

**REPORT TO MAYOR AND CITY COUNCIL
SITTING AS THE LOCAL REUSE AUTHORITY****TO THE HONORABLE MAYOR AND CITY COUNCIL
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DATE: June 1, 2009

**SUBJECT: CONSIDERATION OF FORMATION OF CONCORD NAVAL WEAPONS
STATION (CNWS) OPEN SPACE WORKING GROUP AND DESIGNATION OF
MAYOR AND VICE MAYOR AS THE CITY'S REPRESENTATIVES****Report in Brief**

The City Council sitting as the Local Reuse Authority is being asked to consider designating the Mayor and Vice Mayor to serve on an Open Space Working Group to work with the East Bay Regional Park District as they plan uses for the Open Space area on Concord Naval Weapons Station should it be transferred to them under a public benefit conveyance.

The designation of a preferred alternative by the City Council on January 12, 2009 included a 2,400 acre area shown as Open Space. The Open Space area between Willow Pass Road and Bailey Road generally has Mt. Diablo Creek as a western boundary and extends east to the urban limit line of the City of Pittsburg. The acreage also extends south of Bailey Road to near Kirker Pass Road, from just east of Myrtle Drive to the Pittsburg urban limit line. The area encompasses existing structures/bunkers from use by the Navy, areas of sensitive habitat including habitat for two threatened and endangered species, areas of contamination that may restrict use if not remediated, and limited infrastructure. Planning for uses within this area will be complex and will need to support mitigation for development elsewhere on the site. The East Bay Regional Park District (EBRPD) has requested the Open Space area be transferred to them for stewardship under a public benefit conveyance (PBC).

Successful transfer under a PBC will require careful coordination between the City and the EBRPD, as the Navy may not view such a transfer mechanism as being in their best interest. Staff recommends formation of a working group similar to the one established between Concord and the City of Pittsburg to collaboratively work key issue areas and ensure a successful transfer and development of the Open Space.

Background

Since receipt of the PBC request from the EBRPD in September of 2007, staff has worked primarily with the broad issue of land use and habitat constraints. Staff has not engaged the District in specific transfer/open space planning issues awaiting the Community Advisory Committee recommendation and the Council's designation of a preferred alternative. There are complex issues that require collaborative planning

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between the City and the EBRPD and the model used for issue resolution regarding development of the Los Medanos Hills could be successfully applied on this planning effort.

Discussion

There is a presumption by some residents and non-government organizations (NGO) that with the designation of a preferred alternative including roughly 2,400 acres of Open Space combined with the EBRPD request for a public benefit conveyance that the Navy will concur. Neither the City nor the District should presume such an outcome. A successful transfer matching the City's desires for use of the Open Space in a manner compatible with development elsewhere on the site and the District's desires for a world class regional park will require significant, collaborative resolution of issues. Complex issues include but are not limited to access, secondary use by The Friends of Port Chicago, the Concord Historical Society and others, responsibility for decontamination and decommissioning (including remediation) of buildings/bunkers, utility easements, habitat preservation/restoration/mitigation, methods for dealing with areas transferred with use restrictions (because of contamination) in the short and long term and the basic conveyance method. It is important that the City and the District have worked out the majority of these tough issues before the City gets into discussions/negotiations with the Navy over transfer methods.

The Los Medanos Hills working group, made up of elected representatives and senior staff from Concord and Pittsburg, was a successful model that staff believes can be applied to the complex issues noted above.

The concept would be to have two elected representatives each from the City and the District, staffed by the Reuse Project Director and a similar level individual from the District meet on a regular basis to address these issues. As appropriate, regulatory agencies who would have oversight on the Open Space area of the CNWS would participate (by invitation) in discussions. The group would meet monthly at publicly-noticed meetings (in conformity with the Brown Act) and could serve as a conduit for broad policy issues that would need attention by the full City Council and the Board of Directors of the District.

Although never formally adopted as policy by the City Council, the Mayor and Vice Mayor positions have served as representatives to outside agencies on CNWS issues since the inception of the Local Reuse Authority. The creation of this working group and designation of the Mayor and Vice Mayor as representatives will formalize this practice going forward.

Fiscal Impact

None

Public Contact

Agenda has been posted in accordance with legal requirements.

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Recommendation for Action

Staff recommends the Council sitting as the LRA designate the Mayor and Vice Mayor to serve on the Concord Naval Weapons Station Open Space Working Group and to direct the City Manager and the Reuse Project Director to work with the East Bay Regional Park District to determine their representatives and staffing.



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