

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: February 9, 2010

SUBJECT: CONSIDERATION OF RECOMMENDATIONS TO CERTIFY THE FINAL EIR FOR THE PREFERRED REUSE PLAN FOR THE CONCORD NAVAL WEAPONS STATION (CNWS); ADOPT CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING UNAVOIDABLE AND SIGNIFICANT IMPACTS; APPROVE A MITIGATION MONITORING PLAN; AND APPROVE THE PREFERRED ALTERNATIVE AS THE REUSE PLAN TO BE SUBMITTED TO THE U.S. NAVY FOR CONSIDERATION IN PROPERTY TRANSFER

Report in Brief

Staff is recommending the City Council sitting as the Local Reuse Authority (LRA), adopt Local Reuse Authority Resolution No. 10-7 certifying the Final EIR for the Preferred Reuse Plan; and adopt Local Reuse Authority Resolution No. 10-8 adopting CEQA Findings of Fact and a Statement of Overriding Considerations regarding identified unavoidable and significant impacts of the Preferred Alternative, approving a mitigation monitoring plan; and approving the Preferred Alternative as the Reuse Plan for the CNWS.

This recommendation comes after a comprehensive and inclusive planning process between the City, its residents, local/regional government agencies, and non-governmental organizations. The planning process commenced in the Spring of 2006 and has continued nonstop to this point in February, 2010. While certification of the Final EIR and adoption of the Preferred Alternative as the Reuse Plan completes a major milestone in the Base Realignment and Closure (BRAC) process, it is but one step in a multi-step effort to return the CNWS to public/private use. The LRA has many additional actions to complete prior to implementation of reuse of the base including: amendment of the General Plan, establishment of property transfer strategies with the Navy, determination of remediation requirements for potential early transfer of parcels, development and implementation of appropriate financing structures, consideration of establishment of a redevelopment area within the base planning area, development of appropriate site-wide resource management plans, and creation of development agreements to help guide private development. This list is not all inclusive but highlights the numerous challenges ahead and the multiple points in the continuing process that will allow for public involvement.

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Staff has based its recommendation on the body of information found in the May, 2008 Draft EIR, the August 2009 Draft Revised EIR, the Final EIR, and the goals and objectives set by the community and LRA in the August, 2006 Visioning Report. The Preferred Alternative has a minimally higher environmental impact when compared with the Concentration/Conservation alternative. However, staff believes that the Preferred Alternative performs better against the key goals and objectives set forth by the LRA and the community, particularly the goals of balancing a broad range of community needs and providing fiscal/financial sustainability, and therefore warrants adoption as the Reuse Plan.

Background

The purpose of a military base reuse plan is to provide guidance to the military service, in this case the U.S. Navy, on how the LRA and the community would prefer to arrange land uses on the site and broadly what types of land use they would prefer. The military service is then required by the BRAC Act to consider the reuse plan in various environmental studies and resources management consultations and in determining property disposition (transfer). The Reuse Plan is also used by the U.S. Department of Housing and Urban Development (HUD) to determine if the community's plan balances the need for economic development with the needs of the homeless. The Reuse Plan does not entitle the property to certain use under state laws that control land use, hence the need for the City to amend its General Plan and set policy that will guide actual reuse of the base. The LRA, in concert with the community, has prepared a very general reuse plan and reviewed many alternative concepts for that plan in a programmatic environmental impact report (EIR). The EIR is designed to serve as a foundation for future environmental reviews that, by their nature will be more detailed, as policy is created and put in place and design specifics emerge in later stages of development.

Discussion

The programmatic Final EIR for the CCRP was provided to the public and the LRA on January 15, 2010. The Final EIR shows changes to the August, 2009 Draft Revised EIR in underline/strikeout tracking format and reflects staff's response to comments received on the August, 2009 document. The public and the LRA also received separate documents that respond in detail to each comment received on the May, 2008 Draft EIR and the August, 2009 Draft Revised EIR. Attached to this staff report are two additional documents: a mitigation monitoring plan and a set of CEQA Findings of Fact and Statement of Overriding Considerations. Staff's recommended actions are based on the complete body of information contained in all of these documents. The discussion below briefly summarizes key findings. Staff would direct particular attention of the LRA to Section X. A., X. B., XI. B. and XI. C. of the CEQA Findings of Fact and Statement of Overriding Considerations for more detailed support of the staff recommendation to certify the Final EIR and adopt the Preferred Alternative as the Reuse Plan.

Both the Preferred Alternative and the Concentration and Conservation Alternative represent the best distillation of the concepts of the former seven alternatives. While they approach the reuse of the site from different perspectives, they both embody key planning principles and guidance accumulated

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during the 3-year LRA community reuse planning process, and both achieve the four overarching goals established in the community's vision for the site.

Key planning concepts that have also been incorporated into the reuse planning process, include:

- Locate higher-intensity uses around the North Concord/Martinez BART Station.
- Support transit-oriented development around the North Concord/Martinez BART Station, transit service in other developed areas of the site, and a broad range of travel choices (including transit, walking, and biking).
- Integrate the site with existing Concord to improve the quality of life for existing Concord residents and avoid creating "two ConCORDs."
- Create balance in housing types and housing choices.
- Provide for community and cultural facilities including a library/performing arts center/community center, adequate schools for K-12 on-site population, and a tournament-level sports facility.
- Preserve a minimum 300-foot-wide riparian corridor along the centerline of Mt. Diablo Creek.
- Preserve the hills and ridgelines on the eastern side of the CNWS.
- Limit development in areas of 30 percent slope or greater.
- Avoid and/or minimize intrusion into wetlands and into breeding areas and habitat for threatened or endangered animal species.
- Avoid development south of Bailey Road.
- Avoid roads and development east of Mt. Diablo Creek and especially in resource areas containing habitat for threatened and endangered species.
- Maximize open space with facilities and trails that will serve the public.
- Set aside lands and designate them as open space in order to provide on-site mitigation for any unavoidable loss of habitat or wetlands on other portions of the site.

Because the two alternatives are based on similar planning principles, there are not substantial differences between the two in terms of minimizing significant and unavoidable impacts.

The August, 2009 Draft Revised EIR identified and compared environmental effects of the two alternatives, the No Project and the Concentration and Conservation alternatives with environmental impacts resulting from the Preferred Alternative.

The No Project Alternative is not considered to be the environmentally superior alternative. (See CEQA Guidelines section 15126(e)(2) ("if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other

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alternatives.”.) While the No Project Alternative may result in fewer physical impacts, maintaining the site in its current caretaker status does not make it suitable for any of the development envisioned following the extensive community planning process that resulted in the Preferred Alternative and the Concentration and Conservation Alternative. Further, leaving the site in its current condition – it is fenced from public access, patrolled and not available for active or passive recreation, it is subject to heavy grazing, the existing structures are aging and not maintained, and Mt. Diablo Creek is in a deteriorated state – and continued Navy ownership of the site does not provide a public benefit and a revenue source to the citizens of Concord. Also, the No Project Alternative may not result in the remediation of known sources of contamination in a timely manner or to a level that would allow residential and recreation uses. While the No Project Alternative would result in no land disturbance resulting from new development and the lowest predicted amount of traffic, when compared with the two alternatives and the lowest annual carbon dioxide emissions as presented in table below, it would not achieve the four goals that were established for the CCRP.

The Concentration and Conservation Alternative (C&C), as its name suggests, concentrates all of the development onto the northwest portion of the site. This concentration of development provides the greatest amount of open space dedicated to protection of wildlife and habitat, and it leaves undisturbed larger amounts of land fronting the existing residential properties along the western boundary of the site. Most of the development is located in close proximity to the North Concord/Martinez BART Station, providing for transit-oriented/walkable neighborhoods. A smaller development footprint leads to less commercial/retail space, fewer residential units, lower job creation on the site, less connectivity, and fewer acres for neighborhood and community parks. The smaller footprint also leads to higher overall density.

Summary of Differences Between Alternatives

Attribute	Preferred Alternative	Concentration and Conservation Alternative
Proportion of the site designated for the following categories of land uses:		
Residential	20% (1,022 acres)	15% (733 acres)
Commercial	6% (285 acres)	4% (211 acres)
Institutional (Education Campus)	3% (150 acres)	3% (150 acres)
Community/Other	6% (285 acres)	5% (245 acres)
Parks (Active Recreation)	14% (721 acres)	9% (467 acres)
Riparian Corridor	4% (178 acres)	4% (178 acres)
Open Space	47% (2,387 acres)	61% (3,044 acres)
Total	5,028 acres	5,028 acres
Population	28,800 people	23,241 people
Housing Units	12,272 units	10,203 units
Housing Mix	25% high density 37% medium density 38% low density	30% high density 40% medium density 30% low density
Average Residential Density	12.0 gross units per acre	13.9 gross units per acre
Employment	26,530 jobs	21,257 jobs
Commercial Floor Area	6.2 million square feet	4.8 million square feet

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As shown in the table below, both the Preferred and C&C alternatives have relatively the same number of significant environmental impacts and the same number that cannot be mitigated to a level that is not significant. Given that the potential significant impacts of the two alternatives are relatively equal, the quantitative and qualitative differences between the two are marginal. The primary points of difference reflect the concentration of development at Willow Pass Rd and North-Northwest towards the North Concord Martinez BART station and Highway 4. Traffic impacts that are significant and unavoidable are more severe with C&C because there are fewer points of connectivity with existing transportation networks; because more traffic is funneled into fewer traffic corridors, congestion under the C&C alternative will be greater. Conversely, noise impacts along the western boundary of the site from traffic associated with the villages south of Willow Pass Road are eliminated. There is also some lessening of the severity of some of the impacts associated with air quality, green house gas emissions and traffic because of the smaller footprint (compared to the Preferred Alternative) but not to a degree that would change the level of significance of the impact.

Summary of Significant Environmental Impacts

	Preferred Alternative		Concentration and Conservation Alternative	
	Significant Impacts	Impacts that cannot be mitigated to a level that is less than Significant	Significant Impacts	Impacts that cannot be mitigated to a level that is less than Significant
Land Use	2	1	2	1
Transportation	17	8	18	10
Visual Resources	4	1	3	1
Earth Resources	0	0	0	0
Hydrology and Water Quality	0	0	0	0
Biological Resources	19	0	19	0
Cultural Resources	3	0	3	0
Hazards and Hazardous Materials	7	0	7	0
Air Quality	5	3	5	3
Noise and Vibration	6	1	5	0
Population, Housing, and Employment	0	0	0	0
Public Services	0	0	0	0
Recreation	0	0	0	0
Utilities	10	0	10	0
Cumulative Impacts	6	6	6	6
Total	79	20	78	21

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The Concentration and Concentration Alternative results in a smaller footprint, less traffic, and lower green house gas emissions than the Preferred Alternative, and solely on those bases, staff has designated it the environmentally superior alternative.

However, as a regional infill site, the C&C Alternative takes less advantage of the opportunity to place transit-oriented, sustainable development across the site. Development is so concentrated around the North Concord/Martinez BART Station that the opportunity to provide significant connectivity with the rest of the City is compromised. The lack of connectivity has a high probability of creating isolation of the development within the C&C Alternative, thereby creating a “second Concord” and thus failing to meet one of the key objectives of the community’s vision for the reuse of the base. The higher density housing under the C&C Alternative also reduces the level of diversity of housing type, in conflict with one of the main overarching goals of balancing multiple interests and a broad range of community needs. The reduced housing diversity would also create slower absorption for residential uses, and the smaller number of overall housing units would translate to lower affordable housing opportunities. The C&C Alternative provides for less improved recreational parkland and creates an imbalance with higher provision of open space beyond what is needed for habitat protection/enhancement and passive recreation. The provision of added open space beyond what has been requested for a regional park also raises serious questions about who will take responsibility for remediation, maintenance and security over the open lands. The added open space in the C&C Alternative is situated in an area with soil contamination and numerous storage bunkers. The presence of the contamination and bunkers would likely lead to the property being transferred with significant land use controls.

The C&C Alternative does provide an opportunity for positive financial performance and fiscal sustainability, two key objectives from the community vision for the reuse of the base. However, the financial value created is some thirteen percent (13%) lower and the net fiscal return to the City’s General fund six percent (6%) less than the Preferred Alternative

Finally, the C&C Alternative and its smaller development footprint would result in less land dedicated to recreation and new residential, commercial, and institutional uses based on the principles of smart growth, which would result in fewer new residents and new jobs.

For the reasons stated above, staff recommends that the LRA find the C&C Alternative to be infeasible and reject it as a viable alternative to the Preferred Alternative.

The Final Mitigation Monitoring and Reporting Plan is attached to and hereby incorporated into the Final EIR document. Staff recommends its approval in conjunction with certification of the EIR and adoption of the CEQA Findings of Fact.

The City will use the Mitigation Monitoring and Reporting Plan to track compliance with CCRP mitigation measures. The Mitigation Monitoring and Reporting Plan will remain available for public review during the compliance period and will likely be updated as future implementation of the Preferred Alternative provides for increased detail and specificity.

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Fiscal Impact

There is no fiscal impact to the City from adoption of the Preferred Alternative as the Reuse Plan, or from certification of the Final EIR. There could be fiscal implications from implementation of the Mitigation Monitoring Plan; however, quantification of the impact is not possible at this stage of the project.

Public Contact

Agenda has been posted in accordance with legal requirements.

Recommendation for Action

Staff is recommending the City Council sitting as the Local Reuse Authority (LRA), adopt Local Reuse Authority Resolution No. 10-7 certifying the Final EIR for the Preferred Reuse Plan; and adopt Local Reuse Authority Resolution No. 10-8 adopting CEQA Findings of Fact and a Statement of Overriding Considerations regarding identified unavoidable and significant impacts of the Preferred Alternative, approving a mitigation monitoring plan; and approving the Preferred Alternative as the Reuse Plan for the CNWS.



Daniel E. Keen

City Manager

Dan.keen@ci.concord.ca.us

Prepared by: Michael W. Wright
Director, Community Reuse Planning
michael.wright@ci.concord.ca.us

Attachment #1 - Final Mitigation Monitoring and Reporting Plan

Attachment #2 - CEQA Findings of Fact and Statement of Overriding Considerations

Attachment #3 – LRA Resolution No. 10-7 – Certification of the FEIR

Attachment #4 – LRA Resolution No. 10-8 - Adoption of CEQA Findings of Fact and a Statement of Overriding Considerations, approval of a Mitigation Monitoring Plan, and approval of the Preferred Alternative as the Reuse Plan for the Concord Naval Weapons Station.