accordance with engineering and City of Grass Valley standards.

**SITE DESCRIPTION AND ENVIRONMENTAL SETTING:**
The property is surrounded by development, primarily low-density residential uses with single family homes to the north, east and south. Peace Lutheran Church is located to the west of the property and Sierra Mountain Inn is located adjacent to the southeast corner at W. Main Street (Exhibit D – Site Photographs).

**GENERAL PLAN AND ZONING:**
*General Plan:* The project area has a land use designation of Urban Low Density Residential, according to the *City of Grass Valley 2020 General Plan*. The Urban Low-Density Residential classification requires between 1.01 and 4.0 residential units per gross acre. ULD is intended primarily for single family detached houses.

*Zoning:* The property is within the Single Residential (R-1) Zone district. The R-1 Zone is applied to areas of the City that are appropriate for neighborhoods of single dwellings on standard urban lots, surrounding the more densely developed City core. The R-1 Zone is consistent with and implements the Urban Low Density (ULD) designation of the General Plan.

**ENVIRONMENTAL DETERMINATION:**
Based upon the Initial Study, Air Quality, Biological Resources, Cultural/Tribal Cultural Resources, Geology, Hydrology and Noise were identified as having potentially significant impacts requiring Mitigation Measures. Other resource categories were determined to be less than significant or have no impact based upon site and project specific impacts.

In accordance with CEQA Section 15097, the Mitigated Negative Declaration includes a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP identifies the Mitigation Measures that reduce potential project impacts to a less than significant level. The Mitigated Negative Declaration and MMRP will be adopted with the project and the mitigation measures will be included with the project’s conditions of approval.

Based upon comments in Attachment 4, staff revised the Initial Study/Negative Declaration providing additional information thereby addressing comments received to date. The supplemental environmental review both provides Mitigation Measures that are replaced with equal or more effective measures and clarifies and amplifies the information contained in the IS/ND circulated for the project. The revised Initial Study need not be
recirculated for public review in accordance with Section 15073.5 of the CEQA Guidelines under the following circumstances:

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
2. New project revisions are added in response to written and verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

The revisions provided are in compliance with the above criteria and a public hearing is required to substitute Mitigation Measures for Tribal Cultural Resources in accordance with Section 15074.1 of the CEQA Guidelines.

Based upon substantial evidence in the record, the revised Mitigation Measures reduce potential impacts to an acceptable level and no new avoidable significant effects are identified.

PUBLIC AND AGENCY COMMENTS:
Public notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Negative Declaration was available for Public, Responsible and Trustee Agency review through the State Office of Planning and Research, Clearinghouse for a 30-day public review period commencing on June 4, 2019 (Attachment 1 – Initial Study/Negative Declaration).

Original comment letters and emails are in Attachment 4 – Comments on Initial Study/Negative Declaration. Attachment 5 – Response to Comments includes staff's response to each of the comments submitted including: Cultural Resources, tree removal, water quality, setbacks adjacent to Peabody Creek, Mitigation relating to restoration of Peabody Creek, traffic, use of glyphosate, wetlands, hydrology, drainage, impacts to perennial stream on Linden Avenue, and Greenhouse Gases.

ANALYSIS:
The sole entitlement before the Planning Commission is the discretionary review of a Tentative Subdivision Map in accordance with Section 66474 et. seq. of the Subdivision Map Act and local ordinance Section 17.81. Following is a brief analysis of the four criteria required for approval of the Gilded Springs Tentative Subdivision Map including: 1) CEQA compliance relating to environmental impacts stemming from and specific to the Gilded Springs project; 2) General Plan Consistency 3) Zoning Consistency; and, 4) Subdivision Map Act and local ordinance addressing design and improvement including Findings for same.
Findings in the affirmative to the above four criteria are necessary for approval of the Gilded Springs Tentative Subdivision Map. Conversely, the Planning Commission is required to find, based upon substantial evidence in the record, that the Gilded Springs project does not meet the four criteria in order to deny the Tentative Subdivision Map.

1) CEQA – CEQA narrative and analysis is provided above under the heading of Environmental Determination and in Attachment 5.

2) General Plan – The project is consistent with the Urban Low-Density (ULD) Residential classification of 1.01 to 4.0 residential units per gross acre. The Gilded Springs project at ±6.96 acres and 27 single family dwellings is at a density of ±3.87 units per acre consistent with the ULD land use designation.

ULD is intended primarily for single family detached houses, although higher density single family patio homes or town houses could be accommodated. The project product type is consistent with the ULD land use designation.

The project site is an in-fill development with residential architectural designs consistent with the historic neighborhood. Multiple 2020 General Plan policies, goals and objectives support both in-fill development and preservation of existing neighborhoods including, but are not limited to:

2-LUG – Promote infill as an alternative to peripheral expansion where feasible.
3-LUO – Reduction in the amount of land necessary to accommodate future growth.
4-LUO – Reduction in the environmental impacts associated with peripheral growth.
5-LUO – Continued revitalization of central Grass Valley.
4-LUG – Protect and enhance the character of established single-family neighborhoods.
10-LUO – Preservation of existing neighborhoods.
11-LUO – Retention of historic structures and community character.
3-CG – Provide for the safe and efficient movements of people and goods in a manner that respects existing neighborhoods and the natural environment.
9-CO – Use of traffic calming techniques to protect neighborhoods and residents from adverse traffic impacts.
10-CO – Protection of stream courses, riparian areas and other natural features.
11-CO – Development and implementation of a comprehensive traffic safety program, including improvement of facilities serving pedestrian needs.

The City’s General Plan policies, goals, and objectives also support infill development and the reduction of urban sprawl which promotes:

- Reduction of greenhouse gas emissions and improved regional air quality by reducing the distance people need to travel.
- Reducing the conversion of agricultural land, sensitive habitat, and open space for new development.
- Reducing the costs to build and maintain expensive infrastructure.
• Facilitating healthy and environmentally-friendly active transportation systems.
• Reducing stormwater runoff resulting in flooding and pollution of waterways; and,
• Bringing vibrancy, community and social connection to neighborhoods.

The Gilded Springs project is consistent with the above noted 2020 General Plan policies, goals, and objectives.

2019-2027 Housing Element – The draft 2019-2027 Housing Element is anticipated to be approved by the City Council in August and certified shortly thereafter by the State Department of Housing and Community Development (HCD) in compliance with State law (Article 10.6 of the Government Code). HCD, acting as the City’s Council of Governments, has determined the amount of housing in the City known as the Regional Housing Needs Assessment. The 2019-2027 Regional Housing Needs Assessment adopted by HCD and accepted by the City allocates 743 housing units to the City of Grass Valley during the planning period.

The City anticipates the project will provide 27 dwelling units for above-moderate income housing. The above-moderate income category represents the greatest need for Grass Valley’s total share of regional units (349 units, 47%) during the 2019-2027 Planning period (2019-2027 Housing Element Table II-32).

3) Zoning – The R-1 Zone is applied to areas of the City that are appropriate for neighborhoods of single dwellings on standard urban lots, surrounding the more densely developed City core. The Gilded Springs Tentative Subdivision Map and proposed residential product is consistent with the Single Residential (R-1) Zone standards. This includes minimum parcel dimensions, lot coverage, height, parking, etc. Condition of Approval 3 requires the project to comply with the R-1 Zone standards including minor adjustment of the property lines for Lots 12 and 23.

4) Tentative Subdivision Map – The State Subdivision Map Act and local ordinance provides regulation and control of the design of improvements, including Findings for approval. These Findings are:

• The site is physically suitable for the type or proposed density of development.
• The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage.
• The design of the subdivision or type of improvements is not likely to cause public health or safety problems.
• The approval appropriately balances the housing needs of the region against the public service needs of City residents and available fiscal and environmental resources.
• The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.
• The project is consistent with the applicable sections and development standards in the Development Code.
• The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and Municipal Code.

(See Attachment 3 – Findings and Conditions of Approval)

A brief discussion of the more salient design/improvement aspects of the Gilded Springs project follows:

Traffic – There are two discussions regarding traffic: from a regional general plan level (Citywide) perspective and from a project specific perspective.

From a Citywide perspective, the Gilded Springs property was contemplated for single family homes in the City’s 2020 General Plan and Certified Environmental Impact Report (SCH#98082023) prepared for the City of Grass Valley 2020 General Plan.

The General Plan notes that increased traffic at build out of the General Plan is a significant and avoidable cumulative impact and a Statement of Overriding Considerations was adopted concurrently with the 2020 General Plan and General Plan EIR. A Statement of Overriding Consideration balances the economic, legal, social, technological, or other benefits of a proposed project (i.e. General Plan update) against its unavoidable consequences. If the specific economic, legal, social, technical, or other benefits including region-wide or statewide environmental benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”. CEQA allows individual communities to establish their own thresholds for what is acceptable.

The fundamental reason that the 2020 General Plan EIR states that significant, adverse effects will occur even with the most feasible attempts at mitigation is that a substantial amount of traffic which impacts Grass Valley initiates or is generated outside of the City limits in Western Nevada County. Grass Valley accommodates outside traffic, but has little practical control over key variables related to external traffic generation, namely land uses and land use densities/intensities in the unincorporated County. A secondary but equally important reason is that providing additional infrastructure upgrades in the historic downtown would certainly diminish the historic integrity of the City.

Considering that the project site was included in the traffic analysis provided by the General Plan and General Plan EIR, the vehicle trips have been anticipated in the cumulative impact totals of the General Plan buildout and accounted for in the Levels of Service analysis on W Main, Alta and nearby roadways and intersections.

Accordingly, the “cumulative impact” associated with Citywide development has been previously addressed in the 2020 General Plan and Environmental Impact Report prepared for the General Plan. The environmental analysis provided for the Gilded Springs Project is therefore limited to the project-specific effects on the environment which are peculiar to the property in accordance with Section 21083.3 of the CEQA Guidelines.
The environmental review in accordance with Section 21083.3 of the California Environmental Quality Act restricts the CEQA analysis on residential zoning and community plans that are specific to the project as follows:

“If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of CEQA to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior impact report.”

In accordance with Section 21065.3, a "Project-specific-effect” means all the direct or indirect environmental effects of a project other than cumulative effects and growth-including effects.

From a project specific perspective, the vehicle trips generated by the Gilded Springs project are below the thresholds that require a traffic study by the City of Grass Valley. However, considering neighborhood concerns and although not required, staff directed the applicant to prepare a Focused Traffic Analysis prepared by TJKM traffic consultants dated May 8, 2019. The TJKM report used traffic volumes from the Yuba River Charter School traffic study and volumes that were existing in 2014 plus volumes from other approved but unbuilt projects at the time. TJKM assumed all such volumes are now existing on the streets although some of the projects identified have since expired due to the “Great Recession”.

TJKM traffic consultants noted an increase in traffic near the project site resulting from the 27 single family dwellings. Based upon the trip generation rates identified in the 10th Edition of the Institute of Transportation Engineers (ITE) transportation generation rates manual, trip generation rates for single family dwellings have an average of 9.44 trips per day, 0.74 trips in the a.m. peak hour and 0.99 trips in the p.m. peak hour. TJKM calculates the following trips from the Gilded Springs project at: 255 daily trips, 20 a.m. peak hour trips, and 27 p.m. peak hour trips. TJKM estimates that there will also be a maximum of 20 trips during the p.m. school period.

The traffic comments in Attachment 4 imply that the project of twenty-seven homes should be required to further study existing regional cumulative impacts and mitigate those impacts on a project specific basis. Requiring such disregards, the Nollan/Dolan principals of nexus and rough proportionality (i.e. is there a relation to the impact and if so, the developer shall only be required to mitigate their proportionate share of that impact).

The applicant will be subject to the payment of AB 1600 traffic mitigation fees, (i.e. City of Grass Valley and regional traffic impact fees) which is the acceptable form of traffic mitigation for this type of infill project in accordance with Nollan/Dolan principals of nexus and rough proportionality. These fees are used exclusively for projects identified in the
City’s Capital Improvement Program to finance needed infrastructure improvements to achieve the LOS anticipated with the City’s 2020 General Plan.

In conclusion, it is also important to note that a new metric for transportation impacts is required July 1, 2020 (SB 743). Currently, CEQA review includes analyzing traffic impacts by assessing changes to level of service, which focused on traffic congestion. The new analysis focuses on “vehicle miles traveled” by specifically examining the amount and distance that a project may cause people to drive shifting the focus to climate change impacts and reducing the prior focus on congestion. Section 15064.3 of the CEQA Guidelines sets several baseline presumptions:

1. Projects within one-half mile of existing major transit stops or a proposed new stop along existing high-quality transit corridors should be presumed to have a less than significant transportation impact.
2. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant impact.

The Gilded Springs project is consistent with both above criteria.

**Ben Taylor Crossing/Alta Intersection** – Several comments in Attachment 4 regard the speed and limited sight visibility southbound at the junction of proposed Ben Taylor Crossing and Alta Street, due to a crest in the roadway north of the intersection. At present, the project property connects to Alta Street via a 30-foot strip of land, which also encompasses a 30-foot easement for ingress/egress for property at 360 and 366 Alta Street. The ingress/egress easement provides access to garages in the rear of both 360 and 366 Alta Street houses and access shall not be modified because of the Gilded Springs project.

The Ben Taylor Crossing and Alta Street connection was evaluated by both TKJM traffic consultants and City Engineering staff. Based upon that review and two proposals of the Tentative Subdivision Map, four options have been presented, discussed and evaluated with the City Engineering staff recommending certain improvements as outlined in Condition of Approval B – 1. The four options evaluated were:

Initially, the proposal included a locked fire access only gate immediately north and perpendicular to Lot 19 in accordance with Fire Department standards. However, it is the City’s position that gated roadways/subdivisions have been problematic in the past and the City’s engineering and fire departments have categorically recommended against gating Ben Taylor Crossing/Alta Street for the following reasons:

- Providing a gate at the location would permit westerly access onto Ben Taylor Crossing with no turn-a-round available;
- A gate or any barrier keeps people from entering; however, it also keeps people from exiting in case of an emergency;
- Emergency egress would be precluded until the fire department opened the gate resulting in cars left abandoned completely blocking the access (lessons learned from
the Paradise fire). The Fire Department upon further evaluation concurs that gating the access would be problematic during an emergency/evacuation situation.

- General Plan policy 22-CDP Discourages gated communities and encourages open access through projects.

Secondly, the applicant has proposed a reduced width roadway of two-10-foot travel lanes with curb gutter and sidewalk on one side of the street reduced in width to ±12.5 feet at the junction of Ben Taylor Crossing/Alta Street. The reduced width allows one-way egress onto Alta Street with right-turn only and no access signage from Alta Street.

Staff also believes this design to be problematic in that there is no mechanism to control the one-way traffic other than signage. That is, it is staff’s position that residents and others will utilize the street for both ingress and egress purposes. As such, the roadway should be designed as a two-way street.

Thirdly, TJKM traffic consultant’s evaluation of the proposed access points includes the following findings and recommendations. In general, City staff agrees with the findings and recommendations by TJKM with the exception of 4, 5, 6 and 7 as noted:

1. Most of the traffic generated by the project will desire to use the W Main Street access, as opposed to the Alta Street access. Given that most of the traffic will want to travel either east toward downtown or west to the schools, the W Main Street.

2. TJKM analyzed the W Main/Alta intersection during three time periods, the a.m. peak hour, the after school peak period, and the p.m. peak hour. The intersection operates at poor levels of service during two periods of the day. During the morning peak hour (highest peak hour between 7 a.m. – 9 a.m.), when both school traffic and commute traffic exists, the intersection operates at unacceptable LOS F. During the afternoon peak, (highest peak hour when school lets out 3 p.m. to 4 p.m.) the intersection operates at LOS E, also unacceptable.

3. With respect peak school traffic during the a.m. and afternoon peak, the Level of Service deficiencies are typically for a 15 – 20-minute duration. During the evening peak (highest peak hour between 4 p.m. – 6 p.m.) when school traffic is minimal, the intersection operates at LOS C (acceptable).

4. During school periods, there could be delays to motorists leaving the development if traffic is blocking the access. If this occurs, the City could paint KEEP CLEAR markings on the street to aid traffic flow at that location. It may also be desirable to remove one or two parking stalls near the new intersection to facilitate sight distance for those exiting the subdivision and turning onto W Main Street.

*Staff comment:* In staff’s opinion, improvement No. 4 is unnecessary, as “KEEP CLEAR” markings are not present at other intersections along W Main Street. However, this could be revisited in the future, if necessary.

5. The intersection of W Main Street and Alta Street will eventually be signalized. With signalization, with or without the Gilded Springs development the intersection operates at LOS B in the a.m. and LOS A in the evening (both acceptable).
Staff comment: Although the improvement No. 5 is in the City's Capital Improvement Program, staff notes that further engineering studies are required on the effectiveness and appropriateness of signalization, considering the historic district.

6. TJKM suggests not allowing traffic to travel from Alta Street to W Main Street southbound on Ben Taylor Crossing. This could be accomplished by designating the upper portion of Ben Taylor Crossing as a one-way street northbound to Alta Street. Further, to eliminate the attractiveness for cut through traffic in the northbound direction, one technique would be to require all northbound motorists on Ben Taylor Crossing to turn right onto Alta Street.

Staff comment: Although, City staff agrees that No. 6 could potentially help avoid cut-through traffic, the City believes this would be problematic considering motorists may not obey this restriction and that it may lead to safety issues. It is staff's opinion that cut-through traffic will be reduced with the design of the driveway, signage, raised sidewalks at the intersection of Ben Taylor and Cameron Court, and s-curve design of Ben Taylor Crossing.

7. To completely eliminate cut-through traffic a gate could be installed between Ben Taylor Crossing and Alta Street for emergency vehicles only.

Staff comment: As noted above, City staff is opposed to gates or other types of physical barriers that would be used to restrict access, in the event of an emergency.

In conclusion, in accordance with Condition of Approval No. B – 1, the Public Works Department has recommended several modifications to the proposed access from Ben Taylor Crossing and Alta Street. These improvements include:

a. Ben Taylor Crossing shall allow 2-way traffic the entire length and not be restricted to 1-way traffic at Alta Street.

b. Ben Taylor Crossing at Alta Street shall be a right turn out only. A “NO LEFT TURN” sign shall be installed on Ben Taylor Crossing at Alta Street.

c. The applicant shall install a “Local Traffic Only” sign at the entrance.

d. Internal traffic calming measures shall be employed within the Gilded Springs Development. This would include raised sidewalks at the intersection of Ben Taylor Crossing/Cameron Court/Barker Lane.

e. The applicant shall submit to the City Engineer for review, a separate sight distance exhibit showing the minimum sight distance requirements achieved in accordance with City of Grass Valley Design Standards. The exhibit shall indicate the roadway design speed, sight distance design speed, sign distance in both directions, and delineate any areas of vegetation removal/easements and no parking areas, recommended for optimal sight distance and/or vehicular movements.

The sight distance requirement at the intersection of Ben Taylor Crossing and Alta Street will assure that sight visibility concerns meet City standards. The result will be the painting
of red curb north and south of the intersection of Ben Taylor Crossing and Alta Street. Parking is permitted on both sides of the street on Alta Street from Linden Avenue to the City limits so a reduction in on-street parking will not be at issue.

*Hydrology, Drainage and Grading – Balance Hydrologics, Inc., prepared a Limited Hydrologic Assessment on September 27, 2018* and a supplemental *Limited Groundwater Investigation dated May 20, 2019*. Based upon the initial reconnaissance-based investigation, the hydrologist of record noted that drainage and flooding issues on parcels neighboring the site area likely caused by a possible combination of: a) spring flow and groundwater discharge from on-or off-site sources; b) surface runoff from on-or off-site sources; and, c) backwatering from debris wracking and/or an undersized storm drain system.

Based upon the field observations and testing, the geologist of record has concluded that groundwater is seasonally and spatially variable at the project site and groundwater is rarely if ever present at the ground surface. Boring logs taken on April 26, 2019, show groundwater was encountered between 3.25 and 4.5 feet below ground surface during a very wet period as part of the investigation, but was not observed in test pits to 10 feet below ground surface in July 2018 (Gularte, G., 2018). This indicates seasonal fluctuation of at least 7 feet through much of the site, with winter and spring increases to within 3 to 4 feet of the ground surface. Groundwater discharge is present in the form of perennial springs immediately adjacent to the site on the historical parcel, suggesting that preferential groundwater flow pathways exist near the surface and support baseflow runoff at the site, perhaps due to the influence of geologic or historical mining activity. No springs have been identified or mapped within the project site with the exception of a seasonal spring located in the northwest corner of the project site, and wetland delineations completed by Matuzak (2018), which determined no wetlands to be present within the project site, except for a seasonal channel along the project’s western boundary.

*Millennium Planning & Engineering prepared a preliminary drainage study dated October 2018*, to support design of the proposed drainage system. Storm drainage will be collected and routed through gutters in the street that will direct runoff to bioretention treatment areas next to the roadway or routed into ditches that will route storm water into various bioretention areas throughout the property. Most of the overflow runoff will be directed to Peabody Creek on the west side of the property.

Drainage systems have been designed to convey 24-hour storm events and mitigate any potential runoff increases as outlined in the City of Grass Valley standards. The proposed project is not anticipated to require additional drainage improvements for the site beyond those outlined in the preliminary drainage study and shown on the project plans. Drainage plans have been prepared in accordance with the City of Grass Valley engineering standards. The project is anticipated to eliminate any existing overland release drainage that is occurring in a easterly direction presently on the project site, which may be beneficial when compared to the existing drainage patterns occurring.
According to the Geotechnical Report (Gulart 2018), no groundwater was present in the six exploratory test pits recorded on July 26, 2018, which indicates that the spring flow and groundwater discharge associated with Linden Avenue may be independent from the ±6.96-acre Gilded Springs project site, although existing drainage from portions of the project site may be draining in an easterly direction toward Linden Avenue. The drainage plan prepared for the project proposes to alter the existing and additional stormwater drainage generated from the project into bio-swales and Peabody Creek in a westerly direction. In this regard, Lots 25 – 27 (closest to the adjoining pond and drainage complaints on Linden Avenue), are proposed to be drained in a southerly direction towards a drainage inlet and curtain drain located at the southern end of the project site.

The preliminary hydrology, drainage and grading plans submitted for the project are in accordance with the City’s Development Standards. At the Tentative Map stage, the onus is on the developer to illustrate that the preliminary design complies with accepted engineering practices and City standards.

Conditions of Approval No. B – 10 and Mitigation Measure Hydrology/Water Quality 3, require the developer to submit a final drainage study along with the improvement plans to the Engineering Division for final review and approval. The improvement plans, and final drainage study shall consider the potential for near-surface groundwater during the wet season as recommended by the hydrology report prepared for the project.

Comments in Attachment 4 debate the adequacy of the hydrology and drainage details prepared. The disagreement among expert opinions in this case is the extent of the preliminary design of the drainage systems. The hydrologist, geo-technical engineer and civil engineer for the project have conducted site specific preliminary study of the project site soils, hydrology and drainage systems. Based upon these preliminary designs and their respective professional opinions, the project is designed in accordance with accepted engineer practices in accordance with City standards. The City’s Engineering Division has concurred with this assessment and authorized the Gilded Springs project to proceed from an engineering standpoint.

For the record, it is important to point out that the comments and analysis conducted by Robert D. Joslin, Civil Engineer/Geotechnical Engineer and Gabrielle Lawson, soil scientist questioning the designs have been provided without having visited the Gilded Springs property first hand and without specific testing of the Gilded Springs property. The comments and analysis provided are taken exclusively from the western boundary adjoining the Gilded Springs property, where existing hydrology and drainage issues are known.

The CEQA guidelines recognizes that there can be “disagreement among expert opinion”; however, if an affect is treated as significant due to a disagreement among experts, that opinion must first be supported by facts over the significance of the effect on the environment. Conflicting opinions alone do not give rise to substantial evidence of a fair argument. Substantial evidence means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion,
even through other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Riparian Area/Open Space/Trails – Chapter 17.50 of the City’s Development Code requires a 30-foot setback except where the setback would preclude development of the property to the extent permitted by zoning. Where a setback is less than 30 feet, a resource management plan shall be prepared for consideration by the Planning Commission.

Comments in Attachment 4 indicate that the setbacks adjoining Peabody Creek are not adequate and lots 1 -12 should be reconfigured to allow for greater setbacks.

For clarification, the 30-foot setback is measured from the top of bank to the face of the residential structure as shown in Figure 1 – Watercourse Setback Requirement.

The Gilded Springs Tentative Subdivision Map illustrates proposed building envelopes depicted as the canary yellow area. The building envelopes reflect the total setback requirements in the R-1 Zone to illustrate compliance with the R-1 Zone; not the actual building footprint of the proposed homes or accessory structures and setback distance from the top of slope. If a 30-foot setback standard were applied, an estimated 8 lots would be unbuildable.

In review of the proposed building footprints shown with the architectural elevations, the building footprints including porch areas are: Cottage IIB – ±45 feet by ±45 feet; Estate 1A – ±55 feet by ±70 feet; and, Porch IIC – ±55 feet by ±50 feet.

Considering that many of the lots are at the minimum 60-foot lot width, the Estate IA at ±55 feet in width would be precluded on Lots less than 65 feet in width taking into consideration side yard setbacks of 5 feet. When the building footprints are plotted on the lots, the following setbacks are anticipated:
Although many of the lots are less than the 30 feet setback, all of the lots are anticipated to have a minimum of a ten foot setback. Additionally, Condition of Approval No. A – 12 requires that the home placement be located towards the street, to the extent practicable, with minimum setbacks in the R-1 Zone, so that the homes achieve the maximum setback possible adjoining Peabody Creek.

<table>
<thead>
<tr>
<th>Lot 1</th>
<th>18 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 2</td>
<td>20 feet</td>
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<tr>
<td>Lot 3</td>
<td>18 feet</td>
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<tr>
<td>Lot 4</td>
<td>10 feet</td>
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<tr>
<td>Lot 5</td>
<td>11 feet</td>
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<tr>
<td>Lot 6</td>
<td>20 feet</td>
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<tr>
<td>Lot 7</td>
<td>30 feet</td>
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<tr>
<td>Lot 9</td>
<td>30 feet</td>
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<tr>
<td>Lot 10</td>
<td>13 feet</td>
</tr>
<tr>
<td>Lot 11</td>
<td>12 feet</td>
</tr>
<tr>
<td>Lot 12</td>
<td>19 feet</td>
</tr>
</tbody>
</table>

Moreover, Condition of Approval No. A – 13 requires accessory structures such as pools, storage buildings, etc. provide a minimum rear yard setback of 10 feet from the top of slope.

Considering the above, Condition of Approval No. A – 12 and 13, and the Habitat Restoration Plan prepared for the project, it is staff’s opinion that the project balances protection of Peabody Creek, while allowing development in accordance with the setback requirements of the R-1 Zone and density standards of the General Plan.

*Trails* – The City’s Creek and Riparian Resource Protection Section 17.50 C also provides allowances for trails within the setback. The developer reviewed the option of a trail on the west side of Peabody Creek (aka Rhode Island Ravine) at staff’s request and concluded: 1) the trail width at the south end of the project site is limited; 2) the topography at the north end of the property contains slopes of ±30 percent; 3) there does not appear to be a connection north of the project site (See Aerial Photograph); and, 4) The Parks and Recreation Master Plan does not delineate a trail at this location. Staff concurs with this assessment. Furthermore, staff looked at the feasibility of providing a trail on the east side of Peabody Creek. A trail at this location would require the black metal fence to be moved from the top of the bank east to allow for the trail. A trail at this location will significantly reduce the year yard of lots 1 – 12, particularly, lots 1 – 5 and 10 – 12 and would create an alley between lots 11 and 12 returning to Cameron Court. Additionally, the trail could be viewed as a privacy issue for the residents. Staff therefore does not recommend a trail within the project.

*Wetlands* – According to the Biological Inventory Prepared by Greg Matuzak, Biological Consultant dated July 2018, no wetlands were documented or mapped within the project site. The USDA soil survey documented two soil types within the project site and neither are soil types listed on the NRCS Hydric Soils list for Nevada County. The two soil types mapped by USDA within the project site include Cohasset Cobbly loam, 5 to 30 percent slopes and Sites very stony loam, 15 to 50 percent slopes. None of the soil pits demonstrated show chroma or hydric soils indicators. Primary and secondary indicators of wetland hydrology were also absent. Given that the soil pit locations are dominated by upland plant species and the soil pits did not demonstrate the presence of hydric soil indicators or primary or secondary indicators of wetland hydrology, no wetlands subject to potential state and/or federal regulation were mapped within the project site.

The above analysis prepared by Greg Matuzak is also generally consistent with five off-site soil samples taken by soil scientist Gabrielle Lawson around the area of perennial
spring along Linden Avenue. Of the five samples taken, three were considered non-hydric; one was possibly hydric; and one was hydric (page 4) of Soil Investigation on the South East Edges of 652 Linden Avenue.

Use of Roundup – The Habitat Restoration and Enhancement Plan prepared for the Gilded Springs project contained comments regarding the use of glyphosate (Roundup, Rodeo) to control Himalayan blackberry. The Plan specified using glyphosate to control re-sprouts following the initial mechanical removal of blackberry.

Condition of Approval No. A – 15 requires the Habitat Restoration Plan to be amended to remove the use of herbicides containing glyphosate. A strike-out version of the plan has already submitted by the applicant.

Attachments:
Attachment 1 – Initial Study/Mitigated Negative Declaration with the following Exhibits, Attachments and Tables:

Exhibit A – Vicinity Map
Exhibit B – Aerial Photograph
Exhibit C – Assessor’s Parcel Map
Exhibit D – Site Photographs
Exhibit E – Gilded Springs Tentative Subdivision Map

Attachments:
Attachment 1 – Floor Plans and Architectural Elevations
Attachment 2 – Gilded Springs Project Description

Tables:
Table 1 – Project Construction and Operational Emissions Estimates
Table 2 – 2020 General Plan Projected Intersection LOS
Table 3 – Levels of Service with Existing All Way Stop
Table 4 – Levels of Service with Planned Traffic Signal Control

Attachment 2 – Mitigation Monitoring and Reporting Program
Attachment 3 – Findings and Project Conditions of Approval
Attachment 4 – Comment Letters
Attachment 5 – Response to Comments
CITY OF GRASS VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT

Initial Study & Mitigated Negative Declaration – 652 Linden Avenue
Gilded Springs Tentative Subdivision Map

(18PLN-46)

SCH#2019069005

June 4, 2019
Revised July 8, 2019
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

652 Linden Avenue – Gilded Springs Tentative Subdivision Map

This Initial Study constitutes a revised environmental analysis addressing comments received during the environmental public review period and supplementing the analysis and conclusions of the March 22, 2019 Initial Study/Negative Declaration. For clarity, the revisions contained herein are identified as bold text for text that has been inserted and strikeout text for text has been deleted. All comment letters and associated responses are attached herewith as Attachment 2 – Comments on Initial Study/Negative Declaration and Attachment 3 – Response to Comments.

Specifically, the revised Initial Study/Negative Declaration provides additional information thereby addressing comments received. The supplemental environmental review both provides Mitigation Measures that are replaced with equal or more effective measures pursuant to Sections 15073.5 and 15074.1 and clarifies and amplifies the information contained in the IS/ND circulated for the project initially on June 4, 2019.

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063 (Initial Study), the City of Grass Valley has prepared this Initial Study to assess the potential environmental impacts of a proposed Tentative Subdivision Map for the Gilded Springs residential project located at 652 Linden Avenue. On the basis of the Initial Study, the City finds that the proposed project will not have a significant adverse effect on the environment and will not require the preparation of an Environmental Impact Report. Therefore, this Mitigated Negative Declaration has been prepared as the appropriate level of environmental review in accordance with CEQA and the CEQA Guidelines Sections 15063 and 15070 et. seq.

Public and Agency Review:

This Initial Study/Mitigated Negative Declaration will be circulated for a 30-day public and agency review commencing June 4, 2019. Copies of this Initial Study and cited references may be obtained at the City of Grass Valley Community Development Department at the address noted below. Written comments on this Initial Study/Mitigated Negative Declaration may also be addressed as noted below.

The revised Initial Study need not be recirculated for public review in accordance with Section 15073.5 of the CEQA Guidelines under the following circumstances.

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

2. New project revisions are added in response to written and verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.

3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Gilded Springs Tentative Subdivision Map
Initial Study/Mitigated Negative Declaration

City of Grass Valley
June 4, 2019
The revisions provided herein are in compliance with the above criteria. New information added to the negative declaration merely clarifies, amplifies or makes significant modifications to the negative declaration. The Mitigation Measures proposed have been replaced with equal or more effective measures in accordance with Section 15074.1 and have been considered by the City of Grass Valley City Council at a noticed public hearing conducted on July 16, 2019 in accordance with Sections 15073.5 and 15074.1.

The project revisions added in response to written comments on the project’s effects are not new avoidable effects and are not necessary to mitigate an avoidable significant effect.

Based upon substantial evidence on the record, the revised Mitigation Measures reduce potential impacts to an acceptable level and no new avoidable significant effects are identified

Project title: 652 Linden Avenue – Gilded Springs Tentative Subdivision Map (18PLN-46)

Lead agency name and address:

City of Grass Valley Community Development Department
125 E. Main Street
Grass Valley, CA 95945

Contact person, phone number, and e-mail:

Lance E. Lowe, AICP, Principal Planner
125 E. Main Street
Grass Valley, CA 95945
530-274-4716
lancel@cityofgrassvalley.com

Project Location and Site Description:

The project is located at 652 Linden Avenue, situated west of Alta Street and north of W Main Street (APNs: 008-800-002, 003 & 004). The project site contains ±8.4 acres consisting of 3 legal parcels. The project site is located in Section 27, Township 16N, Range 8E on City of Grass Valley 7.5-minute USA quadrangle (Exhibit A – Vicinity Map and Exhibit B – Aerial Photograph). Approximate coordinates of the center of the site are 39° 22' 15” north and -121° 06' 75” west.

There is an existing historic single-family residence near the southwestern portion of the site located on APN: 008-800-002 with driveway access via Linden Avenue. Concurrently with this Tentative Subdivision Map Application, a Lot Line Adjustment has been processed to adjust the boundary around the existing historic home resulting in a 1.44-acre parcel located at 652 Linden Avenue. Upon recordation of the Lot Line Adjustment with the Nevada County Recorder’s Office, the remaining 2 undeveloped parcels (referred herein as the “project site”) include a total of ±6.96 acres (Exhibit C – Assessor’s Parcel Map).

The ±6.96-acre project site fronts on both W Main and Alta Streets with ±275 feet of frontage on W Main Street and a 30-foot access on Alta Street (The residence at 366 Alta Street retains an easement over the 30-foot access for ingress and egress purposes, which will remain in effect). The project is
designed with a ±30-foot access on W. Main Street and 12-foot one-way restricted access on Alta Street. The one-way restricted access has been evaluated with the limits between Cameron Court/Barker Lane and Alta Street by TJKM Traffic Consultants Technical Memorandum dated May 8, 2019.

Portions of the site has been used for agricultural purposes for several years; however, the site is slated for low density residential use according to the City’s General Plan and Zoning designations. Moreover, the site is an infill site designated as “Urban and Built-Up land” according to the U.S. Department of Agriculture. Therefore, no agricultural land as defined is being taken out of agricultural production.

The project site slopes from north to south. There is a seasonal stream (Peabody Creek aka Rhode Island Ravine), which runs along the western property boundary and crosses W Main Street through a culvert, eventually connecting downstream with Wolf Creek. There is also a spring fed rock-lined seasonal stream that flows into an artificial pond located southwest of the existing 652 Linden Avenue residence and runs east along Linden Avenue; thence south along the east property line of 631 Linden Avenue connecting with the W Main Street drainage. Most of the vegetation on the site is non-native and ornamental and does not contain any natural woodlands or native grasslands. There are no heritage oak trees or landmark groves on the site. 

**Surrounding Land Uses:**

The property is surrounded by development, primarily low-density residential uses with single family homes to the north, east and south. Peace Lutheran Church and a single-family home are located to the west of the property; Sierra Mountain Inn is located adjacent to the southeast corner at W Main Street. The southeast corner of Nevada Irrigation District office/yard touches the northwest corner of the project site (Exhibit D – Site Photographs).

**Project Objective:**

The project is a residential infill site located within a few blocks of the downtown core of Grass Valley. Compatible with the Urban Low Density and Single Residential (R-1) Zone designations, the Gilded Springs Subdivision proposes 27 single family lots ranging in size from 6,003 (Lot 3) to 16,058 square feet (Lot 12) (Exhibit E – Gilded Springs Tentative Subdivision Map). Home styles and square footages are proposed from small cottage style homes (±1,450 to ±1,750 square feet) to larger porch homes and estate homes (±1,800 to ±2,500 square feet) (Attachment 1 – Gilded Springs Project Plans). The Gilded Springs project is anticipated to provide housing for the City’s above moderate-income group in accordance with the City’s adopted 2014-2019 Housing Element in which 220 units are required (Table II-29).

**Project sponsor’s name and address:**

Millennium Planning & Engineering  
471 Sutton Way, Suite 210  
Grass Valley, CA 95949  
Attn: Rob Wood, AICP, Principal Planner  
(530) 446-5765
PROJECT DESCRIPTION:

Tentative Subdivision Map (TSM) – The Gilded Springs Project (project) entails a Tentative Subdivision Map (18PLN-46) for the division of the ±6.96-acre parcel into 27 lots in the Single Residential (R-1) Zone. The 27 lots range in size from 6,003 (Lot 3) to 16,058 (Lot 12) square feet. Minimum R-1 Zoning parcel dimensions, areas, setbacks and building envelopes are conceptually shown on the Tentative Subdivision Map to illustrate building areas and lot coverages.

Residential Building Design – The applicant proposes three floor plans with varying square footages ranging from 1,450 to 2,400 square feet with the following unit types:

<table>
<thead>
<tr>
<th>Floor Plan</th>
<th>Type/Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cottage IIB</td>
<td>Single Story/Two Story - 1,450 - 1,750 square feet – two floor plans – 2 -3 bedrooms; 2 bathrooms; 1 - 2 car garage.</td>
</tr>
<tr>
<td>Estate IA</td>
<td>Single Story/Two Story - 2,175 - 2,400 square feet – two floor plans – 3 -4 bedrooms; 2.5 bathrooms; 2 car garage.</td>
</tr>
<tr>
<td>Porch IIC</td>
<td>Single Story/Two Story - 1,800 - 2,100 square feet with alt bonus room - 2 - 3 bedrooms; 2 bathrooms; 2 car garage.</td>
</tr>
</tbody>
</table>

The architectural detailing of the homes includes, but is not limited to:
• Slab on grade (Lots 1 - 4, 26 & 27) and stem wall foundations;
• Useable front porches;
• Recessed garages;
• One and two car garages with windows on the garage doors;
• A combination of horizontal/vertical siding and board and batt siding;
• Combination of hip/gable/shed roofs with varying roof slopes, including dormers

Access, Parking & Circulation – Primary ingress/egress (Ben Taylor Crossing) is proposed via W Main Street. Secondary access is proposed with a connection onto Alta Street, which is reduced in width to 12 feet for ingress purposes solely. The reduced width roadway will contain one-way signage to eliminate egress to Alta Street. The roadway will allow continued unobstructed access to the adjacent property north of the access (366 Alta Street) which retains an ingress/egress easement. The final design shall be subject to approval by the Public Works Division. No project access is proposed via Linden Avenue; however, Linden Avenue will continue to be used for access of the historic home on 652 Linden Avenue.

Ben Taylor Crossing is proposed as a private modified version of the City Standard Detail ST-15. This road consists of two 10-foot travel lanes with ±9-foot parking on one side and a 5-foot-wide bioretention area between the curb/gutter and sidewalk within a 40-foot right-of-way. No parking is permitted on Ben Taylor Crossing north of Barker Lane and Cameron Court.

Internal circulation consists of an unnamed court at the south end of the development, Barker Lane and Cameron Court which are constructed to fire department and City standards (See Gilded Spring Tentative Subdivision Map Cross Sections A-A through D-D). The roads within the Gilded Springs development are private roads and will be maintained by the to be established Gilded Springs Home Owners Association (HOA).
All residential driveways will be a minimum of 20 foot in depth to accommodate off-street parking. Street parking will be utilized for guests and overflow parking on Ben Taylor Crossing and Cameron Court on the west side of the street accommodating approximately 25 on-street parking spaces.

The subject property fronts on W Main Street, which is a two-lane roadway with a Class II bike path on both sides of the roadway. The roadway includes curb, gutter and sidewalk on both sides of the street fronting the project site. Additional curbing is proposed to be installed at the Gilded Springs southeast entrance at the corner of W Main Street and Ben Taylor Crossing.

Recommendations have been provided in the Focused Traffic Analysis prepared by TJKM dated May 8, 2019, which, with the exception of 1. below will be incorporated via Public Works Conditions of Approval for the project:

1. W Main Street will be striped with “KEEP CLEAR” markings on the street to aid traffic;
2. The Ben Taylor Crossing Alta Street connection should be right turn only for both ingress and egress;

Riparian/Open Space – A riparian/open space area of approximately ±1 acre will be reserved on the western side of Lots 1 - 12 fronting Peabody Creek (aka Rhode Island Ravine). The riparian/open space area is the subject of a stream restoration plan as further described below and will be owned by the respective property owners and maintained by the to be established Gilded Springs HOA.

Stream Habitat Restoration and Enhancement Plan – The Stream Habitat Restoration and Enhancement Plan prepared by Chainey-Davis Biological Consulting dated February 2019, has been designed to achieve goals to minimize the impacts of encroachment into the City’s 30-foot stream setback including:

1. Enhance the species diversity and diversity of sources of food, cover, and nesting for a wider variety of birds, pollinators, and beneficial insects;
2. Remove the invasive exotic Himalayan black berry and replace with locally native plant species;
3. Management easement to prevent re-establishment of Himalayan blackberry within the stream riparian zone;
4. Ensure the planting are self-sustaining beyond the establishment phase; and,
5. Provide for the long-term protection of the stream easement ecological functions and values.

Landscaping – A preliminary landscape plan has been prepared for the project. The landscaping will consist of street trees along Ben Taylor Crossing; within the bio-swale areas; and, front yard landscaping for the individual residences. Rear yard landscaping shall be the responsibility of the home purchaser. The landscaping shall be in accordance with the City and State Model Water Efficiency Landscape requirements.

Lighting – Lighting consists of street lighting as well as individual lighting for each of the respective homes. As required by the City’s Development Code, the lighting will contain shields to direct lighting downward.

Fencing – 6-foot-high good neighbor wood fencing will be constructed between the individual homes along the property lines. Good neighbor fencing shall be the responsibility of the respective homeowners. A black powder coated 4-foot-high aluminum fence is proposed to be constructed
along the riparian/open space parcel along Lots 1 - 12. The black aluminum should be the responsibility of the Gilded Springs HOA.

Tree Removal – The project area does not contain any heritage trees that are subject to City of Grass Valley policies; however, with development of the project, an estimated 30 trees will be removed. The tree removal plan is identified on Sheet 2 of 4 of the project plans. As shown, 1 Pear; 5 Redwood; 3 Maple; 9 Pine; 1 Doug Fir; 9 Black Walnut; 1 Cedar; and 1 Chestnut are to be removed with development of the Project site.

Grading/Retaining Walls – The site contains an elevation change of ±55 feet from south to north. The southern elevation has a low elevation of 2,520 (MSL) at the junction of Ben Taylor Crossing and W Main Street and a high elevation of 2,575 at the north elevation along lots 12 – 14. The most severe grades are located at the northwest corner of the property with slopes of approximately 30 percent.

The project will include the construction of roadways, sidewalks, 27 single family homes and driveways. The project would require cut of ±6,195 cubic yards and fill of ±6,115 cubic yards resulting in an export of ±80 cubic yards. To minimize grading, all the lots will contain stem wall construction with the exception of Lots 1 – 4, 26 & 27 which are relatively level and will be pad graded.

Small retaining walls will be constructed along the southwest property lines of lots 22 – 24 and lots 13 – 16. The retaining walls will be approximately 1 – 2 feet and 2 – 4 feet in height respectively.

Monument Signage – A monument sign is proposed at the southwest corner of the project along W Main Street outside of the stormwater detention area. The monument sign shall be in accordance with the City of Grass Valley sign standards.

Drainage – Approximately 2/3 of the site flows southwest toward Peabody Creek (aka Rhode Island Ravine), and approximately 1/3 of the property flows southeast toward an existing pond at the southeast corner of the property, and toward Linden Avenue. Under post development conditions, runoff will be directed to bioretention systems in a westerly direction and overflow runoff will be directed toward Peabody Creek to the west. No drainage will be directed towards Linden Avenue.

Millennium Planning & Engineering prepared a preliminary drainage study dated October 2018, to support design of the proposed drainage system. Storm drainage will be collected and routed through gutters in the street that will direct runoff to bioretention treatment areas next to the roadway or routed into ditches that will route storm water into various bioretention areas throughout the property. Most of the overflow runoff will be directed to Peabody Creek on the west side of the property.

Gilded Springs Tentative Subdivision Map
Initial Study/Mitigated Negative Declaration

City of Grass Valley
June 4, 2019
Drainage systems have been designed to convey 24-hour storm events and mitigate any potential runoff increases as outlined in the City of Grass Valley standards. The proposed project is not anticipated to require additional drainage improvements for the site beyond those outlined in the preliminary drainage study and shown on the project plans dated February 2019.

*Hydrology Assessment – Balance Hydrologics, Inc., prepared a Limited Hydrologic Assessment on September 27, 2018 and a supplemental Limited Groundwater Investigation dated May 20, 2019.* Based upon the field observations, the geologist of record has concluded that groundwater is seasonally and spatially variable at the project site and groundwater is rarely if ever present at the ground surface. Based upon boring logs taken on April 26, 2019, groundwater was encountered between 3.25 and 4.5 feet below ground surface during a very wet period as part of the investigation, but was not observed in test pits to 10 feet below ground surface in July 2018 (Gularte, G., 2018), indicating seasonal fluctuations of at least 7 feet through much of the site, with winter and spring increases to within 3 to 4 feet of the ground surface. Groundwater discharge is present in the form of perennial springs immediately adjacent to the site on the historical parcel, suggesting that preferential groundwater flow pathways exist near the surface and support baseflow runoff at the site, perhaps due to the influence of geologic or historical mining activity. No springs have been identified or mapped within the project site with the exception of a seasonal spring located in the northwest corner of the project site, and wetland delineations completed by Matuzak (2018), which determined no wetlands to be present within the project site, except for a seasonal channel along the project’s western boundary.

*Water Quality Treatment Methods – Storm drainage will be collected and routed through a proposed storm drain system that will end up in bioretention treatment areas. The following Best Management Practices (BMPs) are proposed to be implemented prior to discharge of flow to existing drainage facilities and Peabody Creek:*

- **TC-32** Bioretention areas are proposed to remove pollutants by filtering runoff through plants and engineered subsurface soil, restore groundwater levels, and reduce peak runoff by capturing and filtering storm water.
- **TC-30** Earthen swales and rock lined swales are utilized to collect and slowly convey runoff to downstream discharge points. They are designed to treat runoff through filtering and trapping sediment with angular rock lining and/or vegetation in the channel, filtering through a subsoil matrix and infiltration into the underlying soils.
- **TC-50** Water quality treatment is provided in each storm drain inlet utilizing a 12-inch deep sump. The sump located below the storm drain outlet captures sand and sediment and includes weep holes for infiltration.

The above storm water quality BMPs provide removal of Total Suspended Solids. The removal efficiency for the proposed multiple treatment system has been determined to be approximately 80-
100% effective. (The referenced sources (i.e. Caltrans CASQA) were used to obtain in-field performance data for the selected BMPs).

During construction, additional BMPs including temporary erosion control facilities shall be implemented to control pollutants that have a potential to affect the quality of storm water discharges from the construction site. Implementation of BMPs for construction activities will be in accordance with California State Water Resources Control Board (SWRCB).

Utilities – Water Supply: The subject property will be connected to City of Grass Valley water lines that will be extended to serve the site. The nearest water lines are located along both W Main Street and Alta Street.

Sanitary Sewer: The nearest sanitary sewer connection is located along W. Main Street and Alta Street, which will be extended to serve the site.

Dry Utilities: Dry utilities (i.e., natural gas, electrical supply, telephone, cable) are located along both W Main Street and Alta Street. The proposed project will be connected to existing utilities from these locations.

General Plan Land Use Designation

The project area has a land use designation of Urban Low Density Residential, according to the City of Grass Valley 2020 General Plan. The Urban Low-Density Residential classification requires between 1.01 and 4.0 residential units per gross acre. ULD is intended primarily for single family detached houses, although higher density single family patio homes or town houses could be accommodated, if offset with sufficient open space to maintain gross density with the indicated range. ULD is most compatible with the Single Residential Zoning district.

The Gilded Springs project at ±6.96 acres and 27 single family dwellings is at a density of ±3.87 units per acre consistent with the Urban Low-Density Residential designation.

From a California Environmental Quality Act (CEQA) perspective, the environmental review in accordance with Section 21083.3 restricts the CEQA analysis on residential zoning and community plans as follows:

“If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of CEQA to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant
The Gilded Springs residential development was contemplated in the City’s 2020 General Plan and Certified Environmental Impact Report (SCH#98082023) prepared for the City of Grass Valley 2020 General Plan. With adoption of the City’s 2020 General Plan, the City concurrently adopted a Statement of Overriding Considerations in accordance with Section 15093 for Air Quality, Light and Glare, Traffic and Open Space. Accordingly, the environmental analysis provided herein for the Gilded Springs Project is limited to the site-specific effects on the environment which are peculiar to the property in accordance with Section 21083.3.

Zoning Designation

The property is within the Single Residential (R-1) Zone district. The R-1 Zone is applied to areas of the City that are appropriate for neighborhoods of single dwellings on standard urban lots, surrounding the more densely developed City core.

Offsite Improvements

No offsite improvements are proposed or anticipated as part of the proposed Gilded Springs project.
Regulatory Setting and Required Agency Approvals

The following City of Grass Valley, Responsible and/or Trustee Agency permits are required prior to construction of the Gilded Springs project:

- City of Grass Valley Department of Public Works – Improvement Plan, Grading Plan, Encroachment Permit and Tree Permit approvals.

- City of Grass Valley Community Development Department – Site Plan and Building Plan Approvals and Conditions of Approval/Mitigation Measure compliance verification.

- City of Grass Valley Building Department – Building, Plumbing, Mechanical, and Electrical Permits in accordance with the California Codes.

- City of Grass Valley Fire Department – Site Plan, Improvement Plan and Building Plan Approvals.

- A Storm Water Pollution Prevention Plan (SWPPP) shall be approved by the Regional Water Quality Control Board in accordance with the Clean Water Act.

- A Dust Mitigation Plan shall be approved by the Northern Sierra Air Quality Management District.

- Timber Harvest Permit Exemption (for less than 3-acre conversion) from the California Department of Forestry and Fire Protection.

- State Department of Fish and Wildlife (1600 permits) – A Stream Alternation Agreement is required for encroachment into the bed and bank or existing blackberry bushes associated with the seasonal stream along Peabody Creek (Rhode Island Ravine) or within the bed and bank of the perennial spring fed stream, if disturbed.
Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except “NO Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to a project like the one involved (e.g. the project falls outside a fault rupture zone). A “NO Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.

4) “Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5) “Less-Than-significant Impact:” Any impact that is expected to occur with implementation of the project, but to a less than significant level because it would not violate existing standards.

6) “No Impact:” The project would not have an impact to the environment.

7) Earlier analyses may be used where, pursuant to Tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration.

8) Lead agencies are encouraged to incorporate into the checklist reference to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agriculture Resources ☐ Air Quality
☐ Biological Resources ☐ Cultural Resources ☐ Geology/Soils
☐ Greenhouse Gases ☐ Hazards & Hazardous Materials ☐ Hydrology/Water Quality
☐ Land Use/Planning Housing ☐ Mineral Resources ☐ Noise
☐ Population/Housing ☐ Public Services ☐ Recreation
☐ Transportation/Traffic ☐ Utilities/Service Systems ☐ None
☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated, pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project nothing further is required.

Lance E. Lowe, AICP, Principal Planner

Date 7/8/19

Gilded Springs Tentative Subdivision Map
Initial Study/Mitigated Negative Declaration

City of Grass Valley
June 4, 2019
EVALUATION OF ENVIRONMENTAL IMPACTS:

I. 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?

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 day or nighttime views in the area?

Setting

The aesthetic value of an area is a measure of its visual character and quality, combined with the viewer response to the area (Federal Highway Administration, 1983). The visual quality component can best be described as the overall impression that an individual viewer retains from residing in, driving through, walking through, or flying over an area. Viewer response is a combination of viewer exposure and viewer sensitivity. Viewer exposure is a function of the number of viewers, the number of views seen, the distance of the viewers, and the viewing duration. Viewer sensitivity relates to the extent of the public’s concern for a particular view shed (U.S. Bureau of Land Management, 1980). The property is not located near any state scenic highway.

The City of Grass Valley 2020 General Plan notes that the City does not contain any designed scenic vistas, but generally acknowledges the City and its surroundings as having a wide range of landscapes, scenic vistas and visual resources.

A portion of the site has been in agricultural production for several years and is currently fallow. The project area is visually characterized by development, primarily low-density residential uses to the north, east and south. Peace Lutheran Church is located to the west of the property and Sierra Mountain Inn is located adjacent to the southeast corner at W Main Street.

The project site has ±275 feet of frontage along W Main Street and driveway frontage of 30 feet on Alta Street. According to the project plans, an estimated 30 trees are proposed to be removed with development of the project. No other scenic resources, including, but not limited to: trees, rock outcroppings, and historic buildings are located on the subject ±6.96-acre project site.
Sources of existing light in the project area are streetlights, residential lighting and parking lot lighting. Other sources of light and glare include vehicles traveling along W Main and Alta Streets.

**IMPACTS**

a) & b) From its undeveloped state, the development of 27 single family dwellings and related improvements would alter the views from W Main Street and to a lesser extent Alta Street.

A project would normally have a substantial adverse aesthetic effect through removal of natural features or addition of man-made features or structures which degrades the visual intactness and unity of the scenic vista or highway. Considering scenic vistas or scenic highways are not within the project vicinity, the project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. No impact will occur.

c) Generally, new development, if not carefully designed, can result in adverse impacts on sites open to public view. This property has been designated for urban development in the City General Plan. Additionally, policies of the City's General Plan Community Design Element (Chapter 10 of the 2020 General Plan) aim to preserve the desirable physical and design features in Grass Valley and carry them over into new development so that old and new development appear compatible. The City’s Community Design element states that new infill development within established areas will be consistent in terms of scale, design, and materials. In this regard, the project is also located within the City's 1872 Townsite, so design of the homes should be compatible with the historic architecture within the project vicinity.

The project area has predominately a residential appearance with low density residential surrounding the project site. The architectural types/styles of homes in the immediate vicinity include, but are not limited to: Craftsman, Victorian, Cottage and Queen Anne. The preliminary residential designs for the Gilded Springs project include architectural detailing consistent and compatible with the residential architecture in the neighborhood as outlined in the Project Description. As such, the proposed infill residential project is not anticipated to substantially degrade the existing visual character or quality of the site and its surroundings.

Of the ±88 trees identified in the Arborist Report, the project is anticipated to remove ±30 of the ±88 trees from the site (34%). Even though the City’s Community Design Guidelines don’t apply to single-family developments, the guidelines suggest a 20% tree retention for all other types of development in the City. This project proposes to retain 66%. According to the preliminary landscape plans, the developer is anticipating on replanting a minimum of one tree per lot as well as providing landscaping along the street frontages of Ben Taylor Crossing and Cameron Court thereby further reducing visual impacts. Although the replanting will not make up for the trees removed, the additional trees and landscaping will soften the appearance of the residential development on neighboring properties, passing motorists and pedestrians alike. These impacts are considered less than significant.
d) Existing sources of day and nighttime light within and around Grass Valley include those common to developed areas, including motor vehicle lights along W Main Street and Alta Street, street lights, parking lot lighting, building lighting and signage in the project area.

Lights to be installed on the Gilded Springs project site includes street lights, and home entryway lights and patio lights, which will contain down shields thereby directing light downward. The residential lights must be directed so as not to spill light onto neighboring properties. Accordingly, light spillover is not anticipated to cause a significant impact to neighboring properties. Additionally, vehicle lights traveling south along Ben Taylor Crossing at the junction of Ben Taylor Crossing and W Main Street and at the intersection of Ben Taylor Crossing and Alta Street will create additional night time lighting. However, these potential impacts are intermittent, short term and thus are considered less than significant.

II. AGRICULTURE RESOURCES & FOREST RESOURCES

Would the project:

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

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) Result in the loss of forest land or conversion of forest land to non-forest uses?

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

SETTING

The proposed project is situated in an area that has been designated and zoned for low density residential use by the City of Grass Valley 2020 General Plan and Development Code. Except for the ±6.96-acre project site, the project area has been largely built out in accordance with the City’s residential land use designations.
"Agricultural Land" is defined as prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.

Although, portions of the site have been used for farming purposes, no current agricultural operations or forestry lands exist on the project site as defined according to the U.S. Department of Agriculture. Although, the property contains trees, the project site does not fall under the definition of forest lands as defined by Public Resources Code Section 12220(g).

**IMPACTS**

a)&b) The site is an infill site designated as "Urban and Built-up Land" as defined according to the U.S. Department of Agriculture. As defined, "Urban and Built-up Land is used for residential, industrial, commercial, construction, institutional, and public administrative purposes. Highways and other transportation facilities are also mapped as a part of Urban and Built-up Land if they are a part of the surrounding urban areas."

The California Resources Agency farmland mapping program does not identify the project site or vicinity as having Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed project site has been zoned for low density uses and is surrounded by similar developed residential uses. Considering no farmland as defined by CEQA exists within the project area, the proposed project will not involve conversion of farmland or zoning for agricultural use, including any farmlands under Williamson Act Contract. Therefore, no significant impact will occur.

c-e) As noted in the project setting above, the project will not conflict with existing zoning or cause the 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)).

Although, the project is slated to remove ±30 trees from the site, the project will not result in the loss of forest land or conversion of forest land to non-forest uses as defined. Standard conditions of approval require the applicant to obtain an exemption (for less than 3-acre conversion) of a Timber Harvest Permit from the California Department of Forestry and Fire Protection.

Additionally, the applicant will be required to obtain a Tree Removal Permit from the City in accordance with Chapter 12.36 of the City’s Municipal Code. No impact will occur.

### III. AIR QUALITY –

| Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |

*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.*

---

Gilded Springs Tentative Subdivision Map  
Initial Study/Mitigated Negative Declaration

City of Grass Valley  
June 4, 2019
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? ☐ ☐ ☒ ☐

SETTING

The project is located within the Northern Sierra Air Quality Management District’s (NSAQMD) jurisdiction. The overall air quality in Nevada County is good but two known air quality problems exist, Ozone and Suspended Particulate Matter (PM-10). Nevada County is a “non-attainment” for both pollutants. PM-10 in Grass Valley meets federal ambient ozone standards but exceeds the more stringent State standards in the winter, primarily due to smoke created from wood stoves and fireplaces. Violations in the summer months have been noted during forest fires or periods of open burning. PM-10 is usually associated with dust generated during construction. Western Nevada County is a non-attainment area for the federal 8-hour ozone standard and the entire county is non-attainment for the state one-hour ozone standard.

The NSAQMD has adopted standard regulations and conditions of approval for projects that exceed certain air quality threshold levels to address and mitigate both short-and long-term emissions. The Northern Sierra Air Quality Management District (NSAQMD) has established the below thresholds of significance for PM-10 and the precursors to ozone, which are reactive organic gases (ROG) and nitrogen oxides (NOx). The NSAQMD 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 an Environmental Impact Report to be prepared, which may result in even more extensive mitigations.

IMPACTS

a) The project does not conflict with or obstruct implementation of an air quality plan prepared by NSAQMD. No impact will occur.
b) The project will be required to comply with NSAQMD standard threshold regulations and conditions and therefore not violate an air quality standard or contribute substantially to an existing or projected air quality violation. A less than significant impact will occur.

c) Construction-related air pollutant emissions would originate from mobile and stationary sources including but not limited to: construction equipment exhaust, dust resulting from earth-disturbance, painting, and asphalt and/or concrete paving.

Construction-related emissions vary substantially depending on the level of construction activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind, precipitation conditions, and soil moisture content. In its developed condition as a residential use, air pollutant emissions would be generated by, but not limited to: gas appliances, gas-powered landscaping equipment, and vehicle exhaust.

In review of the project, the *California Emission Estimator Model (CalEEMod)* Version 2016.3.2, emissions modeling program was used to estimate air pollutant emissions associated with the proposed project. According to *CalEEMod* modeling results, air quality impacts for both construction and operational (occupancy) phases would be less than significant for all regulated air pollutants. Except for ROG/VOC, the daily emissions are below the Level A thresholds. For VOC/ROG emissions, the project would require Level B thresholds solely from architectural coating and paints. For example, the total daily ROG/VOC emissions are estimated to be 31.4 lbs/day. Of this total, 31.2 lbs/day or 99% are attributed to architectural coatings. To mitigate for ROG/VOC emissions, the project would use Low VOC paintings and coatings. The remaining emissions are from off-road construction equipment as noted in the following table:

<table>
<thead>
<tr>
<th>Project Construction and Operational Emissions Estimates</th>
<th>ROG (lbs/day)</th>
<th>NOx (lbs/day)</th>
<th>PM10 (lbs/day)</th>
<th>CO (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Construction Impacts</td>
<td>31.4</td>
<td>17.8</td>
<td>5.89</td>
<td>13.6</td>
</tr>
<tr>
<td>Project Operational Impacts</td>
<td>2.96</td>
<td>5.35</td>
<td>2.99</td>
<td>17.6</td>
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<table>
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<tr>
<th>Level A Thresholds</th>
<th>ROG (lbs/day)</th>
<th>NOx (lbs/day)</th>
<th>PM10 (lbs/day)</th>
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<tbody>
<tr>
<td>NSAQMD- Significance Thresholds</td>
<td>&lt;24 lbs/day</td>
<td>&lt;24 lbs/day</td>
<td>&lt;79 lbs/day</td>
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<tr>
<td>Level B Thresholds</td>
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<tr>
<td>Maximum Project Emissions</td>
<td>24-136 lbs/day</td>
<td>24-136 lbs/day</td>
<td>79-136 lbs/day</td>
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<td>Level C Thresholds</td>
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<tr>
<td>Maximum Project Emissions</td>
<td>&gt;136 lbs/day</td>
<td>&gt;136 lbs/day</td>
<td>&gt;136 lbs/day</td>
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Based on *CalEEMod* modeling outputs for the proposed project, long-term operational emissions would not exceed NSAQMD significance thresholds.

Although construction and operation of the proposed project would not exceed NSAQMD significance thresholds, NSAQMD’s standard conditions of approval for projects with Level A
and Level B (ROG/VOC) thresholds would be imposed thereby minimizing project emissions to an acceptable level. Such conditions are considered appropriate to apply to the proposed project to promote maintenance of air quality in the region. The standard conditions of approval recommended are consistent with goals of State Implementation Plans for the District.

Since operational emissions would be in accordance with accepted thresholds and construction-related emissions would be short-term, with implementation of NSAQMD’s recommended conditions of approval, the proposed project’s emissions are not anticipated to violate air quality standards or contribute substantially to an existing or projected air quality violation. Therefore, impacts are anticipated to remain less than significant with implementation of standard NSAQMD’s conditions of approval for Level A & Level B (ROG/VOC) projects as noted below.

Moreover, according to the City’s 2020 General Plan EIR, the site is not in an area of naturally occurring asbestos (NOA) as substantiated by Figure 3.1-1 of the General Plan EIR and as substantiated by the site-specific Geotechnical Report Prepared by Gularte & Associates. These potential impacts are less than significant.

d) Emissions associated with the proposed project would be greatest during construction activities, specifically when diesel-powered construction vehicles are used for earth-moving operations. The nearest sensitive receptor (i.e. residential use) is located approximately ±50 feet from the proposed residential lots, where grading will occur. Although in close proximity to sensitive receptors, the emissions associated with the project would be short-term and are not anticipated to result in a substantial elevation of pollutant concentrations in the area.

The proposed project’s operational emissions would be typical of those produced by residential development. Operational emissions would consist of PM10, CO, and ozone precursors (ROG and NOx). These pollutants would be generated by gas-fired water heaters, as well as from engine emissions associated with vehicle trips to/from the project and gasoline-powered landscape maintenance devices. Based upon the CalEEMod analysis, operational emissions are not anticipated to exceed Level A thresholds. These potential impacts are considered less than significant.

e) The project is not anticipated to produce any objectionable odors in its finished condition that would affect a substantial number of people. Construction activities associated with the proposed development, such as paving and painting, are likely to temporarily generate objectionable odors. However, since odor-generating construction activities would be temporary, and are only likely to be detected by a small number of residents nearest the project site, impacts from temporary project-related odors would be less than significant.

The following are standard NSAQMD air quality conditions that will be imposed on the project via conditions of approval:

**AQ 1 - Mitigation Measures:**
With implementation of the following standard conditions of approval, adverse impacts to air quality resulting from the proposed project would remain less than significant.
1. The project shall be required to use Low VOC paintings and coatings.
2. The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:
   a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
   b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
   c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
   d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.
   e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
   f. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
   g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
   h. No burning of waste material or vegetation shall take place on-site. Alternatives to burning include chipping, mulching or converting to biomass.

IV. 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?

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<tr>
<th>Potentially Significant Impact</th>
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IV. BIOLOGICAL RESOURCES –

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?

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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?

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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?

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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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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?

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SETTING

According to the reconnaissance-level Biological Survey conducted by Greg Matuzak, a Nevada County Biological Consultant dated July 2018, the entirety of the project site is disturbed and does not contain any natural woodlands or native grasslands given the ruderal/disturbed nature of the project site. Though most of the project site is currently underdeveloped, it has historically been used for agricultural purposes, including orchards, therefore, the project area does not contain native woodlands or many native plant species. The project site, including a greenhouse were being used for agricultural production as of July 2018.

The project site is located at approximately 2,550 feet above Mean Sea Level (MSL). The project area is relatively flat in the central and southern sections with gentle slopes towards the southern portions of the project area. In general, the project area slopes gently towards the southern area and along the western edge that includes Peabody Creek (Rhode Island Ravine), which connects with Wolf Creek downstream after crossing West Main Street through an existing culvert. Site runoff within the southeastern section of the project area connects downstream with Wolf Creek after crossing West Main Street through an existing culvert once it leaves the project area through the perennial spring fed stream. The existing residence includes several ornamental hedges and trees.
The subject project area does not contain any heritage trees that are subject to City of Grass Valley policies; however, the project area is subject to the City of Grass Valley Tree Ordinance.

The purpose of the Biological Survey is to identify the location and extent of sensitive biological resources within the project site. This includes special status plant and wildlife species. The Survey also considered the presence of drainage features and/or wetlands that could potentially meet the U.S. Army Corps of Engineers criteria as “Waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA), and streams that could be under the jurisdiction of the California Department of Fish and Wildlife (CDFW) Code Section 1600 et. seq. The conclusions of the biological survey are:

- The seasonal stream along Peabody Creek (Rhode Island Ravine) and the perennial spring fed stream along the southeastern section of the Project site would be defined and mapped as waters of the U.S. Therefore, both streams would be potentially subject to regulation under the Clean Water Act. In addition, both streams would be subject to regulation by CDFW and the City of Grass Valley Development Code Section 17.50. However, the project area does not contain any wetlands that would be potentially subject to regulation by state and/or federal agencies given the lack of dominance of wetland vegetation, lack of indicators of hydric soils, and lack of primary and secondary indicators of wetland hydrology. Therefore, no wetlands were documented or mapped within the project area.

- Based upon site specific surveys, the project site does not contain any heritage trees as designated by the City of Grass Valley. However, the project area would be subject to the City of Grass Valley Tree Ordinance and a Tree Removal Permit would be required prior to the removal of any tree that is 10 inches or greater DBH. Several native Ponderosa pine trees are located within the upper Rhode Island Ravine within the project area as well as several other trees that would be subject to a City Tree Removal Permit.

- Given the project site does contain larger trees scattered throughout and those trees may provide suitable habitat for nesting raptors and Migratory Bird Treaty Act (MBTA) protected nesting bird species, removal of such trees should be done outside the breeding season if possible to avoid potential impacts to such nesting species.

**IMPACTS**

a) Special status species were considered in the Biological Survey based upon a current review of the California Natural Diversity Data Base (CNDDDB) and databased information provided by the United States Fish and Wildlife Service for the subject parcel. The database searches did reveal ten (10) special-status species, including *Brandegee’s clarkia, Scudden Flat checkerbloom, Pine Hill Flannelbush, Stebbins’ morning glory, finger rush, dubious pea, chaparral sedge, brownish beaked rush, coast horned lizard, and Townsend’s big-eared bat* that have been previously identified within 3 miles of the subject parcel. None of the species were observed on-site during field surveys.

In addition, three (3) aquatic special-status species are discussed given the presence of a pond, spring fed seasonal stream, and the Peabody Creek (Rhode Island Ravine) seasonal stream, the perennial spring fed stream, and artificial pond within the project area. They include *western pond turtle, foothill yellow-legged frog, and California red-legged frog*. However, suitable habitat is
not present for these species and their potential to be present within the project site is considered very low to nil. Therefore, given none of these aquatic special-status species have been documented within 3 miles of the project area and suitable habitat is considered marginal or non-existent, these specials area considered absent from the project site.

Additionally, the project site contains a single medium sized blue elderberry (Sambucus nigra ssp. Caerulea) shrub. The shrub is in the center of the project site. There are several other blue elderberry saplings growing in the area as well. The blue elderberry is the host plant for the federally threatened valley elderberry longhorn beetle (Desmocerus californicus dimorphus). However, the species has not been documented within 5 miles of the project area and it has not been identified at the elevation of the project site. The maximum elevation for the species is 2,260 feet above MSL. Therefore, this species is not discussed in detail given the project site does not contain suitable habitat for valley elderberry longhorn beetle taking into account the project site elevation is above the maximum known elevation for the species.

Based on the above recommendations by the biologist of record, the project is not anticipated to have a significant impact on biological resources. With respect to the potential of protected birds identified above and considering that grading is likely to commence during the breeding season (March 1 through August 30), the following Mitigation Measure will assure that impacts to migratory birds are reduced to a less than significant level:

**BIO 1 – Mitigation Measure:**
If construction or development activities during the breeding season (March 1 through August 30) have the potential to disturb or remove occupied nests of migratory birds or raptors the preparation of a pre-nesting construction survey within 250 feet of the disturbance area of the subject parcels for nesting migratory birds and raptors prior to development is required. If any nesting raptors or migratory birds are identified during surveys, active nests should be avoided and a no-disturbance or destruction of the nest site until after the breeding season or after or after a wildlife biologist determines that the young have fledged will be required. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances.

Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or additional conditions.

b) The upper reaches of Rhode Island Ravine appear to have a more or less intact “flood plain” (or natural topography) as much as 10 to 20 feet wide, but the floodplain is mostly absent at the lower reaches near W Main Street given the confined stream channel and flat topography of the lower reaches within the project site. The banks and floodplain are densely vegetated with impenetrable thickets of the invasive exotic Himalayan blackberry (Rubus armeniacus) that average approximately 3 to 4 feet high for the entire length of the channel within the project site. Therefore, the seasonal stream along Peabody Creek (Rhode Island Ravine) would be defined as mapped as “Waters of the U.S.” In addition, the perennial spring fed stream along the southeastern section of the project site along Linden Avenue would also be defined as “Waters
of the U.S.” Therefore, the streams would be subject to regulation under the Clean Water Act (CWA) if any dredge or fill material is placed below the Ordinary High-Water Mark (OHWM) of either stream.

However, no wetlands were documented or mapped within the project site. Peabody Creek (Rhode Island Ravine) is dominated by Himalayan blackberry, which has a wetland indicator status of Facultative Upland, meaning it associates more closely with upland areas than wetlands. Soil pits were taken at 3 locations to identify indicators of hydric soils and primary and secondary indicators of wetland hydrology. The soil pits were taken adjacent to Peabody Creek (Rhode Island Ravine) within the seasonal stream floodplain, adjacent to the perennial spring fed stream within the southeastern section of the project site, and along the southeastern boundary of the project site directly adjacent to and behind the Sierra Mountain Inn where an existing berm has created some ponding.

The USDA soil survey documented two soil types within the project site and neither are soil types listed on the NRCS Hydric Soils list for Nevada County. The two soil types mapped by USDA within the project site include Cohasset Cobbly loam, 5 to 30 percent slopes and Sites very stony loam, 15 to 50 percent slopes. None of the soil pits demonstrated show chroma or hydric soils indicators. Primary and secondary indicators of wetland hydrology were also absent. Given that the soil pit locations are dominated by upland plant species and the soil pits did not demonstrate the presence of hydric soil indicators or primary or secondary indicators of wetland hydrology, no wetlands subject to potential state and/or federal regulation were mapped within the project site.

CDFW has jurisdiction authority over wetland resources associated with rivers, streams, and lakes under Fish and Game Code Section 1600-1616. CDFW has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a stream bed.

In practice, CDFW marks its jurisdictional limit at the top of the stream or lake bank, or the outer edge of the riparian vegetation (where present) and extends its jurisdiction to the edge of the 100-year floodplain. Both the seasonal stream within Peabody Creek (Rhode Island Ravine) and the perennial spring fed stream within the project area would be regulated by CDFW. Therefore, a CDFW Streambed Alteration Agreement would be required for encroachment into the bed and bank or existing blackberry bushes associated with the seasonal stream along Peabody Creek (Rhode Island Ravine) or within the bed and bank of the perennial spring fed stream. A restoration plan would also need to be developed to restore the areas adjacent to Peabody Creek (Rhode Island Ravine) that contain blackberry bushes and/or floodplain. The CDFW permitting requirements would serve as adequate mitigation to reduce any impacts associated with Peabody Creek (Rhode Island Ravine) and the perennial spring fed steam to a less than significant impact.
BIO 2 - Mitigation Measure:

1. Prior to approval of a grading permit, the applicant shall obtain a Section 1600 CDFW Streambed Alteration Agreement Permit from CDFW. In accordance with CDFW, the Streambed Alteration Agreement Permit should include the following provisions:

   a. Develop and implement site specific restoration if encroachment within the 30-foot stream setback must be encroached within (City of Grass Valley Development Code) and/or impacts to the seasonal stream riparian vegetation or floodplain are to occur within Rhode Island Ravine within the project site.

   b. A final restoration plan would be prepared to meet the minimum standards for a restoration plan. This includes:

      i. Description of existing conditions, including the exiting habitat functions and values;
      ii. Description of the anticipated of target functions and values of the restored riparian corridor, and minimum success criteria, and guidelines for measuring success;
      iii. Detailed planting guidelines, hydrologic zones and plant palette by zone;
      iv. Detailed maintenance guidelines;
      v. Guidelines for monitoring and reporting; and,
      vi. Contingency plan

2. Ensure the restoration project is self-sustaining beyond the established phase as follows: The planning would be designed to be self-sustaining by selecting species adapted to the microsite conditions of the restoration area, i.e. the position of the specific site above the summer water table. For example, wetland associated or FACW species would be limited to the waters' edge or banks of the active channel, and the flood plain and upland areas would be planted by drought-tolerant FAC and upland plant species. The plant palette would include only locally native species, and, to the extent possible, contract grow saplings from local seed and cuttings, or purchase materials grown from parent stock in the Bear River or Yuba River watersheds. The implementation of restoration along the seasonal creek would occur as part of the landscaping plan for the project area development.

The above Mitigation Measures would reduce potential impacts to riparian habitats or other sensitive natural community to a less than significant impact.

The City of Grass Valley Development Code also requires a Resource Management Plan to be prepared for encroachment in the 30-foot stream setback and shall include measures which will minimize impacts to the watercourse and enhance runoff filtration. The measure should include: enhancement and/or restoration of the riparian vegetation area; removal of non-native vegetation; decompaction of soils and/or incorporation of organic material to improve runoff filtration; incorporation of bio-swales in drainage plans to filter parking areas; and, incorporation of other Best Management Practices (BMP's) which provide long-term protection of the water quality.

c) The project area was surveyed for the presence of jurisdictional wetlands that would be potentially subject to regulation by state and/or federal agencies. No wetlands were documented or mapped within the project site.
According to the Habitat Restoration & Enhancement Plan prepared by Chainey-Davis Biological Consulting dated February 2019, the project will not impact the waters of the U.S. regulated under Sections 401 and 404 of the federal Clean Water Act (CWA). If the restoration project is limited to removal of invasive Himalayan blackberry from the riparian zone and replacing with native plants, no work would be required below OHWM or to waters of the U.S. nor would the buildout of the lots or infrastructure require removing any riparian vegetation, which is regulated under Section 1602 of the Fish and Game Code (FGC). The proposed restoration project, however, would involve removing the invasive exotic Himalayan blackberry from the riparian zone, resulting in the temporary loss of ±0.29 acres of riparian vegetation. The temporary impacts would be mitigated on-site by replacing the invasive exotic with native plant species, resulting in a net increase in habitat function and value. The plantings would be installed, maintained, monitored, and reported in accordance with the specifications of the restoration plan. Incorporation of the Mitigation Measures in the stream restoration and enhancement plan would reduce any potential impacts to a less than significant impact:

**BIO 3 – Mitigation Measure:**

**Remove Invasive Riparian Weeds & Replace with Native Plants** – The applicant shall restore the stream riparian habitat by removing the existing Himalayan blackberry on the east side of the stream, stabilizing the banks with geo-textiles, and planting with locally native riparian and upland plant species. A total of ±0.29 acres of Himalayan blackberry removed within the riparian zone shall bereplace with an equal amount of native plant species characteristic of small, seasonal streams in the foothills of Nevada County. The restoration plan includes details and specifications for: Himalayan blackberry removal; Site preparation & fencing; Planting techniques; Maintenance requirements; Monitoring and reporting; Contingency; and, Long-range ownership and management of the mitigation area.

The project would not directly impact listed or other special status species, and no designated Critical Habitat would be affected.

d) The project is an infill residential project in the City of Grass Valley, so the presence of migratory deer is therefore reduced. However, known migratory deer ranges outlined in the *Nevada County General Plan* were reviewed for deer migration corridors, critical range, and critical fawning areas. The subject parcel is not located in any known major deer corridors, known deer holding areas, or critical deer fawning areas. Per the Migratory Deer Ranges Nevada County General Plan map, the project area is located in an area of potential Deer Winter Range. However, the field survey also did not record any observations of deer. The Project site does not contain any known major deer migration corridors, known deer holding areas, nor critical deer fawning areas. This potential impact is less than significant.

e) Prior to removing trees from the property, the applicant shall be required to obtain a Tree Permit in accordance with *Chapter 12.36 of the City Municipal Code*. The Tree Permit shall be approved by the City of Grass Valley Public Works Department prior to or concurrently with approval of improvement plans for the project. No tree removal or grading shall occur until such time a tree permit has been approved. Mitigation for the removal of trees shall be...
completed in accordance with Chapter 12.36.085 of the City’s Municipal Code. Trees to be 
preserved on-site shall also be shown on the improvement plans and protective fencing shall be 
installed prior to any grading activities. The fencing shall be in accordance with 12.36.200 of the 
City’s Municipal Code. As a result of the City’s tree permitting and tree protection requirements, 
these potential impacts are considered less than significant.

f) The property has been slated for urban development according to the City of Grass Valley 
General Plan for more than 50 years. The project will not conflict with the provisions of an 
adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved 
local, regional, or state habitat conservation plan. No impact will occur.

V. CULTURAL RESOURCES –

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?  

☐ ☐ ☐ ☒

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?  

☐ ☐ ☒ ☐

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?  

☐ ☒ ☐ ☐

TRIBAL CULTURAL RESOURCES –

Would the project:

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

e) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical 
resources as defined in Public Resources Code section 5020.1(k)?  

☐ ☐ ☐ ☒
f) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

SETTING

Nevada County is part of the Sierra Nevada Range, a geologic block approximately 400 miles long and 80 miles wide which extends in a north-south bank along the eastern portion of California. Two features of the Sierra Nevada distinctly characterize the terrain of Nevada County. The western third of the county is comprised of rolling foothills which form a transition between the low-lying Sacramento Valley and the mountains to the east. The area extending from the Yuba County line to just northeast of the Grass Valley/Nevada City area is generally comprised of metavolcanics and granitic formations.

Prehistoric use and occupation focused on major surface water sources and other natural resource areas, with particular emphasis given to stream confluences and to ecotones created at the interface of foothill/valley lands, elements of which are located within and/or near the present study area.

Most of the Area of Potential Effect (APE) is situated within relatively flat to gently sloping lands west of Slide Ravine, approximately 0.5 miles north of Gold Hill. Virtually all of the APE has been affected by past logging, ranching, farming, and residential activities.

The subject property is located in the City’s 1872 Historic Townsite, a locally designed historic area.

IMPACTS

a) According to the Archaeological Inventory Survey prepared by Sean Michael Jensen, M.A., dated August 2018, one historic-era resource was identified within the project area during the pedestrian survey. The site was recorded on a DPR 523 form and assigned the temporary designation of 652 Linden Avenue. However, as noted in the project description, once the Lot Line Adjustment is recorded, the historic residence at 652 Linden Avenue is not part of the project proposal and will not be altered in any manner as a result of the project.

Infill residential development within the 1872 Historic Townsite is not anticipated to have a substantial adverse change to the significance of the 1872 Historic Townsite. A substantial adverse change in the significance of a historical resource means 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.

The Gilded Springs homes proposed contain similar architectural and material elements to those in the neighborhood and within the City’s 1872 Townsite. No impact will occur.

b) No evidence of prehistoric activity or occupation was observed during the present pedestrian survey conducted by Sean Michael Jensen, M.A. The absence of such resources may best be
explained by more suitable habitation locales located closer to permanent sources of surface water, and to the level of disturbance which most of the property has been subjected to. Three isolated artifacts of possible prehistoric origins were identified within disked portions of the tomato fields. A careful examination of all three artifacts failed to identify any additional prehistoric cultural material. All three are considered Isolates, fail to achieve the thresholds of significant historic resources, or unique archaeological resources, and none warrant further consideration or treatment. This potential impact is considered less than significant.

c) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No impact will occur.

d-f) Existing records at the North Central Information Center (NCIC) document that portions of the present Area of Potential Effect (APE) had been subjected to previous archaeological investigation, and that no cultural resources had been documented within the APE. As well, the present effort included an intensive-level pedestrian survey conducted by Sean Michael Jensen, M.A.

Consultation was also undertaken with the Native American Heritage Commission (NAHC) regarding sacred land listing for the property. An information request letter dated July 18, 2018, indicating that a search of their Sacred Lands files returned negative results. However, additional ground disturbing activities associated with implementation of the proposed project could potentially disrupt, alter or eliminate as-yet undiscovered archaeological sites, potentially including Native American remains.

On February 12, 2019, City staff walked the property with representatives of the United Auburn Indian Community (UAIC). During the site survey, the UAIC Tribal Historic Preservation Officer did identify potential remnant tribal cultural resources on the property. With potential surface finds identified during the site visit, there is a likelihood that additional surface finds may occur once the blackberry bushes are removed, as well as subsurface finds during ground disturbance work such as grading and installation of infrastructure. However, Mitigation Measures recommended for the protection of tribal cultural resources for the project would reduce potential impacts to an acceptable level. These measures address identification of tribal cultural resources, inadvertent discoveries and a post-ground disturbance site visit to the project area once the blackberries along Peabody Creek (Rhode Island Ravine) are removed.

CUL 1 - Mitigation Measure:
Awareness Training - Prior to approval of a grading permit, a consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in the project implementation will be developed in coordination with the UAIC. The brochure will be distributed, and the training will be conducted in coordination with qualified cultural resources specialist and UAIC. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences for violating State laws and regulations. The worker cultural resource awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential archaeological resources or artifacts are
encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans.

**CUL 2 - Mitigation Measure:**

Inadvertent Discoveries - If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered, work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR’s to be appropriate or respectful and request materials not be permanently curated, unless requested by the Tribe.

If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur.

In the event of inadvertent human remains discovery, the County Coroner shall be informed and consulted, per State law. Ultimately, the goal of consultation is to establish an agreement between the most likely lineal descendant designed by the Native American Heritage Commission and the project proponent(s) with regard to a plan for treatment and disposition of any human remains and artifacts which might be found in association. Such treatments and disposition may require reburial and any identified human remains/burials with a “preserve” or other designed portion of the development property not subject to ground-disturbing impacts.

**CUL 2 - Mitigation Measure:**

Inadvertent Discoveries - In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.

CUL 3 - Mitigation Measure

Post Ground Discovery - A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the Community Development Department of the proposed earthwork start-date. The Community Development Department will then contact the United Auburn Indian Community (UAIC). A UAIC tribal representative shall be invited to inspect the site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, usual amounts of bone or shale, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find. The project applicant shall then coordinate any necessary investigation of the site with the UAIC tribal representative, a qualified archaeologist approved by the City. As part of the site investigation and resource assessment the archeologist shall consult with the UAIC and provide proper management recommendations should potential impacts to the resources be found by the Community Development Department to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the Community Development Department by a qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures.

VI. GEOLOGY AND SOILS –

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?

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Gilded Springs Tentative Subdivision Map
Initial Study/Mitigated Negative Declaration

City of Grass Valley
June 4, 2019
iii) Seismic-related ground failure, including liquefaction? 

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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

d) Be located on expansive soil, as defined in the Building Code, creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**SETTING**

The project site is located on the northern half of the Sierra Nevada Geomorphic Providence of California. The Sierra Nevada Geomorphic Province is bordered to the north by the Cascade and Basin and Ranges, to the west by the Great Valley, to the east by the Basin and Range, and to the south by the Transverse Ranges and the Mojave Desert. The Sierra Nevada is nearly 400 miles in length and averages about 50 miles wide. Formation of the Sierra Nevada occurred by tectonic shifting of the Sierran Block; the western side dropping to form the Great Valley and the eastern side being uplifted to form the Sierra Nevada.

* A *Geotechnical report was prepared by Gularte & Associates dated August 15, 2018,* which included:
  * Review of the site geology and ground water conditions;
  * Performed 6 exploratory test pits to a maximum depth of approximately 10 feet below existing grade to classify the soil and obtain samples for laboratory testing;
  * Performed 7 grain size analyses to further classify the on-site soil;
  * Performed an expansion index to determine the expansion potential of the native soil;
  * Performed engineering analysis and used engineering judgement for earthwork and foundation recommendations; and,
  * Prepared findings, conclusions, and recommendations.

**IMPACTS**

a) Based on the *2010 Fault Activity Map of California prepared by the California Geological Survey,* the nearest faults are the Grass Valley Fault, Wolf Creek Fault Zone, Spenceville Deadman Fault, and Swan Ravine Fault located 2 miles east, 6 miles south, 12 miles west, and 14 miles northwest, respectively. The Grass Valley Fault is a Pre-Quaternary fault (i.e. no visible signs of movement within 1.6 million years). This fault is not necessarily inactive. The Wolf Creek and Spenceville Deadman Faults show geomorphic evidence of movement during the late Pleistocene epoch (700,000 to 11,000 years ago), and the Swan Ravine Fault shows geomorphic evidence of movement undifferentiated during the Quaternary period.
According to the 2008 Seismic Motion Interpolator prepared by the California Division of Mines and Geology, there is a 10 percent probability that the site will experience a horizontal ground acceleration of 0.16g in the next 50 years. This is a relatively low level of ground shaking for California. Earthquake faults, strong seismic ground shaking, seismic related ground failure and landslide impacts are considered less than significant.

b) Provided the recommendations of the Geotechnical Report are followed as mitigated below, the project will not result in substantial soil erosion or the loss of topsoil. These impacts are less than significant.

c) The risk of lateral spreading from landslides and liquefaction is low. The site resides in a low seismic zone, and site geology consists of stiff/dense native soils and decomposing rocks. These impacts are considered less than significant.

d) Gularte & Associates performed six exploratory test pits across the site to a maximum dept of 10 feet to classify the soil type and obtain samples for laboratory testing. The findings in the test pits were generally consistent across the site. In general, the results found dense silty sands and well cemented clayey silts throughout the trench profiles with pockets of highly expansive, tan, fat clay observed at a depth of 2 feet in Test Pit #1 (Lot 5) and 7 feet in Test Pit #3 (Lot 26).

Highly expansive clays were observed in test pits #1 (Lot 5) and #3 (Lot 26). When subject to the effects of shrink and swell, this material can cause serve damage to structures and drastically reduce the lifespan of pavements and flatwork which could be considered a significant impact. As such, Gularte & Associates recommends that this material be removed and either hauled off site or placed in the open space areas. However, these impacts are considered less than significant with the following Mitigation Measure:

**GEO 1 - Mitigation Measure:**
The applicant shall submit to the City Engineer for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the Building Official, and the Engineering Division.

e) The project will be connected to City of Grass Valley utilities for both water and sewer. Therefore, this potential impact is not applicable. No impact will occur.
VII. GREENHOUSE GASES -

Would the project:

a) Generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment.

b) Conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases.

SETTING

The City of Grass Valley has not conducted a greenhouse gas emissions inventory or adopted a Climate Action Plan, performance standards, or a GHG efficiency metric. However, the City has recently adopted an Energy Action Plan and the Grass Valley 2020 General Plan includes numerous goals, policies, and programs which, if implemented, will reduce Grass Valley’s impacts on global climate change and reduce the threats associated with global climate change to the City.

CEQA Guidelines Section 15064.4 provides direction to lead agencies in determining the significance of impacts from GHG emissions. Section 15064.4(a) calls on lead agencies to make a good faith effort, based upon available information, to describe, calculate or estimate the amount of GHG emissions resulting from a project. The lead agency has the discretion to determine, in the context of a particular project, how to quantify GHG emissions.

Greenhouse gases (GHG) include gases that can affect the earth’s surface temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a process of absorbing different levels of radiation. GHG are effective in absorbing radiation which would otherwise escape back into space. Therefore, the greater the amount of radiation absorbed, the greater the warming potential of the atmosphere. GHG are created through a natural process and/or industrial processes. These gases include water vapor (H2O), carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrafuorocarbons (HFCs), Perfluorocarbons (PFCs) and sulfur hexafluoride (SF6).

Since 2005, the California legislature adopted several bills, and the Governor signed several Executive Orders, in response to the impacts related to global warming. Assembly Bill 32 states global warming poses a serious threat to California and directs the Air Resources Board to develop and adopt regulations that reduce GHG emissions to 1990 levels by the year 2020. Senate Bill 97 requires an assessment of projects GHG emissions as part of the CEQA process. SB 97 also required the Office of Planning and Research to develop guidelines to analyze GHG emissions.
The NSAQMD has not adopted thresholds of significance for GHG emissions. Due to the nature of global climate change, it is not anticipated that a single project would have a substantial impact on global climate change. Although it is possible to estimate a project's CO2 emissions, it is not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment.

**IMPACTS**

a)&b) Calculating the Greenhouse Impacts on an individual project is difficult to qualify or quantify. The GHG emissions from the proposed project would not individually generate GHG emissions enough to measurably influence global climate change. However, ongoing occupancy and operation would result in a net increase of CO2 and other greenhouse gas emissions due to vehicle miles traveled, energy use, and solid waste disposal. However, as an infill residential project, vehicle miles traveled may be reduced. According to the CalEEMod program conducted for the project, the following air quality impacts are anticipated with the proposed Gilded Springs project:

<table>
<thead>
<tr>
<th>Project Construction and Operational Emissions Estimates</th>
<th>ROG (lbs/day)</th>
<th>NOx (lbs/day)</th>
<th>PM10 (lbs/day)</th>
<th>CO (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Construction Impacts</td>
<td>31.4</td>
<td>17.8</td>
<td>5.89</td>
<td>13.5</td>
</tr>
<tr>
<td>Project Operational Impacts</td>
<td>2.96</td>
<td>5.35</td>
<td>2.99</td>
<td>17.63</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level A Thresholds</th>
<th>&lt;24 lbs/day</th>
<th>&lt;24 lbs/day</th>
<th>&lt;79 lbs/day</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSAQMD- Significance Thresholds</td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Level B Thresholds</td>
<td>24-136 lbs/day</td>
<td>24/136 lbs/day</td>
<td>79-136 lbs/day</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Project Emissions</td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Level C Thresholds</td>
<td>&gt;136 lbs/day</td>
<td>&gt;136 lbs/day</td>
<td>&gt;136 lbs/day</td>
<td>N/A</td>
</tr>
</tbody>
</table>

As noted in the Air Quality Section of this Initial Study, the above impacts are within the acceptable level of impacts as viewed by the NSAQMD. In addition, the following project components and California Green Building requirements apply to the proposed residential project:

- All new residential construction with attached private garages shall have an electric vehicle (EV) charging station.
- Residential projects with an aggregate landscape area equal to or greater than 500 square feet shall comply with either a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent.
- Toilets and showers shall be low flow.
- Construction waste management forms shall be completed including recycling and/or reuse a minimum of 65 percent of nonhazardous construction and demolition waste.
All exterior lighting shall be high efficacy and be controlled by a manual on/off switch.
All high efficacy light fixtures shall be certified as "high-efficacy" light fixtures by the California Energy Commission.
Each of the homes shall be constructed in accordance with Title 24 Energy Standards.
Solar shall be required for building permit applications deemed complete after January 1, 2020.
As an infill residential project, in proximity to services, it is anticipated that reduced vehicle trips will result than otherwise would have occurred.

The above CA Green Building Code requirements coupled with the analysis and conditions of approval in the Air Quality Section of this Initial Study, will assure that Greenhouse Gas impacts remain less than significant.

**VIII. HAZARDS AND HAZARDOUS MATERIALS —**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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?</td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
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 wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? ☐ ☐ ☒ ☐

SETTING

Hazardous materials stored and used onsite and on surrounding properties would be associated with common construction and household chemicals used. However, these common household chemicals are legally purchased and are not considered a health hazard.

The City’s Fire Department responds to all calls for emergency services within City limits that include, but are not limited to: fires, emergency medical incidents, hazardous materials incidents, public assists, traffic and vehicle accidents and other situations. Fire Station #1, located on Brighton Street, is staffed 24 hours a day. This station is located less than 1 mile from the project site.

In the Grass Valley area, industrial and commercial facilities that use, store, or dispose of hazardous materials present the greatest potential hazards. A search of available environmental records conducted indicates that the project site is not listed as a hazardous materials site and no listed sites occur within an ASTM standard distance radius.

IMPACTS

a)&b) The proposed project does not involve an activity that may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No impact will occur.

The properties are not listed on the City’s Hazardous Waste Site or Nevada County’s Contaminated Sites lists. In addition, staff conducted a record search on the State’s Geotracker, Envirostor and Department of Conservation websites and found no evidence of abandoned mine or hazardous waste sites on the project site.

The City’s General Plan identifies upwards of 46 mining claim boundaries in the Grass Valley area, but none are located in the proposed project site. However, staff acknowledges that the area could contain mine-related features since they are very common, and not an unusual circumstance, in the City. No impact will occur.

c)&d) The proposed project does not involve an activity that will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The project is not located on a site which is included on a list of hazardous materials sites. No impact will occur.
e)&f) The project site is located approximately 3 miles (as the crow flies) from the Nevada County Airport. As required by the Public Utilities Code, the Airport Land Use Commission adopted the Nevada County Airport Land Use Compatibility Plan. The compatibility plan's function is to promote compatibility between the airport and surrounding land uses with respect to: height (e.g. height of structures), safety (e.g. number of persons per acre), and noise (e.g. noise sensitive land uses). According to the Nevada County Airport Land Use Compatibility Plan, the project site is located outside of the area of influence.

The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands. No impact will occur.

g)&h) The project will not impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan. No impact will occur.

Though the project site, as with most of the City, is designated as within a high fire hazard severity zone, the proposed access and water system will support adequate fire suppression activities. According to the City Fire Chief, development of this does not expose a greater risk from wildfire than any other area in the City. This impact is less than significant.

IX. 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 the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☒ ☐ ☐

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result ☐ ☒ ☐ ☐
IX. HYDROLOGY AND WATER QUALITY –

in flooding on- or off-site?

| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water 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 flood hazard delineation map? |
|---|---|---|---|---|
| | | | | |

| h) Place within a 100-year flood hazard area structures which 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) Inundation by seiche, tsunami, or mudflow? |
|---|---|---|---|---|
| | | | | |

SETTING

The project is located within the headwaters of Peabody Creek (Rhode Island Ravine), tributary to Wolf Creek, tributary to the Bear River, tributary to the Feather River. The project drains a small watershed of roughly 0.2 square miles, with baseflow support provided by the numerous springs on and off the site.

Drainage from and around the project parcel includes natural swales, ditches, and storm water infrastructure. Historical drainage from the project likely followed natural topography and flowed south where W Main Street is currently constructed and into Peabody Creek. Today, a perennial spring-fed channel originates in the center of the project near a historic residence and discharges to a small constructed pond before discharging to a constructed ditch.

The ditch runs along Linden Avenue briefly before turning south between neighboring parcels and discharges to the municipal storm drain network. A seasonal spring and intermittent channel form the western project boundary and discharge to the municipal storm drain at W Main Street. Both these storm drains discharge to Peabody Creek. Separately, at least one (possibly two) seasonal springs east and outside of the project boundary discharge to residential lawns and Linden Avenue where flows are conveyed to a separate storm drain system which eventually routes this runoff to Slide Ravine.
The subject property is located in Flood Zone X (Areas determined to be outside the 500-year flood plain) according to the Flood Insurance Rate Map for the County of Nevada, Map No. 06057C0627E dated February 3, 2013. Due to the site’s topography and location away from any major waterways, flooding is not a concern on the project site according to Federal Emergency Management Agency (FEMA).

IMPACTS

a) A total of ±6,195 cubic yards are anticipated to be excavated with fill accounting for ±6,115 cubic yards resulting in an import of ±80 cubic yards. The proposed project will require a grading permit to be issued by the City of Grass Valley, Public Works Division pursuant to the City’s Grading Ordinance. The City’s Grading Ordinance requires specific measures to address erosion and the introduction of construction materials into surface waters. In addition, Section 402(p) of the Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) storm water permitting to be approved by the Regional Water Quality Control Board for projects disturbing over 1 acre. Standard Mitigation Measures requiring a NPDES permit from the RWQCB will reduce potential impacts to a less than significant impact.

HY/WQ 1 - Mitigation Measures:
1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.

2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.

Additionally, Mitigation Measures of the stream restoration & enhancement plan include the following for work adjacent to Peabody Creek (Rhode Island Ravine):

HY/WQ 2 - Mitigation Measures:
To protect soil and water resources during the implementation of the stream restoration project, the following Best Management Practices (BMPs) shall be implemented for the duration of the implementation phase and the efficacy of the BMPs monitored for the duration of the maintenance, monitoring, and reporting phase:

Pre-Construction Planning
1. Limit Construction to Dry Weather - At no time shall work occur in flowing water or saturated soils. Construction activity involving soil disturbance within 10 feet of the top-of-bank during the dry period for the stream (July 1 to October 1), and during dry weather. Vegetation and soil disturbance activities shall be timed with awareness of precipitation forecasts and shall be started only if the local weather forecasts predict no rain for a period of 72 hours.
2. **Locate Staging and Spoil Areas away from the Stream** – Locate spoil piles, equipment refueling & maintenance areas, access roads, parking, and staging areas a minimum of 10 feet from the top-of-bank.

3. **Minimize soil disturbance and preserve native vegetation** – Minimize the amount of soil and native vegetation disturbance to the minimum necessary. Prior to the start of the Himalayan blackberry removal/initial mowing, identify and flag any native riparian species for avoidance. Removal of native upland trees and shrubs within the stream easements shall also be minimized by flagging prior to the start of blackberry removal.

**Sediment & Other Pollutant Controls**

4. Prior to the start of work that will disturb soil on slopes within 10 feet of the stream, including blackberry removal, install straw/coir logs or rolls or silt-fencing at the top of bank to keep disturbed/erodible soils and other pollutants from entering the stream. Sediment controls shall also be installed around the perimeter of the equipment maintenance/refueling areas. Install sediment controls around the perimeter of spoil piles (including piles of removed blackberry root crowns) to trap sediment in the event of rain and release it as cleaner street flow. Silt fencing and/or straw/coir logs shall be installed according to manufacturer’s directions.

5. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away from the stream.

6. The restorations contractor shall exercise every reasonable precaution to protect the stream and stream easement from accidental pollution with fuels, oils, bitumen, and other harmful materials. Bentonite and cement are very toxic to fish and the aquatic environment. Under no circumstances shall bentonite be used to stabilize soils and no concrete wash water shall be discharged into the stream, even during the dry season. The contractor shall keep spill containment materials onsite at all times during construction.

7. No debris (including blackberry canes and root crowns) shall be placed in the stream channel. All vegetation debris, packaging materials, and other litter shall be removed from the stream easement immediately upon completion.

**Erosion Control**

8. Upon removal of the blackberry roots/root crowns, all disturbed soils shall be graded or raked smooth and biodegradable geo-textiles shall be secured to the banks and adjacent hillslopes immediately upon removal of the blackberry bushes. The geo-textiles shall be installed and secured according to the manufacturer’s directions. Erosion control measures need not be installed following the initial mowing; but shall be installed immediately following removal of the blackberry roots and crowns – mechanically or chemically.

**Inspect & Maintain Control Measures**

9. Sediment and other pollutant control measures, and erosion control measures shall be inspected regularly, and repaired and/or re-installed not less than 24 hours before a forecast storm or rain event.
10. Upon completion of the planting, erosion and control measures (plantings, geotextiles and other control measures) shall be inspected monthly for the duration of the restoration monitoring period, and no less than 24 hours prior to a forecast storm or rain event.

b) The proposed project will be connected to the City of Grass Valley municipal water supply. The water connection of 27 single family homes is not anticipated to deplete groundwater supplies or interfere substantially with groundwater recharge. This impact is less than significant.

c)-d) Historically, it has been noted that residents located downslope and adjacent to the project site have experienced minor flooding of basements, driveways, and yards from surface runoff. Based upon the initial reconnaissance-based investigation, the hydrologist of record noted that drainage and flooding issues on parcels neighboring the site area likely caused by a possible combination of a) spring flow and groundwater discharge from on-or off-site sources; b) surface runoff from on-or off-site sources; and, c) backwatering from debris wracking and/or an undersized storm drain system.

According to the Geotechnical Report (Gularty 2018), no groundwater was present in the six exploratory test pits recorded on July 26, 2018, which indicates that the spring flow and groundwater discharge associated with Linden Avenue may be independent from the ±6.96-acre Gilded Springs project site, although existing drainage from contiguous portions of the project site may be draining in an easterly direction toward Linden Avenue. The drainage plan prepared for the project proposes to alter the existing and additional stormwater drainage generated from the project into bio-swales and Peabody Creek in a westerly direction. In this regard, Lots 25 - 27 (closest to the adjoining pond and drainage complaints on Linden Avenue), is proposed to be drained in a southerly direction towards a drainage inlet and curtain drain located at the southern end of the project site.

The Preliminary drainage study prepared by Millennium Planning & Engineering dated October 2018, supports the design of the proposed drainage system. Storm drainage will be collected and routed through gutters in the street that will direct runoff to bioretention treatment areas next to the roadway or routed into ditches that will route storm water into various bioretention areas throughout the property. Most of the overflow runoff will be directed to Peabody Creek on the west side of the property.

Drainage systems have been designed to convey 24-hour storm events and mitigate any potential runoff increases as outlined in the City of Grass Valley standards. The proposed project is not anticipated to require additional drainage improvements for the site beyond those outlined in the preliminary drainage study and shown on the project plans.

Drainage plans have been prepared in accordance with the City of Grass Valley engineering standards. The project is anticipated to eliminate any existing overland release drainage that is occurring presently on the project site, which may be beneficial when compared to the existing drainage patterns occurring.
Moreover, a Hydrology Assessment – Balance Hydrologics, Inc., prepared a Limited Hydrologic Assessment on September 27, 2018. Because of drainage and high-water table issues raised by neighbors, Balance Hydrologics prepared a supplemental Limited Groundwater Investigation dated May 20, 2019. According to the Hydrology Assessment, the project site drains a small watershed of less than 0.2 square miles and under existing conditions, surface runoff is limited. Aside from the seasonal channel along the site’s western boundary, no drainage features or channels are present on the project site. The seasonal channel along the western property boundary originates from a seasonal spring and measures roughly 750 feet in length and discharges to a municipal storm drain inlet at the southwest corner of the project property near W Main Street. Based on the project’s location, climate, watershed size, site topography, observed seasonal groundwater fluctuations, soil characteristics, and the absence of evidence of runoff in April 2019, the hydrologist of record, does not expect that measurable runoff from the site occurs under existing conditions. It is also not expected that groundwater would rise to the surface for prolonged periods or generate runoff from the site.

Additionally, based upon the field observations conducted in April 2019, the geologist of record has concluded that groundwater is seasonally and spatially variable at the project site and groundwater is rarely if ever present at the ground surface. Based upon boring logs taken on April 26, 2019, groundwater was encountered between 3.25 and 4.5 feet below ground surface during a very wet period as part of the investigation, but was not observed in test pits to 10 feet below ground surface in July 2018 (Gularte, G., 2018), indicating seasonal fluctuations of at least 7 feet through much of the site, with winter and spring increases to within 3 to 4 feet of the ground surface. Groundwater discharge is present in the form of perennial springs immediately adjacent to the site on the historical parcel (652 Linden Avenue), suggesting that preferential groundwater flow pathways exist near the surface and support baseflow runoff at the site, perhaps due to the influence of geologic or historical mining activity. No springs have been identified or mapped within the project site with the exception of a seasonal spring located in the northwest corner of the project site, and wetland delineations completed by Matuzak (2018), which determined no wetlands to be present within the project site, except for a seasonal channel along the project’s western boundary.

Based on available storm drain maps (City of Grass Valley, undated), runoff from the project will discharge into a series of stormwater conveyance features that discharge into Condon Pond in Rhode Island Ravine. Therefore, it is highly unlikely that runoff from the project will affect flooding conditions along Linden Avenue, provided that drainage features are appropriately designed and sized.

Based upon the above findings, Balance Hydrologics recommends that the drainage plan be finalized and consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project property (i.e. Lots 25 – 27). It is further recommended that Low Impact Development (LID) and infiltration features be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface.
Based upon findings prepared by Balance Hydrologics, Inc., the following Mitigation Measure will reduce potential impact to a less than significant level:

**HY/WQ 3 - Mitigation Measure:**
Prior to approval of the drainage plans, the drainage plan prepared for the project shall consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project site (i.e. Lots 25 - 27). Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface as outlined in the Balance Hydrologics, Inc., Limited Groundwater Investigation dated May 20, 2019.

Based upon the above mitigation, the project will not substantially alter the existing drainage pattern of the site or area that would substantially increase the rate or amount of surface runoff that would result in flooding.

Therefore, it is highly unlikely that runoff from the project site will affect flooding conditions along Linden Avenue, provided that drainage features are appropriately designed and sized.

e)-f) The project will contribute additional storm water into the existing drainage improvements constructed on the project site. These improvements include drainage facilities located along the north westerly property line with curb and gutter improvements to be installed along both Ben Taylor Crossing, Cameron Court, and Barker Lane.

A preliminary drainage report has been prepared and the project has been designed to comply with the City of Grass Valley Design Standards for regulated projects (all projects that create and/or replace 5,000 square feet or more of impervious surface). Runoff from impervious surfaces will be directed into multiple bioretention treatment systems that are sized to capture and treat 85th percentile, 24-hour storm events throughout the site. The bioretention systems are located along the project entrance at W. Main Street and Ben Taylor Crossing; along the west side of Ben Taylor Crossing; the north side of Cameron Court; the north side of lot 18 and along the south side of lots 22, 23 & 24. Overflow runoff will be routed directly into Peabody Creek.

Water quality treatment methods include storm water drainage to be collected and routed through gutters in the street that will direct runoff to bioretention treatment areas next to the roadway or routed into ditches that will route storm water into various bioretention areas throughout the property. The majority of overflow runoff will be directed to Peabody Creek on the west side of the property.

As noted above, the City’s Grading Ordinance requires specific measures to address erosion and the introduction of construction materials into surface waters. In addition, Section 402(p) of the Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) storm water permitting to be approved by the Regional Water Quality Control Board for projects disturbing over 1 acre. As a result, the project is not anticipated to degrade water quality. These impacts are considered less than significant.
g) The subject property is not within an area of the 100-year flood plain according to FEMA Map panel number 06057C0627E dated February 3, 2010.

The project will not expose people or structures to a significant risk of loss and is not subject to inundation by seiche, tsunami, or mudflow. No impact will occur.

X. LAND USE AND PLANNING —

Would the project:

a) Physically divide an established community?  
   ☐ Potentially Significant Impact  ☐ Less Than Significant With Mitigation Incorporation  ☐ Less Than Significant Impact  ☒ No Impact

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?
   ☐ Potentially Significant Impact  ☐ Less Than Significant With Mitigation Incorporation  ☐ Less Than Significant Impact  ☒ No Impact

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
   ☐ Potentially Significant Impact  ☐ Less Than Significant With Mitigation Incorporation  ☐ Less Than Significant Impact  ☒ No Impact

SETTING

The ±6.96-acre project site is an infill residential parcel surrounded by low density residential uses on the north, east and south. Peace Lutheran Church and a home are located to the west of the property and Sierra Mountain Inn is located adjacent to the southeast corner at W Main Street. The Nevada Irrigation District is located to the northwest.

The City of Grass Valley 2020 General Plan Land Use Map (updated February 2007) identifies the property and area as slated for Urban Low Density Residential (ULDR) uses. The zoning designation is likewise Single Residential (R-1), which permits residential and accessory uses.

IMPACTS

a)&b) The project site is surrounded by urban development on all sides and is considered in-fill development with residential designs consistent with the neighborhood. Multiple 2020 General Plan policies, goals and objectives support both in-fill development and preservation of existing neighborhoods which include, but are not limited to:

2-LUG - Promote infill as an alternative to peripheral expansion where feasible.
3-LUO - Reduction in the amount of land necessary to accommodate future growth.
4-LUO - Reduction in the environmental impacts associated with peripheral growth.
5-LUO - Continued revitalization of central Grass Valley.
4-LUG - Protect and enhance the character of established single-family neighborhoods.
10-LUO - Preservation of existing neighborhoods.
11-LUO - Retention of historic structures and community character.
3-CG - Provide for the safe and efficient movements of people and goods in a manner that respects existing neighborhoods and the natural environment.
9-CO - Use of traffic calming techniques to protect neighborhoods and residents from adverse traffic impacts.
10-CO - Protection of stream courses, riparian areas and other natural features.
11-CO - Development and implementation of a comprehensive traffic safety program, including improvement of facilities serving pedestrian needs.

Development of the property will not divide an established community or conflict with any applicable land use plan, policy or regulation. The project is in accordance with the City's R-1 Zoning designation. No impact will occur.

c) The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact will occur.

<table>
<thead>
<tr>
<th>XI. MINERAL RESOURCES –</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
</tr>
<tr>
<td>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?</td>
</tr>
<tr>
<td>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?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City of Grass Valley adopted a General Plan Mineral Management Element (MME) on August 24, 1993. The MME contains four resource areas defined as: MRZ – 1 through MRZ – 4. The designations are described as follows:</td>
</tr>
<tr>
<td>MRZ – 1: Areas where adequate information indicates that no significant mineral deposits are present.</td>
</tr>
<tr>
<td>MRZ – 2: Areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence.</td>
</tr>
<tr>
<td>MRZ – 3: Areas containing mineral deposits the significance if which cannot be evaluated from available data.</td>
</tr>
<tr>
<td>MRZ – 4: Areas where available information is inadequate for assignment to any other MRZ zone.</td>
</tr>
</tbody>
</table>
a) The General Plan Mineral Management Element does not show the site as being near an area classified as having significant mineral deposits. The Gilded Springs property is not located near one of the two areas identified in the Mineral Management Element (MME) as being targeted for mining conservation. Should mining activities be proposed in the area, the MME includes a policy statement that requires a proposed mine project to address potential impacts on the urban uses based upon the nature of the mining activities. According to the MME, the proposed project is not anticipated to result in the loss of availability of a known mineral resource or locally known minimal resource. No impact will occur.

XII. NOISE—

Would the project:

a) 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) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) 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 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?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Setting

Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that disrupts or interferes with normal human activities. Although exposure to high noise levels over an extended period has been demonstrated to cause hearing loss, the principal response to noise is annoyance.
Sound intensity is measured in decibels (dB) using a logarithmic scale. For example, a sound level of 0 dB is approximately the threshold of human hearing, while normal speech has a sound level of approximately 60 dB. Sound levels of approximately 120 dB become uncomfortable sounds.

Two composite noise descriptors are in common use today: $L_{dn}$ and CNEL. The $L_{dn}$ (Day-Night Average Level) is based upon the average hourly noise level over a 24-hour day, with a +10-decibel weighting applied to nighttime (10:00 p.m. to 7:00 a.m.) noise values. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were subjectively twice as loud as daytime exposures. The CNEL (Community Noise Equivalent Level), like $L_{dn}$, is based upon the weighted average hourly noise over a 24-hour day, except that an additional +4.77 decibel penalty is applied to evening (7:00 p.m. to 10:00 p.m.) hours. The CNEL was developed for the California Airport Noise Regulations and is normally applied to airport/aircraft noise assessment. The $L_{dn}$ descriptor is a simplification of the CNEL concept, but the two will usually agree, for a given situation, within 1dB. Like the noise levels, these descriptors are also averaged and tend to disguise short-term variations in the noise environment. Because they presume increased evening or nighttime sensitivity, these descriptors are best applied as criterial for land uses where nighttime noise exposures are critical to the acceptability of the noise environment, such as residential developments.

Potential noise in and around the area consists of vehicular traffic, services of the Peace Lutheran Church, Nevada Irrigation District Yard and residential uses in the vicinity. The nearest sensitive receptors are the residential uses located adjoining the project site on all sides with the nearest residence approximately ±100 feet from the nearest Gilded Springs residential lot.

**IMPACTS**

a) Existing potential noises in the project vicinity including services of the Peace Lutheran Church, Nevada Irrigation District Yard, and residential uses in the vicinity, are considered less than significant.

The project includes earthwork construction and house construction that will generate additional noise in the residential neighborhood. Earthwork construction is anticipated to be completed in one phase. Dependent upon home sales, house construction may occur over several years. During the construction phases, noise from construction actives (dozers, graders, generators, saws, pneumatic tools, etc.), will occur in the project area. Activities involved in construction will generate noise levels, generally ranging from 70 to 90 dB at a distance of ±50 feet. These can generally be reduced approximately 5 dB at distances of 100 feet.

Equipment used for the project and the dBA for each type of equipment includes the following:
In accordance with the City’s Municipal Code, construction activities will be temporary in nature and will occur between normal working hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and not at all on Sunday and legal holidays.

According to the State’s General Plan Guidelines and City General Plan Noise Element, noises which are generally less than ±60 dB CNEL are normally acceptable for outdoor low-density residential uses taking into account that any building impacted would be of normal conventional construction without any special noise insulation requirements. As noted, acceptable noise levels are determined using the Community Noise Equivalent Level (CNEL). The type of equipment used may intermittently exceed ±60 dB, during the working hours from 7:00 a.m. to 6:00 p.m. However, based upon the temporary and fluctuating nature of construction noise and the following Mitigation Measure, construction noise would be reduced to a less than significant level.

**NOISE 1 - Mitigation Measure:**
Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby homes. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.

b)-d) Considering the level of earthwork required, distance from existing sensitive receptors, the project is not anticipated to expose people to ground borne vibration or ground borne noise levels. Grading will cause or contribute to a temporary increase in ambient noise levels; however, this impact is short-term and is subject to the City’s Noise Ordinance which limits hours of construction. These impacts are considered less than significant.

e)&f) As the crow flies, the project is located approximately 3 miles from the City of Grass Valley Municipal Airport. Due to the distance from the Nevada County Airport, noise impacts associated with the airport will not occur. No impact will occur.

**XIII. 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)?

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>dBA at 50 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backhoe</td>
<td>84 dBA</td>
</tr>
<tr>
<td>Excavator</td>
<td>81 dBA</td>
</tr>
<tr>
<td>Generator</td>
<td>81 dBA</td>
</tr>
<tr>
<td>Jackhammer</td>
<td>89 dBA</td>
</tr>
<tr>
<td>Paver</td>
<td>77 dBA</td>
</tr>
<tr>
<td>Pickup Truck</td>
<td>75 dBA</td>
</tr>
<tr>
<td>Pneumatic Tools</td>
<td>85 dBA</td>
</tr>
</tbody>
</table>

Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact

Gilded Springs Tentative Subdivision Map  
Initial Study/Mitigated Negative Declaration

City of Grass Valley  
June 4, 2019
b) Displace substantial numbers of existing housing, 
necessitating the construction of replacement housing 
elsewhere?

[ ]

[ ]

[ ]

[ ]

c) Displace substantial numbers of people, necessitating 
the construction of replacement housing elsewhere?

[ ]

[ ]

[ ]

[ ]

**SETTING**

The proposed project is in an area low density residential use. The land use designation for the project site is Urban Low Density Residential (ULD) according to the City of Grass Valley General Plan. The zoning designation is similarly Single Residential (R-1).

The project is served by existing utilities including sewer, water, electric, gas and storm drainage.

The project site has been slated for residential development dating back to the 1965 General Plan. As such, the population growth anticipated with development of the site has been anticipated for more than ±50 years.

**IMPACTS**

a) Based upon 27 homes and a City of Grass Valley average household size of 2.04 persons per household, the project is anticipated to generate fifty-five (55) persons which may or may not be new residents. The potential addition of fifty-five (55) persons is what was anticipated in the City General Plan and therefore, this project will not result in a substantial population growth in an area, either directly or indirectly. No impact will occur.

b) & c) The project is not anticipated to displace substantial numbers of existing housing, necessitating the construction of replacement housing or people elsewhere. No impact will occur.

**XIV. PUBLIC SERVICES —**

Would the project:

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

[ ] Fire protection?
XIV. PUBLIC SERVICES —

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police protection?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>Schools?</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>Parks?</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>Other public facilities?</td>
<td>☐</td>
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<td>☐</td>
</tr>
</tbody>
</table>

**SETTING**

The proposed project area is within the City of Grass Valley and is served by the following public services:

- **Fire Protection:** The City of Grass Valley Fire Department provides fire protection and emergency medical services within the City. The Ophir Hill Fire Protection District serves lands east of the City limits, and the Nevada County Consolidated Fire District (NCCFD) serves the area generally north, west, and south of the City limits. The Fire Department is part of the tri-agency Joint Operating Agreement that includes the Nevada City Fire Department and NCCFD. The Fire Department has three locations: Fire Station #1 (474 Brighton Street), Fire Station #2 (213 Sierra College Drive), and administrative offices at City Hall (125 East Main Street). Equipment includes three front line engines, one reserve engine, one Office of Emergency Services (OES) engine, a ladder truck, one air support unit, and five staff vehicles.

- **Police Protection:** The Department currently employs 27 FTE sworn members and 3 FTE civilian staff. Based upon Grass Valley’s population of 13,041 the department’s ratio of police officers per 1,000 residents is 2.1.

- **Schools:** Throughout Grass Valley, the Grass Valley School District serves K-5 students and the Nevada Joint Union School District serves students in grades 9 – 12. In addition, through inter-district contracts (which can be retracted), 467 students from Grass Valley currently attend schools in other school districts.

- **Parks:** The Grass Valley public parks and recreation system is comprised of approximately 108 acres of City park lands, including seven developed parks (Dow Alexander, Elizabeth Daniels, Glenn Jones, Minnie, Memorial, Devere Mautino, and Condon and one underdeveloped park Morgan Ranch) within the City limits.

**IMPACTS**

a) The project is not anticipated to have substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; a need for new or physically altered governmental facilities; the construction of which could cause significant
environmental impacts in order to maintain acceptable service ratios; response times or other performance objectives for any of the public services. These impacts are considered less than significant.

The applicant will be required to pay the City’s impact fees for residential development, including fees for police, fire and Quimby Act (park) fees. The fees collected by the City are used to augment fire, police, parks and other public facilities. Accordingly, impacts to fire protection, police protection, schools, parks, or other public facilities are considered less than significant impacts.

XV. RECREATION –

Would the project:

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

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

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

SETTING

The City owns and maintains eight park/recreation facilities. These include three parks currently classified as “community parks”: Condon Park, Mautino Park, and Memorial Park. One of the eight parks, Morgan Ranch, is still undeveloped. In addition, the City contracts with Nevada County Historical Society to operate the Pelton Wheel Mining Museum/Glen Jones Park. An inventory of City owned/operated parks and recreation facilities include: Memorial Park, 8.4 acres; Condon Park, 80 acres; Pelton Wheel Mining Museum/Glen Jones Park, 1.7 acres; Brighton Street Park (Minnie Street), 1.6 acres; Elizabeth Daniels Park, 0.3 acres; Dow Alexander Park, 0.5 acres; Morgan Ranch Park, 4.08 acres; and Mautino Park, 12.5 acres.

Additional park/recreational facilities within the City of Grass Valley but owned and maintained by entities other than the City are: Nevada County Country Club, 58 acres; Sierra College fields, 7.95 acres; Hennessy School, 3 acres.

IMPACTS

a) & b) The Gilded Spring residential project is anticipated to generate fifty-five (55) persons considering 27 single family dwellings and an average City of Grass Valley household of 2.04 persons. As noted, the project will be subject to City of Grass Valley development fees including Quimby Act (park) fees; however, the project is not anticipated to increase the use
of existing neighborhood and regional parks, recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. The proposed project will not generate the need for additional park facilities. No impact will occur.

### XVI. TRANSPORTATION/TRAFFIC –

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
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</table>

### Setting

The project site is an infill property that has been slated for development dating back at least 1965 according to the City’s General Plan and Zoning Ordinance. The project site is generally bound by W Main Street to the south and Alta Street to the east.

*West Main Street* – West Main Street is the primary roadway accessing historic downtown Grass Valley. West Main Street is a two-lane roadway with left-turn lanes at select intersections. Sidewalks are provided on both sides of the street with numerous crosswalks. On street parallel parking is provided on both sides of the street. The posted speed limit is 25 miles per hour and transitions to 30 miles per hour to the west of the intersection with School Street.
Alta Street – Alta Street is a two-lane collector roadway that forms a T-intersection with W Main Street on the west side of historic downtown Grass Valley. Alta Street provides access to a residential neighborhood north of historic downtown and provides a connection to Ridge Road to the north. The posted speed limit is 30 miles per hour.

Other local streets near the Gilded Spring Project include:

Mill Street – Mill Street is a two-lane roadway that runs parallel to State Route 20/49. Mill Street is located one block to the west of the highway and provides access to residential and commercial properties located to the south of historic downtown Grass Valley.

Church Street – Church Street is a local roadway that runs in the north-south direction. Church Street intersects West Main Street near the center of historic downtown Grass Valley. Church Street provides access to residential and commercial properties located to the north and south of downtown Grass Valley. South of West Main Street, Church is a two-lane roadway. Church Street is a one-lane, one-way (southbound) roadway through the block to the north of West Main Street.

School Street – Similar to Church Street, School Street is a local roadway providing access to residential and commercial properties to the north and south of historic downtown Grass Valley. School Street is a two-lane roadway located one block to the west of Church Street.

IMPACTS

a) The project would generate temporary construction traffic initially. However, this would be temporary and would not materially alter the traffic volumes along W Main, Alta Streets or surrounding roadways.

According to the Focused Traffic Analysis prepared by TJKM traffic consultants dated May 8, 2019, the Gilded Springs project would result in an increase in traffic near the project site resulting from the 27 single family dwellings. Based upon the trip generation rates identified in the 10th Edition of the Institute of Transportation Engineers (ITE) transportation generation rates manual, trip generation rates for single family dwellings have an average of 9.44 trips per day, 0.74 trips in the a.m. peak hour and 0.99 trips in the p.m. peak hour. TJKM calculates the following trips from the Gilded Springs project at: 255 daily trips, 20 a.m. peak hour trips, and 27 p.m. peak hour trips. TJKM estimates that there will also be a maximum of 20 trips during the p.m. school period.

The above p.m. peak trips are below the threshold of 63 p.m. peak hour trips that require a traffic study by the City of Grass Valley. Considering that the project site was included in the traffic analysis provided by the General Plan and General Plan EIR, these vehicle trips have been anticipated in the cumulative impact totals of the General Plan buildout and accounted for in the Levels of Service analysis on W Main, Alta and nearby roadways and intersections.

The applicant will be subject to the payment of AB 1600 traffic mitigation fees, (i.e. City of Grass Valley and regional traffic impact fees) which is the acceptable form of traffic mitigation for this type of infill project. These fees are used exclusively for projects identified in the City’s
Capital Improvement Program to finance needed infrastructure improvements to achieve the LOS anticipated with the City’s 2020 General Plan.

The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. This impact is considered less than significant.

b) Levels of Service are estimated for future travel conditions to ensure that a roadway will provide acceptable operations for its “design life”, which is commonly 20 years. For the General Plan, the year 2020 is used for estimating traffic demand and determining Levels of Service on the roadway system. The City has established Level of Service “D” at the p.m. peak hour as the goal for both the General Plan and for the development of Citywide and regional traffic impact fees. LOS D is defined as “significant congestions of critical approaches but intersection is functional.”

According to the City’s General Plan Circulation Element, an analysis of roadway improvements needed to maintain a Level of Service “D” standard in the year 2020 has been determined using the growth assumptions of the General Plan and the Nevada County Transportation Planning Agency (NCTPA) sub-region travel demand model.

The City’s 2020 General Plan shows W Main Street with an Average Daily Trip (ADT) of 5,763 in 1999 and a projected ADT of 10,200 in 2020. This projection does include assumptions for development of vacant parcels such as the Gilded Springs property based on the General Plan. At buildout of the 2020 General Plan, a Level of Service (LOS) of B is anticipated. Level of Service B is defined as: “Uncongested operations, all queues clear in a single cycle.”

Moreover, the Alta Street LOS at intersections N of West Main Street, North and South of Alta Vista Drive and SE of Ridge Road have existing LOS of A and projected LOS of A at General Plan buildout meaning: “uncongested operations; little or no delay.”

The General Plan notes that a number of intersections will require improvements to provide Level of Service “D”. As shown on the following table, implementation of the General Plan Circulation Element, Capital Improvement Program and construction of the improvement projects included in the General Plan will result in satisfactory Levels of Service at most of the project intersections.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Existing LOS</th>
<th>Existing DEL/VEH</th>
<th>2020 LOS</th>
<th>2020 DEL/VEH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main/Alta</td>
<td>--</td>
<td>--</td>
<td>C</td>
<td>21.0</td>
</tr>
<tr>
<td>Main/Auburn</td>
<td>B</td>
<td>12.9</td>
<td>C</td>
<td>15.5</td>
</tr>
<tr>
<td>Mill/Neal</td>
<td>B</td>
<td>8.7</td>
<td>F</td>
<td>66.1</td>
</tr>
<tr>
<td>Auburn/Neal</td>
<td>--</td>
<td>--</td>
<td>C</td>
<td>23.3</td>
</tr>
</tbody>
</table>

However, the General Plan notes that increased traffic at build out of the General Plan is a significant and avoidable cumulative impact and a Statement of Overriding Considerations was adopted concurrently with the 2020 General Plan and General Plan EIR. The fundamental reason that the EIR states that significant, adverse effects will occur even with the most
feasible attempts at mitigation is that a substantial amount of traffic which impacts Grass Valley initiates or is generated outside of the City limits in Western Nevada County, Grass Valley accommodates outside traffic, but has little practical control over key variables related to external traffic generation, namely land uses and land use densities/intensities in the unincorporated County.

Based on the traffic volumes from the proposed project, TJKM traffic consultants analyzed the nearby intersection of W Main and Alta Street. This intersection was analyzed because comprehensive count information is readily available from the Yuba River Charter School Traffic Study and because the heavy volumes at the intersection have resulted in the need for an all-way stop control which, in turn, has resulted in substantial congestion at and near the intersection. TJKM analyzed the intersection during three time periods, the a.m. peak hour, the after school peak period, and the p.m. peak hour. As noted in the following table, the intersection operates at poor levels of service during two periods of the day. During the morning peak hour (highest peak hour between 7 a.m. - 9 a.m.), when both school traffic and commute traffic exists, the intersection operates at unacceptable LOS F. During the afternoon peak, (highest peak hour when school lets out 3 p.m. to 4 p.m.) the intersection operates at LOS E, also unacceptable. However, with respect peak school traffic during the a.m. and afternoon peak, the Level of Service deficiencies are typically for a 15 - 20-minute duration. During the evening peak (highest peak hour between 4 p.m. - 6 p.m.) when school traffic is minimal, the intersection operates at LOS C.

Table 3 also shows the intersection LOS with the traffic added from the Gilded Springs development. It is noted that in all three time periods, the level of service with project traffic added to the intersection remains at the same levels with only minor increases in delay. Specifically, with the Gilded Springs project, added delays of 3.2, 1.0 and 1.0 second result during the a.m., School, and PM respectively, when both school traffic and commute traffic exists and p.m. peak hour respectively.

Table 3 - Levels of Service with Existing All Way Stop

<table>
<thead>
<tr>
<th>ID</th>
<th>Study Intersections</th>
<th>Control</th>
<th>Peak Hour</th>
<th>Existing</th>
<th>Existing + Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>1</td>
<td>W. Main Street and Alta Street</td>
<td>All Way Stop</td>
<td>AM</td>
<td>50.5</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>School</td>
<td>44.5</td>
<td>E</td>
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<td></td>
<td></td>
<td></td>
<td>PM</td>
<td>18.6</td>
<td>C</td>
</tr>
</tbody>
</table>
Table 4 – Levels of Service with Planned Traffic Signal Control

<table>
<thead>
<tr>
<th>ID</th>
<th>Study Intersections</th>
<th>Control</th>
<th>Peak Hour</th>
<th>Existing</th>
<th>Existing + Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td>1</td>
<td>W. Main Street and Alta Street</td>
<td>All Way Stop</td>
<td>AM</td>
<td>6.9</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>School</td>
<td>10.2</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PM</td>
<td>7.8</td>
<td>A</td>
</tr>
</tbody>
</table>

TJKM also analyzed how the intersection will operate when it is under traffic signal control. The City has included signalization of this intersection in its Capital Improvement Program, although the project is not currently funded. The intersection does meet traffic signal warrants, meaning current traffic volumes satisfy the need for signals. As shown in Table 4, the intersection is expected to operate at acceptable levels of service, with or without the Gilded Springs development. In the a.m. and afternoon school periods, the intersection operates at LOS B. In the evening, it operates at LOS A.

Moreover, according to the Yuba River Charter School Traffic Impact Analysis, a peak-hour signal warrant analysis was also performed on West Main/Mill Streets. The results indicate that with a traffic signal the intersection would operate at a good LOS A under all 2013 and 2030 scenarios.

The results of the Focused Traffic Analysis prepared by TJKM and Yuba River Charter School Traffic Impact Analysis are generally consistent with the findings concluded in the City’s Circulation Element and Environmental Impact Report prepared for the City’s 2020 General Plan, which included the Gilded Springs project.

As noted above, the City intends to mitigate any roadway deficiencies through the collection of local and regional impact fees to finance its Capital Improvement Program. The City of Grass Valley collects development impact fees prior to building permit issuance to fund their Capital Improvement Program. The mitigation fee programs ensure that future development will pay their fair share of traffic impact fees to partially fund the construction of planned transportation improvements identified in the City’s Capital Improvement Program.

With respect to improvements on W Main Street and Alta Streets, the City has an adopted Traffic Fee program which has identified future development within the City that will entirely fund improvements to both W Main Street/Mill Street and W Main Street/Alta Street. Specifically, the City has programmed a traffic signal on West Main and Alta Streets, and includes widening W Main Street eastbound and installation ADA compliant ramps on all three corner intersections.

The project would not generate the need for intersection or roadway improvements above and beyond those identified in the adopted Grass Valley Traffic Impact Fee and Capital Improvement Plan (CIP) programs. No additional mitigation measures are necessary at the
intersections noted above as a result of the traffic generated by the Gilded Springs project. This impact is less than significant.

c)-d) According to the *Focused Traffic Analysis prepared by TJKM* the new Street Ben Taylor Crossing could present an attractive cut-through route for motorists desiring to travel from Alta Street to one of the schools located along W Main Street. This would be a new private street with public access and the only one in the area connecting Alta Street and W Main Street. TJKM concurs that this route would not only serve as a shorter route to the schools, but also would reduce travel in the congested portions of the two streets near their intersection. For this reason, TJKM suggests not allowing traffic to travel from Alta Street to W Main Street southbound on Ben Taylor Crossing as a one-way street northbound, that is, toward Alta Street as currently shown on the Tentative Subdivision Map. The limits of this designation could be between Cameron Court/Barker Lane and Alta Street. The exact limits should be determined based on discussions involving the City Public Works Department and developer. It should be noted that imposition of such a designation does not result in any changed traffic patterns for existing residents and motorists in Grass Valley; it would only affect new residents, but not significantly.

Further, to eliminate the attractiveness for cut through traffic in the northbound direction, one technique would be to require all northbound motorists on Ben Taylor Crossing to turn right onto Alta Street. This would eliminate the attractiveness of the new street for cutting through the neighborhood. It is acknowledged that enforcement of such a left prohibition could be difficult and could require more than just signage to be effective. For example, even with a median forcing all northbound motorists to turn right onto Alta Street, the presence of the Alta Vista Drive loop street nearby would allow motorists, after a short trip on Alta Vista, to travel westerly on Alta Street.

Lastly, it is recommended that the City paint “KEEP CLEAR” markings on the W Main Street fronting the project site to aid traffic flow at the W Main Street/Ben Taylor Crossing entrance. Although, not imposed as Mitigation Measures, the above recommendations will be provided as Conditions of Project approval as recommended by the Public Works Department. Design features of the project are considered less than significant.

The project will not 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. These impacts are less than significant.

e) The project has been reviewed by the City of Grass Valley Fire Department for emergency response. The project has been determined by the Fire Department to be in compliance with the City of Grass Valley fire standards and City Development Code. Therefore, potential impacts relating to emergency access is considered less than significant.

f) The Gilded Springs project is required to comply with the City’s Development Code, which requires two off-street parking spaces for each residence, with at least 1 covered. Tandem parking is not permitted.
As proposed, the residential designs include one and two car garages for off street parking. To comply with the City’s Development Code, the proposed one car garages will be required to have a paved area of nine feet by eighteen (9x18) feet, outside of the front yard setback, to satisfy the required parking. Due to the size of the lots, adequate off-street parking should not be at issue.

Moreover, guest street parking is provided on Ben Taylor Crossing and Cameron Court on the west side of the street. It is anticipated that approximately 25 guest parking spaces can be provided on the above noted streets. No impact will occur.

g) The project is an infill residential site that is in accordance with adopted policies, plans, or programs supporting alternative transportation (i.e. bus turn-outs, bicycle racks) thereby resulting in a positive impact. No impact will occur.

<table>
<thead>
<tr>
<th>XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
</tr>
<tr>
<td>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?</td>
</tr>
<tr>
<td>Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
</tr>
<tr>
<td>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
</tr>
<tr>
<td>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
</tr>
<tr>
<td>Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
</tr>
<tr>
<td>Comply with federal, state, and local statutes and regulations related to solid waste?</td>
</tr>
</tbody>
</table>
THE GILDED SPRINGS PROPERTY IS CURRENTLY A MODERATELY VEGETATED AREA WITH NATURAL SLOPES OF VARYING GRADIENTS RANGING BETWEEN 5% AND 20%. THE ELEVATION OF THE SITE RANGES FROM APPROXIMATELY 2,520 TO 2,575- OR 55-FOOT GRADE CHANGE.

Drainage from and around the project site includes natural swales, ditches and storm water infrastructure. Historical drainage from the project site likely followed natural topography and flowed south where W Main Street is currently constructed and into Peabody Creek (Rhode Island Ravine). Today, a perennial spring-fed channel originates in the center of the project near the historic residence and discharges to a small constructed pond before discharging to a constructed ditch. The ditch runs along Linden Avenue briefly before turning south between neighboring parcels and discharges to the municipal storm drain network at W Main Street. A seasonal spring and intermittent channel from the western project boundary discharges to the municipal storm drain at W Main Street. Both these storm drains discharge to Rhode Island Ravine. Separately, at least one (possibly two) seasonal springs east and outside of the project boundary discharge to residential lawns and Linden Avenue where flows are conveyed to a separate storm drain system which routes this runoff to Slide Ravine.

Solid waste within the project area is collected by Waste Management, a licensed private disposal company. Solid waste is transported to the company’s transfer station located on McCourtney Road.

Domestic water service to the proposed development is provided by the City of Grass Valley via existing water lines that were installed following development in the project area. According to the General Plan EIR, water supplies are sufficient to supply growth anticipated in the General Plan, which included the Gilded Springs project site.

Sewage collection is provided by the City of Grass Valley via existing sewer lines along both W Main Street and Alta Street. According to the General Plan EIR, sewage collection facilities are sufficient to supply growth anticipated in the General Plan, which included the project site.

IMPACTS

a)&b) The project will not exceed wastewater treatment requirements by the Regional Water Quality Control Board or result in the need to construct new water or wastewater treatment facilities.

Internal infrastructure improvements, including wastewater sewer are proposed with the project, in accordance with City standards. However, the wastewater generated by the project is not anticipated to cause significant environmental effects. These impacts are considered less than significant.

c) A preliminary drainage study has been prepared for the project by Millennium Planning & Engineering dated October 2018. According to the drainage study, on-site drainage will be collected in a new drainage system containing drainage inlets, storm drain, natural drainage and detention features. All drainage facilities will be designed to accommodate the required
storm events in accordance with City of Grass Valley Design Standards. These impacts are considered less than significant.

d) The City's water system serves approximately, sixty (60%) of the incorporated City of Grass Valley and is located at 808 Alta Vista Avenue. The City's service area is 1,357 acres, approximately 2.1 square miles, with a service area population of 5,855. As an infill site, water supplies are sufficient to serve the proposed development. This impact is considered less than significant.

e)-g) New sewer connections are proposed with the project and will be served via the extension of existing utilities for the property from both W Main Street and Alta Street.

Sewer Connection Fees are collected with the issuance of a building permit or at a request to connect to the City's sewer system. Sewer service connection fees for new development are currently due at the time of building permit issuance.

The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. This impact is considered less than significant.

The proposed project will comply with federal, state, and local statutes and regulations related to solid waste. This impact is considered less than significant.

---

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

Would the project:

a) Does the 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?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

---

Gilded Springs Tentative Subdivision Map
Initial Study/Mitigated Negative Declaration

City of Grass Valley
June 4, 2019
a)-c) This environmental analysis provides evaluation of the potential environmental effects of the proposed project, including project effects on the quality of the environment, fish and wildlife habitat (including special status species), and cultural resources. These potential impacts are considered less than significant with the incorporation of Mitigation Measures.

REFERENCES The following references used in preparing this report have not been attached to this report. The reference material listed below is available for review upon request of the Grass Valley Community Development Department, 125 East Main Street, Grass Valley, CA 95945.

- City of Grass Valley 2014-2019 Housing Element
- Focused Traffic Analysis prepared by TJKM dated May 8, 2019
- Stream Restoration Plan Prepared by Chainey-Davis Biological Consulting dated July 2018
- Preliminary Drainage Study Prepared by Millennium Planning & Engineering dated October 2018
- Hydrologic Assessment Prepared by Balance Hydrologics, Inc. dated September 14, 2018 and May 20, 2019
- City of Grass Valley 2020 General Plan and General Plan EIR
- City of Grass Valley Historic 1872 Townsite
- City of Grass Valley Development Code
- U.S. Department of Agriculture
- CA Department of Forestry and Fire Prevention
- City of Grass Valley Municipal Code
- Preliminary Geotechnical Report Prepared by Gularte & Associates dated August 15, 2018
- Biological Inventory Prepared by Greg Matuzak, Biological Consultant dated July 2018
- Nevada County General Plan
- Archaeological Inventory Survey Prepared by Sean Michael Jensen dated August 7, 2018
- North Central Information Center
- Native American Heritage Commission
- United Auburn Indian Community
- City of Grass Valley Energy Action Plan
- Office of Planning and Research
- State Geotracker, Environstar and Department of Conservation websites
- Nevada County Airport Land Use Compatibility Plan
- City of Grass Valley Grading Ordinance
- Mineral Management Element of the City’s General Plan, dated August 24, 1993
- Background Report, City of Grass Valley General Plan Update, November 1998
- Soil Survey of Nevada County, United States Department of Agriculture, Soil Conservation Service
- Flood Insurance Rate Map 06057C0632E dated February 3, 2010
- Online soil survey maps and data from USDA - http://websollsurvey.nrcs.usda.gov
- Air Quality and Greenhouse Gas Impacts Analysis Prepared by Ray Kapahi dated July 20, 2018
- City of Grass Valley Capital Improvement Program
- Resource Management Plan Prepared by Greg Matuzak, Biological Consultant dated July 2018
- Tree Inventory Prepared by Greg Matuzak, Biological Resources Consultant dated July 2018
EXHIBITS
Exhibit A - Vicinity Map
Exhibit B - Aerial Photograph
Exhibit C - Assessor's Parcel Map
Exhibit D - Site Photographs
Exhibit E - Gilded Springs Tentative Subdivision Map

ATTACHMENTS
Attachment 1 - Floor Plans and Architectural Elevations
Attachment 2 - Gilded Springs Project Description

TABLES
Table 1 - Project Construction and Operational Emissions Estimates
Table 2 - 2020 General Plan Projected Intersection LOS
Table 3 - Levels of Service with Existing All Way Stop
Table 4 - Levels of Service with Planned Traffic Signal Control
The creek today is a highly degraded environment—the incursion of pampas grass has reduced the native plant species by 90%. The channel is lined with blacktop.

There are no native plants left and the wildlife habitat conditions are very poor.

Our habitat restoration project would replace the invasive plants with a diverse landscape of native plants, bird-attracting, and pollinator-friendly plants.

We would restore the diversity that existed historically and provide nesting opportunities for a variety of birds native birds, pollinators, and beneficial insects that suffer from the loss of native plants.

To replace the invasive blackberry, we chose native herbaceous plants with arching flowers and berries, fall colors, and berries that are loved by wildlife and people alike.

 Herbaceous plants chosen in nature and obtain the shasta daisy, deer grass, beargrass, astilbe, coreopsis, leopard lilies, and penstemon.

We chose local botanists and ornamental specialists with local expertise to design the stream restoration.

Although the stream only flows seasonally, a healthy stream environment provides valuable seasonal water sources and cool summer temperatures, and — when the habitat is restored — suitable nesting, cover, and foraging opportunities.

The restored stream environment will be protected and restored by designating a homeowner's association as stewards of the environment.

We will protect the long-term health of the new stream environment with clear and specific guidelines for the Homeowners' Association on what activities are permitted and prohibited.

We are committed to maintaining, monitoring, and preserving the new stream environment during its establishment phase, and ensuring its progress.
Project Description
Tentative Map
Gilded Springs

Background Information

The overall property is an infill site located near downtown Grass Valley. As currently configured, the property is approximately 8.40 acres, consisting of 3 legal parcels: APN’s 08-800-02; -03; and -04. There is an existing single-family residence near the southeastern portion of the site located on APN 08-800-02 with driveway access via Linden Avenue. Concurrently with this application, a Lot Line Adjustment is being processed to adjust the boundary around the existing home. Upon recodarion of the Lot Line Adjustment, the remaining 2 undeveloped parcels (referred herein as the “project site”) will include a total of approximately 6.96 acres. The project site fronts on Alta Street and W. Main Street and has legal access to each street.

The City’s zoning of the property is R-1 (Single-Family Residential) with a compatible General Plan land use designation of ULD (Urban Low Density). Water and sewer are provided by the City of Grass Valley and electric/gas are provided by PG&E. The project site is considered infill and is one of the largest undeveloped areas within the City of Grass Valley zoned for residential development.

The property is surrounded by development, primarily residential uses with single-family homes to the north, east and south. Peace Lutheran Church is located to the west of the property and Sierra Mountain Inn is located adjacent to the southeast corner at W. Main Street.

The project area slopes primarily from north to south. There is a seasonal stream (Rhode Island Ravine) which runs along the western property boundary and crosses W. Main Street through a culvert, eventually connecting downstream with Wolf Creek. There is also a spring fed rock-lined seasonal stream that flows into an artificial pond located southeast of the existing residence. Most of the vegetation on the site is non-native and ornamental and does not contain any natural woodlands or native grasslands. There are no heritage oak trees or landmark groves on the site.

Proposed Project

Compatible with the R-1 zoning and ULD land use designation of the property, Gilded Springs subdivision proposes 27 single-family lots ranging in size from ~6,000 sf to ~14,257 sf. A variety of home styles are proposed from small cottage style homes (1450 sf to 1750 sf) to larger porch homes and estate homes (1800 sf to 2500 sf). The existing house is not considered a part of the...
project site and will continue to gain access via a private driveway off of Linden Avenue. The existing detached garage will be moved onto the resultant parcel and will meet all required building setbacks.

Primary ingress/egress is proposed via W. Main Street. Secondary emergency access will connect to Alta Street and will be gated to allow continued unobstructed access to the adjacent property north of the access. No project access is proposed via Linden Avenue.

Minimum building setbacks comply with the R-1 zoning district as follows: 15' front setback for building (5' for front porch); 5' side; and 10' rear. Restricted building envelopes are conceptually shown on the Tentative Map to increase the setbacks in certain areas to avoid environmentally sensitive areas such as seasonal streams, pond, etc. A Resource Management Plan was prepared by Greg Matuzak, Biological Resources Consultant to identify the extent of biological resources and impact avoidance measures for encroachment within the 30-foot stream setbacks.

The primary roadway through the site is proposed as a modified version of City Standard Detail ST-15 with parking on one side and a 5' wide bioretention area between the curb/gutter and sidewalk to treat surface runoff. All driveways will be a minimum of 20' depth to accommodate parking. Street parking will be utilized for guests and overflow parking. Pedestrian sidewalks are proposed on one side of the street linking Alta Street to W. Main Street.

Multiple reports, studies and analyses conducted to identify potential environmental impacts and recommended mitigation measures where appropriate. The following is a summary of the reports/studies:

A. **Air Quality Analysis** – Prepared by Air Permitting Specialists, July 20, 2018

Construction and operational emissions were evaluated using California Emissions Estimator Model (CalEEMod), an accepted statewide computer model designed to quantify potential air pollutants and greenhouse gas (GHG) emissions. The emissions were compared with the thresholds of significance established by Northern Sierra Air Quality Management District (NSAQM0). The results indicate that air quality impacts for both construction and operational phases would be less than significant with minor mitigation measures.

B. **Biological Resources Inventory** – Prepared by Greg Matuzak, July 2018

The Biological Resources Inventory concluded development of the site would have a very low potential to impact sensitive wildlife and plant resources given the low likelihood of such sensitive species to occur within the project area. No wetlands were identified that would be subject to regulation and no suitable aquatic habitat were observed. There are no heritage trees within the project site. Furthermore, the study concluded the project area
does not contain suitable habitat for any known special-status wildlife and plant species documented within 3 miles of the project area or any other special-status species with potential to occur within or adjacent to the project area. Several mitigations were recommended including but not limited to a Resource Management Plan, Stream Restoration Plan, and incorporation of Best Management Practices (BMP's) to protect and minimize impacts of development runoff to water quality.


Rhode Island Ravine, a seasonal stream along the western edge of the project area that connects downstream to Wolf Creek was evaluated and assumed to meet the definition of “waters of the State” and “waters of the U.S.”. The Resource Management Plan is required by the Grass Valley Development Code for encroachment into the 30-foot stream setback. Mitigation measures are included to minimize impacts to the watercourse including BMP’s, Impact Avoidance Measures, and a Stream Restoration Plan.

D. Tree Inventory – Prepared by Greg Matuzak, July, 2018

All trees within the Project Site and the existing residence (owned by the White’s) adjacent to the project site were evaluated. There were 88 trees identified within the project area, 23 of which have a DBH of 24” or greater. No heritage trees were found on the project site. All trees to be removed shall be replaced (on- or off-site), pay an in-lieu fee or other mitigation as established by the City.

E. Archaeological Inventory Survey – Prepared by Genesis Society, August 7, 2018

A records search at the North Central Information Center (NCIC) was conducted as well as an extensive pedestrian survey of the project site and consultation with the Native American Heritage Commission (NAHC). The Archaeological Inventory Survey found that no historic properties are present within the project area and no historic properties will be affected by the undertaking, as presently proposed. The site was recommended not eligible for inclusion in the California Register of Historical Resources. The Native American Heritage Commission responded that a search of their Sacred Lands Files was negative. Based on the absence of significant historical resources/unique archaeological resources/historic properties with the APE, archaeological clearance is recommended for the project as presently proposed, with the following provisions: (1) Consultation in the event of inadvertent discovery of cultural material; and (2) Consultation in the event of inadvertent discovery of human remains.

F. Conceptual Stream Restoration Plan – Prepared by Chainey-Davis Biological Consulting, July, 2018
The Plan evaluated the seasonal stream (aka Rhode Island Ravine) and identified several restoration goals and objectives to remove the invasive blackberries and maintain/enhance the stream environment. This Plan is "conceptual" in nature and may be revised to meet City of Grass Valley and/or CDFW guidelines.

G. Geotechnical Report – Prepared by Gularte & Associates, August 15, 2018

The geotechnical investigation included review of the site geology and ground water conditions, 6 test pits of approximately 10 feet below existing grade, and laboratory work to classify soils and expansion potential. Based on the investigation, it was concluded there was a low risk of geologic hazards and groundwater was not encountered. Expansive clay was observed in 2 of the 6 test pits which requires over-excavation and monitoring during construction. Other than mitigation measures for expansive clays, the site is suitable for construction. Geotechnical recommendations should be followed for earthwork, compaction, trench backfill, retaining walls, foundations, etc.

H. Preliminary Drainage Analysis – Prepared by Millennium Planning & Engineering, September, 2018

Approximately 2/3 of the site primarily flows southwest toward Peabody Creek (aka Rhode Island Ravine), and approximately 1/3 of the property flows southeast toward an existing pond at the southeast corner of the property, and toward Linden Avenue. Under post-development conditions, runoff will be directed to bioretention systems, and overflow runoff will be directed toward Peabody Creek.

The project has been designed to comply with City of Grass Valley Design Standards for regulated projects (all projects that create and/or replace 5,000 square feet or more of impervious surface). Runoff from impervious surfaces will be directed into multiple bioretention treatment systems sized to capture and treat the 85th percentile, 24-hour storm throughout the site. Any overflow runoff will be routed to Peabody Creek.

I. Hydrological Analysis – Prepared by Balance Hydrologics, September, 2018

Balance Hydrologics conducted a field reconnaissance of the project site and watershed, conducted tests and interviewed multiple neighbors to gain an understanding of the drainage patterns on- and off-site. Preliminary findings suggested existing drainage from springs and surface runoff and an inadequate storm drain system offsite (Linden Avenue) may collectively contribute to the offsite flooding issues experienced during high rainfall totals. Recommendations included maintaining current drainage configuration in order not to exacerbate off-site runoff conditions and to incorporate additional drainage elements if shallow groundwater is encountered during construction.
J. Traffic

The number of PM peak hour vehicle trips associated with the proposed 27-lot single family development is 26.73 which equates to approximately 1 additional car every 2 min 14 seconds during the peak hour. The primary ingress/egress is proposed at W. Main Street at a location with sufficient site distance for the design speed of the road. Based on the low level of PM peak hour vehicle trips, consistency with the City's General Plan and adequate site distance, a traffic analysis was not conducted. Per Section 4 of the City of Grass Valley Design Standards, a Traffic Study is not required unless it meets specific criteria related to public safety, General Plan inconsistency and/or a large number of PM peak hour vehicle trips.

Gilded Springs offers much needed housing compatible with the community and surrounding neighborhood. It is located on an infill site, walkable to downtown Grass Valley. The project has been designed consistent with City's Development Code, zoning and General Plan. Extensive studies have been conducted on the site to evaluate potential environmental impacts and recommend appropriate mitigation measures to reduce potential impacts.

A Conceptual Review was submitted for this project on April 27, 2018. Following the DRC meeting with the City and public, a neighborhood meeting was conducted in May and was well attended. Following the neighborhood meeting, both the architect/developer (Tobin Dougherty) and planner (Rob Wood – Millennium) followed up with multiple neighbors to discuss the project further. The project revisions shown on the Site Plan/ Tentative Map (included herein) are primarily due to comments received at DRC, meetings with neighbors, and studies/reports conducted by various professionals. Our team looks forward to providing this project to the community.
City Of Grass Valley Planning Division

RE: 27 Lot / Home - Gilded Springs Subdivision Planning Submittal
Architectural Build Out and Home Design Outline.

Project Statement: The proposed submittal is an Architecturally designed subdivision, a walk to town living community with 27 new homes.

- Small Cottage style homes ranging from 1450 SF to 1750 SF designed to be spatially efficient sized homes, with open interior spaces, window orientation for view and solar gain, front porch for community & outdoor living.

- Larger, spacious porch homes ranging from 1800 SF to 2050 SF with sloped ceilings, dormer light inlets, high efficiency heating & air systems. Optional two story with a bonus room design and front porch design outdoor living area.

- Estate Home, the largest of the proposed designs ranging from 2175 SF to 2500 SF, Two Story version with daylight basement or bonus room. A single story, 4 bedroom design with street facing front porch and yard accessible living area.

- All homes are designed and detailed using the most current energy efficient construction and insulation technics. These will be technologically advanced with all creature comforts of home, along with exterior designs that are era historic develop details, elevations with colors & textures of the surrounding vernacular architecture. We look forward to our design presentation.

Sincerely,
Tobin T. Dougherty Architect
Gilded Springs Partners LLC
MITIGATION MONITORING & REPORTING PLAN

GILDED SPRINGS - TENTATIVE SUBDIVISION MAP (18PLN-46)

SCH#2019069005

City of Grass Valley
July 8, 2019

Prepared by:

City of Grass Valley
Community Development Department
125 E. Main Street
Grass Valley, CA
AUTHORITY AND PURPOSE

Pursuant to the California Public Resources Code, Section 21081.6, the City of Grass Valley is required to implement a Mitigation Monitoring and Reporting Plan for the Gilded Springs residential development located at 652 Linden Avenue, situated west of Alta Street and north of W. Main Street (APNs: 008-800-002, 003 & 004).

The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the project.

RESPONSIBILITIES

The City of Grass Valley Community Development Department (CDD) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The CDD is responsible for managing all technical advisors and coordinating monitoring activities. The CDD is responsible for directing the preparation and filing of Compliance Reports.

MITIGATION MONITORING MATRIX

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the project. The Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Grass Valley Planning Commission concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The Planning Commission may direct that changes be made to the measures contained in this document prior to its adoption.
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<th>No.</th>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Phase</th>
<th>Responsible Person/Agency</th>
<th>Frequency of Monitoring/Reporting</th>
<th>Date Report Received</th>
<th>Notes</th>
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<tr>
<td>1</td>
<td>AIR QUALITY</td>
<td>It is expected that with implementation of the following standard conditions of approval, adverse impacts to air quality resulting from the proposed project would remain less than significant. 1. The project shall be required to use Low VOC paintings and coatings. 2. The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following: a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction. b. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage. c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph. d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance. e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.</td>
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<td>CDD</td>
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| 1   | AIR QUALITY    | f. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.  
g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.  
h. No burning of waste material or vegetation shall take place on-site unless alternatives to burning are deemed infeasible by the District. Alternatives to burning include chipping, mulching or converting to biomass.                                                                                                                              | 4     | CDD                       | OG                            |                      |       |
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<tr>
<td>1</td>
<td>BIOLOGICAL</td>
<td>If construction or development activities during the breeding season (March 1 through August 30) have the potential to disturb or remove occupied nests of migratory birds or raptors the preparation of a pre-nesting construction survey within 250 feet of the disturbance area of the subject parcels for nesting migratory birds and raptors prior to development is required. If any nesting raptors or migratory birds are identified during surveys, active nests should be avoided and a no-disturbance or destruction of the nest site until after the breeding season or after or after a wildlife biologist determines that the young have fledged will be required. The extent of these buffers would be determined by a wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed to make an appropriate decision on buffer distances. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or additional conditions.</td>
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**Responsible Person/Agency Key:** CDD – City of Grass Valley Community Development Department; DEV – Developer; APP – Applicant of individual project

**Phase/Frequency of Monitoring and Reporting Key:** OG – Ongoing  OT – One-time (at each development proposal)  MO – Monthly  QU – Quarterly  AN – Annually
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<tr>
<td>II</td>
<td>BIOLOGICAL</td>
<td>The applicant shall obtain a Section 1600 CDFW Streambed Alteration Agreement Permit from CDFW. In accordance with CDFW, the Streambed Alteration Agreement Permit should include the following provisions:</td>
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<td>a. Develop and implement site specific restoration if encroachment within the 30-foot stream setback must be encroached within (City of Grass Valley Development Code) and/or impacts to the seasonal stream riparian vegetation or floodplain are to occur within Rhode Island Ravine within the project area.</td>
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<td>b. A final restoration plan would be prepared to meet the minimum standards for a restoration plan. This includes:</td>
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<td>i. Description of existing conditions, including the exiting habitat functions and values;</td>
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<td>ii. Description of the anticipated of target functions and values of the restored riparian corridor, and minimum success criteria, and guidelines for measuring success.</td>
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<td>iii. Detailed planting guidelines, hydrologic zones and plant palette by zone;</td>
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<td>iv. Detailed maintenance guidelines;</td>
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<td>v. Guidelines for monitoring and reporting;</td>
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<td>vi. Contingency plan.</td>
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<td>III</td>
<td>BIOLOGICAL</td>
<td><strong>Remove Invasive Riparian Weeds &amp; Replace with Native Plants</strong> - The applicant shall restore the stream riparian habitat by removing the existing Himalayan blackberry on the east side of the stream, stabilizing the banks with geo-textiles, and planting with locally native riparian and upland plant species. A total of ±0.29 acres of Himalayan blackberry removed within the riparian zone shall be replace with an equal amount of native plant species characteristic of small, seasonal streams in the foothills of Nevada County. The restoration plan includes details and specifications for: Himalayan blackberry removal; Site preparation &amp; fencing; Planting techniques; Maintenance requirements; Monitoring and reporting; Contingency; and, Long-range ownership and management of the mitigation area.</td>
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<td>1.</td>
<td>CULTURAL/ TRIBAL CULTURAL</td>
<td><em>Awareness Training</em> – Prior to approval of a grading permit, a consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in the project implementation will be developed in coordination with the UAIC. The brochure will be distributed, and the training will be conducted in coordination with qualified cultural resources specialist and UAIC. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences for violating State laws and regulations. The worker cultural resource awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans.</td>
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*Responsible Person/Agency Key:* CDD – City of Grass Valley Community Development Department; DEV – Developer; APP – Applicant of individual project

*Phase/Frequency of Monitoring and Reporting Key:* OG – Ongoing OT – One-time (at each development proposal) MO – Monthly QU – Quarterly AN – Annually
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<td>II.</td>
<td>CULTURAL/ TRIBAL CULTURAL</td>
<td>Inadvertent Discoveries - If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handing of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request materials not be permanently curated, unless requested by the Tribe. If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur.</td>
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<td>II.</td>
<td>CULTURAL/ TRIBAL CULTURAL</td>
<td><strong>Inadvertent Discoveries</strong> - In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.</td>
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<td>III.</td>
<td>CULTURAL/ TRIBAL CULTURAL</td>
<td><em>Post Ground Discovery</em> - A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the Community Development Department of the proposed earthwork start-date, to provide the Community Development Department time to contact the United Auburn Indian Community (UAIC). A UAIC tribal representative shall be invited to inspect the site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, usual amounts of bone or shale, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall coordinate any necessary investigation of the site with the UAIC tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archaeologist shall consult with the UAIC and provide proper management recommendations should potential impacts to the resources be found by the Community Development Department to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the Community Development Department by a qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures.</td>
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<td>GEOLOGY/ SOILS</td>
<td>The applicant shall submit to the City Engineer for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the Building Official, and the Engineering Division.</td>
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**Mitigation Phase Key:** 1. Prior to approval of Improvement Plans/Grading Plans
2. Prior to issuance of Grading/Building Permits
3. Prior to construction and site grading
4. During construction
5. Prior to Occupancy
6. After construction

**Responsible Person/Agency Key:** CDD – City of Grass Valley Community Development Department; DEV – Developer; APP – Applicant of individual project

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<td>1.</td>
<td>HYDROLOGY/WATER QUALITY</td>
<td>1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division. 2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by the deposit.</td>
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<td>HYDROLOGY/WATER QUALITY</td>
<td>To protect soil and water resources during the implementation of the stream restoration project, the following Best Management Practices (BMPs) shall be implemented for the duration of the implementation phase and the efficacy of the BMPs monitored for the duration of the maintenance, monitoring, and reporting phase: Pre-Construction Planning 1. Limit Construction to Dry Weather - At no time shall work occur in flowing water or saturated soils. Construction activity involving soil disturbance within 10 feet of the top-of-bank during the dry period for the stream (July 1 to October 1), and during dry weather. Vegetation and soil disturbance activities shall be timed with awareness of precipitation forecasts and shall be started only if the local weather forecasts predict no rain for a period of 72 hours. 2. Locate Staging and Spoil Areas away from the Stream - Locate spoil piles, equipment refueling &amp; maintenance areas, access roads, parking, and staging areas a minimum of 10 feet from the top-of-bank. 3. Minimize soil disturbance and preserve native vegetation - Minimize the amount of soil and native vegetation disturbance to the minimum necessary. Prior to the start of the Himalayan blackberry removal/initial mowing, identify and flag any native riparian species for avoidance.</td>
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<td>Sediment &amp; Other Pollutant Control</td>
<td>4. Prior to the start of work that will disturb soil on slopes within 10 feet of the stream, including blackberry removal, install straw/coir logs or rolls or silt-fencing at the top of bank to keep disturbed/erodible soils and other pollutants from entering the stream. Sediment controls shall also be installed around the perimeter of the equipment maintenance/refueling areas. Install sediment controls around the perimeter of spoil piles (including piles of removed blackberry root crowns) to trap sediment in the event of rain and release it as cleaner street flow. Silt fencing and/or straw/coir logs shall be installed according to manufacturer’s directions.</td>
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<td>5. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away from the stream.</td>
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<td>6. The restorations contractor shall exercise every reasonable precaution to protect the stream and stream easement from accidental pollution with fuels, oils, bitumen, and other harmful materials. Bentonite and cement are very toxic to fish and the aquatic envir Under no circumstances shall bentonite be used to stabilize soils and no concrete wash water shall be discharged into the stream, even during the dry season. The contractor shall keep spill containment materials onsite at all times during construction.</td>
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<td>7. No debris (including blackberry canes and root crowns) shall be placed in the stream channel. All vegetation debris, packaging materials, and other litter shall be removed from the stream easement immediately upon completion.</td>
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*Phase/Frequency of Monitoring and Reporting Key: OG – Ongoing OT – One-time (at each development proposal) MO – Monthly QU – Quarterly AN – Annually*
## GILDED SPRINGS MITIGATION MONITORING MATRIX

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| II. | HYDROLOGY/WATER QUALITY | **Erosion Control**  
8. Upon removal of the blackberry roots/root crowns, all disturbed soils shall be graded or raked smooth and biodegradable geo-textiles shall be secured to the banks and adjacent hillslopes immediately upon removal of the blackberry bushes. The geo-textiles shall be installed and secured according to the manufacturer’s directions. Erosion control measures need not be installed following the initial mowing; but shall be installed immediately following removal of the blackberry roots and crowns – mechanically or chemically. | 3     | CDD                        | OG                               |                      |       |
|     | HYDROLOGY/WATER QUALITY | **Inspect & Maintain Control Measures**  
9. Sediment and other pollutant control measures, and erosion control measures shall be inspected regularly, and repaired and/or re-installed not less than 24 hours before a forecast storm or rain event.  
10. Upon completion of the planting, erosion and control measures (plantings, geotextiles and other control measures) shall be inspected monthly for the duration of the restoration monitoring period, and no less than 24 hours prior to a forecast storm or rain event. | 3     | CDD                        | OG                               |                      |       |
| III. | HYDROLOGY/WATER QUALITY | **Prior to approval of the drainage plans, the drainage plan prepared for the project shall consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project site (i.e., Lots 25 – 27). Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface as outlined in the Balance Hydrologics, Inc., Limited Groundwater Investigation dated May 20, 2019.** | 3     | CDD                        | OG                               |                      |       |

### Mitigation Phase Key:
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<td>1.</td>
<td>NOISE</td>
<td>Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby homes. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.</td>
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FINDINGS:
In accordance with Sections 17.81.060 and 17.72.030 and of the Development Code, the Planning Commission is required to make the following specific findings before it approves a Tentative Subdivision Map.

1. The City received a complete application for Development Review Application 18PLN-46.

2. The Community Development Department prepared an Initial Study/Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment.

3. The Planning Commission has independently reviewed, analyzed and considered the Initial Study/Mitigated Negative Declaration prior to making its decision on the project. The Mitigated Negative Declaration reflects the independent judgement of the City of Grass Valley, as lead agency.

4. The 2020 General Plan designates the project site as Urban Low Density. The proposed map, and/or subdivision design or improvements are consistent with the General Plan or any applicable Specific Plan.

5. The site is physically suitable for the type or proposed density of development.

6. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

7. The design of the subdivision or type of improvements is not likely to cause public health or safety problems.

8. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. This finding may not be made if the Review Authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Review Authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.

9. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
10. The approval appropriately balances the housing needs of the region against the public service needs of City residents and available fiscal and environmental resources.

11. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

12. The project is consistent with the applicable sections and development standards in the Development Code.

13. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and Municipal Code.

14. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

15. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses, and development intended for the surrounding neighborhood by the General Plan.

A. GENERAL/DESIGN CONDITIONS OF APPROVAL:

1. The approval date for this project is July 16, 2019. This project is approved for a period of three (3) years and shall expire on July 16, 2022, unless the project has been effectuated (i.e. a building permit has been issued) or the applicant requests a time extension that is approved pursuant to the Development Code.

2. The project shall be constructed in accordance with the Tentative Subdivision Map (18PLN-46) approved by the Planning Commission. Minor design changes may be approved by the Community Development Director when determined to be substantially compliant with the Tentative Subdivision Map. Major design changes not in substantial compliance shall be approved by the Planning Commission as determined by the Community Development Director.

3. The Gilded Springs Tentative Subdivision Map shall be in compliance with the standards for the Single Residential (R-1) Zone. Lot 12 shall include a minimum cul-de-sac frontage of 25 feet. Lot 23 shall show a minimum 60-foot lot width.

4. To minimize grading, all of the lots shall contain stem wall construction with the exception of Lots 1 – 4, 26 and 27, which are relatively level and may be pad graded.

5. The maximum exposed height of retaining walls shall be 6 feet. Retaining walls shall be stepped, with a minimum separation of 5 feet between walls. The design
for any retaining walls abutting the public right-of-way shall be shown on the improvement plans. All exposed portions of the retaining wall shall be constructed of split face, slump stone or other decorative block. Colors and materials shall be subject to the approval of the Director of Public Works and the Community Development Director.

6. To delineate pedestrian pathways for the connection of sidewalks crossing streets, decorative paving shall be installed at all pedestrian crossings. Decorative paving and pedestrian striping shall be to the satisfaction of the Public Works and Community Development Directors.

7. Prior to the issuance of a Certificate of Occupancy, good neighbor fencing shall be installed. Good Neighbor fencing shall not exceed three (3) feet in height in the front yard. Good Neighbor fencing shall be constructed of cedar or redwood and shall not exceed six (6) feet in height in the side and rear yards.

8. The powder coated black metal fence shall be shown on the improvement plans and installed with the infrastructure improvements. The fence may be up to five (5) feet in height and shall return a minimum of ten (10) feet on the side property lines of each. An access gate shall be installed at the south end of the site fronting W Main Street.

9. A five (5) foot black metal fence shall also be installed along the rear yard of 652 Linden Avenue, thence east along the side property lines of Lots 24 and 25. The black metal fence shall connect to the Good Neighbor wood fence of Lots 24 and 25.

10. The established Gilded Springs Homeowner’s Association shall be responsible for maintenance of the metal fence and open space area west of the fence line on Lots 1 – 12 in accordance with the Habitat Restoration & Enhancement Plan prepared for the project.

11. In order to achieve architectural diversity within the development, the applicant shall submit a minimum of 3 plan types with 6 varying elevations (3 per plan) for approval to the satisfaction of the Community Development Director.

12. In order to facilitate setback of Peabody Creek (aka Rhode Island Ravine) house placement shall be towards the street, to the extend practicable, with minimum setbacks in the R-1 Zone: Front Yard: 15 feet for the building façade; 5 feet for a front porch; Side Yard (interior): 5 feet; (street side): 20% of lot width to a maximum of 15 feet; Rear yard: 20% of lot depth, with a minimum of 10 feet and a maximum of 20 feet; Garages: 20 feet from back of walk.
13. Accessory structures such as pools, storage buildings, etc. shall be located ten (10) feet from the black metal fence located at the top-of-slope of Peabody Creek (aka Rhode Island Ravine).

14. Prior to the construction of the monument sign, the applicant shall submit a monument sign application for Development Review Committee review and approval. The monument sign design shall be in compliance with the City’s community design standards and Chapter 17.38 of the City’s Development Code.

15. As noted in the Habitat Restoration & Enhancement Plan, the use of herbicides containing glyphosate such as Roundup shall not be permitted within the open space area and such language shall be removed from consideration. The revised Habitat Restoration & Enhancement Plan shall be to the satisfaction of the Community Development Director.

16. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.

17. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

B. PRIOR TO ISSUANCE OF A GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. The Tentative Subdivision Map shall be modified to include the following improvements:
   a. Ben Taylor Crossing shall allow 2-way traffic the entire length and not be restricted to 1-way traffic at Alta Street.
   b. Ben Taylor Crossing at Alta Street shall be a right turn out only. A “NO LEFT TURN” sign shall be installed on Ben Taylor Crossing at Alta Street.
   c. The applicant shall install a sign “Local Traffic Only” at the entrance of Ben Taylor Crossing and Alta Street.
   d. Internal traffic calming measures should be employed within the Gilded Springs Development. This would include raised sidewalks at the intersection of Ben Taylor Crossing/Cameron Court/Barker Lane.
   e. The applicant shall submit to the City Engineer for review, a separate sight distance exhibit showing the minimum sight distance requirements are achieved in accordance with City of Grass Valley Design Standards. The exhibit shall indicate the roadway design speed, sight distance design speed, sign distance in both directions, and delineate any areas of vegetation removal/easements and no parking areas, recommended for optimal sight distance and/or vehicular movements.
2. The applicant shall submit to the Building Department for review and approval, an improvements and grading plan prepared by a Registered Civil Engineer; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street/parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls, any necessary alteration of existing utilities, and all easements, in accordance with City Improvement Standards.

3. The project plans shall include the following note:

All trees to be saved shall be enclosed by a construction barrier placed around the dripline zone of the tree. The construction barrier shall consist of four-foot tall metal poles spaced a maximum of twenty feet apart. Each pole shall be placed with two feet below the surface of the ground.

4. If trees to be removed are 6" or greater in diameter, are classified to be in Group A or B per the California Forest Practice Rules, and are on timberland, the applicant shall obtain on the following harvest document(s) from the California of Forestry and Fire Protection and submit a copy of the approved document to the City.

   a. Less Than 3 Acre Conversion Exemption. Any project with less than 3 acres of land disturbance may qualify (see 14 CCR 1104.1 (a)(2) for conditions).
   b. Timberland Conversion (PRC4621) and Timber Harvest Plan (PRC.4581). Any project with 3 acres or greater or that do not meet the conditions in 14 CCR 1104.1 (a)(2).

5. The applicant shall obtain a tree removal permit from the Grass Valley Public Works Department.

6. The applicant shall submit to the Building Department for review and approval two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the
discrepancies shall be reported immediately in writing to the permittee, the Building Official, and the Engineering Division.

7. If any retaining walls or other wall structures equal to or greater than four feet in height (from the base of the footing to the top of the wall) are identified on the grading/improvement plans, the applicant shall:
   a. Place a note on the grading/improvement plans stating that any walls equal to or greater than four feet in height will require a Building Permit prior to being constructed.
   b. Submit design calculations for the wall(s) for review and acceptance.
   c. If the proposed wall(s) are to be constructed against a cut slope, in a manner of which will not meet minimum OSHA requirements, submit:
      1. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
      2. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer stating that a copy of the required OSHA Permit will be supplied to the City prior to any excavation on the site and that a qualified OSHA Approved Inspector or Professional Civil Engineer will: 1) be onsite during excavation and construction of the retaining walls; 2) be onsite at least once a day during inclement weather; and 3) will submit daily reports to the City.

8. The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification number, issued by the state, to the Engineering Division.

9. If a streambed crossing, new connection or disturbance to a creek is proposed, the applicant shall obtain a Streambed Alteration Permit from the California Department of Fish and Game or obtain a letter of exemption. A copy of the approved Streambed Alteration Permit and associated documents, or letter of exemption shall be submitted to the Engineering Division.

10. The applicant shall submit to the City Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations in accordance with the City of Grass Valley Improvement Standards and Storm Drainage Master Plan & Criteria.

11. (If the project creates and/or replaces 5,000 sf. or more of impervious surfaces) measures must be implemented for site design, source control, runoff reduction, storm water treatment, and baseline hydromodification management measures per the City of Grass Valley Design Standards.
12. An Improvement Performance Security shall be submitted (if a subdivision improvement agreement is not in place). The amount of the security shall be for the sum of: 1) 100% of the cost of public improvements necessary to restore the public right of way back to existing conditions or the cost of the public improvements, whichever is less; 2) 10% of the cost of erosion and sedimentation control necessary to stabilize the site; 3) 10% of the cost of tree replacement; and 4) 100% of the cost to address any features which could cause a hazard to the public or neighboring property owners if left in an incomplete state. The minimum-security amount shall be $500.00. The cost estimate shall be provided to the Engineering Division for review and approval as part of plan submittal. All costs shall include a ten (10) percent contingency.

13. A detailed grading, permanent erosion control plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by the deposit.

14. The applicant shall submit sewer calculations for the proposed development and any calculations necessary to verify the existing sewer system's ability to carry the additional flow created by the development.

15. The improvements and grading plans shall be signed by all other jurisdictional agencies involved (i.e. NID), prior to receiving City Engineer approval.

16. Per the Development Code, the Grading Permit shall expire one (1) year from the effective date of the permit unless an extension is granted by the City Engineer (for up to 180 days).

17. If any of the improvements which the applicant is required to construct or install is to be constructed or installed upon land in which the applicant does not have title interest sufficient for such purposes, the applicant shall do all of the following at least 60 days prior to filing of the final map or approval of the building permit(s) for approval pursuant to Government Code Section 66457:

a. Notify the City of Grass Valley in writing that the applicant wishes the City to acquire an interest in the land which is sufficient for such purposes as provided in Government Code Section 66452.5;

b. Supply the City with (i) a legal description of the interest to be acquired, (ii) a map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil Procedure, (iii) a current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the current fair market value of the interest to be acquired, and (iv) a current Litigation Guarantee Report;

c. Enter into an agreement with the City, guaranteed by such cash deposits or
other security as the City may require, pursuant to which the applicant will pay all of the City’s cost (including, without limitation, attorney’s fees and overhead expenses) of acquiring such an interest in the land.

C. PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS, THE DEVELOPER SHALL INITIATE THE FOLLOWING:

1. That prior to any work being conducted within the State, County or City right-of-way, the applicant shall obtain an Encroachment Permit from the appropriate Agency.

2. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer’s contractor shall notify both the Planning and Engineering Divisions of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, Planning and Engineering staff shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.

3. Placement of construction fencing around all trees designated to be preserved in the project shall be completed.

4. Submit for review and approval by the Fire Department, a Fire Safety Plan.

5. Submittal of two copies to the Engineering Division of the signed improvement/grading plans.

D. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:

1. Prior to final preparation of the subgrade and placement of pavement base materials, all underground utilities shall be installed and service connections stubbed out behind the hardscape improvement. Public utilities, Cable TV, sanitary sewers and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.

2. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.

3. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the solid and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted by the applicant, for approval by the City Engineer. It shall be accompanied by an
engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.

4. Prior to placing the initial lift of asphalt and after all aggregate base is placed, all public sewer pipelines and storm drain pipelines shall be video inspected at the expense of the contractor/developer. All videotapes shall be submitted to the City. In any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.

5. No trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of in accordance with the City’s Standards Specifications.

6. The contractor shall comply with all Occupational Safety & Health administration (OSHA) requirements.

7. For any public work, the contractor shall comply with all Department of Industrial Relations (DIR) requirements including complying with prevailing wage requirements.

E. PRIOR TO FILING THE FINAL MAP, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. A Grading Permit, as described above, shall be issued by the City Engineer and all improvements described on the plans shall be completed or the applicant shall enter into an agreement with the City Engineer to complete the grading and public improvements. Any necessary right-of-way required to complete the improvements will be acquired by the applicant at his/her expense.

2. The applicant shall submit to the City Engineer for review and approval a Final Map prepared by a Licensed Surveyor, or Registered Civil Engineer licensed to survey in the State of California, in accordance with the City’s Subdivision Ordinance No. 180 N.S. and the California Subdivision Map Act; and shall pay all appropriate fees for map check and recording.

3. The applicant shall provide to the Engineering Division an acceptable method, such as a homeowner’s association to maintain the common areas, private drainage facilities, streets and the open space. The developer shall provide the appropriate documentation for review by the Community Development Director, Fire Department, and City Engineer (and City Attorney if determined necessary by the Community Development Director and/or City Engineer). CC&R’s must include a statement that they cannot be modified without the approval of the City.
4. The applicant shall pay a fee in-lieu of dedication, for park and recreation purposes in accordance with Section 17.86.030 of the City's Development Code.

5. If the applicant desires to record the Final Map prior to completion of the grading and improvements as shown on the approved grading and improvement plans, the applicant shall enter into an agreement to complete the grading and public improvements; and shall post sufficient surety guaranteeing the construction of all of the improvements, in accordance with the City's Development Code and the California Subdivision Map Act. The applicant must supply the City with a cost estimate, prepared by a licensed Civil Engineer, for all improvements shown on the grading/improvement plans. The cost estimate must be approved by the Engineering Division. The City will then prepare an agreement which will require City Council approval and will be required to be recorded prior to Final Map approval.

6. (if existing buildings are on the project site), all existing sewer laterals to the City sewer main shall include or be modified to include a cleanout, sewer backwater valve, and a relief device.

F. PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND EXONERATION OF BONDS, OR OTHER FORM OF SECURITY, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

1. A Warranty and Guarantee security guaranteeing the public improvements for a period of one year in the amount of 10% of the total improvement costs.

2. The applicant shall offer to dedicate to the City for public use, all the public streets right-of-way or easements necessary to install, maintain, and re-install all public improvements described on the improvements and grading plans, if any. All offers of dedication must be recorded and a copy provided to the Engineering Division.

3. The applicant shall submit "As-built" plans, signed by the Engineer of Record, to the Engineering Division on Mylar and a CD with an AutoCAD (or equivalent) drawing of the public improvements.

4. Submit a final report prepared by the soils engineer, in accordance with the California Building Code, to the Engineering Division.

5. Submit a final report prepared by the geologist, in accordance with the California Building Code, to the Engineering Division.

6. The grading contractor shall submit a statement of conformance to the as-built plans and specifications. Statement must meet intent of the California Building
Code. An example follows: “As the grading contractor, I confirm that all improvements were constructed as shown on these improvement plans. Include the signature, company and date.

G. PRIOR TO THE CITY ISSUING A CERTIFICATE OF OCCUPANCY FOR ANY HOUSING UNIT

1. The landscaping within the development shall be consistent with the landscaping plans shown with the Tentative Subdivision Map. The applicant shall submit a landscaping application including three (3) typical front yard landscaping plans in compliance with the City’s Water Efficiency Landscape Ordinance and State Water Efficiency Landscaping Standards to the satisfaction of the Community Development Department. The landscape plans shall incorporate the following:

a. Preference should be given to the use of native plant species for landscaping. Utilize mulch in planting areas to maximize moisture retention. The developer shall incorporate existing trees into the landscape when feasible.

b. Preference should be given to the use of natural and indigenous stone and wood building materials for landscape structures, site walls, and outdoor areas. Integrate outdoor site features with the natural topography and vegetation where possible.

c. Incorporate natural cooling by utilizing shading from tree canopies for east and west-facing windows where possible.

d. The developer shall plant a minimum of two 15-gallon trees per lot. At least one tree shall be planted in the front yard.

2. The applicant’s landscape architect shall submit a letter specifying that the landscaping and irrigation has been installed in accordance with the approved landscape plans.

3. If required, the applicant shall conduct an irrigation audit pursuant to the requirements of the MWELO. This shall be conducted by a third party certified landscape irrigation auditor that did not install or design the landscape and irrigation. Prior to the audit City must confirm the selected auditor complies with MWELO requirements.

4. The applicant shall obtain final approval from the City of Grass Valley, fire, planning, engineering and building divisions.
H. MITIGATION MEASURES

Air Quality 1 - The following standard conditions of approval, adverse impacts to air quality resulting from the proposed project would remain less than significant.

1. The project shall be required to use Low VOC paintings and coatings.

2. The applicant shall submit a Dust Mitigation Plan for review and approval by the Northern Sierra Air Quality Management District and City Engineer. Dust mitigation measures shall be implemented in accordance with the approved Dust Mitigation Plan. The dust mitigation plan shall include the following:

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

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

   c. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.

   d. All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying City approved non-toxic soil stabilizers (according to manufactures specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.

   e. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

   f. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.

   g. Paved streets adjacent to the project shall be swept at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.

   h. No burning of waste material or vegetation shall take place on-site. Alternatives to burning include chipping, mulching or converting to biomass.

Biological 1 – If construction or development activities during the breeding season (March 1 through August 30) have the potential to disturb or remove occupied nests of migratory birds or raptors the preparation of a pre-nesting construction survey within 250 feet of the disturbance area of the subject parcels for nesting migratory birds and raptors prior to development is required. If any nesting raptors or migratory birds are identified during surveys, active nests should be avoided and a no-disturbance or destruction of the nest site until after the breeding season or after or after a wildlife
biologist determines that the young have fledged will be required. The extent of these
buffers would be determined by a wildlife biologist and would depend on the special-
status species present, the level of noise or construction disturbance, line of sightetWEEN the nest and the disturbance, ambient levels of noise and other disturbances,
and other topographical or artificial barriers. These factors should be analyzed to make
an appropriate decision on buffer distances.

Biological 2 – Prior to approval of a grading permit, the applicant shall obtain a Section
1600 CDFW Streambed Alteration Agreement Permit from CDFW. In accordance with
CDFW, the Streambed Alteration Agreement Permit should include the following
provisions:

a. Develop and implement site specific restoration if encroachment within the 30-foot
stream setback must be encroached within (City of Grass Valley Development
Code) and/or impacts to the seasonal stream riparian vegetation or floodplain are to
occur within Rhode Island Ravine within the project site.
b. A final restoration plan would be prepared to meet the minimum standards for a
restoration plan. This includes:
   i. Description of existing conditions, including the exiting habitat functions and
      values;
   ii. Description of the anticipated of target functions and values of the restored
      riparian corridor, and minimum success criteria, and guidelines for measuring
      success;
   iii. Detailed planting guidelines, hydrologic zones and plant palette by zone;
   iv. Detailed maintenance guidelines;
   v. Guidelines for monitoring and reporting; and,
   vi. Contingency plan

Biological 3 – Remove Invasive Riparian Weeds & Replace with Native Plants – The
applicant shall restore the stream riparian habitat by removing the existing Himalayan
blackberry on the east side of the stream, stabilizing the banks with geo-textiles, and
planting with locally native riparian and upland plant species. A total of ±0.29 acres of
Himalayan blackberry removed within the riparian zone shall be replace with an equal
amount of native plant species characteristic of small, seasonal streams in the foothills
of Nevada County. The restoration plan includes details and specifications for:
Himalayan blackberry removal; Site preparation & fencing; Planting techniques;
Maintenance requirements; Monitoring and reporting; Contingency; and, Long-range
ownership and management of the mitigation area.

The project would not directly impact listed or other special status species, and no
designated Critical Habitat would be affected.

Cultural 1 – Awareness Training – Prior to approval of a grading permit, a consultant
and construction worker tribal cultural resources awareness brochure and training
program for all personnel involved in the project implementation will be developed in
coordination with the UAIC. The brochure will be distributed, and the training will be conducted in coordination with qualified cultural resources specialist and UAIC. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences for violating State laws and regulations. The worker cultural resource awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans.

Cultural 2 – Inadvertent Discoveries – If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered work shall cease within 100 feet of the find (based on the apparent distribution of cultural resources) and a qualified cultural resources specialist and UAIC representative will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR’s to be appropriate or respectful and request materials not be permanently curated, unless requested by the Tribe.

If adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur.

In the event of inadvertent human remains discovery, the County Coroner shall be informed and consulted, per State law. Ultimately, the goal of consultation is to establish an agreement between the most likely lineal descendant designed by the Native American Heritage Commission and the project proponent(s) with regard to a plan for treatment and disposition of any human remains and artifacts which might be found in association. Such treatments and disposition may require reburial and any identified human remains/burials with a “preserve” or other designed portion of the development property not subject to ground disturbing impacts.

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations
concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours, the Native American Heritage Commission in accordance with Section 5097.98 of the Public Resource Code.

Cultural 3 – Post Ground Discovery – A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the Community Development Department of the proposed earthwork start-date. The Community Development Department will then contact the United Auburn Indian Community (UAIC). A UAIC tribal representative shall be invited to inspect the site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, usual amounts of bone or shale, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find. The project applicant shall then coordinate any necessary investigation of the site with the UAIC tribal representative, a qualified archaeologist approved by the City. As part of the site investigation and resource assessment the archeologist shall consult with the UAIC and provide proper management recommendations should potential impacts to the resources be found by the Community Development Department to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the Community Development Department by a qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures.

Geology 1 – The applicant shall submit to the City Engineer for review and acceptance two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not
being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, the Building Official, and the Engineering Division.

Hydrology/Water Quality 1 –
1. Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Grass Valley Engineering Division.
2. Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans. Any expenses made by the City to enforce the required erosion control measures will be paid by deposit.

Additionally, Mitigation Measures of the stream restoration & enhancement plan include the following for work adjacent to Peabody Creek (Rhode Island Ravine):

Hydrology/Water Quality 2 – To protect soil and water resources during the implementation of the stream restoration project, the following Best Management Practices (BMPs) shall be implemented for the duration of the implementation phase and the efficacy of the BMPs monitored for the duration of the maintenance, monitoring, and reporting phase:

Pre-Construction Planning
1. **Limit Construction to Dry Weather** – At no time shall work occur in flowing water or saturated soils. Construction activity involving soil disturbance within 10 feet of the top-of-bank during the dry period for the stream (July 1 to October 1), and during dry weather. Vegetation and soil disturbance activities shall be timed with awareness of precipitation forecasts and shall be started only if the local weather forecasts predict no rain for a period of 72 hours.
2. **Locate Staging and Spoil Areas away from the Stream** – Locate spoil piles, equipment refueling & maintenance areas, access roads, parking, and staging areas a minimum of 10 feet from the top-of-bank.
3. **Minimize soil disturbance and preserve native vegetation** – Minimize the amount of soil and native vegetation disturbance to the minimum necessary. Prior to the start of the Himalayan blackberry removal/initial mowing, identify and flag any native riparian species for avoidance. Removal of native upland trees and shrubs within the stream easements shall also be minimized by flagging prior to the start of blackberry removal.
Sediment & Other Pollutant Controls
4. Prior to the start of work that will disturb soil on slopes within 10 feet of the stream, including blackberry removal, install straw/coir logs or rolls or silt-fencing at the top of bank to keep disturbed/erodible soils and other pollutants from entering the stream. Sediment controls shall also be installed around the perimeter of the equipment maintenance/refueling areas. Install sediment controls around the perimeter of spoil piles (including piles of removed blackberry root crowns) to trap sediment in the event of rain and release it as cleaner street flow. Silt fencing and/or straw/coir logs shall be installed according to manufacturer’s directions.

5. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away from the stream.

6. The restorations contractor shall exercise every reasonable precaution to protect the stream and stream easement from accidental pollution with fuels, oils, bitumen, and other harmful materials. Bentonite and cement are very toxic to fish and the aquatic environment. Under no circumstances shall bentonite be used to stabilize soils and no concrete wash water shall be discharged into the stream, even during the dry season. The contractor shall keep spill containment materials onsite at all times during construction.

7. No debris (including blackberry canes and root crowns) shall be placed in the stream channel. All vegetation debris, packaging materials, and other litter shall be removed from the stream easement immediately upon completion.

Erosion Control
8. Upon removal of the blackberry roots/root crowns, all disturbed soils shall be graded or raked smooth and biodegradable geo-textiles shall be secured to the banks and adjacent hillslopes immediately upon removal of the blackberry bushes. The geo-textiles shall be installed and secured according to the manufacturer’s directions. Erosion control measures need not be installed following the initial mowing; but shall be installed immediately following removal of the blackberry roots and crowns – mechanically or chemically.

Inspect & Maintain Control Measures
9. Sediment and other pollutant control measures, and erosion control measures shall be inspected regularly, and repaired and/or re-installed not less than 24 hours before a forecast storm or rain event.

10. Upon completion of the planting, erosion and control measures (plantings, geotextiles and other control measures) shall be inspected monthly for the duration of the restoration monitoring period, and no less than 24 hours prior to a forecast storm or rain event.
Hydrology/Water Quality 3 – Prior to approval of the drainage plans, the drainage plan prepared for the project shall consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project site (i.e. Lots 25 – 27). Low Impact Development (LID) and infiltration features shall be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface as outlined in the Balance Hydrologics, Inc., Limited Groundwater Investigation dated May 20, 2019.

Noise 1 – Prior to the issuance of grading and/or building permits, the project grading and building plans shall identify locations for all stationary noise-generating construction equipment, such as air compressors, that are located as far as practical from nearby homes. When such equipment must be located near adjacent residences, project grading and improvement plans shall include provisions to provide acoustical shielding of such equipment.
Good afternoon Mr. Lowe,

I have reviewed the MND on the above referenced project and I had one small correction to the language in Mitigation Measure CUL-2, paragraph 1. The process you outline in that paragraph is fine for cultural and archaeological resources but not for human remains. I would ask that you remove the words human remains from that paragraph.

Additionally, I would like to see the process for inadvertent finds of human remains to be more specific especially when you consider that there is no guarantee that UAIC will be named as MLD. I have attached a Resource Guide for you on Health and Safety Code 7050.5 and Public Resources Code 5097.98 so that you can incorporate the language in the code for that process.

Please let me know if you have any questions.

Thank you,

Gayle Totton, M.A., Ph.D.
Associate Governmental Program Analyst
Native American Heritage Commission
(916) 373-3714
Christine & Jean-Luc Chalumeau  
1301 Mallard Creek Drive  
Roseville, CA 95747  

June 13, 2019  

Lance E. Lowe, AICP, Principal Planner  
City of Grass Valley  
Community Development Department, Planning Division  
125 East Main Street,  
Grass Valley, CA 95945  

Re: Notice of Intent to Adopt a Negative Declaration for Gilded Springs Subdivision  
and our property located at 344 Alta Street, Grass Valley, CA 95945  

Dear Mr. Lowe:  

Regarding the public review of the Mitigated Negative Declaration (MND), we submit the following comments on the project listed above and the proposed MND:  

1. On the aerial photo and tree removal plan, as a condition of approval we request that the tree identified for removal located on lot 22 is not removed and no trees are removed on that lot (except for black walnut).  

2. As a condition of approval, we request a six-foot-high wood fence be constructed along the fence line of 344 Alta and lot 22.  

If you have any questions, please email: chris3.polley@gmail.com or call 916.889.4567. Thank you for your consideration.  

Christine and Jean-Luc Chalumeau
Central Valley Regional Water Quality Control Board

19 June 2019

Lance Lowe
City of Grass Valley
125 East Main Street
Grass Valley, CA 95945

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, GILDED SPRINGS TENTATIVE SUBDIVISION MAP (18PLN-46) PROJECT, SCH#2019069005, NEVADA COUNTY

Pursuant to the State Clearinghouse’s 3 June 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the Gilded Springs Tentative Subdivision Map (18PLN-46) Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan
The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board
has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

**Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

> Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

> This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

**II. Permitting Requirements**

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-
DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits**
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

**Industrial Storm Water General Permit**
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

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1 Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

**Clean Water Act Section 404 Permit**
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**
If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

**Waste Discharge Requirements – Discharges to Waters of the State**
If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

**Dewatering Permit**
If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

**Regulatory Compliance for Commercially Irrigated Agriculture**
If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.
There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not
participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently $1,277 + $8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/
If you have questions regarding these comments, please contact me at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.

Jordan Hensley
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento
6-24-2019

Dear Greg Bulanti,

The proposed Gilded Springs development in Grass Valley by Tobin Dougherty is of interest to us and we would like to offer our support in favor of it.

We have lived and worked in Nevada County for well over 40 years. We are not “new comers” or moving from a wealthy community to Grass Valley as many who are opposed to the development have expressed. Our interest in a development, like Gilded Springs, started long before its inception. We have lived on acreage for a long time and have been ready to make a move into town, but there hasn’t been any development close to town that met our vision of town living.

The fact that the project is an infill that was long ago approved for homes is appealing. It eliminates building in a more fire prone or forested area. It will not detract from the area but rather add to the existing great neighborhood. The proposed home designs and materials will stand the test of time and add visual vibrancy and enduring architectural appeal that harkens back to the days of quality craftsmanship. The minimal landscaping will be low maintenance and conserve water. The supposed water “issues” have been addressed by experts and the plans include appropriate measures to address and alleviate any problems through existing drainage etc.

Some people opposed to the project state that it will create traffic problems. We can speak for a minimum of 12 other people, who have lived in Nevada County as long-term residents, who are also interested in this project and who already drive the routes near the proposed site. These homes, because they are individual units, will produce less traffic than an “affordable” housing project that would require a much higher density based on cost per square foot for a builder to produce.
Gilded Springs offers walkability, sustainability, longevity, quality, and pleasing design. Many towns use a walkability index as a measure of healthy living and Gilded Springs will allow its owners to walk to town for shopping, dining, and entertainment, etc. That means more local dollars spent in local businesses which makes this project a win/win for homeowners and businesses alike.

It’s exciting to think that we don’t need to move elsewhere, that we can stay in our community and enjoy a nice home and the amenities that town has to offer. Please approve this project!

Thank you,

David and Mary Lee
Hello Lisa,

We recently read about the proposed Gilded Springs residential project in the June 12th edition of The Union and are writing to express our enthusiastic endorsement and support for the project.

We moved to Nevada City nearly 20 years ago and, after looking at nearly 40 houses, purchased a home situated on 2.5 acres on Banner Mountain. We invested significant resources into remodeling our home because we thought we'd reside here well into our 80s. However, now in our 60s, we no longer have the physical stamina (or enthusiasm) to take care of a 3200 square foot home and forested acreage. Much as we love our home, the time has come to downsize.

We love our community and are actively involved in many local organizations and non-profits. However, we have searched in vain for housing that meets our vision of well designed, smaller square footage homes of exceptional quality, close enough to town to walk or bike.

Most of the local residential developments built in the last 25 years seem skewed in the direction of co-housing (e.g. Nevada City's co-housing development on Chief Kelly; Grass Valley's Wolf Creek co-housing); or developments of large "trophy" homes (e.g. the Cedar Ridge development in Grass Valley; and the developments in Forest Knolls, Success Cross, Jasper Agate Court and Banner Mountain Trail in Nevada City). Neither of these options appeals to us.

Much has been written about the need for affordable housing that will attract and retain young families to our community. This is a real issue, and it seems there are a number of projects currently in development to address this problem. By the same token, an equally compelling argument can be made at the other end of the housing spectrum. From a diversity perspective, communities also need to build developments targeted to people (often local retirees) who prefer to live in smaller sized homes that are built with attention to detail, high quality materials and craftsmanship. This kind of development has particular appeal from the standpoint of "aging in place", along the same lines as the Craftsman-style bungalows in which our grandparents enjoyed their later years.

After meeting with Mr. Dougherty, we were very excited to discover how closely the Gilded Springs proposed development aligns to our vision for the community where we'd next like to live. This development will appeal to many local people like us, who are searching for "upscale cottages" close to town, built on a smaller scale and with a design aesthetic that will complement the local ambience of our charming community.

Our understanding is that the proposed project meets all city and county development requirements and is nearing approval by the Planning Commission, which will then be followed by City Council approval. It's understandable that a project like Gilded Springs may engender some opposition. We are compelled to express positive support to encourage development of more infill projects like this one that considers the full spectrum of Nevada County demographics.

Until learning about the Gilded Springs development, we were concerned we might need to leave the community we've loved for 20 years. Our hope is now renewed! We believe this project represents the highest and best use of this infill acreage and is a wonderful complement to Grass Valley's Community.
Development Plan. Please approve this project! We really want to continue being part of this wonderful community for many more years to come.

Yours sincerely,

Wendy Heaton and Steve Oriik

12974 Robin Rd.
Nevada City, CA 95959
To: Grass Valley Planner Lance Lowe

Subject: Gilded Springs Development

Date: July 1, 2019

Proposal: We are in favor of the development being completed

Background: My wife and I have lived in a development of larger homes each on 1 ½ acres near Nevada Union H.S. (Greenwood Forest Estates,) for the last (21) years. I am semi-retired and still a part time instructor at Sierra College. Prior to this I was a police officer in San Jose for over (30) years and an instructor at Yuba College for (20) years. My wife Patti is also semi-retired after a career working in our community colleges, as a dental hygienist and as a homemaker. I also continue to work as a docent for our State Parks, giving back to our community with my volunteer time.

I am 76 years old and my wife and I have wanted to downsize from our 2400 s.f. home for several years now and have always wanted to have a home within walking distance of Grass Valley. That is now a possible reality with the building of Gilded Springs. We will be able to live in a 2-bedroom home that is energy efficient, environmentally friendly and will be spaced apart so that the homes will have a feel of a rural community. By moving to this development we will still be able to continue to pay our taxes in Nevada Co. and support our local businesses instead of having to move to Auburn which we have been contemplating.

There are always some who will try and stop this small (27) home community from developing by saying,” Not in my back yard, or don’t Roseville Grass Valley.” They are correct of course on not allowing our beautiful town of Grass Valley to become a Roseville but the simple fact is that Grass Valley will grow no matter what we do. The important thing is that with proper planning, it can be “smart growth,” and add to the character of our community and still provide needed housing. We pride ourselves on the fact that we seem to make all the top lists of periodicals and websites across America on Grass Valley and Nevada City being two of the best smalls towns in the entire United States, then are we to be surprised when people want to move here? Of course not!

Then there will be others who complain that everyone will come from outside the area like L.A. or the Bay Area to buy these homes and no one from our area will be able to afford them. Wrong again! I predict that most of the new home buyers in this development will be locals just like us who will continue to contribute to our community. The fact is this development is much needed. Many of us will move out of bigger homes with the new buyers having to pay more in property taxes when they move into them. This is all a good thing for our cities and our county and at the same time allowing us locals to continue to live here and to invest in our beautiful city.
Conclusion: My wife and I recommend that “Gilded Springs” be finalized and approved by the planning commission and the city council. This will be a great addition to our city and we should be excited and supportive of a builder who will put in all the time and energy necessary to make such a fine community of homes in “One of America’s Best Small Towns!” We are proud to call Grass Valley and Nevada City our home and want to continue to live here. Your approving this project will make that possible for (27) families and for us locals it will free up our homes we sell so that others can live here as well.

Respectfully submitted;

Dennis McKenzie

Dennis & Patti McKenzie
14103 Greenwood Circle
Nevada City, Ca. 95959
(530) 559-0906 (c)
July 1, 2019

To: Tom Last, Director
   City of Grass Valley Community Development Department

Regarding:
Initial Study & Mitigated Negative Declaration
Gilded Springs Tentative Subdivision Map
(18PLN-46) June 4, 2019

Please accept these comments regarding the Initial Study and Mitigated Neg Declaration for the Gilded Springs Project.

The riparian code (City of Grass Valley Development Code, Chapter 17.50 -Creek and Riparian Resource Protection) requires a minimum 30 foot setback from the tops of banks of streams. An exception may be granted in cases in which there isn’t sufficient room for development. (Chapter 17.50 section 2. b). This provision was created for existing parcels to allow them to develop after the 30 foot setback is applied. Note that this exception is discretionary, not mandatory: “The review authority may grant an exception to the setback requirement…”

When creating new parcels by sub-division or parcel splits, the requirement to design the new parcels within the physical limits of the land with respect to riparian setbacks should generally be enforced no differently than front yard setbacks, side yard setbacks, and other physical constraints. Only when possible modifications of the design to protect the riparian zone have been thoroughly explored should the planning department consider granting an exception.

However, in those cases in which the exception is applicable, it is not sufficient to simply have a “management plan” prepared and to completely eliminate the setback and allow construction up to the top-of-bank of the stream. 17.50.2.c. provides some guidance on this point: “The Resource Management Plan shall include measures which will minimize impacts to the watercourse…” The riparian setback should still be maintained to the maximum extent possible. I.e. if an existing riparian constrained lot can be viable when the riparian setback is reduced from 30 feet to 20 feet, then the setback should be maintained at 20 feet, not 0 feet!

In the case of Gilded Springs, the proposed parcel map shows a number of parcels with 0 feet, no riparian setback (e.g. parcels 3, 4, 5, 6, 10, 11). However, clearly some of the parcels could be made wider and less deep by readjusting the property lines to provide more riparian space (e.g. reduce the width of parcels 7, 8, 9). This could easily allow at least 10’ of riparian setback. And in the cases of some parcels there is ample room to expand the riparian zone without changing the property lines (e.g. parcels 10, 11). A lack of creative effort on the part of the map designer to recognize the setback requirement is not an acceptable reason for the planning department to throw out the entire riparian zone when a better solution is obvious.

Also, the proposed BIO 3 – Mitigation Measure (pg 31) describes the restoration process for the east side of Peabody Creek to include removal of +/-0.29 acres of invasive Himalayan blackberry and replacement by “planting with locally native riparian and upland plant species.” If no riparian setback is provided, these plantings would be limited to a very narrow area below the high water mark. Fullfilling the mitigation in this scenario is unrealistic for “upland plant species” and is not equivalent
to the scope of the blackberry removal in area. In order for the mitigation to be viable, the riparian setback should be enlarged to an equivalent area.

Riparian zones and setbacks are critical for our environment. They reduce erosion, improve water quality, moderate water and air temperatures, provide valuable aquatic and terrestrial habitat, reduce greenhouse gas emissions, and are aesthetically pleasing. The planning department should assure that every reasonable effort is made to protect the riparian setback, including requiring new parcels to have the full riparian setback as a condition of the parcel creation. That is the purpose of the riparian code.

Thank you for your consideration,

Jonathan Keehn, President
Wolf Creek Community Alliance

Ralph Silberstein, President
Community Environmental Advocates
Hello Lance,
My name is Dawn Withrow and I live at 10370 Alta Street. I am emailing you today to express my concern for the Gilded Springs housing development. Although I welcome new homes in our area and think it might be a nice addition to have another quite neighborhood to walk or ride bikes in, I am very concerned about the increased traffic on Alta Street. If you where to sit on Alta Street on any given day or time you would find that people drive extremely fast, some well over 45 mph. I have complained to Grass Valley PD and CHP and nothing has been done. This is my neighborhood, I have children they can not cross the street safely and we are going to add more traffic to this already busy/scary street. I love where we live, location to parks, schools, downtown but the community has no respect for the fact this is a residential neighborhood. They treat Alta Street like a speedway from ridge road to West Main Street. Please help make Alta Street a safe neighborhood before you put more homes in the area. A stop sign by Alta vista drive to break up the straight shot down Alta and slow people down would be great and more cross walks with flashing lights so my children can feel safe crossing the street to the park.

Thank you for your time.

Respectfully,
Dawn Withrow

Sent from my iPhone
Lance,

Forwarded to you at the request of a friend.

Barb

Hi you two. I sent my comment directly to the Biological Consultant as advised by friends who are also analyzing this project. I hope it helps. M.P. ISOF

---------- Forwarded message ----------

From: Mike Pasner <mrpasner@gmail.com>
Date: Mon, Jul 1, 2019 at 8:18 AM
Subject: Glyphosate at Guilded Springs
To: <chaincydavisbioconsulting@gmail.com>

Hello I'm Mike Pasner owner of Indian Springs Organic Farm in Penn Valley. I have been doing a lot of work with NID to help them reduce their herbicide use. Your plan to kill the black berries on this project with Glyphosate (Roundup) seems unnecessary. It sounds like you will be scraping and reshaping the creeks banks, bed and berms. Why not just remove the live berries with the excavator and skip the poison. The facts on Glyphosate are bad. The lawsuits are huge and the more we learn about our use of this herbicide the worse it is. Thanks for your time and I hope you will adjust your project. Thanks Mike Pasner

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Mike Pasner
Home/Office: 530 432 3755
mrpasner@gmail.com
Indian Springs Organic Farm
Indian Springs Organic Farm on Facebook
Request to join our ISOF email list
Safe Ditches website
Safe Ditches on Facebook
Request to join our Safe Ditches email list for updates

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Mike Pasner
Hi Lance,
I own 360 Alta st in down town grass Valley and barb my neighbor owns the house above me and we both share the easement for the new development that is proposed for an entrance into the housing development. I have expressed my concern to the developer that there should be a locked gate that only the residents could gain access in and out. The downhill traffic is so fast and extremely dangerous in the winter time with cars sliding down the hill especially in that location. I have had my vehicle struck by cars that can’t stop and I have also had property damage by vehicles losing control down Alta st in the summer as well. If it’s an entrance and has no gate, public will use it as a shortcut to rough and ready Hwy or vise versa. Especially during school hours from Lyman Gilmore and other schools in the area. A residential owner key lock entry with handheld remote access would help control the flow of traffic from a dangerous down hill entry by any other public traffic. Both my front bedrooms also face this down hill entry into that entrance and I would want a solid fence 8 ft tall to block headlights into my residence for the first 30ft from Alta st as they make a right turn to protect the nuisance and act as a barrier to catch vehicles that might slide through their downhill turn from hitting my house and killing anyone in the bedrooms. I have rights to that easement and also use it as a side entry and parking behind my storage garage and have to maintain that entrance with driveway access as I currently use it now. A solid sidewalk can’t be done without a driveway apron accessible from the back right side of my property. I’m for the development but oppose it if some serious thought is not constructed into this entrance do to the fact of traffic concerns on such a step unsafe entry for a lot more residents and public use. It’s probably a better exit than entry if anything but nothing to control traffic and leaving it open to public is going to be a serious hazard to all residents and public at one point in time especially during winter conditions.
Please respond that you have received this email and pass it along to all parties concerning this development.
Thank you,
Jim Flaherty
To Lance E Lowe

Dear Lance,
I would very much like to voice my concern for the proposed development in Grass Valley called Gilded Springs. The area has a semi-rural feel not far from the center of town. There is community spirit in the area; the residents vie during the Holidays for the best Christmas decorations! The impact of a 28-unit high-end housing development will no doubt bring increased traffic, degradation of wetlands and Peabody Creek, the use of an herbicide known to the State of California to cause cancer, and a diminished sense of community. I am very concerned that this project may go forward without these significant impacts being addressed. It’s difficult to imagine any kind of benefit from this densely packed housing development to the character and feel of our little town of Grass Valley.

Thank you
Hilary Emberton
Grass Valley
Dear Mr. Lowe,

I have three major concerns regarding the impact of the proposed Gilded Springs subdivision on the hydrology of our neighborhood.

1. Wetlands

   Assessing that the only portion of this property that is a wetlands is along the creek on the west is not accurate. Bob Joslin, an experienced Geotech engineer evaluated the properties immediately adjacent to the southeastern property lines and found that the soil immediately adjacent to the proposed subdivision met the criteria for wetlands.

   The practical implications of digging trenches in a wetlands area was demonstrated this past May when the Whites’ cracked sewer line at the end of Linden Avenue just in front of our home (631 Linden Ave.) was repaired by ABT Plumbing. The trenches dug by ABT quickly filled up with groundwater. Because the amount of water filling the trenches was so large, ABT contacted the city concerned that such a large amount of water could be from a leaking watermain. A city employee confirmed that the water filling the trenches was groundwater because it did not contain chlorine. Throughout the repair, the plumbers were challenged by groundwater. They had to vigorously bail water in order to pour concrete during the final portion of the repair.

2. Drainage Mitigation

   The Negative Declaration states that all the runoff from the proposed subdivision will be directed to the west. At present a third or more of this property naturally drains to the southeast. Redirecting all the runoff from the proposed subdivision to the west will require massive excavation. The hydrology plans for the subdivision need to include clear details describing how the natural drainage pattern of this property can be altered successfully in such a dramatic way. Your report says that, “No drainage will be directed towards Linden Avenue.” It is not sufficient to make such a strong claim without details on how this feat is to be accomplished.

3. Southeast Stream

   The stream in the southeastern section of the proposed subdivision runs through our property (631 Linden Avenue). This stream runs all year long and is a valuable aspect of our property and may other properties downstream. There is no mention in the Negative Declaration of any measures being taken to protect this stream when the drainage of the proposed subdivision is massively shifted toward the west. Although we are skeptical of your claim of “no drainage,” if there is any truth whatsoever to this it needs to be evaluated in your document. When new homes were built near the intersection of Highway 49 and Newtown Road approximately 8-10 years ago, the natural water flow was so dramatically altered that Rush Creek, a lovely perennial stream in that area, was destroyed. The water flow for this stream was completely diverted by
the excavation and drainage that was done for the new homes and the stream completely
dried up. It is the responsibility of the city to ensure that the proposed Gilded Springs
subdivision does not violate the natural flow rights belonging to the neighboring
properties and to evaluate all potential environmental impacts including alterations of
natural flows. Since all the reports you have generated so far are limited to the project
site, they have failed to evaluate all potential impacts on neighboring properties. Since
this has not been done, your duties under CEQA have not been completed.

Sincerely,
Lisa Hosbein, M.D.
Dear Sir;

I am writing this letter because of my concerns regarding the proposed Gilded Springs Tentative subdivision @ 652 Linden Ave., and the impact that I feel it will make on our community. I live in Rough & Ready, and travel the rough & ready highway almost daily to get to town. We ALREADY have travel congestion issues due to the new Charter School, and Lyman Gilmore. Adding more homes to this area will create more traffic issues than we already have!! Not only will it significantly impact travel times, stress, and congestion, it will force people to take alternate routes for travel to avoid that area. Doing so, this will keep people out of our beautiful downtown area, and could quite possibly effect our local economy. My other serious concern is that it has been brought to my attention that Glyphosate will be sprayed on area. Knowing that there are litigations that have awarded individuals who have been proven to have gotten non hodgkins lymphoma from the spraying of glyphosate, this deeply concerns me that you would spray a residential area with a known carcinogen such as glyphosate.

I am urging you to please reconsider this proposed residential development. or move it elsewhere that would be better suited for our community.

Respectfully,
Chrystine Roper
June 30, 2019

TO: Mr. Lance Lowe, Principal Planner  
    City of Grass Valley  
    Community Development Department  
    125 East Main Street  
    Grass Valley, CA 95945

RE: Initial Study and Mitigated Negative Declaration  
    Gilded Springs Project- 652 Linden Avenue, Grass Valley

Dear Mr. Lowe,

I would like to provide comment on the above noted project; specifically addressing traffic and the secondary access onto Alta Street.

I currently reside in my childhood home at 366 Alta Street, Grass Valley. The proposed secondary access for the Gilded Springs project is the driveway access to my home and garage. The two-way traffic on Alta Street frequently exceeds the posted 30mph speed limit. This was quite evident when the City of Grass Valley placed a speed indicator in front of my residence to alert drivers of their rate of travel. It was alarming to observe the lack of compliance to the speed limit, even with the speed indicator functioning. Like many of my neighbors, I no longer park my vehicle on the street, nor back out onto Alta Street. I have had a parked vehicle declared a total loss, as have family members residing on the street. Fortunately, no one was injured in these instances. During 2018, there were a total of forty-four (44) reported vehicle accidents along Alta and West Main Streets. Eleven (11) were within the Alta Street corridor. In all probability, additional accidents occurred, without being reported.

The developer for the Gilded Springs project has proposed the installation of a gate, creating an emergency access for the subdivision at the back of the easement. I
agree with this proposal, as it provides the safest alternative. I am not in agreement with the alternatives proposed by the City, directing the subdivision traffic onto Alta Street; as well as allowing non-resident traffic to pass through from Alta Street to West Main Street. Any special conditions (i.e. “Right Turn Only”) will likely not be enforced. Signage indicating for “Residents Only” will not deter those wanting to avoid the intersection at Alta and West Main Streets. To increase the amount of traffic onto a street with recorded speed issues is problematic and dangerous. Traffic calming measures are immediately essential to rectify the excessive speed situation on Alta Street. Impacts to safety will be realized by Alta Street and Grass Valley residents alike; increasing during inclement weather.

I would also like to note that in the field behind my home (on the upper portion of the proposed development), my children and I have found numerous arrowheads over the years, along with a grinding stone at the very rear of the property that had been unearthed when I was a child. It was discussed by old timers that this area had been used by early native Americans to gather nuts, berries and fish.

I appreciate your attention in these matters.

Sincerely,

Barbara J. Carman
366 Alta Street
Grass Valley, CA 95945

CC: Lisa Hosbein
    Dan McKenzie
    Gregg Lien
    Rob Wood, Millennium Planning and Engineering
    Jim Flaherty
Hi Lance, I live at 932 W Main Street in the Orchard Hill apartment complex. I was not given notice about the development, a friend on Forest Glade sent it to me. I wanted to share my concerns about the impact on traffic, the use of Roundup, and the disruption of the stream and its ecosystem. It is almost impossible to get anywhere in a timely fashion during school drop off and pick up times, much less adding traffic from 27 homes into that mess. I am very concerned about the use of Roundup so close to my home. I know there are a lot of blackberries there, why don’t they bring in goats instead? There are more natural methods to removing the blackberries. Can’t we find some kind of endangered species living in that stream to block the development? Or is there a way to protect that area during the development?
I appreciate your time and hope you will be a voice for our community in protecting this area.
Melissa Morgan
Hello Mr. Lowe,

I’m writing in concern of the proposed Gilded Springs development. I along with many other neighboring residents have serious concerns about this proposed project.

Many Grass Valley residents have a need to commute to and from work, through this area, and we’re also delivering children back and forth to school on a daily basis. With two schools within a mile from this location, along with its access to Ridge Road and downtown, it’s already heavily congested during the peak hours. This area has to be one the most heavily traveled in Grass Valley.

I’m also aware that there is a water table on a portion of this property, which is very close to the surface, and it meets wetlands criteria. Building on wetlands is never recommended for obvious reasons. There are additional concerns relating to pollution caused by the development process, and the ongoing hazards that come with multiple housing. These concerns are multiplied when considering the water table, and its close proximity to the stream within the property lines, which becomes Peabody Creek. These issues should be seriously considered and not minimized.

I’m just now finding out about this proposal, and I’m sure many Grass Valley residents are totally unaware. I can’t imagine there will be much positive sentiment as others find out. A development of this magnitude so close to downtown, in an established congested area, seems careless. To approve such a project would be an irresponsible action by our city planners. As a long term resident, I can sincerely say, we live here because we love and appreciate this beautiful city. Let’s keep it that way! Please don’t approve this development!

A very concerned resident,

David Madrona
Dear Mr. Lowe,

I am writing to you about the Gilded Springs development. I have friends that live on Linden Ave. and they have concerns about this project. The main one being the spraying of glyphosate (a known carcinogen) to kill the blackberry bushes. This poison will be in the air as well as in the creek that runs through the property and on past it. Wildlife, animals and fish, in the area would also be negatively impacted. Alternatively, many property owners have used goats to clear areas over run with unwanted vegetation with excellent results.

Increased traffic is also a concern on Alta St. and West Main St. Traffic on Main St. can be very heavy, at times, especially when the nearby school lets out and cars are backed up all the way down to Mill St.

Karen Ostergard
Dear Mr. Lowe,

I am one of the property owners of 511 West Main St. I am very concerned about the impact that the Gilded Springs development will have on the area. We are greatly concerned with the following issues:

1. Traffic patterns-
   - Main street is a nightmare during drop off and pick up at Gilmore.
   - The Alta entrance is in a blind spot for those coming down the hill.
   - We have noticed that these concerns have not been properly addressed in your meetings or in your analysis of this project.

2. Environment and Water issues
   - The ground water and the stream that run through this property are part of a larger ecosystem. If the stream is diverted, Peabody Creek and Condon Park will be badly affected. This has not been addressed.
   - The proposed plan of spraying Glyphosate on the blackberries is irresponsible. This is a very controversial chemical and its use, so close to a wetland, will cause contaminated runoff to flow into the surrounding areas.

We are all part of the Grass Valley community and would like to see the best outcome for this area. The way that many of these issues have been addressed (or not addressed) shows a thorough lack of rigor on the part of the city.

Many of these issues have been brought up for further study by many concerned citizens. The unwillingness of you and your office to thoroughly address them is surprising.

I think those who live in this area and will be affected by this development have valid complaints that should be addressed in a responsible manner. I urge you to do this before it is too late.

Best, Anna Hosbein
Mr. Lowe,

I cannot believe that the GV Planning Commision would approve such a plan as the one proposed by the developer of Golden Springs (whoever that may be). Nevada County does not need more "Luxury housing", we need affordable housing! I live on Forest Glade Circle and the traffic on W. Main St. is atrocious at best when school is in session, but this housing development would make it even worse. Has the county figured out a way for the residents of my street to evacuate in case of an emergency with all this added development? We have only one way in and one way out, if we are talking 50 plus more people were probably going to have a Paradise fire like exodus which didn't end well for a lot of those people. Will we be able to sue the GV Planning Commision when we get cancer from the developers use of Roundup on the blackberry bushes on the property? Will the developers be named so we can sue them? How can the Planning commision be so short sighted and not take into accounts all of the negatives of this development? Is it just about tax dollars?

Please stop this project!

Sincerely,
Aileen Hurst
810 Forest Glade Circle.
Dear Mr. Lowe,

I am concerned about the use of glyphosates for managing the Himalayan Berry in the Guilded Springs project area. The drainage of this area has a creek as mentioned in the impact report. Application of glyphosates upstream will leach into the soil and creeks in the area with effects to the ecology of the soils, insects, animals, and people. Studies currently exist documenting the impact on glyphosates on gut bacteria, anti biotic resistance, and cancer. I am concerned for the residence who have homes down stream of your suggested pesticide application and the health effects they may suffer over time. How will the application of the pesticide effect their yards, pets, gardens? And what of the soil and microbial effect for the health of wildlife? Please reconsider avoiding the use of glyphosates. There must be other studies that indicate effective removal over time to control the invasive species without the use of this pesticide.

Thank you.

-Jean Yun
Hi there, I live just off of W. Main in GV and was just concerned about the increase in traffic for this already congested area if the GS development proceeds. Also, I heard it was only for high-end houses-aren’t we supposed to be concerned about affordable housing?

Veronica McManus

Sent from Mail for Windows 10
Dear Mr. Lowe,

I find it appalling that the Gilded Springs development can even be considered to go forward. This will clearly not be low income housing - rather a project born of developer greed.

My family has owned our West Main Street property since 1967 and I have witnessed the destructive traffic. It has risen to the point where I can no longer keep my front door open or relax on the porch due to the major noise and exhaust fumes. As a senior pedestrian, I find it increasingly difficult to cross the street because drivers are in a frustrated hurry.

As a neighborhood, we need some respite from the constant roar of traffic not an ugly addition to it!

Sincerely,

Katherine Fraczek

p.s. The organic tomato farmer got screwed.
Dear Mr. Lowe,

We're writing with a Mitigated Negative Declaration regarding the Gilded Springs development. We've been a residence of Alta Street since 2006. As the years has passed, we've watched the traffic and especially the speed of the driver's increase on the street. With the plans for an entrance into the development near the crest of Alta Street, we know, will cause issues, dangerous ones. We live at 373 Alta Street. We feel that we take our lives into our own hands exiting our driveway now. With increased traffic it will be unbearable. A gated entrance to the development of Alta Street, we feel, would help control the traffic of the parents taking their children to and from school through the development. Please help us, no one else has with our street issues.

Sincerely,
Lynn and Jennie Blouch
373 Alta Street
Dear Mr. Lowe,
I am a homeowner on Forest Glade Circle, one of the closest streets to the proposed Gilded Springs development. Main street is the only exit out of Forest Glade Circle. With all the intense focus on fire safety it is unimaginable that the City of Grass Valley would allow high density housing in an already congested area. I can’t even imagine that you’d think this was a good idea. West Main street is already gridlocked twice a day when the Lyman Gilmore school starts and lets out. As an evacuation route it's all we have.

Are we not learning from the catastrophe in Paradise? Most of the 85 fatalities in Paradise were from people being BURNED ALIVE IN THEIR CARS TRYING TO EVACUATE DUE TO GRIDLOCK. Just like Paradise, Forest Glade Circle has only one road out and that’s Main Street. What you are proposing is effectively shutting down Main street in an evacuation due to the sheer numbers of people you would be adding to the already congested area.

Twenty seven homes averaging 3 people each is approx 80+ people and about 70+ additional vehicles on West Main street everyday, think how that will go in an evacuation! Our infrastructure is already maxed out in this neighborhood, and you know it. If you let this project go through you will be responsible for the pending catastrophe. Your negligence will cost lives.

Regarding Peabody Creek and the dangerous use of chemicals in a sensitive wetlands habitat, I'm waiting on a call from American Rivers who is responsible for the rehabilitation of Peabody Creek. I'm looking into whether your development will be in violation of the Clean Water Act. If so you've got a Federal problem on your hands.

Stop this development!
Emily West
806 Forest Glade Circle
Grass Valley, CA 94945
July 3, 2019

Lance Lowe
AICP Principal Planner
City of Grass Valley
125 E. Main St.
Grass Valley, CA 95945

Dear Mr. Lowe,

This is to inform you that I am highly opposed to the proposed Gilded Springs development between West Main St and Alta St. This is a Grass Valley historic neighborhood which would be severely and negatively impacted by a project like this.

It is shocking and disappointing that the City would even consider allowing something like this, due to the following:
1. Plan for extensive use of dangerous chemicals, Round-Up, for vegetation mitigation.
2. Exacerbating an already dangerous traffic situation at W. Main an Alta.
3. No plan for impact on the stream that feeds Peabody Creek and the surrounding property owners.
4. Disregard of the water table and wetlands.
5. West Main traffic is already a "level F" situation and can not handle the increased volume that an additional 27 residents would create.

A project, such as this, would permanently damage our beautiful and historic neighborhood. I am very aware of the urgent need for increased house in the Grass Valley area, but please don’t make us the sacrificial lamb for development. Thank you for your time and attention.

Sincerely,

Cherie Kraus
Lance Lowe, AICP Principal Planner  
City Hall  
125 E. Main Street  
Grass Valley, CA 95945  

Dear Mr. Lowe,  
I am writing to you in order to voice my strongest objection to the proposed Gilded Springs housing development on West Main and Alta Streets. I cannot think of any other street in the City of Grass Valley that is more crowded than West Main. Traffic backs up all the way up the hill from downtown to Alta Street every weekday between 2:00pm and 6:00pm. As a resident of High Street, I can assure you that is already nearly impossible to exit High Street onto Main Street because of the traffic any afternoon. While I would agree that the city needs more housing, adding traffic to West Main is a bad idea. There are plenty of other areas in the city where additional housing could be built without having the adverse impact that Gilded Springs will have on our community. Please don’t allow this to happen.

Sincerely,

Richard Kraus
I live at 365 1/2 Alta St. My narrow driveway is across from the proposed access at 366 Alta St. My driving safety will be adversely affected by the proposal. I have to either back into or out of my driveway because there is no turnaround space. It is dangerous as it is. On trash day the trash containers obstruct the view of on coming vehicles. At other times parked cars obstruct the view unless I am able to see under them. The "right turn, right turn" will put me at more danger.

Mary Batchelder
530.277.8897
On Wed, Jul 3, 2019 at 10:32 AM Stephanie Levings <sierradville@gmail.com> wrote:

Dear Members of the City Planning Commission, Design Review Committee and Planning Staff

In regards to the proposed Gilded Springs residential subdivision, I am concerned about the following impacts on our neighborhood. I reside at 10179 Alta Vista Dr., three houses off Alta St.

The added traffic impact in an emergency situation would add to the existing egress issue from Alta Vista Dr and Alta Streets. A bottleneck of automobiles trying to exit these streets is of major concern during an event.

I am asking the review process for this subdivision to include the consideration of increased traffic in an emergency event be considered, for the surrounding areas.

Thank you
Stephanie Levings
10179 Alta Vista Dr
Grass Valley, Ca 95945
sierradville@gmail.com
(530)277-9049

Sent from my iPhone
Lance Lowe

From: Lynnette Ellison <banjostitcher@sbcglobal.net>
Sent: Wednesday, July 3, 2019 3:13 PM
To: Lance Lowe
Subject: Gilded Springs

City of Grass Valley Planning Commission:

We would like to take this opportunity to register our concerns with the proposed development, Gilded Springs, which is across the street from our home on West Main Street.

The guaranteed increase in traffic is obviously a major concern. Speed limit violations, stop sign running, and cell phone usage while driving are currently the norm and will only increase with the added traffic. Traffic on West Main Street is congested and backed up twice a day during school hours and downtown special events, making it difficult to leave or enter West Main Street driveways.

We are concerned that the headlights from traffic exiting Gilded Springs onto West Main Street will be shining directly into the front windows of the homes on West Main Street.

Thank you

Glen Ellison
Mary Ellison
530.272.2515
819 West Main Street
July 3, 2019

To: Lance E Lowe, AICP, Principal Planner
   City of Grass Valley
   125 E. Main Street
   Grass Valley, CA 95945

From: David and Jessie Emanuel
   208 Townsend Street
   Grass Valley, CA 95945

Subject: Gilded Springs Development

1. My wife and I would like to express our concerns regarding the planned Gilded Springs Development. Our home backs into the City owned property at Carpenter Street and Scotia Pines Circle. Peabody Creek and the small creek flowing out of the pond on the subject property, flows near/through our back yard.

2. TRAFFIC: Right now, traffic at the intersection of West Main and Alta Streets is a mess. This is primarily due to the three schools located on West Main. During school hours many drivers use Carpenter and Townsend Streets to cut-through increasing the traffic on these streets, (Townsend, in particular is a very narrow street).

   The proposed development will make the situation much worse, as detailed in the TJKM Technical Memo Dated May 8, 2019.

   If the plan is to signalize this intersection, why is this not being done as part of the subject development and the developer required to bear the cost or part of the cost?

3. CREEK FLOODING: Occasionally, during winter storms, the creek in our backyard overflows destroying our landscaping. With this development, street/storm run-off will increase worsening the situation. What is being done to mitigate this problem?

4. BUILDING ON WETLANDS: It has been reported that the lower portion of the property is considered wetlands. Why is building there being allowed and how will the stream that exists on the east side of the property be protected?

Please give these matters careful consideration.

David Emanuel  Jessie Emanuel

David and Jessie Emanuel
July 1, 2019

To concerned Grass Valley and Nevada County residents,

We would like our neighbors to know that plans are moving forward with the proposed Gilded Springs development to be located between West Main Street and Alta Street. Tobin Daugherty has been moving forward with plans to build 27 houses on 6.96 acres.

The City of Grass Valley Community Development Department has issued a Mitigated Negative Declaration. If there are no objections to this report the development will most likely be approved by the Grass Valley Planning Commission at their meeting on July 16, 2019 at 7 pm. The deadline for voicing your concerns about potential negative impacts of this development on our neighborhoods is Wednesday, July 3 at 5 PM.

Concerns shared by many of the neighbors are as follows,

- Worsening of dangerous traffic on Alta St. because an exit from the subdivision will be 2/3rds of the way up Alta St. This is near the crest of the hill and visibility is limited.

- Worsening of the congestion on West Main St. which is already “level F” (grid lock) when parents are driving their children to school.

- Disregard by the developer and the city engineers that the water table in the lower portion of the property is very close to the surface and actually meets the criteria for wetlands. Building on wetlands is not recommended for many reasons.

- The developer plans to spray glyphosate (Roundup) on the blackberries that extensively cover the stream on the western side of the property. The understanding of the toxicity of glyphosate has been growing over the past two decades and glyphosate is now recognized by the state of California as a carcinogen. Spraying glyphosate anywhere is a public hazard. Spraying glyphosate on a water drainage area is the worst place to spray this toxin.

- No mention made in the Negative Declaration of protecting the stream that exits the east side of the property and becomes Peabody Creek. There is also no mention of protecting the aquatic species in the streams (especially the stream on the eastern side of the property which contains fish and crawdads) during the extensive excavations that will occur during the construction of this subdivision.

If we would like to voice any of our concerns about this development, the city directs us to contact,

Lance E Lowe, AICP, Principal Planner
125 E. Main Street
Grass Valley, CA 95945
530-274-4716
lancel@cityofgrassvalley.com

THE DEADLINE FOR COMMENTS IS THIS WEDNESDAY, JULY 3 AT 5 PM!!

[Signature]

212-7506
July 3, 2019

Mr. Lance E. Lowe, AICP
Principal Planner
City of Grass Valley
Community Development Department
125 E. Main Street
Grass Valley, CA 95945

Sent Via E-Mail and Hand Delivery

Re: NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION - - GILDED SPRINGS

Dear Mr. Lowe,

On behalf of my clients, Dr. Lisa Hosbein and Mr. Dan McKenzie, I appreciate the opportunity to comment on your Initial Study and Mitigated Negative Declaration as to the Gilded Springs Tentative Subdivision Map project. As you are aware, my clients have had numerous serious concerns over the past couple of years with regard to this project. As they live immediately adjacent to the project at the end of Linden Avenue they will be more directly impacted than most others in many ways. Nonetheless, our comments will focus on what we believe are potentially significant impacts that simply cannot be mitigated adequately, and several issues that have not even been addressed.

Hydrologic Issues:

At the outset, it is important to note that we have explained our concerns at length to the applicant for this project, his consultants, and to City staff. Our concerns are that the project will alter surface and subsurface flows in a way that increases the already high flood risk on Linden Avenue. As of this date, our concerns have still have gone largely unaddressed, in spite of the further Limited Groundwater Investigation recently done by Balance Hydrologics and dated May 20, 2019 (the “Limited Investigation”).

According to the Limited Investigation, it “summarizes our interpretation of existing and proposed drainage, [and] we have not completed a comprehensive hydrologic or hydraulic
investigation of Linden Avenue.” (See page 1). It also excludes an examination of the center of the former parcel area which consists of the old historic residence on 1.44 acres. The Limited Investigation simply makes a broad assumption, based upon pure conjecture, that because there will be no changes to the 1.44 acre parcel, the hydrology and runoff “from this historic site to Linden Avenue will therefore remain unchanged.” (see page 3). Among its recommendations is that, “based upon our findings we recommend that a drainage plan be finalized and consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project property.”

The Limited Investigation by its own terms, therefore, has not addressed the concerns we have so painstakingly tried to explain to all concerned from the outset. At the top of our list of concerns is the interception of groundwater by the various excavations that this major project will entail. This concern is explained more fully in the report from Joslin Geotechnical attached as Exhibit “A”. Utility trenches, for example, are quite likely to be dug to depths of four feet or more, which is almost certain to intercept groundwater during the wet season in the southern half of the project area. These trenches would then be back filled with permeable materials that are far more likely to transmit those groundwaters at an accelerated rate and with increased volume to the southeast, in the direction of my clients’ property. When the surrounding soils are saturated, they will not be able to re-infiltrate the exposed groundwater and it will be very likely to be forced to the surface, or accelerate already heavy subsurface flows. This will greatly increase the likelihood of flooding problems.

A vivid demonstration of what we believe is likely to occur when trenches are dug in this area took place on May 6, 2019. On that date, ABT Plumbing of Grass Valley was working to repair the existing sewer line coming from the old historic home on the 1.44 acre lot and down to Linden Avenue. They dug a relatively small 3x3x2’ trench near the boundary of the 1.44 acre parcel, at the very end of Linden on the right side of the road at 636 Linden. The trench immediately filled with water and began to overflow. Thinking they had hit a water main, the ABT technicians called the City and asked for their help in determining if a main water line had somehow been hit. The City staff then tested the water for the presence of chlorine, and finding none, concluded that the flood of water was in fact ground water. (See the Affidavit of ABT Technician Daniel Foss attached as Exhibit “B”). The water turned what should have been a simple sewer line replacement into a four-day project that required extensive amounts of concrete to be poured to stem the flow of groundwater. The excavations opened up new waterflows that pushed up the pavement on Linden Avenue and caused damage to the road surface.

This is precisely what Bob Joslin had predicted would occur when trenches were dug in this area. They can and will become conduits for increased flows. We don’t yet know where all the utility trenches will be, but they will do the same thing in the presence of saturated surrounding soils. The current plans show storm drains at the southern end of the property that will point flows right at my client’s property. While the storm drains in theory may be able to direct episodes of flashy run-off from storms toward the creek to the northwest, but subsurface flows around those pipes will go on 24/7 during the wet season, greatly exacerbating the problems already being experienced.

Similarly, the curtain drain shown adjacent to the Sierra Mountain Inn will cause problems as well. According to Sheet 3 of the last version of the plans we have seen, that curtain drain will
be 125' long and appears it will be filled with drain rock. Because of the fact the land slopes toward the southeast here (approximately a 4-foot drop in elevation over the 125' of the curtain drain) this drain will function to direct massive flows of water toward my clients' property. As will be explored elsewhere, these soils are already heavily saturated during the wet season and the once intercepted, groundwater is likely to become surface flow.

Another problem is the excavation for building pads, and the drainage from those pads and surrounding disturbed areas. For example, Lot 27 is located at the low end of the project area, and the pad elevation will be at 2522.0'. The only way to accomplish that is with a great deal of fill, since the natural grade along my clients' property slopes from 2518' at Linden down to 2516' adjacent to the lower end of Lot 27. In other words, the entire set-back area between Lot 27 and my clients' home will be composed of a steeply sloping dirt slope that will direct runoff right at them. Again, the utility trenches will tend to accelerate subsurface flows as well. Bob Joslin's report (Exhibit "A" at page 6) identifies a concern that the additional water on compacted fill may cause the fill slope to seep, and that there is a high risk of a "blow out" of the side slope which would then cause damage to my clients' property.

Lots 21 and 22 also appear problematic. There are no storm drains present. It looks as if the impervious surfaces on those lots will also move surfaces flows toward first the 1.44 acre parcel and then down to the Linden Avenue drainage. Again, we cannot assume, as the Limited Investigation does, that since no construction will take place on the 1.44 acre parcel that there will be no influence on the homes along Linden. If increased flows from the project end up on the 1.44 acre parcel, they will simply be passed through the saturated soils and directed toward the neighboring areas to the southeast down Linden. Natural processes and human influences do not stop at property boundaries.

The Limited Investigation does not deal with these issues. What is needed is an evaluation that goes beyond the boundaries of the project area and explores the characteristics of the subsurface waterflows as they might transition through the project area and then off-site.

Part of the reason were are so certain of this is that we have now had two evaluations done along the boundary of the project and come up with very different results than the Limited Investigation revealed. Bob Joslin (Exhibit "A") found that gleyed soils were present in all 8 of his tests pits around the perimeter of the project area. Those gleyed were found between 3 feet of the surface and as little as 18 inches from the surface. Bob Joslin also found hydrophilic vegetation and believes some areas could be classified as wetlands, particularly in the southeast.

Gabrielle Lawson, a soil scientist, performed an evaluation of the area and did 5 shallow test pits. (See attached Exhibit "C"). She found hydric soils within just 4 inches of the surface in one pit, and within 15 inches found what appeared to be hydric soils in another pit. Hydric soils are indicators of a wetland. Being limited to hand tools and the presence of ground water, she was unable to go to the depths that Bob Joslin had gone on the remaining holes. Her report concludes that because of the difficulty in infiltrating runoff and other factors, "without careful planning and the appropriate infrastructure, runoff will accumulate at the lower reaches of the proposed development site and contribute to the water problems at the bottom of the watershed on Linden Avenue."
Even the Limited Investigation found mottling (an indicator of persistent groundwater) at 18 inches in Pit 6, which was close to Gabrielle Lawson’s Pit 1. Mottling was also present in other pits, and ground water was present at between 3 and 4.5’ in 3 of the six pits.

In terms of CEQA requirements, there is more than enough information here to show that there are many unanswered questions with regard to the impacts of the project upon groundwater and surface flows. Unsupported conclusions, such as those in the Limited Investigation, should be discounted. Even the Limited Investigation recommends, on page 4, that "a drainage plan be finalized and consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project property." We agree. It is difficult to fully evaluate the project without more specificity in terms of what precisely is being proposed in terms of drainage plans. For example, there don’t seem to be any plans for dealing with surface waters from lots 21 and 22, and we are uncertain how the lower portions of the area around Lot 27 will be drained. It does not appear possible to drain those areas toward the creek to the northwest. CEQA might allow some issues to be addressed post-approval, but we question whether it is even possible to adequately mitigate the impacts of this project upon neighboring properties. As Bob Joslin has explained to City staff previously, we strongly question whether some portions of the project can be made viable at all under any circumstances. It cannot simply be assumed that somehow there is a solution that could be devised outside of the CEQA process, and done without public participation. These crucial questions must be resolved now.

In addition, we believe further study off site is required to understand how the potential impacts could possibly be mitigated. For example, if it were shown that the water table generally rises as it flows to the southeast, as the evidence suggests, any changes to even subsurface flows on the upper end of the project may ultimately surface to cause problems by the time they reach Linden.

In short, at the present time, we have insufficient information in order to determine compliance with CEQA standards, and reason to doubt whether economically viable ways to do so even exist. In addition, we remain of the opinion that an undefined but significant area in the extreme southeast of the project area may constitute a wetland.

_Access, Parking and Circulation:_

We appreciate that a Technical Memorandum has been prepared by TJKM. That report at least begins the discussion of several crucial problems. We completely agree that the intersection at W. Main Street and Alta Street is functioning at unacceptable levels. Levels of Service (LOS) of E and F occur several times daily. The neighboring properties adjacent to this project along W. Main Street, such as the Sierra Mountain Inn, report that they already are completely unable to access W. Main Street to turn left at times during the day. The gridlock is so extreme, guests at the Inn are advised not to even attempt travel at peak hours. Given such LOS at this area, the temptation for drivers to find a short cut, a “cut-through” will be extreme. We are skeptical if this can be prevented given the frustrations that drivers face. TJKM suggested some alternatives, but they may not function entirely to prevent “cut-through”.
This is not merely inconvenient. If an evacuation were ordered during an emergency, such as a wildfire, many could be trapped. Nearby Forest Glade Circle, for example, has only one exit, and if a fire dictated that traffic must proceed toward Grass Valley, this would be a tragedy in the making.

On a related point, it seems paradoxical to us that even assuming it is approved and constructed, the main entrance to Gilded Springs will be literally impassable several times a day on any average weekday. This is hardly a selling point. One would think that the project proponent would want to take the lead in encouraging real solutions rather than merely paying the minimum mitigation fee.

Nonetheless, our primary concern is that the required analysis of cumulative regional impacts is completely missing. TJKM calculates that 255 daily trips will be generated by the project, which it characterized as a “minor” increase. In terms of the wait times at the intersection of Main and Alta, for example, it would result in an increase in the wait time from 50.5 seconds to 53.7 seconds - - a 3.2 second increase, or over 6% longer. This is far from insignificant. It is far above the “one molecule rule” that has been debated since a 2002 Third District Court of Appeals decision. As the CEQA Guidelines make clear, “Knowledge of the regional setting is critical to the assessment of environmental impacts.” (See Cal. Code Regs., tit. 14, § 15125(c).)

An environmental document must discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable." (Cal. Code Regs., tit. 14, § 15130(a).) A project's incremental contribution is cumulatively considerable if "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Cal. Code Regs., tit. 14, § 15065(a)(3).) If the lead agency concludes that a cumulative impact is not significant, the document must include a brief explanation of the basis of the finding and identify the facts and analysis supporting it. (Cal. Code Regs., tit. 14, § 15130_(a)(2).)

The TJKM report used traffic volumes from the Yuba River Charter School traffic study and "volumes that were existing in 2014 plus volumes from the new Charter School, plus volumes from other approved but unbuilt projects at that time. TJKM assumed all such volumes are now existing on the streets." (Technical Memorandum at Page 2.) In other words, TJKM used data that is 5 years old, and ignored the fact that the regional setting has changed significantly in the last five years.

Both Nevada County and the City of Grass Valley have begun to process and approve a large number of additional residential units. In Grass Valley, major new projects are complete, underway, or going through the approval process. Given the location of the excellent schools nearby, one must assume that Gilded Springs will attract buyers with young children and contribute an even higher number of trips at peak hours than other residential developments. All of the other new residential units coming online can be expected to also add some percentage of increase in daily trips through the intersection at Main and Alta as well. We don’t know what those impacts will be for the simple reason that they have not been analyzed at all.

While an update is in process, the current Grass Valley General Plan’s circulation element is hopelessly outdated as a planning tool. We understand that some new numbers have been
generated, but nothing that could be used to determine what projects might be individually insignificant, or to even understand the current condition. If the TJKM report relies upon data that is 5 years old, it can be expected to understate the gravity of the problems with the intersection of Main and Alta. Those who live in the neighborhood will certainly testify that the traffic problems have gotten far worse since 2014. In this context, how can the City determine that the “minor” additional traffic contributions of the Gilded Springs subdivision should not be analyzed with the benefit of current information? The minor (if a 6% increase can even be considered minor in the first place) impacts of this project may be cumulatively very significant when added to all of the other projects in the region.

Another glaring problem with the City’s analysis is the lack of specific mitigation that will reduce the impacts to a less than significant level. Other than the very weak argument that the applicant will contribute to a mitigation fund, there is no indication in the Technical Memorandum or elsewhere that signalizing the intersection at Main and Alta will occur anytime soon. It is an unfunded mitigation project and could hardly be said to offset the impacts. Broad and conclusory statements that have no factual basis are not to be considered in a CEQA analysis. It may be a plan for the future, but as far as this project is concerned, unless a direct nexus between the project and the actual imminent installation of traffic lights is established, there isn’t any mitigation.

In short, a full environmental document is required to evaluate the traffic and circulation issues on a regional basis. The recent decisional law seems to be strongly encouraging broad-based planning. The City does not appear to have done the required work to comply with CEQA’s mandates in this regard, and the project cannot be approved unless the required information is properly considered.

Greenhouse Gas:

The greenhouse gas (GHG) analysis is inadequate. It seems to simply say that the individual residential units will meet NSAQMD standards. What is being ignored is the far greater indirect contributions of vehicles waiting in the queue to get through the intersection at Alta and Main. It is well-documented that cars standing at idle in heavy traffic generate increased levels of GHG emissions. Your analysis acknowledges that the City “has not conducted a greenhouse gas emissions inventory or adopted a Climate Action Plan, performance standards, or a GHG efficiency metric.” If the Technical Memorandum on traffic is an indicator, there is a definite, significant, and likely understated increase in GHG’s generated by the additional wait times.

Even if every vehicle within the Gilded Springs project were an all-electric no emissions vehicle, the indirect increases from the additional wait times are still absolute, additional GHG emissions. Therefore, the additional trips (VMT) created by the project would generate substantial GHG emissions by themselves, as would every vehicle going through the intersection for a measurably longer time. Although there has not even been an attempt to measure the indirect increases in GHG, they undoubtedly would cumulatively amount to many MT/year of CO2. This needs to be analyzed. There is clearly an impact, and once an impact has been identified, every possible mitigation measure must be employed. Here, no mitigations are offered at all.
Conclusion:

The Initial Study and Mitigated Negative Declaration is currently deficient. It needs to be revised and re-circulated for comment. The City of Grass Valley owes a duty to its constituents under CEQA to fully evaluate the project and show by credible information that the impacts will indeed be mitigated to a less than significant level, or do a full EIR. We very much appreciate your consideration of our comments, and do hope further evaluation will be forthcoming before forcing a hearing prematurely.

Very truly yours,

[Signature]

Greg P. Lien

Enclosures

Cc: Clients
July 3, 2019
Project 706

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RE: Addendum to Joslin Geotechnical Report 706 dated July 27, 2018 and Review of Balance Hydrologics Inc. Limited Groundwater Investigation, Proposed Gilded Springs Residential Development, 654 Linden Avenue, Grass Valley, California —Final-

Dear Messrs. Mackenzie and Lein and Dr. Hosbein:

This letter is provided as an addendum to our previous report dated July 27, 2018, and as a review of the referenced Balance Hydrologics report, and also that of Gabrielle Lawson, Soil Scientist.

First, our comments on the Balance Hydrologics report dated May 20, 2019:

Page 1, near the bottom, states that “In recent years, residents located downslope and adjacent to the parcel along Linden Avenue have experienced minor flooding of basements, driveways, and yards from surface runoff and/or shallow groundwater.” This quote is attributed to Mr. Tobin Dougherty, the developer, who has an apparent vested interest in downplaying the apparent severity of the potential shallow water issues. Robert Joslin, PE, and the author of this letter, has personally observed Rainbird-type sprinklers operating during winter storm events as one resident along Linden Avenue pumps from their basement to remove ground water. This is not a “minor flooding” event. It reportedly is an ongoing condition during most winters.

1

EXHIBIT A

ADDENDUM
Other residents have reported ground water issues and have installed near-surface drains. Other residents have experienced ongoing below-residence water flows and issues. These are all ongoing, occur in “below-average”, “average”, and “above-average” precipitation years. Again, these are not “minor” events and conditions as Mr. Dougherty would have you believe. If these conditions occurred in new construction, they would likely involve law suits against the designers, developers, and builders.

Page 2 of the Balance report notes they performed additional field work on April 26, 2019, 8 days after the last precipitation event of 0.60 inches of rain and noted that the yearly precipitation was approximately 10 percent (actually slightly more at the time) above “average”. We agree that water year 2018-2019 has been above average, but our records at our office (50 years at Dutch Flat) show that wide variations in both total precipitation occur, and moreso, in intensity and duration of storms. This is a factor that seems to escape the Gilded Springs team. It is accepted engineering practice to have to design for the limited “worst-case” event (be it rainfall intensity, duration (such as a 1 hour, ten year storm), seismic condition, and probably eventually, wildfire). It is accepted engineering and legal practice that changing conditions such that when the previous sentences’ exceedances occur, it should NOT cause or exacerbate problems on other properties. The designs provided by the Gilded team do not seem to take this into serious consideration, or more likely, to realize the long-term potential of their designs. Our technical team has repeatedly attempted to explain that utility trenches with the required granular bedding are likely to become subdrains and ground water collectors. (The recent experience of Daniel Foss at ABT Plumbing, affidavit attached with Mr. Lein’s documents, is a prime example of what we have predicted.) We do agree with Balance’s comments on paragraph 3 of page 2; hydraulic group C has slow rates of water transmission and downward movement! What they do not acknowledge is that in the study of ground water, lateral (horizontal to sub-horizontal) movement may be up to ten times the rate of vertical, or downward movement! If the water can’t go down, when it gets to an aquitard or discontinuity it tends to flow along that surface laterally. This can result in high or increased flows downslope i.e. forming springs like the one on the now 1.44 acre parcel to remain, or being intercepted by construction (such as the folks who use sprinklers to dissipate water collecting in their basement). New construction activities are likely to exacerbate these types of conditions.

While Balance found mottled soils in some of their test pits, and as shallow as 1.5 feet in test pit 6; both Robert Joslin, PE, and Ms. Lawson, the soil scientist, routinely found gleyed soils at depths on the order of 2 feet, +/- a few tenths of a foot. Gleyed soils indicate long-term saturation. We also note that we found ground water at less than 2 feet deep, about 100 feet south of Balance’s test pit 6 based on scaling their drawing.

We agree with Balance on page 3 that impervious surfaces are going to be developed. There is already an acknowledged vertical inflow potential and as the impervious surfaces concentrate more water to “undisturbed” (not likely to be “undisturbed” during the construction and grading processes), but to now more permeable than roofs, etc, there will be less area to attempt to infiltrate greater concentrations of water. It is presently planned to direct this water to the west and to bioswales (“infiltration basins.”) These appear unlikely to us to be able to handle the volumes of perhaps 2 to 3 day storm events of 2 to 3 inches per day. THESE EVENTS HAPPEN FAIRLY ROUTINELY IN THE SIERRA FOOTHILLS. With the concentrated water at the southwest side of the project, any overflow from these systems will be CONCENTRATED flows either through the 631 Linden Avenue property or the Sierra Mountains Inn, or both. This is unacceptable engineering practice because the flows will have been intentionally concentrated to this area, then over-design events will adversely affect adjacent properties. We currently see no mitigation or “plan B” works to avoid this probable event.
There are several other fairly minor areas in the Balance report that could be addressed, but this covers the primary ones and should present items that have to be considered in order to proceed with the project. It is our professional opinion that these items should be addressed and resolved BEFORE issuing any permits or negative impact declarations — it is our experience that they are often under-addressed after the permits are in-hand.

Regarding the review of new data to addendum our report 706 dated July 27, 2018, we stand by that report and note that the observations and findings of Ms. Gabrielle Lawson support and reinforce our observations that gleyed and hydric soils are often present around the near-margins and perimeter of the proposed Gilded Spring project, and as previously stated, often at 2 +/- feet. There is no reason to believe that finding such soil conditions at the Mackenzie fence bounding the Gilded project would be substantially different on the other side of the fence, or within even a few tens of feet into the Gilded project.

With a review of the “new” site plan, it is our opinion that a substantial portion of the concerns of the neighbors, the residents of the 631 Linden Avenue home included but not limited to them, could be resolved by not developing proposed lots 25, 26 and 27, leaving that as “open space” which combined with the now-planned 1.44 acre remaining as-is original homesite, would leave the “downslope properties” essentially in an unchanged geohydraulic condition — they would be no better but also no worse — than the present conditions, and there would appear to be limited need for the bioswale at the west property line to affect the 631 Linden Avenue property and Sierra Mountain Inn.

If there are questions regarding this letter, please do not hesitate to contact us.

Very truly yours

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RE: PRELIMINARY SOIL AND GEOLOGICAL INVESTIGATION FOR PROPERTY EVALUATION; Adjacent 631 Linden, Grass Valley, California

Dear Mr. Mackenzie:

This report summarizes our investigation for possible and probable ground and surface water impacts of a proposed 29 +/- unit subdivision called Gilded Springs, to be developed at the northwest end of Linden Avenue and sited between West Main Street and Alta Street, in the northwest area of Grass Valley, California. The subdivision is currently under review, and it is our understanding that the specific number of parcels is not yet a fixed number, although the previously mentioned 29 units has been shown on the plan submitted to the City of Grass Valley Community Development Department on April 30, 2018.

General Conditions

The current use of the land is an older, “historic” single-family residence roughly centered in approximately 7 acres of presently undeveloped land. The present use for most of the property is reportedly as rented land used for organic farming. The residence on the property is occupied by the landowner. Past use of the property has been reported to us has been as farm land (by the then-owner) and a dairy farm. A moderately large spring (by western US standards, Joslin opinion) is present to northeast of the residence and reportedly was routed through a still-present structure for use in cooling the milk of the dairy farm. Verbal reports by long-term neighbors state that the spring is a year-around feature, and its’ use for refrigeration of the now-defunct dairy farm also indicate it was likely a year-around feature at that time.

The spring outfall has apparently been re-routed as an open channel, ground surface feature that presently flows south of the residence, and down to the west to a pond, then southeast along the property driveway where it leaves the property, flows parallel to the southwest side of Linden Avenue for about a hundred feet, then leaves the proposed Gilded Springs site and flows through a 12-inch culvert that is on and provides access to the 631 Linden Avenue address, and continues past
631 where it flows to a drop inlet/direction change box and then flows down to the southwest along the 1631 property southeast line. Along the open-channel ditch line and near the pond, a moderate to relatively dense growth of hydrophilic vegetation is growing. Due to not directly accessing the property because of potential trespass issues, we were unable to specifically determine some of the tree varieties, but along the road, willow varieties are present as are horsetail forbs, and other grasses, and on the property but not directly accessed, birch/aspen varieties are present. Like willows, the birch/aspen/ash trees are hydrophilic.

Overall, the general ground surface in the area, including the proposed development and surrounding neighbors, slopes down to the south-southwest at moderate slopes, generally between 5 and up to about 15 percent. Both flatter and locally steeper areas exist within this generalization. The northwest portion of the property lies to the west of a north-south ridge, and therefore the west approximate one-quarter of the development drains to the west and not toward the Linden Street area.

The proposed subdivision is to be accessed by a new road identified as Ben Taylor Crossing. It is proposed to enter West Main Street approximately 600 feet to the west of the Alta Street intersection, and to enter Alta Street approximately 600 to 700 feet to the north of its’ West Main Street intersection. The Alta Street intersection is below the crest of a hill, and with limited sight distance. Alta Street is posted at 45 miles per hour in this location, and with the present houses and retaining walls, sight distance to the north appears marginal for vehicles travelling faster than the posted speed limit. This may be exacerbated by the presence of the nearby Alta Vista School and both congestion and “hurrying” to pick up or drop off children. We are not traffic engineers, but recommend that due to the sight distances, potential (reported by neighbors) higher-than-posted travel speeds, inclement weather conditions coupled with the relatively steep street slope, and other factors, a traffic study would be advisable for this intersection.

In addition to the moderate size spring on the proposed subdivision property, there are other springs in the immediate area, although some may be seasonal. The property at 338 Alta Street has a spring that is reportedly almost year-around, and flows heavily in the wet months. The property at 636 Linden reportedly has spring activity on a long-term seasonal basis, sometimes 8 or more months per year. The property immediately adjacent 636 to the south, at 626 Linden Avenue has similar spring activity and uses a sump pump to dewater the basement. The property at 631 Linden has spring activity seasonally.

Concerns

The proposed new subdivision will have a significant hard-cover impact on the general area. Roofs, patios, roads and driveways, all will have a limiting effect upon the infiltration of rain water over the area. Potentially, yard watering and lawns may also add or alter the ground water conditions in the area. With infiltration of “natural precipitation” altered, it is anticipated that current practices mandate the attempted re-infiltration of such water through various means such as flow chambers, wet-wells, and other means that tend to concentrate ground water infiltration.
In addition, the utility installation for the proposed subdivision will involve sewer, water and electric systems that are buried. The natural flow of gravity and site topography indicate that at least sewer, and possibly all three, might be accessed from the Linden Avenue area. It has been proposed to access the five sites (Parcels 25-29) at the south of the subdivision from Linden Avenue, just upslope from the 631 address. It would be expected that standard engineering practice would be to route the utilities in buried trenches beneath the access road. It is noted that this access road to these parcels is not shown on the plan submitted to the City, and also that Parcel 25 includes the southeast approximate one-quarter of the pond. Based upon the layout shown on the plan, it appears the pond would be infilled and Linden Avenue extended over the pond to provide driveway access to those parcels. This also appears would remove the spring flow channel and associated hydrophilic (wetland) vegetation.

Parcels 25 through 29 are located immediately upslope to the northwest from the Mackenzie property. Hardscape, and consequent infiltration of collected precipitation would appear likely to concentrate ground water, and possibly surface water, flow onto the Mackenzie property.

Investigation

We were contacted by Mr. Gregg Lien, attorney, to determine if there may be potential impacts to the Mackenzie property from the proposed subdivision. Work scope has been staged to limit the costs to the owner, but to confirm or disprove the likely presence of ground water, evaluate the potential impacts of the subdivision on the ground and surface water, and provide our opinion as to the likely impacts of the subdivision on the immediate downslope property. As our investigation proceeded, other neighbors requested that we investigate at least some portions of their properties to evaluate potential high ground water and some possible impacts of the proposed development.

The Soil Survey of Nevada County, California Area by the USDA Soil Conservation Service (now renamed Natural Resource Conservation Service (NRCS)) was used to preliminarily ascertain probable past evaluation of the general area. The NRCS maps provide a detailed description of anticipated soil conditions within the upper approximate six feet of soil. They are comprehensive in scope, and typically give insight into what are largely agricultural uses and classifications, but the maps and tables also provide generalizations of engineering properties. In short, they are a tool for preliminary evaluation, and field work is required to confirm the information they provide.

The site soils are listed as the Dubakella Series of the Secca-Boomer association. These soils are in the west center of Nevada County, and consist of gravelly clay-loam materials formed from weathered metabasic bedrock. Bedrock is typically 40 to 60 inches or more. Permeability of the clay loam soils is generally very slow.

Based upon the spring activity, reported wet to saturated seasonal condition for near-surface soils, and
similar items, the scope of our work has been to hand excavate test holes to depths to determine the near-surface conditions that might be expected with moderate site grading.

Soil and rock is a combination of elements, minerals, and combinations of minerals. Some of these are very distinct and resistant to chemical reactions. Gold is an example of an element that is quite unaffected by most chemical and weathering processes. Iron is an element common within soils that is reactive to chemical reactions. In the presence of oxygen, iron molecules oxidize and “rust” and characteristically turn a reddish brown color in soil. In the absence of oxygen, the iron molecules chemically “reduce” and turn a characteristic blue-gray, or “gleyed” color. It should be understood that a “reduced” iron compound, when exposed to oxygen (dried, or other) may again oxidize and “rust” and turn brown again, sometimes within weeks. It does take longer for the reverse process, oxidation to reduction, to occur. Therefore, soils that are gleyed or blue gray, have likely been in a reducing environment for extended time periods. With a soil, this almost always indicates long-term saturation or inundation (or the presence of hydrocarbons, such as gasoline – no hydrocarbon odor was detected).

Therefore, a relatively shallow exploration plan was developed, to determine if ground water was present or if a “contact” of what has been an oxidized soil profile over a gleyed soil is present. A “contact” is a line (or may be a narrow transition) separating different strata or colors, or some variance between the soil and rock. Hand-operated equipment, typically a post hole digger, was used to excavate what was initially 3, and ultimately rose to 8, shallow test holes. The upper approximate 1.6 to 2 feet of the holes are typically red-brown silty clayey sand soils, or varying combinations of these materials. In all test holes, the red-brown “oxidized” soils were atop a blue-grey sandy clay soil strata. Our investigation typically extended a few inches into the blue-grey colored soils.

The chemistry of the soils, essentially the redoxomorphic properties, were the criteria that we used to provide our opinion as to the recent past ground water and/or high soil moisture content soils. Summarizing, the reddish-brown and brown soils are the color result of the iron constituents within the soils oxidizing, or essentially “rusting” of the iron. The blue-grey coloration is the result of the iron constituents becoming “reduced”, a chemical term where the iron molecules do the opposite of “rusting”. The reduction of the iron molecules is due to long-term saturation or inundation of the soils.

The Mackenzie property at 631 Linden Avenue is directly down-gradient from the five parcels proposed as units 25 to 29 of the Gilded Spring development. Three test holes were excavated on April 22, 2018, just inside the chain link fence separating the Mackenzie property and the proposed Gilded Springs development. At the northwest corner, gleyed soils were found at depths of 22 to 23 inches, and ground water was found at 25 inches below grade. Gleyed soils and ground water were found at depths of 18 inches near the northeast corner of the Mackenzie property.

Subsequent to the Mackenzie investigation, additional test holes were excavated on May 31, 2018 on neighboring properties. Directly across the street from the Mackenzie property, to the east (Jackson
property 636 Linden), three excavations were made along the north property line to depths between 2.3 and 2.9 feet. These excavations found gleyed soils at depths between 22 and 27 inches, and ground water was found at 21 inches below grade near the northeast corner of the 636 parcel. This location is the highest elevation investigated of the eventual 4 parcels examined in the immediate area downslope of and to the southeast and south of the proposed subdivision.

Another excavation was done in the back/side yard of the 338 Alta Street property. This property is adjacent and southeast of the 636 Linden Street address. The test hole was near the northwest property corner, and gleyed soils were found at a depth of 26 inches. It is also noted that an active spring is located on this property.

Lastly, a boring was done at the Sierra Mountain Inn at 816 West Main Street, which is at the south side of the proposed parcel 25-29 portion of the Gilded Springs subdivision. This excavation was done within 3 feet of the fence delineating the property boundary. Gleyed soils were found at a depth of 27 inches in this hole.

Essentially, the investigation indicates high ground water and soil moisture is present in the properties adjacent and surrounding at least the east and south limits of the proposed development. Without permission to access the proposed development property, we have not trespassed on it, but visual examination of the ground surface from the adjacent properties, and examination of aerial photographs such as those on Google Earth show that spring(s) are present, some hydrophilic (moisture loving) vegetation is present, and the vegetative growth on the north side near the creek extension indicates long-term moisture presence.

Findings and Opinions

Based upon these observations, we offer the following professional opinions:

1. It appears that there is a long-term high ground water table, at least seasonally, in the overall area surrounding the proposed development. It would be totally unreasonable to expect a differing condition to occur at the proposed development.

2. Excavations for footings, even without site grading, would probably encroach toward or at the gleyed soil/seasonal or permanent soil saturation level. Saturated soils have significantly lower bearing capacity than unsaturated conditions, with attendant design and construction review considerations advised. High soil moisture, coupled with the “tight” energy-conservation requirements of current codes, can lead to higher humidity in structures, leading to mold growth. If and when wet soils are found during the construction and grading, several methods of dealing with wet soil conditions are available, including but not limited to subdrains. One of our concerns is that it is usually easier to collect the soil moisture than it is to re-infiltrate it. Our understanding of current regulations is that collected ground water should be re-infiltrated on site. Attempting to infiltrate collected water into a relatively thin
strata of generally less than two feet above indicators that imply permanent or long term saturation could be problematic. The NRCS documents indicate an available water holding capacity of 1 to 3 inches of water for soils similar to those found on the neighboring properties and as indicated on the proposed subdivision property. Attempting to use fill to raise the grade is one option, but a site that is not “balanced” between cut and fill soil volumes is less economical. Further, a site with all fill to provide for grading purposes would involve even more increased truck traffic, with attendant road damage, noise, and congestion. And finally, attempting to infiltrate collected water into a properly constructed engineered fill would be very problematic, weaken the fill, and likely be a long-term less than successful endeavor.

3. Excavations for buried utilities are almost certain to encroach into the saturated soil limits, at least in some locations. Almost always, the bedding and shading, and sometimes backfill specifications, are for granular materials such as sand and/or gravel. In general, the native soils are combinations of clays, silts and sands. These native soils are less permeable than anticipated utility backfill bedding materials. This essentially results in the utility trenches becoming “subdrains”, commonly referred to (incorrectly) as French drains. The site topography directs flow down toward the 631/636 and lower Linden Avenue addresses. This could exacerbate the already wet ground issues that exist in this neighborhood.

4. Surface run off will be increased, likely significantly. Hardscape such as roofs, patios, streets, etcetera will result in rapid and concentrated run off. This is highly unlikely to be “infiltrated” into the site soils. Once the soils are saturated (i.e., ground water), it is very difficult to infiltrate water into the saturated soils. This leaves less than two feet of soil that can be used for infiltration, ASSUMING similar conditions exist on the proposed development that exist to the adjacent properties. One cannot simply raise the grade on the proposed development and use it for infiltration because the compaction requirements for “fill” will likely be such that the specific capacity of the soil (how much water can be used to fill the available voids) will, by definition, be small due to compaction requirements. There is also a high risk of a “blowout” of the side slope if fill is used adjacent the Mackenzie property with infiltration systems, and seepage of the exposed slope on a fill would be likely, which would likely directly adversely impact the Mackenzie property. Runoff from the proposed development is also a potential issue. The existing creeklet that flows on the northeast side of the Mackenzie property has a limited cross section, and the culverts that convey this water are already small (undersized). Using this creek for a storm water conveyance for the runoff of the proposed 5 houses, in addition to the other hardscape, will almost certainly overwhelm the downstream storm water channels. There are very limited options available, if any, for surface run off drainage without adversely impacting downslope neighbors.

5. We have not evaluated all the possible impacts upon the neighboring properties, but the soil profiles found on those properties indicates that attempts to infiltrate collected surface water (as current codes tend to require) would likely have adverse impacts upon the neighbors. Further, water running “down” the utility trench bedding and potentially some backfill soils would direct increased, and concentrated, free water at the downslope residences. The
"usual" method to reduce this problem is to place pipes such that the water is outletted to the ground surface. This may be acceptable during storm periods, when such water would flow in a gutter. HOWEVER, there are no gutters in the roadway along Linden Avenue, and any water outletted to the side of the road would then directly impact those living downslope, in non-guttered areas. Further, water collection in the trench "subdrains" would likely be collected in periods when meteoric water events were not present, and then such collected water would either be a nuisance or require re-infiltration, which has been discussed previously.

These are some of the issues that we find have, to date, been inadequately answered, or at least shared with Mr. Mackenzie and the neighborhood. As more plans are available, an evaluation of those plans may provide further insight into the impacts. While it is possible that some positive "impacts" on the ground water conditions MIGHT be possible, it is our present professional opinion that it is highly unlikely that this development will be neutral or beneficial to the ground, and probably, the surface water conditions at this site.

If you have questions, please contact us.

Very truly yours,

JOSLIN GEOTECHNICAL

Robert D. Joslin, P.E.
Civil/Geological Engineer
CE 37716
AFFDAVIT UNDER PENALTY OF PURGERY

My name is Dan Foss, and I am a technician at ABT Plumbing. On or about May 6, 2019 while we were working to repair a sewer line running from the White’s home on Linden Ave in Grass Valley at the dead end of the road, we encountered a problem. We had just dug a 4x6x2’ access hole just beyond the last driveway on the right at 636 Linden Avenue, near the boundary of the White property. We were surprised that the hole immediately filled with water and began to overflow and create a small stream on the north side of Linden Avenue that ran down to the storm drain. Thinking we could have hit a City of Grass Valley (“City”) water main to cause that much water flow, we called the City and they came out and tested the water and finding no chlorine, said it had to be ground water. The water flow was so heavy we had pumps in the hole so we could get in and work. We still haven’t completed the job. We are waiting for the ground water to further drop so we can get in and repair the street.

As part of our repair work, we ultimately had to install about 40 feet of sewer line. Even when our work was done, for three weeks afterwards water bubbled up from the asphalt on the street and other areas. In my opinion, this appeared to be groundwater that ran from the White’s property and then along the sewer line we had just installed.

I am writing this to help bring awareness to the surfacing groundwater or (high water table) that we experienced in that area. This water has been pushing up through the street causing extra street damage and even has forced us to wait to make repairs to the road that were needed to replace the sewer main. I am no engineer, so I don’t know what the solution to this issue would be. This road needs repair. When it is, consideration should be given to dealing with the groundwater problems and drainage. I just wanted my thoughts to be known as I know it is a concern to all the residents on that section of Linden Ave.

Subscribed to and sworn this 3rd day of July, 2019, at Grass Valley, California.

Daniel Foss, ABT Plumbing

"Exhibit B"
Soil Investigation for Soils on the South East Edges of 654 Linden Ave. Grass Valley Ca

Prepared for:

Law Office of Gregg R. Lien
P.O. Box 7442
Tahoe City, CA 96145
530.583.8500
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1.0 Introduction

This soil survey was made at the request of attorney Gregg Lien regarding the proposed housing development at 654 Linden St. Grass Valley California. The site is a historic agricultural area embedded in a developed area of town. The purpose was to determine the presence or absence of hydric soils in the lower adjoining parcels with the thought that the soil pits already analyzed were taken at high ground instead of low ground of the development site.

2.0 Method

The method was to locate sampling sites near the parcel, dig shallow holes and look for USDA hydric indicators in the soils. Tools used were a shovel, a parcel boundary application for phone, Munsell soil color charts, tape measure and the USDA Indicators for Hydric Soils. The samples were taken Monday March 4, from 11 to 1:30 in the middle of the day. It was overcast and in the middle of the wet season.
3.0 Results

Soil 1 hydric soil indicator F6 redox dark surface
Soil 2 non hydric - Cohasset loam
Soil 3 possible hydric - mucky mineral
Soil 4 non hydric
Soil 5 non hydric
3.1 Soil 1

A - 0 to 10 10 cm 10YR 3/2 clay
B - 10cm and below the water table. 5 YR 2.5/2 with 35% redox concentrations of 5 y/r 7/6 clay water at surface, algae growing on soil surface.

F6 redox dark surface
Water table very high

Algae on the surface

F6.—Redox Dark Surface. For use in all LRRs, except W, X, and Y; for testing in LRRs W, X, and Y. A layer that is at least 10 cm (4 inches) thick, starting at a depth ≤20 cm (8 inches) from the mineral soil surface, and has: a. Matrix value of 3 or less and chroma of 1 or less and 2 percent or more distinct or prominent redox concentrations occurring as soft masses or pore linings, or b. Matrix value of 3 or less and chroma of 2 or less and 5 percent or more distinct or prominent redox concentrations occurring as soft masses or pore linings. (NRCS, 2014)
3.2 Soil 2

This soil is on East Main Street next to the motel horizons are:
O - 3"
A - 18 cm 10YR 2/1 loam. Well suited for agriculture.

There is a crop of miners lettuce here.
3.3 Soil 3

Location: Back yard of Dan Mackenzie

A- 0 -15” water table at 15”
mucky mineral soil 10Y/R 2/2
may qualify as USDA hydric indicator
F1 Loamy Mucky Mineral if the carbon
content is 8 to 14 % Soil is very saturated.

Loamy and Clayey Soils “Loamy and
Clayey Soils” have USDA textures of
loamy very fine sand and fin . All mineral
layers above any of the layers meeting the
requirements of any F-indicator(s), except
for indicators F8, F12, F19, F20, and F21,
have a dominant chroma of 2 or less, or
the thickness of the layer(s) with a
dominant chroma of more than 2 is less
than 15 cm (6 inches). (See figure 4.) Als ,
except for indicator F16, nodules and
concretions are not considered to be redox
concentrations. Use the following F-
indicators for loamy or clayey mineral soil
materials. F1.—Loamy Mucky Mineral.
For use in all LRRs, except for N, Q, R, S, V, W, X, and Y, those using A7 (LRRs P, T, U, and Z), and
MLRA 1 of LRR A. A layer of mucky modified loa y or clayey soil material 10 cm (4 inches) or more
thick starting at a depth ≤15 cm (6 inches) from the soil surface. User Notes: “Mucky” is a USDA
texture modifier or mineral soils. The content of organic carbon is at least 8 percent but can range to
as high as 18 percent. The percentage required depends on the clay content of the soil; the higher the
clay content, the higher the content of organic carbon required. For example, mucky sandy loam
requires between 8 and 14 percent organic carbon.
3.4 Soil 4

Location: Front yard by driveway gate
A - 0 to 10” 10/YR 2/2 clay loam with rocks likely added for the driveway.
B - 10” 10/YR 6/6 sandy clay
    water table at 10”.

B horizon does not meet the “depleted” definition of value >4 and Chroma < 2
value is > 4 but chroma is not < 2.
3.5 Soil 5

Location: behind motel
A - 10YR 3/2 granular sand possibly imported for motel.
non hydric.

4.0 Topography and Waterways

Topographically the parcel cuts through a low area that would tend to move water and then hold it at the bottom.

(USGS, 2019)
Water is visible in approximately these areas:

1. Flowing in an established waterway in front of the older home.

2. In the found hydric soil

3. In an established waterway that flows into a culvert that goes under West Main Street

Photos to follow:

(google earth 2019)
Photos of the Waterways

This is a flowing rivulet viewed on West Main St. mapped above as #3.

This is from the front of 654 Linden mapped above as #1.
The blue dot shows where water accumulates in the watershed at the hydric soil site. Gray blue is the ridge above.

("Soil Explorer," March 13, 2019)

Soil map outlines from google earth.

(“Google Earth Pro,” 2019)
The Soil Survey shows this soil as a Cohasset Cobbly Loam. This quote from page 6 of the attached soil report shows the uses of the soil survey and how we could and did find contrasting results. It is a matter of scale. We looked at a mapping unit smaller than that of the survey. Although the majority of the soil here is Cohasset Loam there are other soils present.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

(NRCS, 2019)
6.0 Conclusion

The parcels surrounding 654 Linden to the west and South show a high water table in the wet season, one hydric soil was clearly found. Small waterways have been rocked in by residents demonstrating the permanent nature of the springs at the bottom of this little watershed. Since the property is sloping, has springs and a high water table, (albeit a wet season when investigated), it is my conclusion that water is near the surface in the lower reaches of the parcel. It is also worth noting that the existing Cohasset loam intercepts and infiltrates stormwater. If it is covered with impermeable surfaces such as roofs, roads and driveways less infiltration will occur in this watershed, without careful planning and the appropriate infrastructure runoff will accumulate at the lower reaches of the proposed development site and contribute to the water problems at the bottom of the watershed on Linden Avenue.
7.0 References


Google Earth Pro. (2019).


Appendix 2 On hydric Soil

Redoximorphic features are indicators of hydric soils as well as of the aquic moisture regime used in soil classification. They are more useful than colors alone for indicating that saturation and reduction occur, because they provide specific evidence of where these processes operate in the soil. For example, pore linings form by oxidation of Fe along macropores, and indicate that the soil is reduced in the matrix but oxidized around macropores, usually due to oxygen diffusion within the roots of hydrophytic plants (Fisher and Stone, 1991).

(Vepraskus, 1995)
APPENDIX 3 Cohasset

Profile of the Cohasset

Cohasset cobbly loam, 5 to 30 percent slopes
(SSURGO Export: 2018-09-12)

Components within map unit 460204

Cohasset (85%)
Ultic Haploxeralfs
COHASSET SERIES

The Cohasset series consists of deep and very deep, well drained soils that formed in material weathered from volcanic rock. These soils are on volcanic ridges and mountain slopes in mountains and have slopes of 2 to 75 percent. The mean annual precipitation is about 38 inches and the mean annual air temperature is about 54 degrees F. (Cohasset Series, retrieves March 18 from https://soilseries.sc.egov.usda.gov/OSD_Docs/C/COHASSET.html)

Here is the mapped extent of the Cohasset:
A local Map of the Cohasset Loam

(Series Extent Explorer)

https://casoilresource.lawr.ucdavis.edu/see/#cohasset
Is the July 16th Grass Valley Planning Commission Meeting open to the public at 7pm.?

The disregard, by the developer and city engineers, for the fact that the water table at the lower portion of the property meets the criteria of wetlands, is inexcusable! We have been around long enough to learn to compromise. I advise that this portion of the land be left in it’s natural state.

The spraying of Roundup is another part of the plan that must not happen!
This is a public hazard and now recognized by the State of California to be a carcinogen. This will contaminate all of the creeks downstream which are many too many to mention here and will end up harming many living organisms including the harmful effects it will have on humans!

It is disgusting that some people simply care more about their money than the lives of others.

Surely the traffic hazards can eventually be managed but the things I’ve mentioned above should not be in the hands of a few to decide for the rest of us!

Sincerely,
Concerned Citizen,
Muriel Kerr

866 Forest Glade Circle
Grass Valley, CA 95945
My name is Douglas Boka
338 Alta St.
Grass Valley, Ca.
I would like to express my objection to proposed traffic congestion that will occur when the proposed Gilded Springs Subdivision opens.
To facilitate the additional traffic that will egress and ingress on to Alta St. at 360 Alta St.
I strongly recommend a Stop Sign for the South Bound Alta St.. I also recommend a three way stop sign at Ivy and Alta St. This will help to facilitate the additional traffic proposed by the plans for Gilded Springs.
In addition with your traffic flow plan to allow traffic to egress onto Alta St. The traffic flow from east bound West Main will access the subdivision to avoid the stop sign at West Main and Alta St.
Increasing the danger of pedestrian accidents within the subdivision. Allowing only emergency and ingress and egress will mediate any traffic at 360 Alto St.
I would appreciate your attention to our concerns.
Dear Mr. Lowe,

Preserving natural water flows and avoiding the exacerbation of current flood risks on properties bordering the lower portion of the proposed Gilded Springs development (Linden Avenue and West Main Street) are significant issues. Another issue that has not been addressed in detail by the Stream Habitat and Restoration Enhancement Plan is the impact the construction of this proposed development will have on the aquatic species in the two streams.

The perennial stream, Peabody Creek/Rhode Island Ravine along the Southeastern section of the project site contains fish and crawdads as well as other aquatic life. No mention was made about protecting this aquatic life during the construction of this project. The large amounts of dust that are produced during extensive excavation can destroy the delicate eco system of a small stream. The fish in a small stream are particularly vulnerable to fine particulate (dust) in the water.

Thank you for considering the impact of the construction phase of this proposed development as well as the impact of the development itself on the ecosystems.

Sincerely,

Lisa Hosbein, MD.
Dear Mr. Lowe,

I am a home owner on Forest Glade Circle, just a half block from this purposed project. The last information I was able to read was from The Union in May of 2018. I understand through a neighbor that the deadline for comments on the project is today.

Since that article was written Northern California residence have experienced yet another devastating wildfire. We are being provided excellent information on fire preparedness and evacuation but I have lived in my present home just short of a year and have recently had my home insurance canceled, seemingly at random. One item noted in the cancellation referred to limited access of this street. My number one concern is evacuation.

Other concerns include; traffic congestion in general, wetland and creek issues, the use of glyphosate in a large area, and mitigation for environmental disturbance.

We are being told these homes will be designed with the historic sensitivity, and placement will be considerate of the topography of the property, and that the developer considers the price range falls in the "affordable" range for Grass Valley. But I am constantly thinking of the current development at Timberwood Estates on Brunswick. I watched as this property was clear-cut and cookie-cutter homes with little or no esthetic are being built. Not affordable housing! Not in keeping with this historic town. Shame on that decision.

Have a nice holiday and I'm sure I'll see you at the meeting on July 16th.

Best,

Susan Rogers
Dear Mr. Lowe,

Thank you for preparing the Initial Study and Mitigated Negative Declaration regarding the proposed Gilded Springs Project, 652 Linden Avenue, Grass Valley. My comments are as follows:

1) It appears that the developer plans to spray glyphosate (contained in Round-Up) or other similar herbicides on the Himalayan blackberries located on site near Peabody Creek (Rhode Island Ravine) and other areas within the site. As detailed by Patti Bess in a recent article in the Farm to Table section of The Union (B1, May 22, 2019), since the 1940’s, the vast majority of consumers have believed that pesticides do not affect humans that much. However, recent research and lawsuits have shown otherwise. California now recognizes glyphosate as a carcinogen. Two recent court cases awarded millions of dollars to plaintiffs who had contracted non Hodgkins Lymphoma, an extremely aggressive form of cancer, after spraying Roundup. In response to those that may think it would take long term exposure to cause such an effect, further research at the Washington State University (referenced in the article) indicates that rats experiencing exposure to only one half the amount of the recommended "safe" amount of glyphosate, showed marked health deviations generationally, including increased problems with reproductive organs, obesity, unsuccessful pregnancies, and increased mortality of mothers. This is something to take very seriously considering our marked increase in obesity and lack of fertility in our human population over the past half of century.

In light of the foregoing, please consider requiring the Gilded Springs developer to use only mechanical removal methods for the blackberries, not chemical methods. The spraying of glyphosate near a creek and a substantial water drainage area (as exist in this aptly named development of Gilded Springs) would be a travesty. Not only would a formerly pristine ground used for organic farming be contaminated but so would the neighboring properties (some of which are directly contiguous to the project and are dedicated to the use of only organing gardening methods) and, even more alarming, all properties and waterways south of the project area, including the Condon Pond, Wolf Creek, and other waterways.

Articles re: glyphosate:

Costco Drops Roundup Weedkiller After $80 Million Awarded In ...

https://www.zerohedge.com/.../costco-drops-roundup-weedkiller-after-award-second-...

Apr 1, 2019 - Costco has reportedly decided to stop selling Roundup weedkiller after a federal jury in San Francisco awarded more than $80 million to ...
California Jury Finds Roundup Caused Man's Cancer - NPR

https://www.npr.org/2019/03/19/.../california-jury-finds-roundup-caused-mans-cancer

Mar 19, 2019 - A jury in federal court in San Francisco on Tuesday concluded that Roundup weed killer was a substantial factor in a California man's cancer.

California says Roundup causes cancer, yet the state sprays it into the ...

https://www.sacbee.com/latest-news/article214871805.html

Jul 30, 2018 - Since 2010, California officials have sprayed more than 14000 gallons of Roundup onto invasive weeds in the Sacramento-San Joaquin Delta, ...

More than 11000 People Are Now Suing Bayer over Weedkiller ...
Fortune-Feb 27, 2019
... in connection with Bayer's acquisition of Roundup maker Monsanto. ... were responsible for groundskeeper Dewayne Johnson's cancer.
High-stakes Roundup cancer trial starts; could determine legal fate of ...
Chicago Tribune-Feb 26, 2019

California jury awards $289 million to man who claimed Monsanto's ...


Aug 10, 2018 - “Monsanto made Roundup the OxyContin of pesticides, and now the ... according to the California Department of Pesticide Regulation.

Roundup cancer cases could cost Germany's Bayer billions
CNN-Apr 30, 2019
... billion purchase of Roundup owner Monsanto put the German company at risk from thousands of US cancer lawsuits tied to the weedkiller.
Watsonville latest city to ban Roundup, other glyphosate weed-killers
Santa Cruz Sentinel-May 5, 2019
In March, a California man who claimed Roundup caused his cancer was awarded $80 million in damages by a San Francisco jury. Last year ...

The EPA is meant to protect us. The Monsanto trials suggest it isn’t ...
The Guardian-13 hours ago
Monsanto never conducted epidemiology studies for Roundup and its other ... the agency’s review found links between cancer and glyphosate.
EPA Proposes Reregistration of Glyphosate, the Active Ingredient in ...
EHS Daily Advisor (press release) (blog)-16 hours ago

Bayer Ordered To Pay $2 Billion In Roundup Damages; Admits Spying On Influential Europeans

Not a great day for Monsanto and its Bayer unit...
In the US, spouses sued Bayer more than $2 billion for the production of fertilizer, presumably causing cancer
May 14, 2019

A California jury has ordered Monsanto to pay more than $2bn to a couple that got cancer after using its weedkiller, marking the third and largest verdict against the company over Roundup. ... Read more

IT’S IN THE WEEDS: HERBICIDE LINKED TO HUMAN LIVER DISEASE
Glyphosate, the primary ingredient in Monsanto’s popular weed killer Roundup, has been linked to liver disease in animal models. In a new study, the first of its kind, researchers at the University of California San Diego School of Medicine report an association between the herbicide and negative effects upon the human liver.

The Adverse Effects of Glyphosate
Last week I wrote an article about the conflict of interest involved in researching the effects of glyphosate. This week I want to discuss the adverse effects of glyphosate exposure. Folks, this is one antibiotic, pesticide or whatever you want to call it you must do your best to avoid. I just can't stressed this point enough.

Right now, it seems like no matter how hard the scientific establishment and the large pharmaceutical companies (i.e., Monsanto, Bayer) try to hide the adverse effects of glyphosate, a popular herbicide, they cannot hide it all. As discussed in one my latest articles, "A Perfect Example of Conflict of Interest in the Scientific Community, Glyphosate Research," the scientific community seems to be hard-pressed to deter negative information regarding glyphosate because of its deep funding ties to the GMO industry.

*Naturesearch* is an international journal of science and is perhaps one of the most prestigious journals to be published in from a scientific or academic perspective, and on April 23 of this year, Washington State University researchers published an article entitled "Assessment of Glyphosate Induced Epigenetic Transgenerational Inheritance of Pathologies and Sperm Epimutations: Generational Toxicology" [1]. Essentially, the authors were investigating whether glyphosate caused multigenerational damage to rats which would be passed down through generations.

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Ted

2) Page 46 of your Initial Study and Mitigated Negative Declaration references an undersized storm drain. Please require the developer to remedy this drain to remedy potential additional flooding issues for the neighboring properties on Linden Avenue.

3) Page 46 - Please confirm whether the discharge to Linden Avenue is or is not independent from the project site and whether a portion of drainage is or is not draining easterly toward Linden Avenue. Your study only indicates there "may be" effects without confirmation.

4) Page 47 anticipates that existing overland release drainage from the site will be "eliminated." Please study whether such elimination will also eliminate the current spring fed stream which contains fish and crawdads off site on the eastern border of the project. Please do not have the fish reduced to below self-sustaining levels.

5) Re: traffic, please require the developer to substantially assist in payment for the signalization of the Alta Street/ West Main Street intersection. Although the study indicates minimal impact by the new subdivision, any increase in a area which already has an "F" LOS in commute and school hour times should be unacceptable to the City. You reference the Yuba River Charter School study but have not evaluated the cumulative effects of the traffic after this study.
Thank you for your consideration,

Lorie J. Teichert-Smyth
15622 Allison Ranch Road
Grass Valley, CA 95949
Dear Mr. Lowe,

I'd like to voice my concern regarding the proposed Golden Springs development on East Main Street.

I live off of Squirrel Creek Road. Traffic through town (the most direct route to Hwy 49 and 174) during school drop off and pick up hours is almost gridlock. This development would add at least 54 new vehicles to this area. Adding to the traffic in this already congested area is irresponsible and dangerous. (We know all too well what can happen when gridlock occurs in an emergency.)

Please consider this before approving plans for this project. I'm sure the developer can still profit from larger, more expensive parcels which would have less impact on our already crowded area.

Sincerely,

Kathi Daugherty
10595 Dixon Road
Grass Valley, CA 95945
530-432-6339
July 1, 2019

Lance E. Lowe, AICP, Principal Planner
City of Grass Valley
125 E. Main Street
Grass Valley, CA 95945

RE: Gilded Springs Project, 652 Linden Avenue

Dear Mr. Lowe:

My husband and I have lived on W. Main Street (near Alta Street) for almost 38 years. We have seen many changes in the area during those years. The one consistent problem has been the traffic between Alta Street and the schools in our area. The stop sign at the top of Alta Street is treated by many as a minimal slowdown before an extreme speed up to see how fast they can close the length of W. Main to Peace Lutheran Church. This occurs at all times of the day, not just during school hours. Any school activities, Church activities (including Twin Cities Church and Peace Lutheran Church) also add to daytime/evening special events traffic backup.

Our concerns are as follows:

- The introduction of a new access road on W. Main Street near Forest Glade Circle and the schools was not considered when the Circulation Element of the General Plan was completed. If there were a LOS rating higher than an “F”, W. Main Street would surely qualify. There is a high amount of children walking to and from school and their safety needs to be a high priority.
- Alta Street also has many homes which enter directly on to Alta Street. It is a dangerous road now and adding another point of ingress and egress between Ivy Street and Alta Vista is only asking for more traffic accidents.
- The additional traffic will cause unacceptable problems and delays for emergency services.
- Using a Traffic Analysis that is not focused solely on this area is a mistake. The Charter School has an alternative route to avoid the downtown area (Ridge Road). There are so many residents that need to enter onto W. Main Street. The density of homes in this area is at a maximum level. Adding 27 new houses on only 6.96 acres is ludicrous. These are supposedly going to be high-end homes. We don’t need (or want) luxury homes in Grass Valley. We have a tremendous need for more affordable housing. Families with school-age children need affordable housing near the schools. If this project is approved, there should be no more than 10 new homes built on this acreage, making each lot at least .50 acres in size.
- The sewer lines along W. Main Street are old and need to have major renovations just to accommodate the existing density. Where will the sewage be channeled?
- There is no indication on how Peabody creek will be protected from construction damage. Some of the homes on Linden have minor wetland issues and additional construction will not help to provide the needed protection. Also, what is going to be done to protect the habitat that lives in this area?
- Any proposal for a future (funded or unfunded) traffic light at Alta and W. Main Streets is unbelievable. This section of town is within the historic district with many beautiful, historical Victorian homes. I can’t believe that the City would consider defacing the area with a traffic light!!
- On-street parking is disappearing fast due, in part, to bike lanes. Any loss of additional on-street parking for residents in the way of the new road is a problem because some homes don’t have off-street parking available.

It is our request that a focused EIR be done for the issues of traffic, ground water, habitat, and building a road that was not foreseen in the Circulation Element of the General Plan.

Thank you for your consideration. We would like to be included on any list of notifications for future public hearings.

Debbie & Paul Keyser
July 5, 2019

Patricia M. Green
17007 Cooper Road
Nevada City, CA  95959

Planning Commission
City of Grass Valley
125 East Main Street
Grass Valley, CA  95945

RE: Gilded Springs Tentative Subdivision Map: For consideration at public hearing on July 16, 2019

TO WHOM IT MAY CONCERN;

With regard to the above-referenced project, as the owner of 823 West Main Street, I have concerns about the plan to have traffic from 27 homes exiting onto West Main Street.

Last year traffic on West Main Street increased significantly with the opening of Yuba River Charter School on Rough and Ready Highway. (Traffic was already bumper-to-bumper at certain times of the day with traffic from Lyman Gilmore and Scotten Schools.)

In order to exit my property, because I cannot turn around behind the house, I am forced to back into the street, into fast moving vehicle traffic, possible bike traffic (a bike lane) and pedestrian traffic (school children using the sidewalk).

Now you propose to add an intersecting street directly across from my house—another danger to contend with while backing out of my driveway. I am only one of many homeowner’s along West Main Street in this predicament.

In addition, it looks as if the proposed exit way from Gilded Springs is going to be wide enough to necessitate relocating the existing bus stop, which would likely mean losing valuable street parking on that side of the street.

I ask you to please not allow this project to exit onto West Main Street and to find a better solution to the exit question.

By the way, do we really need bike lanes on both sides of the street? The one on the odd-numbered side of the street was added in 2009, I believe, and I rarely see anyone use it. I think it would serve the interests of more people to lose the bike lane and have street parking restored. A bike lane on one side of the street should be sufficient and would be a good compromise for all concerned parties.

I question whether any traffic studies were done to determine the impact this project will have on surrounding streets and neighborhoods.

Yours truly,

[Signature]

Patricia M. Green
Dear Mr. Lowe,

I have three significant concerns about the negative impact that the proposed Gilded Springs development will have on traffic in our neighborhoods.

1. Safety

There are two undeniable safety issues that are created with the proposed construction of the Gilded Springs subdivision. These two safety issues are very difficult to mitigate. The first is the danger of the proposed access to the subdivision on Alta Street. A city planner would never purposefully design a roadway system with a T intersection near the crest of a hill which creates quite limited visibility. Barb Carmen whose home borders this proposed access to at 366 Alta Street already experiences the hazards of pulling out into traffic at this location. The danger of converting a single driveway into a thru-traffic street servicing 27 homes at such a treacherous location is self-evident. Approving the placement of a street in such a location is purposely making the traffic safety issues on Alta Street significantly worse than they already are. In 2018 there were 11 reported accidents on Alta Street (per Grass Valley Police department accident reports) which is a high number for a street that is less than a mile long.

The question is not whether the number of motor vehicle accidents will increase with the creation of this T intersection but rather how many more accidents will take place due to the creation of this intersection.

The second traffic issue is a potential issue but could become a significant tragedy. At a time when the focus of our state is on ensuring safe emergency exits for all residents in the event of a forest fire, the West Main Street access of the proposed Gilded Springs subdivision will contribute to significant slowing of the traffic on a critical escape route for many West Main Street neighborhoods. The neighborhood that has the highest likelihood of being fatally impacted by this West Main Street access from the Gilded Springs subdivision is the Forest Glade Circle Neighborhood. The Forest Glade Circle subdivision has a single access onto West Main Street and currently the residents have a significant challenge with the West Main traffic. Residents have to be careful not to leave their homes at certain times of day to avoid the level F and E peak traffic flows. One can easily understand that in an emergency such as a forest fire, residents would be completely trapped and unable to escape a fire. It is critical that cumulative impact of this proposed subdivision on the general area of West Main and Alta Streets be appreciated.

2. Congestion

A reasonable person cannot avoid understanding the significant exacerbation in traffic congestion that the West Main Gilded Springs subdivision access will cause on West Main Street especially during the hours when school starts and lets out. At these hours the traffic congestion is already level E and F. Both of these are unacceptable levels of congestion.
3. Greenhouse gases

Obviously increase in traffic from the 27 homes in the proposed Gilded Springs development will increase greenhouse gases. As well as the increased number of cars form the subdivision, the fact that there will be at least a 6.3% slowing of the grid locked traffic during school hours (per TJKM Focused Traffic Analysis from 05/16/2019) will significantly contribute to an increased level of greenhouse gases.

When it comes to building new residences, infilling has some advantages over expansion. One of the main problems with infilling is that in town, the infrastructure is often fixed and not expandable which is the case with West Main Street. West Main Street and Alta Street cannot safely or functionally accommodate 27 new residences at the currently proposed site for the Gilded Springs Subdivision.

Thank you for looking at the comprehensive impacts of this development on our town. The safety and mobility of the current residents of the West Main Street and Alta Street neighborhoods should not be sacrificed for a new subdivision designed predominantly for people who will be moving in from out of town. Safety of current residents of our West Main Street Neighborhoods is being sacrificed for a subdivision that will mainly be populated by people moving to Grass Valley from other areas.

Sincerely,

Lisa Hosbein, MD.
RESPONSE TO COMMENTS

In response to the comments received on the Gilded Springs Tentative Subdivision Map (18PLN-46), staff offers the following for Planning Commission consideration. The following pages identify the comments received followed with a staff response addressing the specific environmental issue raised. The comments provided herein, identified in italic text, are listed in chronological order by date of receipt.

Letter 1 – Email Correspondence received June 13, 2019, from Native American Heritage Commission

1-1 I have reviewed the MND on the above referenced project and have one small correction to the language in Mitigation Measure CUL-2, paragraph 1. The process you outline in that paragraph is fine for cultural and archaeological resources but not for human remains. I would ask that you remove the words human remains from that paragraph.

Response: Paragraph language in Mitigation Measure CUL-2 has been amended thereby removing human remains as requested.

1-2 I would like to see the process for inadvertent finds of human remains to be more specific especially when you consider that there is no guarantee that UAIC will be named as Most Likely Descendent (MLD). I have attached a Resource Guide for you on Health and Safety Code 7050.5 and Public Resources Code 5097.98 so that you can incorporate the language in the code for that process.

Response: Mitigation Measure CUL-2 has been amended consistent with Health and Safety Code 7050.5 and Public Resources Code 5097.98.

Letter 2 – Correspondence received June 13, 2019, from Christine and Jean-Luc Chalumeau

2-1 On the aerial photo and tree removal plan, as a condition of approval we request that the tree identified for removal located on Lot 22 is not removed and no trees are removed on that lot (except for Black Walnut)

Response: Per the TSM, one tree is proposed for removal (Tree 46) on Lot 22. The remaining trees are proposed to remain; however, due to grading and lot development, all the trees may not be able to be protected. In those cases, the developer shall be required to mitigate for any tree removal with replanting in accordance with the City’s Tree Ordinance in accordance with Condition of Approval No. B – 5. In addition, condition of approval G – 1 requires a final landscaping plan be submitted. The final landscaping plan requires:

- The developer shall incorporate existing trees into the landscape when feasible;
- The developer shall plant a minimum of two 15-gallon trees per lot.

2-2 As a condition of approval, we request a six-foot-high wood fence be constructed along the fence line of 344 Alta and Lot 22.
Response: Condition of Approval No. A – 7 requires the developer to install good neighbor fencing for each lot prior to the issuance of a Certificate of Occupancy.

**Letter 3 – Correspondence received June 19, 2019 from Central Valley Regional Water Quality Control Board**

3-1 Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres are required to obtain coverage under the General Permit for Stormwater Discharges Associated with Construction Activities. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Response: Condition of Approval B – 8 and Mitigation Measure Hydrology/Water Quality 1 – requires the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP) with the Regional Water Quality Control Board prior to the issuance of a grading permit.

**Letter 4 – Email Correspondence received June 24, 2019 from David and Mary Lee**

4-1 Correspondence noting the many benefits of in-fill development and support for the proposed project.

Response: Comments noted

**Letter 5 – Email correspondence received June 29, 2019 from Wendy Heaton and Steve Orlik**

5-1 Correspondence noting many of the benefits of in-fill development and support for the proposed project.

Response: Comments noted

**Letter 6 – Correspondence received July 1, 2019 from Dennis and Patti McKenzie**

6-1 Correspondence notes many of the benefits of the Gilded Springs Project and support for the proposed project.

Response: Comments noted
Letter 7 – Correspondence received July 1, 2019 from Jonathan Keehn, President, Wolf Creek Alliance and Ralph Silberstein, President, Community Environmental Advocates

7-1 Comments regarding Chapter 17.50 (Creek and Riparian Resource Protection) and 30-foot setback. “In those cases, in which the exception is applicable, it is not sufficient to simply have a “management plan” prepared and to completely eliminate the setback and allow construction up to the top-of-bank of the stream. 17.50.2c. provides some guidance on this point: “The Resource Management Plan shall include measures which will minimize impacts to the watercourse...” The riparian setback should still be maintained to the maximum extent possible. i.e. if an existing riparian constrained lot can be viable when the riparian setback is reduced from 30 feet to 20 feet, then the setback should be maintained at 20 feet, not 0 feet!”

“In the case of Gilded Springs, the proposed parcel map shows a number of parcels with 0 feet, no riparian setback (e.g. parcels 3,4,5,6,10, 11). However, clearly some of the parcels could be made wider and less deep by readjusting the property lines to provide more riparian space (e.g. reduce the width of parcels 7,8,9). This could easily allow at least 10’ of riparian setback. And in the cases of some parcels there is ample room to expand the riparian zone without changing the property lines (e.g. parcels 10,11). A lack of creative effort on the part of the map designer to recognize the setback requirement is not an acceptable reason for the planning department to throw out the entire riparian zone when a better solution is obvious.”

Response: As noted, Chapter 17.50 requires a 30-foot setback except where the setback would preclude development of the property to the extent permitted by zoning. Where a setback is less than 30 feet, a resource management plan shall be prepared for consideration by the Planning Commission.

To the extent permitted by zoning speaks to the density of development and meeting the minimum development standards permitted in the R-1 Zone. That is, a project should develop in accordance with the R-1 Zone standards, while balancing the need to protect the riparian resource of Peabody Creek with adequate setbacks.

The Gilded Springs property at ±6.96 acres permits a maximum density of 27.84 units consistent with the Zoning standards and General Plan density.

For clarification, the 30 foot setback is measured from the top of bank to the face of the residential structure as shown in Figure 1 – Watercourse Setback Requirement.

The overall layout and design of the Gilded Springs project is driven by the narrow frontage along W Main Street (±135 feet) and the City’s roadway design standards for residential projects.

Gilded Springs Tentative Subdivision Map
Response to Comments

City of Grass Valley July 8, 2019
The comment notes that "In the case of Gilded Springs, the proposed parcel map shows a number of parcels with 0 feet, no riparian setback (e.g. parcels 3,4,5,6,10, 11). However, clearly some of the parcels could be made wider and less deep by readjusting the property lines to provide more riparian space...."

The Gilded Springs Tentative Subdivision Map illustrates proposed building envelopes depicted as the canary yellow area. The building envelopes reflect the total setback requirements in the R-1 Zone to illustrate compliance with the R-1 Zone; not the actual building footprint of the proposed homes or accessory structures and setback distance from the top of slope. If a 30 foot setback standard were applied, an estimated 8 homes would be unbuildable.

In review of the proposed building footprints shown with the architectural elevations, the building footprints including porch areas are: Cottage IIB – ±45 feet by ±45 feet; Estate IA – ±55 feet by ±70 feet; and, Porch IIC – ±55 feet by ±50 feet.

Considering that many of the lots are at the minimum 60-foot lot width, the Estate IA at ±55 feet in width would be precluded on Lots less than 65 feet in width taking into consideration side yard setbacks of 5 feet. When the Cottage IIB and Porch IIC footprints are plotted on the smaller lots, the following setbacks are anticipated:

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<td>Lot 11</td>
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<td>Lot 12</td>
<td>19</td>
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Although many of the lots are less than the 30 feet setback, all of the lots are anticipated to have a minimum of a ten (10) foot setback. Additionally, Condition of Approval No. A – 12 requires that the home placement be located towards the street, to the extent practicable, with minimum setbacks in the R-1 Zone, so that the homes achieve the maximum setback possible adjoining Peabody Creek.

Lastly, Condition of Approval No. A – 13 requires accessory structures such as pools, storage buildings, etc. provide a minimum rear yard setback of 10 feet from the top of slope.

Considering the above, Condition of Approval No. A – 12 and 13, and the Habitat Restoration Plan prepared for the project, it is staff's opinion that the project balances protection of Peabody Creek, while allowing development in accordance with the setback requirements of the R-1 Zone and density standards of the General Plan.

7-2 Comments regarding Mitigation Measure BIO 3 regarding restoration of Peabody Creek.

"...Mitigation Measure (pg. 31) describes the restoration process for the east side of Peabody Creek to include removal of ±0.29 acres of invasive Himalayan blackberry and replacement by "planting with locally native riparian and upland plant species." If no riparian setback is provided, these plantings would be limited to a very narrow area below the high-water mark. Fulfilling the mitigation in this scenario is unrealistic for “upland plant species” and is not equivalent to the scope of the blackberry removal in area. In order for the mitigation to be viable, the riparian setback should be enlarged to an equivalent area."
**Response:** In accordance with the Resource Management Plan for encroachment in the City's 30-foot stream setback requirement, the plans are to restore the stream riparian habitat by removing the existing Himalayan blackberry from the stream, stabilizing the banks with geo-textiles, and planting with locally native riparian and upland plant species. A total of ±0.29 acres of Himalayan blackberry removed within the riparian zone shall be replaced with an equal amount of native plant species characteristic of small, seasonal streams in the foothills of Nevada County resulting in a net increase in habitat function and values.

The proposed project would not impact waters of the U.S. regulated under Sections 401 and 404 of the federal Clean Water Act (CWA); however, the project would require a Stream Alteration Agreement from the California Department of Fish and Wildlife in accordance with Fish and Wildlife requirements.

Based upon the building footprint information provided above coupled with the Stream Alteration Agreement approved by the State Department of Fish and Wildlife, it is staff opinion that Mitigation Measure BIO 3 is adequate to mitigate the loss of ±0.29 acres of invasive Himalayan blackberries. Ultimately, mitigation for the loss of ±0.29 acres of Himalayan blackberry is required to be approved by the California Department of Fish and Wildlife as part of its Stream Alteration Agreement.

**Letter 8 – Email correspondence received July 2, 2019 from Dawn Withrow**

8-1  *Concerns relating to the speed and volume of traffic on Alta Street.*

**Response:** The *Focused Traffic Analysis prepared by TJKM traffic consultants dated May 8, 2019*, for the Gilded Springs project included an evaluation of the project with specific recommendations. Although, speed and volume were not identified as an issue, TJKM provided several recommendations for the intersection of Ben Taylor Crossing and Alta Street.

As outlined in the staff report, four options have been evaluated at the intersection of Ben Taylor Crossing and Alta Street. Based upon the four options presented, it is staff’s position that improvements proposed in the staff report as conditioned are the preferred option.

Although no traffic calming methods are proposed with the Gilded Springs project on Alta Street, the sight distance requirement at the intersection of Ben Taylor Crossing and Alta Street will assure that sight visibility concerns meet City standards. The likely result is the painting of red curb north and south of the intersection of Ben Taylor Crossing and Alta Street. Parking is permitted on both sides of the street on Alta Street from Linden Avenue to the City limits so a reduction in parking on-street parking will not be at issue.

**Letter 9 – Email correspondence received July 2, 2019 from Mike Pasner**

9-1  *Concerns relating to the use of glyphosate (Roundup) noted in the Habitat Restoration & Enhancement Plan dated February 2019 prepared by Chainey-Davis Biological Consultants.*

**Response:** The Habitat Restoration Plan notes that herbicides shall only be used to spot spray root sprouts that emerge through the weed protective barrier following the initial treatment.
Condition of Approval No. A – 15 requires the Habitat Restoration Plan to be amended to remove the use of herbicides containing glyphosate.

**Letter 10 – Email correspondence received July 2, 2019 from James Flaherty**

10-1 Concerns relating to access at the intersection of Ben Taylor Crossing and Alta Street.

**Response:** See response above (8-1) and analysis in staff report.

**Letter 11 – Correspondence received July 2, 2019 from Hilary Emberton**

11-1 Concerns relating to increased traffic

**Response:** There are two discussions regarding traffic: from a regional general plan level (Citywide) perspective and from a project specific perspective.

From a General Plan level (Citywide) perspective, the Gilded Springs residential property was contemplated in the *City’s 2020 General Plan and Certified Environmental Impact Report* (SCH#98082023) prepared for the *City of Grass Valley 2020 General Plan*.

With respect to traffic the General Plan notes that increased traffic at build out of the General Plan is a significant and avoidable cumulative impact and a Statement of Overriding Considerations was adopted concurrently with the 2020 General Plan and General Plan EIR. A Statement of Overriding Consideration balances the economic, legal, social, technological, or other benefits of a proposed project (i.e. General Plan update) against its unavoidable consequences. If the specific economic, legal, social, technical, or other benefits including region-wide or statewide environmental benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable”. CEQA allows individual communities to establish their own thresholds for what is acceptable.

The fundamental reason that the 2020 General Plan EIR states that significant, adverse effects will occur even with the most feasible attempts at mitigation is that a substantial amount of traffic which impacts Grass Valley initiates or is generated outside of the City limits in Western Nevada County. Grass Valley accommodates outside traffic, but has little practical control over key variables related to external traffic generation, namely land uses and land use densities/intensities in the unincorporated County. A secondary reason is that providing additional infrastructure upgrades in the Historic Downtown would certainly diminish the historic integrity of the City.

Moreover, considering that the project site was included in the traffic analysis provided by the General Plan and General Plan EIR, these vehicle trips have been anticipated in the cumulative impact totals of the General Plan buildout and accounted for in the Levels of Service analysis on W Main, Alta and nearby roadways and intersections.

Accordingly, the “cumulative impact” associated with Citywide development has been previously addressed in the 2020 General Plan and Environmental Impact Report prepared for the General Plan. The environmental analysis provided for the Gilded Springs Project is therefore limited to the site-specific
effects on the environment which are peculiar to the property in accordance with Section 21083.3 of the CEQA Guidelines.

From a project specific perspective, taking into consideration that the property was previously evaluated under the General Plan, the vehicle trips generated by the Gilded Springs project are below the thresholds that require a traffic study by the City of Grass Valley. However, considering neighborhood concerns and although not required, staff directed the applicant to prepare a Focused Traffic Analysis prepared by TJKM traffic consultants dated May 8, 2019. The TJKM report used traffic volumes from the Yuba River Charter School traffic study and volumes that were existing in 2014 plus volumes from the new Charter School, plus volumes from other approved but unbuilt projects at the time. TJKM assumed all such volumes are now existing on the streets although some of the projects identified have since expired due to the “Great Recession”.

From a California Environmental Quality Act (CEQA) perspective, the environmental review in accordance with Section 21083.3 of the California Environmental Quality Act restricts the CEQA analysis on residential zoning and community plans that are specific to the project:

“If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of CEQA to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior impact report.”

In accordance with Section 21065.3, a "Project-specific-effect” means all the direct or indirect environmental effects of a project other than cumulative effects and growth-including effects.

According to the Focused Traffic Analysis prepared by TJKM traffic consultants dated May 8, 2019, the Gilded Springs project would result in an increase in traffic near the project site resulting from the 27 single family dwellings. Based upon the trip generation rates identified in the 10th Edition of the Institute of Transportation Engineers (ITE) transportation generation rates manual, trip generation rates for single family dwellings have an average of 9.44 trips per day, 0.74 trips in the a.m. peak hour and 0.99 trips in the p.m. peak hour. TJKM calculates the following trips from the Gilded Springs project at: 255 daily trips, 20 a.m. peak hour trips, and 27 p.m. peak hour trips. TJKM estimates that there will also be a maximum of 20 trips during the p.m. school period.

The applicant will be subject to the payment of AB 1600 traffic mitigation fees, (i.e. City of Grass Valley and regional traffic impact fees) which is the acceptable form of traffic mitigation for this type of infill project in accordance with Nollan/Dolan principals of nexus and rough proportionality. These fees are used exclusively for projects identified in the City’s Capital Improvement Program to finance needed infrastructure improvements to achieve the LOS anticipated with the City’s 2020 General Plan.

The City intends to mitigate any roadway deficiencies through the collection of local and regional impact fees to finance its Capital Improvement Program. The City of Grass Valley collects development impact fees prior to building permit issuance to fund their Capital Improvement Program. The mitigation fee programs ensure that future development will pay their fair share of traffic impact fees to partially fund
the construction of planned transportation improvements identified in the City’s Capital Improvement Program.

11-2 Concerns relating to degradation of wetlands and Peabody Creek

Response: According to the Biological Inventory Prepared by Greg Matuzak, Biological Consultant dated July 2018, no wetlands were documented or mapped within the project site. The USDA soil survey documented two soil types within the project site and neither are soil types listed on the NRCS Hydric Soils list for Nevada County. The two soil types mapped by USDA within the project site include Cohasset Cobbly loam, 5 to 30 percent slopes and Sites very stony loam, 15 to 50 percent slopes. None of the soil pits demonstrated show chroma or hydric soils indicators. Primary and secondary indicators of wetland hydrology were also absent. Given that the soil pit locations are dominated by upland plant species and the soil pits did not demonstrate the presence of hydric soil indicators or primary or secondary indicators of wetland hydrology, no wetlands subject to potential state and/or federal regulation were mapped within the project site.

The above analysis prepared by Greg Matuzak is also generally consistent with five (5) off-site soil samples taken by soil scientist Gabrielle Lawson around the area of perennial spring along Linden Avenue. Of the five (5) samples taken, three (3) were considered non-hydric; one (1) was possibly hydric; and one (1) was hydric (page 4) of Soil Investigation on the South East Edges of 652 Linden Avenue.

For the preservation of Peabody Creek, a Habitat Restoration Plan has been prepared for the project.

11-3 Concerns regarding the use of an herbicide

Response: Condition of Approval No. A – 15 requires the Habitat Restoration Plan to be amended to remove the use of herbicides containing glyphosate.

Letter 12 – Correspondence received July 2, 2019 from Dr. Hosbein

12-1 Wetlands - Assessing that the only portion of this property that is a wetlands is along the creek on the west is not accurate. Bob Joslin, an experienced Geotech engineer evaluated the properties immediately adjacent to the southeastern property lines and found that the soil immediately adjacent to the proposed subdivision met the criteria for wetlands.

The practical implications of digging trenches in a wetlands area was demonstrated this past May when the Whites’ cracked sewer line at the end of Linden Avenue just in front of our home (631 Linden Ave.) was repaired by ABT Plumbing. The trenches dug by ABT quickly filled up with groundwater. Because the amount of water filling the trenches was so large, ABT contacted the city concerned that such a large amount of water could be from a leaking watermain. A city employee confirmed that the water filling the trenches was groundwater because it did not contain chlorine. Throughout the repair, the plumbers were challenged by groundwater. They had to vigorously bail water in order to pour concrete during the final portion of the repair.

Response: According to the Biological Inventory Prepared by Greg Matuzak, Biological Consultant dated July 2018, no wetlands were documented or mapped within the project site. See response No. 11-2 above.
12-2 Drainage Mitigation – The Negative Declaration states that all the runoff from the proposed subdivision will be directed to the west. At present a third or more of this property naturally drains to the southeast. Redirecting all the runoff from the proposed subdivision to the west will require massive excavation. The hydrology plans for the subdivision need to include clear details describing how the natural drainage pattern of this property can be altered successfully in such a dramatic way. Your report says that, “No drainage will be directed towards Linden Avenue.” It is not sufficient to make such a strong claim without details on how this feat is to be accomplished.”

Response: The details of the drainage plan and resulting mitigation are contained on the project plans, including but not limited to: 1) Tentative Subdivision Map Preliminary Grading Plan (Sheet 3 of 4) prepared by Millennium Planning and Engineering dated February 2019; 2) Preliminary Drainage Study prepared by Millennium Planning and Engineering dated October 2018; 3) Hydrologic Assessment Prepared by Balance Hydrologics, Inc. dated September 14, 2018 and May 20, 2019; and, 4) Preliminary Geotechnical Report Prepared by Gularte & Associates dated August 15, 2018.

The Preliminary Grading plan shows that the properties adjacent to Linden Avenue are at the lower end of the project site and will receive approximately 2 feet of fill with contours that direct drainage in a westerly direction. As noted, Lot 27 is located at the low end of the project site and the pad elevation will be 2,522. Drainage will be conveyed via overland release through a series of drainage swales (v gutters) that direct drainage south thence west at the property line into a curtain drain south of Lots 25 – 27. The curtain drain is approximately 1 foot below the pad heights which likewise directs drainage in a westerly direction. Lots 21 and 22 are designed in a similar fashion with drainage being collected and directed westerly into a bioretention treatment area for Lots 21 and 22.

It’s not in dispute that there are drainage issues east of the project site along Linden Avenue stemming from the perennial springs on the 652 Linden Avenue property at the southeast corner and north of Lots 22 and 23. As noted by Balance Hydrologics, it has been documented that residents located downslope and adjacent to the project site have experienced minor flooding of basements, driveways, and yards from surface runoff. Based upon the initial reconnaissance-based investigation, the hydrologist of record noted that drainage and flooding issues on parcels neighboring the site area likely caused by a possible combination of a) spring flow and groundwater discharge from on-or off-site sources; b) surface runoff from on-or off-site sources; and, c) backwatering from debris wracking and/or an undersized storm drain system.

However, what is in question is the effect of that existing drainage situation relating to the Gilded Springs project site and what impacts may occur with development of the property. Because of drainage and high-water table issues raised by neighbors, Balance Hydrologics prepared a supplemental Limited Groundwater Investigation dated May 20, 2019 for the Gilded Springs property. According to the Hydrology Assessment, the project site drains a small watershed of less than 0.2 square miles and under existing conditions, surface runoff is limited. Aside from the seasonal channel along the site’s western boundary, no drainage features or channels are present on the project site. The seasonal channel along the western property boundary originates from a seasonal spring and measures roughly 750 feet in length and discharges to a municipal storm drain inlet at the southwest corner of the project property near W Main Street. Based on the project’s location, climate, watershed size, site topography, observed seasonal groundwater fluctuations, soil characteristics, and the absence of evidence of runoff in April 2019, the hydrologist of record, does not expect that measurable runoff from the Gilded Springs site occurs under
existing conditions. It is also not expected that groundwater would rise to the surface for prolonged periods or generate runoff from the site.

Based upon the field observations conducted in April 2019, the geologist of record has concluded that groundwater is seasonally and spatially variable at the project site and groundwater is rarely if ever present at the ground surface. Based upon boring logs taken on April 26, 2019, groundwater was encountered between 3.25 and 4.5 feet below ground surface during a very wet period as part of the investigation, but was not observed in test pits to 10 feet below ground surface in July 2018 (Gularte, G., 2018), indicating seasonal fluctuations of at least 7 feet through much of the site, with winter and spring increases to within 3 to 4 feet of the ground surface. Groundwater discharge is present in the form of perennial springs immediately adjacent to the site on the historical parcel (652 Linden Avenue), suggesting that preferential groundwater flow pathways exist near the surface and support baseflow runoff at the site, perhaps due to the influence of geologic or historical mining activity. No springs have been identified or mapped within the project site with the exception of a seasonal spring located in the northwest corner of the project site, and wetland delineations completed by Matuzak (2018), which determined no wetlands to be present within the project site, except for a seasonal channel along the project’s western boundary.

Based on available storm drain maps (City of Grass Valley, undated), runoff from the project will discharge into a series of stormwater conveyance features that discharge into Condon Pond in Rhode Island Ravine. Therefore, it is not anticipated that runoff from the project will affect flooding conditions along Linden Avenue, provided that drainage features are appropriately designed and sized.

Based upon the above findings, Balance Hydrologics recommends that the drainage plan be finalized and consider the potential for near-surface groundwater during the wet season, especially for areas in the southern half of the project property (i.e. Lots 25 – 27). It is further recommended that Low Impact Development (LID) and infiltration features be designed in consideration of groundwater levels that may rise to within 3 feet of the ground surface. Accordingly, Mitigation Measure Hydrology/Water Quality 3 was imposed requiring the drainage plans to consider the potential for near-surface groundwater during the wet season.

With the above mitigation, the hydrologist of record has indicated that the project will not substantially alter the existing drainage pattern of the site or area that would substantially increase the rate or amount of surface runoff that would result in flooding.

The Preliminary drainage study prepared by Millennium Planning & Engineering dated October 2018, also supports the design of the proposed drainage system. Storm drainage will be collected and routed through gutters in the street that will direct runoff to bioretention treatment areas next to the roadway or routed into ditches that will route storm water into various bioretention areas throughout the property. Most of the overflow runoff will be directed to Peabody Creek on the west side of the property.

Drainage systems have been designed to convey 24-hour storm events and mitigate any potential runoff increases as outlined in the City of Grass Valley standards. The proposed project is not anticipated to require additional drainage improvements for the site beyond those outlined in the preliminary drainage study and shown on the project plans. Drainage plans have been prepared in accordance with the City of Grass Valley engineering standards. The project is anticipated to eliminate any existing overland release...
drainage that is occurring presently on the project site, which may be beneficial when compared to the existing drainage patterns occurring.

According to the Geotechnical Report (Gularty 2018), no groundwater was present in the six exploratory test pits recorded on July 26, 2018, which indicates that the spring flow and groundwater discharge associated with Linden Avenue may be independent from the ±6.96-acre Gilded Springs project site, although existing drainage from portions of the project site may be draining in an easterly direction toward Linden Avenue. The drainage plan prepared for the project proposes to alter the existing and additional stormwater drainage generated from the project into bio-swales and Peabody Creek in a westerly direction. In this regard, Lots 25 – 27 (closest to the adjoining pond and drainage complaints on Linden Avenue), is proposed to be drained in a southerly direction towards a drainage inlet and curtain drain located at the southern end of the project site.

To supplement the preliminary grading plan, Condition of Approval No. B – 2 requires that the developer submit final grading plans, prepared by a Registered Civil Engineer for the project in accordance with City standards.

12-3 Southeast Stream – The stream in the southeastern section of the proposed subdivision runs through our property (631 Linden Avenue). This stream runs all year long and is a valuable aspect of our property and many other properties downstream. There is no mention in the Negative Declaration of any measures being taken to protect this stream when the drainage of the proposed subdivision is massively shifted toward the west. Although we are skeptical of your claim of “no drainage,” if there is any truth whatsoever to this it needs to be evaluated in your document. When new homes were built near the intersection of Highway 49 and Newtown Road approximately 8-10 years ago, the natural water flow was so dramatically altered that Rush Creek, a lovely perennial stream in that area, was destroyed. The water flow for this stream was completely diverted by the excavation and drainage that was done for the new homes and the stream completely dried up. It is the responsibility of the city to ensure that the proposed Gilded Springs subdivision does not violate the natural flow rights belonging to the neighboring properties and to evaluate all potential environmental impacts including alterations of natural flows. Since all the reports you have generated so far are limited to the project site, they have failed to evaluate all potential impacts on neighboring properties. Since this has not been done, your duties under CEQA have not been completed.

Response: According to the Biological Inventory prepared by Greg Matuzak, Biological Consultant dated July 2018, the perennial spring fed stream along the southeastern section of the project site is defined and mapped as waters of the U.S. Therefore, the stream would be potentially subject to regulation under the Clean Water Act. In addition, the stream would be subject to regulation by CDFW and the City of Grass Valley Development Code Section 17.50 if disturbed.

As designed, the project does not propose alteration of the perennial spring fed stream located on the 652 Linden Avenue property. As noted in the environmental review, a lot line adjustment was completed, and the resulting 652 property was reconfigured encompassing ±1.44 acres including the perennial stream apart from the Gilded Springs development.

With respect to the cited grading and excavation of the properties adjoining the spring and potential impacts, the plans show the lots adjoining the spring on the eastern side of the development (i.e. Lots 22,
25, 26 & 27) to include fill elevating the lots approximately 2 feet higher than existing grade. Considering, that the lots will be elevated and do not require excavation into existing grade, impacts to ground water that have been verified during the wet season at 3 – 4 feet are not anticipated. That is, the foundations and underground utilities will be ±12 – ±18 inches into ±24 inches of fill. Sewer lines along W Main Street are approximately 6-8 feet deep. Sewer lines within the development are required to have a minimum of two feet of cover and are designed to be watertight.

The comment appears to be that should the Gilded Springs alter the existing drainage pattern on Linden Avenue then that could be a potentially significant environmental impact on the environment that should have been addressed in the Initial Study. A “Significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment.” Although, the Initial Study/Negative Declaration does not provide analysis of potential groundwater impacts off site, the drainage improvements proposed are not anticipated to impact the existing off-site perennial spring.

The Initial Study/Negative Declaration need only determine whether a project may have a significant effect on the environment based upon substantial evidence in light of the whole record before it, in accordance with Section 21082.2 of the CEQA Guidelines.

The existence of public controversy over environment effects of a project shall not require the preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts reasonable assumptions predicated upon facts and expert opinion supported by facts.

The Initial Study/Negative Declaration does not speculate on certain environmental issues in accordance with Section 15145 of the CEQA Guidelines. In accordance with Section 15145, if after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

Although not cited, the ultimate issue is not the validity of the Initial Study, but rather the validity of the lead agency’s adoption of the Negative Declaration. Even if the initial study fails to cite evidentiary support of its findings, it remains the appellant’s burden to demonstrate by citation to the record the existence of substantial evidence supported by a fair argument of significant environmental impact.

The absence of evidence in the record on a particular issue does not automatically invalidate the Negative Declaration. That is, the lack of an off-site study is hardly evidence that there will be a significant impact.

**Letter 13 – Email Correspondence received July 2, 2019 from Chrystine Roper**

13-1 *Concerns regarding traffic congestion and the use of glyphosate*

**Response:** See traffic (11-1) and glyphosate (9-1) responses above.
Letter 14 – Correspondence received July 2, 2019 from Barbara J. Carman

14-1 Concerns regarding Ben Taylor Crossing and Alta Street as well as traffic on Alta Street.

Response: See traffic response above (11-1) and discussion in staff report.

14-2 Concerns regarding Tribal Cultural Resources on the property

Response: According to the Archaeological Inventory Survey prepared by Sean Michael Jensen, M.A., dated August 2018, no evidence of prehistoric activity or occupation was observed during the present pedestrian survey. The absence of such resources may best be explained by more suitable habitation locales located closer to permanent sources of surface water, and to the level of disturbance which most of the property has been subjected to. Three isolated artifacts of possible prehistoric origins were identified within disked portions of the tomato fields. A careful examination of all three artifacts failed to identify any additional prehistoric cultural material. All three are considered Isolates, fail to achieve the thresholds of significant historic resources, or unique archaeological resources, and none warrant further consideration or treatment. This potential impact is considered less than significant.

Moreover, existing records at the North Central Information Center (NCIC) document that portions of the present Area of Potential Effect (APE) had been subjected to previous archaeological investigation, and that no cultural resources had been documented within the APE. As well, the present effort included an intensive-level pedestrian survey conducted by Sean Michael Jensen, M.A.

Consultation was also undertaken with the Native American Heritage Commission (NAHC) regarding sacred land listing for the property. An information request letter dated July 18, 2018, indicating that a search of their Sacred Lands files returned negative results. However, additional ground disturbing activities associated with implementation of the proposed project could potentially disrupt, alter or eliminate as-yet undiscovered archaeological sites, potentially including Native American remains.

On February 12, 2019, City staff walked the property with representatives of the United Auburn Indian Community (UAIC). During the site survey, the UAIC Tribal Historic Preservation Officer did identify potential remnant tribal cultural resources on the property. With potential surface finds identified during the site visit, there is a likelihood that additional surface finds may occur once the blackberry bushes are removed, as well as subsurface finds during ground disturbance work such as grading and installation of infrastructure. Accordingly, Mitigation Measures CUL 1, CUL 2, and CUL 3 on page 35 of the Initial Study.

Letter 15 – Email Correspondence received July 2, 2019 from Melissa Morgan

15-1 Concerns regarding traffic, use of Roundup and disruption of stream and its ecosystem.

Response: See traffic (11-1), Roundup (9-1) and Habitat Restoration and Enhancement discussion in staff report.

Letter 16 – Email Correspondence received July 2, 2019 from David Madrona
16-1  Concerns relating to traffic and wetlands

Response: See traffic (11-1) and wetlands (11-2) responses above.

Letter 17 – Email Correspondence received July 2, 2019 from Karen Ostergard

17-1  Concerns regarding the use of glyphosate and traffic

Response: See glyphosate (9-1) and traffic (11-1) responses noted above.

Letter 18 – Email Correspondence received July 3, 2019 Anna Hosbein

18-1  Traffic – The Alta entrance is in a blind spot for those coming down the hill. We have noticed that these concerns have not been properly addressed in your meetings or in your analysis of this project.

Response: See Ben Taylor Crossing and Alta Street intersection response above and discussion in staff report.

18-2  Environment and Water issues – The ground water and the stream that run through this property are part of a larger ecosystem. If the stream is diverted, Peabody Creek and Condon Park will be badly affected. This has not been addressed.

Response: The project is not proposing to divert Peabody Creek. Other than removal of existing blackberries and planting of native species plants in accordance with the Habitat Restoration Plan, no alterations to Peabody Creek are proposed.

18-3  Concerns regarding the use of glyphosate

Response: See responses regarding the use of glyphosate (9-1) above.

Letter 19 – Email Correspondence received July 3, 2019 from Aileen Hurst

19-1  Concerns regarding traffic, emergency access and the use of Roundup.

Response: See traffic (11-1), access (8-1) and use of Roundup (9-1) responses noted above.

Letter 20 – Email Correspondence received July 3, 2019 from Jean Yun

20-1  Concerns regarding the use of Roundup.

Response: See response regarding the use of glyphosate (9-1).

Letter 21 – Email Correspondence received July 3, 2019 from Veronica McManus
21-1 Concerns regarding traffic.

Response: See traffic (11-1) responses noted above.

Letter 22 – Email Correspondence received July 3, 2019 from Jim Lowe

22-1 Concerns regarding traffic.

Response: See traffic (11-1) responses noted above.

Letter 23 – Email Correspondence received July 3, 2019 from Lynn and Jennie Blouch

23-1 Concerns regarding traffic.

Response: See traffic (11-1) responses noted above.

Letter 24 – Email Correspondence received July 3, 2019 from Emily West

24-1 Concerns regarding traffic and the use of glyphosate.

Response: See traffic (11-1) and glyphosate (9-1) responses noted above.

Letter 25 – Email Correspondence received July 3, 2019 from Cherie Kraus

25-1 Concerns regarding the use of glyphosate, traffic, Peabody Creek impacts, water table and wetlands impacts.

Response: See glyphosate (9-1), traffic (11-1), Peabody Creek impacts, water table and wetlands (11-2) responses noted above.

Letter 26 – Email Correspondence received July 3, 2019 from Richard Kraus

26-1 Concerns regarding traffic.

Response: See traffic (11-1) responses noted above.

Letter 27 – Email Correspondence received July 3, 2019 from Mary Batchelder

27-1 Concerns regarding traffic.

Response: See traffic (11-1) responses noted above.
Letter 28 – Email Correspondence received July 3, 2019 from Stephanie Levings

28-1 Concerns regarding traffic

Response: See traffic (11-1) responses noted above.

Letter 29 – Email Correspondence received July 3, 2019 from Glen and Mary Ellison

29-1 Concerns regarding traffic

Response: See traffic (11-1) responses noted above.

29-2 Concerns regarding headlights pointed toward homes on W Main Street.

Response: Additional light in the vicinity of the project was evaluated as part of the Initial Study. These potential impacts are considered less than significant considering car lights are ubiquitous throughout the downtown area. The Planning Commission could impose a condition of approval requiring additional off-site landscaping for properties at the junction of W Main Street and Ben Taylor Crossing. However, as an off-site condition, the respective property owner would be required to be in agreement the planting; otherwise, this condition is not enforceable and can not be imposed on the project.

Letter 30 – Email Correspondence received July 3, 2019 from David and Jessie Emanuel

30-1 Concerns regarding traffic

Response: See traffic (11-1) responses noted above.

30-2 Concerns regarding creek flooding

Response: As noted in the Initial Study, the subject property is not within an area of the 100-year flood plain according to FEMA Map panel number 06057C0627E dated February 3, 2010. Therefore, the project will not expose people or structures to a significant risk of loss and is not subject to inundation by seiche, tsunami, or mudflow.

30-3 Concerns regarding wetlands and protection of Peabody Creek

Response: See wetland and protection of Peabody Creek (11-2) noted above.

Letter 31 – Email Correspondence received July 3, 2019 from Janine Layton

32-1 Concerns regarding traffic

Response: See traffic (11-1) responses noted above.
33-2 Concerns regarding water table

Response: See water table (12-2) response above.

34-3 Concerns regarding the use of glyphosate

Response: See response regarding the use of glyphosate (9-1).

34-3 Concerns regarding the protection of Peabody Creek

Response: See response above regarding the protection of Peabody Creek (11-2).

Letter 32 – Correspondence received July 3, 2019 from Gregg R. Lien

32-1 Concerns regarding hydrology specifically relating to “......utility trenches with the required granular bedding are likely to become subdrains and groundwater collectors.”

While there is “......agreement with Balance’s comments on paragraph 3 of page 2; hydrologic group C has slow rates of water transmission and downward movement. What they do not acknowledge is that in the study of groundwater, lateral (horizontal to sub horizontal) movement may be up to ten times the rate of vertical or downward movement. If the water can’t go down, when it gets to an aquitard or discontinuity it tends to flow along the surface laterally. The can result in high or increased flows downslope (i.e. forming springs like the one on the now 1.44-acre parcel. New construction activities are likely to exacerbate these types of conditions.”

“There is already an acknowledged vertical inflow potential and as the impervious surfaces concentrate more water to “undisturbed” (not likely to be “undisturbed” during the construction and grading processes), but to now more permeable than roofs, etc., there will be less area to attempt to infiltrate greater concentrations of water. It is presently planned to direct this water to the west and to bioswales. These appear unlikely to be able to handle the volumes of perhaps 2 to 3 day storm events of 2 to 3 inches per day.”

“With review of the “new” site plan, a substantial portion of the concerns of the neighbors, the residents of the 631 Linden Avenue home included by not limited to them, could be resolved by not developing proposed lots 25, 26 and 27 leaving that as “open space” which combined with the now-planned 1.44 acre remaining as is the original homesite, would leave the downslope properties” essentially in an unchanged geo-hydraulic condition – they would be no better but also no worse – than the present conditions and there would appear to be limited need for the bioswales at the west property line to affect 631 Linden Avenue property and Sierra Mountain Inn.”

Response: For the record, it is important to point out that the comments and analysis conducted by Robert D. Joslin, Civil Engineer/Geotechnical Engineer and Gabrielle Lawson, soil scientist have been provided without having visited the Gilded Springs property first hand and without specific testing of the Gilded Springs property. The comments and analysis provided are taken exclusively from the western boundary adjoining the Gilded Springs property, where existing drainage issues are known.
It is not in dispute that there are hydrology and drainage issues originating from the southeastern spring along Linden Avenue. These issues have been well documented and are acknowledged by Balance Hydrologics whom is in receipt of the Joslin Geotechnical analysis dated July 27, 2018. What is uncertain is the origin of the water issues east of the project.

*Hydrology Assessment – Balance Hydrologics, Inc., prepared a Limited Hydrologic Assessment on September 27, 2018 and a supplemental Limited Groundwater Investigation dated May 20, 2019.* Based upon the field observations, the geologist of record has concluded that groundwater is seasonally and spatially variable at the project site and groundwater is rarely if ever present at the ground surface. Based upon boring logs taken on April 26, 2019, groundwater was encountered between 3.25 and 4.5 feet below ground surface during a very wet period as part of the investigation, but was not observed in test pits to 10 feet below ground surface in July 2018 (Gularte, G., 2018), indicating seasonal fluctuations of at least 7 feet through much of the site, with winter and spring increases to within 3 to 4 feet of the ground surface. Groundwater discharge is present in the form of perennial springs immediately adjacent to the site on the historical parcel, suggesting that preferential groundwater flow pathways exist near the surface and support baseflow runoff at the site, perhaps due to the influence of geologic or historical mining activity. No springs have been identified or mapped within the project site with the exception of a seasonal spring located in the northwest corner of the project site, and wetland delineations completed by Matuzak (2018), which determined no wetlands to be present within the project site, except for a seasonal channel along the project’s western boundary.

The CEQA guidelines recognizes that there can be “disagreement among expert opinion”; however, if an affect is treated as significant due to a disagreement among experts, that opinion must first be supported by facts over the significance of the effect on the environment. Conflicting opinions alone do not give rise to substantial evidence of a fair argument. Substantial evidence means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even through other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts reasonable assumptions predicated upon facts and expert opinion supported by facts.

Lastly, it is important to point out that the issues presented by Mr. Lien are based upon the terms “likely”, “quite likely”, “will be very likely”, “likelihood”, “predicted”, “appears” and “may”. Additionally, as stated, the geotechnical engineer and soils scientist have not investigated the Gilded Springs project property but are forming their professional opinion by off-site analysis where existing problems are known to occur.

32-2 **Concerns regarding access, parking and circulation.** 1) The comments conclude that the traffic analysis outlined in the Technical Memorandum prepared by TJKM are based upon outdated information; 2) that cumulative regional impacts are completely missing and are believed to be
“cumulatively considerable”; and, 3) lack of specific mitigation measures for the Gilded Springs Project.

Response: Based upon the projections anticipated in the City’s General Plan and General Plan EIR, the regional setting has changed much less than what was envisioned in the 2020 General Plan. Specifically, the General Plan “build-out” assumed that the General Plan extends beyond the year 2020, and has assessed the cumulative impacts of the General Plan at buildout, which have included the Gilded Springs project. It should also be noted that the projections in the 2020 General Plan were significantly overstated. For example, the projected population in Grass Valley by the year 2020 was estimated at 23,395. As of 2018, the population in Grass Valley is 13,041 or 10,354 persons less than anticipated in the 2020 General Plan.

The traffic comments imply that the Gilded Spring project of twenty-seven (27) homes should be required to further study existing regional cumulative impacts and mitigate those impacts on a project specific basis. Requiring such disregards, the Nollan/Dolan principals of nexus and rough proportionality tests. (i.e. is there a relation to the impact and if so, the developer shall only be required to mitigate their proportionate share of that impact).

The applicant will be subject to the payment of AB 1600 traffic mitigation fees, (i.e. City of Grass Valley and regional traffic impact fees) which is the acceptable form of traffic mitigation for this type of infill project in accordance with Nollan/Dolan principals of nexus and rough proportionality. These fees are used exclusively for projects identified in the City’s Capital Improvement Program to finance needed infrastructure improvements to achieve the LOS anticipated with the City’s 2020 General Plan.

As noted above, the City intends to mitigate any roadway deficiencies through the collection of local and regional impact fees to finance its Capital Improvement Program. The City of Grass Valley collects development impact fees prior to building permit issuance to fund their Capital Improvement Program. The mitigation fee programs ensure that future development will pay their fair share of traffic impact fees to partially fund the construction of planned transportation improvements identified in the City’s Capital Improvement Program.

32-3 Concerns regarding Greenhouse Gases

The comments seem to imply that the Gilded Springs project will significantly contribute to Global Warming and no analysis or mitigation measures have been proposed for the project. In accordance with the CEQA Guidelines and Initial Study, two questions are posed regarding Greenhouse Gases:

a) Will the project generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment. and,

b) Will the project conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases.

The response to these two questions is that the project will have a “Less than significant impact” on the environment. A “Significant” impact on the environment means a substantial, or potentially substantial, adverse change in the environment in accordance with Section 21068.

The analysis is the Initial Study further notes that:
“Calculating the Greenhouse Impacts on an individual project is difficult to qualify or quantify. The GHG emissions from the proposed project would not individually generate GHG emissions enough to measurably influence global climate change. However, ongoing occupancy and operation would result in a net increase of CO2 and other greenhouse gas emissions due to vehicle miles traveled, energy use, and solid waste disposal. However, as an infill residential project, vehicle miles traveled may be reduced”

To imply that a substantial impact on the environment will be caused and that the Gilded Springs project will generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment is not substantiated by substantial evidence in the public record. Yes, there will be a net increase of CO2 and other greenhouse gas emissions; however, those increases will not have a significant impact on the environment as defined and as substantiated in the Air Quality Section of the Initial Study.

Additionally, the comment does not take into account the positive benefits with infill development. Empirical data shows that vehicle trips associated with infill development projects have reduced vehicle trips than would occur otherwise.

To this point, in 2013, the State of California passed Senate Bill 743, which mandates that jurisdictions (as of July 2020) no longer use automobile delay – commonly measured by Level of Service (LOS) – in transportation analysis under the California Environmental Quality Act (CEQA). The State has issued guidelines calling for the use of a broader measure called Vehicle Miles Traveled (VMT), which measures the total amount of driving over a given area. The State’s intent in making this switch is to promote:

- The reduction of greenhouse gas emissions;
- The development of multimodal transportation networks (i.e., networks that serve a variety of users including pedestrians, bicyclists, transit riders and drivers);
- A diversity of land uses (i.e., neighborhoods and cities with housing, jobs, shops and services in close proximity to each other).

VMT is lower on infill projects such as the Gilded Spring project than other projects and thus would have a reduction in greenhouse gas emissions.

Hence no mitigation measures have been proposed; however, the following project components and California Green Building requirements apply to the proposed residential project that will, in effect, serve as mitigation measures further reducing potential impacts:

- All new residential construction with attached private garages shall have an electric vehicle (EV) charging station.
- Residential projects with an aggregate landscape area equal to or greater than 500 square feet shall comply with either a local water efficient landscape ordinance or the current California Department of Water Resources’ Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent.
- Toilets and showers shall be low flow.
- Construction waste management plans shall be completed including recycling and/or reuse a minimum of 65 percent of nonhazardous construction and demolition waste.
• All exterior lighting shall be high efficacy and be controlled by a manual on/off switch.
• All high efficacy light fixtures shall be certified as “high-efficacy” light fixtures by the California Energy Commission.
• Each of the homes shall be constructed in accordance with Title 24 Energy Standards.
• Solar shall be required for building permit applications deemed complete after January 1, 2020.
• As an infill residential project, in proximity to services, it is anticipated that reduced vehicle trips will result than otherwise would have occurred.

The above CA Green Building Code requirements coupled with the analysis and conditions of approval in the Air Quality Section of this Initial Study, will assure that Greenhouse Gas impacts remain less than significant.

Letter 33 – Email Correspondence received July 3, 2019 from Muriel Kerr

33-1   Concerns regarding wetlands

Response: See response above regarding wetlands (11-2).

33-2   Concerns regarding Roundup

Response: See response above regarding the use of glyphosate (9-1).

Letter 34 – Email Correspondence received July 3, 2019 from Douglas Boka

34-1   Concerns and recommendations regarding traffic on Alta Street

Response: See above response regarding traffic discussion (8-1) and discussion in the staff report.

Letter 35 – Email Correspondence received July 3, 2019 from Dr. Lisa Hosbein

35-1   Concerns regarding aquatic life in Peabody Creek.

Response: See Habitat Restoration Plan and Biological Comments noted above (11-2). Additionally, although the following mitigation measures speak to hydrology/water quality, they also preserve aquatic life in Peabody Creek.

HY/WQ 2 – Mitigation Measures:
To protect soil and water resources during the implementation of the stream restoration project, the following Best Management Practices (BMPs) shall be implemented for the duration of the implementation phase and the efficacy of the BMPs monitored for the duration of the maintenance, monitoring, and reporting phase:

Pre-Construction Planning
1. Limit Construction to Dry Weather – At no time shall work occur in flowing water or saturated soils. Construction activity involving soil disturbance within 10 feet of the top-of-bank during the dry period
for the stream (July 1 to October 1), and during dry weather. Vegetation and soil disturbance activities shall be timed with awareness of precipitation forecasts and shall be started only if the local weather forecasts predict no rain for a period of 72 hours.

2. Locate Staging and Spoil Areas away from the Stream – Locate spoil piles, equipment refueling & maintenance areas, access roads, parking, and staging areas a minimum of 10 feet from the top-of-bank.

3. Minimize soil disturbance and preserve native vegetation – Minimize the amount of soil and native vegetation disturbance to the minimum necessary. Prior to the start of the Himalayan blackberry removal/initial mowing, identify and flag any native riparian species for avoidance. Removal of native upland trees and shrubs within the stream easements shall also be minimized by flagging prior to the stare of blackberry removal.

Sediment & Other Pollutant Controls

4. Prior to the start of work that will disturb soil on slopes within 10 feet of the stream, including blackberry removal, install straw/coir logs or rolls or silt-fencing at the top of bank to keep disturbed/erodible soils and other pollutants from entering the stream. Sediment controls shall also be installed around the perimeter of the equipment maintenance/refueling areas. Install sediment controls around the perimeter of spoil piles (including piles of removed blackberry root crowns) to trap sediment in the event of rain and release it as cleaner street flow. Silt fencing and/or straw/coir logs shall be installed according to manufacturer’s directions.

5. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away from the stream.

6. The restorations contractor shall exercise every reasonable precaution to protect the stream and stream easement from accidental pollution with fuels, oils, bitumen, and other harmful materials. Bétonite and cement are very toxic to fish and the aquatic environment. Under no circumstances shall bentonite be used to stabilize soils and no concrete wash water shall be discharged into the stream, even during the dry season. The contractor shall keep spill containment materials onsite at all times during construction.

7. No debris (including blackberry canes and root crowns) shall be placed in the stream channel. All vegetation debris, packaging materials, and other litter shall be removed from the stream easement immediately upon completion.

Erosion Control

8. Upon removal of the blackberry roots/root crowns, all disturbed soils shall be graded or raked smooth and biodegradable geo-textiles shall be secured to the banks and adjacent hillslopes immediately upon removal of the blackberry bushes. The geo-textiles shall be installed and secured according to the manufacturer’s directions. Erosion control measures need not be installed following the initial mowing; but shall be installed immediately following removal of the blackberry roots and crowns – mechanically or chemically.

Inspect & Maintain Control Measures

9. Sediment and other pollutant control measures, and erosion control measures shall be inspected regularly, and repaired and/or re-installed not less than 24 hours before a forecast storm or rain event.

Letter 36 – Email Correspondence received July 3, 2019 from Susan Rogers
36-1  Concerns regarding emergency evacuation, traffic congestion, wetland and creek issues and the use of glyphosate.

Response: See responses above regarding emergency evacuation (8-1), traffic (11-1), wetland and creek issues (11-2) and use of glyphosate (9-1).

Letter 37 – Email Correspondence received July 3, 2019 from Lorie Teichert

37-1  Concerns regarding the use of glyphosate

Response: See responses above regarding the use of glyphosate (9-1)

Letter 38 – Email Correspondence received July 3, 2019 from Kathi Daugherty

38-1  Concerns regarding traffic

Response: See responses above regarding traffic (11-1)

Letter 39 – Correspondence received July 5, 2019 from Paul and Debbie Keyser

39-1  Concerns regarding traffic

Response: See response regarding traffic (11-1)

39-2  Concerns regarding emergency service

Response: The project has been reviewed by the City of Grass Valley Fire Department for emergency response. The project has been determined by the Fire Department to be in compliance with the City of Grass Valley fire standards and City Development Code. Therefore, potential impacts relating to emergency access is considered less than significant.

39-3  Concerns regarding adequate sewage disposal

Response: The project will connect to City of Grass Valley sewer. The developer shall be responsible to ensure that adequate sewer services are provide in accordance with City standards.

39-4  Concerns regarding the preservation of Peabody Creek

Response: See response above regarding Peabody Creek (11-2)

39-5  Concerns regarding off-street parking

Response: Parking has been evaluated in the Traffic Section of the Initial Study. The Gilded Springs project is required to comply with the City’s Development Code, which requires two off-street parking spaces for each residence, with at least 1 covered. Tandem parking is not permitted.
As proposed, the residential designs include one and two car garages for off street parking. To comply with the City’s Development Code, the proposed one car garages will be required to have a paved area of nine feet by eighteen (9x18) feet, outside of the front yard setback, to satisfy the required parking. Due to the size of the lots, adequate off-street parking should not be at issue.

**Letter 40 – Correspondence received July 5, 2019 from Patricia M. Green**

40-1  *Concerns regarding traffic, parking and biking on W Main Street.*

**Response:** See response regarding traffic (11-1). Regarding parking along W Main Street, the applicant is proposing frontage improvements that will eliminate three parking spaces on W Main fronting the project site. Parking is still permitted on the north side of W Main Street.

The bike lanes are not being altered as a result of the project.

**Letter 41 – Correspondence received July 9, 2019 from Dr. Hosbeing**

41-1  *Concerns regarding safety on Alta Street*

**Response:** See response above (8-1) regarding Alta Street. The traffic accidents cited on Alta Street are appear to be overstated. Based upon police records in 2018 two accidents occurred at Alta/Linden, two occurred at Alta/Richardson and four occurred at W Main/Alta indicating that half of the accidents are minor intersection accidents.

41-2  *Concerns regarding traffic congestion*

**Response:** See response above (11-1) regarding traffic congestion.

41-3  *Concerns regarding Greenhouse gasses*

**Response:** See response above regarding Greenhouse gasses (32-1)