

### Contra Costa County Airport Land Use Commission (ALUC)

**Meeting** 

When: Wednesday, March 26, 2013 - 7:00 P.M.

Where: Department of Conservation and Development

30 Muir Road, Martinez, CA 94553

#### **AGENDA**

1. Call to Order

2. Public Comment - Provides an opportunity for any member of the public to speak on any item under the purview of the ALUC that is **not** on the agenda.

#### **Public Hearing**

3. Public Hearing, Action and Decision Item:

**REVIEW** and discuss the proposed "Downtown Concord Specific Plan" and take action as appropriate. \*Page 2

- 4. Staff Updates
  - a. Past and Pending Projects Report \*Page 8
  - b. 2014 California Airport Land Use Consortium
- 5. Commissioner Updates
- 6. Adjournment

\* - Attachment



# CONTRA COSTA COUNTY Department of Conservation & Development Community Development Division 30 Muir Road – 2nd Floor

Martinez, CA 94553

Telephone: 674-7832 Fax: 674-7257

**TO:** Airport Land Use Commission (ALUC)

FROM: Jamar Stamps, ALUC Staff (S)

**DATE:** March 26, 2014

**SUBJECT: Downtown Concord Specific Plan** 

#### Background

The City of Concord (City) is pursuing adoption of the "Downtown Concord Specific Plan" (Plan), a programmatic document which would establish policies for urban design, circulation (vehicular and non-motorized), parking, and the character and intensity of commercial and residential development within the "Downtown Concord BART Station Priority Development Area" or "PDA."

A PDA is a geographically defined, locally-identified infill development opportunity area within an existing community. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit<sup>1</sup>.

The City initiated the Specific Plan process in early 2013. Since then, they have engaged in an extensive community outreach process, including; stakeholder meetings, community workshops, downtown steering committee meetings, technical advisory committee meetings, planning commission and City Council meetings.

The Plan proposes no rezoning and is consistent with the City's recently updated General Plan. Thus, to evaluate Plan alternatives City staff was able to prepare an Addendum to the Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan Environmental Impact Report for the Concord Development Code Project (certified July 2012). The City anticipates certifying the Final Addendum to the SEIR for the Plan by summer/fall 2014.

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<sup>&</sup>lt;sup>1</sup> http://www.bayareavision.org/initiatives/prioritydevelopmentareas.html - "What Are Priority Development Areas?"

#### **Proposed Project**

The proposed Plan area encompasses approximately 620 acres of Downtown Concord, including the Concord BART Station. The Plan area is bordered by Highway 242 to the west, with sections of the Plan area stretching east to Parkside Drive and Esperanza Drive. Parts of the Plan area extend north to, but do not include, Mt. Diablo High School and John Muir Medical Center. The southern boundary of the Plan area meets Cowell Road, Toyon Drive, and Pine Creek and Galindo Creek.

The Plan was developed based on goals and policies of the Concord 2030 General Plan. Adoption of the Plan would not intensify land uses in the Plan area beyond what is currently provided, and results in no changes to the City Development Code (i.e. land use designations, allowable densities and floor area ratios (FARs)). The Plan identifies achievable policies and establishes actions focusing on revitalizing the Downtown Concord PDA over the next 20 to 30 years.

The Plan is intended to primarily focus on<sup>2</sup>:

- 1) Addressing the need for a development framework and account for all modes of transportation for the Downtown Concord PDA;
- 2) Ensuring that the City of Concord's current planning and economic efforts are reflected, including the goals and desires of the Downtown Concord residents and businesses;
- 3) Planning in a manner that meets projected population and job growth needs; and
- 4) Achieving the jobs/housing balance objectives, increase housing in Downtown Concord, and meeting state law requirements for Concord's allocation of regional housing needs.

The Plan proposes to implement new transportation/circulation policies that would develop a network of pedestrian friendly streets that integrate walking, biking, transit use and green infrastructure while improving access to BART and connecting Downtown Concord to the rest of the region.

#### **Airport Land Use Compatibility Plan Analysis**

ALUC staff reviewed the proposed project for consistency with the *Contra Costa Airport Land Use Compatibility Plan* (ALUCP). After reviewing the information provided, ALUC staff finds the following:

 <u>Airport Influence Area:</u> The Plan area lies within the Airport Influence Area (AIA) of the Buchanan Field Airport (Exhibit B).

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<sup>&</sup>lt;sup>2</sup> Downtown Concord Specific Plan, Addendum to SEIR (January 2014)

Noise Compatibility Criteria: The 55dB Buchanan Field Noise Contour<sup>3</sup> encompasses a small portion of the western Plan area, crossing Market Street and Willow Pass Road, through Gateway Boulevard extending down Detroit Avenue about three blocks south of Clayton Road. The contour is generally one to two blocks wide.

Most land uses within the 55dB noise contour are either "Clearly Acceptable" or "Normally Acceptable<sup>4</sup>," which are defined as follows:

- <u>Clearly Acceptable:</u> The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.
- Normally Acceptable: Noise is a factor to be considered in that slight interference with outdoor activities may occur. Conventional construction methods will eliminate most noise intrusions upon indoor activities.

Existing land uses in this area include commercial/retail and high density residential. The portion of the Plan area (north of Clayton Road) within the 55dB contour is classified "Downtown Mixed Use" by the Plan. Based on the land use classifications defined for this area of the Plan, it can be reasonably determined that severe impacts by flight paths or airport related noise emissions would not occur with adoption of the Plan.

- <u>Safety Compatibility Criteria:</u> A large majority of the Plan area is not within Buchanan Field's Safety Zones. Approximately the same western portion of the Plan area within the 55dB noise contour is also within Safety Zones 3 (SZ-3) and 4 (SZ-4)<sup>5</sup>. Policies for these safety zones are defined as follows:
  - Buchanan Field Airport Policy 5.3.4.

Safety Zone 3

- a) Land uses shall be limited to a maximum of 125 people per acre.
  - 1) Fast food restaurants, major shopping centers, theaters, and other places of public assembly typically do not comply with this criterion, but are acceptable if the usage is limited through building design, use permit, and/or other mechanisms.
- b) Buildings shall have no more than three habitable floors above ground. However, if a building is proposed to have more than two habitable floors above ground, then the project shall provide for a disaster management plan

<sup>5</sup> Contra Costa Airport Land Use Compatibility Plan, Figure 3C (December 2000)

<sup>&</sup>lt;sup>3</sup> Contra Costa Airport Land Use Compatibility Plan, Figure 3B (December 2000)

<sup>&</sup>lt;sup>4</sup> Contra Costa Airport Land Use Compatibility Plan, Table 3A (December 2000)

- to facilitate the rapid evacuation of building occupants in the event of an aircraft accident involving the building.
- c) Residences, children's schools (through grade 12), hospitals, and nursing homes are specifically prohibited.
- d) Above ground storage of more than 2,000 gallons of fuel or other hazardous materials is prohibited.

#### o Buchanan Field Airport Policy 5.3.5.

Safety Zone 4

- a) Land use intensity is not limited other than that buildings shall have no more than four habitable floors above ground.
- b) Above ground storage of more than 2,000 gallons of fuel or other hazardous materials is prohibited in existing or planned residential or commercial areas.

The portion of the Plan area within SZ-3 is minimal, currently encompassing an existing multi-tenant one-story building and portion of a parking lot. The rest of the Plan area within SZ-4 currently contains various retail/commercial establishments.

The Plan designates the area within both safety zones as "Downtown Mixed Use," (consistent with the City's current Development Code) and part of "Phase II" of Plan implementation which includes future mixed use (ground floor retail) type buildings, open plazas and a parking structure. More specifically, the Plan shows the area within SZ-3 as an "Opportunity Site," or "sites located within the study area [that] have the potential to act as catalysts for additional infill development." As stated in ALUCP Policy 5.3.4.(a)(1), certain land uses that encourage public assembly may pose compatibility issues. However, specific mechanisms (e.g. building design, permit conditions, etc.) can be applied to help reduce some of the risks.

Based on the Plan's land use diagrams, the development landscape within the safety zones is intended to change, while land use densities will remain consistent with what is currently allowed in the City's General Plan. At the time development of "Phase II" occurs within these safety zones, the City will be responsible for referring any proposed project to the ALUC for review and a determination of consistency with the ALUCP. Therefore, adoption of the Plan would not directly conflict with the designated Buchanan Field Airport Safety Compatibility Criteria.

 Airspace Protection Criteria: A portion of the western Plan area is within Airspace Protection Surface "Runway 32R Approach Surface 34:1" as shown on Figure 3D of the ALUCP. East of that, the majority of the Plan area is within "Horizontal Surface 173' MSL (150' Above Airport Elevation of 23' MSL)." The central Plan area around Todos Santos Plaza and the Concord BART Station is covered by ALUCP "Height Exception Overlay Zones 1 and 1\*." The criteria for these zones is defined as follows:

#### Height Exception Overlay Zones 1 and 1\*

- a) As shown in Figure 3D:
  - 1) Structures having a height up to 279 feet above mean sea level (approximately 250 feet above ground level) are permitted within Height Exception Overlay Zone 1.
  - 2) Additionally, within the area up to 100 feet west of Overlay Zone 1 designated as Height Exception Overlay Zone 1\* proposed structures are permitted to have a height equal to the lower of:
    - Structures within the westernmost 400 feet of Height Exception Overlay Zone 1; or
    - > 279 feet above mean sea level.
- b) This policy notwithstanding, ALUC review and a Federal Aviation Administration [FAA] aeronautical study shall be required for any new structure taller than 150 feet above ground level which may be proposed for these zones. Obstruction marking and lighting of such structures may be required.

Downtown Concord includes three different downtown land use districts: Downtown Pedestrian District (DP), Downtown Mixed Use (DMX), and West Concord Mixed (WMX). Building height requirements for each of these districts is established as follows:

| Standards   | DP                     | DMX | WMX   | Additional Standards                                       |  |  |
|-------------|------------------------|-----|-------|--|--|--|
| Building He | Building Height (feet) |     |       |  |  |  |
| Minimum     | 30                     | 30  |       |  |  |  |
| Maximum     | 70                     | 200 | 17111 | In DMX, increased height may be allowed with a Use Permit. |  |  |

Of the above three land use districts, the maximum allowable building height by City Code is 200 feet, and the proposed Plan will not change these standards. These standards are compatible with the ALUCP *Height Exception Overlay Zones 1 and 1\**. Outside of these special exception zones, the ALUCP would limit building heights within the Plan area to 150 feet-175.5 feet (varies based on location)<sup>6</sup>.

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<sup>&</sup>lt;sup>6</sup> Buchanan Airport Field Master Planning Program Contra Costa Airport Land Use Compatibility Plan, Figure 3D (December 2000)

The Plan does not propose changes to the City's General Plan or Development Code that would alter building height requirements. The ALUCP Airspace Protection Criteria and policies for the "Height Exception Overlay Zones" would not be impacted by the Plan and remain enforceable. As previously stated, the City will be responsible for referring any proposed project within the Buchanan Field AIA to the ALUC for review and a determination of consistency with the ALUCP. In addition, where a proposed building or structure may penetrate protected airspace, ALUCP Policy 5.3.4.(b) would require an FAA aeronautical study to verify said building or structure is not an obstruction or hazard. Therefore, the proposed Plan, while adhering to existing ALUCP and City policies, would not result in development that could potentially physically obstruct Buchanan Field's protected airspace.

 Overflight: Overflight concerns are considered to be an airport land use compatibility factor throughout Buchanan Field Airport's Influence Area, even if a project is not within the defined Buchanan Field Airport Composite Noise Contours<sup>7</sup>. Annoyance from the presence of frequent aircraft overflights and perceived safety could be factors for concern, but vary depending on the individual and therefore tend to be subjective.

Given the preceding characteristics of overflight, if/when new development occurs within the Plan area, especially areas within runway approach surfaces, the City may consider implementing "buyer awareness measures" such as avigation easements or deed notices. These measures will inform prospective property buyers - particularly residential property or property that permits land uses where all or portions of activities take place outdoors - about the potential airport activity impacts.

#### Recommendation

Based on the ALUCP analysis, staff recommends the Commission find that the proposed Draft Downtown Concord Specific Plan does not contain characteristics likely to result in inconsistencies with the Countywide and Buchanan Field Airport Compatibility Policies, and is consistent with the ALUCP.

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<sup>&</sup>lt;sup>7</sup> Contra Costa Airport Land Use Compatibility Plan, Countywide Policy 4.4.3.

## Past/Pending Projects 2013/14 ALUC Staff

| Project<br>Initiation | File #/Name   | Description/Staff Determination  | Completion |
|-----------------------|---|--|------------|
| October 2012          | Seaplane Operations -<br>Clifton Court Forebay<br>(CA. Dept. of Water<br>Resources)   | 3-step proposal: 1) Develop proposed guidelines with County, Dept of WR and pilots associations; 2) 1-day seaplane trial demonstration on forebay; 3) Full implementation after trial and finalized guidelines.  | Ongoing    |
| February 2013         | Sustainable Farm<br>(CoCo Central Sanitary)   | Urban sustainable farm on up to 33 acres of land known as the Keiwit Property (Central Contra Costa Sanitary District (CCCSD) property). Presented proposal to ALUC on 3/13/13.  | Ongoing    |
|                       | PC13-0001: Private, non-<br>commercial solar<br>installation<br>(Contra Costa County) | Request for planning consideration to construct 1-megawatt solar installation at Byron San Quarry. Project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.   | 2/22/13    |
|                       | SR13-0001: Sign Review<br>(Contra Costa County)                                       | Request for review of new monument sign at existing FedEx building. Project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.  | 3/27/13    |
|                       | CV13-0011: Roof<br>mounted solar panels<br>(Contra Costa County)                      | Request for compliance review of proposed carport with roof mounted solar panels. Project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.  | 3/27/13    |
| March 2013            | DP13-3007: Condition of<br>Approval Modification<br>(Contra Costa County)             | Request to allow extended construction hours for exterior work on Sam's Club store. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.   | 4/30/13    |
| April 2013            | DR13-1034: Tenant<br>Improvement for<br>Concord Youth Center<br>(Concord)             | Concord Youth Center expansion to an existing 9,500 sq. ft. building. ALUC hearing held 5/29/13, project approved.   | 5/29/13    |
| June 2013             | DR13-1163<br>(Concord)  | Proposed several modifications to the Willows Shopping Center, including modified vehicle/pedestrian circulation, buildings, landscaping and common areas. Project does not contain characteristics likely to result in inconsistencies with the compatibility criteria and is consistent with the Plan. | 6/24/13    |

## Past/Pending Projects 2013/14 ALUC Staff

| Project<br>Initiation | File #/Name  | Description/Staff Determination   | Completion |
|-----------------------|--|---|------------|
|                       | LP13-2070: Wood<br>recycling buisiness<br>(Contra Costa County)      | Request to establish a wood recycling buisiness on vacant parcel in Vine Hill/Martinez area. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.   | 7/3/13     |
| July 2013             | LP13-2079: cell site<br>(Contra Costa County)                        | Site located on Franklin Canyon Rd in Martinez. Site not within Buchanan Field Airport Influence Area. No conflict with ALUCP.  | 8/1/13     |
|                       | LP13-2076: Land Use<br>Permit Modification<br>(Contra Costa County)  | Request to modify land use permit conditions to allow 3 accessory buildings on site. Project site not within Buchanan Field Airport Influence Area.   | 7/18/13    |
|                       | DVC Plaza<br>(Pleasant Hill)   | Pre application review for a proposal to renovate DVC Plaza. ALUC staff met with Pleasant Hill staff and potential applicant. No application has been referred to ALUC staff to date.   | Ongoing    |
|                       | DR13-1194: Audi<br>Dealership expansion<br>(Concord)                 | Proposal to modify and expand an existing building (approximately 41,000 sq. ft. after completion) for an Audi car dealership. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.   | 8/21/13    |
| August 2013           | DP13-3026: Development<br>Plan Modification<br>(Contra Costa County) | Request to modify development plan permit to allow illuminated signage over 15 feet above grade at Harley Davidson dealership. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.   | 8/6/13     |
| October 2013          | PL13-11301: Golden<br>State Lumber<br>(Concord)                      | Proposal to construct a 48,460 square foot lumber yard with retail showroom and offices. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.   | 10/23/13   |
| January 2014          | Sign Review: Sports<br>Authority<br>(Contra Costa County)            | Proposal for new illuminated signage at Sports Authority retail store. Based on reviewing the information provided, staff had no concerns with the above request as it appeared to contain no characteristics likely to result in inconsistencies with the noise, safety, airspace protection, and overflight compatibility criteria in the Contra Costa Airport Land Use Compatibility Plan. | 1/23/14    |

## Past/Pending Projects 2013/14 ALUC Staff

| Project<br>Initiation | File #/Name                                       | Description/Staff Determination   | Completion |
|-----------------------|---|---|------------|
| February 2014         | Downtown Concord<br>Specific Plan<br>(Concord)    | The Downtown Specific Plan is a community planning effort to direct short and long term development and improvement in Downtown Concord. Concord staff will present the project to the ALUC on March 26, 2014.  | Ongoing    |
|                       | PL14-0040: De La Salle<br>Academy<br>(Concord)    | Tenant improvement to establish a private, independent, non-sectarian middle school for economically disadvantaged boys and girls within an existing 27,151 sq. ft. building. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan.          | 2/19/14    |
|                       | PL14-0047: Commercial<br>Development<br>(Concord) | Proposed commercial development including the demolition of an existing 9,500 sq. ft. building, and the construction of two (2) new buildings of approximately 7,000 and 8,000 sq. ft. Proposal does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the Plan. | 2/19/14    |