

Introduction

This chapter contains a description of Other CEQA Findings. This includes analyses of the Proposed Project’s potential to contribute to growth inducement, result in significant and unavoidable impacts, and result in the irreversible and irretrievable commitment of resources. In addition, this chapter includes the cumulative setting and the list of approved and proposed projects considered in the cumulative analysis (discussed by environmental topic area in subsections 3.1 through 3.13).

Growth-Inducing Impacts

CEQA Requirements

Section 21100 of the California Public Resources Code requires an EIR to include a detailed statement of the proposed project’s anticipated growth-inducing impact. More specific guidance is provided by Section 15126.2(d) of the state’s CEQA Guidelines, which require that the analysis of growth-inducing impacts discuss the ways in which the proposed project could foster economic or population growth or the construction of additional housing in the project area.

The analysis must also address project-related actions that, either individually or cumulatively, would remove existing obstacles to population growth. The purpose of this section is to examine the Proposed Project’s likely impacts related to population growth, consistent with these statutory requirements.

Regulatory Context

California law requires that each county and city develop a comprehensive, long-term general plan to guide its land use decision-making and physical development (Government Code Section 65300 *ff.*). The intent is to ensure that growth takes place in a controlled manner, with an appropriate balance of land uses maintained and all needed services provided. This goal is reflected in the General Plan contents mandated under Government Code Section 65302 – of the seven mandatory “elements,” or chapters, three relate directly to growth: the land use element establishes the pattern of future land uses, the circulation element

plans the road system that will serve approved land uses, and the housing element identifies the means by which the county will meet its fair share of projected regional housing needs for all income groups.

Union City General Plan

The projected population growth in the 2002 General Plan (Housing Element) focuses on allocating growth within the urbanized areas of the City. In the General Plan, the City plans to focus future development within the Intermodal Station District.

The existing General Plan allows for approximately 480 dwelling units on the Proposed Project site. However, the Proposed Project proposes to develop up to 973 dwelling units (493 more than previously planned). The 2002 General Plan originally identified Block 2 for high-density office uses. This increase in dwelling units is generally attributed to the use of Block 2 for residential mixed-use. Approval of the Proposed Project would result in an increased number of dwelling units and therefore an increase in overall population growth.

Although, the Proposed Project would surpass the City's planned growth at the project site, the Proposed Project is otherwise consistent with General Plan policies that promote mixed-use transit-oriented development. Within the 2002 General Plan, the City established several policies to meet the projected population growth and housing needs through mixed-use transit oriented development, which are described below. Furthermore, it is anticipated that housing included in the Proposed Project will reduce the need for additional housing in other parts of the City.

Policy Discussion

Policy ED-B.1.1 of the Union City General Plan states that the City shall encourage higher intensity development by allowing additional employment, commercial, and residential space to be developed and redevelop within walking distance of the intermodal facility. The Proposed Project will satisfy this policy because it is a mixed-used developed with high density residential units.

Policies LU-B.1.3-6 encourages mixed-used development with an urban design that maximizes transit use, minimizes automobile dependence, and includes a public inviting plaza. The Proposed Project will comply with policies L.U-B.1.3-6 because it will have an urban design that maximizes mass transit use due to its proximity to the intermodal facility.

As discussed above, the Proposed Project is consistent with general plan policies that encourage mixed-use transit-oriented development. During the development of the 2002 General Plan, the benefits of high-density transit-oriented development within a suburban setting were just starting to be realized. The amount of residential development identified for the Intermodal Station District at that time was thought to be the maximum that could be supported by market demand within the foreseeable future. Since 2002, there has been a strong regional

push as well as increase in market demand for transit-oriented development and the Proposed Project reflects this. Although the Proposed Project results in a different configuration of residential and commercial uses that what was originally planned for the Intermodal Station District, the Proposed Project will contribute to a viable, mixed-use transit-oriented development envisioned by the General Plan.

ABAG Growth Projections

According to the 2009 ABAG Projections report, by 2020 Union City is expected to have a population of approximately 85,200 people (ABAG 2009). This information informs local and regional governments to address and plan for future projected growth. The projected growth in Union City by 2020 by ABAG 2007 differs from the 2000 projection, which is the population the City relied on for the preparation of the 2002 General Plan. In addition, Projections 2009 also anticipates that the majority of Union City's future growth will occur in and around the Intermodal Station District.

The Intermodal Station District has been identified as a Priority Development Area for the region through the FOCUS program. FOCUS is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. It unites the efforts of four regional agencies, including ABAG, into a single program that links land use and transportation. Priority Development Areas are typically characterized as complete, livable communities, located on in-fill sites that are served by transit, where amenities and services can be accommodated to meet the day-to-day needs of residents in a pedestrian-friendly environment.

Direct Impacts

As described in Chapter 2, Project Description, the Proposed Project involves the creation of a mixed-use transit oriented development in the Union City Intermodal Station District. The Proposed Project would not conform to the number of residential units and retail/commercial and office square footage as described in the 2002 General Plan. As a result, an amendment to the 2002 General Plan is required.

The direct impacts of the proposed project are discussed in sections 3.1 through 3.13.

Indirect Impacts

As the Proposed Project would include construction of up to 973 units of residential housing, it will not contribute to a direct demand for housing. However, additional residents will contribute to indirect demand for employment and services, which in turn could result in tertiary indirect impacts from other economic development and population growth. A small portion of this indirect demand would be met through the commercial/retail elements included in this

project. Some of the commercial/service demand would also be met in the commercial/retail areas near the Intermodal Stations. The remaining indirect employment/services and tertiary population growth could occur in Union City, in unincorporated Alameda County, or in adjacent cities or counties.

Thus, indirect growth resulting from the Proposed Project is expected to lead to a number of indirect impacts on the natural and built environment, including those summarized below:

- **Aesthetics**—New off-site growth could change or effect scenic vistas, scenic resources, visual character and quality, and other visual resources as a result of new developments constructed to accommodate the increase in population.
- **Air Quality**—Air quality could worsen as a result of off-site growth, because of elevated levels of vehicle emissions and increases in diesel particulate matter generated by construction and operation activities. However, proposed project residents are more likely to utilize transit to access employment and services compared to residents that would otherwise be located in less transit-friendly areas which could offset these induced air quality effects.
- **Biological Resources**—Off-site growth could result in biological resources effects depending on location. However, by promoting high-density residential growth, the proposed project could offset induced growth effects compared to less dense residential alternatives.
- **Climate Change**—New off-site growth could change or effect local greenhouse gas emissions, which could contribute to climate change. However, proposed project residents are more likely to utilize transit to access employment and services compared to residents that would otherwise be located in less transit-friendly areas, which could offset these induced greenhouse gas emissions.
- **Cultural Resources**—Off-site growth could result in cultural resources effects depending on location.
- **Geology, Soils, and Seismicity**—Off-site growth could increase the numbers of persons and structures exposed to earthquakes, landslides, and other seismic events.
- **Hazards and Hazardous Materials**—Off-site growth could increase the number of persons exposed to hazards and hazardous conditions.
- **Hydrology and Water Quality**—Off-site growth could increase impervious surfaces, urban runoff, encroach on floodplains or affect water quality.
- **Noise**—Construction of new projects could result in equipment- and vehicle-related noise impacts during construction and operational noise. However, proposed project residents are more likely to utilize transit to access employment and services compared to residents that would otherwise be located in less transit-friendly areas, which would reduce traffic-related noise (while increasing transit-related noise).

- **Public Services, Utilities, and Recreation**—New growth would increase the demand for police and fire protection services, and other public services would undergo a corresponding increase in demand. Additional demand on public utilities, such as increased wastewater treatment capacity and extensions of utility infrastructure, would also be needed.
- **Transportation**—Increases in growth could result in increases in traffic and a greater need for public transportation options. Expanded infrastructure may be needed to accommodate these population increases. However, proposed project residents are more likely to utilize transit to access employment and services compared to residents that would otherwise be located in less transit-friendly areas, which could offset traffic increases.

By enabling growth, the Proposed Project would indirectly foster, in varying degrees, all of the growth-related impacts identified above. The City is responsible for effectively implementing General Plan policies and other measures intended to mitigate the potential adverse impacts of future growth including CEQA review of plans and projects. A similar responsibility exists for other land use jurisdictions.

A General Plan Amendment to increase the maximum density of the project site (as described in Project Approvals in Chapter 2, Project Description) is required. The proposed General Plan Amendment also includes a modification to Figure LU-3 (refer to Figure 2-4) to allow for residential mixed-use in addition to commercial uses.

Summary of Significant and Unavoidable Impacts

Section 15126.2(b) of the State CEQA Guidelines requires an EIR to describe any significant impacts that cannot be mitigated to a level of insignificance. All of the impacts associated with the Proposed Project would be reduced to a less-than-significant level through the implementation of identified mitigation measures and environmental commitments, with the exception of the impact(s) listed below.

- **Aesthetics**—As described in Section 3.1 Aesthetics, the Proposed Project includes construction of a series of large buildings. The construction will be of a scale that is greater than the existing development in the site's vicinity, and will be highly visible from areas surrounding the site. This would be a substantial visual change from what currently exists, therefore the impact is considered to be significant and unavoidable. There is no feasible mitigation that would reduce the potential change in visual character without substantially changing the overall size and design of the Proposed Project.
- **Hazards and Hazardous Materials**—As described in Section 3.7 Hazards and Hazardous Materials, the Proposed Project at its nearest point is approximately 500 feet from the Air Liquide facility. Air Liquide manufactures acetylene and acetylene and hydrogen cylinder filling activities occur. Due to the handling of acetylene and hydrogen at this nearby facility, there is a risk of fire and explosion to future residents and/or visitors to the

Proposed Project. In a worst-case explosion (a highly unlikely event) the Project site would be subject to blast overpressure that could shatter glass, damage structures, and/or cause bodily injury. Less than worst case scenarios also entail risks to the project site due to fire and explosion, but the effects will be less than for a worst-case scenario and the intensity and scale of effects would also be less. Implementation of mitigation would reduce the potential for structural damage and bodily injury at the proposed project site, but it would not eliminate the potential for bodily injury, and thus the impact is considered significant and unavoidable.

- **Transportation and Circulation**—As described in Section 3.13 Transportation and Circulation, an increase in traffic would result in degradation of intersection LOS at Decoto Road/11th Street (operating at LOS F) as a result of project-generated traffic, under existing plus project and pending intermodal development conditions and under future cumulative conditions. A mitigation measure to improve operation at this intersection is included in Section 3.13, but impacts would remain significant and unavoidable.

Irreversible and Irretrievable Commitment of Resources

Section 15126 of the State CEQA Guidelines requires a discussion of potential significant, irreversible environmental changes that could result from a proposed project. Section 15126.2(c) of the state CEQA Guidelines states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvements which provide 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.

The project proposes the development of a high density mixed-use community. This would require commitments of both renewable and nonrenewable energy and material resources for constructing the project. These may include natural woods, concrete, and mineral resources, fossil fuels, natural gas, water, and other finite resources.

The Proposed Project site was previously an industrial site that previously converted undeveloped land to developed land. Thus, the commitment of use of this land was made previously; the project represents redevelopment of a former industrial site and not a new conversion.

It should be noted that operation of the Proposed Project would not involve the use of large amounts of hazardous materials. Construction and operation of the

development would be similar in nature to other large development projects. Small amounts of chemicals such as household cleaning supplies and pesticides/herbicides, could be used during construction and operation. However these chemicals are typically used in residential and commercial/retail developments and would be used in small amounts. Therefore, the Proposed Project would not likely result in irreversible damage that could result from environmental accidents.

Cumulative Analysis

The analysis of cumulative impacts in this EIR is based on City of Union City population and housing projections, and a list of approved and proposed projects in the Proposed Project vicinity.

This section presents the CEQA requirements and a list of relevant cumulative projects. The actual cumulative impact analysis of the individual environmental topic areas, as appropriate is presented in each environmental topical section in Chapter 3. Some analyses use projection approaches; other consider individual cumulative projects.

CEQA Requirements

Section 15130 of the State CEQA Guidelines requires lead agencies to evaluate a proposed undertaking's potential to contribute to cumulative impacts in the project or program area.

Cumulative impact refers to the combined effect of “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Sec. 15355). As defined by the state, cumulative impacts reflect:

[t]he 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 Sec. 15355[b]).

CEQA requires the lead agency to identify projects and programs related to the undertaking being analyzed and evaluate the combined (cumulative) effects of those related projects on the environment. If cumulative impacts are identified as significant, the lead agency must then assess the degree to which the proposed undertaking would contribute to those impacts and identify ways of avoiding or reducing any contribution evaluated as “cumulatively considerable” (CEQA Guidelines Sec. 15130[b]). Lead agencies may use a “list” approach to identify related projects, or may base the identification of cumulative impacts on a summary of projections in an adopted general plan or related planning document.

Cumulative Setting

Recent Growth Projections

The population of Union City was 73,977 in 2009, or an approximately 10 percent increase from the 2000 population of 66,869 (California Department of Finance, 2009). The Association of Bay Area Governments (ABAG) estimates a population of 85,200 by 2020 (Association of Bay Area Governments, 2009). None of Union City's neighboring communities is expected to grow as quickly over this period (City of Union City General Plan Housing Element, 2002). As of 2000, there were 19,042 housing units in the City, representing a 10.8 percent increase over the previous 5-year mark (Union City General Plan Housing Element, 2002). By 2020, ABAG estimates that the number of households in Union City will increase to 23,470. This would add 4,428 units, representing an increase of approximately 19 percent over a 20-year timeframe (Association of Bay Area Governments, 2009). The Proposed Project would provide approximately 2.1 percent of the total number of housing units projected for Union City between 2000 and 2020.

Approved and Proposed Projects

Approved and proposed development projects that were considered in the cumulative analysis are shown in Table 4-1.

Table 4-1. Recent, Approved and Proposed Projects in the Vicinity of the Station District Mixed-Use Development Project

Project Name	Development Type	Units/Acres/SF	Status
Avalon Bay at Union Station	Residential	438 multi-family units	Built
Catellus/Shelton	Redevelopment Light Industrial	24 acres	Vacant
Pacific States Steel Corporation Site (PSSC)	Redevelopment Light Industrial	17.5 acres, 250,000 square feet	Vacant
Caltrans Property	Residential, Community	114-single family units	Vacant – Land may be developed after East West Connector is built
Masonic Campus	Senior residential	216 units	Built
East–West Connector Project	Transportation	3 mile roadway project to improve access between I-880 and Mission Blvd.	CEQA completed. Project currently in design and permitting phase.

Project Name	Development Type	Units/Acres/SF	Status
The Dumbarton Rail Corridor Project	Transportation	12 trains per day at the Intermodal Station (HNTB 2006). Service from Redwood City to Union City.	Partial funding in Regional Transportation Plan. CEQA evaluation not yet complete. Timing uncertain.
The Union City Intermodal Station Passenger Rail project Capitol Corridor Increased service	Transportation	Relocation of the Capitol Corridor service from the Niles Subdivision to the Oakland Subdivision and potential future expansion of Capitol Corridor service from 8 trains per day to 32 trains per day (see Jones & Stokes 2006).	CEQA completed in 2006. Acquisition of Oakland Subdivision not yet completed. Timing uncertain.
Niles Subdivision Upgrade	Transportation	New connection between the Niles Subdivision and Niles Junction resulting in relocation of freight traffic from the Coast Subdivision to the Niles Subdivision (Earthtec/AECOM 2006).	Proposed in Regional Rail Plan. No CEQA evaluation to date. Timing uncertain.

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