

CHAPTER FIVE

MANDATORY CEQA SECTIONS

This Chapter includes a discussion of topics that are required in an environmental impact report by various provisions of the California Environmental Quality Act (CEQA).

5.1 SIGNIFICANT IRREVERSIBLE COMMITMENT OF RESOURCES

The following excerpt from Section 15126.2(c) of the State CEQA Guidelines defines the nature of this analysis:

Uses of non-renewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse there after unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Approval of the proposed project would create the Montalvin Manor Redevelopment Project Area, and result in redevelopment activities having as their primary goal the elimination of blight conditions in the redevelopment area. Redevelopment would, as required by the California Community Redevelopment Law, proceed in accordance with the Contra Costa County General Plan (1995-2010), as described in Chapter Three of this EIR. The Project Area is predominantly urbanized and committed to urban uses, and an irreversible commitment of non-renewable resources has already been made in the proposed Project Area.

The proposed redevelopment plan would facilitate additional investment to support the existing built environment and infrastructure, as well as additional housing, infrastructure and economic development. The adverse impacts on the physical environment that could result from those activities are addressed in this EIR. While some additional commitment of energy resources would occur, and remaining vacant parcels could be developed, the additional commitment of such resources is not substantial when the extent of existing development in the Project Area and surrounding areas is considered.

5.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the State CEQA Guidelines requires that an EIR contain a statement briefly indicating the reasons that various possible new significant effects of a project were determined not to be significant, and were therefore not discussed in detail in the EIR. Some of those effects are discussed in the individual topics in Chapter Three. The effects listed here were determined to be less than significant based on the discussion contained in the Initial Study/Notice of

Preparation and responses to the Notice of Preparation contained in Appendix A, and include the following:

Aesthetics

Impacts on aesthetic and visual resources that are considered potentially significant are discussed in Section Three of this EIR.

Redevelopment activities would be directed to the elimination of blight and blighting influences, which would include support for improved and expanded commercial uses in the parcels south of San Pablo Boulevard as well as façade improvement programs. Redevelopment activities could include programs for the rehabilitation of housing and infrastructure in the residential subdivision. The impact of these activities would be beneficial, and would be less than significant in terms of environmental impact.

Construction and development activities associated with redevelopment can cause potentially significant visual impacts. Construction activities themselves would create visual disruption, but would be temporary in nature and are considered less than significant. Rehabilitation of housing would, in addition to improving the structural stability of housing, would have a beneficial impact on visual resources by improving unsightly structures and the general appearance of the area.

The proposed Project Area is predominantly urbanized, and new development would be consistent with the Contra Costa County General Plan (1995-2010). Such activities would not result in an adverse impact on any scenic vistas, nor would they substantially damage scenic resources such as trees, rock outcroppings or historic buildings within a state scenic highway. These impacts are considered less than significant.

Agricultural Resources

The proposed Project Area is located in an urbanized portion of unincorporated Contra Costa County. One of the requirements of the California Community Redevelopment Law, which is satisfied in this case, is that a proposed project area must be substantially urbanized, requiring at least 80% of the project area to be committed to urban uses. No commercial agricultural activities are located within the Project Area. Redevelopment activities would be consistent with the County's General Plan, and would not encourage the conversion of other agricultural land to urban uses. The proposed project would have no impact on agricultural resources.

Air Quality

Air quality impacts that are considered potentially significant are discussed in Section Three of this EIR.

The uses that may be proposed as part of redevelopment activities would be consistent with the land uses provided for in the General Plan and zoning ordinance. These land uses include residential, general commercial and uses associated with the community center. Development of

uses consistent with the General Plan would not result in activities that would generate objectionable odors, and this impact is considered less than significant.

Hazards and Hazardous Materials

Impacts that relate to hazards and hazardous materials that are considered potentially significant are discussed in Section Three of this EIR.

The Project Area is not located within the vicinity of an airport or airstrip, and these impacts are considered less than significant.

The Project Area is located in a predominantly urbanized area, and the threat of wildland fires is less than significant.

Hydrology and Water Quality

San Pablo Bay is located to the west of the Project Area. Those portions of the Project Area in the vicinity of San Pablo Bay are at a higher elevation and are separated from San Pablo Bay by the railroad right-of-way. The impact from the threat of seiche, tsunami or mudflow is less than significant.

Land Use and Planning

Impacts on land use and planning that are considered potentially significant are discussed in Section Three of this EIR.

The proposed project would promote redevelopment of the Project Area, which is predominantly urbanized. Redevelopment would proceed in a manner consistent with the Contra Costa County General Plan (1995-2010), and would be required to be consistent with the applicable land use regulations that might apply to the Project Area. The redevelopment activities would not divide an existing community. No habitat conservation plan or natural community conservation plan applies to the Project Area. These impacts are, therefore, less than significant.

Mineral Resources

The Project Area is predominantly urbanized, and no mineral or other soil resource recovery activity is occurring within its boundaries. The Project Area has not been identified as a site for potential mineral extraction, and any such activities would be inconsistent with the General Plan designations for the area. The impact of the proposed project on mineral resources is less than significant.

Noise

Noise impacts that are considered potentially significant are discussed in Section Three of this EIR.

Construction activities associated with redevelopment would not involve the use of pile drivers or other machinery that would create excessive ground-borne vibrations, and the project impacts related to this impact are considered less than significant.

The Project Area is not located within the vicinity of an airport or airstrip, and these impacts are considered less than significant.

Population and Housing

The redevelopment of the Project Area would include rehabilitation of housing, but no proposal is made that any existing housing be removed. Redevelopment of the commercial areas within the Project Area would occur on the site of existing commercial structures, or on properties currently designated for commercial uses. Housing could be encouraged or implemented on one or more parcels that currently have a General Plan designation consistent with that use. The project would, therefore, have a less than significant impact on housing.

The California Community Redevelopment Law requires that the Redevelopment Plan be consistent with the General Plan, and any redevelopment activities would, therefore, proceed in a manner contemplated by the General Plan. Any growth that occurs will be consistent with the General Plan as amended through the project, and the resulting buildout scenario. The proposed project would generate tax increment revenue, 20% of which is required by law to be retained for the development of housing for those with moderate, low and very low incomes. The impact on housing, therefore, would be less than significant.

Recreation

The proposed project does not include construction or installation of recreational facilities as a project component. The redevelopment of the Project Area could increase commercial activity in the Project Area, which would not increase the demand on existing recreational facilities. This impact is less than significant.

5.3 SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Section 15382 of the State CEQA Guidelines provides the following definition of “significant effect on the environment”:

“...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, mineral, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a

physical change may be considered in determining whether the physical change is significant.”

Section 15126(b) of the State CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

The environmental effects of adopting and implementing the proposed Montalvin Manor Redevelopment Plan on selected aspects of the environment are discussed in detail in Chapter Three of this EIR. With the exception of traffic impacts, there is no evidence that the project would in result in impacts that are individually limited, but cumulatively significant. Traffic impacts of the proposed project with regard to the operation of the intersections of San Pablo Avenue with Tara Hills Drive and Richmond Parkway are significant and unavoidable.

5.4 CUMULATIVE IMPACTS

Section 15130 of the State CEQA Guidelines requires consideration and discussion of cumulative impacts of the project in an EIR. The cumulative discussion is required when the project’s incremental effect is cumulatively considerable and the cumulative impact is significant. Incremental effects that are less than significant should also be discussed.

A cumulative impact is an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.

The Montalvin Manor Project Area is located in the unincorporated portion of Contra Costa County, approximately one-half mile south of the City of Pinole. No past, present, and probable future projects producing related or cumulative impacts similar to those that could be produced by the proposed project have been identified. The discussion in Chapter Three of this EIR includes review of the extent to which the project would have cumulative effects with regard to particular issue areas.

5.5 GROWTH-INDUCING IMPACTS

The intent of the proposed Montalvin Manor Redevelopment Plan is to redevelop, rehabilitate and revitalize the proposed Project Area. Infrastructure improvements and enhancement of the appearance of buildings and residences that could result from redevelopment may attract new development in the area.

The Project Area is located in the unincorporated portion of Contra Costa County. One of the requirements of the California Community Redevelopment Law is that a project area be “predominantly urbanized.” This means that at least 80% of the project area must be committed to urban uses or be integral to the redevelopment of the existing urban area. This requirement is satisfied for the Project Area.

All redevelopment activities and development within the Project Area must be consistent with the Contra Costa County General Plan. Infrastructure improvements that could occur as part of redevelopment, including streets and roads, storm drainage facilities, water system improvements, and sewage system improvements are a means of addressing existing health and safety conditions, and do not represent growth-inducing impacts.

While some housing could, and probably would, be developed as part of the redevelopment effort, the redevelopment effort would focus on providing housing that is affordable to all segments of the community, including those qualifying for very-low, low- and moderate-level income programs. State law now requires that all redevelopment project areas in the state set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. One of the primary goals of this effort is to provide decent and reasonably affordable housing for persons who live and work in the community, and providing such housing through these programs would not be growth-inducing.

The Project Area is located in urbanized areas of the community, and any growth that occurred through direct redevelopment activities would not result in the conversion of agricultural land. The proposed project would not result in the loss of additional agricultural land.

The intent of the redevelopment effort is to eliminate blight, and improve the economic environment in the Project Area and the County in general. It is possible that the redevelopment efforts could improve conditions in the Project Area, thus making the community more attractive and inducing non-residents to relocate to the Project Area or region. Such a scenario is based on speculation regarding a series of events that might or might not occur, and does not support a finding that the project would be growth-inducing.