

11 LAND USE AND PLANNING, RECREATION, AND AGRICULTURAL RESOURCES

11.1 INTRODUCTION

This chapter describes existing land use, recreation, and agricultural resources in the area of Pacific Gas and Electric Company's (PGandE) Delta Distribution Planning Area Capacity Increase Substation Project (project), as well as impacts to land use, recreation, and agricultural resources that could result from construction and operation of the project. Project construction activities will comply with all applicable federal, state, and local non-discretionary regulatory requirements. Construction and operation of the project will have a less than significant impact on land use, recreation, and agricultural resources.

11.2 METHODOLOGY

Information about the land use, recreation, and agricultural resources of the project area were evaluated by analysis of the *City of Antioch General Plan* (General Plan), the zoning ordinance, contact with City of Antioch (City) planners, and a site visit.

11.3 EXISTING CONDITIONS

11.3.1 Regulatory Background

According to California Public Utilities Commission (CPUC) General Order 131-D, the CPUC has exclusive jurisdiction over utility regulation, including the installation of electric substations, transmission lines, and associated facilities. Local jurisdictions cannot disapprove, impose conditions or environmental mitigation measures, or otherwise assert formal, discretionary jurisdiction over utility projects. Local jurisdictions are requested to supply a position statement during PGandE's preparation of the required Proponent's Environmental Assessment (PEA) and to comment during the CPUC's review process under the California Environmental Quality Act (CEQA).

However, to ensure safety and compliance with local building standards, the utility must first communicate with, and obtain the input of, local authorities regarding land use matters, and obtain any non-discretionary local permits required for the construction and operation of the project after the CPUC makes its final determination and issues the Permit to Construct.

Land use provisions included in every California city and county general plan (California State Planning Law, Government Code §65302 et seq.) reflect the goals and policies that guide the physical development of land in each jurisdiction. Although the project is exempt from local land use and zoning regulations, this environmental review evaluates the project's conformity with land use designations and policies described in the General Plan in order to assess any potential impacts to land use and planning, recreation, and agricultural resources.

The project site is located within a planning study area (focus area) of the General Plan. Although land use designations and zoning classifications have been assigned to the study area and are being used for planning purposes, they have yet to be officially approved. The project is consistent with the proposed designations and related policies as described in the General Plan.

11.3.2 Land Use Designations

The project site is located in the Sand Creek Focus Area within the City of Antioch, Contra Costa County (County). PGandE purchased the substation property in 1991.

Table 11-1 summarizes the local jurisdiction and land use designations as specified in the General Plan. These designations for the vicinity of the project site are also depicted in Figure 11-1. Although the General Plan designates the substation site as Public/Quasi Public, City planners advise that land within the Sand Creek Focus Area has yet to receive an official land use designation, as it is a planning study area.

Access to the project site will be across land designated in the General Plan as Open Space/Senior Housing. As the access is within the Sand Creek Focus Area, it has also yet to receive an official land use designation. The substation will need to be connected to the Contra Costa to Cayetona 230 kilovolt transmission line located approximately 300 feet to the southwest. An easement will be obtained from the adjacent landowner for the installation of this looped powerline. The loop will traverse an area in the General Plan designated as Hillside, Estate, and Executive Residential/Open Space. This area is also within the Sand Creek Focus Area and has yet to receive an official land use designation.

Table 11-1: General Plan and Land Use Designations

Site	Local Jurisdiction	Land Use Designation ¹
Substation Site C	City of Antioch	Not yet designated; pending Sand Creek Focus Area approval. General Plan Designation is Public/Quasi Public.
Transmission line loop	City of Antioch	Not yet designated; pending Sand Creek Focus Area approval. General Plan Designation is Hillside, Estate, and Executive Residential/Open Space.
Access road	City of Antioch	Not yet designated; pending Sand Creek Focus Area approval. General Plan Designation is Open Space/Senior Housing.

Source: City of Antioch General Plan, 2003; Personal communication, City of Antioch, 2004/2005

¹ City planners advise that land within the focus areas have yet to receive an official land use designation.

Figure 11-1: Land Use Designations

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Land use areas designated as Public/Quasi Public are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/Institutional land use category, which is used to designate public land and institutional uses, including public and private schools and colleges, public corporation yards, libraries, fire stations, police stations, water treatment facilities, animal shelters, public and private museums, churches, and intergovernmental offices. Although regulated utility projects are not subject to local land use and zoning regulations, substations are consistent with the Public/Institutional land use category.

The Hillside, Estate, and Executive Residential designation is intended to provide areas of “upscale” housing within the City of Antioch, and the Open Space designation is intended to provide buffer areas and areas that may be utilized as mitigation for loss of grassland and other impacts by projects within the focus area.

11.3.2.1 Contra Costa County

In 1990, the voters of Contra Costa County approved Measure C-1990, which states that urban development within the County is to be limited to no more than 35 percent of the land, and that at least 65 percent of the land is to be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. To ensure the enforcement of the 65/35 standard, the County established an Urban Limit Line (ULL), which is incorporated into the County’s General Plan, Open Space and Conservation Element, creating a clear distinction between non-urban and urban-use areas. Measure C-1990 also requires that there be no changes made to the ULL that will violate the 65/35 standard. The project area is within the City limits and, therefore, does not conflict with Measure C-1990.

11.3.2.2 City of Antioch

The project area for the substation falls within the Sand Creek Focus Area in the City of Antioch. The Specific Plan for this focus area includes a maximum of 5,000 housing units, with senior units comprising approximately 54 percent and multi-family units comprising nearly nine percent of the total. Two employment centers are proposed in the Sand Creek Focus Area: a Kaiser Medical Facility on a 78-acre site is located in the northeast quadrant of the intersection of Deer Valley Road and Sand Creek Road, and a 108-acre business park on the Ginochio/Nunn property is located at the eastern end of the Sand Creek Specific Plan area. The Kaiser site is currently under construction and is not part of the Specific Plan.

Approximately 35 percent of the total Specific Plan area is for Open Space and recreational uses, including visual and other passive space, a golf course, and the Sand Creek trail. Hillcrest Avenue, Deer Valley Road, and Dallas Ranch Road will be the major north-south arterials for access to the area. Heidorn Ranch Road will also provide access into the area.

The Sand Creek Focus Area is part of the Future Urbanization Area (FUA) #1. On July 13, 2004, the City of Antioch passed Resolution No. 2004/94, which directs staff to cease processing of the FUA #1 Specific Plan and related environmental work. The resolution further states that the City Council may consider each project in the Sand Creek Focus Area subject to the project's ability to meet all of the following criteria:

- The project must be able to demonstrate a significant community benefit to the City.
- The project would not generate a significant demand on school facilities. It is anticipated that senior housing projects would meet this requirement. Non-residential uses (e.g., commercial, retail, business park uses) would also meet these criteria.
- The project would not generate significant traffic demand at the peak hours on Highway 4, Highway 4 Bypass, and other regional traffic routes. It is anticipated that Senior Housing and Business Park and other employment uses would be able to meet this requirement by providing opportunities for City residents to work locally.
- Any project being considered would be subject to the City's full entitlement process, including, but not limited to, the Residential Development Allocation (RDA) procedure, the Preliminary and Final Development Plan process, and the appropriate environmental documentation.¹

Currently, the only development underway within the Sand Creek Focus Area is the Kaiser Medical Facility. An application for a housing complex for seniors (Sand Creek Active Adult Community, Empire Mine Road) was approved under the RDA procedure the week of April 11, 2005; a review in accordance with CEQA will be required.

11.3.3 Zoning

Table 11-2 summarizes the zoning designations for the project area. The project site is not currently zoned, as it is part of a planning study area. Guidance on the siting of utility substations is provided in the City of Antioch zoning ordinance (Title 9, Chapter 5, Article 38). Utility substations are identified as an allowable use in all zoning districts.

Table 11-2: Zoning Designations

Site	Local Jurisdiction	Zoning for Project Site
Substation Site C	City of Antioch	Unzoned
Transmission line loop	City of Antioch	Unzoned
Access road	City of Antioch	Unzoned

Source: Personal communication, City of Antioch, 2004

¹ A City of Antioch planner advised that the substation facility will not be subject to the Residential Development Allocation procedure, which is used to meter the number of residential permits/units per year.

11.3.4 Existing Land Use

Table 11-3 summarizes the existing land uses for the project area. Also summarized are existing land uses within the vicinity of the project site. These existing land uses in the vicinity of the substation site are depicted in Figure 11-2.

The existing land uses within the vicinity of the project site include Open Space, Agriculture, utility corridors, and a small, private gravel road. The closest development to the site is a residential area located approximately 0.5 mile to the north, and there is a single-family dwelling located approximately 0.4 mile to the northeast. Kaiser Medical Facility is currently under construction approximately 0.5 mile to the northwest.

Table 11-3: Existing Land Uses

Site	Existing Land Uses
Substation Site C	<ul style="list-style-type: none"> • Agriculture (tilled) • existing 230 kilovolt (kV) powerlines traverse the area in a northwest-southeast direction • existing 21 kV distribution powerline runs along the western property line
Access road	<ul style="list-style-type: none"> • Open Space (native and non-native vegetation) • agricultural land • Sand Creek
Transmission line loop	<ul style="list-style-type: none"> • Open Space (native and non-native vegetation) • agricultural land
0.25 mile from project site	<ul style="list-style-type: none"> • Open Space • Agricultural land • utility corridors • private gravel road • Sand Creek
0.5 mile from project site	<ul style="list-style-type: none"> • single-family dwelling • housing subdivision • commercial development • Sand Creek

Source: Site visit and review of maps and aerial photographs, 2004

Figure 11-2: Existing Land Use

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11.3.5 Recreation

The City of Antioch manages approximately 400 acres of parks, open space areas, and marinas, half of which are developed. The remaining 200 acres consist of acreage awaiting development, or are areas managed exclusively as Open Space. The project site is not located on land within this designation.

11.3.6 Agriculture

The City of Antioch is located in an area of the County that has traditionally contained areas of land used for grazing, orchards, fields, and row crops. The City has approximately 5,600 acres of grazing and former agricultural lands. There are 928 acres of land in agricultural use. The project site is currently being used for dry-land (non-irrigated) wheat farming. The land is not subject to a Williamson Act contract², nor is it classified as Prime or Unique Farmland, or Farmland of Statewide Importance.

11.3.7 Land Use Policies

The land use policy relevant to the project site is found within the Sand Creek Focus Area Element of the General Plan:

- Policy q: Areas identified as Public/Quasi Public and School are intended to identify locations for new public institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/Institutional land use category described in the Land Use Element.

11.4 IMPACTS

11.4.1 Significance Criteria

Standards of significance were derived from Appendix G of the CEQA Guidelines. Project impacts to land use, recreation, and agricultural resources would be considered significant if they were to cause the following:

- physically divide an established community by a permanent barrier by which pedestrian or vehicle access to community features and services would be substantially impaired;
- conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect;
- conflict with an applicable habitat conservation plan or natural community conservation plan;

² The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

- increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or result in the construction or expansion of recreational facilities that might have an adverse physical effect on the environment;
- convert or otherwise result in changes that could result in converting farmland to non-agricultural use; or
- result in a conflict with existing zoning for agricultural use or Williamson Act contracts.

11.4.2 Construction

11.4.2.1 Temporary Impacts

Construction of the substation will not physically divide an established community by creating a permanent barrier that impedes pedestrian or vehicle access to community features or services.

During construction of the substation, there will be temporary impacts to agricultural land uses immediately adjacent to the project site. This will consist of potential impacts to ongoing agricultural operations during the delivery of construction materials and due to construction workers traversing adjacent agricultural land to access the project area. This impact will be temporary and of short duration and is not significant.

No other impacts to land use, recreation, and agricultural resources will occur as a result of the project during construction.

11.4.2.2 Permanent Impacts

Although local planning and zoning regulations do not apply to this project, which is in the exclusive jurisdiction of the CPUC, construction of a substation nevertheless conforms with the Sand Creek Focus Area land use policy for the Public/Institutional land use category applicable to Public/Quasi Public General Plan designations.

The project will not conflict with an applicable habitat conservation plan or natural community conservation plan.

The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of these facilities will occur or be accelerated. The project will not physically divide the community because it will not involve the construction of a permanent barrier inhibiting access to community features and services. The project area will result in the permanent loss of approximately 5.13 acres of agricultural cropland, and the associated access road will permanently impact an additional approximate 0.44-acre. However, this amount of land is approximately 0.6 percent of the total land in agricultural use in the City. Development of the site is considered a less than significant impact as it is within the County's ULL and, therefore, conforms with Measure C-1990 enacted to preserve land for agriculture, open space, wetlands, parks, and other non-urban uses.

The project will have a less than significant impact on farmlands. The site is owned by PGandE and is currently farmed with dry-land (non-irrigated) wheat crops. Agricultural production at the site will not be possible during or after construction of the project. Construction and operation of the substation will not interfere with agricultural production on adjacent lands. The property is not under a contract pursuant to the Williamson Act, and is not designated or identified as Prime or Unique Farmland, or Farmland of Statewide Importance.

11.4.3 Operations and Maintenance

Operations and maintenance personnel will visit the site periodically for routine inspection and maintenance procedures. This activity will have no impact on land use.

The substation will not physically divide an established community by creating a permanent barrier that impedes pedestrian or vehicle access to community features or services.

11.5 MITIGATION MEASURES

No significant impacts to land use, recreational, or agricultural resources will occur as a result of the construction or operation of the project. Therefore, no mitigation measures will be necessary.

11.6 REFERENCES

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