

6.0 OTHER CEQA CONSIDERATIONS

6.1 INTRODUCTION

Sections 15126 and 15128 of the *State CEQA Guidelines* state that an EIR must include a discussion of the following topics:

- Significant environmental effects which cannot be avoided if the proposed project is implemented
- Significant irreversible environmental changes
- Growth-inducing impacts of the proposed project
- A brief statement of the reasons why certain possible effects of a project have been determined not to be significant and, therefore, are not evaluated in the EIR
- A brief discussion of Mandatory Findings of Significance

The following sections address each of these topics based on the analyses included in **Section 4.0, Environmental Impact Analysis**.

6.2 SIGNIFICANT UNAVOIDABLE EFFECTS

As detailed in **Section 4.0**, implementation of the proposed El Dorado Hills Apartments project (“proposed project”) would result in no significant impacts that cannot be mitigated to a less than significant level.

6.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the *State CEQA Guidelines* states that an EIR must include a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Generally, a project would result in significant irreversible environmental changes if:

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

6.3.1 Commit Future Generations to Similar Uses

Implementation of the proposed project would result in the construction of a 4-story, 214-unit apartment complex, composed of two apartment buildings, a parking structure, outdoor recreation areas, and an informal open space area. A 5-level parking structure would be located in the middle of the complex. The site is vacant and undeveloped, but indications of previous disturbance, including mass grading, are present.

The substantial investment required to construct the infrastructure and develop the project site as proposed would represent a long-term commitment of land to residential use. The commitment of currently vacant land to the proposed use is essentially an irreversible environmental change that would commit future generations to this use, although the use on the project site could be changed in the future.

6.3.2 Consumption of Nonrenewable Resources

The proposed project involves the development of a 214-unit apartment complex, composed of two apartment buildings, a parking structure, outdoor recreation areas, and an informal open space area. Construction and operation of the project would involve the consumption of renewable and non-renewable resources.

Resources such as lumber and other forest products are generally considered renewable resources. Such resources would be replenished over the lifetime of the proposed project. As such, the development of the proposed project would not result in the irreversible commitment of renewable resources. Non-renewable resources, such as natural gas, petroleum based products, asphalt, petrochemical construction materials, steel, copper and other metals, etc., are considered to be resources that are only available in finite supply. Therefore, the replacement of these materials would not likely occur over the lifetime of the proposed project.

The demand for renewable and non-renewable resources is expected to increase regardless of the development of the proposed project. If not consumed by the proposed project, these resources would likely be committed to other projects to meet the anticipated housing needs in the local area or elsewhere in the county or state. Furthermore, the investment of resources in this project would be typical of the level of investment normally required for residential developments of this size. For impacts related to energy resources, see **Section 4.10**.

6.3.3 Irreversible Damage from Environmental Accidents

CEQA requires a discussion of the potential for irreversible environmental damage caused by an accident associated with the project. As a multi-family residential project, the proposed project does not involve a land use that requires the transport, storage or on-site use of hazardous materials which, if inadvertently released, could result in irreversible damage to the environment. Therefore, the proposed project would not have the potential for irreversible damage from environmental accidents.

6.4 GROWTH-INDUCING IMPACTS

This section evaluates the potential for growth inducement as a result of implementation of the proposed project. Section 15126.2(d) of the *State CEQA Guidelines* requires that an EIR include a discussion of the potential for a proposed project to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

In general terms, a project may have growth-inducing impacts if it meets any one of the criteria that are identified below.

- The project removes an impediment to growth (e.g., the establishment of an essential public service, the provision of new access to an area, or a change in zoning or general plan designation).
- Economic expansion, population growth, or the construction of additional housing occurs in the surrounding environment in response to the project, either directly or indirectly (e.g., changes in revenue base, employment expansion, etc.).
- Development or encroachment in an isolated or adjacent area of open space (being distinct from an “infill” type of project).

An evaluation of the proposed project with regard to these criteria is provided below.

The *State CEQA Guidelines* require that consideration also be given to potential impacts on community service facilities resulting from increases in population. **Section 4.0** of this Draft EIR addresses potential impacts on community service facilities (e.g., police, fire, water, wastewater, etc.) resulting from increases in population on the project site.

6.4.1 Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of

essential public services (e.g., water service), and planning impediments may include restrictive zoning and/or general plan designations.

The project site is located within the TCE Development Plan area and is planned for future development. As discussed above, while vacant, the site has been previously disturbed. The project site is surrounded on three sides by existing development, including commercial and retail uses. Urban services, including water, sewer, and sheriff and fire protection are available at the site. No off-site upgrades to the water supply system would be required. Although an upgrade to the 18-inch El Dorado Hills Boulevard (EDHB) trunk gravity sewer line would be required, that upgrade to the EDHB trunk line is already planned and included in EID's 2014-2018 Capital Improvement Plan. Therefore, the proposed project would not remove an impediment to growth related to utility infrastructure.

The project site is proximate to existing major roadways (including U.S. 50). The project site is currently accessible from Mercedes Lane, Vine Street, and Town Center Boulevard. No off-site roadway extensions would be required to implement the proposed project. Consequently, the proposed project would not induce growth due to an extension of transportation infrastructure.

As noted above, development impediments, such as land use plans and policies, may also restrict or deter localized growth and can be considered an impediment to growth. The current General Plan land use designation for the project site is Adopted Plan (AP) EDHSP-Commercial (C). Implementation of the project would involve a General Plan Amendment to add a new policy under Objective 2.2.6 (Site Specific Policy Section) that would increase the maximum allowed density in the General Plan to 47 du/ac specifically for the project site and a Specific Plan change to incorporate multi-family residential use, density, and related standards for the project site. In addition, approval of the proposed project would require the rezoning of the project site from General Commercial-Planned Development (CG-PD) to Multi-Family Residential-Planned Development (RM-PD), revisions to the RM-zone district development standards applicable to the proposed 214-unit apartment project, and revisions to the approved TCE Development Plan to incorporate multi-family residential use.

The proposed General Plan policy would be specific to the project site and would not increase the maximum allowed residential density in other parts of the County. The proposed change in land use designation and rezoning for the proposed project would only apply to the project site, would not encompass other properties, and would not facilitate the development of other projects or induce growth.

6.4.2 Population and Economic Growth

The proposed project would result in a temporary increase in construction-related job opportunities in the local area. However, employment opportunities provided by construction would not likely result in

household relocation by construction workers to the vicinity of the project area. Construction workers would likely be drawn from the labor force already residing in the County of El Dorado and the surrounding communities in the broader Sacramento region. Employment opportunities provided during the relatively short construction period would not constitute a substantial growth in employment.

Based on 214 apartment units and a household size of 2.3 persons per household, the project would add approximately 492 new residents to the community of El Dorado Hills. The California Department of Finance (DOF) estimates that the population of El Dorado County was 185,062 in January of 2017 (DOF 2017). The project would increase the population of the county by about 0.25 percent. According to the U.S. Census Bureau *2011-2015 5-Year American Community Survey*, the estimated population of El Dorado Hills was 43,264 residents in 2015 (U.S. Census Bureau 2017). Although some of the future residents of the project may simply relocate from other existing housing in the area, if all 492 residents anticipated to live in the complex are considered new to the community, the project would result in a 1.1 percent increase in population in El Dorado Hills over the 2015 estimate.

As discussed above, the proposed project would not require new or expanded infrastructure that could, in turn, provide additional capacity or facilities for additional development in the TCE area. The site is one of the last remaining vacant properties in the TCE area and would, therefore, not result in increased pressure on land use intensification in the TCE area. While the proposed General Plan amendment would add a new policy that would increase the maximum residential density allowed in the General Plan from 24 du/ac to a maximum of 47 du/ac, the policy would apply only to the 4.56-acre project site. As such, the increase in population and economic growth associated with the proposed project would not induce growth.

6.4.3 Development of Open Space

The proposed project would be constructed on an infill site within the EDHSP area identified for commercial development. Although the site is vacant and undeveloped, it is highly disturbed and designated for development. It is not designated open space. Therefore, implementation of the proposed project would not involve the development of open space nor would it induce the development of any lands that are currently open space. The proposed project thus is not considered growth inducing based on this criterion.

6.5 EFFECTS NOT FOUND TO BE SIGNIFICANT

In accordance with Section 15128 of the *California Environmental Quality Act (CEQA) Guidelines*, an EIR must contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant. Based on the Initial Study prepared for the project, and included in **Appendix 1.0**, the County has determined that the proposed project would not have the potential to

cause significant adverse effects associated with the issues identified below. These topics have not been addressed in detail in this EIR for the reasons set forth in the Initial Study and for the additional reasons listed below.

6.5.1 Aesthetics

The project site is located in the TCE area in El Dorado Hills. The area surrounding the project site is fully developed and consists mainly of retail/commercial uses. An automobile dealership is to the north of the project site, across Mercedes Lane. Other retail/commercial uses are located to the east across Vine Street, which include restaurants and a movie theater (the Regal Cinemas El Dorado 14 and IMAX), and to the south, across Town Center Boulevard, which include a Target and other retail, restaurant and commercial businesses. Town Center Lake is immediately adjacent to the project site to the west. While the project site is visible from nearby public roadways, no scenic vistas have been officially designated in the County General Plan for the project site or vicinity, and the project site does not contain scenic resources, as designated in the General Plan (County of El Dorado 2004).

There are no officially designated state scenic corridors in the vicinity of the project site. The project site is a vacant, sparsely vegetated lot and does not contain any features that qualify as scenic resources. Therefore, the development of the site with the proposed buildings would not affect visual resources associated with any state-designated or local scenic highway. The proposed project would not degrade the visual character or quality of the site and would be visually compatible with the surrounding uses. Given the commercial/retail uses surrounding the project site, there are no nearby uses sensitive to nighttime light levels. A preliminary Photometric Plan has been prepared for the project, based on selected lighting fixtures, and included with the Planned Development Application. As shown on the Photometric Plan, the proposed lighting would be consistent with the County lighting ordinance, which includes shielding to avoid potential glare affecting day or nighttime views for those that live in or travel through the area. Therefore, no significant impacts are identified with respect to aesthetics.

6.5.2 Agriculture and Forestry Resources

The project site is an infill site located within a suburbanized area of the county and is currently surrounded by commercial/retail uses and the Town Center Lake. The project site is not designated or zoned for agricultural uses under the General Plan and Zoning Ordinance, mapped as Farmland under the Farmland Mapping and Monitoring Program of the California Resources Agency, or under a Williamson Act contract. No portion of the project site is designated as Timberland Preserve Zone (TPZ) or other forestland according to the General Plan and Zoning Ordinance. There are no forest lands or timberlands on or near the project site. Therefore, no significant impact is identified with respect to agriculture and forestry resources.

6.5.3 Air Quality

The proposed project would include the construction of a 4-story, 214-unit apartment complex, composed of two apartment buildings, a parking structure, outdoor recreation areas, and an informal open space area. No objectionable odors are anticipated and no impact is identified with respect to odors. Other air quality impacts are evaluated in **Section 4.1** of this Draft EIR.

6.5.4 Biological Resources

The project site is an infill site located in the TCE area. As shown on the County's Integrated Natural Resources Management Plan (INRMP) Initial Inventory Map (Exhibit 10), the project site is not within the boundaries of a Priority Conservation Area, any Important Biological Corridors, an adopted Habitat Conservation Plan (HCP), a Natural Community Conservation Plan (NCCP), or any other conservation plan, including those specifically listed in Exhibit 10. As such, the proposed project would not conflict with an adopted HCP or NCCP. No impact is identified for this issue. Other biological resource impacts are evaluated in **Section 4.2** of this Draft EIR.

6.5.5 Cultural and Tribal Cultural Resources

The project site is located in a suburbanized area of the County and has been subject to past subsurface disturbance. No formal cemetery exists on-site or in the vicinity of the proposed project. Although the project site has been subject to past subsurface disturbance associated with grading, it is possible that cultural and tribal cultural resources, including intact human remains, are present beneath the site. These issues are evaluated in **Section 4.3** of the Draft EIR.

6.5.6 Geology and Soils

The project site is not located within the boundaries of an Alquist-Priolo Earthquake Fault Zone. According to the California Geological Survey (CGS) maps, the nearest such faults are located in Emerald Bay and Echo Lake Quadrangles of the Lake Tahoe Basin (DOC 2017a). The mapped active fault nearest to the site is the Dunnigan Hills fault located about 68 kilometers to the west-northwest. Compliance with the Uniform Building Code and other applicable codes would minimize damage to the proposed residential structures. Based on the Seismic Hazards Mapping Program administered by the California Geological Survey, no portion of El Dorado County is located in a Seismic Hazard Zone or those areas prone to liquefaction and earthquake-induced landslides (DOC 2017b). All grading activities onsite would comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance (Grading Ordinance), including the implementation of pre- and post-construction Best Management Practices (BMPs). Projects disturbing areas of 1 acre or more during construction are required to comply with the

NPDES General Permit for Construction Activities. The project construction contractor would be required to file a notice of intent under the state's NPDES General Construction Permit. The El Dorado County Community Development Agency Transportation Division has reviewed the proposed design and will require the project applicant to implement the soil and grading standards listed in the Initial Study included in **Appendix 1.0**. Thus, there would be less than significant impacts related to soil erosion and/or loss of topsoil. Further, implementation of the proposed project would not use septic tanks or alternative wastewater disposal systems. Therefore, no impact is identified for this issue.

6.5.7 Hazards and Hazardous Materials

The proposed project would include the construction of a 4-story, 214-unit apartment complex, composed of two apartment buildings, a parking structure, outdoor recreation areas, and an informal open space area. As discussed in the Initial Study (refer to **Appendix 1.0**), all hazardous materials used during the construction period would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Operation of the proposed project would involve the limited use and storage of common hazardous substances typical of those used at residential developments, including cleaning solvents, pesticides and herbicides for landscaping, and maintenance/painting supplies. The proposed project is on an infill site within the TCE area and would not interfere with an emergency response plan or an emergency evacuation plan. As verified in a Phase I Environmental Site Assessment completed for the project site in 2013, the project site is not included on a list of or near any hazardous materials sites pursuant to Government Code Section 65962.5. The project site is surrounded by developed, urban uses and is not immediately adjacent to areas that may be susceptible to wildland fire hazard. Further, the site would be graded, and appropriate building standards and setbacks would be maintained. The project site is not located within an airport land use plan or within the vicinity of a public airport or private airstrip. Therefore, no significant impacts are identified with respect to hazards and hazardous materials.

6.5.8 Hydrology/Water Quality

Regulatory compliance measures will ensure the proposed project would not violate any water quality standards or waste discharge requirements, substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site, or otherwise degrade water quality. As discussed in the Initial Study (refer to **Appendix 1.0**) there is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. Further, no new wells are proposed as part of the proposed project. The project site is in an area of minimal flood risk (Zone X) and

is not located within a 100-year flood zone (FEMA 2008). Further, the existing drainage feature west of the project site, which has been incorporated as a natural landscape amenity within Town Center (Town Center Lake), has been designed to accommodate a potential 100-year flood within its channel. No dams are located in the vicinity of the project site which would result in the exposure of 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. Due to its inland location, the project site is not susceptible to tsunamis. Given the relatively flat topography and developed nature of the project area, there are no features adjacent to the project site capable of inundating the site by mudflow. Therefore, no significant impacts are identified with respect to hydrology and water quality.

6.5.9 Land Use and Planning

The project site is located within the TCE development plan area, which has a variety of shopping and entertainment venues. The TCE is bordered to the west and south by single-family residential development, and to the south by multi-family residential development (Sunset Mobile Home Park), and a master planned community (Valley View Specific Plan). Other existing single-family residential development (La Cresta Village, Serrano) is located north of Highway 50. Siting the project on a vacant parcel in the TCE would result in a residential development immediately surrounded by commercial uses. As such, the project would not divide a residential community. As discussed above in **Section 6.5.4, Biological Resources**, the proposed project would not conflict with an adopted HCP or NCCP. No impact is identified for this issue. Other land use and planning issues are evaluated in **Section 4.5** of this Draft EIR.

6.5.10 Mineral Resources

The El Dorado County General Plan Conservation Element, Figure CO-1, Important Mineral Resource Areas, does not map the project site as within either MRZ 2a or 2b mineral resource zones. Further, the project site is in an area mapped and classified by the State Geologist as MRZ-3a, and there are no mining operations in El Dorado Hills. No impacts are identified with respect to mineral resources.

6.5.11 Noise

Groundborne vibration or noise would primarily be generated during construction of the proposed project as a result of traffic associated with the transport of heavy materials and equipment to and from the construction site, as well as active construction operations. These temporary increases in groundborne vibration levels would be of short duration, and would occur primarily during daytime hours. Construction activities are limited by grading permit requirements to the hours of 7:00 AM to 7:00 PM, Monday through Friday, and 8:00 AM to 5:00 PM, on weekends and on federally recognized holidays. As

no vibration-sensitive land uses or older structures exist in the immediate vicinity of the project site, a temporary increase in groundborne vibration levels would not create any significant impacts.

The Cameron Airpark Airport is located approximately 4.6 miles northeast of the project site. The project site is not within the Airport Influence Area of the Cameron Park Airport established in the Land Use Compatibility Plan. Therefore, no impact is identified for this issue. Other noise impacts are evaluated in Section 4.6 of this Draft EIR.

6.5.12 Population and Housing

Based on the population multiplier in the General Plan for a multi-family type of project,¹ a total of 492 persons would be anticipated to live in the complex, which would constitute a 1.1 percent increase in population in El Dorado Hills over the 2013 population, and would be well within the estimated average annual growth of 500 individuals. The proposed project would not require new or expanded infrastructure that could, in turn, provide additional capacity or facilities for additional development in the TCE area. The site is one of the last remaining vacant properties in the TCE area and would, therefore, not result in increased pressure on land use intensification in the TCE area. Therefore, the proposed project would not be growth-inducing. No housing exists on the project site; the site is currently vacant. The proposed project would not result in the displacement of existing housing or displace a substantial number of people, resulting in the construction of replacement housing elsewhere. The project will provide 214 new residential units. Therefore, no significant impacts are identified for population and housing.

6.5.13 Public Services

The proposed project is within the Buckeye Union Elementary School District and the El Dorado Union High School District. The proposed project would generate a demand for an additional 97 K-5 seats in the elementary school district, as well as an additional 38 seats in the high school district.² Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. Development fees are required to be paid pursuant to development conditions of approval. Pursuant to SB 50, the payment of these school fee amounts provided for in Government Code Sections 65995, 65995.5, and 65995.7 would

¹ Table 2-2, Land Use Densities and Residential Population Ranges in the Land Use Section of the General Plan sets Persons per Housing Unit for the Multi-Family Residential Land Use Designation at 2.3 persons per household.

² The Student Generation Rate used by the Buckeye and Latrobe districts is 0.451 student/dwelling unit. The Student Generation Rate used by the El Dorado Union High School District is 0.177 student/dwelling unit.

constitute full and complete mitigation for school facilities. Following the payment of SB 50 fees, no significant impact to schools is identified. Other public services impacts are evaluated in **Section 4.7** of this Draft EIR.

6.5.14 Recreation

The proposed project is anticipated to add 492 residents to El Dorado Hills, which would increase the demand on regional, community, and neighborhood park facilities. El Dorado County will require the project applicant to pay park impact fees as part of the County's development fee program. Following the payment of the fees, no significant impact is identified for this threshold. Other recreation impacts are evaluated in **Section 4.7** of this Draft EIR.

6.5.15 Transportation and Traffic

Under the proposed project, the existing roadway network that provides access to the project site would not be modified, and no new roadways would be constructed. The design of the proposed project would not cause a permanent alteration to the local vehicular circulation routes and patterns, or impede public access or travel on any public rights-of-way, and no design hazards would be created. The El Dorado Hills Fire Department has reviewed the proposed project and will require all access roadways and fire hydrant systems be installed and in service prior to any combustible materials being brought onto the site. An emergency vehicle access (EVA) connection would be provided between Town Center Boulevard and Mercedes Lane. Project conditions of approval will require that the project landscaping plan exclude the planting of any trees adjacent to the EVA on the west side of the project site that could impede fire apparatus access when fully grown. Therefore, no significant impacts are identified for these issues.

The County has no congestion management plan that is applicable to the project site or vicinity. There are no public or private airports within 2 miles of the project site, and it is not within an airport land use plan boundary. Therefore, no impacts are identified for these issues.

Other transportation and traffic impacts are evaluated in **Section 4.8** of this Draft EIR.

6.5.16 Utilities and Service Systems

Stormwater

The project would construct buildings, a central parking structure with driveway access, sidewalks, and other hardscaping. The project site is currently vacant and undeveloped. The project would increase the amount of impervious surface at the project site up to a maximum of 80 percent. The increase in impervious surface could change the rate and volume of stormwater runoff from the project site. A

preliminary drainage plan has been prepared for the project. In addition, the El Dorado County Community Development Agency Transportation Division has reviewed the proposed design and will require the project to demonstrate compliance with the Drainage Manual and Stormwater Management Plan (SWMP), NPDES Permit, and Stormwater Drainage BMPs. In addition, the construction of drainage easements to facilitate on-site drainage, as well as storm drain labeling, will be required. Therefore, no significant impact is identified for this issue.

Solid Waste

The proposed project would generate solid waste during construction and occupancy. County EMD has stated the project would be required to comply with CALGreen Section 5.408, which requires that a minimum of 50 percent of non-hazardous construction waste is recycled or salvaged for reuse, or meet the local construction and demolition (C&D) waste management ordinance, whichever is more stringent.³ The proposed project would generate approximately 856 pounds of solid waste per day (156.2 tons per year),⁴ which would not represent a substantial contribution to the waste stream at the County's Material Recovery Facility (MRF) or landfills where County-generated waste is disposed. Further, the County operates a comprehensive recycling program, which would reduce the amount of solid waste. Therefore, no significant impact is identified for this issue.

Other impacts on utilities and service systems are evaluated in **Section 4.9** of this Draft EIR.

6.6 MANDATORY FINDINGS OF SIGNIFICANCE

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur (Section 15065 of the *State CEQA Guidelines*):

- 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?

³ Effective 1/1/2017, CalGreen increased the mandated diversion rate from 50 percent to 65 percent.

⁴ Waste generation rate = 4 lbs/dwelling unit/day (CalRecycle 2017)

- Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
- Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

As discussed in **Section 4.2, Biological Resources** the project site and vicinity do not contain habitat for rare or endangered plant and wildlife species. However, construction of the proposed project could adversely affect nesting birds protected by the Migratory Bird Treaty Act. However, with implementation of mitigation, which outlines procedures to follow if birds are discovered nearby during a pre-construction survey, this impact would be reduced to a less than significant level. Therefore the project would not 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

As analyzed in **Section 4.3, Cultural Resources**, the proposed project has the potential to disturb cultural and tribal cultural resources, including human remains. However, with implementation of mitigation measures, which outline procedures to follow if previously unidentified cultural and tribal resources are discovered, impacts would be reduced to a less than significant level. Therefore, the proposed project would not eliminate important examples of the major periods of California history or prehistory.

Cumulative impacts are evaluated in each resource topic in this Draft EIR. As the analysis demonstrates, the proposed project would not result in significant cumulative impacts related to any of the environmental factors analyzed in the Draft EIR.

As the analysis in this Draft EIR demonstrates, with mitigation, the proposed project would not result in substantial adverse direct or indirect impacts to human beings.

6.7 REFERENCES

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6.0 Other CEQA Considerations

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