

4.1 AESTHETICS

This section describes the existing visual environment in and around the City of Nevada City (City) including the Sphere of Influence (SOI) area related to the Nevada County Local Agency Formation Commission (LAFCo) update to the SOI Plan for the City (proposed project). This section uses accepted methods of evaluating visual quality, as well as identifying the type and degree of change the proposed project would likely have on the character of a landscape. The project analysis is based on information provided by LAFCo, visual observations of the project area by Kimley-Horn personnel, aerial photographs, as well as review of the Nevada City General Plan (NCGP), Nevada County General Plan, and other documents with pertinent descriptions of the SOI and areas within the City. Where additional information has been used to evaluate the potential impacts, that information has been referenced.

The following discusses impacts associated with the potential for the proposed project to degrade the existing visual character or quality of the project site and its surroundings through changes that would occur to the existing landscape and visual environment. The analysis assesses the potential for direct and indirect impacts to aesthetics including light and glare and other visual resources within the project area. The analysis also addresses impacts that may occur to areas outside the project boundaries, and that may be affected by adoption of the SOI Plan update. Potential effects are evaluated relative to important visual features such as elevated landforms, and other parts of the existing visual landscape and people who view and use these areas. Degradation of the visual character of a site is usually addressed through a qualitative evaluation of the changes to the aesthetic characteristics of the existing environment and the proposed project-related project elements that would alter the visual setting.

4.1.1 ENVIRONMENTAL SETTING

Regional Setting

The City is located within Nevada County which contains a variety of natural and man-made visual resources. The scenic landscape in the County is characterized by the rolling vistas of the foothills and valleys in the west, to the scenic views of mountains, meadows, forests, and unique granitic landscapes characteristic of the Sierra Nevada in the eastern portions of the County. The eastern areas have 16 peaks greater than 8,000 feet (Nevada County Peaks, 2018) and many scenic views are afforded from roadways and highways and public and private lands. Prominent visual resources also include views from within the central areas of the County in foothills and include some of the lower-lying mountains, ridgelines, oak groves, river corridors; scenic highway corridors; open space; and historic architecture in the City and other towns and communities.

Development within the County is similar to that within and surrounding Nevada City in that it is predominantly rural in character. This contributes to the County's overall feel of sparse development and open landscapes. The most suburban development is concentrated in incorporated cities which include Nevada City, the City of Grass Valley, and the Town of Truckee. Grass Valley and Truckee are both more

densely developed City with a population of 12,769 and 16,434, respectively, compared to the 3,122 residents of the City [California Department of Finance (CDOF, 2019)]. Grass Valley is located approximately four miles southwest of the City. Truckee is located approximately 45 miles to the east.

The scenic values and aggregate appearance of all these areas and the more dispersed and rural unincorporated towns and communities combine to define the unique aesthetic quality of Nevada County. Like the City, the County preserves its unique visual character through the establishment of permanent open spaces, public forests, conservation areas, zoning regulations and general plan guidance, and promotes urban design through architectural controls, historic preservation ordinances and regulations, to guide land use patterns and regulate some visual elements such as lighting and protect resources. Much of the mountain region is under the ownership and operation of the U.S. Forest Service (USFS) in the Tahoe National Forest (TNF) located approximately five miles east of the City. Other large tracts of undeveloped forest land are under the ownership and control of the Bureau of Land Management (BLM), which is done in part to preserve the scenic quality of the region.

Local Setting and Project Site

Nevada City and the surrounding SOI Plan update area is located in the foothills of the Sierra Nevada Mountains in a transitional area between the Sacramento Valley approximately 17 miles to the west and the steep and rugged topography of the mountain region to the east. The City is characterized by a unique blend of housing and businesses that combine historic structures including Victorian designs, modest cottages, and classic brick structures with more modern architecture and developments that have occurred in the recent decades. The City focuses on preservation of historic areas as well as the preservation of notable geographic and topographic features.

The City is located within the hills and valleys of a larger basin or bowl which provides visually appealing aesthetic and scenic views of the surrounding hills, mountains, and dense wooded areas (Nevada City, 2017). On the northern boundary of the City is the approximately 3,080-foot Sugarloaf Mountain. The City emphasizes preservation of Sugarloaf Mountain because it serves as a visual backdrop to the City and the fosters an appreciation for the surrounding open space.

Development within the City is centralized around State Route 20 (SR-20) which traverses the City from south to north. In the northern portion of the City, State Route 49 (SR-49) intersects SR-20 at Uren Street and provides access to the northwesterly portions of the City. To the east of SR-20 other major roadways include Red Dog Road, Willow Valley Road, Banner Mountain Trail, and Gold Flat Road, which provide access to the City and unincorporated less densely developed rural areas. The western portions of the City and surrounding unincorporated areas contain more dispersed development and are primarily accessed via Ridge Road and Old Downieville Highway and local roads.

Within the City, development is centralized in two main locations both adjacent to SR-20. The northerly area within the City boundaries is an approximate 50-acre core area that contains the majority of commercial, industrial, and other resident serving uses. This area contains the densest residential development with residential uses generally becoming more dispersed and rural proceeding away from

this City core. The second area with more focused development is approximately 140 acres in size and is located in the southern portion of the City adjacent to the western side of SR-20. Although this area covers a larger area, it has less concentrated commercial and residential serving uses, and also contains more diversified housing types and two schools.

Beyond the boundaries of the City and within the adjacent unincorporated areas including the proposed SOI Plan update area, development generally consists of low density and rural residential with very dispersed commercial and industrial development. Similar to the City areas, topography is varied with hills and small valleys, with access to these areas generally provided via rural roadways. The majority of the area between residences contains undeveloped parcels and larger tracts with thick coniferous forest. This pattern of land use generally extends in all directions from the City boundary becoming less populated nearer the edge of the proposed SOI Plan updated boundary.

Scenic Highway Corridors

The scenic highways in Nevada City are administered by Caltrans and are an important scenic resource. California's Scenic Highway Program that was created by the California Legislature in 1963 and is managed by the California Department of Transportation (Caltrans). The goal of this program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to highways. A highway may be designated "scenic" depending on how much of the natural landscape travelers can see, the scenic quality of the landscape, and the extent to which development intrudes on travelers' enjoyment of the view.

Within Nevada City, there are two "Eligible State Scenic Highways" (SR-49 and SR-20) in the California Scenic Highway Program. SR-49 also is a designated scenic corridor in the unincorporated area of Nevada County. In order to protect these scenic resources and those associated with the SR-49, the County has established a Scenic Corridor Combining District (SSCD) for areas along the highway.

The Eligible State Scenic Highways in Nevada county include segments of most of the other major roadway segments in the County. This includes State Route SR-49 from the southern county boundary with Sierra County to the northern boundary with Yuba County. The section of State Route 174 (SR-174) from the southern county boundary with Sierra County to its intersection with SR-20 in Grass Valley also is included. SR-20 from the intersection with SR-49 east to the above described Officially Designated segment also is eligible (Caltrans, 2011).

In addition, portions of SR-20 and SR-49, also are a part of the United States Forest Service Scenic Byway program and are discussed in additional detail below. See *Figure 4.1-1, State Scenic and Eligible Scenic Highways in Nevada County*.



Source: www.dot.ca.gov

FIGURE 4.1-1: State Scenic and Eligible Scenic Highways in Nevada County
 Nevada City SOI Plan Update

Visual Analysis Terminology

Visual Quality

Visual quality can be defined as what viewers like and dislike about visual resources that compose the visual character of a particular scene. When viewing the same landscape, people may have different responses to that landscape and different responses to proposed visual changes based upon their values, familiarity, concern, or expectations for that landscape and its scenic quality. Because each person's attachment to and value for a particular landscape is unique, visual changes to that landscape inherently affect viewers differently. Different viewers evaluate specific visual resources based on their interests and values they place on things like natural harmony, cultural order, and environmental coherence. For examples, neighbors of a particular site and travelers through that same area likely may have different opinions on what they like and dislike about a scene (Federal Highway Administration [FHWA], 2015).

Overall, a viewer's visual impression of an area is determined by the attractiveness of the area or view. This is influenced by the particular characteristics of the landscape or structures within an area and includes landscape and landforms, including rocks, water features, and vegetation patterns; as well as the types, sizes, colorings, and scale of buildings within the built environment. Accordingly, the attributes of all the existing components in the area combine in various ways to create landscape characteristics whose variety, vividness, coherence, uniqueness, harmony, and pattern contribute to the overall visual quality of the viewshed area. Because the City contains several distinct areas with distinct characteristics, the visual quality of a particular location or view within that site can be considered within the context of that area as a whole.

In general, the overall visual character of an area can be categorized using three primary criteria: vividness, intactness, and unity, which are defined as follows:

- **Vividness** is the extent to which a landscape is memorable and is associated with the distinctiveness, diversity, and contrast of visual elements. A vivid landscape will typically make an immediate and lasting impression on the viewer.
- **Intactness** is the integrity of the visual order in the landscape and the extent to which the natural landscape is free from visual intrusion.
- **Unity** is the extent to which visual intrusions are sensitive to and in visual harmony with the natural landscape (Caltrans, 2008).

As discussed above, views are evaluated differently by different types of viewer groups such as neighbors, travelers, or site-seers, and each typically places a different level of importance on each of the listed criteria. For example, activities such as driving for commuting, shopping, or working can distract the observer from the visual environment, while driving for leisure or being involved in recreational activities like hiking can create a greater sensitivity to the visual surroundings. A viewpoint with exceptionally high visual quality may be considered a scenic vista. A scenic vista is generally considered to be a location from which the public can experience unique and exemplary high-quality views—often from elevated vantage points that offer panoramic views of great breadth and depth. Additionally, the value of a view or views

from a site are further differentiated by factors that would modify perception, such as the viewers location, activity, and awareness or concern.

Light and Glare

There are two typical types of light intrusion. First, there is light that emanates from the interior of structures and passes out through windows. Second, there is light that can project from exterior sources, such as security lighting and landscape lighting, as well as other outdoor sources such as street lighting. “Light spill” is typically defined as the presence of unwanted and/or misdirected light on properties adjacent to the property being illuminated. Light introduction can be a nuisance to adjacent residential areas and diminish the view of the clear night sky. In addition, the light can disturb wildlife in natural habitat areas.

Perceived glare is the unwanted and potentially objectionable sensation as observed by a person when looking directly into the light source of a luminaire. Glare also results from sunlight reflection off flat building surfaces, with glass typically contributing the highest degree of reflectivity.

Currently, the number and intensity of light sources within the City and SOI Plan update area are dependent on the amount of and type of development. In more densely populated areas such as the interior City areas and on more heavily traveled roadways such as SR-20 and major local roadways, more light and glare is emitted from structures and vehicles. Secondary to the downtown areas are the fringes of the City with less densely developed residential neighborhoods and commercial centers. In these rural areas and those with sparse or no development lighting is dispersed. Less light and glare is generated because fewer structures exist and fewer vehicle trips along the rural roadways occurs.

Sensitive Viewers

The responses of viewers and their sensitivity to changes in the visual settings are inferred from a variety of factors. These factors include but may not be limited to the distance and viewing angle, types of viewer, number of viewers, duration of the view, and the viewers activities. The viewer type and associated viewer sensitivity are distinguished among viewers in recreational, residential, commercial, military, and industrial areas. Viewer activities can range from a circumstance that encourages a viewer to observe the surroundings more closely (such as recreational activities) to one that discourages close observation (such as commuting in heavy traffic). Viewers in recreational areas are considered to have high sensitivity to visual resources. Residential viewers generally have moderate sensitivity but experience extended viewing periods. Viewers in commercial, military, and industrial areas are considered to have low sensitivity.

The sensitivity of viewer groups also may vary based on their levels of concern regarding changes to the visual environment. For example, viewers who are very familiar with surroundings, such as residents or frequent visitors, would be more aware of adverse changes and may be more sensitive to changes than viewers who may pass through an area on an infrequent basis.

Additionally, certain variables related to the particular view including how visible the changes are within the landscape; how far the viewer is from the change; duration of the view, if the viewer is looking up or down at the change, if the view is panoramic, or is the view focused and narrow through intervening vegetation or structures. Taken in sum, or individually, these factors will determine how sensitive a viewer is to changes in the view scape.

Viewer Groups in The County

Based on the above, three basic viewer groups can be delineated within the City and SOI Plan update area. These user groups and their expected visual sensitivity are discussed as follows:

Residents and Other Land Owners

Residential viewer groups would include all permanent and seasonal residents at all residential locations that may have views, or experience views of the SOI Plan update area. Rural residents could be highly sensitive to changes in views within the project area because they generally experience views with relatively less dense development than the more urbanized area within the City. Rural areas also are typically afforded wider viewsheds and panoramic views of open and undeveloped lands. While urban residents, generally have less exposure to scenic and panoramic views, if those views are afforded from City areas and the views are of an area that would be developed, those viewers can be sensitive to the reductions in scenery and replacement with a structure(s). In addition, these viewers also may have a high sensitivity to changes in viewsheds while traveling through rural areas or if they are accustomed to undisrupted views.

Motorists, Cyclists, and Pedestrians

Residents, visitors, and others passing through the City and SOI update area would use roadways and other corridors for commuting, business purposes, and basic transportation. Cyclists and pedestrians also would use local roadways but for generally shorter trips both in distance and duration. Due to driving speeds, motorists' views of a given parcel or viewshed are typically of moderate duration, where views for cyclists would be longer and the viewing time for pedestrians is the longest. Generally, views from local roadways would be slightly extended compared to views from highways due to slower travel speeds. However, distant views from elevated portions of highways and roadways are available for extended periods in some locations within the City and SOI Plan update area. Motorists, cyclists, and pedestrian who are most familiar with views from the existing highways and roadways would likely be more sensitive to land use and visual changes within the proposed project area. This is because the landscapes would be more familiar to them than users passing through the area or those who use the travel ways intermittently.

Visitors and Recreationists

Nevada City and surrounding areas visited for tourism and other outdoor recreational opportunities. People use these areas for activities including camping, fishing, hiking, cycling, golf, rafting and boating, winter sports, and for site seeing. Visitors and recreationists using trails, visiting parks, or using other outdoor facilities are considered a sensitive group. This group would be susceptible to physical changes

to the surrounding landscape, where a change in the quality of visual resources can diminish the experience for these users.

4.1.2 REGULATORY SETTING

This regulatory framework identifies the federal, State, regional, and local statutes, ordinances, or policies that govern the light, glare, viewshed, and scenic character to be considered by LAFCo for the proposed project and during the subsequent decision-making process for future projects that may occur within the SOI Plan update area. Under the program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historical, natural, recreational, or scenic qualities.

Federal

National Wild and Scenic Rivers System

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the distinctive character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection (WSR, 2018a). There are no wild and scenic rivers in Nevada City or the SOI Plan update area (WSR, 2018b).

Yuba Donner Scenic Byway

The Yuba Donner Scenic Byway is an approximate 175-mile paved loop, the majority of which runs through Nevada County. The balance of the byway is located in Yuba County and Sierra County. The route provides view of alpine valleys and rugged mountains and over both Donner Pass and Yuba Pass (Trails.com, 2018). The portion of the byway through Nevada County is approximately 72 miles in length and includes segments beginning at State Route 89 from Sierra County on the north to Interstate 80 (I-80) near the town of Truckee. The byway follows I-80 west and transitions to State Route 20 (SR-20) near Emigrant Gap continuing west to Nevada City. From Nevada City, the byway transitions to State Route 49 (SR-49) north through San Juan Ridge and North San Juan to the border with Yuba County.

State

State Scenic Highway Program

In 1963, the State Legislature established the California Scenic Highway Program through Senate Bill 1467 (Farr). Subsequent legislation in Senate Bill 1467 added Sections 260 through 263 to the Streets and Highways Code. In part, the intent and purpose of these laws were to develop a scenic highway program to add to the pleasure of the residents of the state and to encourage the growth of recreation and tourism. Senate Bill 1467 further provided for special conservation treatment and protection and enhancement of certain locations based on the scenic beauty of areas including scenic corridors comprised of primarily

scenic and natural features. This legislation provides Caltrans with full possession and control of all State highways and places the Scenic Highway Program under the stewardship of Caltrans. Accordingly, Caltrans manages the State Scenic Highway Program, provides guidance, and assists local government agencies, community organizations, and citizens with the process to officially designate scenic highways (Caltrans, 2008).

California Building Standards Code

Title 24 in the California Code of Regulations (CCR) is the California Building Standards Code. Part 2 of Title 24 is the California Building Code (CBC), which is based on the International Building Code and combines three types of building standards. The CBC also includes standards authorized by the California legislature that constitute extensive additions not covered by the International Building Code that have been adopted to address particular California concerns.

One example of a code that is specific to California pertaining to aesthetics is Part 6 of Title 24 of the California Energy Code. It includes standards for lighting that are intended to improve energy efficiency and reduce light pollution and glare by regulating light power and brightness and sensor controls. The CBC includes standards for outdoor lighting that are intended to improve energy efficiency and to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

Local Framework

Nevada City General Plan

The Nevada City General Plan provides a long term comprehensive plan to guide development within the City. The General Plan contains numerous elements to address the various conditions that exist within the planning area. The elements typically contain goals, objectives, and policies that provide direction and a way to evaluate projects for consistency with the General Plan. Accordingly, the General Plan lists principles, goals, and objectives, related to aesthetic and visual resources, those that are applicable to the proposed project are listed below.

Principle:

- Preserve the sense of wooded enclosure by protecting views from highways by maintaining rural density surrounding a tight urban cluster.

Objectives:

- Foster compact rather than scattered development pattern in order to preserve the existing impression of a tightly clustered, fine-grained core with tree-covered, rural surroundings, to prevent “strip” development along the highways, and reduce the extent and cost of public services.
- Determine appropriate use for land in Nevada City on the basis of the following criteria:
 - o Physical characteristics (slope, soils, vegetation, visual sensitivity, accessibility, etc.)

- Priority level (first priority for annexation are areas already on public services; second are areas within planned extensions of public services)
- Special resource or landmark significance implying consideration for open space or public use (e.g., Sugar Load Reservoir and Bowl, Old Seven Hills School properties).

Policies:

- Do not permit urban density uses beyond the SOI boundary as shown on the land use plan.
- Encourage urban-type development to occur as infill within the City. Urban-type development in county territory in most cases is inconsistent.
- Change specific land use designations only after it has been determined that the change enhances eventual achievement of the objectives, policies, and the plans of the General Plan, and that it will serve a public purpose in making such a change.
- In recognition of the visual value of Sugarloaf Mountain and the nearby ridgetops, the following restriction shall be included in any development for these areas:
 - Avoid any land disturbance such as major grading and/or tree removal which would cause visible scars.
 - Any structures shall be carefully sited so that they are not visible.
 - In the vicinity of any structures, the tree canopy shall be retained to screen views.
 - Building material shall be in natural colors which will blend into the hillside. No materials which cause visible glare or reflection will be used.
- Regarding the property located between ridge road and the Nevada City Highway, just southwest of the intersection of the two roadways, the following development restrictions shall apply:
 - Any development of the property shall recognize that the parcel is a visually sensitive corridor property.
 - The property shall be developed using generous setbacks.
 - At least 50% of the property shall remain as open space.
 - Scenic Corridor combining district zoning regulations, when adopted, shall apply to the development of the property.
 - Any development plan for the property shall include the necessary street dedications for the improvement of the intersection.

Conservation and Scenic Resources

Objectives:

- Preserve the existing impression of a historic town surrounded by open forest, especially from the “Gateway” at the Ridge Road.
- Preserve and enhance the important natural features, e.g., Sugarloaf, the ridges, the creeks, Gold Run, the hills within the City, and the steep terrain lying west of the City core.

Policies:

- Reinforce important vistas and scenic corridors by reducing roadside clutter and emphasizing focused views to important landmarks (e.g., Sugarloaf).
- Develop and implement a program to secure special easements to protect streamside zones as potential open space or pedestrian/bike trails, wildlife habitat, and permanent open space.
- Discourage tree cutting within the City.
- Prevent soil erosion and hillside scarring through control of grading, restrictions on removal of vegetation, and limitation of development on steep slopes

Scenic Highways.

Objectives:

- To encourage the designation of both Highway 20 and Highway 49 as Official State Scenic Highways.
- To protect and enhance the scenic qualities of these highway by controlling the type and form of development within the adjacent corridor as discussed under findings: Scenic Highways

Policies:

- Include specific provisions such as the following:
 - o Prohibition of billboards and similar signage
 - o Discouragement of individual access in favor of commonly planned joint access to adjacent properties.
 - o Encouragement of PD or similar planned development along such routes.

Nevada City Municipal Code

The Nevada City Municipal Code includes development regulations related to aesthetics resources and sets design standards to help ensure the visual environment is preserved. The Municipal Code applies to visual elements that would come from new developments to include the scale of new buildings, building materials, setbacks from roadways, fencing, building heights and other elements that would affect the visual character of a site or area. Portions of the Municipal Code related to aesthetics and that are applicable to the SOI Plan update are listed below.

Section 17.68.240 - Planned Developments. This section sets forth performance standards to which projects in the City, and those sites that would be annexed, must comply. Any approved development design shall provide high overall performance standards of open space (including preservation of existing trees and vegetation, and the addition of landscaping), circulation, off-street parking and other conditions in such a harmonious, integrated project of sufficient unity and harmony with the historic character of the city to justify exception to the normal regulations of this title.

Section 17.80.215 – Outdoor Lighting Standards. This section sets criteria for new outdoor lighting on private property (other than single-family or duplex) to include limitation on lighting heights, energy efficiency, shielding and direction, glare reduction, and the reduction of spill light.

Chapter 18.01 –Tree Preservation. This section states that the quality of life and character of Nevada City is directly related to native and ornamental trees and these features contribute to the rural atmosphere and aesthetic appeal. To preserve these resources, the policy of preserving trees uses a development review process and requires permits for remove or cutting of protected trees; and requires coordination with the City for maintenance of street trees.

Chapter 15.04 – Building Standards. This section sets standards related to the scale of new buildings, building materials, setbacks from roadways, fencing, building heights and other elements that would affect the visual character of a site or area. This section was enacted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating, on private property, within this jurisdiction in conformity with the 2019 edition of the California Building Standards and consistent with and complementary to standards adopted by the County of Nevada (Nevada City, 2018).

Section 17.68.200 - Scenic Corridor Combining District. This section defines the purpose of the districts and states that the classification is intended to be applied to scenic corridors and to recognize new corridors that may be designated by the City council. These roadways are generally entryways to Nevada City which were recognized in the General Plan as being particularly important to protect the existing essential character of Nevada City, namely that of a small, compact historical town surrounded by green, wooded hills, by hiding development from view from the highways and preserving the existing tree cover to the greatest extent possible and assuring visually pleasing corridors through design control. This section further defines requirements for development within the SC Corridors to include review by planning commission, conformance to setbacks, architectural and design features, building color and texture, parking areas, landscaping, and take into account existing vegetation, landforms, and scenic corridors.

Section 17.88.010 - Site Plans. This section requires that no building other than an accessory building, shall be erected for any use or uses, except single-family dwelling uses, until a site plan covering the parcel or parcels to be used has been approved or conditionally approved, as herein provided, and no building permit for such building shall be issued until such approval or conditional approval has been given.

Nevada City Design Guidelines

The Nevada City Design Review process is discussed in the Nevada City Design Guidelines document originally adopted in September 1995 and updated in August of 2015. The design review process is discussed in Chapter 2.0, which discusses review for the historic district and the numerous layers of required review. This chapter also discusses review required for larger projects which require environmental review in conformance with CEQA. In these instances, staff would prepare or have prepared, the appropriate environmental document pursuant to CEQA and the project would then be reviewed by the Advisory Review Committee (ARC) which is comprised of two Planning Commission members and staff. The ARC reviews the proposed environmental document and the project (layout and design) and provides recommendations to the Planning Commission (Nevada City, 2015).

In addition, the Design Guidelines document also discusses constraints of potential developments sites to include compatibility with existing neighborhoods and other structures, scale, setback, consideration of natural features such as rock outcroppings, slopes, watercourses, and trees, and area that should be protected. The guidelines also discuss signage, lighting of signage and interior lighting, landscaping, façade materials, windows, and parking lots and driveways. Design Review is required for the following types of projects:

- In all Residential Neighborhoods.
- Commercial, Office, or Industrial Uses Adjacent to Residential Areas.
- Commercial, Industrial, Office/Professional Areas Outside the Historic District.
- Restoration/Renovations/Demolitions

Any future development in an area proposed for or previously annexed to the City and that fell under one of the above categories would undergo the appropriate CEQA review and/or City Design Review process and comply with any mitigation measures or conditions of approval applied to the project.

4.1.3 STANDARDS OF SIGNIFICANCE

In accordance with State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact to aesthetic resources if it would; except as provided in Public Resources Code 21009:

- 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly

accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.1.4 PROJECT IMPACTS AND MITIGATION

The proposed project consists of an update to the SOI Plan for the City (proposed project). This EIR evaluates four project alternatives. The following impact evaluation focuses on the LAFCo/City Preferred Consensus Alternative (Consensus Alternative) which has been identified as the Preferred Alternative in accordance with CEQA requirements. Impacts for the other alternatives are discussed in *Chapter 6.0 Alternatives*. In some instances; however, impacts related to the overall SOI Plan update may be presented when applicable and to help illustrate the environmental effects in the framework of the overall SOI Plan update. The impacts are discussed in terms of direct and indirect impacts. Direct impacts are those that occur immediately upon initiation of a project such as ground disturbance or demolition of existing structure(s). Indirect impacts occur when a project would induce growth into areas such as through the extension of infrastructure and that extension could facilitate new development or result in an annexation that could enable future development.

Impacts Discussion Overview

The Impacts Discussion Overview describes the characteristics of the Consensus Alternative, development potential, assumptions for provision of services, and City and environmental review requirements related to aesthetics. This discussion is applicable to each impact, Impact AES-1 through AES-4, below, but is provided here to avoid repetitive discussion.

The Consensus Alternative would update the SOI Plan area, and future development projects under City jurisdiction would occur only after being annexed to the City. The majority of these undeveloped areas within the Consensus Alternative area are designated for estate residential, rural residential, or open space with minor areas designated for planned development, employment centers, public uses, or service commercial. Development in these areas is anticipated to be consistent with the existing City designations.

Within the Consensus Alternative boundaries there are four priority annexation areas. These areas in general are already developed, are in close proximity to, or are already being served by existing water or wastewater lines. These areas are in logical locations for extension of City municipal services and represent a logical progression of City boundaries. Given that disturbance in these areas would be relatively low, and given the sites have exiting uses, the development density is anticipated to remain low. Associated improvements are not anticipated to induce substantial growth resulting in substantial indirect changes to visual resources.

In addition, the six potential development areas identified by the City are discussed throughout this document. These sites do not yet have any development approval and the specific project footprints are unknown. Annexation and the anticipated timeline for build out would occur over a period of time and is anticipated to be at similar densities as to what is shown in the project description and in accordance with existing City planning documents.

All future City development after annexation within the Consensus Alternative area would be subject to City design and review as part of City's project review process. All projects would be evaluated for consistency with the NCGP, Nevada City Municipal Code, and Nevada City Design Guidelines. The City also has authority to prezone all future annexations to Nevada City, and for annexations that include new development, the City would be able to specify conditions to ensure that future projects would incorporate all required elements of the listed development guidance documents related to preservation of scenic vistas and visual resources. The project by project review also would include a City led CEQA analysis and as applicable, would require project-specific mitigation measures or binding conditions of approval to reduce impacts related to aesthetics.

Impact AES-1: Have a substantial adverse effect on a scenic vista?

A scenic vista is generally considered to be a view of an area that represents a substantial or remarkable visual element in the landscape. Project sites can contain a scenic vista, scenic vistas can be viewed from a project site, or they can be affected by a project. For example, construction of a new building could block an existing viewshed and result in a change to the scenic resource. The Consensus Alternative area generally consists of hilly terrain with elevated ridgelines as well as low-lying valleys that are characterized by steep to gentle slopes and that typically vary in elevation by a few hundred feet. The lowest elevations in the Consensus Alternative area are approximately 2,200 feet and occur in Deer Creek west of the City and progressively rise to just over 2,700 feet east of the City. The highest point in the Consensus Alternative area is Sugarloaf Mountain at approximately 3,080 feet in the northern portion of the area. Although there are areas within the City that may be considered scenic resources, the City does not designate any areas as scenic vistas.

The visual quality within the Consensus Alternative area is considered to be medium to high. Views of the ridges and valleys from roadways or properties would likely be valued by viewers due to the undeveloped and rural character of the resource and landscape. In some locations, views from area roadways provide expansive views, and views of unique topographic features including watercourses, rock outcroppings, and undisturbed forest. Views of these features are intermittent through breaks in the vegetative cover, dependent on roadway elevation, and dependent on viewer awareness.

The Consensus Alternative would not directly implement any development proposals, new construction, new entitlements or improvements, and would not change any existing land use designations. The Consensus Alternative would not result in any direct impacts to any scenic vistas. The Consensus Alternative does include six potential development areas; however, future development of these areas will be subject to the City's review and regulation when development plans are submitted, and/or application(s) filed.

As detailed in the *Impacts Discussion Overview* above, it is anticipated conformance with all the listed City and environmental requirements would ensure future projects within the Consensus Alternative area are consistent with the City's scenic resource protection requirements and indirect impacts to scenic vistas would be reduced. Therefore, although the existing visual character and changes to the views in the Consensus Alternative area would change over time, through confirmation of project conformance with the listed Nevada City General Plan objectives and policies as part of the future project review process, indirect impacts of future projects would be less than significant. No mitigation is required.

Mitigation Measures: No Mitigation Measures are Required.

Impact AES-2: Substantially damage scenic resources including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The City boundaries and the SOI area includes hilly and mountainous terrain containing trees and thick forest lands and rock outcroppings. Within the City there are historic buildings and SR-20/49, which traverse the City and Consensus Alternative area are listed in the California Scenic Highway Program as eligible state scenic highways. Neither are officially designated State scenic highways. SR-20/49 are designated by the City as Scenic Corridor Combining Districts (SCCD) but these designations stop at the City existing boundary.

The Consensus Alternative does not propose, nor would it directly result in any construction or development. Implementation of the Consensus Alternative would not have any direct impacts to trees, rock outcroppings, or historic buildings within a state scenic highway. The Consensus alternative does include six potential development areas; however, future development of these areas will be subject to the City's review and regulation when development plans are submitted, and application(s) filed.

Priority Annexation Area #1 is located adjacent to the terminus of the southern boundary of the City SCCD at Gold Flat Road and adjacent to SR-20. There are no plans for further development of this area. It has been designated as a priority annexation area in consideration of the fact that the City has extended sewer service to the existing Caltrans facility. Priority Annexation Area #2 abuts the southern right-of-way of SR-49 in the western portion of the Consensus Alternative update area. This area is not proposed for any new development and contains the County Juvenile Hall and is currently connected to the City's wastewater system.

Segments of SR-20 and SR-49 are within the SOI Plan update area but do not have City designated SCCD status in County lands. This includes the portions of the highways that extend beyond the existing City boundaries adjacent to areas that may be developed in the future. Approximately 1.25 miles of SR-49 is included as a SCCD but this designation does not extend into the County. As areas along highways and roads are annexed to the City, the City may choose to extend the SCCD designations. All development would be required to conform to associated visual resources standards.

As detailed in the *Impacts Discussion Overview* above, it is anticipated that conformance with all the listed City and environmental requirements would ensure future projects are consistent with the City's scenic

resource protection requirements and indirect impacts to resources within a state scenic highway would be less than significant. Further, both SR-20 and SR-49 have been identified as eligible for listing as a Scenic Highway but have not been officially designated. Therefore, indirect impacts would be less than significant, and mitigation is not required.

Mitigation Measures: No Mitigation Measures are Required.

Impact AES-3: ***Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

The Consensus Alternative SOI area does not include highly urbanized land uses and would not conflict with a zoning or other regulatory document concerning scenic quality in these areas. The Consensus Alternative SOI area generally consists of rural and low-density development, undeveloped properties, open space and limited commercial uses. The visual character of the area is influenced by ridgelines and valleys, watercourses, rock outcroppings, dense forest, and some distant views. The Consensus Alternative would result in an update of the SOI boundary for the City but does not propose, nor would it directly result in any construction or development. Implementation of the Consensus Alternative would not have any direct impacts related to degradation of the existing visual character or quality of public views of the SOI Plan area or its surroundings.

Priority Annexation Areas #1, #2, #3 and #4 are largely built-out and contain a Caltrans facility, County Juvenile Hall, a cemetery, rural residential development and a few vacant lots designated for rural residential uses. The Consensus Alternative would enable the annexation of these areas; however, there are no known plans for expansion and given the developed nature of the sites, no substantial changes to the visual character is anticipated.

The Consensus Alternative does include six potential development areas that if approved, could result in new construction within the City. If these site are developed, it would change the existing visual character of the sites as viewed from the location and as viewed from some off-site locations. There are no approved development plans for these areas and project impacts are considered indirect.

Indirect impacts would be evaluated for future actions on a project by project basis. This would include and evaluation of conformance to City development regulations and site-specific CEQA review as detailed in *Impacts Discussion Overview*, above. In addition, this evaluation would include verification of conformance to City Codes such as Planned Developments 17.68.240, Scenic Corridor Combining District of Title 17.68.200, and title 18.01 regarding tree preservation. Although the existing visual character and changes to the views in the Consensus Alternative area would change over time, through conformance with all the listed review requirements, indirect impacts of future projects would be less than significant, and no mitigation is required.

Mitigation Measures: No Mitigation Measures are Required.

Impact AES-4: *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Existing development within the Consensus Alternative area is sparse and generally consists of rural residential, undeveloped properties, open space, and limited commercial uses. These uses typically do not generate substantial amounts of glare during the daytime or substantial lighting/illumination at night. Within these areas lights from vehicles and intermittent glare from vehicle windows can make contributions light and glare. As development on currently undeveloped areas within the Consensus Alternative occurs, changes to the visual environment, including an increase of nighttime lighting and daytime glare are anticipated. New sources of light would occur from outdoor as well as interior lighting and daytime glare from sunlight reflecting off the structure surfaces and windows.

The Consensus Alternative does not propose any development within the SOI Plan Update area. If approved, the SOI update would not result in any entitlements for development or change existing NCGP Land Use or zoning designations. In this regard, direct impacts from light and glare as a result of adoption of the Consensus Alternative would not occur, and mitigation would not be required.

The Consensus Alternative includes Priority Annexation Areas #1, #2, #3 and #4, which are largely built-out and contain a Caltrans facility, County Juvenile Hall, a cemetery, rural residential development and a few vacant lots designated for rural residential uses. The Consensus Alternative would enable the annexation of these areas; however, there are no known plans for expansion and given the developed nature of the sites, no substantial changes to associated with light and glare are anticipated.

The Consensus Alternative does include six potential development areas that if approved, could result in new construction within the City. If these site are developed, it would change the existing lighting environment as viewed from the sites and as viewed from some off-site locations. There are no approved development plans for these areas and project impacts are considered indirect.

Indirect impacts also would be evaluated for future actions on a project by project basis. This would include an evaluation of conformance to City development regulations and site-specific CEQA review as detailed in *Impacts Discussion Overview*, above. In addition, this evaluation would include verification of conformance to applicable City Codes including Section 17.80.215 which provides guidance for outdoor lighting standards and for new outdoor lighting fixtures. This code requires lighting fixtures to be shielded to minimize light spill that would be seen from adjoining non-residential properties. It is anticipated conformance with all the listed review requirements would ensure future projects are consistent with the City's scenic resource protection requirements and indirect impacts would be less than significant. No mitigation as part of this project is required.

Mitigation Measures: No Mitigation Measures are Required.

4.1.5 CONCLUSION

The proposed project consists of an update to the SOI Plan. As discussed above, the Consensus Alternative would not directly result in impacts to the visual elements of the project area or surrounding locations. Future development projects that are annexed to the City would be subject to the City's land use authority, as set forth in the NCGP and City zoning ordinances and the City, as lead agency for those projects, would require mitigation of significant aesthetic and other impacts as necessary.

The SOI Plan update area includes areas with significant visual resources. However, future annexations into the City are not anticipated to conflict with any existing NCGP goals, policies, objectives relative to the protection of visual character, and would not conflict with the City Zoning Code. All future projects that may be entitled within the Consensus Alternative area would be required to undergo the City development and review process to ensure that project-specific impacts related to impacts on trees, rock outcroppings, historic buildings, and nighttime glare. Therefore, the indirect changes to the Consensus Alternative could result after adoption of the proposed project do not constitute significant impacts to visual and aesthetic resources.

4.1.6 CUMULATIVE IMPACTS

Adoption of the Consensus Alternative and future development undertaken in accordance with the City's General Plan upon annexation from to the City would result in continued changes to the aesthetic and visual environment within the area. As development occurs within the City, residents and visitors to the area may notice the visual effects of increased development. The significance of these visual and aesthetic changes can be difficult to determine, because aesthetic value is subjective and potential impacts are site-specific.

Overall, buildout in conformance with the NCGP could result in increased development throughout the SOI Plan update area as those areas are annexed into the City's jurisdiction. The cumulative nature of projects in the SOI Plan update area would contribute to changes to the viewshed of the Consensus Alternative area. The lands within the Consensus Alternative area are currently developed with predominantly rural and estate residential uses, separated by open tracts of undeveloped land. With the exception of a few locations designated for planned development, open space, and employment commercial, the vast majority the Consensus Alternative is anticipated to be developed with residential units at similar densities.

Accordingly, buildout of these areas and within the City in accordance with the NCGP would result in increased development and result in changes to the visual and aesthetic resources of the area. Visually, the Consensus Alternative area would become more developed as the projects are approved. Future projects; however, are anticipated to be designed to be sensitive to and implement the goals, policies and objectives of the NCGP and be designed and developed in accordance with requirements of the Municipal Code. This would be the same for past, current, and future projects which have been and would also be subject to the City's design and review process on a project-by-project basis.

From a visual standpoint, future development within the Consensus Alternative area and surrounding locations would alter the visual environment. It should be noted that the proposed project itself would not result in any development and does not include any entitlements for development. The project itself is an adjustment and update to the SOI Plan area and the Consensus Alternative does not propose any physical development. As discussed above, all future projects would be subject to the city's design and review process, which also would ensure that all proposed lighting conforms to requirements and all facades would be designed to minimize the potential for glare. Thus, cumulative impacts on the long-term character and quality of the site and City as a whole would be less than significant, and the Consensus Alternative would not significantly contribute to cumulative long-term visual impacts.

Mitigation Measures: No Mitigation Measures are Required.