

1 **3.10 LAND USE AND PLANNING**

LAND USE AND PLANNING – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 **3.10.1 Environmental Setting**

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

8 **Existing Land Uses – Onshore**

9 Two existing onshore land uses immediately adjacent to the Project site are General
 10 Agriculture and Heavy Industrial. The General Agriculture area, also designated as
 11 Open Space in the Contra Costa County General Plan, is controlled mainly by the
 12 Concord Naval Weapons Station, Military Ocean Terminal, which is located
 13 approximately 0.5 mile to the west. This is officially Open Space, however, there is
 14 limited access and no trails that pass through or near the Project site. The Industrial
 15 area was the site of the dismantled GWF power plant, of which this outfall pipe was a
 16 part. The McAvoy Harbor marina, which will be used for temporary parking as well as a
 17 ferry service for the workers, is designated as a recreational area. The Project site is
 18 located near the Census-designated place of Bay Point, which has a population of
 19 21,349 people (U.S. Census Bureau 2010). The densest nearby residential area is
 20 nearly 1 mile southeast of the Project site.

21 **Existing Land Uses – Offshore**

22 Offshore existing land uses adjacent to the Project site include a shipping channel and
 23 recreational boating area. The Suisun Bay is part of a shipping channel used for
 24 commercial and military shipping bound for the Port of Sacramento and the Port of

1 Stockton, as well as several local refineries. The nearest island in the Suisun Bay is
 2 Middle Ground Island, approximately 0.8 mile to the north.

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

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

7 **3.10.2 Regulatory Setting**

8 **Federal and State**

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

Table 3.10-1 Laws, Regulations, and Policies (Land Use and Planning)

U.S.	CZMA (see Table 1.2).	
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: <ul style="list-style-type: none"> • 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.

11 **Local**

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

14 *Association of Bay Area Governments*

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

1 *San Francisco Bay Area Conservancy Program (California Coastal Conservancy)*

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

9 *Contra Costa County General Plan*

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

12 Land Use Element

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

18 Conservation Element

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

23 Open Space Element

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

1 **3.10.3 Impact Analysis**

2 ***(a) Physically divide an established community?***

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

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

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

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

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

35 Prior to final approval of a lease by the CSLC, GWF must obtain additional required
36 permits prior to the start of removal activities, including but not limited to the following:

- 1 • *USACE, San Francisco District:* Removal of the outfall pipe requires a
2 Nationwide #12 Pre-Construction notification under Section 10 of the Rivers and
3 Harbors Act and Section 404 of the Clean Water Act.
- 4 • *BCDC:* Working in the Suisun Bay will require a Regionwide #1 Permit from
5 BCDC.
- 6 • *Contra Costa County Building Inspection Division:* A Demolition Permit from the
7 Contra Costa County Building Inspection Division will be required for the Project.
8 Prior to issuance of this permit, GWF will have its Debris Recovery Plan
9 approved, per Contra Costa County Ordinance 2004-16 and Chapter 418-14 of
10 the County Code.

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

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

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

19 **3.10.4 Mitigation Summary**

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