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DRAFT Initial Study/Negative Declaration  
**City of Concord General Plan  
Amendment: 6th Cycle Housing  
Element Update**

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JANUARY 2023

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# Table of Contents

SECTION	PAGE
ACRONYMS AND ABBREVIATIONS.....	III.
<b>1 INTRODUCTION.....</b>	<b>1</b>
1.1 Project Overview .....	1
1.2 California Environmental Quality Act Compliance .....	1
1.3 Project Planning Setting .....	1
<b>2 PROJECT DESCRIPTION .....</b>	<b>4</b>
2.1 Background.....	4
2.2 Regional Housing Needs Assessment (RHNA) .....	4
2.3 Sites Analysis and Inventory .....	5
2.4 RHNA Approach .....	5
2.5 Housing Element Programs .....	6
2.6 Scope of Analysis.....	19
<b>3 INITIAL STUDY CHECKLIST .....</b>	<b>18</b>
3.1 Aesthetics .....	24
3.2 Agriculture and Forestry Resources .....	25
3.3 Air Quality .....	26
3.4 Biological Resources .....	28
3.5 Cultural Resources .....	30
3.6 Energy .....	32
3.7 Geology and Soils .....	33
3.8 Greenhouse Gas Emissions.....	36
3.9 Hazards and Hazardous Materials.....	37
3.10 Hydrology and Water Quality.....	39
3.11 Land Use and Planning .....	41
3.12 Mineral Resources .....	42
3.13 Noise .....	43
3.14 Population and Housing.....	44
3.15 Public Services .....	45
3.16 Recreation.....	46
3.17 Transportation .....	47
3.18 Tribal Cultural Resources.....	48
3.19 Utilities and Service Systems.....	50
3.20 Wildfire .....	51
3.21 Mandatory Findings of Significance .....	53
<b>4 REFERENCES.....</b>	<b>54</b>

4.1 References Cited ..... 56

**TABLES**

1 Capacity .....6



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# 1 Introduction

## 1.1 Project Overview

The purpose of the Housing Element Update (HEU) is to provide an update to the Housing Element of the City of Concord's (City's) General Plan. The intent of the HEU is to address the comprehensive housing needs of the City. State law requires jurisdictions to update their Housing Element every eight years to outline their existing and projected housing needs, to discuss barriers to providing that housing, and to propose actions to address housing needs and barriers. The programs proposed in the HEU are intended to be implemented over an eight-year planning horizon (2023-2031). The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the City of Concord, including those with special needs. The City is required to ensure the availability of residential sites, at adequate densities and with appropriate development standards, to accommodate its fair share of the regional housing need, also known as the Regional Housing Needs Assessment (RHNA) allocation.

## 1.2 California Environmental Quality Act Compliance

The California Environmental Quality Act (CEQA), a statewide environmental law described in California Public Resources Code, Sections 21000 *et seq.*, applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies identify the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. It also gives other public agencies and the public an opportunity to comment on the information. If significant adverse impacts cannot be avoided, reduced, or mitigated to below a level of significance, the public agency is required to prepare an environmental impact report (EIR) and balance the project's environmental concerns with other goals and benefits in a statement of overriding considerations.

The City's Community Development Department directed and supervised the preparation of this Initial Study (IS)/Negative Declaration (ND). Although prepared with assistance from the consulting firm Dudek, the content contained within and the conclusions drawn by this IS/ND reflect the independent judgment of the City.

## 1.3 Project Planning Setting

Dudek, under the City's guidance, prepared the project's Environmental Checklist (i.e., IS) per CEQA Guidelines Sections 15063–15065. The CEQA Guidelines include a suggested checklist to indicate whether a project would have an adverse impact on the environment. This checklist is found in Section 3 of this document. Following the Environmental Checklist, Sections 3.1 through 3.21 include an explanation and discussion of each significance determination made in the checklist for the project. For this IS/ND, the following four possible responses to each individual environmental issue area are included in the checklist:

1. Potentially Significant Impact
2. Less-than-Significant Impact with Mitigation Incorporated
3. Less-than-Significant Impact
4. No Impact

The checklist and accompanying explanation of checklist responses provide the information and analysis necessary to assess relative environmental impacts of the project. In doing so, the City will determine the extent of additional environmental review, if any, for the project.

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## 2 Project Description

The HEU proposes an update to the City’s General Plan. Under the HEU, the General Plan would be amended with a comprehensive update to the Housing Element, as detailed below.

### 2.1 Background

Since 1969, the State of California has required all local governments to adequately plan to meet the housing needs of everyone in the community. California’s local governments meet this requirement by adopting a housing plan as an element of their general plan. The law mandating that housing be included as an element of each jurisdiction’s general plan is known as “housing element law.”

The HEU represents the City’s effort in fulfilling the requirements under State Housing Element law. The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the state’s major housing goal. Recognizing the important role of local planning and housing programs in the pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of the comprehensive General Plan.

Pursuant to state law, the Housing Element must be updated periodically according to statutory deadlines. The proposed Housing Element Update (HEU) covers the period of 2023 to 2031, also known as the 6<sup>th</sup> cycle.

state law requires that the Housing Element include the following components:

- An evaluation of the efficacy of the previous Housing Element’s progress in plan implementation and the appropriateness of its goals, policies, and programs.
- An analysis of the City’s population, household, and employment base, and the characteristics of the housing stock.
- A summary of the present and projected housing needs of the City’s households.
- A review of potential constraints to meeting the City’s identified housing needs.
- An evaluation of Fair Housing to identify disproportionate housing needs.
- A statement of the Housing Plan to address the identified housing needs, including housing goals, policies, objectives, and programs.

The City’s Housing Element is being updated at this time in conformance with the 2023-2031 cycle for jurisdictions in the Association of Bay Area Governments (ABAG) region. The HEU builds upon the other General Plan elements and is consistent with the policies set forth by the General Plan, as amended. As portions of the General Plan are amended in the future, the Plan (including the Housing Element) will be reviewed to ensure that internal consistency is maintained.

### 2.2 Regional Housing Needs Assessment (RHNA)

The California Department of Housing and Community Development (HCD) is required to prepare a Regional Housing Needs Assessment (RHNA) for each Council of Governments in the state that identifies projected residential dwelling units (“units”) needed for all economic segments based on Department of Finance population estimates. The ABAG is the Council of Governments for Contra Costa (County) (as well as Alameda, Marin, Napa,

San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties) and allocates to the nine counties and 101 cities their fair share of the total RHNA housing needed for each income category. Each local government must demonstrate that it has planned to accommodate all of its regional housing need allocation in its Housing Element. The City has been assigned a 6th Cycle RHNA allocation (RHNA allocation) of 5,073 units for the 2023–2031 Housing Element (proposed Housing Element), divided up as follows: 1,292 very low income units, 744 lower income units, 847 moderate income units, and 2,190 above-moderate income units (ABAG 2021). According to the Sites Analysis of the proposed Housing Element, the City has identified adequate capacity for a total of 4,609 units through vacant sites, underutilized sites, and projected accessory dwelling units (ADU). Additionally, the City has identified 624 total units in the development permit pipeline to be credited toward the RHNA. Further, 300 units of capacity have been identified on the former Concord Naval Weapons Station (CNWS) through the Concord Reuse Project Area Plan (CRP), which will assist the City with providing a sufficient buffer to ensure there is adequate remaining capacity throughout the planning period.<sup>1</sup>

## 2.3 Sites Analysis and Inventory

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction’s share of the regional growth. The Sites Analysis for the Housing Element identified capacity through several methods, including currently vacant sites; underutilized sites with realistic development potential; housing that is underway and will have Certificates of Occupancy issued within the planning period; potential ADUs and junior accessory dwelling units (JADUs); and housing unit production that will be realized through the Concord Reuse Project (CRP) Area Plan. Through the Sites Analysis, the City has identified adequate capacity for 4,609 units through vacant sites, underutilized sites, and projected ADUs. Additionally, the City has identified 624 total units in the development permit pipeline to be credited toward the RHNA. Furthermore, 300 units have been identified as a conservative estimate of units to be delivered during the 6th Cycle on the former Concord Naval Weapons Station (CNWS) through the CRP Area Plan. These units will help provide a sufficient buffer to ensure that there is adequate remaining capacity throughout the planning period.

## 2.4 RHNA Approach

City staff reviewed the inventory of vacant and underutilized sites, ADU projections, permit pipeline projects, and sites within the CRP Area Plan that can accommodate the current RHNA allocation for the 2023-2031 Housing Element Update. It was found that the number of sites identified for the lower-income group was more than adequate. Table 1, Capacity Identified, shows the breakdown of all capacity identified and credits to be counted toward the RHNA, as detailed throughout analysis in the Housing Element. As demonstrated in Table 1 the City has adequate capacity and credits to accommodate the RHNA at all income levels and has a total buffer of 460 units, of which 160 units qualify to meet the lower- and moderate-income RHNA. In conclusion, the City has identified adequate capacity for its RHNA requirement for the planning period and no rezoning is required as part of the HEU in order to meet the RHNA.

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<sup>1</sup> The capacity to accommodate an additional “buffer” for the RHNA allocation is recommended by HCD to ensure sufficient capacity exists to accommodate the RHNA allocation throughout the eight year planning period and comply with the provisions of Senate Bill (SB-) 166 (2017). SB-166 requires a city, county, or city and county to ensure that its housing element inventory can accommodate its share of the regional housing need throughout the planning period.

**Table 1. Capacity Identified**

	Lower-Income Units	Moderate- and Above Moderate-Income Units	Total
RHNA	2,036	3,037	5,073
Vacant & Underutilized Capacity	3,290	1,087	4,377
ADU Projection	0	232	232
Permit Pipeline Projects	274	350	624
Concord Reuse Plan	0	300	300
<b>Total</b>	<b>3,564</b>	<b>1,669</b>	<b>5,533</b>
<b>Buffer</b>			<b>+460</b>

## 2.5 Housing Element Programs

As required by state Housing Element law, the HEU includes Programs to facilitate and encourage the provision of housing consistent with the RHNA allocation. The goals, objectives, policies, and implementing programs of the HEU emphasize: methods of encouraging and assisting in the development of new housing for all income levels; providing and maintaining adequate capacity to meet the housing need; removing government constraints to development, where feasible and legally possible; conserving and improving existing housing; providing increased opportunities for home ownership; reducing impediments to fair housing choice; and monitoring and preserving units at risk of converting from affordable to market rate. The Housing Element Programs also include numerous policies to better guide decisions and achieve desired outcomes related to the development, improvement, preservation, and maintenance of housing.

The following summarizes key considerations of the programs that would be included in the City’s proposed HEU. For full descriptions of the programs in more detail, please refer to HEU available at: <https://concordhousingelement.org/>

### Program 1: Accessory Dwelling Units

The City has amended its ordinance establishing standards and regulations for accessory dwelling units (ADU) and junior accessory dwelling units (JADU), consistent with and in certain instances more permissive than state law (Government Code Section 65852.2). The City submitted the updated ordinance to the State Department of Housing and Community Development (HCD) in July 2021 for its review, is still awaiting HCD’s comments, and will incorporate amendments, as required by HCD, upon receipt of comments. Further, the City will develop and adopt a program that incentivizes and promotes the creation of ADUs that can be offered at an affordable rent for extremely low-, very low-, low-, or moderate-income households or households with special housing needs (**Assembly Bill [AB] 671, 2019**).

In addition, the City reviews, approves, and tracks the timely review of ADU building permit applications. The Community Development Department collects data annually on building permit issuance and construction of ADUs for the Housing Element Annual Progress Report. As part of this program, the Community Development Department commits to continued monitoring of ADU development, including approved affordability of each unit.

Further, the City will develop a web-based “ADU Toolkit” which will include Frequently Asked Questions (FAQs), development standards, financial/regulatory incentives (once adopted), an overview of the permit process, required

forms, and permit-ready ADU construction-level drawings to allow for “off-the shelf” ADUs. The ADU Toolkit will assist with the promotion and streamlining of the production of ADUs by providing information in one location along with guidance on navigating the permit process. Permit ready plans will encourage the construction of ADUs by reducing the cost through the availability of a selection of pre-approved ADU building plans that will be available on the City’s website free of charge. The City will conduct robust outreach by promoting to the community in both English and Spanish the availability of the pre-approved ADU plans through social media, the newspaper, the City’s website and e-newsletter with more than 10,000 subscribers, notification to housing groups/advocates, a freeway oriented digital reader board, and meetings with the various business groups (e.g. Chamber of Commerce) and local lumber and hardware stores.

The City will also conduct outreach and education to ADU owners and SB 9 applicants regarding compliance with fair housing and tenant protection laws, including Senate Bill (SB) 329 and SB 222, which prohibit discrimination against tenants using Housing Choice (Section 8) vouchers to pay rent. The City will include resources on these topics in the ADU Toolkit and at the Permit Counter.

### **Program 2: Addressing Constraints to Development**

Constraints to providing a variety of housing types have been identified in Appendix C of the Housing Element Update. The City will further address constraints to the development of housing, including housing for extremely low-income households and housing for persons with disabilities. This will include amendments and clarifications to the City’s Development Code related to how manufactured housing is permitted, the inclusion of objective criteria to determine when a Neighborhood Meeting is required, and clarifying language related to hillside development permits. Further, the City will remove barriers to housing, especially for vulnerable populations and those with special housing needs, through targeted amendments to the City’s Development Code such as but not limited to simplifying the definition of a “family” so that it does not pose a constraint.

### **Program 3: Affordable Housing Development Toolkit**

The City will actively work with the development community to assist in the development of affordable housing, especially housing for extremely low-income households and households with special housing needs. The City will develop an Affordable Housing Toolkit that will provide details on available resources to assist the development community in affordable housing production. These resources will include guidance on navigating development permit processes, available affordable housing incentives, a map of available underutilized and vacant sites, and notices of City funding available to provide financial assistance in affordable housing development.

### **Program 4: Annual Progress Reports**

The City will continue to report annually on the City’s progress toward implementation of the programs identified in the Housing Element and toward its eight-year RHNA housing production targets, including units that have been substantially rehabilitated, preserved or acquired, consistent with the standards set forth in Government Code section 65583.1, subdivision (c) (**AB 879, 2017**). City staff will present the Housing Element Annual Progress Report (APR) to the City Council for review through an annual housing forum before submitting to the California Housing and Community Development Department, in accordance with the requirements of Government Code Section 65400. Through the annual housing forum, the City will invite local housing advocacy groups, developers, and other interested parties to engage in a discussion on housing needs, resources, and ideas.

Further, the City will identify and prioritize local surplus lands available for housing development affordable to lower-income households and report on these lands annually through the APR. (AB 1255, 2019; AB 1486, 2019). The City will conduct annual outreach to local affordable housing developers to establish a notification list, which will ensure interested developers are notified of the availability of surplus lands.

### **Program 5: Affordable Housing Streamlining**

To further assist in the development of housing for extremely low-, very low-, low-, and moderate-income households, the City provides a streamlined approval process in accordance with state requirements for qualifying affordable housing development proposals (SB 35)<sup>2</sup>, and will continue to report on such proposals in the Housing Element Annual Progress Report. Further, the City will continue to update its SB 35 application forms and procedures based on any future changes to state law. Although the City is already implementing SB 35, the Development Code has not been updated to be consistent with SB 35; therefore, the City will amend its Development Code to include the state law requirements and will continue to update to remain consistent with state law. The City will continue to implement the provisions of SB 35 throughout the planning period and will process 100% of qualifying projects ministerially.

### **Program 6: By-Right Development**

The City will allow developments by-right pursuant to Government Code Section 65583.2(i) when 20 percent or more of the units are affordable to lower-income households on vacant or underutilized sites identified in the Sites Inventory to accommodate the lower-income RHNA that were previously identified in past Housing Elements in accordance with Government Code Section 65583.2(c) and Housing Element law. Previously identified sites that may qualify for by-right development are identified in Exhibit A, Electronic Sites Inventory Form, of Appendix E of the Housing Element Update. Further, as also described in Program 15, the City will establish objective design standards for residential and mixed-use development.

### **Program 7: Code Enforcement**

The City's Building Division has a robust Multi-Family Rental Housing Inspection and Maintenance Program (MFIP) to address tenant complaints, Building Code and Housing Code violations, and to enhance the quality of life for residents living in multifamily units. This program is implemented by proactively identifying deteriorated housing stock, responding to complaints, and assisting property owners with compliance to promote the rehabilitation of housing in accordance with minimum local and/or state building, housing, and health and safety standards.

The MFIP applies to all residential rental buildings with four or more units, including rooming houses with four or more rental spaces (units or rooms), with exceptions for subsidized residential rental buildings where 100 percent of the units are restricted by federal, state or local programs, or for the first five years following construction of a new development. The program operates on a two-year cycle during which all rental dwelling units and common areas on the property are inspected. The inspection determines whether the property complies with Building and Housing Codes and identifies any substandard maintenance conditions that do not meet the minimum standards established by local and state laws. Properties that do not comply, are required to be altered or repaired to obtain

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<sup>2</sup> Under Government Code Section 65913.4 (commonly referred to as "SB 35"), multifamily housing developments that satisfy objective planning standards—among other requirements—may be approved through a streamlined, ministerial approval process in certain jurisdictions, including the City of Concord. Developments approved through the streamlined approval process are not subject to a Conditional Use Permit or to the California Environmental Quality Act (CEQA).

the required level of compliance, and a re-inspection of the property is required to verify compliance. If any rental unit is found to be unsafe to occupy, the owner is responsible for the costs and expenses for the relocation of any tenant from that unit.

As part of the MFIP, the City also offers a Self-Certification Program for well-maintained properties that do not have previously identified and uncorrected violations, do not have outstanding payments associated with the MFIP Self-Certification Program; and whose owner has a current business license for the facility. If the property is found ineligible to participate in the Self-Certification Program, the property is subject to the standard MFIP requirements and inspections. For qualifying properties, owners must submit an application packet certifying that conditions at the property achieve the rental unit and property standards listed on the MFIP's Self-Certification Checklist. Properties in the Self Certification Program have 25% of all rental units inspected on a random basis in the first year of their two-year program cycle.

The City also provides an online portal through the Building Division's MFIP webpage, where residents can submit a complaint for health, safety or maintenance issues that landlords have failed or refused to resolve. Staff members from the MFIP then notify the landlord of any required actions or repairs that must be taken. After repairs are made, the City contacts the tenant to confirm the issues have been resolved. Additionally, the City's website clearly provides code enforcement resources and technical assistance for residents.

The City will continue to ensure the safety of residential buildings through enforcement of building codes on both complaint-driven and proactive bases, and through administration of the MFIP for rental housing enforcement conditions/ inspections. In addition, the City will ensure its website remains up to date with code enforcement and substandard housing resources.

## Program 8: Fair Housing

The City seeks to expand the range of housing opportunities, including for residents with low and moderate incomes, older adults, people with disabilities, large families, female-headed households with children, and people experiencing homelessness. To make adequate provision for the housing needs of all segments of the community, the City must ensure equal and fair housing opportunities are available to all residents. The City will continue to advance fair housing through continued implementation of the following actions:

- **Analysis of Impediments to Fair Housing Choice** – As part of the Contra Costa County Consortium, the City participates in the regional Analysis of Impediments to Fair Housing Choice. The City will continue to collaborate in the Analysis of Impediments to Fair Housing Choice for the Contra Costa County Consortium and continue to work with the Contra Costa CDBG/HOME Consortium to reduce impediments to fair housing choice.
- **Eden Council for Hope and Opportunity (ECHO) Fair Housing** – The City contracts with ECHO Fair Housing (ECHO) for fair housing services. Services provided by ECHO include fair housing testing and counseling. Additionally, ECHO operates a rent review and eviction harassment program for the City. The City will continue to contract with ECHO to provide fair housing, tenant-landlord counseling, mediation, education, and outreach services.

The City makes information available on fair housing services in both English and Spanish, and will continue to distribute resources to residents.

In addition to continuing those fair housing programs that the City already participates in, the City is committed to additional actions to affirmatively further fair housing, which include searching for funding sources such as regional land trust and community land trust opportunities; and increasing opportunity for new housing choices, affordability and upward mobility through a continued analysis of impediments to fair housing and a future rezoning program.

### **Program 9: Middle Density**

To ensure an efficient use of land and more walkable neighborhoods, the City provides standards for small lot subdivisions in its low density (single-family) and medium density residential zoning districts for both attached and detached product types. To further facilitate the production of housing that may provide homeownership options and to increase opportunities for an efficient use of land in single family zones, the City will create a ministerial process by which single-family zoned lots can be subdivided to accommodate additional single-family units and duplexes, consistent with the requirements of SB 9.

### **Program 10: Household Assistance**

The City will continue to offer and support the following programs to provide assistance for maintaining and achieving homeownership:

#### *First Time Home Buyer (FTHB) Program*

Through the FTHB program, the City provides loans of up to \$40,000 to assist qualified lower- and moderate-income FTHB households with down payments and closing costs. Bay Area Affordable Homeownership Alliance (BAAHA), a non-profit organization, assists the City in administering the program, including monitoring compliance of ownership units that are regulated and/or funded by the City.

The City will continue to provide loans to first time home buyers and will continue to work with BAAHA (or another qualified service provider) to monitor compliance of regulated ownership units.

#### *Below Market Rate (BMR) Homeownership Program*

Through its Inclusionary Housing Program (see Program 12 below), the City makes possible BMR homeownership units affordable to households earning 120 percent or less of area median income. BMR homes are specific dwellings where eligibility is based on income and household size. The program also assists current BMR homeowners in selling, refinancing or making capital improvements to their home. The program is designed to serve lower- and moderate-income households. BAAHA assists the City in administering the program, including ensuring compliance with affordability requirements and monitoring compliance of ownership units that are regulated and/or funded by the City.

To facilitate the production of BMR affordable homeownership units, the City will establish inclusionary requirements for condominium developments through an amendment to its Inclusionary Housing Program.

#### *Mortgage Credit Certificate (MCC) Program*

The MCC program is administered by the Contra Costa County Department of Conservation and Development and is a homebuyer assistance program designed to help lower-income families afford homeownership. The program allows homebuyers to claim a dollar-for-dollar tax credit for a portion of mortgage interest paid per year.

The City will promote the availability of this program to homeowners and families through informational resources found on the City's website.

### **Program 11: Incentives to Assist in Development**

The City will continue to provide financial and regulatory incentives to proactively encourage and facilitate the development of affordable housing for lower-income households, particularly those with extremely low incomes and special housing needs including large households, older adults, and persons with physical or developmental disabilities. Incentives include streamlined ministerial approval, reduced fees, parking reductions, and direct financial allocations to assist in the development of housing. The City will continue to promote the availability of development incentives through email notifications to the development community and interested parties, and will update its website within 60 days of ordinance revisions or program development.

### **Program 12: Inclusionary Housing**

The City's Inclusionary Housing Program requires the inclusion of a minimum percentage of affordable housing units in all projects with five units or more. The City will further advance this program through the removal of the 600-unit threshold and by providing an option for moderate-income rental units to satisfy inclusionary requirements. The City will continue to promote the availability of this program through email notifications to the development community and interested parties, and will update its website within 60 days of any revisions.

### **Program 13: Lot Consolidation Incentive**

To facilitate affordable housing development on smaller parcels, the City currently offers technical assistance in the parcel merge process to streamline the process in a timely manner. To further incentivize lot consolidation to facilitate housing production, especially for lower-income households, the City will provide financial or regulatory lot consolidation incentives which may include priority processing, fee deferments and waivers, and the modification of site development standards.

In addition, the City will continue to facilitate lot consolidation and development of smaller parcels through the following actions:

- Publicize the lot consolidation program on the City's website, outreach to the development community, and through preliminary meetings with prospective project applicants.
- Assist affordable housing developers in identifying opportunities for lot consolidation using the City's GIS Map Portal and property database.

### **Program 14: No Net Loss**

The City will use its development permit data to monitor development activity, proposed rezones, and identified capacity to ensure adequate remaining capacity is available to meet any remaining unmet share of the RHNA for all income levels throughout the entirety of the planning cycle, consistent with no net loss requirements. The City

will develop and implement a monitoring procedure pursuant to Government Code Section 65863, and will make the findings required by that code section to demonstrate whether or not remaining sites identified in the housing element are adequate to accommodate the City's remaining share of the RHNA if a site is proposed for development with fewer units or at a different income level than shown in the Housing Element.

If, at any time during the planning period, a development project results in fewer units by income category than identified in the Sites Inventory (Appendix E) for that parcel and the City cannot find that the remaining sites in the Housing Element are adequate to accommodate the remaining RHNA by income level, the City will, within 180 days, identify and make available additional adequate sites to accommodate the remaining RHNA. Any site identified to be upzoned to meet "no net loss" requirements will satisfy the adequate site requirements of Section 65583.2 and will be consistent with the City's obligation to affirmatively further fair housing. **(SB 166, 2017)**

Additionally, the City will continue to implement minimum densities in multifamily zones and zones that permit mixed-use development. This will help the City ensure an efficient use of land that is available for development.

### **Program 15: Objective Design Standards**

The City will increase transparency and certainty in the development process through objective design standards. The City will monitor Development Code amendments to ensure any new design standards applicable to housing developments are objective (i.e., without involvement of personal or subjective judgment by a public official, and uniformly verifiable by reference to the City's regulations), in accordance with the requirements of the Housing Crisis Act of 2019 **(SB 330, 2019; SB 8, 2021)** and related state housing law.

Further, to remove constraints to development associated with the City's Design and Site Review process and to facilitate the development of housing on the sites identified to accommodate the RHNA, the City will create and adopt objective design standards to provide ministerial (by-right) processing for multifamily and mixed-use developments.

### **Program 16: Parking Reductions**

Large parking lots owned by religious institutions provide opportunities to facilitate the development of housing for vulnerable populations. The City will amend the Development Code in accordance with state law, to identify a process by which parking requirements for religious institutions can be reduced in order to accommodate housing developments. **(AB 1851)**

### **Program 17: Preservation and Housing Rehabilitation**

The City makes special efforts to help preserve affordable housing and maintain Concord's older housing stock. Where possible, the City utilizes public funds to provide assistance in the rehabilitation and conservation of deteriorated multifamily developments, single-family homes, and mobile homes. Through these programs, the City will continue to help preserve and rehabilitate housing for tenants and homeowners in extremely low-, very low-, and low-income households, households with disabilities, and older adults.

### **Program 18: Preservation of At-Risk Affordable Housing Units**

The City will continue to monitor affordable units under a City Regulatory Agreement and affordable units identified as being at-risk of conversion to market-rate housing. This will include collaboration on the identification of financial resources and establishing cooperative partnerships with affordable housing developers and/or property owners willing to maintain units as affordable to lower-income households, including extremely low-income households. For those properties under current City Regulatory Agreements, the City will work directly with property owners to negotiate potential term extensions, as funding allows. Preventing the conversion of at-risk units to market-rate housing will ensure tenants are not displaced and that affordable units are not lost from the City's housing stock. The extension of existing project-based rental assistance covenants, or utilization of other funding sources, will help preserve and/or extend affordability.

Additionally, the City contracts with Compliance Services, LLC to assist staff with monitoring and managing affordability compliance for multifamily complexes that are utilizing City funds. The City will work toward maintaining the rent restrictions of at-risk developments by monitoring any changes in ownership, management, and status of deed restrictions. Further, the City will work with the owners of these developments to retain the units and, where feasible, provide technical assistance to property owners and/or organizations interested in purchasing and maintaining the properties should the current owners be interested in selling.

### **Program 19: Replacement Requirements**

Consistent with the Housing Crisis Act of 2019 (Government Code Section 66300(d)) and related State housing law, the City requires that housing development projects provide at least the same number of dwelling units as any units demolished to build the project, including any units existing on the site within the past five years. Government Code Section 66300(d) and the City further require that for demolished units subject to certain affordability restrictions or occupied by low- or very low-income households, the project meet applicable requirements for affordability, relocation benefits, and right of first refusal for existing occupants. The City will work with tenants of units that could be redeveloped and provide them with linguistically appropriate educational materials regarding tenant rights and resources.

### **Program 20: Residential Tenant Protections**

#### *Rental Tenant Protection Program*

In July 2020, the City Council adopted the Residential Tenant Protection Program (RTPP) (Chapter 19.40 of the Municipal Code) which requires, among other things that a tenant be provided a written lease with specified minimum lease terms and relocation assistance for no-fault evictions. This data can be used to identify potential fair housing or rent related issues. The data will further inform decision making on City housing policies and programs related to the impact of rents and/or potential fair housing and rent disparities or issues in the local housing market.

#### *Residential Tenant Anti-Harassment Protection Ordinance*

The City has recently taken action to further Fair Housing practices in the City by prohibiting discrimination, violations of tenants' rights to privacy, and landlord retaliation through a Residential Tenant Anti-Harassment Protection (RTAHP) Ordinance.

The City is and will continue working with local housing advocacy groups to develop and distribute linguistically appropriate educational materials pertaining to the RTPP and the Residential Tenant Anti-Harassment Protection Ordinance to property owners, apartment managers, and tenants, with more intensive bilingual outreach efforts in the City's R/ECAP along Monument Boulevard.

#### *Tenant/Community Opportunity to Purchase Act*

With adequate funding, a Tenant Opportunity to Purchase Act (TOPA) can provide long-term anti-displacement benefits by giving tenants increased options to have secure housing when the property they rent goes up for sale. A Community Opportunity to Purchase Act (COPA) is a similar policy geared toward non-profit affordable housing providers, community land trusts, and similar entities, who may purchase a property to maintain affordability and prevent displacement of current tenants. While TOPA programs typically require tenants to purchase a property in order to retain occupancy, adequately funded COPA programs can allow affordable housing providers to acquire and continue operating at-risk rental properties, thereby providing long-term housing security to tenants without their having to purchase the property.

#### *Rent Stabilization and Just Cause for Eviction*

To further protect tenants from displacement, increase household stability, and preserve housing that is affordable to lower-income earning households, the City will adopt ordinances to establish regulations for rent stabilization and just cause for eviction. These ordinances will include additional protections for residents, above and beyond those provided under state law. The City will continue to work closely with community-based organizations and interested stakeholders to ensure that the ordinances will provide the regulations necessary to protect residents from displacement without constraining new housing development.

### **Program 21: Special Housing Needs**

The City will provide assistance for those with special housing needs including older adults, large families, female-headed households, and persons with disabilities through the following methods:

- Home Match Contra Costa - This program provides matching services for older adults that would like to share their homes for companionship, extra income, or assistance with home maintenance. This service includes applicant screenings, home visits, interviews, on-going mediation, outreach, and written agreements for living arrangements.
- Increased Accessibility - The City will promote increased accessibility by connecting developers and residents to resources on design features that are accessible and safe to all people regardless of age, size, ability, or disability. This can include guidance on home retrofits for increased accessibility and referrals to independent living centers.
- The City will coordinate with the Regional Center of East Bay to implement an outreach program that informs families within the City on housing and services available for persons with disabilities.

Additionally, the City will continue to support the special housing needs of large families and female-headed households through development fees on new on-residential construction and tenant improvements to provide continued funding for the Concord Child Care Program.

## Program 22: Support for People Experiencing Homelessness

The City will provide processes that facilitate the production of housing to meet the needs of those experiencing homelessness. Through this program the City will:

- Amend the Development Code to allow supportive housing by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, consistent with State requirements. Supportive housing shall be permitted in accordance with California Government Code Section 65651 (**AB 2162, 2018**).
- Amend the Development Code to ensure that Emergency Shelters are not subject to the Design and Site Review process and to ensure that the staff parking requirement is calculated based on the demonstrated demand to accommodate staff (**AB 139, 2019**).
- Amend the Development Code to ensure that Single Room Occupancy (SRO) or Group Housing are not subject to the Design and Site Review process.
- Amend the Development Code to permit the development of Low-Barrier Navigation Centers as a use by-right, without requiring a discretionary action, in mixed-use and non-residential zones that permit residential uses (**AB 101, 2019**). Low-Barrier Navigation Centers are housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Further, the City provides case management services to assist in outreach and connect those experiencing homelessness to available resources. The City will continue to provide this service throughout the planning period.

## Program 23: Water and Sewer Priority for Affordable Housing

Pursuant to Chapter 727, Statutes of 2005 (SB 1087), the City is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. The Contra Costa Water District (CCWD) is responsible for providing water service to the City, and the City oversees wastewater collection and conveyance. As such, the City will distribute a copy of the adopted 6th Cycle Housing Element to CCWD, the area water provider, and coordinate internally with the Public Works Department for review and consideration when reviewing new residential projects to ensure adequate water and sewer capacity is available to accommodate housing, especially housing for lower-income households.

The current 2020 CCWD Regional Urban Water Management Plan acknowledges the requirements and includes the projected water use for single-family and multifamily housing needed for lower income households. The Community Development Department will coordinate with the area water provider and with Public Works to prioritize proposed developments with housing affordable to lower-income households, including extremely low- and very-low income by providing copies of subsequent updates or amendments to the Housing Element, if any. The coordination efforts will further support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households, as a public agency or private entity providing water or sewer services must adopt written policies and procedures that grant a priority of service to housing units affordable to

lower income households and shall not deny or condition the approval of an application for services without specific written findings in accordance with state law.

### **Program 24: Short Term Rentals**

A short-term rental is typically defined as a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for fewer than 30 consecutive nights. Such rentals are also commonly referred to as vacation rentals.<sup>3</sup> While short-term rentals can provide a positive economic impact to a city with an additional income through tax revenues, they can also reduce the available housing supply, often impacting residents who depend on affordable housing, contributing to increasing housing and rental prices.

The Concord community has expressed concern over displacement of tenants through conversion of conventional rental dwelling units to short-term rentals (e.g., AirBnB and VRBO units). Through this program, the City will evaluate the development of regulations to address this issue.

### **Program 25: Advocacy for State Housing Legislation, Policies and Funding**

The City continually monitors pending State housing legislation, policies, and funding, and advocates for changes that will increase affordability, homeownership opportunities, and to reduce the risk of displacement and homelessness in Concord. As an example of such advocacy, on May 9, 2022, the City Council sent a letter to the Assembly Appropriations Committee supporting AB 2170, a pending bill that would promote homeownership by giving owner-occupants and public entities a “First Look” at purchasing bank-owned properties and prohibiting “bulk sales” of foreclosed homes.

Through this program, the City will continue to advocate for changes at the State level that will help address Concord’s housing needs, including changing the methodology for allocation of Low Income Housing Tax Credits (LIHTCs), which makes it difficult for affordable housing projects in Concord to obtain LIHTCs.

### **Program 26: Place-Based Strategies**

In an effort to revitalize areas with low resources and opportunities, the City will work to conserve and improve assets through targeted investments. Investments would include future public and infrastructure investments, economic vitality, workforce development, grant pursuits to fund future urban greening projects, and annual events to support local businesses. Further, the City will conduct targeted outreach in these areas.

## **2.6 Scope of Analysis**

The project being evaluated within this document is the HEU, which is a policy document that conceptualizes how the City will provide the capacity for a total of 5,073 housing units, as assigned by ABAG during the 6th Cycle RNHA, during the period of 2023 through 2031. As detailed in Table 1, based on the City’s current general plan land use and zoning, the City has the realistic capacity to accommodate 5,533 net new housing units. The HEU includes programs that conceptualize how the City will provide the capacity for these additional housing units.

No development is currently proposed under the HEU; however, implementation of the HEU is designed to facilitate construction of 5,533 new units throughout the City. Additionally, the HEU includes programs that support the

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<sup>3</sup> Law Insider. <https://www.lawinsider.com/dictionary/short-term-rental>

existing and future residents of the City. Given the developed and built out nature of the City, new housing units constructed throughout the City may ultimately qualify for one or more categorical exemptions under CEQA (such as Class 3, Small Structures or Class 32, Infill Development Projects) or for other CEQA Streamlining provisions, and with state laws to promote the development of infill affordable housing. As appropriate, the checklist below addresses the potential physical impacts associated with implementation of the HEU.

### 3 Initial Study Checklist

**1. Project title:**

City of Concord General Plan Amendment: 6<sup>th</sup> Cycle Housing Element Update

**2. Lead agency name and address:**

City of Concord  
1950 Parkside Drive  
Concord, California 94519

**3. Contact person and phone number:**

Aaron Sage, Principal Planner  
925-671-3465

**4. Project location:**

Citywide

**5. Project sponsor's name and address:**

City of Concord  
1950 Parkside Drive  
Concord, California 94519

**6. General plan designation:**

Not applicable for adoption of a Housing Element Update

**7. Zoning:**

Not applicable for adoption of a Housing Element Update

**8. Description of project. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):**

The purpose of the HEU is to provide an update to the Housing Element of the City's General Plan. The HEU involves an amendment to the General Plan in order to adopt, as required by state law, an updated Housing Element. The intent of the HEU is to address the comprehensive housing needs of the City. State law requires jurisdictions to update their Housing Elements every eight years to outline their existing and projected housing needs, to discuss barriers to providing that housing, and to propose actions to address housing needs and barriers. The programs proposed in the HEU are intended to be implemented over an eight-year planning horizon (2023-2031). See Section 2 for a detailed project description.

**9. Surrounding land uses and setting (Briefly describe the project's surroundings):**

The City of Concord is located in the northern-central region of Contra Costa County, approximately 20 miles east of the City of San Francisco and 40 miles southwest of the City of Sacramento. The City encompasses approximately 19,840 acres (31 square miles), which is approximately 4% of the total land in Contra Costa County. An 8 square-mile portion of the City consists of the Concord Naval Weapons Station (CNWS). The City is situated in a valley that is framed by the Suisun Bay to the north and rolling hillsides to the east and south; neighboring cities include Clayton, Pittsburg, Pleasant Hill, and Walnut Creek. Primary citywide land uses include residential, commercial, mixed-use, public/quasi-public, and industrial. The 8-square mile CNWS is zoned as a Study District (S).

Major transportation routes that transect the City include State Route 4, State Route 242, and Interstate 680. There are two Bay Area Rapid Transit (BART) stations within the City that connect Concord to other East Bay cities and San Francisco, including the North Concord/Martinez Station and Downtown Concord Station. Also, the Buchanan Field Airport, one of two Contra Costa County airports, is located northwest of the City, just beyond the City limits. The City limits extend to Mallard Reservoir in the north and beyond Ygnacio Valley Road to the City of Walnut Creek in the south; Interstate 680 borders the City to the west and the eastern boundary is defined by the former CNWS and the City of Clayton.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

Approval from the California Department of Housing and Community Development (HCD).

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

**Note:** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

On September 21, 2022, in accordance with Assembly Bill 52 (Public Resources Code § 21080.3(b)), and Senate Bill (SB) 18, the City sent a notice about the project via certified mail to inform all California Native American tribes that have requested such notice of a project application within a particular geographic area for which the tribe is traditionally and culturally affiliated. The notice included project information and information on how to formally request consultation. Pursuant to SB 18 timelines, the California Native American tribes had 90 days from the date of the notice (September 21, 2022 to December 20, 2022) to request consultation with the City regarding the project. No tribes requested consultation.

### Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology and Soils             | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology and Water Quality   | <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population and Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

**Determination (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



\_\_\_\_\_  
Signature

1/27/2023

\_\_\_\_\_  
Date

## Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance

## Impact Evaluation Methodology and Assumptions

Based on information available to the City at the time of preparation of this draft IS/ND, the following sections evaluate the 6<sup>th</sup> Cycle Housing Element’s reasonably foreseeable direct and indirect impact on the environment.

The HEU is a policy document, consisting of housing programs; no actual development is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City’s 6<sup>th</sup> Cycle RHNA allocation. Although implementation of the programs contained in the document would facilitate residential development required to meet the City’s 6<sup>th</sup> Cycle RHNA allocation, any proposed land use changes would follow the adoption of the proposed HEU and would be subject to future environmental review, as required, under CEQA, once sufficient project-specific information is made available. Although Program 8 includes an objective to rezone sites to increase multifamily residential options in moderate- and high-resource, racially segregated areas, no specific sites or other geographic areas have been identified for this conceptual rezoning, as this effort will require further analysis and community discussion. Therefore, no site-specific rezoning or land use changes are occurring as a result of adoption of the HEU. All future projects would also be required to adhere to relevant development standards and design guidelines contained in the City’s Municipal Code and other applicable regulatory requirements governing the nature and quality of development within the City.

Due to the programmatic nature and phased implementation strategy of the proposed Housing Element, it is anticipated that the HEU as currently described would not result in a significant impact to the environment. Many future development projects facilitated by the HEU would qualify as “infill” as defined in Section 21061.3 of CEQA. As infill, certain projects may be eligible for existing or proposed streamlining efforts and/or a categorical exemption (CE) under CEQA. However, as with any “project” level development, the precise nature of review required would be assessed by the City on a case-by-case basis, and certain projects accommodated by the HEU would still require project level CEQA review and be subject to discretionary approval. In addition, regardless of whether the review process is discretionary or ministerial, any project proposed in the City would still be subject to all applicable ordinances, policies, and standards in effect as of the date of the developer agreement.

In addition, the California Legislature has recently passed a large number of laws related to housing production. These laws include Senate Bill (SB) 9 (by-right duplexes), SB 10 (allowing jurisdictions to upzone for up to ten units in certain locations), SB 290 (reforms to State Density Bonus Law), and SB 478, which limits floor area ratio (FAR) and lot coverage standards that limit multifamily housing. This trend of laws aimed at addressing the State’s housing affordability crisis is expected to continue into the 2023 legislative session and beyond and will likely result in the facilitation of further streamlining efforts and removal of “barriers” to housing development (including discretionary review requirements).

Further, the precise language of the HEU programs would generally allow for a streamlined review process only under a limited and defined set of circumstances, where the primary objective is the achievement of measurable progress towards meeting the City’s 6<sup>th</sup> Cycle RHNA allocation, as required by state law. In addition, when unique situations present themselves, housing projects would likely undergo a more comprehensive environmental review, where any impacts identified with the project would be addressed through mitigation specific to the impact.

### 3.1 Aesthetics

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-d: No Impact.**

The HEU is a policy document and adoption of this element alone would not produce environmental impacts. The HEU consists of an updated suite of housing programs; for which, no actual development or site-specific rezoning is proposed as part of adoption of the HEU. Implementation of the programs contained in the document would accommodate development required to meet Concord’s 2023-2031 RHNA allocation, which specifies a need for the construction of 5,073 housing units. To accommodate this RHNA allocation, City staff reviewed the inventory of vacant and underutilized sites and identified ADU projections, permit pipeline projects, and sites within the CRP Area Plan that can accommodate the RHNA allocation for the 2023-2031 Housing Element Update. Within the identified sites, 5,073 RHNA allocation will be accommodated as well as an additional 460 buffer units for a total capacity of 5,533 units. Of this total, the City has identified 624 units currently that are in the development permit pipeline.

Because the City lacks a substantial amount of vacant land, the majority of residential projects completed during this period are expected to be located on infill sites within existing urbanized areas. This type of development is more likely to improve rather than degrade the aesthetics of a neighborhood because it would add architectural features and elements on otherwise underutilized and/or deteriorating sites. Furthermore, any such development would be expected to conform to existing General Plan policies, municipal code, and zoning code development

standards. As such, the adoption of the General Plan Amendment and the HEU would not degrade the visual character or quality, scenic resources, or generate light and glare impacts.

The HEU does not propose actual development or construction, nor does it provide any design guidelines for structures. The proposed element update will not change or affect the way projects are designed. It will not provide any goals, policies, or programs that would significantly degrade the scenic quality of the City. Existing development standards and design guidelines will remain in place after adoption of the HEU. Therefore, no aesthetic impacts would occur from the adoption of this policy document.

### 3.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE AND FORESTRY RESOURCES</b> – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-e: No Impact.**

The HEU is a policy document, consisting of a suite of housing programs, and its adoption would not, in itself, produce environmental impacts, because no actual development or site-specific rezoning is proposed as part of the update. Although implementation of the programs contained in the document would accommodate development required to meet the City’s RHNA allocation, such development would not impact agricultural resources. The Farmland Mapping and Monitoring Program (FMMP) maps identify land for the City of Concord primarily as Urban and Built-Up Land. The City contains two primary areas not classified as Built-Up Land; these two areas are classified by the State Department of Conservation (DOC) as Grazing Lands and cover the inland portion of the Concord Naval Weapons Station (CNWS) and the Lime Ridge Open Space Preserve (DOC 2018). Additionally, a portion of the CNWS located adjacent to Willow Pass Road and Olivera Road is designated as Farmland of Local Importance. Patches of Unique Farmland that are designated as a combination of vacant and single-family residential, are located near the southern border of the City limits. Overall, Concord’s Planning Area per the City’s General Plan EIR, contains 10,299 acres of Grazing Land, 466 acres of Farmland of Local Importance, and 28 acres of Unique Farmland (City of Concord 2006).

However, there would be no impacts to important farmland from implementation of the HEU which does not change any boundaries or the potential for agricultural activities. There are also no programs that would conflict with existing agricultural zoning or a Williamson Act contract. In addition, because the City does not contain forest land, there is no rezoning or development proposed on forest land, or land or timber property zoned as Timberland Production. Furthermore, because the City lacks a substantial amount of vacant land, the majority of residential projects completed to meet the RHNA allocation are expected to be located on infill sites within urbanized areas not currently used for agricultural purposes nor zoned to allow future agricultural operations. For these reasons, the HEU would have no impact on agricultural and forestry resources.

### 3.3 Air Quality

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The City lies within the San Francisco Bay Area Air Basin (SFBAAB); the Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency which has jurisdiction over the SFBAAB. Therefore, the City is subject to the rules and regulations enforced by the BAAQMD, as well as ambient air quality standards adopted by the California Air Resources Board (CARB), and national air quality standards adopted by the United States Environmental Protection Agency (USEPA).

In June 2010, the BAAQMD adopted thresholds of significance to assist lead agencies in the evaluation and mitigation of air quality impacts under CEQA. The BAAQMD CEQA Air Quality Guidelines were re-released in May 2017 and include the same thresholds as in the 2010 Guidelines for criteria air pollutants, toxic air contaminants (TACs), and greenhouse gases (GHGs) (BAAQMD 2017a).

In general, the BAAQMD significance thresholds for reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), particulate matter with an aerodynamic resistance diameter of 10 micrometers or less (PM<sub>10</sub>), particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less (PM<sub>2.5</sub>), and carbon monoxide (CO) address the first two air quality significance criteria incorporated in the initial study checklist questions above. According to the BAAQMD, these thresholds are intended to maintain ambient air quality concentrations of these criteria air pollutants below state and federal standards and to prevent a cumulatively considerable contribution to regional nonattainment with ambient air quality standards. The TAC thresholds (cancer and noncancer risks) and local CO thresholds address the third significance criterion incorporated in the initial study checklist questions, and the BAAQMD odors threshold addresses the fourth.

An area is designated as “in attainment” when it is in compliance with the federal and/or state standards. These standards are set by the USEPA or CARB for the maximum level of a given air pollutant that can exist in the outdoor air without unacceptable effects on human health or public welfare with a margin of safety. The SFBAAB is designated non-attainment for the federal 8-hour O<sub>3</sub> and 24-hour PM<sub>2.5</sub> standards. The area is in attainment or unclassified for all other federal standards. The area is designated non-attainment for state standards for 1-hour and 8-hour O<sub>3</sub>, 24-hour PM<sub>10</sub>, annual PM<sub>10</sub>, and annual PM<sub>2.5</sub>.

The BAAQMD 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the 2017 Clean Air Plan includes all feasible measures to reduce emissions of O<sub>3</sub> precursors (ROG and NO<sub>x</sub>) and reduce O<sub>3</sub> transport to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon the BAAQMD efforts to reduce fine particulate matter (PM) and TACs. To protect the climate, the plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

### **Explanation of Checklist Judgements:**

#### **a-d: Less than Significant Impact.**

The HEU is a policy document, consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet Concord’s RHNA allocation.

The HEU would not conflict with or obstruct implementation of the BAAQMD guidelines or Clean Air Plan. The HEU would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, nor would it result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. Lastly, because the HEU does not affect land uses that are typically associated with the creation of objectionable odors (such as rendering plants, landfills, treatment plants, etc.), its adoption would have no impact from odors. Based on the above, the HEU would have a less than significant impact on air quality.

### 3.4 Biological Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES – Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **Explanation of Checklist Judgements:**

### **a-d: Less than Significant Impact.**

The HEU is a policy document, consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City's RHNA allocation. Future residential development to meet the RHNA allocation is expected to be located largely on infill sites within urbanized areas where little or no native vegetation exists and where little potential exists for the occurrence of sensitive species habitat, riparian habitat, a sensitive natural community, federally protected wetlands, or wildlife corridors or nursery sites. Furthermore, the proposed HEU does not include any site-specific design or development proposal that would have the potential to adversely affect biological resources. As such, the HEU would have no direct impact on biological resources. At the time a future residential project is proposed, the City would conduct subsequent environmental review pursuant to CEQA prior to approval of the project or issuance of building permits. Future residential projects would also be required to comply with federal and state laws, including but not limited to the Clean Water Act, Migratory Bird Treaty Act, Federal and California Endangered Species Act, and California Native Plant Protection Act.

The 2030 Concord General Plan contains policies related to protection and preservation of sensitive biological resources. Pertinent goals and policies related to sensitive biological resources are listed below.

- Policy POS-3.1.3: Require adequate building setbacks for development adjacent to creek banks and major drainage ways to protect neighboring properties from erosion and flooding.
- Policy POS-3.4.1: Conserve wildlife habitat and wildlife corridors, including seasonal migration routes, and require appropriate mitigation in the even such areas impacted by development.
- Policy POS-3.4-2: Protect rare, threatened, or endangered species and their habitats through the environmental review process and in accordance with State and Federal law.
- Policy POS-3.4-3: Retain significant vegetation, including native vegetation and heritage trees, where feasible, and require replacement plantings as appropriate for mitigation.
- Policy POS-3.4-6: Avoid construction-related activities during breeding and nesting seasons for special status species.

The proposed HEU does not alter any local, regional, State, or federal biological protection standards, nor would they alter the City's existing general plan policies related to protection and preservation of sensitive biological resources. Although the policies and objectives of the HEU encourage housing, any new housing would have to comply with all current biological preservation policies, standards, and regulations. The proposed HEU does not encourage housing or development to be located in stream corridors, wetlands, riparian areas, or any other type of habitats for endangered or threatened species. Therefore, the HEU would have a less than significant impact on biological resources criteria a through d.

### **e-f: No Impact.**

The City’s Municipal Code includes policies and standards protecting creek and riparian habitat as well as tree preservation. The proposed HEU would not change or conflict with these existing development standards. The City is not within the boundaries of an adopted Habitat Conservation Plan or other local, regional, or state habitat conservation plan. For these reasons, the proposed project would have no impact on biological resource criteria e through f.

### 3.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES – Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a–c: Less than Significant Impact.**

The Housing Element Update is a policy document, consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet Concord's RHNA allocation.

A review of the City’s planning area conducted in 2003 and 2004 by the Northwest Information Center found 12 recorded Native American archaeological resources and 7 historic-period archaeological resources listed with the State Historical Resources Information System. It was determined during this review that many of the historic resources in Concord date back its founding, and are located near Todos Santos Plaza (City of Concord 2006). Furthermore, the City contains two National Register of Historic Places sites as well as 33 additional sites and structures which are designated local historical landmarks as important local historic resources. These known cultural resources are not anticipated to be impacted by potential future development facilitated under the HEU. Future residential projects would be required to comply with federal and state laws described below.

The 2030 Concord General Plan contains policies for the protection and preservation of cultural resources, and all new development must be consistent with these policies. Pertinent policies related to sensitive cultural resources are listed below.

- Policy POS-4.1.1: Preserve all City, state, and federally designated historic sites and structures to the maximum extent feasible.
- Policy POS-4.1.2: Consult with the State Office of Historic Preservation with respect to managing impacts of development and land use on historic and archaeological resources.
- Policy POS-4.1.3: Preserve important historic and archaeological sites during new development, reuse, and intensification.
- Policy POS-4.1.4: In identified sensitive areas, require archaeological studies as part of the development review process.
- Policy LU-1.1.10: Ensure that new development in historic neighborhoods is compatible in scale and style to the character of the neighborhood, encourage retention of historic buildings through flexible reuse provisions.
- Policy LU-4.2.4: Encourage new and redevelopment projects to include amenities for public benefit, such as affordable housing, pedestrian-oriented facilities, and historic preservation.
- Policy LU-4.2.8: Encourage preservation of historic buildings to the maximum extent possible.

Additionally, Assembly Bill (AB) 52 and Senate Bill (SB) 18 require early consultation with culturally affiliated tribes in the area. As future projects are planned and developed, they must adhere to these General Plan policies, AB 52, and SB 18 as it pertains to historical and culturally sensitive resources.

All future development facilitated by the HEU would be in accordance with state laws pertaining to the potential discovery of human remains. In the event that human remains are discovered, then the provisions set forth in California Public Resources Code section 5097.98 and State Health and Safety Code section 7050.5 would be implemented in consultation with the assigned Most Likely Descendant as identified by the Native American Heritage Commission (NAHC). No further construction activities would be permitted until the coroner is contacted, as well as any applicable Native American tribes. The City shall be required to comply with the California Native American Graves Protection and Repatriation Act (2001), the federal Native American Graves Protection and Repatriation Act (1990), as well as AB 52 and SB 18 early consultation requirements. On September 21, 2022, in accordance with AB 52 and SB 18, the City sent a notice about the project via certified mail to inform all California Native American tribes that have requested such notice of a project application within a particular geographic area for which the tribe is traditionally and culturally affiliated. The notice included project information and information on how to formally request consultation. Pursuant to SB 18 timelines, the California Native American tribes had 90 days from the date of the notice (September 21, 2022 to December 20, 2022) to request consultation with the City regarding the project. No tribes requested consultation. Also, as regulations are in place to treat any inadvertent uncovering of human remains during grading, impacts to human remains would be less than significant.

The HEU would not change or alter policies to protect and/or review cultural resources. For these reasons, impacts are less than significant.

### 3.6 Energy

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. Energy</b> – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a–b: Less than Significant Impact.**

The HEU is a policy document, consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet Concord's RHNA allocation. However, future development would be required to adhere to all state and/or local plans for renewable energy or energy efficiency.

Future residential development projects envisioned under the HEU would increase the demand for electricity, natural gas, and petroleum during both construction and operations. Energy use during construction associated with new development projects under the HEU is anticipated to be in the form of fuel consumption (e.g., gasoline and diesel fuel) to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting. In addition, temporary grid power may also be provided to construction trailers or electric construction equipment. Energy use during the construction of individual projects would be temporary in nature, and equipment used would be typical of construction projects in the region. Construction activities associated with residential development under the HEU would be required to utilize fuel-efficient equipment consistent with State and federal regulations and would comply with State measures to reduce the inefficient, wasteful, or unnecessary consumption of energy.

Long-term operation of new development projects under the HEU would require electricity and natural gas service to power internal and exterior building lighting, and heating and cooling systems. As previously discussed, given the already built-out nature of the City and lack of substantial vacant land, future residential projects are expected to be located on infill sites, which are already served by energy providers. The HEU would also include incentives to prioritize future development projects close to high quality transit areas and existing commercial/retail, recreational, and institutional land uses, which would reduce trip distances and encourage the use of alternative modes of transportation such as bicycling and walking; refer to Program 11 in the HEU. This would help reduce new development projects consumption of petroleum.

New development projects envisioned under the HEU would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6 of the California Code of Regulations, California’s Energy Efficiency Standards for Residential and Nonresidential Buildings) and the California Green Building Standards Code (CALGreen, Title 24, Part 11 of the California Code of Regulations). The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California. CALGreen sets targets for energy efficiency; water consumption; plumbing systems; diversion of construction waste from landfills; and use of environmentally sensitive materials in construction and design.

During both construction and operation, future residential projects would comply with all state regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act. During construction, all waste generated would be recycled to the maximum extent possible. Additionally, the City adopted a Climate Action Plan (CAP) in 2013, which outlines energy strategies for Citywide energy reductions, including a green building ordinance, zero net energy standards, energy audits, demand response programs, efficient appliances, and construction energy use (City of Concord 2013). The HEU, as a policy document, along with any future residential development, would not conflict with these strategies.

Based on the above, the HEU would result in less than significant impacts associated with energy.

### 3.7 Geology and Soils

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS – Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-f: Less than Significant Impact.**

The HEU is a policy document, consisting of a suite of housing programs; no actual physical development or site-specific rezoning is proposed as part of the update. Therefore, adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate development required to meet the City’s RHNA allocation.

a: As Concord lies within a region known to be seismically active, the potential exists for people and structures associated with new residential projects to be exposed to strong ground shaking, ground failure, and soil instability. The Concord Fault is located within the City limits and the Hayward fault is located approximately 15 miles west of the City. Given the close proximity of these faults to the City, a strong earthquake on this fault could produce severe ground shaking in the City. Despite the potential of these fault systems to produce severe ground shaking in the City, no significant impact regarding fault hazards would occur, because the HEU would be consistent with the other elements of the General Plan, including the Chapter Safety and Noise Element. This Element contains several policies that would minimize potential seismic hazards; future residential development facilitated under the HEU would be subject to project-specific review and these General Plan policies. Additionally, the potential for significant adverse impacts to result from these phenomena would be substantially reduced through adherence to requirements specified in the Alquist–Priolo Act, the Uniform Building Code, Title 24 of the California Building Code, and all development regulations of the City. Compliance with these building standards would minimize impacts associated with seismic hazards.

b–e: Most lowland areas with relatively level ground surface are not prone to landslides. Other forms of slope instability are also unlikely to occur except along stream banks and terrace margins. Highland areas are more susceptible to slope instability and landslides, especially in the upland areas along the outskirts of Concord (City of Concord 2006). The strong ground motion that occurs during earthquakes is capable of inducing landslides and debris flow (mudslides). These types of failure generally occur where unstable slope conditions already exist. The City has geologic review procedures and General Plan policies in place to address these hazards. Hillside areas

along the outskirts of the City with landslide potential are of particular concern. The City implements General Plan policies that minimize development of natural hillsides and requires thorough evaluation of geologic, seismic, and soils condition risks as a part of its development review procedures. More specifically, General Plan policies and Development Code Chapter 18.300 require all development on hillsides with average slopes exceeding 15 percent to submit a hillside development plan demonstrating how earthwork and grading would be minimized and safely performed. Per the General Plan and Development Code Section 18.300.050.A, development is prohibited on hillsides with average slopes over 30 percent.

Precautionary recommendations and restrictions are established in the City’s General Plan policies and Municipal Code in order to minimize potential impacts from developing on geologically hazardous land or resulting in substantial soil erosion. City regulations and policies cover landslides, seismic shaking, surface rupture, seiches, liquefaction, subsidence, expansive soils, and soil erosion. All new development is required to be consistent with these regulations.

f: Depending on the location, future development and earthwork activities in the City have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The City’s General Plan EIR states that there are no known significant paleontological resources within the City (City of Concord 2006). However, the City’s existing General Plan EIR contains a mitigation measure to make provisions for the discovery of paleontological resources:

*3.5-3 All grading plans for development project involving ground displacement shall include a requirement that in the event fossils are encountered, construction shall be temporarily halted, the Planning Division shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.*

Future residential development facilitated under the HEU would be subject to project-specific review and this mitigation measure.

Based on the above, the HEU would result in less than significant impacts associated with geology and soils.

### 3.8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Explanation of Checklist Judgements:**

### **a–b: Less Than Significant Impact.**

The HEU is a policy document consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, adoption of the HEU would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet Concord’s RHNA allocation.

According to the USEPA, the burning of fossil fuels, along with deforestation, have significantly increased the concentration of heat-trapping greenhouse gasses (GHGs) in the earth’s atmosphere (USEPA 2021). This results in global warming, as more heat is trapped in the atmosphere.

The City has adopted plans, policies, and programs to reduce GHG emissions. The City’s General Plan contains policies aimed to reduce sprawl and encourage development in proximity to public transit. These policies therefore curb GHG emissions by supporting land use decisions that reduce reliance of cars and encourage the use of public transit. The City has also adopted a Downtown Specific Plan which supports State and regional GHG reduction goals by planning development on infill sites near public transit. The City adopted its Climate Action Plan in 2013, which provides strategies for the City to meet the State’s GHG reduction targets through land use and transportation strategies as well as energy, water conservation, and construction practices. The proposed HEU would not conflict with these adopted plans, policies, and programs. The proposed HEU housing programs would continue to support land use decisions and strategies the City has outlined in the aforementioned plans. Specifically, HEU Program 11 would provide incentives to facilitate future development projects close to high quality transit areas and existing commercial/retail, recreational, and institutional land uses, which would reduce trip distances and encourage the use of alternative modes of transportation such as bicycling and walking.

Future residential projects that may be developed to meet the RHNA requirement are expected to be located on infill sites where pedestrian- and transit-oriented development is highly feasible and would be encouraged. Such development should reduce the number and length of new vehicle trips typically associated with residential projects and, thus, would help reduce GHG production resulting from the combustion of fossil fuels for transportation purposes. Before any residential development, all such development is required to be analyzed for conformance with the General Plan, Development Code and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits. New development projects would also be required to comply with the Green Building Code, which also would result in reduced GHG emissions.

Based on the above, the HEU would have a less than significant impact on greenhouse gas emissions.

### 3.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgements:**

**a–c: No Impact. d-g Less Than Significant Impact.**

a–c: The HEU is a policy document, and therefore, its adoption would not, in itself, result in potential impacts from hazards and hazardous material that may endanger residents or the environment. Implementation of the updated HEU would also not result in the routine use, transport, or disposal of hazardous materials or generate significant

quantities of hazardous materials. Based on the above, the HEU would result in no impact on hazards or hazardous materials related to criteria a-c.

d-g: The HEU is a policy document and its adoption will not, in itself, result in environmental impacts. However, implementation of the programs contained in the document will accommodate development required to meet Concord's RHNA allocation. The sites of proposed future residential projects will be evaluated using appropriate databases including the California Department of Toxic Substances Control EnviroStor database that, pursuant to Government Code section 65962.5, lists Federal Superfund, State Response, Voluntary Cleanup, School Cleanup, Hazardous Waste Permit, and Hazardous Waste Corrective Action sites. The potential impacts related to any listed hazardous materials sites associated with any specific future residential projects will be assessed at the time the projects are actually proposed. Future project-specific mitigation measures would then be adopted as necessary, in conformance with CEQA.

Areas of the City are located within boundaries of the Land Use Compatibility Plan for the Buchanan Field Airport. However, the HEU does not include any policies that involve incompatible uses near the airport. Furthermore, there are no private airstrips within the City. For these reasons, the HEU would result in a less than significant impact relative to airport hazards.

Contra Costa County has adopted an Emergency Operations Plan and Local Hazard Mitigation Plan that is intended to prepare residents and businesses in the case of an emergency (Contra Costa County 2015 and Contra Costa County 2018). The HEU does not include land use changes that would impair or interfere with the implementation of these plans.

Additionally, the HEU would not expose people to wildfire hazards. Future development would be consistent with the County's emergency operations and hazard mitigation plan related to risk from fire. Based on CAL FIRE's Fire Hazard Severity Zones maps (CAL FIRE 2007), the City, is not located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ). As such, risk of wildfire fires is essentially non-existent. Future residential development facilitated by the HEU would be constructed pursuant to Chapter 15.65 of Concord's Municipal Code which details the City's Fire Code regulations.

Based on the above, the HEU would have a less than significant impact on hazards and hazardous materials related to criteria d-g.

### 3.10 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-e: Less than Significant Impact.**

The Housing Element Update is a policy document, consisting of a suite of housing program; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. However, implementation of the programs contained in the document would accommodate development required to meet Concord’s RHNA allocation. Future residential development that would qualify to meet the RHNA requirement is expected to be located on infill sites in urbanized areas, and the City has procedures and regulations in place to ensure there would be no significant impacts associated with hydrology and water quality.

a: Future residential development associated with the HEU could affect drainage patterns and increase the overall amount of impervious surfaces in the City, thus creating changes to stormwater flows and water quality. Increased

impervious surfaces could result in greater potential to introduce pollutants via urban runoff. New construction could also result in the degradation of water quality through the clearing and grading of project sites. However, future residential projects are anticipated to be located in urbanized areas of Concord that have already been developed and have existing impervious surfaces. Furthermore, all demolition, relocation and/or construction phases of future housing development would be subject to compliance with applicable local, regional, state and federal regulations designed to protect water resources, including those regulations requiring implementation of Best Management Practices (BMPs), preparation of Stormwater Pollution Prevention Plans (SWPPPs), and submittal of Erosion Control Plans in compliance with National Pollution Discharge Elimination System (NPDES) provisions. Consistency with this regulatory framework would adequately ensure that such impacts would be avoided or reduced to less than significant. The HEU would not generate a significant impact on water quality over current projections for population and housing units.

b: The Contra Costa Water District (CCWD) provides potable water in the City. CCWD would be the primary water provider to future residential development facilitated by the HEU. The primary source of water for the CCWD is from the Sacramento-San Joaquin Delta. Other physical changes that could occur as a result of implementing the HEU would occur within an existing urban environment and would not interfere with groundwater recharge. Therefore, implementation of the HEU would not deplete groundwater supplies.

c-d: City regulations prohibit new development that would create runoff volumes or velocities that may cause the City's existing drainage system to exceed its design capacity. The City is not located within an area that would be impacted by any dam or levee failure. Seiche and mudflow risk would be negligible, because the City is not located near a large contained body of water or downslope from an unstable hillside. The City is not located within a mapped tsunami inundation area (DOC 2021). Potential future residential development as a result of the HEU would not involve direct modification of any watercourse. Future residential development facilitated under the HEU would be subject to project-specific development and environmental review by the City. If construction requires excessive grading or earthwork, then a project specific SWPPP would be required to ensure that erosion, siltation, and flooding are prevented to the maximum extent feasible during construction. Based on the above, the HEU would result in a less than significant impact on or from hydrology and water quality.

e: As stated above, the CCWD provides potable water to residents and businesses in the City. The Contra Costa Clean Water Program and the Municipal Regional Permit are the key governing bodies which regionally implement the water quality regulations and standards. Subsequent residential projects facilitated by the HEU would be reviewed by the City Public Works Department and Engineering Division to confirm those future projects meet the requirements of the Contra Costa Clean Water Program and the Municipal Regional Permit. Therefore, the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan associated with the CCWD.

Based on the above, the HEU would have a less than significant impact on hydrology and water quality.

### 3.11 Land Use and Planning

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-b: Less than Significant Impact.**

The proposed HEU is a policy document, consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet Concord’s RHNA allocation. Although implementation of the programs contained in the document would encourage residential development required to meet Concord’s RHNA allocation, such residential projects are expected to be largely located on infill sites within existing neighborhoods, and because infill sites are part of the existing urban fabric, projects developed on them would not be likely to physically divide an established community. Future potential development facilitated under the HEU does not include any land use or zoning changes that would redesignate land use or zoning districts.

The proposed update would not conflict with General Plan policies or Municipal Code regulations, adopted for the purpose of avoiding or mitigating an environmental effect. As there are no approved habitat conservation or natural communities conservation plans within the City, residential development would not conflict with such plans. For these reasons the proposed HEU would have a less than significant impact on land use and planning.

## 3.12 Mineral Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. MINERAL RESOURCES – Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist Judgements:

#### a-b: Less Than Significant Impact.

The proposed HEU is a policy document, and would not result in physical development or site-specific rezoning as part of the update. Therefore, the proposed project would not, in itself, result in impacts to known mineral resources or locally-important mineral resource recovery sites. There are no significant mineral resources within the City of Concord boundaries. Within the southeast portion of the extended Planning Area, some aggregate mineral resources exist which have been commercially mined (City of Concord 2012a). Compliance with General Plan policies intended to conserve mineral resources would prevent impacts related to future development on any potential mineral resources. The applicable General Plan policies are as follows:

Policy POS-3.5.1: Encourage conservation of valuable mineral resources and provide substantial protection of significant mineral deposits, consistent with the City’s other land use goals.

Policy POS-3.5.3: Prohibit residential land uses within mineral resource impact areas containing mineral deposits of state-wide or regional significance as determined by the California State Mining and Geology Board. Residential land uses are inherently incompatible with mining. Mining activities typically require a high public or private investment in structures, land improvements, and landscaping that can be adversely affected if incompatible uses are allowed in the vicinity of these operations.

Policy POS-3.5.4: Preserve significant mineral resource areas in open space areas.

Policy POS-3.5.5: Require future development in the vicinity of significant mineral resources to be planned and designed to minimize conflict between mineral extraction activities and neighboring land uses.

As such, the proposed update would not conflict with General Plan policies and would not restrict availability of mineral resources or mineral resource extraction sites. For these reasons the proposed HEU would have a less than significant impact on mineral resources.

### 3.13 Noise

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. NOISE – Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-c: Less Than Significant Impact.**

The proposed HEU is a policy document that would not result in physical development or site-specific rezoning as part of adoption; therefore, the proposed HEU would not result in direct impacts associated with noise during construction or operation of the project. Adoption of the proposed HEU could result in indirect impacts related to an increase in future allowable density of residential development in certain areas of the City. Increased density of residential units could result in an increase in temporary noise impacts related to the exceedance of ambient noise levels during construction, or the increase in operational ambient noise levels due to an increase in traffic in more densely developed areas. However, much of this increased density has already been accounted for in the previous environmental analyses within the General Plan EIR as well as ADUs and JADUs which have already received permits and are in the development pipeline. In addition, the increased density would occur in areas already identified for more dense development, including urban areas with mixed-use land use designation, and underutilized parcels within existing urbanized residential areas. Because the City of Concord is primarily developed and lacks sufficient vacant land for new development, the sites analysis prepared for the proposed HEU identifies mostly infill development within existing urban areas as potential sites for future housing development. Noise impacts are dependent on location and site conditions; because the proposed HEU does not propose site-specific development, noise impacts are not quantitatively analyzed for this environmental assessment. At the time a future residential development project is proposed, the City would conduct subsequent environmental review pursuant to CEQA to analyze the potential noise-related impacts from the proposed project on specific sensitive receptors. Additionally, future development would comply with the Concord Municipal Code and General Plan policies pertaining to noise

levels in order to reduce potential impacts. As such, adoption of the proposed HEU would have less than significant impacts related to noise impacts.

Generation of excessive groundborne vibration or groundborne noise levels is generally associated with construction activities. As discussed above, because the proposed HEU does not propose site-specific development, impacts are not quantitatively analyzed for this environmental assessment. At the time a future residential development project is proposed, the City would conduct subsequent environmental review pursuant to CEQA to analyze the potential impacts related to groundborne vibration or noise impacts.

Buchanan Field Airport is located outside the City boundary to the west, and portions of the City fall within the noise contours for the airport (City of Concord 2012a). No proposed sites identified in the 6th Cycle RHNA Sites Inventory are located within the airport noise contours. In addition, as previously described above, when a future residential development project is proposed, the City would conduct site specific environmental analysis pursuant to CEQA to address potential impacts associated with excessive noise from Buchanan Field Airport. Thus, the proposed HEU would have a less than significant impact associated with exposing people residing or working in the project area to excessive noise levels.

### 3.14 Population and Housing

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. POPULATION AND HOUSING – Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-b: Less than Significant Impact**

The proposed HEU would serve to facilitate and encourage the provision of housing consistent with the RHNA allocation as assigned to each jurisdiction by ABAG. The region’s RHNA was prepared by the HCD based on Department of Finance population estimates for each jurisdiction. The findings of the Sites Inventory indicate the City’s current zoning can accommodate the 6th Cycle RHNA allocation of 5,073 units, and can accommodate an additional buffer of 460 units, for a total capacity of 5,533 units. The housing capacity would be able to meet the existing and projected housing needs projected for the City. The buffer units would represent an excess of units beyond what is required by HCD and could induce population growth in the City due to housing availability. However,

this buffer of units is primarily due to the consolidation of sites within the Transit Station Overlay District, where density would be increased, and due to opportunities for ADUs. These housing opportunities are all infill development in existing urbanized areas; they do not include the expansion of roads, utilities, or other infrastructure needed for residential development. Furthermore, all development envisioned in the sites inventory will occur under current zoning, the impacts of which have already been analyzed in the City’s General Plan EIR. As such, the proposed HEU would not facilitate substantial population growth that has not been estimated or planned for that could result in environmental effects.

The proposed HEU would not displace substantial numbers of people or housing by implementing rent stabilization, and it would increase available housing by facilitating development of vacant and underutilized sites, increasing ADU opportunities, and other methodologies to encourage the provision of housing. Therefore, the proposed HEU would not result in the displacement of people or housing that would require the development of housing elsewhere, and the impact would be less than significant.

### 3.15 Public Services and Recreation

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a: Less than Significant Impact**

The proposed HEU is a policy document and would not result in physical development or site-specific rezoning. Implementation of the programs contained in the update would accommodate development required to meet Concord’s RHNA allocation. Based on the sites inventory, future housing development would be focused on infill development within underutilized parcels in the City. As such, future development of housing would not require the extension of service areas for public services. The City has provisions to mitigate for the impacts of new residential development on public services, including fire and police protection, schools, parks, and other services and utilities. These provisions include General Plan policies, as described below, which require new development to contribute its fair share for use of public services (City of Concord 2012a).

Policy GM-7.1.1: Continue to require new development to pay a local traffic impact fee based on its proportional share of the cost to construct citywide transportation improvements to mitigate development impacts. The revenue provided from this program shall not be used to replace developer funding of any project-specific improvements that are required above and beyond the citywide improvements identified in this program. Likewise, Measure J funds will not be used in lieu of developer funding for transportation projects deemed necessary to mitigate the impacts of specific development projects.

Policy GM-7.1.2: Participate in the Transportation Partnership and Cooperation (TRANSPAC) Sub-regional Transportation Mitigation Program (STMP) to fund the regional transportation improvements needed to mitigate the impacts of new development on the regional transportation system.

Policy GM-7.2.4: Review and update the City’s development impact fee schedule to ensure that new development pays its proportional share of the costs associated with the provision of public facilities.

Chapter 8: Public Facilities and Utilities

Policy PF-2.1.2: Work cooperatively with the Mount Diablo Unified School District (MDUSD) to ensure that sufficient land is identified and reserved to accommodate projected growth in the community. The City is committed to facilitate school district planning and ensure that adequate facilities are available and conveniently located to serve existing and future residents. New development will be required to provide Public Facilities 8-17 necessary funding and/or capital facilities, as determined by the MDUSD.

In addition, the Concord Municipal Code outlines requirements for parks and recreational space in Chapter 19.15 Park Land Requirements, including park land dedication or in lieu fees for development. Therefore, the HEU would have a less than significant impact related to adequate provision of public services and the physical impact on the environment due to General Plan policies and the Concord Municipal Code for the appropriate expansion of public services.

### 3.16 Recreation

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-b: Less than Significant Impact**

The proposed HEU is a policy document and would not directly result in physical development. The HEU would facilitate the accommodation of the 6th Cycle RHNA allocation in the City. Future housing development projects could result in an increase in use of existing parks and other recreational facilities or require the construction of new or expanded recreational facilities due to an increase in residents in the area. To address potential recreational facility needs, the Concord Municipal Code outlines requirements for parks and recreational space in Chapter 19.15 Park Land Requirements (as enacted by the Quimby law, Government Code 66477), including park land dedication or in lieu fees for development. In addition, at the time a future residential project is proposed, the City would conduct subsequent environmental assessment pursuant to CEQA prior to approval of the project or issuance of building permits. Future residential projects would assess potential impacts to recreational facilities and would be required to comply with all relevant regulations and policies. Therefore, the HEU would have a less than significant impact related to adequate provision of recreational facilities and the physical impact on the environment due to addition or expansion of recreational facilities.

### 3.17 Transportation

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-d: Less than Significant Impact**

Adoption of the proposed HEU would not result in any physical environmental impacts because it is a policy document. The HEU would accommodate development required to meet the City’s RHNA allocation. Future development associated with implementation of the HEU is required to comply with the Transportation Element of

the General Plan, which contains goals and policies such as providing a safe and efficient multi-modal transportation system; minimize single-occupancy vehicle travel, provide complete streets, and to provide a safe and comprehensive network for pedestrian, bicycle, and public transit.

The Sites Inventory conducted for the proposed HEU identified primarily infill sites as available sites to accommodate the 6th Cycle RHNA allocations. Because these are existing sites that are already zoned for residential development, future development would not result in significantly different transportation patterns. In addition, infill development would be expected to generate more multi-modal trips than conventional development, especially future housing development within the Transit Station Overlay District. Furthermore, due to the nature of infill development being located within fully developed urban areas, most future housing development projects would not require additional transportation infrastructure, such as new roadways. Thus, future housing development projects would not be likely to result in hazards due to roadway design or inadequate emergency access. However, future development projects would conduct subsequent environmental review pursuant to CEQA which would include a site-specific analysis of all transportation-related impacts. As such, the adoption of the proposed HEU would result in less than significant impacts related to transportation.

### 3.18 Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a–b: Less than Significant Impact.**

The proposed HEU is a policy document, consisting of a suite of housing programs; no actual development or site-specific rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet Concord's RHNA allocation. Tribal cultural resources could be encountered during construction of future housing development projects. As discussed in Section 3.5 Cultural Resources, a review of the City's planning area conducted in 2003 and 2004 by the Northwest Information Center found 12 recorded Native American archaeological resources and seven historic-period archaeological resources listed with the State Historical Resources Information System. However, the sites identified for future development are infill sites within a built-out, urban city where much of the area has been disturbed, reducing the chance of encountering tribal cultural resources. The 2030 Concord General Plan contains policies for the protection of cultural resources, and all new development must be consistent with these policies, as listed in Section 3.5 Cultural Resources.

Additionally, AB 52 and SB 18 requires early consultation with culturally affiliated tribes in the area. On September 21, 2022, in accordance with AB 52 and SB 18, the City sent a notice about the project via certified mail to inform all California Native American tribes that have requested such notice of a project application within a particular geographic area for which the tribe is traditionally and culturally affiliated. The notice included project information and information on how to formally request consultation. Pursuant to SB 18 timelines, the California Native American tribes had 90 days from the date of the notice (September 21, 2022 to December 20, 2022) to request consultation with the City regarding the project. No tribes requested consultation. As future projects are planned and developed, they must also adhere to the City's General Plan policies, AB 52 and SB 18 as it pertains to historical and culturally sensitive resources.

At the time a future residential project is proposed, the City would conduct subsequent environmental review pursuant to CEQA prior to approval of the project or issuance of building permits. Future residential projects would also be required to comply with applicable laws and regulations, and conduct tribal consultation if requested by tribes. As such, the proposed HEU would result in less than significant impacts related to tribal cultural resources.

### 3.19 Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a–e: Less than Significant Impact.**

The proposed Housing Element Update would consist of policy and program changes. Implementation of the programs contained in the document would accommodate development required to meet Concord's RHNA allocation; however, no site-specific rezoning would occur. Thus, the proposed project would not result directly in physical development or physical environmental change. Future housing development would be concentrated in urban, infill areas within the City, based on the availability of adequate sites currently underutilized or otherwise available for residential development. As such, development would occur in areas where water, sewer, stormwater, electric power, natural gas and telecommunications services are already provided. At the time a future residential project is proposed, the City would conduct subsequent environmental review pursuant to CEQA prior to approval of the project or issuance of building permits; at which time potential impacts on specific public utility facilities would be analyzed. Future housing development projects would be required to comply with the following applicable General Plan policies which would reduce potential impacts to public utilities:

Chapter 4: Growth Management

Policy GM-7.2.1: Require new development to contribute to or participate in the establishment and improvement of parks, fire, police, sanitary sewer, water and flood control systems in proportion to the demand generated by project occupants and users. The City will manage a development mitigation program that ensures new development pays its share of the costs associated with the provision of facilities, consistent with the policies in other elements of the General Plan.

Chapter 8: Public Facilities and Utilities

Policy PF-1.2.2: Reduce the need for sewer system improvements by requiring new development to incorporate water conservation measures.

Policy PF-1.3.1: Require new development to provide any needed storm drains that are not part of the City’s master storm drain system and to incorporate features into the site improvement plans to minimize surface runoff.

Policy PF-1.3.5: Ensure that new development contributes needed drainage improvements in proportion to a project’s impacts, to assure an equitable distribution of costs to construct and maintain the City’s master storm drainage system.

Policy PF-1.4.1: Require new development to coordinate with all utility providers to assure quality services to all residents and businesses throughout the community.

Based on the above, implementation of the proposed HEU would result in less than significant impacts.

### 3.20 Wildfire

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE</b> – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgements:**

**a-d: No Impact**

Based on the CAL FIRE’s Fire Hazard Severity Zones maps (CAL FIRE 2007), the City, is not located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ). As such, risk of wildlife fires is essentially non-existent. Additionally, the HEU is a policy document and adoption would not, in itself, result in negative environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City’s RHNA allocation. However, given that no portions of the City lie within a VHFHSZ, no impacts would occur.

### 3.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgements:**

**a–c: Less than Significant Impact.**

As discussed throughout the Initial Study, the proposed HEU is a policy document and its adoption would not produce environmental impacts. Although implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6th Cycle RHNA allocation, the HEU does not identify, describe, promote, entitle, or permit any particular residential development project nor does it include any site-specific rezoning. As such, after compliance with existing regulations applicable to cultural and biological resources, the HEU would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

All reasonably foreseeable future cumulative development in the City would be subject to the same land use and environmental regulations that have been described throughout this document. Furthermore, all development projects are guided by the policies identified in the City's General Plan and by the regulations established in the City's Municipal Code. Therefore, compliance with applicable land use and environmental regulations would ensure that environmental effects associated with the accommodation of future housing development would not combine with effects from reasonably foreseeable future development in the City to cause cumulatively considerable significant impacts. Cumulative impacts would therefore be less than significant.

As detailed throughout this Initial Study, the proposed HEU in itself would not exceed any significance thresholds or result in significant impacts in the environmental categories typically associated with indirect or direct effects to human beings, such as aesthetics, air quality, hazards and hazardous materials, noise, public services, or transportation. The proposed HEU does not change the allowed densities or type of development that may occur within the City at this time. The act of adopting the HEU does not, therefore, have the potential to result in significant environmental impacts, either limited or cumulative, affecting human beings. As discussed in Sections 3.1 through 3.20 of this Initial Study, impacts associated with the adoption of the proposed HEU would either result in no impacts or less than significant impacts. As such, the proposed HEU would not have environmental effects causing substantial adverse effects on humans, and impacts from the proposed HEU would be less than significant.

## 5 References

### 5.1 References Cited

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