

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, the following significant impact that cannot be avoided would occur.

- **Regional Facilities:** The proposed project would contribute new trips to the segment of southbound State Route 99 between State Route 32 and E. 20th Street that would operate at unacceptable levels under Cumulative Plus Project conditions. Feasible mitigation measures are proposed to lessen the severity of impacts; however, the residual significance of this impact would be significant and unavoidable.

6.2 - Growth-Inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines Section 15126.2(d)).

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

The proposed project does not include residential uses and, therefore, would not directly induce population growth. Additionally, the project site is currently served with water, wastewater, storm drainage, electricity, and natural gas service and, thus, the development of the proposed project would not require the extension of utilities or infrastructure that would remove a physical barrier to growth.

Using a standard commercial employment rate of 1 employee/500 square feet, the proposed project is estimated to create as many as 240 new jobs. New employment opportunities would include full-time and part-time positions. The California Employment Development Department estimated that there were 6,600 unemployed persons in Butte County as of May 2016. Of this figure, an estimated 2,600 unemployed persons are in Chico. Thus, there is enough free capacity in the local labor market to fill the proposed project's new employment opportunities such that it would be unlikely that substantial population growth inducement would occur.

6.3 - Energy Conservation

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. 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 federal agencies with 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 estimated that by 2011, residential and nonresidential consumers will save an additional \$43 billion in energy costs.

6.3.2 - Energy Requirements of the Proposed Project

Short-term construction and long-term operational energy consumption are discussed below.

Short-Term Construction

The United States Environmental Protection Agency (EPA) regulates nonroad diesel engines that power both mobile equipment (e.g., bulldozers, scrapers, front end loaders, etc.) and stationary equipment (e.g., generators, pumps, compressors, etc.). The EPA has no formal fuel economy standards for nonroad (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, EPA adopted the first set of emission standards (“Tier 1”) for all new nonroad diesel engines greater than 37 kilowatts (kW [50 horsepower]). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing nitrogen oxide (NO_x) emissions from these engines by 30 percent. Subsequently, the EPA adopted more stringent emission standards for NO_x, hydrocarbons, and particulate matter from new nonroad diesel engines. This program included the first set of standards for nonroad diesel engines less than 37 kW. It also phased in more stringent “Tier 2” emission standards from 2001 to 2006 for all engine sizes and added yet more stringent “Tier 3” standards for engines between 37 and 560 kW (50 and 750 horsepower) from 2006 to 2008. These standards further reduced nonroad diesel engine emissions by 60 percent for NO_x and 40 percent for particulate matter (PM) from Tier 1 emission levels. In 2004, EPA issued the Clean Air Nonroad Diesel Rule. This rule cut emissions from nonroad diesel engines by more than 90 percent, and was phased in between 2008 and 2014. These emission standards are intended to promote advanced clean technologies for nonroad diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy.

The proposed project would entail short-term construction activities that would consume energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Construction activities would be subject to applicable regulations such as anti-idling measures, limits on duration of activities, and the use of alternative fuels, thereby reducing energy consumption.

There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the State. Therefore, it is expected that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Long-Term Operations

Transportation Energy Demand

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards. As of December 2014, NHTSA indicated that the fuel economy of passenger vehicles averaged 34.2 miles per gallon and light trucks averaged 26.2 miles per gallon.

The proposed development is projected to generate a net increase of approximately 4,962 daily trips on a typical weekday and 5,499 daily trips on a Saturday. The project is anticipated to generate a net increase of approximately 194 weekday AM peak hour trips, a net increase of approximately 384 PM peak hour trips, and a net increase of approximately 477 Saturday peak hour trips relative to existing peak hour traffic volumes.

As indicated in Section 3.13, Urban Decay, the project's Market Area overlaps with Chico, Hamilton City, Paradise, Durham, Nord, Cohasset, Forest Ranch, Magalia, Butte Creek Canyon, and Butte Valley; refer to Exhibit 3.12-1. The population of this area is estimated to be 161,518 in 2015. The existing Walmart store currently serves residents living within Market Area and would continue to do so after expansion. For this segment of the customer base, it would not be expected that they would experience a significant increase in transportation fuel consumption. New customers served by the project may experience a reduction in trip length, as the nearest markets with equivalent or greater retail offerings are Marysville/Yuba City (49 miles), Redding (73 miles), Sacramento/Roseville (84 miles). Therefore, the diversion of these trips to the project would likely result in less fuel consumption.

Building Energy Demand

Pacific Gas and Electric Company (PG&E) provides electricity to all or parts of 47 counties that comprise Northern California, including the City of Chico. PG&E obtains electricity from a variety of sources including its own generation plants and purchased power from outside sources. The project can promote building energy efficiency through compliance with energy efficiency standards and the provision of energy efficiency measures that exceed required standards. These energy conservation measures are listed below.

As discussed in Section 3.10, Utility and Service Systems, the existing Walmart store consumed 1,569,830 kWh of electricity and 1,445 therms of natural gas in 2015. The proposed project is estimated to consume 3,003,059 kWh and 2,513 therms on an annual basis, or a net increase of 1,433,757 kWh and 1,068 therms. All new development would be subject to the latest adopted edition of the Title 24 energy efficiency standards, which are among the most stringent in the United States.

The proposed Walmart store would incorporate the following energy efficiency measures:

Lighting

Sales floor lighting inside the Walmart building and exterior lighting within the parking lot would consist of light emitting diode (LED) lights. The Walmart store would include occupancy sensors in most non-sales areas, including restrooms, break rooms, and offices, which would automatically turn lights off when the space is unoccupied.

All exterior building signage and many refrigerated food cases would be illuminated with LEDs.

The store would make use of daylight (referred to as “daylight harvesting”). The store’s lighting would incorporate lighting, electronic continuous dimming ballasts, skylights and computer-controlled daylight sensors that monitor the amount of natural light available. During periods of higher natural daylight, the system would dim or turn off the store lights if they are not needed, thereby reducing energy usage. This program would reduce energy use.

Central Energy Management System

The proposed Walmart would include a centralized energy management system (EMS) to monitor and control the heating, air conditioning, refrigeration, and lighting systems from Walmart’s corporate headquarters in Bentonville, Arkansas. The EMS would monitor and control the store’s energy usage, analyze refrigeration temperatures, observe HVAC and lighting performance, and adjust system levels from a central location 24 hours per day, 7 days per week.

Climate Control

The Walmart store would include high-efficiency heating, ventilating, and air-conditioning (HVAC) units. The building would also include a dehumidifying system that allows Walmart to operate the store at a higher temperature, use less energy, and allow the refrigeration system to operate more efficiently.

“Cool” Roofs

The Walmart store would be built with a white-colored roof instead of the typical darker colored roof materials employed in commercial construction. The white roof’s reflectivity helps reduce building energy consumption and reduces the heat island effect, as compared to buildings utilizing darker roofing colors.

Heat Reclamation

The Walmart store would reclaim waste heat from on-site refrigeration equipment to supply hot water needs for the store.

As such, the proposed project would not result in the unnecessary, wasteful, or inefficient use of energy.