

CHAPTER 6

Other Statutory Sections

Consistent with CEQA *Guidelines* Section 15126.2, this section summarizes the growth-inducing effects, significant irreversible environmental changes, significant and unavoidable environmental effects, and effects found to be less than significant associated with the proposed project.

Cumulative impacts are separately discussed in Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*.

A. Growth-Inducing Impacts

CEQA *Guidelines* Section 15126.2(d) requires that an EIR evaluate “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) that would encourage development of new housing for employees, or if it would involve a substantial construction effort creating short-term employment opportunities. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Infrastructure projects could also indirectly stimulate growth by enhancing access to properties, or increasing their desirability for development.

Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA *Guidelines* also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude and location of land development and population growth are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Since a general plan defines the location, type and intensity of growth, it is the primary means of regulating development and growth in California.

The growth inducing impacts analysis addresses the potential of the project for growth inducement in the project vicinity or broader area. Under CEQA, a project is generally considered to be growth-inducing if it would result in any one of the following:

1. Extension of urban services or infrastructure into a previously unserved area;
2. Extension of a transportation corridor into an area that may be subsequently developed; or,
3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available).

Extension of Urban Services or Infrastructure

Although on-site infrastructure improvements would occur as part of the proposed project, the site is within an urban setting, and the project infrastructure would improve and upgrade the existing systems that connect to existing City infrastructure and would not require any major expansions to the infrastructure capacity. The proposed project would redevelop a vacant, remnant industrial site which was previously served by infrastructure (e.g., water, wastewater, stormwater, and electricity). The site is within a developed area and infrastructure would not be extended to any undeveloped areas. Hence, the proposed project would be infill and redevelopment of the site rather than a growth-inducing development.

Extension of Transportation Corridors

The project site is surrounded by urban development and an adjacent street system. As an infill development, the project would not extend transportation corridors into undeveloped areas, resulting in growth inducing impacts.

Removal of Obstacles to Population Growth

Section 15126.2(d) of the CEQA *Guidelines* states that an EIR should discuss “the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth can be induced in a number of ways, including through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action. CEQA requires a discussion of how a project could increase population, employment, or housing in the areas surrounding the project as well as an analysis of the infrastructure and planning changes that would be necessary to implement the project.

Projects that are characterized as having significant impacts associated with the inducement of growth are frequently those that would remove obstacles to additional growth, such as the expansion of sewer or water facilities that would permit construction of more development in the service area covered by the new facilities. The project would not remove obstacles to additional growth in this manner, as it would be undertaken in a developed urban area that currently is served by all utilities and services. Similarly, if a project would overburden existing infrastructure so as to require construction of new facilities that could result in significant impacts, then the project may be deemed to have a significant growth-inducing impact. As discussed in Section

4.18, *Utilities and Service Systems*, of the Initial Study (Appendix A), the project would not require the construction of new facilities to accommodate an increase in demand for utilities and services. Section 4.13, *Population and Housing*, of the Initial Study (Appendix A) analyzes the project's overall effect on population and housing. The proposed project would increase both the daytime and residential population in the City of Fremont through the construction of 95 dwelling units, approximately 2,400 square feet of restaurant use, 3,483 square feet of retail use, and 1,450 square feet of community center space.

According to the U.S. Green Building Council, a high quality restaurant would provide approximately 134 square feet per employee and community retail would provide approximately 383 square feet per employee (USGBC, 2008). Using these figures, the project would generate approximately 27 employees. For comparison purposes, the California Employment Development Department indicates that, as of October 2017, the City of Fremont had 3,200 unemployed persons (State of California, 2017). This serves to indicate that workers would likely come from the available local labor such that the new jobs generated by the proposed project would not result in significant indirect growth in population.

According to the California Department of Finance (DOF), the average per-household population in the City of Fremont is 3.11 (DOF, 2017). Using this number, the project would result in an increase in population of approximately 296 people. The project site is identified in the General Plan Housing Element as a committed residential development site with a potential density of 75 units. Furthermore, the project is consistent with the General Plan policies that support the re-designation of underutilized sites for higher-intensity housing construction, and reuse of the Henkel property with a mix of commercial, residential, and/or live-work uses. The population growth resulting from the project is generally consistent with the growth projections in the City's General Plan Housing Element, which are based on the Regional Housing Need Allocation (RHNA) provided by the Association of Bay Area Governments (ABAG). Thus, no significant growth-inducing impacts would result from the project.

B. Significant Irreversible Changes

CEQA *Guidelines* Section 15126.2(c) specifies that an EIR discuss potential impacts associated with a proposed project that may be considered to be significant and irreversible for the following reasons:

- Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes the removal or non-use thereafter unlikely;
- Primary impacts (e.g., removal of agricultural lands) and, particularly, secondary impacts (such as a highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses; and
- Irreversible damage can result from environmental accidents associated with the project.

Appendix F (Energy Conservation) of the *CEQA Guidelines* provides that potentially significant energy implications of a project must be considered in an EIR, with particular emphasis on avoiding or reducing the inefficient, wasteful, and unnecessary consumption of energy.

Public Resources Code section 21100(b)(3) further specifies that an EIR shall include mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.

Resources that would be permanently and continually consumed by implementation of the proposed project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Construction activities related to the proposed project, though previously analyzed in Chapter 4.0 of this EIR, and in the Initial Study (**Appendix A**), would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, natural gas, and gasoline for automobiles and construction equipment. With respect to the operational activities of the proposed project, compliance with all applicable building codes, as well as mitigation measures in the Initial Study and EIR, would ensure that all natural resources are conserved to the maximum extent practicable. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, and would further reduce the project's reliance upon nonrenewable energy resources.

The CEQA *Guidelines* also require a discussion of the potential for irreversible environmental damage caused by an accident associated with the proposed project. Completion of the proposed project with residential, restaurant, and retail land uses would not involve the routine use, transport, storage, or disposal of hazardous wastes other than small amounts of construction chemicals and non-acute hazardous materials by residents and other occupants of the site. As stated in Section 4.8, *Hazards and Hazardous Materials*, of the Initial Study (Appendix A), these materials are regulated through a series of federal, state, and local laws and regulations. Compliance with these existing requirements would ensure that the potential for the completed project to cause significant irreversible environmental damage from an accident or upset of hazardous materials would be less than significant.

State and local laws and regulations that are administered and enforced by the City would reduce risks associated with the routine use, storage, and transportation of hazardous materials in connection with construction activities to acceptable levels. After construction, the proposed project would not emit hazardous materials and/or be expected to pose an unacceptable risk of accidental release of hazardous substances. Consequently, adherence to existing federal, state, and local regulations, the General Plan and Fremont Municipal Code would reduce impacts to less-than-significant levels.

C. Cumulative Impacts

The approach used in this EIR for cumulative impact analysis is described in the introduction to Chapter 4, *Environmental Setting, Impacts, and Mitigation Measures*. The analysis of each environmental topic included in Chapter 4 evaluates possible cumulative impacts considering regional development in combination with the build-out of the proposed project.

As noted below, under D., *Significant and Unavoidable Environmental Impacts*, construction and operation of the proposed project in combination with proposed development in the surrounding area would result in significant and unavoidable impacts under cumulative conditions related to traffic.

D. Significant and Unavoidable Environmental Impacts

Section 21100(b)(2)(A) of CEQA requires an EIR to identify significant environmental effects that cannot be avoided if a project is implemented. Chapter 4 of this EIR provides a detailed analysis of significant and potentially significant environmental impacts related to implementing the proposed project; identifies feasible mitigation measures, where available, that could avoid or reduce these significant and potentially significant impacts; and presents a determination whether these mitigation measures would reduce these impacts to less-than-significant levels.

The impact that remains significant and unavoidable after mitigation includes:

Impact 4.B-2: The proposed project, combined with cumulative development, including past, present, and reasonably foreseeable future development, would result in significant cumulative traffic impacts. (*Significant and Unavoidable*)

Intersection Levels of Service - Even with implementation of the General Plan EIR mitigation measures (TRA-14 and TRA-15), the proposed project would result in a significant impact at Mission Boulevard (SR-238) / Niles Boulevard - Niles Canyon Road during the p.m. peak hour under Cumulative plus Project conditions.

No feasible mitigation measures are available to reduce this project impact.

In July 2013, ABAG released its Regional Housing Need Plan for the San Francisco Bay Area: 2014-2022, which identifies the Bay Area's housing needs determination for the 2014-2022 planning period. ABAG determined that the Bay Area must plan for 187,990 new housing units from 2014-2022. The City of Fremont's assignment for the 2014-2022 RHNA period is 5,455 units. The purpose of the project is to redevelop the former industrial site, which was identified an underutilized site and identified in the General Plan Housing Element as a committed residential development site for approximately 75 multi-family units.

References

California Department of Finance (DOF), 2017. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2017 with 2010 Census Benchmark, May 2017. Available at: www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/. Accessed October 17, 2017.

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State of California Employment Development Department, 2017. *Monthly Labor Force Data for Cities and Census Designated Places (CDP) October 2017 – Preliminary*. November 17, 2017. Available at: www.labormarketinfo.edd.ca.gov/data/unemployment-and-labor-force.html. Accessed December 5, 2017.

U.S. Green Building Council (USGBC), 2008. *Building Area per Employee by Business Type*, May 13, 2008. Available at: www.usgbc.org/Docs/Archive/General/Docs4111.pdf. Accessed October 17, 2017.