

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IX. LAND USE AND PLANNING –				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTING

The Pipeline is located primarily either within the Union Pacific Railroad right-of-way or within public street right-of-ways, and passes through the communities of Richmond, Hercules, Pinole, and Martinez, and unincorporated areas of Contra Costa County, including Rodeo and Crockett. The pipeline ranges in size from 12 inches to 16 inches.

The Hercules Pump station is located on 44.2 acres of land generally bounded by San Pablo Avenue, John Muir Parkway, I-80 and undeveloped lands to the north. The station includes aboveground storage tanks, transformers, underground containment tanks, and open water-holding evaporation ponds. The City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station, and that would also extend westward across San Pablo Avenue to San Pablo Bay. Currently designated for Planned Commercial Industrial uses, the City proposes to amend the General Plan so that the land can be used for residential and commercial uses, as well as construction of a new school. The City has completed an EIR on the proposed Specific Plan, but has not yet adopted it into the General Plan.

The proposed project consists of the sale of a pipeline and pump station that have not been in regular use for approximately 19 years, although the pipeline has been maintained to provide standby capability and has been used for emergency transmissions. Most of the pipeline is located with the Union Pacific Railroad right-of-way or public roadway right-of-ways.

CITY OF RICHMOND

The Richmond General Plan, adopted August 1994, governs land use designations in the City of Richmond. A segment of the project's pipeline runs through the City of Richmond, originating in an area west of Castro Street, and travelling along Castro Street to the Richmond Parkway, where it moves north, crosses Castro Street and enters the Union Pacific Railroad right-of-way. The pipeline initially passes through land designated by the Richmond General Plan as *Heavy*

Industry. The General Plan describes *Heavy Industry* as a land use that “accommodates a wide variety of industrial uses including, but not limited to, oil refining, contractors’ storage yards, warehouses, machine shops, co-generation plants, and other ‘heavy’ industrial type uses. Most patently obnoxious uses are in this category and require conditional use permits” (p. LU-8).

As the pipeline crosses Richmond Parkway and enters the Union Pacific Railroad right-of-way, it enters land designated by the General Plan as *Light Industry*, which permits industrial office/flex uses, and “warehousing, distribution centers, commercial nurseries and related establishments which have limited external impact on the surrounding area” (p. LU-7). Moving further to the north, for a short period the pipeline borders lands designated *Low Density Residential* near the North Richmond area, or lands to be used for single-family residences, townhouses and duplexes. However, the pipeline and the railroad right-of-way remain primarily in lands designated for either *Light Industry* use or *Heavy Industry* use until crossing Rheem Creek.

At Rheem Creek, the land use designations become more diverse and as the pipeline and the railroad right-of-way move northward and then northeastward, adjacent land uses include:

- *Industrial/Office Flex*,
- *Light Industry*,
- *Low Density Residential* (Parchester Village area),
- *Preservation/Resource Area, Recreation Lands* (Pt. Pinole Regional Shoreline Park),
- *Public & Institutional* (West County Detention Facility), and
- *Regional Office/Shopping* (with lands designated for *Light Industry* and *Heavy Industry* on the other side of the tracks).

As the pipeline leaves the City of Richmond, the pipeline leaves the Union Pacific right-of-way and parallels Cypress Avenue along the western edge of the City of Pinole, further inland than the railroad right-of-way.

For just over a mile, in a northern section of the City of Richmond, the Union Pacific right-of-way and the pipeline form the western boundary of the North Richmond Shoreline Specific Plan area. Adopted in June, 1993, the North Richmond Shoreline Specific Plan’s land use goals are intended to “provide fuller utilization of the plan area for a range of land uses, with emphasis given to employment-generating uses, recreational uses, and preservation of natural resource areas” (p. 22). The Plan’s objectives include “[e]ncouraging the continuation of those existing industrial and commercial uses in the plan area which contribute to the achievement of city and county land uses and economic goals” (p. 22). The railroad right-of-way and the pipeline border lands designated by the Specific Plan as:

- *Heavy Industrial* (southern portion of Specific Plan area, below Richmond Parkway),
- *Office/Industrial Flex* (mid-portion of the Specific Plan area near the railroad tracks, including a portion of Rheem Creek), and

- *Natural Conservation Area* (northern portion of the Specific Plan area, including Giant Marsh, the Model Airplane Field and the southern portion of the Point Pinole Regional Park).

The Richmond General Plan contains policies that guide development in the City of Richmond.

The following policies are relevant to the pipeline:

North Richmond Shoreline Specific Plan:

6. Recognize the unique character of the North Richmond Shoreline Area and guide development of the area in a manner that improves its overall image benefits community residents and allows for a reasonable level of development within a framework of conservation and public access to the Bay.

Safety Element:

SF-B Minimize the risks to people, property and the environment due to fire hazards and the use and storage of hazardous materials.

The Richmond Zoning Ordinance, adopted January 1, 1997, also places the pipeline adjacent to or within several zoning districts. Section 15.04.015 *Interpretation – Purpose and Conflict* of the Zoning Ordinance (p. 12) states:

- A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
- B. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties.
- C. Where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations, or by easements, covenants or agreements, the provisions of this chapter shall control.

The pipeline passes through or is adjacent to the following City of Richmond zoning districts:

- *SFR-3 Single Family – Low Density* (north of the intersection of Richmond Parkway and Castro Street; south of the North Richmond area);
- *M-3 Heavy Industrial* (east and west of the tracks north of Maas Avenue; northern tip of the City of Richmond);
- *M-2 Light Industrial* (east of the tracks bordering the City of San Pablo);
- *M-1 Industrial/Office Flex* (west of the tracts, also north of Maas Avenue; and north of Rheem Creek);
- *CRR Community & Regional Recreational* (west of the tracks, near Rheem Creek; west of Parchester Village; and the Point Pinole Regional Shoreline Park area);

- *C-3 Regional Commercial* (adjacent to the Richmond Parkway, between the west side of the tracks and the Point Pinole Regional Shoreline Park area); and
- *PA Planned Area* (northern tip of the City of Richmond, south side of the tracks).

The City of Richmond considers a pipeline to be a conditional use, and the pipeline has a Conditional Use Permit. Section 15.04.910.070 of the Zoning Ordinance states that “[a] Conditional Use Permit and its conditions shall be recorded by the applicant and run with the land. An endorsed copy of the recorded CUP shall be kept on file at the Planning Department” (p. 192). As an existing use, the pipeline can be used at any time (Jacobson, 2001).

CITY OF PINOLE

The Pinole General Plan, adopted in 1995, governs land use designations in the City of Pinole. The pipeline runs along the western edge of the City of Pinole, within Pinole’s sphere of influence, outside of the Union Pacific right-of-way, and parallel to Cypress Avenue. The pipeline re-enters the Union Pacific right-of-way along the eastern edge of Wilson Point Park and continues east through the northern edge of the City of Pinole. The pipeline passes through lands designated by the City of Pinole’s General Plan as:

- *Public Facilities* (Seaview Elementary School, located south of the City of Pinole, within Pinole’s sphere of influence on the inland side of the tracks);
- *Low Density Residential* (located on the inland side of the tracks; includes residential development and treatment plants);
- *Parks and Recreation and San Pablo Bay Conservation Area* (Wilson Point Park, located on both sides of the tracks, along the eastern side of the City of Pinole within the Pinole sphere of influence; San Pablo Bay Regional Park, in northern Pinole, mostly on the Bay side of the tracks; Bayfront Park, located in northwestern Pinole on the Bay side of the tracks).

The Pinole General Plan contains policies that guide development in the City of Pinole. The following policies are relevant to the pipeline segment in the City of Pinole.

Policy LU7.8: Use of Railroad Right-of-Way. Ensure that new land uses will be designed to be compatible with potential future use of the railroad corridor as a more heavily used transitway through noise attenuation, setbacks, and appropriate access. Evaluate surplus right-of-way for appropriate uses that are compatible with being located near the railroad right-of-way.

Policy LUIP-22: Coordination with the Railroads. Contact the Atchison Topeka and Santa Fe and Southern Pacific railroads about the potential to develop unused railroad right-of-way and modify the land use map to reflect desired land use designations.

The City of Pinole’s Zoning Ordinance replicates the land uses designated by the General Plan, and none of the land uses specifically permit a pipeline. The pipeline would likely be considered

under Section 17.36 *Special Uses* (Dowswell, 2001), and the City of Pinole probably granted a use permit for the pipeline at some point in the past (Dowswell, 2001). The City of Pinole is concerned only that the pipeline not interfere with the San Francisco Bay Trail, which will also use the Union Pacific Railroad right-of-way in the Pinole area. (Dowswell, 2001).

CITY OF HERCULES

The City of Hercules General Plan governs land use designations in the City of Hercules. A segment of the project's pipeline runs through the City of Hercules and the project's pump station is also located within the City of Hercules along the east side of San Pablo Avenue. The pump station is located on land designated by the General Plan for industrial use. Industrial uses are "intended to accommodate heavy industrial uses, refineries, and storage facilities along with light manufacturing use and other light industrial uses related to evolving technologies, research & development, communications, and information processing." The General Plan also states: "The designation is to provide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk" (p. 11-32).

The pipeline enters the City of Hercules from the City of Richmond in the Union Pacific right-of-way until it leaves the right-of-way, and runs underground in a southeast direction through developed and undeveloped lands, crossing Linus Pauling Drive and Alfred Nobel Drive to the pump station. The pipeline passes alongside lands designated *Public-Park* (San Pablo Bay Regional Park), *Waterfront Commercial*, *General Commercial*, and *Planned Office – Research and Development*, and *Specific Plan*.

The pump station is also located in the City of Hercules, in an area designated by the City of Hercules General Plan as *Industrial*, and is adjacent to an area designated *Planned Commercial Industrial-Specific Plan*. From the pump station, the pipeline is located underground within the San Pablo Avenue right-of-way, passing areas on the west side of San Pablo Avenue that are designated *General Commercial*, *Planned Office – Research and Development*, and *Industrial*, and *Specific Plan*. ~~Industrial uses are "intended to accommodate heavy industrial uses, refineries, and storage facilities along with light manufacturing use and other light industrial uses related to evolving technologies, research & development, communications, and information processing."~~ ~~The General Plan also states: "The designation is to provide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk"~~ (p. II-32).

The General Plan contains the following policy relevant to the pipeline and pump station:

Policy 13A: Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). Land uses must minimize adverse impacts, and those that would not negatively impact adjoining properties should be encouraged.

The City of Hercules has initiated a process to adopt a Specific Plan that would encompass a discrete area north of and adjacent to the pump station, and that would expand across San Pablo Avenue to San Pablo Bay. Currently designated for Planned Commercial Industrial uses, the City proposes to amend the General Plan so that the land is designated *Specific Plan*, with residential and institutional uses. The project site is zoned *Industrial*. City also proposes to amend the Zoning Regulations so that the areas immediately adjacent to the pump station would be within *SP-R-MH Residential Medium High Density* and *SP-R/RF Retail/Residential Flex* zoning districts. Further north, portions of the site would be adjacent lands are zoned *SP-S School* and *SP-R-Z Residential Z-Lot*.

The General Plan and Zoning Ordinance were amended specifically for the New Pacific Properties project, which anticipates construction of an estimated 763 single-family homes, 117 multi-family units, 65,000 sq. ft of residential/retail flex, an elementary school, parks, trails and roadways. The New Pacific Properties project flanks San Pablo Avenue, and consists of two subareas: the coastal subarea, located west of San Pablo Avenue, and the inland subarea located east of San Pablo Avenue. The inland subarea is located adjacent to the pumping station, and would include mixed uses, the elementary school, and the more dense single-family development areas.

The City of Hercules issued a limited use permit for the pump station and the pipeline in August 1976. The permit states that “[s]torage of liquids other than residual fuel oil and displacement oil as described in the project Environmental Impact Report must be approved by the City Council of the City of Hercules” (City Council Resolution, August 9, 1976). Under the Hercules Zoning Ordinance, industrial uses are reserved for “appropriately located areas for heavy and light industrial uses consistent with the General Plan and the character of Hercules”; and are to “[p]rovide an opportunity for industrial uses to concentrate for the efficiency of larger industries and to allow for buffers from sensitive residential and public uses in a manner that does not expose residents to significant environmental risk” (p. 29).

CONTRA COSTA COUNTY – UNINCORPORATED AREAS

The Contra Costa County General Plan, as amended to 1995, governs land use designations in unincorporated areas. After the pipeline leaves the City of Hercules, it enters unincorporated areas of Contra Costa County and the community of Rodeo via Parker/San Pablo Avenue. The pipeline continues in the Parker/San Pablo Avenue right-of-way to Crockett, where the pipeline passes under Crockett streets along the Carquinez Strait. As San Pablo Avenue crosses I-80, the pipeline re-enters the Union Pacific Railroad right-of-way. The Union Pacific Railroad tracks and the pipeline flow the coast through the Carquinez Strait Regional Shoreline Park, through Port Costa, to the City of Martinez. After it leaves the City of Martinez, the pipeline passes under I-680 (at the Benicia Bridge) and into the City of Pittsburg.

The Contra Costa County General Plan designates land use in unincorporated areas, including Rodeo, Crockett, Port Costa and the Port Chicago area. These land uses include:

- *CO – Commercial* (as San Pablo Avenue enters Rodeo from Hercules);
- *SH – Single Family Residential, 5 to 7.2 units per acre* (as San Pablo Avenue enters Rodeo from Hercules, throughout Rodeo);
- *PS – Public/Semi-Public* (along San Pablo Avenue near the Library; near the intersection of San Pablo Avenue and I-80);
- *PR – Parks and Recreation* (near the northeastern edge of the Lone Tree Point Regional Shoreline; Carquinez Strait Trail at Cummings Skyway; Carquinez Strait Regional Shoreline Park; the Martinez Regional Shoreline Park; the Point Edith State Wildlife Area);
- *MH – Multiple Family Residential, High, 21 to 29.9 units per acre* (Rodeo, as San Pablo Avenue curves to the east; Crockett);
- *AL – Agricultural Lands* (south of San Pablo Avenue in western Crockett);
- *OS – Open Space* (north of San Pablo Avenue in western Crockett; areas along the shoreline between Crockett and Port Costa; areas northeast of Benicia along the shoreline; the Port Chicago area; the Bay Point Wetlands area near the Port Chicago Highway).

Contra Costa County permits underground pipelines in unincorporated street right-of-ways with an encroachment permit. Underground pipelines are permitted in the railroad right-of-way.¹ The pipeline owner would be required to apply for a CUPA permit and disclose the amount of hazardous material stored on-site, as well as provide updated contact information.

CITY OF MARTINEZ

The Martinez General Plan, as amended to January 1995, governs land use designations in the City of Martinez and in adjacent lands within its sphere of influence. Through the City of Martinez, the pipeline is located within the Union Pacific Railroad right-of-way through or adjacent to lands designated by the General Plan, as follows:

- *Open Space/Conservation Use Land* (including the Carquinez Strait Regional Shoreline Park; and the Martinez Waterfront/Regional Shoreline Park);
- *Industrial* (lands located along the shoreline between Shell Dock and I-680); and
- *Retail and Services* (lands located inside the northwestern boundary).

The pipeline and the Union Pacific Railroad right-of-way pass through several zoning districts, governed by the City of Martinez Zoning Ordinance, including the following:

- *OS-P, Open Space – Prezoned District* (along the eastern boundary of the City of Martinez, within the City's sphere of influence);

¹ Contra Costa County indicates that it would require a formal letter and a \$200 fee for a determination of whether the project would require any applications (Allen, 2001).

- *M OS/RF, Mixed Use District – Open Space/Recreational Facilities* (areas along the shoreline in northern Martinez; area along Alhambra Creek);
- *OS, Open Space* (cemetery south of the tracks in northeastern Martinez);
- *L-1, Light Industrial* (areas immediately adjacent to the tracks in northeastern Martinez);
- *H-1, Heavy Industrial* (areas adjacent to the tracks in areas northwest of Martinez, within its sphere of influence);
- *ECD-H-1, Environmental Conservation District-Heavy Industrial* (areas adjacent to the tracks northwest of Martinez, within its sphere of influence).

CITY OF PITTSBURG

The Pittsburg General Plan, dated September 1988, governs land use designations in the City of Pittsburg and in adjacent lands within its sphere of influence. In addition, Pittsburg is currently circulating an Environmental Impact Report (EIR) on its proposed General Plan 2020 that would replace the 1988 document.

The Union Pacific Railroad right-of-way and the pipeline enter the City of Pittsburg's sphere of influence and skirts the northeastern perimeter of the City of Pittsburg, ending in an area just north of the City of Pittsburg and southwest of the Pittsburg Power Plant. The right-of-way passes through wetland areas, designated by the General Plan as the Northwest River Area, a Special Management Area, also designated as a UT - Utility area. As stated in the General Plan, the UT – Utility designation “[i]ncludes the area of the PG&E power plant, the City and County sewer facilities, and facilities owned by the City water district and private water companies” (p. 16).

The Pittsburg General Plan designates the Northwest River Area as a subarea for which a specific Plan should be prepared (p. 11) as appropriate. The Plan states: “The Plan designates sufficient industrial land to allow existing industrial uses to be continued and expanded. The riverfront area includes PG&E's large holdings and power plant, which are designated as Utility on the Plan. Large areas of the riverfront are designated as Open Space for the preservation of the [sic] major natural resources, including large areas of environmentally sensitive wetlands found in that area” (p. 11).

The Pittsburg's proposed *General Plan 2020* would designate the area near the PG&E Power Plan as *Utility*, but would change the designation of the eastern portion of the *Utility* area to *Open Space*.

The pipeline appears to be outside of the boundaries of the City of Pittsburg, and therefore is outside the boundaries of the City of Pittsburg Zoning Map (Sheet No. 15).

REGIONAL PLANS

The pipeline also runs through several regional planning or project areas, including the San Francisco Bay Trail, and areas within the jurisdiction of the Bay Conservation Development Commission (BCDC).

San Francisco Bay Plan. The San Francisco Bay Plan is maintained and administered by BCDC as part of the McAteer-Petris Act adopted in 1969. The objectives of the Bay Plan are to “[p]rotect the Bay as a great natural resource for the benefit of present and future generations” and to “[d]evelop the Bay and its shoreline to their highest potential with a minimum of Bay filling. BCDC’s jurisdiction extends to all areas in the San Francisco Bay subject to tidal action; all shoreline areas within 100-feet of the Bay; all diked salt pond or managed wetlands maintained between 1966 and 1969; and specific waterways.

In addition, BCDC controls all dredging and fill in the San Francisco Bay.

The San Francisco Bay Plan states that “Pipeline terminal and distribution facilities near the Bay should generally be located in industrial areas but may be located elsewhere if they do not interfere with, and are not incompatible with, residential, recreational, or other public uses of the Bay and shoreline.” The Plan also states: “Types of development that could not use the Bay as an asset (and therefore should not be allowed in shoreline areas) include: (a) refuse disposal (except as it may be found to be suitable for an approved fill); (b) use of deteriorated structures for low-rent storage or other nonwater-related purposes; and (c) junkyards.”

The pipeline appears to be within BCDC’s jurisdiction in areas of North Richmond (also subject to the North Richmond Shoreline Plan), Crockett (unincorporated Contra Costa County), in the City of Martinez and in areas near the Pittsburg Power Plant (unincorporated Contra Costa County). In the North Richmond area, the pipeline passes through lands designated by the San Francisco Bay Plan as Waterfront, Park, Beach and Tidal Marsh. Land in the Crockett and Martinez area appears to be subject to tidal action.

SAN FRANCISCO BAY TRAIL PLAN

Senate Bill 100, passed in 1987, authorized the Association of Bay Area Governments (ABAG) to develop a plan and alignment for the San Francisco Bay Trail. The San Francisco Bay Trail Plan, adopted by ABAG in 1989, includes a proposed alignment. The Plan is dependent on local jurisdictions for implementation.

The proposed alignment of the Bay Trail appears to either cross or share the right-of-way with the pipeline in the Hercules and Pinole area. In the cities of Hercules and Pinole, the proposed alignment of the Bay Trail follows San Pablo Avenue, as well as the Union Pacific Railroad right-of-way.

LAND USE IMPACT DISCUSSION

- a) The pump station and the pipeline are existing structures that have not been deactivated, but that have been maintained in standby condition, and have been used for emergency purposes. While operation of the pump station may result in additional noise or other impacts, the proposed project would not make any physical changes to the existing pump station structure. (The impacts of the project on noise and air quality levels are discussed in other sections of this Initial Study.)

The City of Hercules anticipates construction of residential and retail structures, and a school near the Hercules Pump Station. The EIR for the proposed development project notes (p. 5.5-17):

“The City shall condition approval of development proposals on the New Pacific Properties site on the provision of adequate buffers between proposed sensitive receptors on the site and existing or approved industrial uses on adjacent sites. Adequate buffers shall also be provided between such uses within the site. “Sensitive receptors” include but are not limited to residential, education and recreational uses. “Approved” refers to specific projects that have been approved, specific uses that have been approved as part of an overall development plan (such as a specific plan), or uses that may be developed “by right” on a parcel without additional discretionary approvals. The width of the buffers shall be determined on the basis of information regarding the types of uses, the hazardous materials handled and wastes generated, environmental conditions (wind pattern, surface and ground water flows, soil characteristics, any reported contamination and status of remediation). The width of the buffers shall be intended to avoid significant environmental impacts.”

The area nearest the pump station would be developed for multi-family and retail uses, while a potential school site has been identified toward the center of the Specific Plan area, accessible from San Pablo Avenue. However, as noted above, proposed development would require adequate buffers between adjacent industrial uses and any development in the Specific Plan area. The existing Richmond to Pittsburg Fuel Oil Pipeline does not cross the proposed development site, but is located within the San Pablo Avenue right-of-way. West Contra Costa Unified School District’s school siting requirements would require that the school be set back from the fuel line easement, which includes the entire Pump Station site (see *New Pacific Properties Specific Plan Draft Environmental Impact Report*, Appendix 1.0).

The existing pipeline runs through or adjacent to several residential areas along the public right-of-way, and along the railroad right-of-way throughout Contra Costa County, established when the pipeline was operational. After pipeline and pump station operations are recommenced, the project would not constitute a physical barrier to established or contemplated communities.

Impact IX.1: Construction of the 4,000-foot replacement section of the pipeline in the City of Martinez may temporarily restrict access to the Martinez Regional Shoreline Park. This could be a potentially significant impact.

Implementation of mitigation measures I.1 and IV.2 would assure that construction of the replacement section of the pipeline would not result in a physical barrier to the Park.

Mitigation Measure: Implement Mitigation Measures I.1 and IV.2.

Significance after mitigation: Less than significant.

Impact IX.2: Maintenance of the pipeline could potentially limit access to the San Francisco Bay Trail because of a lack of alternative space. This could be a potentially significant impact.

In some areas, the pipeline may be very close to or include a small portion of the San Francisco Bay Trail in the area near the City of Pinole's city limits. The following mitigation measure would assure that the Trail remains accessible during any potential maintenance operations. Mitigation measure IX.2 would lessen the potential for the project to create a physical barrier between the project and the San Francisco Bay Trail to a less than significant level.

Mitigation Measure IX.2: For all maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG) and the ~~City of Pinole~~ relevant jurisdiction in which the Pipeline is located. The purchaser shall assure that access to the Bay Trail remains open to the maximum extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis.

Significant after mitigation: Less than significant.

- b) The proposed pipeline would not substantially conflict with land uses designated by local General Plans and Zoning Ordinances. The pipeline is an existing use that has not been used on a daily basis, but has been used intermittently and has been regularly maintained in standby condition. In general, the path of the existing pipeline was designed to skirt existing development as much as possible, and is located within an existing right-of-way. The proposed replacement section in Martinez skirts development completely, and its construction is compatible with local plans and zoning ordinances. In general, the existing pipeline and the proposed replacement section passes through industrial and commercial areas and alongside existing unpopulated open space areas. When the pipeline does briefly pass through residential areas, these residential areas are also located in close proximity to

existing storage tanks and/or refineries (as in Crockett and unincorporated areas of Contra Costa County, outside of Hercules and Pinole).

The City of Hercules has indicated that it based its decision to designate land for a new school on its understanding that the pump station would eventually be demolished (Fleischer, 2001). However, the City of Hercules Specific Plan EIR states:

The industrial uses adjacent to the project do not require any additional buffer measures. The North Shore Business Park adjacent to the coastal subarea is zoned for Planned Office-Research & Development Mixed use, and is subject to zoning ordinance performance standards that prohibit new uses that generate substantial safety or toxic or hazardous material impacts. . . . The PG&E property adjacent to the inland subarea contains an idle facility for transfer and storage of petroleum products. There are no hazardous or acutely hazardous materials or hazardous wastes present at the business park facilities or the PG&E property in quantities that would require a special buffer. The current and any future tenants of the business park and PG&E property are also subject to strict hazardous materials management programs.

Based on an analysis of the project and adjacent uses, the types of buffers, setbacks and design features already incorporated into the Hercules Pump Station site design could allow the City to site the school without violating state school siting regulations or the city's General or Specific Plans.

The school siting criteria used by the West Contra Costa Unified School District would not specifically prohibit the proposed location of the school, but would require adequate setbacks and buffers, as well as safety precautions. The school site could also be exchanged with other potential land uses within the Specific Plan area.

BCDC would likely require SPBPC to obtain an amended permit for construction of the replacement section, and would require a construction period that would protect endangered species, measures to prevent non-native species, a site restoration and monitoring plan, and adequate safety measures (Fleischer, 2001).

Impact IX.3: The pipeline may be located under a portion of the San Francisco Bay Trail. This could be a potentially significant impact.

Mitigation Measure: Implement Mitigation Measure IX.2.

While the pipeline may be located under a portion of the San Francisco Bay Trail, **Mitigation Measure IX.2** would lessen any potential conflict between maintenance operations and use of the Bay Trail.

Significance after mitigation: Less than significant.

The proposed project would therefore not conflict substantially with applicable land use, plans and policies adopted for the purpose of avoiding or mitigating and environment effect.

- c) As discussed in Section IV, *Biological Resources*, above, the project would not conflict with any Habitat Conservation Plans.

Impact IX.4: Construction of the pipeline replacement section in Martinez has some potential for conflict with a natural community conservation plan. This could be a potentially significant land use impact.

Mitigation Measure: Implement Mitigation Measure IV.1.

Significance after mitigation: Less than significant.

REFERENCES

- Allen, Donna, Planner, Contra Costa County, personal communication, March 19, 2001.
- Association of Bay Area Governments, *San Francisco Bay Trail*,
<http://www.abag.ca.gov/bayarea/baytrail/baytrail.html>, accessed March 12, 2001.
- Bay Conservation and Development Commission, *San Francisco Bay Plan*,
http://www.bcdc.ca.gov/commlib/bayplan/ld1_TOC.htm, accessed March 8, 2001.
- City of Hercules, City Council Resolution, August 9, 1976.
- City of Hercules, *Hercules General Plan*, [no date]
- City of Hercules, *New Pacific Properties Specific Plan Draft Environmental Impact Report*, December, 1999.
- City of Hercules, *New Pacific Properties Specific Plan Environmental Impact Report Comments and Responses*, March 6, 2000.
- City of Hercules, *Zoning Ordinance*, October 13, 1998.
- City of Martinez, *General Plan*, as amended to January 1995.
- City of Martinez, *Zoning*, [no date].
- City of Pinole, *City of Pinole General Plan*, 1995.
- City of Pinole, *City of Pinole Zoning Ordinance*, as amended to 1998.
- City of Pittsburg, *Pittsburg General Plan*, September, 1988.
- City of Richmond, *City of Richmond Zoning Ordinance*, January 1, 1997 (as amended to April 1999).
- City of Richmond, *North Richmond Shoreline Specific Plan*, June 1993.
- City of Richmond, *Richmond General Plan*, August 1994.
- Contra Costa County, *Contra Costa County General Plan*, July 1996.
- Dowswell, David, City Planner, City of Pinole Planning Department, personal communication, March 7, 2001.

Fleischer, Deborah, *Summary of Agency Consultations*, March 6, 2001.

McBride, Janet, Project Manager, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.

Pacific Gas and Electric Company, *Proponent's Environmental Assessment*, November 8, 2000.

Thompson, Laura, Bay Trail Planner, San Francisco Bay Trail, Association of Bay Area Governments, March 7, 2001.