

4.9 Land Use, Plans and Policies

4.9.1 Introduction

This section addresses the physical aspects of land use and the regulatory planning framework that guides future development of the Project, and includes a summary of existing land uses in and around the Project site, a list of applicable *Contra Costa County General Plan* (General Plan) land use policies, and an assessment of whether the Project would conflict with the adopted General Plan and other applicable plans and policies pertaining to physical land use and planning factors.

4.9.2 Environmental Setting

The Project site is situated in a low-lying area close to marshes associated with the shoreline of Suisun Bay, in north-central Contra Costa County. The Project site is located approximately two miles south of the Carquinez Strait where it opens to Suisun Bay, about 4.5 miles east of Franklin Ridge, and 5.0 miles north of the Briones Hills. It is located adjacent to Interstate 680 (I-680), which is a major north-south regional travel corridor linking Santa Clara County to the south with Solano County to the north and providing travel connections between numerous Alameda and Contra Costa County cities. State Highway 4, the major east-west corridor in Contra Costa County, is located about 1.0 mile to the south.

The Project site is situated near the northern end of a continuous belt of urban and suburban development that extends southward for nearly 30 miles, to the City of Pleasanton in central Alameda County. The site, which is east of the City of Martinez and northwest of the City of Concord, is in one of the County's unincorporated communities, referred to as the Vine Hill/Pacheco Boulevard Area. This community is currently developed with roads, trails, the installation of gas pipelines and land uses including a landfill, wastewater treatment facilities and residential areas. The Project site is bounded by I-680 and the Contra Costa Canal to the southwest, a residential development on Palms Drive to the northwest, an unpaved portion of Central Avenue separating it from Acme Landfill property to the northeast and east and the Burlington Northern Santa Fe Railroad tracks to the south. The main channel of Pacheco Creek is located 0.5 miles east of the Project site, while a tributary to the creek extends into the site, connecting with a wetland pond on the east side of the site (see Figure 3-2, Chapter 3, *Project Description*)

The immediate vicinity of the Project site is characterized by a variety of land uses. The I-680 freeway runs in a northwest-southeast direction along the southwest boundary of the Project site. The area directly west of the freeway supports a mixture of residential, commercial and light industrial uses. Further west, the land is dominated by residential development including the County's unincorporated Mountain View neighborhood and suburban areas of the City of Martinez. Parcels immediately northwest of the site and east of the freeway are characterized by a cluster of single family homes on lots ranging in size from approximately 7,000 square feet to one acre. Lands to the northeast, east and south are mostly undeveloped properties zoned and partly used for heavy industrial purposes. The southern boundary of the Project site abuts the Burlington

Northern Santa Fe Railroad tracks. A combination of undeveloped lands and recreational vehicle storage occupy the area immediately south of the railroad tracks. Along the northern shoreline, further northwest, is the Waterbird Regional Preserve, an approximately 198-acre wetland and associated upland area managed jointly by the East Bay Regional Park District, the Mt. View Sanitary District, the Contra Costa County Mosquito and Vector Control District and the California Department of Fish and Game.

The Project site is near a number of major industrial uses located in the region, particularly along or in proximity to the northern shoreline. The majority of the land to the north and northeast of the Project site is property of the Acme Landfill. While the landfill is currently mostly inactive, the fully operational Contra Costa Transfer and Recovery Station is located approximately 0.3 miles north of the Project site. A former firewood and wood chipping facility abuts the Project site to the east.

Pipelines carrying crude oil and refined petroleum products (gasoline, diesel fuel and jet fuel) run under Central Avenue and intersect the Project site along a wetland area on the northeastern boundary. Mallard Reservoir and Martinez Reservoir, operated as water management facilities by the Contra Costa Water District, are located about 2.0 miles east and 1.2 miles west of the site, respectively.

The Ralph D. Bollman Water Treatment Plant is situated at the southern edge of Mallard Reservoir. The Central Contra Costa Sanitary District's wastewater treatment plant and household hazardous waste collection facilities are located 1.0 mile southeast of the Project site. Mt. View Sanitary District's wastewater treatment plant is located about 1 mile to the northwest. In addition, the heavily industrialized land areas supporting Shell Martinez Refinery and the Tesoro Golden Eagle Refinery are located approximately 1 mile northwest and east respectively. The aerial photo shown on **Figure 4.9-1** provides a visual overview of the land uses described in this section.

On-Site Land Uses

For purposes of Project review, the Project site is more generally described as being bounded on the southwest by I-680, on the northwest by residential development, on the east and northeast by Acme Landfill property and on the south by the Burlington Northern Santa Fe Railroad tracks. The approximately 78.3-acre Project site consists of gently sloping land on the east, rising sharply to the summit of the hill on the west. Elevations range from 4 to 283 feet above mean sea level ("msl").

The property supports permanent and seasonal wetlands and an extensive band of freshwater marsh across its southern portion. A valley oak woodland covers a small area mid-slope on the north-facing side of Vine Hill. The site is currently undeveloped although scarred from illegal motocross activity. As a part of the Vine Hill/Pacheco Boulevard Area community, the Project site falls within the area permitted to be developed in accordance with the voter approved Urban Limit Line as established through adoption of Measure C-1990.



SOURCE: Google Earth

Bayview Estates Residential Project . 208078

Figure 4.9-1
Aerial Photo of Project Site and Vicinity

The site is currently zoned Heavy Industrial (“H-I”) and is designated as Heavy Industry (“HI”) in the General Plan Land Use Element.

4.9.3 Regulatory Setting

Contra Costa County General Plan

The Project site is located in an unincorporated area of Contra Costa County, and as such, the Project is subject to the land use regulations and planning policies promulgated in the General Plan, adopted by the Board of Supervisors on January 18, 2005. The General Plan covers a planning area of 805 square miles, 732 of which are land (the remainder being water areas), that supports a population of over 1,143,447 (Contra Costa County, 2018). Located in the center of the nine-county San Francisco Bay area, much of Contra Costa County’s boundaries are defined by water, including San Francisco and San Pablo bays on the west and the Carquinez Strait, Suisun Bay, Honker Bay, and the Sacramento/San Joaquin River Delta on the north.

Due to its large geographical area and diverse planning needs, the County is divided into six planning subareas, with policy intentions pertaining to the subareas or other geographically specific areas identified in the General Plan. The Project site is within the North Central County subarea, which encompasses all of the cities and unincorporated communities along the northern I-680 corridor, including the cities of Martinez, Concord, Pleasant Hill, Walnut Creek, and Clayton, and the unincorporated areas of Vine Hill, Pacheco, Clyde, and Saranap. The North Central County area is one of three subareas comprising the larger Central County Area. The predominant land uses in the suburban Central County Area are residential (primarily low density), commercial, recreation, grazing, and open space. There is also a concentration of industrial uses (e.g., oil refineries) in the northern part of Central County.

The purpose of the General Plan is to establish a roadmap for the future growth of the County that defines and preserves a “quality of life” for the County residents. The goals, policies, and implementation measures established by the General Plan are intended to guide decisions on future growth, development, and the conservation of resources through the year 2020. The General Plan is designed to provide guidance on the development of private and public lands, including infrastructure improvements such as sewers and roadways, and is intended for use by County decision makers as well as other public agencies.

The General Plan sets forth hundreds of comprehensive goals, policies, and implementation measures to address issues within the Planning Area related to social, economic, and environmental concerns. The policies are organized into the following nine elements: Land Use, Growth Management, Transportation and Circulation, Housing, Public Facilities/Services, Conservation, Open Space, Safety, and Noise. Each element and each policy was reviewed during preparation of this EIR.

Key General Plan policies relevant to the proposed Project are listed below. To the extent that environmental controls or other features can be imposed on the Project to maintain consistency with these County policies, those controls are either part of the Project, compulsory as conditions

of permits required for the Project, or identified as mitigation measures in this EIR. Additional comments on consistency with individual policies are provided below.

Land Use Element

Land Use Designations

The General Plan land use map designates the Project site as Heavy Industry (“HI”). The Heavy Industry designation allows industrial uses that require large areas of land with convenient truck and rail access. Industrial operations within this land use category may generate substantial noise, pollutants, dust, odors or other hazards or nuisances, rendering them incompatible with residential uses in close proximity. The Heavy Industry category allows a wide variety of industrial uses, including metal working, chemical and petroleum product processing and refining, and heavy equipment operation, among others, as well as all uses permitted within the Light Industry category, such as processing, packaging, fabrication, warehousing, distribution, and similar uses. The Heavy Industry land use category has a floor area ratio (FAR) limit of 0.67, a maximum site coverage of 50 percent, and a height limit of 50 feet.¹

The proposed Project includes a request for an amendment to the General Plan to change the land use designation of the site from Heavy Industry to Single-Family Residential—High Density (SH). The SH designation is one of eleven residential land use categories established in the General Plan, including four single-family residential categories of varying densities. The Single-Family Residential—High Density category allows from 5.0 to 7.2 dwelling units per net acre, and individual lots up to 8,729 square feet in size. The principal permitted use in this designation is detached single-family homes and accessory structures. Permitted secondary uses compatible with high-density residential development include home occupations, small residential care and childcare facilities, churches and other similar places of worship, secondary dwelling units, and other uses and structures incidental to the primary uses. Development regulations for residential uses are established in the Zoning Code, addressed below. Residential land use policies and other General Plan policies applicable to the Project also are discussed below.

65/35 Land Preservation Plan

The 65/35 Land Preservation Plan was incorporated into the General Plan when Contra Costa County voters approved Ordinance 82-1 (Measure C – 1990) in 1990. Measure C-1990 requires that not less than 65 percent of the land in the County be preserved for parks, open space, agriculture, wetlands, and other non-urban uses. This standard ensures that both within and outside of the Urban Limit Line (“ULL”), a maximum of not more than 35 percent urban development could occur in the County, irrespective of potential general plan amendments in the future. The policies within the plan are intended to, among other objectives, protect open hillsides and significant ridgelines throughout the County from development and prohibit any changes to the *65/35 Land Preservation Plan* standard except by a vote of the people. The Ordinance directed the County Board of Supervisors to reflect the 65/35 Land Preservation Plan policies within the General Plan.

¹ The floor to area ratio (FAR) is the ratio of building floor area to the total site area.

Urban Limit Line

The purpose of the ULL is to ensure preservation of identified non-urban agricultural, open space, and other areas by establishing a line beyond which no urban land uses can be designated during the term of the General Plan and to facilitate the enforcement of the *65/35 Land Preservation Plan* standards. During the term of the General Plan (2005-2020), properties that are located outside of the ULL may not obtain general plan amendments that would redesignate them for an urban land use.

General Plan Land Use Element Goals and Policies

The Land Use Element of the General Plan includes the following goals and policies that are applicable to the Project:

- *Goal 3-A:* To coordinate land use with circulation, development of other infrastructure facilities, and protection of agriculture and open space, and to allow growth and the maintenance of the County's quality of life. In such an environment all residential, commercial, industrial, recreational and agricultural activities may take place in safety, harmony, and to mutual advantage.
- *Goal 3-F:* To permit urban development only in locations of the County within identified outer boundaries of urban development where public service delivery systems that meet applicable performance standards are provided or committed.
- *Policy 3-5:* New development within unincorporated areas of the County may be approved, providing growth management standards and criteria are met or can be assured of being met prior to the issuance of building permits in accordance with the Growth Management Program.
- *Policy 3-6:* Development of all urban uses shall be coordinated with provision of essential Community services or facilities including, but not limited to, roads, law enforcement and fire protection services, schools, parks, sanitary facilities, water, and flood control.
- *Policy 3-7:* The location, timing and extent of growth shall be guided through capital improvements programming and financing (i.e., a capital improvement program, assessment districts, impact fees, and developer contributions) to prevent infrastructure, facility and service deficiencies.
- *Policy 3-8:* Infilling of already developed areas shall be encouraged. Proposals that would prematurely extend development into areas lacking requisite services, facilities, and infrastructure shall be opposed. In accommodating new development, preference shall generally be given to vacant or under-used sites within urbanized areas, which have necessary utilities installed with available remaining capacity, before undeveloped suburban lands are utilized.
- *Policy 3-11:* Urban uses shall be expanded only within a ULL where conflicts with the agricultural economy will be minimal.
- *Policy 3-21:* The predominantly single family character of substantially developed portions of the County shall be retained. Multiple-family housing shall be dispersed throughout the County and not concentrated in single locations. Multiple-family housing shall generally be located in proximity to facilities such as arterial roads, transit corridors, and shopping areas.

- *Policy 3-27:* Existing residential neighborhoods shall be protected from incompatible land uses and traffic levels exceeding adopted service standards.
- *Policy 3-28:* New residential development shall be accommodated only in areas where it will avoid creating severe unmitigated adverse impacts upon the environmental and upon the existing community.
- *Policy 3-29:* New housing projects shall be located on stable and secure lands or shall be designed to mitigate adverse or potentially adverse conditions. Residential densities of conventional construction shall generally decrease as the natural slope increases.

General Plan Land Use Element Policies Specific to Vine Hill/Pacheco Boulevard Area

The Land Use Element of the *General Plan* also includes the following policies applicable to the Project:

- *Policy 3-105:* The scenic assets and unstable slopes of the Vine Hill Ridge are to be protected for open space/agricultural use.
- *Policy 3-106:* The residential neighborhood east of I-680 shall be buffered from the industrial/land fill-related uses.

General Plan Growth Management Element Standards

The Growth Management Element of the *General Plan* sets forth the following performance standards that are applicable to the Project:

- *Traffic:* All new development shall meet the traffic level of service performance standards prior to county approval (see Section 4.13, *Transportation*, for a detailed description of these standards) [NOTE: Per Senate Bill 743, CEQA analysis after July 1, 2020 no longer should include level of service analyses; to the extent level of service analyses are included in the EIR or supporting portions of the administrative record, it is for information-only purposes]
- *Water Service:* The County ... shall require new development to demonstrate that adequate water quantity and quality can be provided.
- *Sanitary Sewer:* The County ... shall require new development to demonstrate that adequate sanitary sewer quantity and quality can be provided.
- *Fire Protection:* Fire stations shall be located within one and one-half miles of developments in urban, suburban and central business district areas. Automatic fire sprinkler systems may be used to satisfy this standard.
- *Public Protection:* A Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 population shall be maintained within the unincorporated area of the County.
- *Parks and Recreation:* Neighborhood parks: 3 acres required per 1,000 population.
- *Flood Control and Drainage:* Major new development shall finance the full costs of drainage improvements necessary to accommodate peak flows due to the project. For mainland areas along rivers and bays, it must be demonstrated that adequate protection exists through levee protection or change of elevation prior to development.

General Plan Conservation Element Goals and Policies

The Conservation Element of the *General Plan* includes the following goals and policies that are applicable to the Project:

- *Goal 8-D:* To protect ecologically significant lands, wetlands, plant and wildlife habitats.
- *Goal 8-T:* To conserve, enhance, and manage water resources, protect their quality, and assure an adequate long-term supply of water for domestic, fishing, industrial, and agricultural use.
- *Policy 8-4:* Areas designated for open space/agricultural uses shall not be considered as a reserve for urban uses and the 65 percent standard² for non-urban uses must not be violated.
- *Policy 8-6:* Significant trees, natural vegetation, and wildlife populations generally shall be preserved.
- *Policy 8-12:* Natural woodlands shall be preserved to the maximum extent possible in the course of land development.
- *Policy 8-14:* Development on hillsides shall be limited to maintain valuable natural vegetation, especially forests and open grasslands, and to control erosion. Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26 percent or greater shall be protected through implementing zoning measures and other appropriate actions.
- *Policy 8-21:* The planting of native trees and shrubs shall be encouraged in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native wildlife, and ensure that a maximum number and variety of well-adapted plants are sustained in urban areas.
- *Policy 8-27:* Seasonal wetlands in grassland areas of the County shall be identified and protected.
- *Policy 8-67:* Lands having a prevailing slope above 26 percent shall require adequate special erosion control and construction techniques.
- *Policy 8-74:* Preserve watersheds and groundwater recharge areas by avoiding the placement of potential pollution sources in areas with high percolation rates.
- *Policy 8-75:* Preserve and enhance the quality of surface and groundwater resources.
- *Policy 8-87:* Onsite water control shall be required of major new developments so that no increase in peak flows occurs relative to the site's pre-development condition, unless the Planning Agency determines that off-site measures can be employed which are equally effective in preventing adverse downstream impacts.

² In 1990, Contra Costa residents approved Measure C-1990, which applies to the unincorporated part of the County and restricts urban development to 35 percent of the land in the County. The remaining 65 percent of the land is preserved for agriculture and open space.

- *Policy 8-89.* Setback areas shall be provided along natural creeks and streams in areas planned for urbanization. The setback areas shall be of a width adequate to allow maintenance and to prevent damage to adjacent structures, the natural channel and associated riparian vegetation. The setback area shall be a minimum of 100 feet; 50 feet on each side of the centerline of the creek.
- *Policy 8-91:* Grading, filling, and construction activity near watercourses shall be conducted in such a manner as to minimize impacts from increased runoff, erosion, sedimentation, biochemical degradation, or thermal pollution.

General Plan Open Space Element Policies

The Open Space Element of the *General Plan* includes the following policies that are applicable to the Project:

- *Policy 9-11:* High quality engineering of slopes shall be required to avoid soil erosion, downstream flooding, slope failure, loss of vegetative cover, high maintenance costs, property damages and damages to visual quality. Particularly vulnerable areas should be avoided for urban development. Slopes of 26 percent or more should generally be protected and are generally not desirable for conventional cut-and-fill pad development. Development on open hillsides and significant ridgelines shall be restricted.
- *Policy 9-12:* In order to conserve the scenic beauty of the County, developers shall generally be required to restore the natural contours and vegetation of the land after grading and other land disturbances. Public and private projects shall be designed to minimize damages to significant trees and other visual landmarks.
- *Policy 9-14:* Extreme topographic modification, such as filling in canyons or removing hilltops, shall be avoided. Clustering and planned unit development approaches to development shall be encouraged. All future development plans, whether large or small scale, shall be based on identifying safe and suitable sites for buildings, roads and driveways. Exemptions to this policy are appropriate for mining, landfill, and public projects in open space areas.
- *Policy 9-19:* When development is permitted to occur on hillsides, structures shall be located in a manner which is sensitive to available natural resources and constraints.
- *Policy 9-21:* Any new development shall be encouraged to generally conform with natural contours to avoid excessive grading.
- *Policy 9-K:* To achieve a level of park facilities of 4 acres per 1,000 population.

In addition to the above, applicable goal and policies included in the Transportation and Circulation, Housing, Public Facilities/Services, Safety and Noise elements of the General Plan and listed in the appropriate sections of this EIR.

Envision Contra Costa 2040

The County is in the process of updating the General Plan, particularly to address current topics of sustainability, environmental justice, and affordable housing, as well as continued County

values of balancing growth and conservation. The process is anticipated to be completed in late 2020 (Contra Costa County, 2019).

Contra Costa County Zoning Ordinance

The *Contra Costa Zoning Code* (Zoning Code) regulates land use and development of land within the County. The Zoning Code includes identification of allowed land uses, development standards (e.g., lot size, building height, setbacks, etc.), parking requirements, and the placement of signs. The Project site is located in a Heavy Industrial (“H-I”) zoning district which allows for a range of industrial and manufacturing uses including, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products. Land uses permitted in the Light Industrial zoning district are also permitted in the H-I district with a land use permit. There are no lot area, height, or side yard regulations or limitations in the H-I district.

The Project includes a request for a zoning reclassification to Planned Unit District (“P-1”). Permitted uses within the P-1 district include detached single-family dwellings on legally established lots and associated auxiliary structures and uses. The lot standards of this P-1 district would generally be consistent with the R-6 district. In the R-6 district, structures are limited to two and one half stories or 35 feet in height, though here, Project residential structures would not exceed 32 feet. Lots are required an aggregate side yard width of 15 feet with no side yard less than 5 feet wide. Front yard setbacks have a required minimum of 20 feet. Any principal structure must have rear yards of at least 15 feet, and any accessory structure must have a rear yard of at least 3 feet. Each unit is required to provide two off-street automobile storage spaces on the same lot. The P-1 zoning designation is generally consistent with the R-6 zoning district, which is compatible with a SH General Plan designation.

In addition to land use zoning, the Zoning Code includes a tree protection and preservation ordinance, which provides for the preservation of certain protected trees on public and private properties in the unincorporated area of this county by controlling tree removal. Protected trees include native oak trees with a trunk diameter of 6.5 inches or larger.

4.9.4 Significance Criteria

Consistent with Appendix G of the State CEQA *Guidelines*, the Project would have significant adverse impacts to land use and planning if it would:

- a) Physically divide an established community;
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect;

Consistent with Appendix G of the State CEQA *Guidelines*, the Project would have significant adverse impacts to agriculture and forestry resources if it would:

- c) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- d) Conflict with existing zoning for agricultural use, or a Williamson Act Contract;
- e) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- f) Result in the loss of forest land or conversion of forest land to non-forest use; or
- g) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Analysis Methodology

Overall Approach

The analysis of land use impacts for the Project addresses the issues of land use compatibility and consistency with adopted land use plans and policies. The analysis of Project impacts related to land use compatibility is based on an assessment of the land use patterns and characteristics in the surrounding area. Factors such as incompatible land uses, relationships to existing land uses, and the projects proposed grading plan, were considered in the analysis. Aerial photographs and land use maps, along with a site visit, were used to conduct this analysis. The analysis with regard to consistency with land use plans is based upon a review of the aforementioned policies and plans that are applicable to the Project and the Project site.

General Plan Consistency

This analysis evaluates the general consistency of the proposed Project with applicable land use plans and policies. Consistent with Section 15125(d) of the CEQA *Guidelines*, inconsistency with an adopted plan, including the General Plan, does not necessarily indicate a significant impact by the Project. A general plan contains many policies which may in some cases address different goals, policies and objectives. In fact, some policies may compete with each other. The information presented in this EIR is intended to allow decision-makers to decide whether, on balance, the Project is consistent (i.e., in general harmony) with the General Plan. In the recent *Spring Valley Lake Association v. City of Victorville* decision, the court explained that in determining whether a project conflicts with a General Plan, “the nature of the policy and the nature of the inconsistency are critical factors to consider.” The court went on to clarify that a project is inconsistent with a General Plan if it conflicts with a General Plan policy that is “specific, mandatory, and fundamental.”

Further, this analysis focuses on the effects of physical change. As stated in Section 15358(b) of the CEQA *Guidelines*, “[e]ffects analyzed under CEQA must be related to a physical change.” Appendix G of the CEQA Guidelines (Environmental Checklist Form) makes explicit the focus on *environmental* policies and plans, asking if the project would “conflict with any applicable

land use plan, policy, or regulation . . . *adopted for the purpose of avoiding or mitigating an environmental effect*” (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the Project would have a significant effect, unless an adverse physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed elsewhere in this EIR, in the applicable topic section of Chapter 4. The compatibility of the Project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the Project.

General Plan Amendment

A conflict with a policy that exists today, but that is amended to accommodate a proposed project, does not normally constitute a significant effect on the environment under CEQA. That is, should the County decision-makers determine that the County policy framework (i.e., the General Plan) and the County Zoning Ordinance should be amended to accommodate the Project, the Project would not conflict with applicable City land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and in such instance, the Project would have a less-than-significant effect under Criterion b, above, with respect to County policy.

Topics with No Impact or Otherwise Not Addressed in this EIR

Review and comparison of the setting circumstances and the Project with each of the eight significance criteria stated above clearly show that no impacts associated with land use and planning would result for several of the significance criteria listed above; therefore, these topics will not be further evaluated in this EIR. The following discusses the reasoning supporting this conclusion.

With regard to **Criterion c**, the Habitat Conservation Plan nearest to the Project site is the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP; ECCCHC, 2017), whose closest boundary is located approximately 4.7 miles east of the Project site across several urbanized areas. The Project site is not located within an area identified in a habitat conservation plan or natural community conservation plan. In addition, there are no habitat conservation plans or natural community conservation plans proposed for adoption that would include the Project site. Thus, the Project would have no impact on a habitat conservation plan or a natural community conservation plan. A discussion of special-status species that the Project could potentially impact can be found in Section 4.3, *Biological Resources*.

With regard to **Criterion d**, the Project site is located entirely within a developed area, surrounded by industrial, residential, and open space uses. The site is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance by the FMMP, but is designated as Grazing Land and Urban and Built-Up Land, and is surrounded by lands designated as Grazing Land and Urban and Built-Up Land (FMMP, 2017). Thus, the Project would have no impact on important farmland.

With regard to **Criterion e**, the Project site is zoned for heavy industrial uses, and may have been formerly used as a quarry. Furthermore, the site is not covered by a Williamson Act contract. Thus, implementation of the Project would not interact with or conflict with existing agricultural zoning or a Williamson Act contract, and would have no impact.

With regard to **Criterion f**, the Project site is not zoned as forest land or timberland, and there are no forests on the Project site. No impact on forest land or timberland would occur with implementation of the Project.

With regard to **Criterion g**, as stated above, the Project site is not zoned as forest land and there are no forests on the Project site. The Project would not result in the loss of forest land or conversion of forest land to non-forest uses, and would have no impact.

With regard to **Criterion h**, the Project would be constructed and operated on a site that is designated as Grazing Land and Urban and Built-Up Land by the FMMP. The Project site does not contain farmland and there are no aspects of the Project that would affect any agricultural land off-site. Moreover, the Project site does not contain forest land and there are no aspects of the Project that would affect any forest land off-site. Thus, implementation of the Project would not result in conversion of farmland, on-site or off-site, to a non-agricultural use, nor would it result in conversion of forest land to non-forest use. The Project would have no impact.

4.9.5 Discussion of Impacts and Mitigation Measures

Division of an Existing Community

Impact LUP-1: The Project would not divide an established community. (Criterion a) (*Less than Significant, no Mitigation Required*)

Existing land uses surrounding the Project site consist of predominantly residential uses, industrial uses, and recreation/open space. The Project site is currently vacant of active uses; no existing commercial, recreational, or residential community would be disrupted by the Project. The Project would establish a new residential community, and include utility and road improvements. The proposed single-family homes are similar to existing uses in the surrounding area, and more consistent with surrounding uses than the heavy industrial uses contemplated under present land use policies. Therefore, the Project would facilitate connections between communities, and would not physically divide an established community.

Mitigation: None required.

Impact LUP-2: The Project, including the proposed amendments to the *General Plan* and zoning designation, would not conflict with adopted applicable land use plans and policies such that the Project is inconsistent with the *General Plan*. (Criterion b) (*Less than Significant, no Mitigation Required*)

The proposed Project would develop a total of 144 single-family detached homes and internal roadways on 31.8 acres, and approximately 46.5 acres of open space and park areas, which includes approximately 20.1 acres of open space hilltop. Basic infrastructure (i.e., roads and utilities) would be extended on to the Project site to provide adequate residential services, which would support the proposed changes in land use.

The Project, including the zoning reclassification, new land use designation and text changes to Land Use Element Policy 3-105 through an amendment to the *General Plan*, would be consistent with most of the land use plans and policies that are applicable to the site. Policies with which the Project could conflict, and therefore, as discussed specifically in this section, include those that encourage preservation of the natural topography of existing hillsides and ridgelines and associated visual assets, and policies that discourage extensive grading. A detailed discussion of Project consistency with applicable plans and policies is provided below.

Consistency with General Plan Land Use Designations and Zoning

Since existing *General Plan* land use designation and zoning for the site would not allow the residential use proposed by the Project, the Project seeks a *General Plan* amendment and rezoning for the Project site. As noted above, the Project would include changes in the zoning to replace existing zoning classification of Heavy Industrial with Planned Unit District (“P-1”). The proposed *General Plan* amendment would change land use designation on the site from Heavy Industry to Single Family Residential-High Density (“SH”). The Project would comply with the requirements of the proposed zoning, including permitted land use, density and lot size. The Project also would comply with the land use requirements of the proposed *General Plan* land use designation.

The change in the land use designation and the rezoning that would occur as part of the Project would result in a loss of land zoned for heavy industrial use on the Project site. The new zoning, like the proposed *General Plan* amendment, would result in land uses that are internally consistent (within the Project site) and that would also be compatible with the surrounding residential land uses. While rezoning of the Project site from industrial to residential use would preclude future industrial uses from being developed on the site, such policy decisions would be weighed by decision-makers in the overall decision to approve or deny the proposed Project. To the extent that adverse physical land use changes would occur as part of the proposed *General Plan* amendment and rezoning, such impacts are discussed in their respective sections of this EIR.

The Project would include a request for an amendment to the *General Plan* to change the language of Policy 3-105 to the following:

- *Policy 3-105: The scenic assets ~~and unstable slopes~~ of the Vine Hill Ridge will, in some measure, be preserved while still allowing safe, feasible development of the*

property. Grading of these scenic assets shall be permitted to allow for development granted that the remainder parcels are to be protected for open space/agricultural use.

Although the Project would introduce residential uses in close proximity to industrial and landfill-related uses, it would not expand existing industrial uses and therefore would not disrupt any existing buffer protecting the existing residential neighborhood from these uses. As such, the Project is not considered to be in conflict with Policy 3-106 (restated below for convenience).

- *Policy 3-106:* The residential neighborhood east of I-680 shall be buffered from the industrial/land fill-related uses.

The Project would involve removal of a valley oak woodland, including up to approximately 30 native oak trees that fit the criteria for a “Protected Tree” as defined in the Zoning Code. Because the Zoning Code, which implements the General Plan, expressly provides for removing protected trees with the permit approval process specified in Division 816 of the Code, and because a collective tree permit for the site would be considered as a part of the Vesting Tentative Map approval process, the Project is not considered to be in conflict with Policies 8-6 and 8-12 (restated below for convenience). A factor in this consistency analysis includes on-site landscaping and small trees would line both sides of all proposed internal streets. In addition, an array of shrubs and trees would be planted within Parcel A, in the hillside open space, including native drought tolerant trees, such as blue oak, coastal live oak, and valley oak.

- *Policy 8-6:* Significant trees, natural vegetation, and wildlife populations generally shall be preserved.
- *Policy 8-12:* Natural woodlands shall be preserved to the maximum extent possible in the course of land development.
- *Policy 9-12:* In order to conserve the scenic beauty of the county, developers shall generally be required to restore the natural contours and vegetation of the land after grading and other land disturbances. Public and private projects shall be designed to minimize damage to significant trees and other visual landmarks.

The removal of trees associated with the Project has been minimized and replacement trees shall be planted in accordance with the County Code or ordinances.

Consistency with the Contra Costa County General Plan

65/35 Land Preservation Plan (Measure C - 1990)

The Project site is within the County’s ULL and would not violate the 65/35 Land Preservation standard. However, the Hillside Protection Policy included within the plan states that “Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26 percent or greater, shall be protected through implementing zoning measures and other appropriate actions.”

The proposed grading below the upper portion of the hill and above the proposed residential development area would be substantially graded and involve inclines as steep as 50 percent.

Within the area of residential development at the lower portion of the hill, there would be padded with sloping rear and side yards, and grading within Parcel B (marsh areas) would involve slopes as steep as approximately 50 percent. As demonstrated in Section 4.1, *Aesthetics*, the Project would not develop an open hillside of the hill or a ridgeline, although it would affect portions with 26 percent grade, as described above. Therefore, the Project incorporates several measures (“appropriate actions”) and restrictions, specified in Project- and Project-site-specific recommendations from professional soils engineers (DMA and Engeo, the County’s consulting engineer) that will ensure stability of the currently proposed engineered slopes. Specifically, the Project’s potentially significant impact associated with hazards related to development and grading of steep slopes are addressed by Mitigation Measures GEO-1 through GEO-5, which include measures specific to mitigating slope stability and erosion. As such, the Project would not fundamentally conflict the *65/35 Land Preservation Plan*.

Land Use Element

The Project would not be fundamentally inconsistent with the following Land Use policies:

Land Use Element

- *Policy 3-28*: The Project, as proposed, would not result in unmitigated environmental impacts related to land use policies and aesthetics and therefore would fundamentally conflict with Policy 3-28. See Section 4.1, *Aesthetics* and below for further discussion of these less than significant impacts.

Transportation and Circulation Element

- *Policy 5-55*: The grading plan does not propose to substantially alter the natural topography on the site and lower the peak elevation of the hill. Grading within the upper hill area would be minimized in order to retain the hill feature that is approximately 283 feet above mean sea level (msl). As such, the Project would not adversely affect the natural topographic features, aesthetic views, vistas, hills and prominent ridgelines along the I-680. For these reasons, the Project would not be considered in fundamental conflict with the provisions of Policy 5-55. See Section 4.1, *Aesthetics* for a detail discussion of views and vistas.

Conservation Element

- *Policy 8-14*: The Project would result in extensive grading over the majority of the Project site, including portions with 26 percent grade. In addition, the hillside development would remove some of the existing natural vegetation including the oak woodland forest, but not to an extent that is visible or a significant affect to biological resources. Overall, the Project would not develop the open hillside and prominent ridgeline of the peak elevation of the hill with urban uses, and grading and other activities in this area are designed to enhance slope stability, and would retain the open space character of the hillside. For these reasons, the Project would not be considered in fundamental conflict with the provisions of Policy 8-14.

Open Space Element

- *Policy 9-14:* The Project would include extensive grading that would substantially alter the existing topography of the areas on the Project site, however, the grading would not result in “extreme topographic modifications.” The proposed grading plan as described above would not fundamentally conflict with Policy 9-14.

Safety Element

- *Policies 10-28 and 10-29:* The Project would include extensive grading on a very steep hillside with a grade of 26 percent and greater. The Project also would include 144 single-family houses in a relatively uniform density on 31.8 acres of the 78.3-acre Project site. The Project would not visibly alter the hillside, and the lot density is arranged to conform to slope increases and decreases. Therefore, the Project would not fundamentally conflict with Policies 10-28 and 10-29. See Section 4.5, *Geology, Soils and Paleontological Resources*, for a detail discussion of grading.

As discussed in the *Analysis Methodology* above, it is possible for a Project to conflict with specific policies while maintaining consistency with the intent and overarching goals of the General Plan in an overall planning context. As also discussed above in this impact analysis, the Project as proposed would not fundamentally conflict with the intent of General Plan policies relating to preservation of the natural topography and visual assets of existing hillsides and ridgelines as well as policies that discourage extensive grading. As such, the Project would not directly conflict with General Plan Policy 3-28 by resulting in unmitigated environmental impacts related to land use policies and aesthetics.

The Project would, however, potentially conflict with Policy 3-105 and therefore includes a request for an amendment to the General Plan to change the language of Policy 3-105, as specified previously. Should the County decide that that Policy 3-105 should be amended to accommodate the Project, which is assumed herein as it is part of the Project proposed, the Project would not conflict with applicable County land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and the Project would have a less-than-significant effect.

Mitigation: None required.

Cumulative Impacts

Impact C-LUP-1: Development of the Project, in combination with past, present, existing, approved, pending and reasonably foreseeable future projects within and in the vicinity of the Project site, would not result in significant cumulative impacts to land use and planning. (All Criteria) (*Less Than Significant, no Mitigation Required*)

Geographic Context

The cumulative geographic context for land use, plans and policy considerations for development of the Project consists of the Project site, in addition to surrounding uses abutting the Project site. County staff identified several planned or approved but not constructed residential development projects, in addition to roadway infrastructure and natural habitat improvement project in the vicinity of the Project site. The projects are listed in Table 4.0-1, Cumulative Projects Near the Project Site, in Section 4.0, *Introduction to the Environmental Analysis*, of this chapter.

Cumulative Analysis

The Project would not result in significant impacts resulting from incompatible land uses and fundamental conflicts with plans and policies. The Project proposes residential uses located between residential uses to the north of the Project site and residential uses situated to the south. Nearby cumulative development is similar in nature (e.g., the Palms 10 Subdivision), and such cumulative development is consistent with nearby uses. Current and future development within the area would be subject to development guidance contained within the General Plan, as is the proposed Project. Therefore, it is not anticipated that the proposed Project, when considered with other foreseeable development in the area, would result in a cumulative impact with respect to land use and planning.

Mitigation: None required.

4.9.6 References – Land Use, Plans and Policies

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