2.9 LAND USE, PLANS, AND POLICIES

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
LAND USE, PLANS, AND POLICIES— Would the proposed project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

SETTING

EXISTING LAND USES

The 2.5-mile-long route of the proposed 115 kV cable line passes through areas that are generally light industrial in nature. Uses along the route include warehouses, transportation and service-related businesses, offices, wholesaling enterprises, a commercial bakery, scrap metal and auto dismantling yards, a neighborhood-serving retail center, and various public facilities, including the City's primary wastewater treatment plant and a Municipal Railway (Muni) yard.

The proposed project route begins on Illinois Street between 22nd and 23rd Streets at the PG&E Potrero Switchyard, adjacent to the Potrero Power Plant, formerly operated by PG&E and now run by Mirant Corp. Across Illinois Street from the Switchyard is a large building that historically was a can manufacturing plant (American Can Company) and was later converted to a light industrial facility that now houses numerous artists and galleries, food-related businesses, small manufacturing, business services, and other comparable establishments. From the point of origin, the route heads south in the Illinois Street right-of-way for one block and bears west on 23rd Street, crossing Third Street, the primary north-south arterial in the area, where Muni is currently building the Third Street Light Rail line, to Tennessee Street, where the route heads south for two blocks to 25th Street, one block east to Minnesota Street, and another two blocks south to Cesar Chavez Street, between Milepost (MP) 0.6 and MP 0.7. The route stays within street rights-of-way for the entire length between 23rd and Cesar Chavez Streets. Land uses in this area primarily consist of light industrial and warehousing uses, although there are some newer loft-style dwellings in multi-story buildings, as well as some office uses. Specifically, there is a residential building located on Minnesota Street between 25th and 26th Streets. The nearest residential area to this northern portion of the proposed 115 kV cable route is in the "Dogpatch" neighborhood, along Third and Tennessee Streets near 22nd Street, about one-half

block north of the proposed route.[1] Esprit Park, located at 20th and Minnesota Streets, about five blocks (1/3 mile) from the proposed project route's point of origin, is located in relatively close proximity to this portion of the proposed route,.

From Minnesota and Cesar Chavez Streets, the proposed project route proceeds west on Cesar Chavez, within the right-of-way, for approximately 1/4 mile, passing beneath the elevated I-280 freeway and the elevated Caltrain railroad tracks. The route passes additional new loft-style residences, a self-storage yard, and light industrial uses and within a block of a Muni bus yard before turning south off of Cesar Chavez Street, passing through a vacant lot owned by the City and the parking lot of the San Francisco Chronicle printing plant. These two parcels, which skirt the westerly extent of the Islais Creek basin, the remnant of a historic drainage that once flowed from the center of the City to the Bay, are the only portion of the proposed project route that is not within a public right-of-way. Once through the parking lot, the proposed route proceeds west in the Marin Street right-of-way and then turns south on Evans Avenue for a short distance, passing a self-storage facility and a restaurant supply outfit, then follows Evans Avenue when it turns southeast at Napoleon Street, remaining on Evans Avenue, entirely within the right-of-way, for nearly another 1.5 miles terminating in the Hunters Point Switchyard.

Entering this long stretch of Evans Avenue, the route passes near a U.S. Post Office carrier facility and a school bus yard, both one-half block west on Napoleon Street. The route also passes a restaurant, a Federal Express distribution center, and a large French bread bakery (Parisian) before crossing beneath the Caltrain tracks and I-280 again near Selby Street. The portion of Evans Avenue between Selby Street and Third Street is occupied by several auto dismantlers and a large metal recycling yard (scrap yard); this is the most heavily industrialized portion of the route, and the four-lane Evans Avenue carries extensive heavy truck traffic. A City wastewater pumping station that handles discharge of treated wastewater into Islais Creek is located one block to the north. Once past the scrap yard, the proposed project route crosses a rail spur track that links the Port of San Francisco with the Union Pacific main line into the city, and then passes alongside the Southeast Water Pollution Control Plant, which occupies several city blocks along the south side of Evans Avenue.

East of Third Street, the India Basin Industrial Park, a San Francisco Redevelopment Agency project, occupies several blocks on the north side of Evans Avenue, which includes the main U.S. Post Office mail sorting facility in San Francisco, just west of the Hunters Point Power Plant. On the south side of Third Street, Bayview Plaza, a retail center, anchors the southeast corner of Third Street and Evans Avenue. Facing the India Basin Industrial Park, several light industrial and office uses line the south side of Third Street. Youngblood Coleman Playground, a City of San Francisco Recreation and Park Department playground, is just over a block south of Evans Avenue at Mendell Street, and there are single-family and multi-family residential uses just south of the park on the northern slope of Hunters Point Hill. Further east, multi-family residences of San Francisco Housing Authority properties nearly abut the Hunters Point Power

[1] Around 23rd and Tennessee Streets, there is currently a collection of lived-in vehicles, one of the clusters of such non-permanently housed residents who congregate in generally industrial locations in San Francisco for periods of time, generally until police are summoned by residents or business owners to relocate the vehicles.

Plant parcel, across Evans Avenue from the Hunters Point Switchyard, about one block south of Evans Avenue. This parcel once contained fuel oil tanks that provided fuel oil to the power plant and which have been removed. Two other parks are located less than 1/4 mile from the Hunters Point Switchyard: India Basin Shoreline Park to the southeast, and Heron's Head Park to the northeast.

The proposed project route terminates at the Hunters Point Switchyard near MP 2.5. The route is within City streets for about 2.4 miles of its 2.5-mile length.

SOCIOECONOMIC DATA

San Francisco Supervisoral District 10, through which the proposed project route would pass, ranks 9th in per capita income of the 11 districts within the city. The population consists of roughly similar percentages of Asian, Black/African American, and White residents (between 26 and 30 percent each); 19 percent of residents are Hispanic or Latino (City of San Francisco, 2002). For the five census tracts that the proposed project route would traverse or be adjacent to, the Black population is nearly two-thirds (64 percent) of the total and the total minority population is in excess of 90 percent. This compares to a citywide Black population of 8 percent and a total citywide non-white population of 50 percent. Per-capita income (1999) in the five tracts was $17,200, half the citywide average of $34,550 (U.S. Census Bureau, 2000).

REGULATORY CONTEXT

CALIFORNIA PUBLIC UTILITIES COMMISSION

The California Public Utilities Commission (CPUC) has primary jurisdiction over the proposed project by virtue of its approval authority over construction, operation, and maintenance of public utility facilities. CPUC Decision (D.) 95-08-038 reiterates that local governments have no authority to approve utility power transmission line or substation projects.[2] Even though local jurisdictions do not have discretionary authority over utility projects, as a practical matter, the CPUC attempts to address affected local jurisdictions' plans and policies in its environmental review documents. The CPUC's approval for utility-proposed projects generally includes provisions that require the utilities to consult with local agencies regarding land use matters and obtain all necessary local and state permits and approvals.[3] Nevertheless, pursuant to General Order (GO) 131-D, the CPUC retains exclusive jurisdiction over the regulation of electric power line projects, distribution lines, substations, or electric facilities constructed by regulated public utilities. Pursuant to GO 131-D, the CPUC shall resolve any differences that arise between the utilities and local agencies regarding these issues. As part of the environmental review process, the CPUC has considered relevant City land use plans, policies, and issues and prepared this evaluation of the project's potential impacts to land use and planning.

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2 See also D. 94-06-014, p. 12.

3 General Order 131-D, Section III.C, requires "the utility to communicate with, and obtain the input of, local authorities regarding land use matters and obtain any non-discretionary local permits...."

LOCAL PLANS AND POLICIES

The proposed project lies entirely within San Francisco. No more than 0.2 miles of the proposed project route is outside existing roadway rights-of-way. A portion of the proposed project route (about 0.7 miles) is on property where the Port of San Francisco has an underlying fee interest. This includes portions of Illinois Street, 23rd Street, Tennessee Street, and Evans Avenue.

San Francisco General Plan

Although the proposed project is not subject to local plans and policies, project consistency with the San Francisco General Plan was analyzed, consistent with GO 131-D. The General Plan contains general policies and objectives to guide land use decisions and contains some policies that relate to physical environmental issues. The General Plan contains 10 elements, including Air Quality, Arts, Commerce and Industry, Community Facility, Community Safety, Environmental Protection, Recreation and Open Space, Residence, Transportation, and Urban Design. The General Plan also contains 10 Area Plans that set specific policies and guidelines for certain neighborhoods in San Francisco. The project area is located within the boundaries of two of these area plans: the Central Waterfront Plan and the South Bayshore Plan.

The General Plan does not contain a discrete Land Use Element. Rather, policies regarding land use are found in various elements throughout the Plan. Although the Plan does not contain a map of allowable uses, the "Generalized Residential Land Use Plan" (Map 2 in the Residence Element) identifies the project area as "Mixed Use, Predominantly Commercial/Industrial." Residential areas are identified northwest of the Potrero Switchyard (Dogpatch) and south and west of the Hunters Point Switchyard (south of Youngblood Coleman Playground and on Hunters Point Hill).

Central Waterfront Plan

The Central Waterfront Plan, most recently amended in 1997, covers the portion of the project area north of Islais Creek and west of I-280. The Central Waterfront Plan, which does not map permitted land uses, is divided into six subareas, two of which (Central Basin and Islais Creek) include portions of the project area. The Plan contains the following general objectives and policies:

- Objective 1: Strengthen and expand land uses essential to realizing the economic potential of the subareas.
- Policy 2.3: Improve, expand, and develop recreational areas at established public access points along the waterfront enabling public use and enjoyment of the shoreline.

China Basin Subarea.

- Objective 15: Maintain and expand maritime activity in the Central Basin subarea.
- Objective 16: Retain and expand industrial uses.

- Policy 16.2: Assure that any power plant expansion on the Pacific Gas and Electric Company site [now the Mirant Corp. Potrero Power Plant site] will provide additional employment and will not adversely affect the environment.

- Objective 17: Improve and expand waterfront recreation.

Islais Creek Subarea.

- Objective 19: Expand maritime activity and ancillary services.

- Objective 20: Develop waterfront recreational uses along the shoreline of Islais Creek channel.

- Objective 21: Retain and expand industrial uses in the Islais Creek area.

South Bayshore Plan

The South Bayshore Plan, most recently amended in 1997, covers the area south of Islais Creek Channel and Cesar Chavez Street and west to Bayshore Boulevard. It has seven subareas, two of which, the Northern Industrial Area and India Basin Industrial Area, include portions of the proposed project route. The South Bayshore Plan contains a Generalized Land Use and Density Plan (Figure 3)[4] that identifies the proposed project route as being within Heavy Industrial areas. The South Bayshore Plan identifies residential uses described above south of Youngblood Coleman Playground and on Hunters Point Hill, as well as the playground itself. The Plan contains the following objectives and policies:

- Objective 1: Stimulate business, employment, and housing growth within the existing general land use pattern by resolving conflicts between adjacent industrial and residential areas.

- Policy 1.2: Restrict toxic chemical industries and other industrial activities with significant environmental hazards from locating adjacent to or nearby existing residential areas.

- Objective 5: Preserve and enhance existing residential neighborhoods.

- Policy 8.1: Maintain industrial zones in Northern Industrial and India Basin subdistricts.

- Objective 17: Support community economic development and revitalization through energy management and alternative energy technologies.

General Plan Environmental Protection Element.

The Environmental Protection Element of the General Plan, most recently amended in 1995, contains an Energy chapter that includes numerous objectives and policies relating to increased energy efficiency use by City facilities and by residents, businesses, and transportation. The Element also contains the following objectives relevant to the proposed project:

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4 The figure can be viewed at: http://www.sfgov.org/site/uploadedimages/planning/egp/illus/sbayshore/figure3.gif.

- Objective 16: Promote the use of renewable energy sources.
- Objective 17: Support federal, state and PG&E energy programs that are equitable, and encourage conservation and renewable energy use.

Project Consistency with the General Plan

The proposed project would not conflict with the Central Waterfront Plan or the South Bayshore Plan because it would not result in permanent changes in land use, disrupt existing industrial or maritime business activity, or result in any permanent adverse effects on the nearest residences or parks. As described elsewhere in this MND, the project would not "adversely affect the environment," nor would it create "significant environmental hazards." Regarding Policy 16.2 of the Central Waterfront Plan, the proposed project would not affect the existing Potrero Power Plant. However, it is noted that, as a separate project, the City is exploring the installation of several gas turbines adjacent to the Potrero Plant site. This process is on hold as the City, with public participation, develops a short list of recommended measures to mitigate the air quality impacts of the proposed project. Regarding Policy 17 of the South Bayshore Plan and Objectives 16 and 17 of the Environmental Protection Element, it is noted that the proposed project could help facilitate the ultimate closure of the Hunters Point Power Plant; this closure is part of the City's energy strategy to increase the use of alternative energy sources.

San Francisco Planning Code (Zoning)

The San Francisco Planning Code, most recently amended in August 2004, incorporates by reference the City's Zoning Maps governs permitted uses, densities, and the configuration of buildings in San Francisco. Although the proposed project is exempt from local zoning, the Planning Code was reviewed, consistent with GO 131-D.

The entire area through which the proposed project route passes is zoned M-2 (Heavy Industrial), which is the least restrictive of San Francisco's zoning categories and provides for the widest array of permitted uses. Linear transmission facilities, such as a power line, are generally not regulated by the Planning Code. However, the M-2 District does permit various utility facilities such as a public utility service yard, utility installation, and steam power plant.

Port of San Francisco Waterfront Land Use Plan

The Port of San Francisco Waterfront Land Use Plan, adopted by the Port Commission in 1997, establishes land use policy for all property under the Port's jurisdiction. As noted, a small part of the proposed project area is covered by the Waterfront Plan. Although the proposed project is exempt from local land use policies, the Waterfront Plan was reviewed, consistent with GO 131-D.

The Waterfront Land Use Plan anticipates an increase in both cargo and non-cargo activity in the Southern Waterfront, generally the area from Pier 70 south. The Port is currently working with the Southern Waterfront Advisory Committee and local communities in a planning effort for land located upland of the Port's marine terminals, the so-called "Pier 90-94 Backlands." This effort

is expected to lead to decisions regarding whether the Pier 90-94 Backlands may be available for other uses, such as further maritime and non-maritime industrial and commercial uses that could be developed in the future.

Because the proposed project would not result in any permanent disruption of either cargo activity or industrial uses, it would not result in any inconsistencies with the Waterfront Land Use Plan.

San Francisco Bay Area Seaport Plan

The San Francisco Bay Area Seaport Plan, adopted in 1996 and most recently amended in 2003, was prepared jointly by the Metropolitan Transportation Commission (MTC), the Bay Area's transportation planning agency, and the San Francisco Bay Conservation and Development Commission (BCDC), a state agency charged with regulating filling and dredging in San Francisco Bay, regulating development within the first 100 feet inland from the Bay to ensure that maximum feasible public access to the Bay is provided, and ensuring that the limited available shoreline is reserved for ports and other water-related uses. The Seaport Plan constitutes the maritime element of MTC's Regional Transportation Plan and is incorporated into BCDC's San Francisco Bay Plan, where it is the basis of the Bay Plan port policies. MTC uses the Seaport Plan to assist in making project funding decisions and managing the metropolitan transportation system and BCDC uses the Seaport Plan to help guide its regulatory decisions on permit applications, consistency determinations, and related matters.

The Seaport Plan promotes a number of goals, including ensuring the continued operation and viability of the ports on San Francisco Bay, maintaining or improving the environmental quality of the Bay, ensuring the efficient use of physical and fiscal port resources, integrating and improving port surface transportation facilities, and reserving sufficient shoreline areas to accommodate future growth in maritime cargo, thereby minimizing the need for new Bay fill. The Seaport Plan designates "Port Priority Areas" that the Plan has determined necessary for future port development and that are to be "reserved for port-related and other uses that will not impede development of the sites for port purposes." The northern and southern banks of Islais Creek east of Third Street and the area north of Cargo Way are among the Port of San Francisco lands designated Port Priority Areas. In addition, the Seaport Plan includes a policy that states, "[l]ocal, state and federal government actions, such as land use decisions, public works projects, or rail abandonment, should not impede access to the marine terminal sites identified in the Seaport Plan."

Because the proposed project would not result in any permanent disruption of cargo activity, it would not result in any inconsistencies with the Bay Area Seaport Plan.

IMPACTS DISCUSSION OF LAND USE, PLANS, AND POLICIES

METHODOLOGY AND SIGNIFICANCE CRITERIA

The conformity of the proposed project with existing or proposed land use plans and policies was the methodology used to determine land use impacts. To determine the level of significance of the impacts anticipated from the proposed project, the proposed project's effects were evaluated as provided under the CEQA Guidelines. This significance criteria, as set forth in CEQA Guidelines Appendix G, are summarized in the checklist provided at the beginning of this section.

In addition, the proposed project was considered to have a potential significant land use impact if it would result in a land use conflict with adjacent properties.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Because the proposed cable line would be placed underground, with all but about 0.1 miles of the proposed cable transmission route to be built within existing roadways and the remainder within a parking lot and a vacant lot, impacts would be virtually entirely construction-related. No permanent effects would occur to existing land uses, with the exception that the parking lot and the vacant lot would be subject to a maintenance easement for future repairs on the line. The vacant lot, which is adjacent to Cesar Chavez Street and is a narrow rectangle, 41 feet by 200 feet, presents limited opportunity for development because of its unusual dimensions and its location, and it is unlikely that the easement would result in substantially less potential for development on this property than presently exists. Adjacent lots with similar dimensions are currently used as storage areas.

Construction impacts would be similar to those of other in-street utility construction. The entire construction period would last approximately nine months; however, the duration of construction at any given location would be substantially less. The maximum length of an open cut in any given street would be approximately 300 feet (longer than a short city block, but less than the length of a long block). Temporarily disturbed areas would be restored after construction and, as a result, no permanent alteration of any streets or other uses would be apparent once the installation is complete, with the exception of the switchyards at either end of the route. These switchyards would be modified within their existing boundaries, however, and no permanent land use impacts would result from project modifications because uses would continue as at present. No surrounding land uses would be permanently affected by the switchyard modifications.

Commercial and residential uses located along the proposed project route, as well as adjacent side streets could be affected by noise, dust, odors, access restrictions, and increased traffic associated with project construction activities, as well as by temporary restrictions on traffic flows, such as one-way traffic control. However, no streets would be completely closed during construction. Impacts from dust and noise are described in Sections 2.3, *Air Quality* and 2.11, *Noise*. Traffic impacts and access issues are addressed in Section 2.15, *Transportation and Traffic*.

In general, project construction is anticipated to result in a minor annoyance to most residents and businesses, if they experience any effect at all; many observers may not even be aware that the project is under way. On the other hand, some residents or business people may experience project construction as another in a series of major projects that are being undertaken in the Third Street corridor. Most notably, the Third Street Light Rail Project has been under construction since early 2003 along various portions of the corridor. PG&E would coordinate with Muni to ensure that boring activities do not interfere with transit operations. No permanent conflicts would occur as a result of the proposed project because the project would be located underground and would cross perpendicular to Third Street.

In light of the above, it appears likely that project construction would not be noticeable to most persons except those directly affected by work in front of their home or business. A potential physical land use conflict could occur on Minnesota Street between 25th and 26th Streets where a residential building exists and is occupied on the east side of the street.

Impact LUP-1: Project construction could result in adverse impacts, associated with traffic congestion and noise, to adjacent residential land uses along Minnesota Street between 25th and 26th Streets. This would be a less than significant impact with implementation of Mitigation Measure LUP-1.

> **Mitigation Measure LUP-1: PG&E shall move the segment of the proposed project route from 25th Street between Tennessee and Minnesota Streets and Minnesota Street between 25th and Cesar Chavez Streets to instead continue down Tennessee Street from 25th Street to Cesar Chavez Streets and then travel east along Cesar Chavez Street.**

Because project construction would be underground and primarily within existing roadways, a vacant lot, a parking lot, and within existing PG&E property or other disturbed areas, and because, once complete, only infrequent maintenance activity would ensue, the project would not physically divide an established community. As a result, the proposed project would not result in a significant land use effect.

Although the proposed project route traverses an area that is more economically disadvantaged and with a substantially larger percentage of minority population than is the case for San Francisco as a whole, the overall lack of physical environmental impacts that would be attributable to the project would greatly diminish the potential that lower-income and/or minority populations would be adversely affected by the proposed project.

There are no habitat conservation plans or natural community conservation plans applicable to the project area. Therefore, the project would not conflict with any such plan.

CHECKLIST IMPACT CONCLUSIONS

a) An established community would not be divided under the proposed project because all impacts would be temporary and limited to the duration of construction, and because the vast majority of construction would take place within existing street rights-of-way.

b) The proposed project would not substantially conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

c) There are no habitat conservation plans or natural community conservation plans applicable to the project area and, therefore, the proposed project would not conflict with any such policy.

REFERENCES – Land Use, Plans, and Policies

Essex Environmental, 2003. *PG&E Potrero to Hunters Point 115 kV Cable Project Proponent's Environmental Assessment*. December 2003.

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