

## 1. Agenda

### Documents:

[04-17-2018 AGENDA.PDF](#)

[04-17-2018 ANNOTATED AGENDA.PDF](#)

**Community Advisory  
Committee Members**

Philip Arnold, Chair  
Randall Horton, Vice Chair  
Niko Anagnostopoulos  
Colleen Geraghty  
Claudia Hein  
Charles Hoffman  
Jerome Hudson  
Ajit Kaushal  
Rosanne Nieto  
Stuart Posselt  
Paul Sinz  
Peggy Tweedie  
Darrin Walters



**REGULAR MEETING OF THE  
COMMUNITY ADVISORY COMMITTEE  
FOR THE CNWS REUSE PROJECT SPECIFIC PLAN**

Tuesday, April 17, 2018

6:00 p.m.

Council Chamber  
1950 Parkside Drive

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**MISSION STATEMENT** - *Apply the Reuse Project Goals and Guiding Principles, adopted Reuse Area Plan policies, and accepted Term Sheet provisions in evaluating and commenting on potential Specific Plan alternatives or issues. The CAC shall also serve as a communication link between the Reuse Project and the community-at large by assisting in targeting outreach to neighborhoods and interest groups, and promoting participation at workshops and public meeting.*

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**AGENDIZED ITEMS** – The public is entitled to address the Committee on items appearing on the agenda before or during the Committee’s consideration of that item. Each speaker will be limited to approximately three minutes.

**1. OPENING**

Roll Call  
Pledge to the Flag

**2. PUBLIC COMMENT PERIOD**

This is a fifteen minute Public Comment Period for items within the Committee’s subject matter jurisdiction that are not on this agenda. Each speaker will be limited to approximately three minutes. State law prohibits the Committee from acting at this meeting on any matter raised during the Public Comment Period.

**3. COMMUNITY ADVISORY COMMITTEE ITEMS**

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A. Approval of March 13, 2018 annotated minutes.

B. Site Permitting and Coordination with State and Regional Agencies

- *Site Permitting and Coordination, Dahlia Chazan, Associate Principal with ARUP*
- *Public Comment*
- *CAC Discussion of Site Permitting*

C. Next Steps/CAC questions

Upcoming meetings/activities

- *April 26 – Neighborhood Meeting- Bishop Estates; 6:30 pm*
- *April 30 – Neighborhood Meeting – Dana Estates; 6:30 pm*
- *May 2 – Neighborhood Meeting – Monument Neighborhood; 7:30 pm*
- *May 15 – CAC meeting - Community Facilities Districts Financing*
- *May 19 – Public bus tours to CNWS: 9am and noon*
- *June 6 – Planning Commission/City Council Study Session*
- *June 19 – No CAC meeting*
- *July 17 – CAC meeting*
- *July 28 - Public bus tours to CNWS: 9am and noon*

**4. ADJOURNMENT**

Next Meeting: May 15, 2018 – 6:00 p.m.

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SPECIAL MEETING OF THE  
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**1. OPENING**

**Roll Call** – Niko Anagnostopoulos, Philip Arnold, Claudia Hein, Jim Hoffman, Randy Horton, Ajit Kaushal, Rosanne Nieto, Paul Sinz, Peggy Tweedie, Darrin Walters, Julie Denner Marquardt, Steve Older present; Colleen Geraghty, Jerry Hudson, Stuart Posselt absent.

**Pledge to the Flag** – Randy Horton

**2. PUBLIC COMMENT PERIOD**

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**Hope Johnson** – Ms. Johnson informed staff the website link for the meeting was not working properly.

### 3. COMMUNITY ADVISORY COMMITTEE ITEMS

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A. Approval of February 20, 2018 annotated minutes -  
Minutes for the February 20, 2018 meeting were approved by a motion from Jim Hoffman and Claudia Hein seconded the motion.

B. Parks Recreation and Open Space Network and Community Facilities presentation

- *Background Presentation, Open Space and Community Facilities, Guy Bjerke*
- *Introduction by Rachel Flynn, Lennar | Five Point*
- *Parks, Recreation and Open Space Network, Eron Ashley, Hart Howerton*

- **Public Comment**

**Roger Peterson** – Mr. Peterson submitted a letter with a motion requesting the developer include a 5-10 acre site for a veterans memorial building on the property.

**Hope Johnson** – Ms. Johnson stated more green space is needed by the North Concord BART station. Regarding the fire station in the responder area, make sure there is a road they can use to get to the high density area. Community center in Phase One isn't really walkable to BART. She urged staff to take into consideration when creating the linear parks to keep them more open and safe.

**Nathan Johnson** – Mr. Johnson is concerned that City staff isn't taking the veterans requests seriously and wonders when is the time to talk about this issue? He encouraged the City to look closely at the military and veteran's code, when a veterans facility is dedicated it is for their exclusive use, not for a joint use facility.

**Suzanne Delbou** – Ms. Delbou is concerned with the noise and congestion in North Concord when construction starts. They will have to endure this for years. There needs to be more open space in North Concord area.

**Tim Carr** – Mr. Carr inquired if we could swap land with BART so they could make their parking lot into a park.

- *CAC Discussion of Parks and Open Space Network*

- Do you have a list of how many community based organizations make concord their home?
- Would the park system have their own fire and police stations?

- We could combine some of the community facilities and put near a park for joint usage.
- The plans show two community centers built during Phase One, would the other phases be required to have a community center?
- Community centers should be self-supporters and bring money to the City.
- Will fire station response times be part of the EIR?
- The retention area above Section B by the freeway, is that land use accessible to the public? Are we counting it as usable open space?
- If the veterans built a new building on the property, what would be the planned use of the current downtown veterans building?
- If the veterans building is sold, then the veterans can do whatever they want with the proceeds. We don't want the City to be obligated to build a building and pay for it.
- What is the acreage of the current veterans site downtown?

Motion made by Niko Anagnostopoulos and seconded by Randy Horton to agendize discussion of a veteran's memorial building for a future meeting.

- Some members expressed they would like to have the veterans make a presentation
- CAC member expressed concern about helping the neighbors in North Concord.
- Amphitheater is a good idea.
- City-owned caretaker facility is a good idea.
- Is the Coast Guard property now part of the Specific Plan?
- Are the Little League fields still going to be a green area?
- It is a good idea to put a fire station in the County's training center to service the area closest to Highway 4.
- If a new fire station is built on the land, will a current one close?
- Is it possible to have the police and fire department make a presentation to the CAC to discuss what they need?
- Can the schools make a presentation of their needs?
- Is it possible to "beef up" Concord High and not have another high school on the base?
- Are the schools in Options A and B elementary or high school?
- Why is there a school in the mixed use area in Phase 1?
- It is important to create a buffer in North Concord, more green rather than higher density.
- There will be green in the campus district as well.
- Would like to see police department substation in G area.

#### C. Redevelopment of the North Concord BART site

- *Introduction, Guy Bjerke*
- *BART's Development Program, Ian Griffiths, Senior Planner, BART*

- **Public Comment**

**Hope Johnson** – Ms. Johnson stated the parking for the North Concord BART station spills out a lot further than just around the BART station. The City needs to reach out to the residents of East Sun Terrace to see what they think of a road and parking lot behind their house. She believes the plan will create a gridlock nightmare and lower the quality of life. If we put commercial space in Concord, how is the City going to attract new employers.

**Oscar Del Gato** – Mr. DelGato asked if there will be a shadow study done, he is concerned about the height level of the buildings BART is purposing to build. He also inquired if BART has to do an EIR. Mr. DelGato requested the City monitor BART to keep them complainant with City codes.

**Susan Delbou** – Ms. Delbou asked if the BART development is in addition to the area plan or part of the core area plan? BART needs to relocate their parking, keep handicap parking close to the entrance.

**Tim Carr** - Mr. Carr produced a quick drawing of where to move the high rises by the TOD area.

- *CAC Discussion of North Concord BART site*

- TOD has 4400 units, does that include BART?
- BART should look at doubling their parking overall, not just in this area.
- Does our low income housing percentage apply to BART?
- TOD area is 55 acres total, does that include BART?
- Is there a parking per household limit that will apply to BART?
- Is there an intended greenbelt area for the BART area?
- Why doesn't BART build a big hotel on their site?
- How popular is the Pleasant Hill BART TOD? What is the occupancy? Has there been any improvements in the number of riders?
- Do we have to develop the BART land? Are they will to give the neighbors more green space?
- What is the percentage of the affordable housing for BART?
- There is not enough parking now and 1-1 parking in the future is unacceptable.
- The City has the responsibility to come up with solutions for parking around BART stations.
- Can some of the BART parking be underground?

D. Next Steps/CAC questions

Upcoming meetings

- *April 17 – Site Permitting/Coordination with State and Regional Agencies*
- *May 15 – Community Facilities District Financing*

**4. ADJOURNMENT - 9:56 p.m.**

Next Meeting: **April 17, 2018** – 6:00 p.m.

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3b.

## Staff Report

**Date:** April 17, 2018

**To:** Community Advisory Committee

**From:** Guy Bjerke, Director, Community Reuse Planning

**Prepared by:** Joan Ryan, Community Reuse Area Planner  
[joan.ryan@cityofconcord.org](mailto:joan.ryan@cityofconcord.org)  
(925) 671-3370

**Subject:** **Overview of the Status of Environmental Permitting for the Concord Reuse Project Site and Coordination with Federal, State and Regional Agencies.**

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### Report in Brief

This report is intended to provide the Community Advisory Committee (CAC) with a broader understanding of the sitewide natural resource permitting underway for the Concord Naval Weapons Station including the coordination with federal, state and regional agencies. This overview will provide a summary of work performed to date and consultations that are currently underway as well as a description of the City's permitting approach, the species and habitat types being protected and the permits being processed with the various agencies.

Staff will provide a brief introduction then Dahlia Chazan, Associate Principal with ARUP, will provide the presentation. The City's natural resources compliance counsel, Shawn Zovod from Lubin Olson & Niewiadomski, LLP and biological consultant, Stephen Rottenborn from H.T. Harvey & Associates will be available to address questions.

### Recommended Action

Staff recommends that the Committee hear the report, consider the materials provided, and provide any questions or feedback regarding the report provided and the presentation this evening.

### Background

#### Land Transfer Process with Navy

The CNWS property is still owned by the Navy and the Navy anticipates conveying the first parcels of land to the Local Reuse Authority (LRA) by the Spring of 2019.

The Navy is expected to transfer the 2,300 acre development footprint to the City in phases, using authorities established by the Base Realignment and Closure Act (BRAC) for Economic Development Conveyance (EDC). There will be approximately 1,200 acres in the initial EDC land transfer from the Navy, often referred to as the first transfer parcel, with some “carve outs” for selected areas to be transferred later. The LRA will retain ownership of all transferred EDC land until individual parcels are released for development. There will be between eight and ten parcel releases before the entire 500 acre transfer to Lennar|Five Point is completed. In the future, there will be additional Navy conveyances to the LRA to transfer the remaining EDC portion of the CNWS, which will involve two to three subsequent development phases that will have separate Development and Disposition Agreements (DDA’s) guiding development.

There will be two other transfers under a separate Public Benefit Conveyance (PBC) that were adopted as part of the Area Plan and analyzed under previously certified California Environmental Quality Act (CEQA) documentation, and are not part of the current Specific Plan process. These transfers include the 76-acre PBC parcel north of Highway 4 to the County sheriff and fire departments, and the 2,400-acre PBC to the East Bay Regional Park District (EPRPD) east of Mt. Diablo Creek.

#### Natural Resources Permitting

As part of the City’s planning process for the former CNWS, the City sought to minimize impacts to endangered species and aquatic resources. EDC development was planned primarily in areas west of Mt. Diablo Creek that do not support populations of endangered species or wetlands that support endangered species reproduction. Likewise, EDC development was sited outside the former airfield area that supports two large wetlands, and away from Mt. Diablo Creek to protect the creek corridor. Nonetheless, EDC development will result in the loss of potentially suitable upland habitat for federal and state endangered species and fill lower quality wetlands and other waters that are subject to the federal Clean Water Act. High quality endangered species habitat and wetlands, which are all located east of Mt. Diablo Creek, will generally be preserved as part of the Concord Hills Regional Park.

The concept of addressing natural resource impacts, conservation, and permitting through a comprehensive, sitewide, permitting process — as opposed to having future individual development projects address these issues separately on a project-by-project basis — was requested by state and federal resource agencies and community groups during the BRAC reuse planning process. The City Council committed to pursue this approach in February 2010 when it adopted the Reuse Plan and again in 2012 when it adopted the Concord Reuse Project Area Plan.

Since making this commitment, the City has worked directly with the U.S. Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (FWS), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board

(RWQCB) and Navy to develop and begin implementing a mutually agreeable sitewide permitting process that addresses state and federal endangered species, wetlands, and other aquatic resources. Under this process, the City participated in the Navy's federal resource consultations and the City is applying to various state and federal agencies for permits that will facilitate future development under the Specific Plan. Some of this permitting has been done in concert with the Navy's first land transfer effort, which is expected to occur by the Spring of 2019.

#### *Summary of Likely Sitewide Permits*

The City intends to secure the following sitewide permits:

- Federal Endangered Species Act Biological Opinion and Incidental Take Statement
- Federal Clean Water Act Individual Permit
- State Endangered Species Act Incidental Take Permit
- State Water Quality Certification
- State Streambed Alteration Agreement
- National Historic Preservation Act Memorandum of Agreement

The regulatory authorities the City has been coordinating with that oversee these natural resources include the following agencies:

#### Federal Agencies

- U.S. Fish and Wildlife Service (Endangered Species Act)
- U.S. Army Corps of Engineers (Clean Water Act)

#### State Agencies

- San Francisco Bay Regional Water Quality Control Board (Water Quality Certification)
- California Department of Fish and Wildlife (California Endangered Species Act and Streambed Alteration Agreement)

The Species and habitat types to be covered include:

#### Species

- California tiger salamander
- California red-legged frog
- Alameda whipsnake

#### Habitat types

- Wetlands (including habitat for salamanders and frogs)
- Creeks

- Upland habitat (grassland)

### Endangered Species

In accordance with federal law, the Navy and ACOE worked collaboratively between 2012 and 2017 to conduct a legally required consultation under the Endangered Species Act and in 2017, the FWS issued a Biological Opinion (BO) and Incidental Take Statement (ITS) covering the California tiger salamander, California red-legged frog, and Alameda whipsnake. The City participated in the federal Endangered Species Act consultation and has primary responsibility for implementing the BO. The BO describes the compensatory habitat mitigation the City will have to provide for EDC development and various measures EDC developers will have to implement to minimize the effects of construction and new development on species.

The EBRPD also participated in the federal Endangered Species Act consultation, and the BO and ITS cover the development and operation of the Concord Hills Regional Park. The EBRPD will be responsible for implementing the mitigation measures associated with developing and operating the park.

Under the terms of the BO and ITS, the Concord Hills Regional Park will provide partial mitigation for the EDC development. The EBRPD will manage the park for endangered species in accordance with a FWS-approved long term management plan.

The City plans to apply to CDFW for a sitewide California Endangered Species Act incidental take permit. The City is currently working with CDFW to determine the scope of the permit, which will cover only the California tiger salamander. The California red-legged frog is not a state endangered species, and the only suitable Alameda whipsnake habitat at the former CNWS is located solely within the Concord Hills Regional Park, south of Bailey Road.

The City will create, enhance and preserve endangered species habitat both onsite (within the future Concord Hills Regional Park) and offsite, and recoup appropriate expenses through entitlements and associated agreements. In addition, future City-issued entitlements will include measures specified in the BO to minimize or avoid impacts to endangered species.

### Aquatic Resources (e.g., Mt. Diablo Creek, drainages, wetlands)

The City applied to the ACOE for an individual permit authorizing fill of approximately 7 acres of wetlands and other jurisdictional waters associated with EDC development, Mt. Diablo Creek restoration, and endangered species habitat improvements. The City will create, enhance and preserve aquatic features, and recoup appropriate expenses through entitlements and associated agreements. The City will apply to the RWQCB for a water quality certification, and will be responsible for the permit conditions and mitigation in the same manner as the ACOE permit and endangered species permits.

The City plans to apply to CDFW for a Streambed Alteration Agreement for Mt. Diablo Creek and Willow Pass Creek that covers development and Mt. Diablo Creek restoration actions. The City will be responsible for permit conditions and mitigation in the same manner as the ACOE and endangered species permits.

#### National Historic Preservation Act

In 2017, the Navy concluded its consultation with the State Historic Preservation Office (SHPO) in accordance with the National Historic Preservation Act. The City, Navy, SHPO, and EBRPD entered into a memorandum of agreement (MOA) resolving the adverse effects to historic properties, including to the one known historic property located within the EDC. As a signatory to the MOA, the City will be responsible for the mitigation and will include the applicable mitigation measures (which are consistent with the existing EIR mitigation measures) in future entitlements.

#### **Financial Impact**

No General Funds will be required for the Specific Plan. Preparation of the Draft Specific Plan is being funded by the Master Developer for the project, and City staff time and consultants are being covered based on the agreed term sheet through a reimbursement agreement with the Master Developer. The funding for sitewide natural resource permitting comes from a loan to the LRA from the City that was approved and appropriated as part of the adoption of the FY 2017/18 budget, and previous budgets. The loan will be repaid, with interest, from land sales and leases within the former CNWS.

#### **Environmental Determination**

The Specific Plan involves the implementation of the Area Plan and, therefore, the CEQA process will be informed by the program level EIR and addendum previously prepared for the Area Plan. An initial study is currently being prepared by SWCA Environmental Consultants, the City's CEQA consultant, which will lead to a project level Specific Plan EIR to provide thorough and independent review of the Specific Plan. The State permitting agencies will be Responsible Agencies under CEQA and will rely on the City's certified CEQA documents.

#### **Public Contact**

The Agenda was posted. The regular CAC meeting dates are posted on the CRP project website with links to the staff report materials in the document library on the website.

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**Roll Call** – Philip Arnold, Randall Horton, Niko Anagnostopoulos, Colleen Geraghty, Claudia Hein, Charles Hoffman, Jerome Hudson, Ajit Kaushal, Rosanne Nieto, Stuart Posselt, Paul Sinz, Peggy Tweedie, Darrin Walters, Steve Older and Julie Dennler Marquardt present.

**Pledge to the Flag** – Led by Randall Horton

**2. PUBLIC COMMENT PERIOD**

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**Hope Johnson** – Ms. Johnson encouraged everyone to research the new information about the false reporting by Tetra Tech at Hunter’s Point. She stated there is a possibility there would be a containment area near Bailey Road associated with the tear

down of the bunkers. In San Francisco, none of the elected officials and none of the watchdog boards that were appointed made any mention of what was going on until it was clear the Navy was not going to be able to transfer over the land. There is an ongoing investigation on some land where housing was already built. Urge you to take time to look that up because it will affect what we can build here, as residents I would hope that would be a concern for you. We can't wait for elected officials to step up and we have to step up now because it is clear the procedures these exact same parties had in place are not working out there, and we want to make sure they are working here. Ms. Johnson would also like to see someone from the City and/or Lennar attend the quarterly RAB meetings.

**Natalie** – Natalie pointed out the City will be working with the EPA but keep in mind we are working with Trump's EPA.

**Susanne Delbou** – Ms. Delbou expressed concern about what happened at Hunter's Point isn't going to happen on our property. She advised the CAC to pay close attention to this issue.

**Rich Eber** – Mr. Eber stated he takes a strong position against Lennar and is concerned about possible criminal negligence in San Francisco.

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B. Site Permitting and Coordination with State and Regional Agencies

- *Site Permitting and Coordination, Dahlia Chazan, Associate Principal with ARUP*

- **Public Comment**

**Hope Johnson** – Ms. Johnson is concerned with one blanket permit being sought for the whole development area. She feels the project process should be reviewed by an entity that would have some say over the project, some protection as the phases go forward.

**Susan Delbou** – Ms. Delbou questioned why additional land needs to be purchased for endangered species.

- **CAC Discussion of Site Permitting**

- Who will be maintaining the creeks and ponds? Who will be paying for the upkeep?

- Do all agencies require a permit?
- Is there a possibility of change in requirements down the line? Will the City have to come up with more money?
- A plan to issue all permits together and have one source is a critical piece for planning and preservation piece
- How many protected wetlands are in our area? Which wetlands are under the City and which are EBRPD?
- What is the historic property within the EDC? What mitigation is being done?
- Is there a plan in case something else is found?
- Can we recommend an independent testing agency conduct testing? Is there an alternative, do we have a work around?
- Are they using the same testing on the wetlands as the rest of the site?

#### C. Next Steps/CAC questions

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#### 4. **ADJOURNMENT – 7:15p**

Next Meeting: May 15, 2018 – 6:00 p.m.

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