4.11  Land Use and Planning

4.11.1  Introduction
This section identifies and evaluates potential impacts related to land use and planning that could result from the Project. Discussed are the physical and regulatory settings, the baseline for determining environmental impacts, the significance criteria used for determining environmental impacts, and potential impacts associated with Project construction and demolition including the transitional phase, and operation and maintenance at the Rodeo Refinery and Santa Maria Site.

The Project also includes the Pipeline Sites—four regional pipelines serving the Santa Maria Site and the Rodeo Refinery. The Santa Maria Site is connected to the Rodeo Refinery by approximately 200 miles of subterranean pipeline, crossing San Luis Obispo, Santa Barbara, Kern, Kings, Fresno, Merced, Stanislaus, San Joaquin, Alameda, and Contra Costa Counties. Phillips 66 proposes to empty and clean the pipelines at existing maintenance access points and to decommission or sell them; they would not be excavated as part of this Project. No physical changes would occur. Therefore, the Pipeline Sites are not further addressed in this section.

4.11.2  Environmental Setting

4.11.2.1  Rodeo Refinery Regional and Local Settings
The 1,100-acre Rodeo Refinery, including the Rodeo Site and the Carbon Plant, is located in an unincorporated area in the northwest corner of Contra Costa County. Pursuant to the Contra Costa County General Plan, this region of the county is considered West County (Contra Costa County 2010). It is adjacent to the San Pablo Bay, directly north of the unincorporated community of Rodeo, and approximately 1.5 miles southwest of the unincorporated community of Crockett. Shown in Figure 4.11-1 and Figure 4.11-2, the existing Project site has a land use designation of Heavy Industry and is zoned Heavy Industrial (Contra Costa County 2021a, 2021b).

The land uses that surround the Project are described as follows:

- **North:** The north edge of the Rodeo Site is bordered by the Nu-Star facility, which is also designated Heavy Industry. North of the Nu-Star facility are lands designated Agricultural Land and Open Space. The Union Pacific Railroad and I-80 run southwest to northeast through the Project site and are designated Public and Semi-Public. The area to the north is zoned Heavy Industrial, Agricultural Preserve District, and General Agricultural District.

- **East:** Land to the east of the Project site is largely undeveloped. It is designated Open Space, Agricultural Land, and Parks and Recreation and zoned Agricultural Preserve District and General Agricultural District.

- **South:** To the south of the Rodeo Site is a buffer area designated Light Industry, beyond which is the Bayo Vista residential neighborhood, which is designated as Multiple-Family Residential Medium and High. Near the San Pablo Bay is land designated Commercial Recreation and Parks and Recreation. All of the land to the south of the Rodeo Site is zoned Planned Unit District. The area south of the Carbon Plant is State Route 4, which is designated as Public and Semi-Public, and then further to the south is land designated Agricultural Land and zoned Agricultural Preserve District.

- **West:** To the west of the Rodeo Site lies the San Pablo Bay, which is designated Water and zoned Unrestricted. To the west of the Carbon Plant lies land designated as Business Park; however, it is currently undeveloped.
Figure 4.11-1: Contra Costa County General Plan Land Use Map

Rodeo Renewed Project
Contra Costa County, CA

Legend

- Urban Limit Line
- Project Boundary

Existing General Plan Land Use

- AL, Agricultural Lands
- BP, Business Park
- CO, Commercial
- CR, Commercial Recreation
- HI, Heavy Industry
- LI, Light Industry
- M-1, Parker Avenue Mixed Use
- M-2, Downtown/Waterfront Rodeo Mixed Use
- MH, Multiple-Family Residential - High Density
- ML, Multiple-Family Residential - Low Density
- MM, Multiple-Family Residential - Medium Density
- MS, Multiple-Family Residential - Very High Special
- OF, Office
- OS, Open Space
- PR, Parks and Recreation
- PS, Public and Semi-Public
- SH, Single-Family Residential - High Density
- WA, Water

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Imagery Source: Maxar
11/1/2019

File Path: C:\Users\anna.clare\OneDrive - Cardno\Documents\_Working\Rodeo\Rodeo_Fig4_11_1_GeneralPlanLandUse_Map.mxd
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Legend

- Project Boundary
- Existing Zoning
  - A-2, General Agricultural
  - A-4, Agricultural Preserve
  - C-M, Controlled Manufacturing
  - D-1, Two Family Residential
  - H-I, Heavy Industrial
  - L-I, Light Industrial
  - M-12, Multiple Family Residential
  - M-29, Multiple Family Residential
  - P-1, Area Wide Planned Unit
  - P-1, Planned Unit
  - R-6, Single Family Residential
  - R-B, Retail Business
  - U, Unrestricted

Figure 4.11-2: Contra Costa County Zoning Map
Contra Costa County, CA

Rodeo Renewed Project
Contra Costa County, CA

Imagery Source: Maxar
11/1/2019

2890 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
Phone (+1) 916 923 1097  Fax (+1) 916 923 6251
www.cardno.com
4.11.2.2 Santa Maria Site Regional and Local Settings

The Santa Maria Site occupies 1,600 acres in the southwest corner of unincorporated San Luis Obispo County in the South County Area of the Coastal Zone. The Project boundary includes the Santa Maria Site surrounded by open space buffer area. As shown in Figure 4.11-3, the Project area largely falls under the Industrial land use category with the northwest buffer area designated as Open Space. The northeast edge of the Santa Maria Site is bordered by Agriculture, Residential Suburban, and Industrial land use designations. The south edge is bordered by Agriculture land use designation, and the west edge is bordered by Recreation land use.

4.11.2.3 Regulatory Setting

Section 15125(d) of the CEQA Guidelines states that “the EIR shall discuss any inconsistencies between the project and applicable general plans and regional plans” as a part of the discussion of the existing setting of the project. However, the CEQA Guidelines further state that inconsistency with an adopted plan does not necessarily indicate a significant impact by the project. This section considers adopted Contra Costa County, San Luis Obispo County, and regional plans and the policies that are applicable to the Project and determines whether the Project is consistent with those plans and policies. Other local, regional, or state plans and policies that relate to other resource areas other than land use (such as air quality, water quality, and biological resources) are addressed in detail in the respective sections of this EIR.

Contra Costa County

Contra Costa County General Plan

The Contra Costa County General Plan designates the entire Rodeo Site as Heavy Industry. Pursuant to the Land Use Element of the general plan, this designation allows activities such as metal working, chemical or petroleum processing and refining, and heavy equipment operation. These activities may require large areas of land that are readily accessible to truck, rail, and/or ship. Additionally, uses and operations of this type may produce noise or other conditions that require spatial separation from residential areas (Contra Costa County 2010).

The following general plan policies and implementation measures apply to the Project:

- **Policy 3-42:** Industrial development shall be concentrated in select locations adjacent to existing major transportation corridors and facilities.
- **Policy 3-43:** Industrial employment centers shall be designed to be unobtrusive and harmonious with adjacent areas and development.
- **Implementation Measure 3b:** During project review, require that proposed uses on the edges of land use designations be evaluated to ensure compatibility with adjacent planned uses.
- **Implementation Measure 3d:** Review proposed land development projects for consistency with land use designations and relevant policies and standards of each element of the general plan.

The Rodeo Site is located within the Rodeo Area, which is one of the general plan’s unincorporated communities with adopted area polices (Contra Costa County 2010).
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Legend
- Project Boundary
- Existing General Plan Land Use
  - Agriculture
  - Commercial
  - Industrial
  - Open Space
  - Recreation
  - Residential Suburban
  - Residential Rural

Imagery Source:
County of San Luis Obispo
8/7/2018

Figure 4.11-3: San Luis Obispo County General Plan Land Use Map
Rodeo Renewed Project
Contra Costa County, CA

Cardno
2990 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
Phone (+1) 916 923 1097 Fax (+1) 916 923 6251
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The following policies are applicable to the Rodeo Site:

- **Policy 3-146**: Mitigate the effects of industrial traffic on downtown streets.

- **Policy 3-159**: A buffer of Agricultural Lands around the eastern Phillips 66 property is created in this general plan to separate the Viewpoint residential area from future industrial development on the Phillips 66 property. These open space lands should remain essentially undeveloped.

The Project does not fall within the Rodeo Waterfront/Downtown Specific Plan boundary (Contra Costa Redevelopment Agency 1997).

**Contra Costa County Zoning Ordinance**

Title 8 of the Contra Costa County Code contains the County Zoning Ordinance. The Rodeo Refinery is zoned as Heavy Industry, which allows for manufacturing and/or processing of petroleum, chemicals, lumber, and any other industrial products (Contra Costa County 2021a, 2021b).

**Growth Management, 65/35 Standard, and Urban Limit Line**

In 1990, the voters of Contra Costa County passed Measure C-1990, which established the 65/35 Land Preservation Standard. The purpose of the standard is to limit urban development to no more than 35 percent of the land and require that no less than 65 percent of the land in the county be preserved for parks, open space, agriculture, wetlands, and other non-urban uses. The 65/35 Land Preservation Standard is a policy that applies to the county planning process and is implemented through the establishment of the Urban Limit Line, which is aimed at limiting annexation, extension of urban services, and urban-type development in areas beyond the Urban Limit Line. In 2000, the county conducted a land use inventory to assess its development status relative to the 65/35 standard. That analysis measured the developed or urban area of the county at 30 percent and the undeveloped or non-urban portion at 70 percent. The Urban Limit Line is incorporated into the Contra Costa County General Plan (Contra Costa County 2010). The Rodeo Refinery is located within the Urban Limit Line of Contra Costa County (Contra Costa County 2021a).

**San Francisco Bay Plan**

The BCDC enforces the San Francisco Bay Plan, which was developed to help protect and preserve the use of the San Francisco Bay. The plan was initially adopted in 1968 pursuant to the McAteer-Petris Act. The BCDC has jurisdiction within the defined boundaries of the San Francisco Bay, including the Bay itself, wetlands, and shorelines. The plan defines ports, water-related industry, wildlife refuges, and recreation as priority uses of the Bay and shoreline area, and the plan has various policies and measures to protect these defined uses. For discussion on policies specific to water quality see Section 4.10, Hydrology and Water Quality. Pursuant to the San Francisco Bay Plan maps, the Rodeo Refinery is designated as a Water-Related Industry priority use (BCDC 2020).

The San Francisco Bay Plan policies applicable to the Project include:

- **Water Quality Policy 2**: Water quality in all parts of the Bay should be maintained at a level that would support and promote the beneficial uses of the Bay as identified in the Basin Plan and should be protected from all harmful or potentially harmful pollutants. The policies, recommendations, decisions, advice, and authority of the SWRCB and the RWQCB should be the basis for carrying out the BCDC’s water quality responsibilities.

- **Water Quality Policy 3**: New projects should be sited, designed, constructed, and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (1) controlling pollutant sources at the Project site; (2) using construction materials that contain non-polluting materials; and (3) applying appropriate, accepted, and effective BMPs, especially where water dispersion is poor and near shellfish beds and other significant biotic resources.
• **Water-Related Industry Policy 1**: Sites designated for both water-related industry and port uses in the San Francisco Bay Plan should be reserved for those industries and port uses that require navigable, deep water for receiving materials or shipping products by water in order to gain a significant transportation cost advantage.

• **Water-Related Industry Policy 5**: Water-related industry and port uses should be planned so as to make the sites attractive (as well as economically important) uses of the shoreline. The following criteria should be employed to the maximum extent possible:
  - Air and water pollution should be minimized through strict compliance with all relevant laws, policies, and standards. Mitigation, consistent with the BCDC’s policy concerning mitigation, should be provided for all unavoidable adverse environmental impacts.

**San Luis Obispo County**

**San Luis Obispo County General Plan**

The Santa Maria Site falls within the Coastal Zone and the San Luis Obispo South County Area. The Project is subject to the Land Use Element of the San Luis Obispo County Coastal Zone Framework for Planning and the South County Area Plan (San Luis Obispo County 2018a). The industrial facility and the majority of the Santa Maria Site falls under the *Industrial* land use category (San Luis Obispo County 2021).

The Land Use Element defines the *Industrial* land use purpose as:

a. To identify areas suited to industrial activities that will not adversely affect adjacent areas of other uses

b. To protect adjacent land uses from harmful influences, as well as to prevent the intrusion of incompatible uses into industrial areas. Residences are allowed only as caretaker or accessory uses.

c. Where the *Industrial* category is located outside of urban or village reserve lines, it is intended to reserve appropriately located areas for industrial uses requiring large areas of land, nearby transportation or energy facilities, or related activities compatible with agricultural and other rural uses.

The South County Area Plan mentions the Santa Maria Site and the importance of the buffer area around the facility. The South County Area Plan further states that any expansion or modification should be subject to development plan approval that considers buildable and open space area for the entire site (San Luis Obispo County 2018b).

**Coastal Zone Land Use Ordinance**

The CZLUO is Title 23 of the San Luis Obispo County Code. The goals and policies of the general plan are implemented through sections and guidelines of the county code. The Coastal Zone Land Use Element and the CZLUO make up the county’s Local Coastal Program (San Luis Obispo County 2018a). The CZLUO states that development must be consistent with the designated land use category of the site and defines specific site development requirements (San Luis Obispo County 2019).

**4.11.3 Significance Criteria**

Based on CEQA Guidelines Appendix G, a project would have significant adverse impacts to land use and planning if it would:

a. Physically divide an established community;
b. Conflict with any applicable land use plan, policy, or the 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.

4.11.4 **CEQA Baseline**

Baseline conditions reflect the 2019 operation and maintenance of the Rodeo Refinery and Santa Maria Site as petroleum refineries, including operation and maintenance activities. The baseline setting also includes the applicable regulatory framework to protect environmental resources, which are described above.

4.11.5 **Approach to Analysis**

The transitional phase included in construction of the Project does not involve activities that would affect existing land uses and land use designations above those identified for construction/demolition impacts. Therefore, the transitional phase is not further addressed.

4.11.6 **Discussion of No Land Use and Planning Impacts**

Review and comparison of the setting circumstances and Project characteristics with significance criteria a and b show that no impacts related to land use and planning would result for these criteria. The following discusses the reasoning supporting this conclusion.

a. *Physically divide an established community.*

With the exception of construction equipment staging at the adjacent Selby Site, which is owned by Phillips 66, all activities associated with the Project at the Rodeo Refinery and Carbon Plant would occur within the existing site boundary in an unincorporated area of Contra Costa County. The closest community to the Rodeo Site is Bayo Vista, which lies to the south of the Rodeo Site after the defined buffer zone. Project activities and development would not occur within this community or the buffer zone. The Selby Site equipment staging area is directly adjacent to the Rodeo Site on the northern side. There is no established community in this area as the site is also used for industrial purposes. There are no established communities in the vicinity of the Carbon Plant.

All demolition activities at the Santa Maria Site would occur within the existing refinery boundaries. The closest communities to the Santa Maria Site are Arroyo Grande to the north and Nipomo to the east. No Project activities would divide these communities.

There are no established communities within the Project area of the Rodeo Refinery and the Santa Maria Site that could divide an established community. Additionally, all Project activities would occur within existing refinery boundaries and land (Selby Site) owned by Phillips 66. Therefore, the Project would have no impact regarding division of an established community in either Contra Costa County or San Luis Obispo County.

4.11.7 **Direct and Indirect Impacts of the Proposed Project**

Table 4.11-1 presents a summary of the potential land use and planning impacts, as well as significance determinations for each impact.
## Table 4.11-1. Summary of Impacts

<table>
<thead>
<tr>
<th>Impact</th>
<th>Significance Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact 4.11.1. Conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>LTS</td>
</tr>
<tr>
<td>Rodeo Refinery and Santa Maria Site</td>
<td>✔</td>
</tr>
<tr>
<td>Construction/Demolition and Transitionala</td>
<td>✔</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
<td>✔</td>
</tr>
</tbody>
</table>

Notes:  
LTS = Less than significant, no mitigation proposed  
LTSM = Less-than-significant impact with mitigation  
SU = Significant and unavoidable  

a. Transitional phase applies only to Rodeo Refinery

**IMPACT 4.11-1**

b. Would the Proposed Project conflict with any applicable land use plan, policy, or the 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?

**Construction and Demolition: Less Than Significant, No Mitigation Proposed**

The Project, including both the Rodeo Refinery and the Santa Maria Site, was analyzed against applicable plans and policies including Land Use Elements of both the Contra Costa County General Plan and the San Luis Obispo County General Plan.

**Rodeo Refinery**

The Rodeo Refinery, including the Carbon Plant, is designated Heavy Industry and zoned for heavy industrial use by the Contra Costa County General Plan and the Contra Costa County Code, respectively. Project construction and demolition activities would occur within the existing Project site boundaries and are activities consistent with the industrial land use classification in Contra Costa County. Therefore, the Project would have less-than-significant impacts related to consistency with local land use plans and policies.

**Santa Maria Site**

Demolition activities at the Santa Maria Site are outside the jurisdiction of Contra Costa County and would require a separate permit and environmental process by resource agencies, San Luis Obispo County, and the Coastal Commission.

The Santa Maria Site is primarily designated as Industrial land use, with the northern portion of the buffer area designated as Open Space. A small section of the site at the southeast corner is designated as Agriculture. The Santa Maria facility and Project demolition activities would occur entirely within the area designated as Industrial land use and not result in conflicts with surrounding Open Space and Agriculture land uses. Therefore, the Project would have less-than-significant impacts related to consistency with local land use plans and policies.

**Operation and Maintenance: Less Than Significant, No Mitigation Proposed**

**Rodeo Refinery**

The Rodeo Refinery would be modified to process renewable feedstocks instead of crude oil, but would continue to operate as an industrial facility consistent with baseline conditions. The Carbon Plant would be demolished, and operations would cease at this Project facility. No changes to other
existing operation and maintenance activities would occur. In addition, there are no proposed changes to the Urban Limit Line boundary (Contra Costa County 2021a). The Project would require a new LUP through Contra Costa County for the new proposed Project activities, but the proposed uses would be consistent with the Industrial land use designation.

The Rodeo Site where proposed modifications would occur is designated as a Water-related Industry by the San Francisco Bay Plan. The Project would continue its current use, and therefore would not be inconsistent with the policies and goals of the San Francisco Bay Plan.

Therefore, the Project would have less-than-significant impacts related to consistency with local land use plans and policies.

**Santa Maria Site**

At this point in time it is speculative to assume a specific future use of the Santa Maria Site. Any future use of the Santa Maria Site would be subject to a separate permit application and environmental review process. Any development or reuse would likely require a Coastal Development Permit as well as grading and building permits from San Luis Obispo County. Any remediation that may be necessary would be coordinated with the RWQCB.

**Mitigation Measure:** None Required

**4.11.8 References**


