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# ***MEMORANDUM***

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December 15, 2020

**TO:** City Council

**CC:** Valerie Barone, City Manager  
Susanne Brown, City Attorney  
Andrea Ouse, Director of Community Development  
Joan Ryan, Community Reuse Area Planner  
Israel Mora, Executive Secretary, Economic Development & Base Reuse  
Alexandra Barnhill, Jarvis Fay & Gibson, LLP  
Dahlia Chazan, Arup

**FROM:** Guy Bjerke, Director of the Economic Development & Base Reuse Department

**SUBJECT:** **Concord Reuse Project Administrative Draft II Specific Plan**

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## **I. Introduction**

On November 19, 2020, the City Council was provided with a memo in preparation for the December 10, 2020 City Council meeting. In that memo, staff indicated that an administrative draft Concord Reuse Project (referred to in this memorandum as Reuse Project) Specific Plan document (Draft Specific Plan) detailing the proposed land use plan for the Reuse Project exists and that it would be posted on the project website by December 17, 2020. That document, prepared by Lennar Concord LLC, and provided to City Reuse Project staff in March 2019, will be available at <https://www.concordreuseproject.org/170/Key-Documents> under “2. Specific Plan”. Because this Draft Specific Plan is an unfinished work in progress that has not previously been publicly released or shared with the City Council, staff believes that it is important to provide additional background on the status of that document. This memo aims to provide that context.

## **II. Land Use Planning Timeline**

The community’s vision for the former Concord Naval Weapons Station (CNWS) is expressed in the Reuse Project Area Plan (Area Plan), which is the result of a community process lasting from 2006 to 2012. The Area Plan was adopted by the City Council in 2012 and incorporated into the General Plan. It expresses a vision for the reuse of the base and adopts numerous policies to guide development, but it does not establish zoning or provide detailed land use plans. Before development can take place, a revised Specific Plan and project-level environmental impact report (EIR) will need to be prepared in support of entitlements. The revised Specific Plan will need to be consistent with the Area Plan and address the staff concerns identified in Section III, below.

The Specific Plan process began with community outreach efforts jointly led by the City and Lennar Concord LLC. Outreach began in early 2017, starting with city-wide communication and a series of community meetings. The master developer began preparing land use diagrams, incorporating the earlier input of the community, staff and the Council, and presented those to the City Council in May and November 2017, and February, April and June of 2018, as the project

evolved. The City continued to gather community input and provide community updates during the process through additional community meetings, neighborhood meetings (North Concord, Dana Estates, Bishop Estates and Monument Corridor), Community Advisory Committee (CAC) meetings and City Council meetings up thru August 2018.

On August 22, 2018, the City Council reviewed a proposed land use diagram for the Reuse Project. The land use diagram was based on the Area Plan, but incorporated community comments, the input of staff, the CAC, Planning Commission, the City Council, as well as the results of the master developer's assessment of market feasibility. At the end of the meeting, the City Council directed staff to move forward with the preparation of a Draft Specific Plan and environmental documents, based on the land use diagram presented and their input that evening. A copy of this land use diagram is available at [Concord Community Reuse Project, CA \(concordreuseproject.org\)](https://www.concordreuseproject.org) in the document library (2018 Special Planning & Council Meetings - Aug. 22, 2018 Study Session).

On October 5, 2018, Lennar Concord LLC provided staff with an Administrative Draft I version of the Draft Specific Plan. Staff had comprehensive comments on that version of the document and provided those comments to the master developer on November 21, 2018.

On November 19, 2018, the Notice of Preparation (NOP) for the Environmental Impact Report was published with a NOP response deadline of December 20, 2018. On December 6, 2018, the City held a scoping meeting in the Council Chambers to solicit written and oral comments. The NOP distribution and scoping session resulted in 21 comments from agencies, stakeholders and individuals.

On March 28, 2019, Lennar Concord LLC provided staff with an Administrative Draft II version of the Draft Specific Plan. City staff believed there were still substantial comments to be addressed. More information about the City's feedback on the Draft Specific Plan is detailed in the next section of this memo. Staff provided those comments to the Lennar Concord LLC on May 3 and May 23, 2019. These comments are available <https://www.concordreuseproject.org/170/Key-Documents> (under "2. Specific Plan"). Chapters 7 (Development Controls) and 9 (Implementation) were the subject of ongoing discussion with the Lennar Concord LLC into June and July.

During the spring/summer of 2019, other items continued moving forward as Lennar Concord LLC worked on responding to staff's comments on Administrative Draft II of the Draft Specific Plan. On June 4, 2019, the Campus District Visioning Report, and the Tournament Sports Complex Conceptual Plan and Feasibility Study were presented to the City Council. A unanimous vote of the City Council, sitting as the Local Reuse Authority, voted to accept the Campus District Visioning Report and also to include Concept C (167-acre) and Concept E (62-acre) plans as alternatives for the Tournament Sports Complex in the Draft Specific Plan. Excerpts and maps from those documents were provided to Lennar Concord LLC for incorporation into the Draft Specific Plan. These excerpts and maps are available at <https://www.concordreuseproject.org/170/Key-Documents> (under "2. Specific Plan" in the City comments).

By July 2019, Lennar Concord LLC indicated the need for greater clarity regarding union labor participation in project construction and potential impacts on overall project feasibility. In early

October 2019, Lennar Concord LLC, indicated they would stop reimbursing the City for any further project-related expenditures until such clarity was received. In October 2019, City staff and consultants stopped work on the EIR, as the City-managed consultant team could not continue project work without the financial support on the project of Lennar Concord LLC. Staff and consultant work on the Draft Specific Plan was already limited due to the master developer's lead role on the Draft Specific Plan, but that work also stopped.

The City Council met on January 7 and January 8, 2020 to discuss and attempt to clarify the union labor issues and obtain Council's input. In a final Council meeting on March 24, 2020, the City Council declined to extend the Exclusive Negotiating Agreement with Lennar Concord LLC, and subsequently the Agreement expired on March 31, 2020.

### **III. Substantive Comments on the Draft Specific Plan**

Given the scope of the Reuse Project, the Draft Specific Plan is a lengthy document. It contains nine chapters that cover numerous topics from the proposed land uses, to parks and open spaces, infrastructure, transportation, and climate action / sustainability, among others. It is not possible to capture the full extent of the Draft Specific Plan here. However, this link to the Table of Contents of the Administrative Draft II version of the Specific Plan provides a sense of the scope of the document (<https://www.concordreuseproject.org/170/Key-Documents> under "2. Specific Plan"). It is also important to note that because the Draft Specific Plan was still being updated when the Lennar Concord LLC instituted a stop on that work, it was never finalized, ready for dissemination, or made available for public or City Council review.

As the City seeks to identify a new master developer for the Reuse Project, the Draft Specific Plan is being made available to educate potentially interested parties and the public about the prior effort. While the document is incomplete, it shows a great deal of work that went into the land use planning effort. However, in its current iteration it reflects the previous master developer's vision for implementing the Area Plan, whereas other developers are likely to have different perspectives.

In all events, the document shows those aspects of the proposed development plan that seemed viable and those that required reconsideration. The following is a list of the primary issues City staff would have wanted Lennar Concord LLC to address before the Draft Specific Plan was ready for public review:

- Clarify language and terms used, for example, "framework vs. supporting infrastructure" and "negotiated vs. obligated infrastructure" in light of phasing for project.
- Ensure consistency of mapping and continuity with tables for unit counts with phasing/acreages.
- Reference the "Green Frame" (between Willow Pass Road and Bailey Road) and identify other buffers on northern edge with policy guidance in Open Space regulations
- Demonstrate how the urban agriculture/agrarian parks concept shown in the draft translates into policy for implementation

- Provide clarity on inclusion of sustainability and Smart City measures and clarify which “if feasible” measures vs. “currently feasible” measures are incorporated, since some are already feasible.
- Resolve developer’s desire to maintain flexibility and City’s desire to have clarity in terms of development standards and find balanced approach, more consistent with existing code.
- Demonstrate a clearer regulatory relationship between the proposed form-based code and development controls and the City’s existing development code
- Stabilize shifting project description due to developer’s changes in land use components
- Resolve developer’s desire to make many uses by right and clarify permitting for land use categories.
- Ensure consistency among diagrams and language between chapters.
- Clarify and resolve discussion of amended and restated Area Plan and the general discussion as to what becomes of the Area Plan once the Specific Plan is adopted.

The City’s full set of comments provided to Lennar Concord LLC on this version of the Specific Plan is available at <https://www.concordreuseproject.org/170/Key-Documents> under “2. Specific Plan”. City staff was working through the comments with the Lennar Concord LLC over the summer of 2019. However, no additional administrative drafts were received as the questions about union labor began to increase and eventually brought a halt to the Specific Plan preparation toward the end of that summer.

#### **IV. Conclusion**

The Draft Specific Plan was a work in progress and reflects one particular developer’s vision on implementing the Area Plan. Had the effort continued, City staff would have sought a series of substantive revisions to ensure the Draft Specific Plan would result in a Reuse Project that was consistent with the City Council and community’s vision.