

## 6 OTHER CEQA SECTIONS

### 6.1 SIGNIFICANT UNAVOIDABLE IMPACTS

Section 21100(b)(2)(A) of the Public Resources Code (PRC) provides that an EIR shall include a detailed statement setting forth “in a separate section any significant effect on the environment that cannot be avoided if the project is implemented.” Accordingly, this section provides a summary of significant environmental impacts of the project that cannot be mitigated to a less-than-significant level.

Chapter 4, “Environmental Setting, Thresholds of Significance, Environmental Impacts, and Mitigation Measures,” describes the potential environmental impacts of the proposed project and recommends various mitigation measures to reduce impacts, to the extent feasible. Chapter 5, “Cumulative Impacts,” determines whether the incremental effects of this project would be significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. After implementation of the recommended mitigation measures, most of the impacts associated with the proposed project would be reduced to a less-than-significant level. The impacts listed below are considered significant and unavoidable; that is, no feasible mitigation is available to reduce the project’s impacts to a less-than-significant level. Chapter 7, “Alternatives,” considers alternatives to the project that may be capable of reducing or avoiding some of these impacts.

#### 6.1.1 PROJECT IMPACTS

##### AGRICULTURAL RESOURCES

##### Impact AG-1: Conversion of Significant Farmland Designated Locally Important Farmland to a Nonagricultural Use

Based on the capability of the soils and availability of irrigation water in the cultivated field on the project site, the farmland is considered significant. The site is also designated Farmland of Local Importance. Implementation of the mitigation measure for this impact, which would involve third-party participation in the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan*, would reduce conversion of additional farmland in San Joaquin County, but would not replace the locally important and significant farmland that would be converted by the proposed project. Therefore, the conversion of farmland to nonagricultural use would be a **significant and unavoidable impact**.

##### TRAFFIC AND CIRCULATION

Under existing plus approved projects (EPAP) scenario, the project would result in significant impacts to the intersections of Kingsley Road (Frontage Road)/Arch Road and Newcastle Road/Arch Road. Mitigation for this impact includes contribution of fees to the City’s fee program for improvements to these intersections. Timely implementation of these improvements would reduce impacts to a **less-than-significant** level. However, if the City is not able to construct these improvements in a timely fashion the impact would be considered **significant and unavoidable**.

The project would add sufficient traffic to contribute substantially to degradation of SR 99 mainline north of Arch Road below LOS D, which is the Caltrans LOS standard for freeways. The freeway currently operates at slightly better than LOS E, and the project would contribute to degradation to LOS E. This impact would occur when project traffic is added to existing traffic, which is a **significant and unavoidable impact**.

## AIR QUALITY

### Impact AIR-1: Short-Term Emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> during Construction that Violate Air Quality Standards or Contribute Substantially to Air Quality Violations

With the implementation of the mitigation measure “Reduction of Emissions of Ozone Precursors during Construction” for Impact AIR-1, compliance with the San Joaquin Valley Air Pollution Control District’s (SJVAPCD’s) Rule 9510, “Indirect Source Review,” would result in the required minimum 20% reduction in emissions of oxides of nitrogen (NO<sub>x</sub>) from heavy-duty diesel equipment, as compared with statewide average emissions. In addition, with implementation of Rule 9510, project-related emissions of reactive organic gases (ROG) and respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>) exhaust from heavy-duty diesel equipment would be reduced by 5% and 45%, respectively. All or part of the reductions may result from selection of on-site equipment and fuels; the remainder would result from off-site reductions achieved through the payment of fees by CPR. Implementation of the additional SJVAPCD-recommended measures and the worker ridesharing measure would further reduce ROG and NO<sub>x</sub> emissions. However, construction-related emissions of ROG and NO<sub>x</sub> would still exceed SJVAPCD’s significance thresholds; thus this impact, generation of ROG and NO<sub>x</sub> emissions during construction, would not be reduced to a less-than-significant level. As a result, this impact would remain **significant and unavoidable**.

## NOISE

### Impact NOI-2: Off-Site Construction-Generated Traffic Noise Levels Exceeding Applicable Noise Standards

Adding construction traffic to the local roadway network would result in a substantial temporary increase in traffic noise levels in the project vicinity ranging from +3.7 decibels (dB) to +5.8 dB day-night average noise level (L<sub>dn</sub>). Increases in noise levels greater than 3 dB or 5 dB (depending on the existing ambient noise level) are considered significant. As a result, the project’s impact related to construction-generated traffic noise would be significant. Noise mitigation measures would be implemented, including verifying that heavy trucks associated with the project are muffled, locating construction access points away from sensitive receptors, and reducing speed limits, would not reduce the noise level below the threshold, and this impact would remain **significant and unavoidable**.

### Impact NOI-3: Long-Term Increase in Traffic Noise Levels at Existing Noise-Sensitive Receptors

Based on the modeling conducted, implementation of the proposed project would result in changes in traffic noise levels, relative to noise levels without the project, ranging from a decrease of 5.3 dB to an increase of 8.3 dB L<sub>dn</sub>. Under existing and Existing plus Approved Projects conditions the proposed project would result in significant increases in traffic noise levels along Arch Road and Austin Road. Implementation of the proposed project under cumulative 2035 City General Plan conditions would result in significant increases in traffic noise levels along Austin Road. Thus, long-term noise levels from project-generated vehicular traffic would result in a substantial (3–5 dB or greater) permanent increase in ambient noise levels. As a result, this impact would be significant.

Feasible mitigation measures are not available to effectively reduce the impact to a less-than-significant level. Exposure of existing noise-sensitive land uses to significant traffic noise levels generally is difficult to feasibly mitigate. Furthermore, increases in traffic noise levels, with the exception of Austin Road south of Arch Road, would be driven primarily by increases in traffic volumes resulting from cumulative development and regional growth. Therefore, mitigation of near-term traffic noise level increases on the local roadway network in the project vicinity is not expected to result in effective mitigation of cumulative traffic noise levels. Furthermore, implementing traffic management measures in rural and light suburban areas does not substantially reduce traffic-generated noise levels without resulting in impacts on the functional operation of local roadway networks. Constructing noise barriers also would not be an effective means of mitigating project-generated traffic noise

levels at the noise-sensitive receptors. As a result, this impact would remain **significant and unavoidable** after mitigation.

## **VISUAL RESOURCES**

### **Impact VIS-3: Increase in Light and Glare**

Operation and construction of the proposed project would place permanent and temporary lighting in the immediate vicinity of existing residences on Austin Road, which would be a significant impact. Implementation of the mitigation measure for Impact VIS-3 would minimize construction lighting impacts and direct operational lighting downward and away from residences to the east. Because lighting associated with the facility may not be shielded for security reasons, however, the mitigation measure for Impact VIS-3 may not reduce nighttime glare enough to not substantially affect nighttime views of the nearby residences. Therefore, the project would result in a **significant and unavoidable** impact.

## **6.1.2 CUMULATIVE IMPACTS**

**The cumulatively considerable impacts of the project are described below.**

### **AGRICULTURAL RESOURCES**

The 144.2-acre project site includes approximately 70 acres of Important Farmland, as indicated by the results of the Land Evaluation and Site Assessment modeling. According to the EIR for the City General Plan (City of Stockton 2007:13-32), buildout of the City General Plan would result in the conversion of up to 32,520 acres of Important Farmland. The EIR concludes that conversion of this farmland would be a significant and unavoidable impact. The proposed project would contribute to this conversion of farmland. Preserving agricultural lands in perpetuity through the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* or purchasing a conservation easement, a portion of which consists of Important Farmland, would ensure the continued protection of farmland in the project vicinity, partially offsetting project impacts. However, this measure cannot fully and feasibly mitigate the proposed project's cumulatively considerable contribution to the loss of agricultural land in San Joaquin County to below a level that is not considerable. Therefore, the proposed project would contribute to an existing cumulatively considerable impact, and the project would result in a **significant and unavoidable** cumulative impact.

### **TRAFFIC AND CIRCULATION**

The CPR will pay traffic impact fees to the City of Stockton, which will be used to help fund a number of roadway improvements, including buildout of roads to their ultimate right of way, widening SR 99, etc. Payment of these fees constitutes a proportionate fair share contribution to mitigation of the project's contribution to cumulative impacts.

### **Impact TRAF-6: Substantial Degradation of Levels of Service at Local Intersections under Cumulative Conditions**

Under cumulative conditions, that is, buildout of the *City of Stockton General Plan 2035* (City General Plan), the proposed project would result in a substantial increase in delay (more than 5 seconds) at the following intersections projected to operate at unacceptable LOS in year 3035: State Route (SR) 99 northbound/southbound access at Arch Road and at the intersection of Arch Road and Austin Road. The traffic impacts resulting from the project would contribute to an impaired circulation pattern, but right-of-way constraints inhibit improvements to these intersections. The project's impacts are cumulatively considerable and would be **significant and unavoidable**.

## **Impact TRAF-7: Substantial Degradation of Levels of Service at Local Roadway Segments under Cumulative Conditions**

Under cumulative conditions, that is, buildout of the City General Plan, the LOS on Arch Road between Newcastle Road and the CTCA west driveway and Austin Road between Arch Road and the proposed project's driveway would operate below the City's minimum LOS D roadway segment service levels (LOS F for both segments). Roadway widening of both Arch Road and Austin Road would be the only mitigation option that would improve LOS and thereby reduce impacts on roadway segments. Because both roadways would be constructed to their ultimate widths (four lanes) already under 2035 conditions, additional widening is not feasible without encroaching on other planned land uses. Therefore, no mitigation measures are available to reduce the project's contribution to the significant cumulative impact to a less-than-significant level, and the impact remains **significant and unavoidable**.

## **Impact TRAF-8: Substantial Degradation of Mainline Freeway Levels of Service**

Under 2035 with- and without-project conditions, SR 99 (north and south of Arch Road) is forecasted to operate at LOS F as a six-lane highway. With the widening of SR 99 from a six-lane to a 10-lane highway, the freeway segments north and south of Arch Road would operate at an acceptable LOS (LOS D or better), with the exception of northbound SR 99 (north of Arch Road) during the p.m. peak hour. Because SR 99 north of Arch Road would operate below LOS D in the p.m. peak hour, the proposed project would contribute to a cumulatively significant impact under 2035 conditions. Under the 2035 future conditions with no project, the northbound direction of the segment of SR 99 north of Arch Road is forecasted to operate at LOS E (volume-to-capacity ratio [V/C] of 0.90) in the p.m. peak hour with the City General Plan (2035) buildout of mainline freeway lanes (i.e., 10-lane freeway, or five lanes in each direction—one high-occupancy-vehicle lane plus four mixed-flow lanes). With addition of traffic from the proposed project, this mainline segment was forecasted to continue to operate with unsatisfactory LOS at LOS E (0.92 V/C). Because this mainline segment would be constructed to its ultimate width of 10 lanes, additional mitigation is not available to reduce this impact, and the proposed project would contribute to this **significant and unavoidable** impact.

## **AIR QUALITY AND CLIMATE**

Emissions of fugitive dust during project construction could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations. In addition, because San Joaquin County is currently designated as a nonattainment area for ozone, PM<sub>10</sub>, and fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM<sub>2.5</sub>), construction-generated emissions could contribute cumulatively to pollutant concentrations that exceed California ambient air quality standards. Implementation of mitigation would reduce construction-related impacts from emissions of PM<sub>10</sub> to a less-than-significant level. Assuming that all related projects also implement all feasible construction emission control measures consistent with SJVAPCD guidelines and regulations, construction emissions from related projects may be less than significant, although it is likely that larger projects would result in significant and unavoidable air quality impacts on their own. However, given the scale of development that would occur with the related projects combined with the nonattainment status of the San Joaquin Valley Air Basin for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, the proposed project would likely result in a cumulatively considerable construction-related air quality impact. The EIR includes all available feasible mitigation to reduce the project's contribution to cumulative air quality impacts. However, although mitigation measures would substantially reduce air emissions from the project, they are not sufficient to reduce the project's cumulative contribution to below a level that is considerable.

The San Joaquin Valley Air Basin is in nonattainment status for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. This is a result of past cumulative development in the basin, as well as transport of pollutants from other basins. New development, including the project, would be required to comply with SJVAPCD measures that would reduce potential new construction emissions of these pollutants. However, adding construction of related projects to a cumulatively

adverse condition would exacerbate air quality impacts. The contribution of the proposed project to this impact, though mitigated to the extent feasible (see Section 4.4), would be considerable. Therefore, this impact would be **significant and unavoidable**.

The project would generate 23,070 tons of carbon dioxide equivalent (CO<sub>2</sub>e) emissions per year from operations-related energy consumption, and 30,281 total metric tons per year from all sources, which is more than twice as much as “business as usual” (i.e., emissions at today’s rates). Compliance with SJVAPCD Rule 9510 (which acts to reduce ozone precursors by 33%) would somewhat reduce the CO<sub>2</sub>e emissions; however, because a large portion of the project’s emissions would result from energy consumption (as opposed to trip generation), this rule is only marginally effective. To meet the target set in Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code, Sections 38500–38599), the proposed project would need to reduce CO<sub>2</sub>e emissions to be approximately 30% of the business-as-usual total. Although mitigation measures are required in Chapter 5, “Cumulative Impacts,” to reduce the project’s CO<sub>2</sub>e emissions, the project would not meet the reduction targets necessary to attain consistency with goals established by AB 32. As a result, the project would contribute to a cumulatively considerable impact related to climate change, and the project impact is **significant and unavoidable**.

## **NOISE**

### **Short-Term Construction-Related Impacts**

Construction work would result in site-specific noise impacts. However, construction activities associated with the California Conservation Corps (CCC) and Northern California Re-Entry Facility (NCRF) projects, which could overlap with construction of the proposed project, are within close proximity (i.e., 1,000 feet) to the proposed project such that these construction activities could cumulatively combine with noise from the project. The proposed project would result in significant construction-related noise impacts. These impacts could be exacerbated by overlapping construction activities by the CCC project and the NCRF project. Therefore, the proposed project would contribute to a cumulatively considerable (though short-term) impact, and this impact would be **significant and unavoidable**.

### **Long-Term Operational Impacts**

Section 4.5, “Noise,” includes an analysis of operational impacts, including increased roadway noise under cumulative 2035 conditions, which includes anticipated roadway volumes at buildout of the City General Plan, as well as traffic generated from related projects. Although the proposed project would not, by itself, result in a significant increase in roadway noise levels under 2035 conditions, the project-related traffic would contribute to an existing cumulatively considerable noise impact along Arch Road and Austin Road. This impact would be **significant and unavoidable**.

## **6.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

The *State CEQA Guidelines* require a discussion of the significant irreversible environmental changes that would be involved in the project should it be implemented.

The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms. The proposed project would result in the irreversible and irretrievable commitment of energy and material resources, including the following, during project construction, operation, and maintenance:

- ▶ construction materials, including such resources as rocks, wood, concrete, glass, roof shingles, and steel;

- ▶ land area, including designated Farmland of Local Importance, committed to new project facilities;
- ▶ water supply for project operation; and
- ▶ energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for project construction and operation.

The use of these nonrenewable resources is expected to account for a minimal portion of the region’s resources and would not affect the availability of these resources for other needs within the region. Long-term consumption of energy and natural resource during project operation is expected to be substantial, although it would not exceed the capacity of energy suppliers to meet local demand once the new infrastructure is in place. Construction activities would not result in inefficient use of energy or natural resources. Construction contractors selected would use best available engineering techniques, construction and design practices, and equipment operating procedures. Because implementation of the proposed project would result in substantial long-term consumption of energy and natural resources, these potential irreversible changes would be significant.

### 6.3 GROWTH INDUCEMENT

PRC Section 2100(b)(5) specifies that growth-inducing impacts of a project must be addressed in an EIR. Section 15126(d) of the State *CEQA Guidelines* states that a proposed project is growth-inducing if it could “foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Included in the definition are projects that would remove obstacles to population growth. Examples of growth-inducing actions include developing water, wastewater, fire, or other types of services in previously unserved areas, extending transportation routes into previously undeveloped areas, and establishing major new employment opportunities. The following is a summary of the direct and indirect growth-inducing impacts that could result with implementation of the project.

Project construction would foster substantial short-term and long-economic growth associated with construction and operation employment opportunities. Up to 1,700 people per day would be employed during the 7-month peak construction period. The proposed facility would employ between 2,400 and 3,000 people, including correctional officers, physicians, nurses, therapists, and support staff members. Operation of the facility would foster long-term growth in three ways:

- ▶ direct growth related to employment at the health care and mental health facility,
- ▶ growth related to induced employment resulting from jobs created to provide goods and services to the health care and mental health employees, and
- ▶ growth resulting from facility expenditures.

CPR estimates that each new position creates approximately 0.5 indirect or secondary jobs through payrolls and the purchase of local goods and services. Based on the wide geographic distribution of residences of existing employees of the Northern California Youth Correctional Center, and given that most induced jobs would require skill levels that could be provided by existing residents of the region (i.e., Stockton and nearby cities), induced employment is not anticipated to have a substantial effect on population growth. The proposed project itself would not substantially increase population growth in the surrounding region because it would not construct new housing. The proposed project would not remove barriers to population growth because no new public infrastructure facilities would be installed. The project is unlikely to tax existing local or regional community service facilities based on the wide geographic distribution residences of existing employees of the Northern California Youth Correctional Center.

Although the proposed project would foster some economic and population growth associated with new employment opportunities at the correctional medical facility, this growth would not substantially affect the ability of public services providers to serve their existing customers, nor would it require the construction of new facilities to serve the project. This growth would be widely dispersed throughout San Joaquin County and would not result in an increased demand for housing in these areas. The population and employment growth expected with implementation of the proposed project would not exceed the projections of local general plans in the communities surrounding the site.