

## SECTION 6: OTHER CEQA CONSIDERATIONS

### 6.1 - Significant Unavoidable Impacts

CEQA Guidelines Section 15126.2(a)(b) requires an EIR to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

This section describes significant impacts, including those that can be mitigated but not reduced to a level of less than significant. Where there are impacts that cannot be alleviated without imposing a project alternative, their implications, and the reason why the project is being proposed, notwithstanding their effect, is described. With implementation of the proposed project, seven significant impacts that cannot be avoided would occur. Each significant unavoidable impact is discussed below.

- **Aesthetics:** Sacramento Local Agency Formation Commission (LAFCo) acknowledges that expansion of the Sphere of Influence (SOI) boundary would result in future urbanization of the project area (at an undetermined time). In addition, the City of Elk Grove estimates that 6,327 acres would be required outside the existing city boundaries to accommodate future growth. Therefore, it is concluded that future urbanization of agricultural lands may have a substantial adverse effect on a scenic vista, and may significantly alter the existing visual character of the proposed Sphere of Influence Amendment (SOIA) Area.
- **Agricultural Resources:** Sacramento LAFCo acknowledges that expansion of the SOI boundary would result in future urbanization of the project area (at an undetermined time). In addition, the City of Elk Grove estimates that 6,327 acres would be required outside the existing city boundaries to accommodate future growth. Therefore, it is concluded that urbanization of agricultural lands may result in permanent loss of prime agricultural lands, would conflict with Williamson Act contracts, and involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use.
- **Air Quality:** Sacramento LAFCo acknowledges that expansion of the Sphere of Influence (SOI) boundary would result in future urbanization (at an undetermined time) of the project area. In addition, the City of Elk Grove estimates that 6,327 acres would be required outside the existing city boundaries to accommodate future growth. Therefore, future urbanization may conflict with or obstruct implementation of the applicable air quality plan and result in a cumulatively considerable net increase of a criteria pollutant.
- **Biological Resources:** Sacramento LAFCo acknowledges that expansion of the Sphere of Influence (SOI) boundary would result in future urbanization (at an undetermined time) of the

project area. In addition, the City of Elk Grove estimates that 6,327 acres would be required outside the existing city boundaries to accommodate future growth. Therefore, future urbanization may have a substantial adverse effect, either directly or through habitat modifications, on special-status wildlife species.

- **Land Use Plans, Policies, and Regulations:** Since approval of an SOIA by LAFCo indicates that the Commission has designated the revised SOIA Area for future urbanization, impacts related to potential conflict with applicable habitat conservation plan or natural community conservation plan and conversion of open space resources, as defined by Sacramento LAFCo, to urban uses. Implementation of Mitigation Measure AG-1 and BIO-1a would reduce these impacts, but impacts would remain significant and unavoidable.
- **Noise:** Sacramento LAFCo acknowledges that expansion of the SOI boundary would result in future urbanization of the project area (at an undetermined time). Urbanization of the SOIA Area may result in increase in traffic noise from 0 to 13 dB L<sub>dn</sub> relative to existing conditions. No feasible mitigation measure is available and therefore, it is concluded that urbanization would significantly alter the existing traffic noise levels of the proposed SOIA Area.
- **Traffic and Transportation:** Should the proposed SOIA Area be fully developed in the future, it would generate vehicle trips that would contribute to an unacceptable Level of Service (LOS) on various roadway and freeway segments under Existing Plus Project conditions as well as Cumulative conditions. Mitigation is proposed that would require the applicant to contribute fees to fund necessary improvements; however, there is uncertainty regarding actual implementation of the improvements. As such, the residual significance of this impact is significant and unavoidable.
- **Utilities and Service Systems:** Sacramento LAFCo acknowledges that expansion of the SOI boundary would result in future urbanization (at an undetermined time) of the project area. Urbanization of the SOIA Area could result in the generation of a demand for increased water services over current demand in the area and may require or result in the construction of new water and wastewater treatment facilities or expansion of existing facilities.

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## **6.2 - Growth-Inducing Impacts**

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The CEQA Guidelines require and EIR to discuss “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.” A project may have a growth-inducing effect on the surrounding area if it would: (1) remove obstacles to population growth (such as a major expansion of a waste water treatment plant that would allow for more construction in service areas); (2) increase population, which would in turn burden existing community service facilities, requiring construction of new facilities that could cause significant environmental effect; or (3) encourage and facilitate other activities that could significantly affect the environment, either individually or

cumulatively(CEQA Guidelines Section 15126.2(d). As discussed in detail in Section 3.13, Population, Housing, and Employment, approval of the proposed SOIA would result in a less than significant impact for growth inducement in the surrounding area. The SOIA Area is intended to accommodate projected growth in the area. Ultimately, growth in the SOIA area could be less than what is projected due to unanticipated market conditions. However, the SOIA Area would provide sufficient acreage to accommodate population and employment growth as well as buffers and mitigation areas described throughout this document. Therefore, the SOIA would likely not induce substantial growth outside of the SOIA Area. Furthermore, any growth outside of the SOIA Area would require its own LAFCo amendment and environmental review outside of the SOIA process.

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### **6.3 - Energy Conservation**

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Public Resources Code Section 21100(b)(3) and CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the State Legislature adopted Assembly Bill (AB) 1575, which created the California Energy Commission (CEC). The statutory mission of the CEC is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct state responses to energy emergencies, and—perhaps most importantly—promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created Appendix F of the CEQA Guidelines. Appendix F is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy.

The potential indirect urbanization of the SOIA Area could result in new land uses and infrastructure construction, including approximately 20,685 dwelling units, 67,035 jobs as well as the necessary public services, roadways, flood control, storm drainage facilities, and utilities designed to serve the increased demand. Energy would be consumed during both the construction and operational phases of such activities. The construction activities would require energy for the manufacture and transportation of building materials, preparation of the various sites (e.g., grading), and the actual construction of the buildings and infrastructure. The operation of such urbanization would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, electronics, office equipment, and commercial machinery. Operational energy could also be consumed during each vehicle trip associated with these proposed uses. It is important to note that actual energy usage could vary substantially depending upon factors such as the type of industrial and commercial uses that would occupy the buildings, actual miles driven by future residents/employees, and the degree to which energy conservation measures are incorporated into the various facilities.

For the reasons set forth below, this EIR concludes that the proposed project will not result in the wasteful, inefficient, and unnecessary consumption of energy, will not cause the need for additional natural gas or electrical energy-producing facilities, and, therefore, will not create a significant impact on energy resources.

### **6.3.1 - Regulatory Setting**

Federal and state agencies regulate energy use and consumption through various means and programs. At the federal level, the United States Department of Transportation, the United States Department of Energy, and the United States Environmental Protection Agency are three agencies that have substantial influence over energy policies and programs. Generally, federal agencies influence and regulate transportation energy consumption through establishment and enforcement of fuel economy standards for automobiles and light trucks, through funding of energy-related research and development projects, and through funding for transportation infrastructure improvements. At the State level, the California Public Utilities Commission (CPUC) and the CEC are two agencies with authority over different aspects of energy. The CPUC regulates privately owned utilities in the energy, rail, telecommunications, and water fields. The CEC collects and analyzes energy-related data, prepares statewide energy policy recommendations and plans, promotes and funds energy efficiency programs, and adopts and enforces appliance and building energy efficiency standards. California is exempt under federal law from setting State fuel economy standards for new on-road motor vehicles. Some of the more relevant federal and State energy-related laws and plans are discussed below.

#### **Federal Energy Policy and Conservation Act**

The Federal Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the U.S. would meet certain fuel economy goals. Through this Act, Congress established the first fuel economy standards for on-road motor vehicles in the U.S. Pursuant to the Act, the National Highway Traffic and Safety Administration, which is part of the United States Department of Transportation, is responsible for establishing additional vehicle standards and for revising existing standards. Since 1990, the fuel economy standard for new passenger cars has been 27.5 miles per gallon. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model; rather, compliance is determined on the basis of each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. The Corporate Average Fuel Economy (CAFE) program, which is administered by United States Environmental Protection Agency, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The United States Environmental Protection Agency calculates a CAFE value for each manufacturer, based on city and highway fuel economy test results and vehicle sales. On the basis of the information generated under

the CAFE program, the United States Department of Transportation is authorized to assess penalties for noncompliance. In the course of its over 30-year history, this regulatory program has resulted in vastly improved fuel economy throughout the nation's vehicle fleet.

### **Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) such as ABAG were required to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values that were to guide transportation decisions in that metropolitan area. The planning process for specific projects would then address these policies. Another requirement was to consider the consistency of transportation planning with federal, state, and local energy goals. Through this requirement, energy consumption was expected to become a decision criterion, along with cost and other values that determine the best transportation solution.

### **The Transportation Equity Act for the 21st Century (TEA-21)**

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

### **State of California Energy Plan**

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including providing assistance to public agencies and fleet operators, encouraging urban designs that reduce vehicle miles traveled, and accommodating pedestrian and bicycle access.

### **Title 24, Energy Efficiency Standards**

Title 24, which was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption, provides energy efficiency

standards for residential and nonresidential buildings. According to the CEC, since the energy efficiency standards went into effect in 1978, it is estimated that California residential and nonresidential consumers have reduced their utility bills by at least \$15.8 billion. The CEC further estimates that by 2011, residential and nonresidential consumers will save an additional \$43 billion in energy costs.

In 2005, the CEC adopted new energy efficiency standards. All projects that apply for a building permit on or after October 2005 must adhere to the new 2005 standards. A copy of the 2005 Energy Efficiency Standards may be reviewed online at [www.energy.ca.gov/title24/2005standards/index/html](http://www.energy.ca.gov/title24/2005standards/index/html). The 2005 Energy Efficiency Standards may also be reviewed at the Energy Efficiency Division, California Energy Commission, 1516 Ninth Street, MS-29, Sacramento, CA 95814-5512.

Because the adoption of Title 24 post-dates the adoption of AB 1575, it has generally been the presumption throughout the State that compliance with Title 24 (as well as compliance with the federal and State regulations discussed above) ensures that projects will not result in the inefficient, wasteful, and unnecessary consumption of energy. As is the case with other uniform building codes, Title 24 is designed to provide certainty and uniformity throughout the State while ensuring that the efficient and non-wasteful consumption of energy is carried out through design features. Large infrastructure transportation projects that cannot adhere to Title 24 design-build performance standards may undertake, depending on the circumstances, a more involved assessment of energy conservation measures in accordance with some of the factors set forth in Appendix F of the CEQA Guidelines. As an example, pursuant to the California Department of Transportation CEQA implementation procedures and FHWA Technical Advisory 6640.8A, a detailed energy study is generally only required for large-scale infrastructure projects. However, for the vast majority of residential and nonresidential projects, adherence to Title 24 is deemed necessary to ensure that no significant impacts occur from the inefficient, wasteful, and unnecessary consumption of energy. As a further example, the adoption of federal vehicle fuel standards, which have been continually improved since their original adoption in 1975, have also protected against the inefficient, wasteful, and unnecessary use of energy.

According to the CEC, reducing energy use has been a benefit to all. Building owners save money, Californians have a more secure and healthy economy, the environment is less negatively impacted, and our electrical system can operate in a more stable state. The 2005 Standards (for residential and nonresidential buildings) are expected to reduce the growth in electricity use by 479 gigawatt-hours per year (GWh/y) and reduce the growth in natural gas use by 8.9 million therms per year (therms/y). The savings attributable to new nonresidential buildings are 143 GWh/y of electricity savings and 0.5 million therms. Additional savings result from the application of the Standards on building alterations. In particular, requirements for cool roofs, lighting, and air distribution ducts are expected to save about 175 GWh/y of electricity. These savings are cumulative—doubling in two years,

tripling in three, etc. Table 6-1 provides a summary of the electricity savings envisioned by the 2005 standards.

**Table 6-1: Electricity Savings Projected From the 2005 Standards**

Category	2001 Standard (GWh)	2005 Standard (GWh)	Savings (GWh)	Percent Reduction
Lighting	861.6	777.5	84.1	9.8
Heating	38.8	36.9	1.9	4.9
Cooling	537.5	501.5	35.9	6.7
Fans	424.7	403.6	21.1	5.0
<b>Total</b>	<b>1,862.6</b>	<b>1,719.5</b>	<b>143.0</b>	<b>7.7</b>
Note: GWh = Gigawatt hours Source: California Energy Commission, 2005.				

Since the California 2000–2001 electricity crisis, the CEC has placed greater emphasis on demand reductions. Changes in 2001 (following the electricity crisis) reduced electricity demand for newly constructed residential and nonresidential buildings by about 110.3 megawatts (MW) each year. Newly constructed nonresidential buildings account for 44 MW of these savings. Like energy savings, demand savings accumulate each year. The 2005 Standards are expected to reduce electric demand by another 180 MW each year. Table 6-2 provides a summary of the demand savings envisioned by the 2005 standards.

**Table 6-2: Demand Savings Projected From the 2005 Standards**

Category	2001 Standard (MW)	2005 Standard (MW)	Savings (MW)	Percent Reduction
Lighting	157.9	142.6	15.3	9.7
Heating	3.6	3.5	0.1	2.2
Cooling	276.7	253.1	23.6	8.5
Fans	79.7	74.6	5.0	6.3
<b>Total</b>	<b>517.9</b>	<b>473.9</b>	<b>44.0</b>	<b>8.5</b>
Note: MW = Megawatts Source: California Energy Commission, 2005.				

In many parts of the world, the wasteful and poorly managed use of energy has led to oil spills, acid rain, smog, and other forms of environmental pollution that have ruined the natural beauty people seek to enjoy. California is not immune to these problems, but the CEC-adopted appliance standards, building standards, and utility programs that promote efficiency and conservation have gone a long

way toward maintaining and improving environmental quality. Other benefits include reduced destruction of natural habitats, which, in turn, helps protect wildlife, plants, and natural systems.

Many experts believe that burning fossil fuel is a major contributor to global warming; carbon dioxide is being added to an atmosphere already containing 25 percent more than it did two centuries ago. Carbon dioxide and other greenhouse gases create an insulating layer around the Earth that leads to global climate change. CEC research shows that most of the sectors of the state economy face significant risk from climate change, including agriculture, forests, and the natural habitats of a number of indigenous plants and animals.

Scientists recommend that actions be taken to reduce emissions of carbon dioxide and other greenhouse gases. While adding scrubbers to power plants and catalytic converters to cars are steps in the right direction (both of which are currently enforced as part of existing regulatory schemes), the use of energy-efficient standards can be effective actions to limit the carbon dioxide that is emitted into the atmosphere. According to the CEC, using energy efficiently, in accordance with Title 24 Energy Efficiency standards, is a proven, far-reaching strategy that can and does present an important contribution to the significant reduction of greenhouse gases.

In fact, the National Academy of Sciences has urged the country to follow California's lead on such efforts, and it has recommended that energy efficiency building codes modeled after Title 24 be adopted nationwide. The CEC's Title 24 program has played a vital, if not the most important, role in maximizing energy efficiency and preventing the wasteful, inefficient, and unnecessary use of energy throughout the State.

Pursuant to the California Building Standards Code and the Title 24 Energy Efficiency Standards, the City will review the design and construction components of the project's Title 24 compliance when specific building plans are submitted.

### **6.3.2 - Energy Requirements of the Proposed Project**

LAFCo acknowledges that expansion of the SOI boundary would result in future urbanization (at an undetermined time) of the area. This would result in new energy demand for both construction and operation. However, since future development is required to comply with the energy requirements, including Title 24 and the California Green Building Standards Code, the proposed project would not result in inefficient, wasteful, or unnecessary energy requirements.