

5.0 OTHER CEQA CONSIDERATIONS

Section 15126 of the 2008 *California Environmental Quality Act (CEQA) Statutes and Guidelines* states that an environmental impact report (EIR) must include a discussion of the following three topics:

- Significant environmental effects which cannot be avoided if the proposed project is implemented
- Significant irreversible environmental changes which would be involved in 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.

The following sections address each of these types of impacts based on the analyses included in **Section 3.0, Environmental Setting, Impacts, and Mitigation Measures**.

5.1 SIGNIFICANT UNAVOIDABLE EFFECTS

This section identifies significant impacts associated with implementation of the Updated 2009 Redevelopment Plan that could not be mitigated to a less than significant level. As part of the certification process, the City of Hercules will make a final decision as to the significance of impacts and the feasibility of mitigation measures in this EIR. As detailed in **Section 3.0**, implementation of the proposed project would result in the following significant impacts that could not be mitigated to a less than significant level:

Impact Aes-2: **The proposed project could adversely affect scenic resources within a state scenic highway corridor. This represents a significant impact that cannot be mitigated to a level of insignificance.**

Impact Aes-3: **The proposed project would alter the existing visual character of the sites and could substantially degrade the existing visual character and quality of the site and its surroundings. This represents a significant impact that cannot be mitigated to a level of insignificance.**

- Impact AQ-1:** The proposed Updated 2009 Redevelopment Plan would conflict with or obstruct implementation of the applicable air quality plan. This represents a significant impact that cannot be mitigated to a level of insignificance.
- Impact AQ-5:** Additional trips to and from buildout of the proposed Updated 2009 Redevelopment Plan would result in new air pollutant emissions within the air basin. The emissions from these new trips and area sources would exceed the Bay Area Air Quality Management District (BAAQMD) thresholds of significance for regional pollutants, and would represent a significant impact that cannot be mitigated to a level of insignificance.
- Impact AQ-8:** The proposed project could result in a cumulatively considerable net increase of PM₁₀ emissions criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- Impact Noise-4:** Traffic generated by the proposed project in conjunction with other past, present and reasonably foreseeable future development would increase ambient noise levels. This represents a significant impact that cannot be mitigated to a level of insignificance.

5.2 GROWTH-INDUCING IMPACTS

This section evaluates the potential for growth inducement as a result of the proposed 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 occurring, or not occurring, with 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.

For the purposes of this analysis, the proposed project would be considered growth inducing if it meets either of the following criteria:

- The project removes an obstacle to population growth (for example, through the expansion of public services or utilities into an area that does not presently receive these services), or through the provision of new access to an area, or a change in a restrictive zoning or general plan land use designation.
- The project causes economic expansion and population growth through employment expansion, and/or the construction of new housing.

Generally, growth-inducing projects either are located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure such as sewer and water facilities or roadways, or are projects that encourage premature or unplanned growth. An evaluation of the Updated 2009 Redevelopment Plan and how it is related to these growth-inducing criteria is provided below.

5.2.1 Removal of an Obstacle to Population Growth

Population growth in an area may result from the removal of physical impediments (non-existent or inadequate access to an area or the lack of essential public services and utilities) or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies, such as restrictive zoning and/or general plan designations.

The proposed Updated 2009 Redevelopment Plan is not expected to remove any obstacle to growth within Hercules. The proposed Added Area is located in a developed area that is already fully served by infrastructure, including utilities, public services, and pedestrian and vehicular access. As described in **Section 3.13, Utilities and Service Systems**, implementation of the project would not require an expansion of the City's wastewater treatment or conveyance facilities, water supply, solid waste, or other infrastructure facilities that would provide capacity for future projects surrounding the Added Area. The proposed utilities and infrastructure upgrades would serve only the development projects foreseen under the proposed Redevelopment Plan. Therefore, the proposed utilities would enable growth in local population, but would not induce growth beyond that planned under the Updated 2009 Redevelopment Plan or the *General Plan*. Implementation of the project would not directly remove an obstacle to population growth.

5.2.2 Direct and Indirect Population and Employment Growth

Development of the Sycamore Crossing and Hill Town projects, as anticipated in the Redevelopment Plan, would generate construction employment that would be filled by the labor force available in the greater Bay Area. Once operational, the project would increase both the number of residents and the number of jobs in Hercules. The proposed Updated 2009 Redevelopment Plan would provide for various development and redevelopment activities that would stimulate growth, culminating in buildout of the area in accordance with the City's *General Plan* and zoning. By its nature, redevelopment encourages growth. Redevelopment agencies can use redevelopment-related financing methods and sources to make improvements to public facilities, commercial and industrial property, and the housing stock within redevelopment project areas. In addition, redevelopment agencies can provide financial assistance and incentives to attract and expand business activity within the redevelopment project areas.

The potential growth that could occur as a result of the proposed Updated 2009 Redevelopment Plan, however, would be consistent with the City's *General Plan*. As such, redevelopment-related growth would be accounted for in the City's *General Plan* and in the planning efforts of local and regional agencies and utility and service providers. No changes in land use patterns other than those anticipated in the *General Plan* and other planning documents would be required to support new residents or employees that may result from the project. Therefore, the proposed Updated 2009 Redevelopment Plan would not cause growth in a manner that could significantly affect the environment and the project would not cause significant growth-inducing impacts.

As described in **Section 2.0, Project Description**, of this EIR, the proposed project includes changing the land use designation for the Sycamore Crossing site and amending the *General Plan* land use designation of the site from General Commercial to Planned Commercial-Residential as well as changing the zoning from GC to PC-R. The proposed project also includes amending the *General Plan* land use designation of the site from Industrial to Planned Commercial-Residential as well as changing the zoning from Industrial to PC-R Planned Commercial Residential Mixed Use District.

The proposed project's general plan amendments and zone changes would allow uses that would create about the same number of employment opportunities at the Sycamore Crossing site as the uses allowed by current regulations (i.e., primarily retail commercial uses with or without the project). However, the general plan amendment and zone change the project proposes for the Hill Town site would allow developments that create less employment opportunities than the current regulations allow (i.e., from possibly job-rich industrial uses to housing-rich residential uses). It is estimated that, in total, buildout of

the Sycamore Crossing and Hill Town sites would result in fewer jobs under the proposed land use designations than what could be created under the current land use designations.

As previously discussed in **Section 3.10, Population and Housing**, the City of Hercules is currently a job-poor community with a ratio of jobs-to-housing at 0.59. Much of the labor force in the City commutes to the nearby Oakland and San Francisco metropolitan areas, which are job rich and housing poor. According to the Metropolitan Transportation Commission and the US Census 2000, the average commute time for employed residents of the City of Hercules is 40.5 minutes, and the City is expected to remain a bedroom community with a greater number of residents than employment opportunities. While the *General Plan* has not designated a surplus of land to create high concentrations of employment opportunities, there is development flexibility within the *Regulating Code for the Central Hercules Plan* to remedy this deficiency by allowing the sites to be developed with a mixture of uses. Although the proposed project would allow uses that would induce population growth within the City, the proposed project is consistent with the growth projections outlined in the *City of Hercules General Plan* and other planning efforts. No changes in land use patterns would be required to support new residents or employees that may result from the project. Therefore, the proposed general plan amendments and zone changes would not cause growth in a manner that could significantly affect the environment and the project would not cause significant growth-inducing impacts.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(c) of the *State CEQA Guidelines* states that significant irreversible environmental changes associated with a proposed project shall be discussed, including the following:

- Uses of nonrenewable resources during the initial and continued phases of the project that may be irreversible because of large commitment of such resources make removal or nonuse thereafter unlikely
- Primary impacts and particularly secondary impacts (such as highway improvement that provides access to a previously inaccessible area), which generally commit future generations to similar uses
- Irreversible damage that could result from environmental accidents associated with the project

5.3.1 Irreversible Commitment of Nonrenewable Resources

Development of the Sycamore Crossing and Hill Town projects, as well as other development projects that could occur under the Updated 2009 Redevelopment Plan, would result in the redevelopment of formerly developed and now vacant land, as well as some areas that have never been developed, with residential and commercial uses. This would be considered an irreversible commitment of resources, as

building and pavement associated with development typically render soils unviable for native vegetation.

Implementation of the project would also require permanent and continual consumption of electricity, natural gas, and fossil fuels. Furthermore, construction activities would result in irreversible commitment of nonrenewable resources, including fossil fuels for construction equipment, and construction materials. With respect to construction and operational activities, the City of Hercules requires new development to incorporate best management practices to conserve energy.

5.3.2 Impacts that Commit Future Generations to Similar Use

As described above, restoration of the project area to its native habitat is unlikely to occur after it is developed with the proposed developments and other infrastructure improvements such as roads and utilities. Development as envisioned under the proposed 2009 Redevelopment Plan would, therefore, commit future generations to development within the Redevelopment Plan Area.

5.3.3 Potential Damage from Environmental Accidents

Construction and operation of the developments that would likely occur under the proposed Redevelopment Plan would not result in transportation, storage, and disposal of significant quantities of hazardous waste. The limited quantities of hazardous materials that would be used on site would be handled in compliance with federal, state, and local regulations regarding storage, handling, and transport of hazardous materials and wastes. Therefore, implementation of the project is not expected to result in irreversible damage from potential environmental accidents.

5.4 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 EIR scoping process and were, therefore, not discussed in detail in the EIR. A discussion of the effects of the proposed project that were found not to be significant is presented below. Impacts found to be less than significant in the EIR are summarized in the **Executive Summary**.

5.4.1 Agricultural Resources

Would the project:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

The project site is located in a developed area. There are no Williamson Act contracts within its boundaries. The project would not result in the conversion of farmland to a non-agricultural use.

5.4.2 Mineral Resources

Would the project:

- Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to the State of California Department of Mines and Geology, Mineral Resource Zones and Resource Sectors map, no significant mineral deposits have been identified in the Hercules area. However, Hercules does have areas that have been identified as containing mineral deposits with a significance that cannot be evaluated from available data (these types of deposits are labeled “MRZ-3 zones”). According to the *Hercules General Plan*, the guidelines provided by the Surface Mining and Reclamation Act of 1975 state that for MRZ-3 zones:

Prior to permitting a use which would threaten the potential to extract minerals classified by the State Geologist as MRZ-3, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the statewide or regional significance of the mineral deposits known or inferred to be located therein. The results of such an evaluation shall be transmitted to the State Geologist and to the State Mining and Geology Board for review and comment (City of Hercules 1998).

MRZ-3 zones have been mapped for the hills to the north and south of Highway 4, east of I-80 (approximately 2 to 3 miles east of the Hill Town site), and the hilly area north of John Muir Parkway to the west of I-80 (on the north side of the Hill Town site). However, according to the *Hercules General Plan*,

“there is no information to suggest that these areas have extractable minerals of commercial value such that existing and planned land uses would be of less benefit to the community and region” (City of Hercules 1998).

The remainder of the Redevelopment Plan Area is located in an area designated as MRZ-1. This designation refers to an area “where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.” Therefore, implementation of the project would not impact mineral resources.