1 **3.10 LAND USE AND PLANNING**

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>AND PLANNING</th>
<th>– Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Physically divide an established community?</td>
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<td>b)</td>
<td>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?</td>
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<td>c)</td>
<td>Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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2 **3.10.1 Environmental Setting**

The Project is located in the Suisun Bay, in northern unincorporated Contra Costa County. Predominant land uses in the Project vicinity are open water (Unrestricted) in the Suisun Bay, Heavy Industrial, General Agricultural, and a Planned Unit Development nearly 1 mile away. A description of current land uses in and adjacent to the Project site is included below.

8 **Existing Land Uses – Onshore**

Two existing onshore land uses immediately adjacent to the Project site are General Agriculture and Heavy Industrial. The General Agriculture area, also designated as Open Space in the Contra Costa County General Plan, is controlled mainly by the Concord Naval Weapons Station, Military Ocean Terminal, which is located approximately 0.5 mile to the west. This is officially Open Space, however, there is limited access and no trails that pass through or near the Project site. The Industrial area was the site of the dismantled GWF power plant, of which this outfall pipe was a part. The McAvoy Harbor marina, which will be used for temporary parking as well as a ferry service for the workers, is designated as a recreational area. The Project site is located near the Census-designated place of Bay Point, which has a population of 21,349 people (U.S. Census Bureau 2010). The densest nearby residential area is nearly 1 mile southeast of the Project site.

21 **Existing Land Uses – Offshore**

Offshore existing land uses adjacent to the Project site include a shipping channel and recreational boating area. The Suisun Bay is part of a shipping channel used for commercial and military shipping bound for the Port of Sacramento and the Port of
Stockton, as well as several local refineries. The nearest island in the Suisun Bay is Middle Ground Island, approximately 0.8 mile to the north.

**County General Plan and Zoning Ordinance Land Use Designations**

The Project area is located in the Suisun Bay, an unrestricted zone of Contra Costa County. Its land use designation is Water (Contra Costa County Community Development Department 2005).

### 3.10.2 Regulatory Setting

#### Federal and State

Federal and State laws and regulations pertaining to this issue area and relevant to the Project are identified in Table 3.10-1.

| U.S. | 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 10-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:
|     |     |                                 |
|     |     | • 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; |
|     |     | • Dredging or extracting material from the Bay bottom; |
|     |     | • Substantially changing the use of any structure or area; |
|     |     | • Constructing, remodeling, or repairing a structure; or |
|     |     | • Subdividing property or grading land. |

#### Local

Regional and local goals, policies, and/or regulations applicable to this issue area are listed below.

**Association of Bay Area Governments**

ABAG is a regional planning agency for the San Francisco Bay region, which consists of nine counties and 101 cities and more than 7 million people. ABAG works to address regional issues such as housing, transportation, economic development, education, and environment through advocacy and collaboration among local governments. As an advisory organization, ABAG has limited statutory authority.
San Francisco Bay Area Conservancy Program (California Coastal Conservancy)

The San Francisco Bay Area Conservancy was established in 1997 by the California State Legislature to protect the unique natural and recreational resources of the San Francisco Bay area. The Conservancy partners with various public agencies and local non-profits to implement measures that will preserve or improve these resources. Major issues the Conservancy tries to address include preserving open space, improving access to recreational opportunities, restoring wetland habitats, protecting watersheds, preserving farming and ranching, and providing clean water.

Contra Costa County General Plan

The following goals and policies from the Contra Costa County General Plan (2005) were considered in this analysis.

Land Use Element

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

Conservation Element

- Goal 8-A: To preserve and protect the ecological resources of the County.
- Policy 8-3: Watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.

Open Space Element

- Goal 9-A: To preserve and protect the ecological, scenic and cultural/historic, and recreational resource lands of the County.
- Policy 9-2: Historic and scenic features, watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.
- Goal 9-12: To preserve the scenic qualities of the San Francisco Bay/Delta estuary system and the Sacramento-San Joaquin River/Delta Shoreline.
3.10.3 Impact Analysis

(a) Physically divide an established community?

No Impact. The Project would be located in the Suisun Bay on the shoreline in unincorporated Contra Costa County, near Concord Naval Weapons Station, Military Ocean Terminal. The closest established community is Bay Point, on the eastern edge of the site, which would not be disturbed by the outfall pipe removal. No changes to access will occur as a result of Project activities.

(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?

Less than Significant. The Project would remove the obsolete outfall pipe, a human-made industrial feature in the Suisun Bay. No long-term change in pattern, scale, or character of land use onshore will occur. The former effluent outfall pipe has not been in use since 2012.

During removal activities, there will be short-term impacts to land use in the Project vicinity. Informal access to fishing along the shoreline may be limited and boat use within the Project site will be restricted during the 2 weeks of removal activities. No impacts to the onshore adjacent public/semi-public lands or recreation areas are expected; most removal activities will only occur offshore. Any use of the proposed staging areas would be minimal, and would only occur on existing parking areas and roads within the selected local staging area (likely, an existing marina) and the selected contractor’s existing home base. Therefore, the Project will not alter or change current baseline land use conditions.

As discussed above in the Regulatory Setting, the Project would traverse areas designated in the Contra Costa County General Plan as Water, Open Space, and Heavy Industry in an area zoned as Unrestricted, Heavy Industrial, and General Agricultural. Removal of the outfall pipe will be consistent with these land use and zoning designations. By removing an industrial structure and returning the Project site to its pre-existing conditions, the Project aligns with goals and policies in the Land Use, Conservation, and Open Space Elements of the County General Plan. Additionally, removal of the former outfall pipe will improve aesthetics, reinforcing the physical character and desired images of Contra Costa County. The Project will preserve the scenic qualities of the San Francisco Bay/Delta estuary system.

Prior to final approval of a lease by the CSLC, GWF must obtain additional required permits prior to the start of removal activities, including but not limited to the following:
Environmental Checklist and Analysis – Land Use and Planning

- **USACE, San Francisco District**: Removal of the outfall pipe requires a Nationwide #12 Pre-Construction notification under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

- **BCDC**: Working in the Suisun Bay will require a Regionwide #1 Permit from BCDC.

- **Contra Costa County Building Inspection Division**: A Demolition Permit from the Contra Costa County Building Inspection Division will be required for the Project. Prior to issuance of this permit, GWF will have its Debris Recovery Plan approved, per Contra Costa County Ordinance 2004-16 and Chapter 418-14 of the County Code.

All required permits will be obtained prior to removal activities. There will be no conflicts with any applicable land use plan, policy, or regulation of any agency having jurisdiction over the Project. Therefore, this impact is considered less than significant.

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

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

**3.10.4 Mitigation Summary**

No significant impacts to land use will result from the Project; therefore, no mitigation is required.