1 **3.9   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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

2 **3.9.1 Environmental Setting**

3 The Project is located in the city of Hercules in the northwestern part of Contra Costa
4 County, adjacent to the town of Rodeo (Figure 1-1). The predominant land use at the
5 Project site is open water in San Pablo Bay, and open space onshore. A description of
6 current land uses in and adjacent to the Project area is included below.

7 **3.9.1.1   Existing Land Uses – Onshore**

8 Existing land uses on the onshore portion of the Project area include riprap, UPRR
9 ROW railroad tracks, and an undeveloped recreation/open space of Shoreline Park.
10 Along the shoreline just east of the riprap are two sets of UPRR tracks. The buried
11 pipeline alignment passes under the UPRR ROW to the Park (Figure 2-1). The Bay Trail
12 recreational corridor also passes through the Project area. The portion of the Bay Trail
13 in the Project area consists of an off-street trail along the shore from southwest of the
14 Project area to Lone Tree Point.

15 Land uses immediately adjacent to the Project site include the Park and residential
16 areas (Figure 2-1). The Park and the UPRR tracks separate several town of Rodeo
17 residences. Immediately east of the Project site is a residential Subdivision in the City—
18 a 206-acre community with 748 single-family homes, 132 multi-family units, more than
19 30 acres of parks and designated open space, a commercial center, and an elementary
20 school. The Project pipeline is separated from the Subdivision by the Park. The eastern
21 terminus of the onshore pipeline is buried 8 feet deep within the Park and is located
22 approximately 160 feet from the Bay (see Figures 2-1 and 1-3). All onshore work on the

1 pipeline would occur near the edge of the Bay on the CSLC and UPRR properties and
2 no work would occur in the Park.

3 **3.9.1.2   Existing Land Uses – Offshore**

4 Existing uses in the vicinity of the offshore portion of the Project area include a shipping
5 channel, two municipal outfalls, and recreational boating areas. Project activities would
6 occur away from the shipping channel. A City's storm water outfall is located southwest
7 of Lone Tree Point and extends approximately 0.32 mile (1,700 feet) into the Bay. A
8 Rodeo Sanitary District treated sewage outfall is located northeast of Lone Tree Point
9 and extends approximately 0.89 mile (4,700 feet) into the Bay. Recreational boating
10 occurs throughout the area.

11 **3.9.2 Regulatory Setting**

12 Federal and State laws and regulations pertaining to this issue area and relevant to the
13 Project are identified in Table 3-1. Local goals, policies, and/or regulations applicable to
14 this issue area are summarized below.

15 The Project pipeline is located in the Bay, entirely within the City. The submerged
16 pipeline travels from its terminus 2,000 feet offshore to the shoreline. Onshore, the
17 pipeline is located in an area designated by the General Plan Land Use and Zoning
18 map as *New Pacific Properties Specific Plan Area* (City of Hercules 2010). The Specific
19 Plan gives additional land use and zoning designations for land in the *New Pacific*
20 *Properties Specific Plan Area* (City of Hercules 2013)*.* The pipeline terminates in land
21 designated by the Plan as *Parks*, specifically *Community Trail and Shoreline Trail*
22 *Parks*. Zoning for this area is *Open Space/Parks* (City of Hercules 2000).

23 **3.9.3 Impact Analysis**

24 *a) Physically divide an established community?*

25 **No Impact.** The Project would be located primarily in the Bay and the immediate
26 shoreline area located in the City. The Project would not physically divide the
27 community because the section of the pipeline to be removed as well as the section of
28 the pipeline that would be left in place are below ground and would be abandoned in
29 place onshore.

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

1 **No Impact.** The Project would not conflict with any land use plan, policy or regulation.
2 There would be no impacts to the use of the Park or the Bay Trail because the pipeline
3 abandonment work would be restricted to the UPRR property in an area on the west
4 side of the railroad ROW (see Figures 2-1 and 1-3). As described in Section 1.3 all
5 necessary permits would be obtained from the regulatory agencies prior to the
6 commencement of any work for the Project.

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

9 **No Impact.** The Project area does not have a habitat conservation plan or a natural
10 community conservation plan.

11 **3.9.4 Mitigation Summary**

12 The Project would not result in significant impacts; therefore, no mitigation is required.