

7.0 OTHER CEQA CONSIDERATIONS

INTRODUCTION

Section 15126 of the *California Environmental Quality Act (CEQA) Guidelines* states that an Environmental Impact Report (EIR) must include a discussion of the following topics:

- Significant environmental effects which cannot be avoided if the proposed project is implemented
- Significant irreversible changes which would be caused by the proposed project should it be implemented
- Growth-inducing impacts of the proposed project

In addition, Section 15128 of the *State CEQA Guidelines* requires a brief statement of the reasons that various possible effects of a project have been determined not to be significant and therefore, are not evaluated in the EIR. Finally, Section 15130 of the *State CEQA Guidelines* requires that an EIR discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable.

The following sections address each of these types of impacts based on the analyses included in **Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures**.

SIGNIFICANT UNAVOIDABLE EFFECTS

As discussed in detail in **Chapter 5.0**, implementation of the proposed project would result in significant impacts that cannot be mitigated to a less than significant level. These impacts are as follows:

Impact AES-2: Implementation of the proposed project would substantially degrade the existing visual character or quality of the project site and its surroundings.

Impact AQ-2: Construction emissions associated with the proposed project would violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Impact AQ-3: Development of the proposed project would expose nearby sensitive receptors to substantial concentrations of toxic air contaminants.

Impact AQ-5: Construction activities associated with the proposed project would result in a cumulatively considerable net increase of a criteria pollutant for which the

project region is nonattainment under the federal and state ambient air quality standard.

Impact PS-1: The proposed project would be located outside the 1.5-mile response radius of an existing or planned fire station and would not meet the response time guideline of six minutes 90 percent of the time.

SIGNIFICANT IRREVERSIBLE CHANGES

Section 15126.2(c) of the *State CEQA Guidelines* requires a discussion of the extent to which a proposed project would commit nonrenewable resources to uses that future generations would be unable to reverse. The *State CEQA Guidelines* describe three distinct categories of irreversible changes that should be considered.

Irreversible Commitment of Resources

The proposed project involves creation of a residential subdivision consisting of single-family residential dwelling units. Development of this type would require the consumption of renewable and non-renewable resources. Overall, the proposed project would commit the site to a new type of land use that would be of a greater intensity than currently exists on the project site. The proposed project would, therefore, involve an irreversible commitment to the use of renewable and non-renewable resources during the construction and operation phases of the project.

Resources such as lumber and other forest products are generally considered renewable resources. Such resources would be replenished over the lifetime of the project. For example, lumber supplies are increased as seedlings mature into trees. As such, the development of the 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. The processes that created these resources occur over a long period of time. Therefore, the replacement of these materials would not likely occur over the lifetime of the project.

The State Department of Finance indicates that the population of Contra Costa County is expected to increase by approximately 533,033 (a 51 percent increase) between the years 2010 to 2060 (DOF 2013). This increase in population will directly result in the need for more retail, commercial, residential, and recreational facilities in order to provide the services associated with population growth of this magnitude, and this additional development would increase the demand for renewable and non-renewable resources in the County. If not consumed by the proposed project, these resources would

likely be committed to other projects to meet the anticipated needs related to increases in population. Furthermore, the investment of resources in this project would be typical of the level of investment normally required for residential developments of this size.

Irreversible Environmental Changes

The project site is vacant and currently is used primarily for grazing. The project site is bordered by residential uses to the north and open space to the east, south, and west. The proposed project involves the development of residential land uses that are similar to the residential land uses located to the north.

Irreversible long-term environmental changes associated with the proposed project would include the following potential effects:

- The project would result in a change in the scenic views, scenic resources, and visual character of the site as a result of the conversion of a formerly undeveloped, agricultural area, to an urbanized area consisting of residential development. In addition, the project would introduce new sources of light and glare to a relatively dark area.
- The project would result in increases in local and regional vehicular traffic, which in turn would result in increases in air pollutants and noise emissions generated by this traffic, among other impacts.
- The project would include changes in topography related to construction cut and fill activities required by the project.
- The project would result in the increased use of social services and public services such as waste disposal and treatment.

Design features have been incorporated into the development proposal and mitigation measures are proposed in this EIR that would minimize the effects of the environmental changes associated with the development of the project to the maximum degree feasible. The proposed project would be consistent with adjacent existing City of Pittsburg residential development to the north. However, the project would result in several significant and unavoidable impacts, which are discussed above.

Potential Environmental Damage from Accidents

The project proposes no uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would affect other areas. The project site is located within a seismically active region and would be exposed to ground shaking during a seismic event. Conformance with the regulatory provisions of the Uniform Building Code related to construction standards would minimize, to the extent feasible, damage and injuries in the event of such an occurrence. Therefore, the proposed

project would not create a situation where irreversible environmental damage could be caused by accidents on the project site.

GROWTH-INDUCING IMPACTS

This chapter evaluates the potential for growth inducement as a result of project implementation. 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.

The *State CEQA Guidelines* do not provide specific criteria for evaluating growth inducement and state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment. Growth inducement is generally not quantified, but is instead evaluated as either likely to occur, or not occur, as a result of the implementation of a project. The identification of growth-inducing impacts is generally informational, and mitigation of growth inducement is not required by CEQA. It must be emphasized that the *State CEQA Guidelines* require an EIR to “discuss the ways” a project could be growth inducing and to “discuss the characteristics of some projects that may encourage...activities that could significantly affect the environment.” However, the *State CEQA Guidelines* do not require that an EIR predict or speculate specifically where such growth would occur, in what form it would occur, or when it would occur.

In general terms, a project may foster spatial, economic or population growth in a geographic area if it meets any one of the following four criteria:

- Removal of an impediment to growth (e.g., establishment of an essential public service or the provision of new access to an inaccessible area);
- Establishment of a precedent-setting action (e.g., an innovation, a change in zoning or general plan designation);
- Development or urbanization of land in a remote location (Leap-frog development); and/or
- Economic expansion or growth in an area in response to the project (e.g., changes in revenue base, employment expansion, etc.).

Should a project, such as the proposed project, meet any one of the above-listed criteria, it can be considered growth inducing. An evaluation of the proposed project and how it is related to these growth-inducing criteria is provided below.

Removal of an Impediment to Growth

In general, growth in an area may result from the removal of physical impediments or restrictions to growth. In this context, physical growth impediments would include non-existent or inadequate access to an area, as well as the lack of essential public services. In addition to these physical impediments, regulatory legislation, such as land use ordinances and building codes, may restrict or deter growth and can be considered an impediment to growth.

All properties in the surrounding area are and would remain accessible via existing roadways including Kirker Pass Road. Therefore, implementation of the proposed project would not provide new access to an inaccessible area, and thus the project would not be construed as growth inducing with regards to access.

All utilities needed to serve development allowed by the proposed project would be extended into the main project site from existing development to the north. As discussed in **Appendix 1.0**, the expansion of utilities into the main project site would require upgrades to water and wastewater conveyance systems. As a result, implementation of the proposed project would provide capacity for additional growth in the City, and thus the project could be construed as growth-inducing with regards to utility infrastructure. However, the utilities and the proposed water tank would only serve development on the main project site and the provision of the “green wall” on the southern portion of the main project site would prevent the extension of utilities to the south of the main site in the future. In summary, no additional road access would be required and the utilities extended to the main site would only serve the proposed project and would not extend south past the green wall. Therefore, the proposed project is not considered growth inducing based on this criterion.

Precedent-Setting Action

Project actions that could be precedent setting include (among others) a change in zoning, general plan designation, general plan text, or approval of exceptions to regulations that could have implications for other properties or that could make it easier for other properties to develop.

The Land Use Element of the General Plan includes the project site in the Woodlands subarea and designates the main site for Low Density Residential and Open Space land uses. The main project site is also pre-zoned HPD (Hillside Planned Development) District and OS (Open Space). Implementation of the proposed project proposes changing the HPD zoning on the main project site to RS-6 (Single-Family Residential, 6,000-square-foot minimum lot size). As both the HPD and RS-6 zones allow single-family residential development, this zone change would not substantially alter the uses planned for the main project site, and therefore the zone change is not considered precedent setting. Consequently, the project is not considered to be growth inducing.

Urbanization of Land in Isolated Localities (Leap-Frog Development)

A hill separates the proposed project from existing residential development to the north and therefore the project would not technically be contiguous with existing development in the City. However, the hill between existing development to the north and the main project site is not suitable for development and is designated as open space in the City of Pittsburg General Plan. In addition, the proposed project is located within the City of Pittsburg's Sphere of Influence and existing Urban Limit Line, and therefore is located within an area planned for development in the City of Pittsburg General Plan. All utilities needed to serve the development within the main project site have been previously planned for and would be extended from development to the north without impacting overall system capacities. Given this, implementation of the proposed project would not result in the urbanization of land in an isolated locality and would not be considered growth inducing based on this criterion.

Economic Growth

The proposed project involves the development of a residential subdivision. Although a temporary increase in construction-related job opportunities in the local area would result, the possibility of the proposed project to induce any sustainable or long-term economic growth on a regional scale is unlikely. Some indirect economic growth, such as an increased demand for local goods and services, as well as, an increase in the local job market, would likely result from project implementation. However, enough existing commercial and office space is available in the City and/or County to meet this demand. If additional space is needed, given the recent downturn in the economy, enough underutilized commercial and office space exists in the City and/or County to meet any increase in demand for local goods and services as well as jobs that may be demanded by the proposed project. As a result, the economic contribution of the proposed project would not be considered growth inducing based on this criterion.

It must be emphasized that the *State CEQA Guidelines* require an EIR to "discuss the ways" a project could be growth inducing and "discuss the characteristics of some projects that may encourage...activities that could significantly affect the environment." However, the *State CEQA Guidelines* do not require an EIR to predict or speculate where such growth would occur, in what form it would occur, or when it would occur. Attempting to determine the environmental impacts created by growth that might be induced by the proposed project is speculative because the size, type, and location of specific future projects that may be induced by this project are unknown at the present time. To the extent that specific projects are known (as discussed in **Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures**, of this EIR), those projects have already been or would be subjected to their own environmental analysis. As discussed above, the proposed project would not induce growth in the surrounding area. Further

analysis of impacts associated with growth in the Pittsburg area, and corresponding cumulative impact assessment methodology, can be found in the cumulative analyses for each individual topic addressed in **Chapter 5.0**.

EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the *State CEQA Guidelines* requires an EIR to briefly describe any potential environmental effects that were determined not to be significant during the Initial Study and EIR scoping process and were, therefore, not discussed in detail in the EIR. A discussion of these less than significant effects of the proposed project on agricultural resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, recreation, and utilities and service systems is presented in the Initial Study which is included in **Appendix 1.0**. Other impacts found to be less than significant in the EIR are discussed in detail in **Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures**, and summarized in **Chapter 2.0, Summary**.

CUMULATIVE EFFECTS

State CEQA Guidelines Section 15130 requires the consideration of cumulative impacts within an EIR when a project's incremental effects are cumulatively considerable. According to *State CEQA Guidelines* Section 15064, cumulatively considerable means that, "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In identifying projects that may contribute to cumulative impacts, the *State CEQA Guidelines* allow the use of a list of past, present, and reasonably anticipated future projects, producing related or cumulative impacts, including those that are outside of the control of the lead agency.

Planned projects that were considered in the cumulative analysis for this project included Sky Ranch II, Tuscany Meadows and the James Donlon Boulevard Extension Project, and future development within the City of Antioch, including Black Diamond Ranch. A brief description of each of these projects is included in **Chapter 5.0, Environmental Setting, Impacts, and Mitigation**.

Cumulative impacts with regard to aesthetics, air quality, biological resources, geology and soils, greenhouse gas emissions, public services, and traffic are discussed in detail in **Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures**. A discussion of cumulative impacts with regards to agricultural resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, recreation, and utilities and service systems is presented in the Initial Study which is included in **Appendix 1.0**.

As discussed in **Section 5.1, Aesthetics**, the proposed project could combine with other existing and future development to result in significant and unavoidable impacts with regard to visual character, and the contribution of the proposed project to cumulative visual character impacts would be cumulatively considerable. In addition, construction of the proposed project would result in a cumulatively considerable net increase of a criteria pollutant (NO_x) as discussed in **Section 5.2, Air Quality**. This impact is considered a significant and unavoidable impact. No other significant cumulative effects were identified for any of the other resources areas analyzed in either **Chapter 5.0**, or **Appendix 1.0**, of this EIR.

REFERENCES

California Department of Finance. 2013. P-1 State and County Total Population Projections, 2010-2060 (5-year increments). January. (DOF 2013)