# 5 STATUTORILY REQUIRED SECTIONS

## 5.1 Introduction

The Statutorily Required Sections chapter of the EIR includes brief discussions regarding those topics that are required to be included in an EIR, pursuant to CEQA Guidelines, Section 15126.2.

## 5.2 Analysis of Growth-Inducement

State CEQA Guidelines section 15126.2(d) requires an EIR to evaluate the potential growth-inducing impacts of a proposed project. Specifically, an EIR must discuss the ways in which a proposed 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 the elimination of obstacles to growth, or by encouraging and/or facilitating other activities that could induce growth. Examples of projects likely to have growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or office complexes in areas that are currently only sparsely developed or are undeveloped.

As discussed throughout this EIR, the proposed project (Preferred Site Plan and Alternative B) would be consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) adopted by the Sacramento Area Council of Governments (SACOG). One benefit of the CEQA streamlining process is that projects that are consistent with SACOG's MTP/SCS are granted CEQA streamlining benefits, including that the EIR is not required to reference, describe, or discuss growth-inducing impacts (Public Resources Code, § 21159.28, subd. [a]). Therefore, in accordance with Public Resources Code 21159.28, this EIR does not include an analysis of growth-inducing impacts.

## 5.3 Significant Irreversible Environmental Changes

Pursuant to § 15126.2(c) of the CEQA Guidelines, an EIR must identify any significant irreversible environmental outcomes that could result from the implementation of a proposed project. These may include current or future uses of nonrenewable resources. CEQA requires that irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified.

For the purposes of this analysis, the required evaluation of this topic is addressed from three perspectives:

1. Use of nonrenewable resources that would commit future generations;
2. Irreversible damage from environmental accidents; and
3. Irretrievable commitments of nonrenewable resources to justify current consumption.

Each of the perspectives is discussed below.

### 5.3.1 Use of Nonrenewable Resources that would Commit Future Generations

The proposed project constitutes an infill development in an urban area. The project would include residential development, and, thus, would result in a commitment of energy resources associated with maintaining the proposed development over the lifetime of the buildings. A portion of the energy demand required of the project would be supplied by non-renewable resources such as fossil fuels. Energy demands associated with operation of the proposed project are discussed in greater detail in Section 4.3, Greenhouse Gas Emissions and Energy, of this EIR. Section 4.3 of the EIR concludes that, although the proposed project operations would involve an increase in energy consumption, the proposed project would comply with all applicable standards and regulations regarding energy conservation and fuel efficiency, which would ensure that the future uses would be designed to be energy efficient to the maximum extent practicable. Accordingly, the proposed project would not be considered to result in a wasteful, inefficient, or unnecessary usage of energy. Therefore, while the proposed project would involve the use of nonrenewable resources, the proposed project's use of such resources would not place an unreasonable burden on future generations.

### 5.3.2 Irreversible Damage from Environmental Accidents

The proposed project would not involve uses in which irreversible damage could result from potential environmental accidents. As discussed in the Initial Study prepared for the proposed project (see Appendix C), the proposed project could potentially expose construction workers during demolition of the existing on-site structure to lead-based paints and asbestos-containing materials due to the age of the structure. However, mitigation measures required would ensure that the appropriate safety measures are implemented to reduce any potential risks. Because the proposed project consists of a residential development, the occurrence of environmental accidents following completion of construction activities and occupation of the proposed residential units is not anticipated.

### 5.3.3 Irretrievable Commitments of Nonrenewable Resources

Construction of the proposed project would involve consumption of building materials and energy, some of which are nonrenewable or locally limited natural resources (e.g., fossil fuels). Nonrenewable resources used for the proposed project could no longer be used for other purposes. Consumption of building materials and energy is common to most other development in the region, and such commitments of resources are not unique or unusual to the proposed project. The main resource consumption of the proposed project would be of energy, fuel, and wood and metal building materials that would be used for construction of the buildings. Development would not be expected to involve an unusual commitment of such resources, nor be expected to consume any such resources in a wasteful manner.

## 5.4 Cumulative Impacts

The following section describes the CEQA requirements related to cumulative analyses and the scope of the cumulative analyses conducted in this EIR for the proposed project.

### 5.4.1 CEQA Requirements

CEQA Guidelines Section 15130 requires that an EIR discuss the proposed project's cumulative and long-term effects on the environment. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, § 15355; see also Pub. Resources Code, § 21083, subd. (b).) Stated another way, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (CEQA Guidelines, § 15130, subd. (a)(1).)

"[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines, § 15355, subd. (a).) "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines, § 15355, subd. (b).)

The need for cumulative impact assessment reflects the fact that, although a project may cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the increment may be "cumulatively considerable," and thus significant, when viewed together with environmental changes anticipated from past, present, and probable future projects. (CEQA Guidelines, §§ 15064, subd. (h)(1), 15065, subd. (c), 15355, subd. (b).) This formulation indicates that particular impacts may be less-than-significant on a project-specific basis but significant on a cumulative basis, because their small incremental contribution, viewed against the larger backdrop, is cumulatively considerable.

The lead agency defines the relevant geographic area of inquiry for each impact category (id., § 15130, subd. (b)(3)), and also identifies the universe of "past, present, and probable future projects producing related or cumulative impacts" relevant to the various categories, either through the preparation of a "list" of such projects or through the use of "a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact" (id., subd. (b)(1)).

The possibility exists that the "cumulative impact" of multiple projects will be significant, but that the incremental contribution to that impact from a particular project may not itself be "cumulatively considerable." Thus, CEQA Guidelines section 15064, subdivision (h)(4), states that "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Therefore, it is not necessarily true that, even where cumulative impacts are significant, any level of incremental contribution must be deemed cumulatively considerable.

In accordance with CEQA Guidelines section 15130(b), "the discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone."

### 5.4.2 Scope of the Cumulative Analysis

As discussed above, there are two approaches to identifying cumulative projects and their associated impacts. The "list" approach identifies individual projects known to be occurring or proposed in the surrounding area in order to identify potential cumulative impacts. The "projection" approach uses a summary of projections in adopted General Plans or related planning documents to identify potential cumulative impacts. This EIR uses the projection approach for the cumulative analysis and considers the development anticipated to occur upon buildout of the Davis General Plan (i.e., Davis city limits).

In addition, this EIR also considers a combined list/projections approach for the quantifiable CEQA topics of traffic and noise, for which buildout of the Davis city limits is considered, as well as buildout of a number of approved or reasonably foreseeable projects within the project region. As discussed in detail in Section 4.7, Transportation and Circulation, of the EIR, the analysis of Cumulative Year 2035 impacts is intended to consider the impact of the proposed project within the context of future conditions under the City of Davis General Plan, including currently reasonably foreseeable development proposals. Two background cumulative year 2035 scenarios are analyzed in the Transportation and Circulation and Noise sections of the EIR. The first cumulative scenario is the Cumulative Year 2035 Conditions. The Cumulative Year 2035 Conditions assume buildout of the City of Davis General Plan, including the revised Nishi Project, referred to as Nishi 2.0, and the following 13 approved or pending projects within the project vicinity, based on consultation with the City of Davis at the time the Notice of Preparation (NOP) for the proposed project was drafted:

- Berry Bridge Cottages;
- The Villages at Willow Creek;
- Plaza 2555;
- Hyatt House Hotel;
- Marriott Residence Inn;
- Creekside Apartments;
- Sterling Apartments;
- Chiles Ranch;
- 1111 Richards;
- Lincoln40 Apartments;
- Morris Way Apartments;
- Trackside Center; and
- West Davis Active Adult Community.

The second Cumulative Year 2035 scenario, referred to as the "Super Cumulative" Year 2035 Conditions scenario is the Cumulative Year 2035 Conditions as described above with the addition of the Mace Ranch Innovation Center project.

Limited situations exist where the geographic setting differs for the various resource areas. For example, the cumulative geographic setting for air quality is the Sacramento Valley Air Basin (SVAB), which is the air basin that the proposed project is located within. Global climate change is, by nature, a cumulative impact. A single project could not generate enough GHG emissions to contribute noticeably to a change in the global average temperature; however, the combination of GHG emissions from a project in combination with other past, present, and future projects could contribute substantially to the world-wide phenomenon of global climate change and the associated environmental impacts. Although the geographical context for global climate change is the Earth, for analysis purposes under CEQA, and due to the regulatory context pertaining to GHG emissions and global climate change applicable to the proposed project, the geographical context for global climate change in this EIR is limited to the State of California.

Cumulative impacts are analyzed in each of the technical sections of this EIR (Sections 4.1 through 4.8). For those environmental resource areas that have a different cumulative setting from the general projection cumulative setting described above, the specific cumulative setting for that resource area is presented along with the cumulative impact discussion in the relevant resource area section of the EIR. Significant cumulative impacts were not identified.

## 5.5 Significant and Unavoidable Impacts

According to CEQA Guidelines, an EIR must include a description of those impacts identified as significant and unavoidable should the proposed action be implemented (CEQA Guidelines §15126.2[b]). Such impacts would be considered unavoidable when the determination is made that either mitigation is not feasible or only partial mitigation is feasible such that the impact is not reduced to a level that is less-than-significant.

As discussed in detail in Section 4.2, Cultural Resources, of the EIR, the existing on-site structure would be considered a historic resource per the requirements of CEQA; thus, demolition of the structure would be considered a substantial adverse change in the significance of a historical resource. While Mitigation Measure 4.2-1 would require proper documentation and recording of the historic resource, additional feasible mitigation to fully mitigate for the loss of the historic resource does not exist. Therefore, even with mitigation, the impact would remain significant and unavoidable.

Based on the analysis provided in Sections 4.1 through 4.8 of this EIR, all other impacts identified in this EIR could be eliminated or reduced to a less-than-significant level by mitigations imposed by the City. The final determination of the significance of impacts and the feasibility of mitigation measures would be made by the City as part of the City's certification action.