

1 **3.9 LAND USE AND PLANNING**

<b>LAND USE AND PLANNING – Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.9.1 Environmental Setting**

3 The Project is located in northwestern unincorporated Contra Costa County, near the  
 4 Census-designated place of Port Costa, which has a population of 190 people (2010  
 5 U.S. Census). The predominant land use in the Project vicinity is open water in the  
 6 Carquinez Strait, public and semi-public lands (including the UPRR lines), and parks  
 7 and recreation (see Figure 3.9-1). The densest nearby residential area is approximately  
 8 0.6 mile northwest of the Project site. Other land uses near the Project site include  
 9 agricultural and industrial lands to the west and southwest respectively. However, the  
 10 industrial area approximately 0.15 mile southwest of the Project site (the former TXI  
 11 property) was recently purchased by the East Bay Regional Parks District (EBRPD).

12 **Existing Land Uses**

13 Two existing onshore land uses are immediately adjacent to the Project site: the UPRR  
 14 right-of-way public/semi-public lands and the Carquinez Strait Regional Shoreline Park  
 15 (parks and recreation). Along the shoreline just southwest of the wharf are two active  
 16 rail lines for both passenger and freight transport. Adjacent to the wharf is a small  
 17 section of the Carquinez Regional Shoreline Park, which is managed by the EBRPD.  
 18 The main portion of the park is northwest of the Project site, but a small section is along  
 19 the shoreline near the wharf; however, access is limited and no trails pass through or  
 20 near the site. The former TXI property, to be used for temporary Project parking, was  
 21 formerly used for industrial use and was recently acquired by the EBRPD to become  
 22 park lands. Currently, no public trails or facilities are on the former TXI property.

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Figure 3.9-1. General Plan Designations



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1 Offshore existing land uses adjacent to the Project site include a shipping channel and  
 2 recreational boating area. The Carquinez Strait is a shipping channel used for  
 3 commercial and military shipping bound for the Port of Sacramento and the Port of  
 4 Stockton, as well as several local refineries. Additionally, there is a Contra Costa  
 5 County Sanitation District No. 5 treated wastewater outfall just south of the Project site  
 6 that extends approximately 60 feet offshore at a depth of about -17.5 feet MLLW. There  
 7 is also a USACE designated dredge disposal site (SF-9) in the Carquinez Strait.

8 The former MOT is located in the Carquinez Strait, an unrestricted zone of Contra Costa  
 9 County. Its land use designation is *Open Space: Water* (Contra Costa County  
 10 Community Development Department 2005). The General Plan designation of the  
 11 former TXI property, which may be used for temporary Project parking, is *Heavy*  
 12 *Industry*.

13 **3.9.2 Regulatory Setting**

14 Federal and State laws and regulations pertaining to this issue area and relevant to the  
 15 Project are identified in Tables 1-2 and 3.9-1. Local goals, policies, and/or regulations  
 16 applicable to this issue area are listed below

**Table 3.9-1. Federal and/or State Laws, Regulations, and Policies Potentially Applicable to the Project (Land Use and Planning)**

CA	San Francisco Bay Plan (see also Table 1-2)	BCDC has jurisdiction over the open water, marshes, and mudflats of the greater San Francisco Bay; the first 100 feet from the shoreline; the portion of the Suisun Marsh below the ten foot contour line; portions of most creeks, rivers, slough, and other tributaries that flow into the San Francisco Bay; and salt ponds, duck hunting preserves, game refuges, and other managed wetlands that have been diked off from San Francisco Bay. Permits from BCDC are required for most projects proposed along the shoreline, particularly if they include the following: <ul style="list-style-type: none"> <li>• Placing solid material, building or repairing docks or pile-supported or cantilevered structures, disposing of material, or mooring a vessel for a long period in San Francisco Bay or in certain tributaries that flow into the Bay;</li> <li>• Dredging or extracting material from the Bay bottom;</li> <li>• Substantially changing the use of any structure or area;</li> <li>• Constructing, remodeling, or repairing a structure; or</li> <li>• Subdividing property or grading land.</li> </ul>
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17 Contra Costa County General Plan. The following goals and policies from the Contra  
 18 Costa County General Plan (2005) were considered in this analysis:

- 19 • Land Use Element Goal 3-C - To encourage aesthetically and functionally  
 20 compatible development which reinforces the physical character and desired  
 21 images of the County and its subregions.
- 22 • Land Use Element Policy 3-16 - Community appearance shall be upgraded by  
 23 encouraging redevelopment, where appropriate, to replace inappropriate uses.

- 1 • Conservation Element Goal 8-A - To preserve and protect the ecological  
2 resources of the County.
- 3 • Conservation Element Policy 8-3 - Watersheds, natural waterways, and areas  
4 important for the maintenance of natural vegetation and wildlife populations shall  
5 be preserved and enhanced.
- 6 • Open Space Element Goal 9-A - To preserve and protect the ecological, scenic  
7 and cultural/historic, and recreational resource lands of the County.
- 8 • Open Space Element Policy 9-2 - Historic and scenic features, watersheds,  
9 natural waterways, and areas important for the maintenance of natural vegetation  
10 and wildlife populations shall be preserved and enhanced.
- 11 • Open Space Element Goal 9-12 - To preserve the scenic qualities of the San  
12 Francisco Bay/Delta estuary system and the Sacramento-San Joaquin  
13 River/Delta Shoreline.

### 14 **3.9.3 Impact Analysis**

#### 15 **a) *Physically divide an established community?***

16 **No Impact.** The Project would be located along the south bank of the Carquinez Strait  
17 in unincorporated Contra Costa County. The closest established community is the town  
18 of Port Costa, approximately 0.6 mile northwest of the site, which would not be  
19 disturbed by the wharf removal. No changes to access would occur as a result of  
20 Project activities.

#### 21 **b) *Conflict with any applicable land use plan, policy, or regulation of an agency*** 22 ***with jurisdiction over the project (including, but not limited to the general plan,*** 23 ***specific plan, local coastal program, or zoning ordinance) adopted for the*** 24 ***purpose of avoiding or mitigating an environmental effect?***

25 **Less than Significant Impact.** The Project would remove the dilapidated wharf, a man-  
26 made industrial feature in the Carquinez Strait. No long-term change in pattern, scale,  
27 or character of land use onshore would occur; the former MOT has not been in use  
28 since 1970.

29 Deconstruction activities would cause short-term impacts to land use in the Project  
30 vicinity. Informal access to fishing along the shoreline could be limited and boat use  
31 within the Project site would be restricted during the up-to-5 months of deconstruction  
32 and removal activities. No impacts to the onshore adjacent public/semi-public lands or  
33 recreation area are expected; most deconstruction and removal activities would only  
34 occur from off shore. Use of the proposed upland staging areas would be minimal, and

1 would only occur on existing parking areas and roads within the former TXI property.  
2 Therefore, the Project would not change current baseline land use conditions.

3 The Project would traverse areas designated in the Contra Costa County General Plan  
4 as *Water, Open Space, Public/Semi Public, and Heavy Industry* in an area zoned  
5 *Unrestricted*. Deconstruction of the wharf would be consistent with these land use and  
6 zoning designations. By removing a derelict industrial structure and returning the Project  
7 site to its pre-existing conditions, the Project aligns with goals and policies in the Land  
8 Use, Conservation, and Open Space Elements of the County General Plan.  
9 Additionally, removal of the former MOT would improve aesthetics, reinforcing the  
10 physical character and desired images of Contra Costa County. The Project would  
11 preserve the scenic qualities of the San Francisco Bay/Delta estuary system.

12 As listed in Table 1-1, Phillips 66 would obtain local ministerial approvals from Contra  
13 Costa County and additional required permits prior to start of Project activities, including  
14 the following:

- 15 • USACE, San Francisco District: Deconstruction of the wharf likely requires a  
16 Letter of Permission under Section 10 of the Rivers and Harbors Act.
- 17 • BCDC: Working in the Carquinez Strait would require an Administrative Permit  
18 from BCDC.
- 19 • RWQCB: In-water work would require a CWA Section 401 Water Quality  
20 Certification.
- 21 • EBRPD: Because the Project site is adjacent to sections of the Carquinez Strait  
22 Regional Shoreline Park, which lie north and south of the Project area, if any  
23 activities are planned to occur within the Shoreline Park area, an Encroachment  
24 Permit may be required by EBRPD.
- 25 • Contra Costa County Building Inspection Division: A Demolition Permit from the  
26 Contra Costa County Building Inspection Division would be required for the  
27 Project. Prior to issuance of this permit, Phillips 66 would have its Debris  
28 Recovery Plan approved, per Contra Costa County Ordinance 2004-16 and  
29 Chapter 418-14 of the County Code.

30 There would be no conflicts with any applicable land use plan, policy, or regulation of  
31 any agency having jurisdiction over the Project. Therefore, this impact is considered  
32 less than significant.

33 ***c) Conflict with any applicable habitat conservation plan or natural community***  
34 ***conservation plan?***

1 **No Impact.** There are no habitat conservation plans or other approved governmental  
2 habitat plans involving lands within the Project site. Thus, the Project would not conflict  
3 with any adopted habitat conservation plans or natural community conservation plans.

4 **3.9.4 Mitigation Summary**

5 The Project would not result in significant land use and planning impacts; no mitigation  
6 is required.