REGULAR MEETING OF THE  
CITY OF CONCORD  
PLANNING COMMISSION  

Wednesday, May 1, 2019  
6:30 p.m. – City Council Chamber  
1950 Parkside Drive, Concord  

Planning Commission Members:  
Ray Barbour, Chair  
John Mercurio, Vice Chair  
Jason Laub, Commissioner  
Craig Mizutani, Commissioner  
Mark Weinmann, Commissioner  

REGULAR MEETING  
6:30 p.m. – City Council Chamber  

I. ROLL CALL  

II. PLEDGE TO THE FLAG  

III. PUBLIC COMMENT PERIOD  

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS  

V. CONSENT CALENDAR  
1. 4/17/19 Meeting Minutes  

VI. PUBLIC HEARINGS  
1. Development Code Amendment (PL19074 – MC) – Public hearing for the purposes of making a recommendation to the City Council regarding City-initiated amendments to Concord Municipal Code Section 18.20.020 (Use Classifications) to amend the use classifications for “Medical clinic facility;” “Medical and dental offices;” and “Social service facilities, community organization;” and to amend the associated land use tables for these use classifications in all zoning districts, as contained in the Concord Municipal Code. CEQA: Pursuant to the provisions of CEQA, the project is classified as Categorically Exempt pursuant to CEQA Guidelines Section 15061(B)(3); or in the alternative, not considered a “project” under CEQA Guidelines Section 15378, and no further environmental review is required. Project Planner: Frank Abejo @ (925) 671-3128  

VII. COMMISSION CONSIDERATION
VIII. STAFF REPORTS / ANNOUNCEMENTS

IX. COMMISSION REPORTS / ANNOUNCEMENTS

X. FUTURE PUBLIC HEARING ITEMS

XI. ADJOURNMENT

NOTICE TO PUBLIC

ADA ACCOMMODATION

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

APPEALS

Decisions of the Planning Commission on use permits, variances, major subdivisions, appeals taken from decisions of the Zoning Administrator or staff interpretations of the Zoning Code may be appealed to the City Council. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.

APPLICANT’S SUBMITTAL OF INFORMATION

Submittal of information by a project applicant subsequent to the distribution of the agenda packet but prior to the public hearing may result in a continuance of the subject agenda item to the next regularly scheduled Planning Commission meeting, if the Commission determines that such late submittal compromises its ability to fully consider and evaluate the project at the time of the public hearing.

CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Planning Commission, provided that any Commissioner, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Chair may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

CORRESPONDENCE

Correspondence and writings received within 72 hours of the scheduled Planning Commission meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

HEARINGS

Persons who wish to speak on hearings listed on the agenda will be heard when the hearing is opened, except on hearing items previously heard and closed to public comment. Each public speaker should limit their comments to three (3) minutes or less. The Chair may grant additional time. The project applicant normally shall be the first person to make a presentation when a hearing is opened for public comment. The project applicant’s presentation should not exceed ten (10) minutes unless the Chair grants permission for a longer presentation. After the public has commented, the item is closed to further public comment and brought to the Planning Commission level for discussion and action. Further comment from the audience will not be received unless requested by the Commission. No public hearing or hearing shall commence after 11:00 p.m. unless this rule is waived by majority vote of the Commission.
MEETING RECORDS

Planning Commission meetings are available for viewing on the City’s website, www.cityofconcord.org and at the Concord Public Library. Copies of DVDs of the Planning Commission Meeting are available for purchase. Contact the Planning Division at (925) 671-3152 for further information.

NOTICE TO THE HEARING IMPAIRED

The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the staff for personal use during Commission meetings.

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

All routine and continued items will be considered by the Planning Commission at the beginning of the meeting. There will not be separate discussions of these items unless a request is made prior to the time the Planning Commission considers the motions.

SPEAKER'S CARD

Members of the audience who wish to address the Planning Commission should complete a speaker's card available in the lobby or at the front bench. Submit the completed card to staff before the item is called, preferably before the meeting begins.

TELEVISED MEETINGS

All Planning Commission meetings are broadcast live on Astound Broadband channel 29 and Comcast channel 28. The meeting is replayed on the Thursday following the meeting at 8:00 a.m., 2:00 p.m. and 8:00 p.m. Replays are also broadcast on Fridays and Saturdays. Please check the City website, http://www.cityofconcord.org/about/citynews/tvlistings.pdf or check the channels for broadcast times.

NEXT REGULARLY-SCHEDULED PLANNING COMMISSION MEETINGS:

- May 15, 2019
- June 5, 2019
A regular meeting of the Planning Commission, City of Concord, was called to order by Commissioner Barbour at 6:30 P.M., April 17, 2019, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Ray Barbour  
Vice Chair John Mercurio  
Commissioner Jason Laub  
Commissioner Craig Mizutani  
Commissioner Mark Weinmann

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the Planning Commission  
Margaret Kotzebue, Senior Assistant City Attorney  
Ryan Lenhardt, Senior Planner  
Mitra Abkenari, Assistant Engineer

II. PLEDGE TO THE FLAG

Commissioner Laub led the pledge.

III. PUBLIC COMMENT PERIOD

No public comment was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

There were none.

V. CONSENT CALENDAR

APPROVAL OF MINUTES

No public comment was heard.

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to approve the meeting minutes of March 20, 2019. The motion was passed by the following vote:

AYES: Weinmann, Laub, Barbour, Mercurio, Mizutani
NOES: None
ABSTAIN: None
ABSENT: None
VI. PUBLIC HEARINGS

Public Storage (PL18318 – UP, DR, RT) – Application for a Use Permit Amendment, Design Review, and Tree Removal approval to convert an existing approximately 20,000 square foot industrial building into a Public Storage Mini-Storage facility on a 1.29-acre site at 1870 Arnold Industrial Place. The General Plan designation is Industrial Mixed Use; Zoning classification is IMX (Industrial Mixed Use); APN 110-120-064. CEQA: Pursuant to the California Environmental Quality Act (CEQA), Guideline Section 15301 Class 1 (Existing Facilities), the project is categorically exempt. Project Planner: Ryan Lenhardt @ (925) 671-3162

Ryan Lenhardt, Senior Planner, gave a presentation and answered questions from the Planning Commission regarding the existing trash enclosure and the timeframe for construction.

Mark Kennedy, Development Manager for Public Storage, clarified that his company is looking to develop the property and not sell it.

Public Comment

Archie Mares explained that he did not feel the addition of more storage units is needed for this area as there are already enough units and he also felt that allowing this use does not help small business in the area.

Brad Flynn expressed the square footage of the property site is not large enough based on the amount of storage being brought in. He also explained that he and his fellow business owners do not want to move out of their current location to accommodate the project.

Mark Kennedy answered a question from the Planning Commission about the noticing given to the current business owners about the non-renewal of business leases.

Motion was made by Commissioner Weinmann and seconded by Commissioner Mizutani to adopt Resolution No. 19-06PC approving the Public Storage Use Permit Amendment, Design Review, and Tree Removal (PL18318 - UP, DR, RT), subject to the Conditions of Approval set forth in Attachment A to Resolution 19-06PC. The motion was passed by the following vote:

AYES: Weinmann, Mizutani, Barbour, Laub, Mercurio
NOES: None
ABSTAIN: None
ABSENT: None

VII. COMMISSION CONSIDERATIONS

There were none.
VIII. **STAFF REPORTS / ANNOUNCEMENTS**

There were none.

IX. **COMMISSION REPORTS / ANNOUNCEMENTS**

Vice Chair Mercurio reported on his attendance at the Planning Commissioners Academy in Long Beach and presented an aid to CEQA acronyms to his fellow Commissioners and staff.

X. **FUTURE PUBLIC HEARING ITEMS**

Mindy Gentry announced the May 1st meeting will contain a hearing item pertaining to medical land use classifications.

XI. **ADJOURNMENT**

Vice Chair Mercurio moved to adjourn at 7:13 P.M. Commissioner Mizutani seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Mindy Gentry  
Planning Manager / Secretary to the Planning Commission

Transcribed by Grant Spilman,  
Administrative Coordinator
SUBJECT: Development Code Amendments (PL19074 – MC)

Recommendation: Adopt Resolution No. 19-09PC recommending City Council adoption of an Ordinance approving Development Code Amendments

CEQA: Not a project under CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), 15378, and Public Resources Code Section 21065

I. Background

On July 24, 2012, the City Council passed and adopted Ordinance No. 12-4, which amended the Concord Municipal Code and adopted a new Development Code (“2012 Development Code”) in its entirety. Included in the 2012 Development Code were new land use classifications, development regulations and permit authority for certain medical uses, such as medical and dental offices, medical clinics, urgent care facilities and social service/community organizations.

These medical land use classifications are not included under one land use category in the 2012 Development Code; instead, medical uses are spread out over different categories in the land use tables for each zoning district. For instance, the land use category of medical and dental offices are included under the “Offices” land use category, which also includes other office uses such as administrative and professional offices. Medical clinics and urgent care facilities are included under “Medical Services;” Social service facilities/community organizations are regulated under its own land use category.

The following represents the definitions of these medical uses included in the 2012 Development Code (emphasis added):

- “Medical and dental office” means an establishment that provides medical, dental, minor surgical, and/or personal health care services on an outpatient basis. Examples include chiropractors, dentists, medical doctors, optometrists, prescription opticians, and similar medical professionals.
- “Medical clinic” means an outpatient facility operated by one or more physician, dentist, or other licensed health care practitioner that provides medical, dental, or counseling services to the public generally at reduced cost.
- “Urgent care facility” means state-licensed facilities other than a hospital that provide medical care services and treatment on an outpatient basis, with an emphasis on minor emergency care. These facilities may also include incidental medical laboratories. This classification does not include private medical and dental offices.
• “Social service facility, community organization” means a noncommercial facility that provides services or activities undertaken to advance the welfare of citizens in need, typically run by a nonprofit organization, a public agency, or by a contract with a public agency.

This classification may include supporting offices uses, supporting medical office or health clinic uses, supporting vocational or trade training, child care services, supporting personal services, nonmedical substance abuse recovery and counseling services, and/or a food and goods distribution facility. This classification does not include emergency shelters, homeless shelters, food banks, blood banks and crisis centers or facilities that provide overnight treatment or observation services.

II. California Environmental Quality Act (CEQA)

Because the proposed Development Code changes are either minor in nature and include clarifications or corrections, the codification of existing policy, or the result of State legislative action, the proposed code amendments will have no impact on the environment. In addition, future projects which may be affected by any of the proposed changes would be individually addressed under the California Environmental Quality Act. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the Development Code changes do not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Reg. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. In addition, the Amendment is exempt pursuant to Section 15061(b)(3), “Review for Exemptions” of the CEQA Guidelines because there is no possibility that the Amendment may have a significant effect on the environment, and no further environmental review is required.

III. Discussion and Analysis of Proposed Development Code Amendments

As demonstrated above, the 2012 Development Code use classifications for medical-related uses are ambiguous and overlapping, resulting in a situation where the land use classifications are equivocal and difficult to implement. For instance, a physician who provides minor surgical procedures for patients on an outpatient basis could be classified as either a medical office, medical clinic, or urgent care facility under the City’s current land use classifications. Classification of the use determines if it is allowed in a zoning district, and when allowed by zoning, classification also determines the level of approval required, which can range from a staff-level ministerial Zoning Clearance review to discretionary review of a Conditional Use Permit. These situations create difficulty and inconsistency in classifying medical-related uses. They also encourage applicants to tailor their business descriptions in order to achieve a favorable zoning determination.

For instance, last year the City was sued by an opioid treatment facility (Baymark) in federal court for discrimination under the Americans for Disabilities Act (ADA) based on the Planning Division’s determination that the Baymark facility should be classified as a “Social
service, community organization,” which required an Administrative Permit in the proposed zoning district. Baymark contended that its facility should have been classified as a “medical clinic.” Without admitting liability, the City agreed to settle the lawsuit with Baymark and allowed the facility to operate as a medical clinic, subject to specified operating conditions.

This lawsuit, coupled with the aforementioned examples demonstrating the difficulty of applying the various medical land use classifications, both highlighted the need to address the ambiguities in the above-described medical use classification definitions. Accordingly, staff proposes amending medical-related uses in Chapter 18.20.020 (“Use Classifications”) and amending zoning district land use tables to designate where these uses will be allowed and the level of review required. The amendments are illustrated in Attachment 1, Exhibits A through H, and are summarized below. To help facilitate the discussion on proposed amendments to zoning district land use tables, the different levels of review for making zoning decisions is explained in Attachment 2.

Exhibit A – Amendments to Chapter 18.20 General Terms

1. Amend the general category of “Medical Services” to “Medical.”
2. Consolidate “Medical and dental offices“ and “Medical clinic” uses into a new “Medical Services Facility” use. The new Medical Services Facility classification is broader to cover unique and shared characteristics of “Medical and dental offices” and “Medical clinic” types of uses in order to avoid the overlap with the current separation of these classifications. The new classification will also clarify the types of counseling services provided by a “Medical services facility” is distinct from counseling services provided by non-medical or non-health professionals provided by “Professional office” or “Social service facility” uses, and will explicitly exclude massage therapy and cannabis-related uses.
3. Amend “Professional counseling service” under the “Professional office” use classification to include examples that demonstrate the services would not be medical in nature.
4. Amend “Social services facility, community organization” with a new title “Social Service Center” and amend the definition to clarify the types of social and supportive services programs to be included in the land use category, such as non-medical counseling programs, group therapy, meal programs, personal storage lockers, showers, instructional programs and meeting spaces. This definition would not include licensed day centers, medical service facilities, and emergency or homeless shelters.

Exhibit B – Residential Districts (RR, RS, RL, RM and RH)

1. Amendments are limited to formatting the land use table to reflect proposed use classification titles. Medical-related uses will continue to be prohibited in Residential Districts.
Exhibit C – North Todos Santos District (NTS)

1. No changes are proposed to the level of review for offices and medical-related uses in the NTS districts, which currently allows them with an Administrative Permit, or a Minor Use Permit when it involves the conversion of a residential use to office. A footnote has been added to clarify the minor use permit trigger.

2. Social Services Facility is proposed to no longer be allowed. Social Service Facility uses can be intensive due to the “variety of social and supportive services” offered that can attract customers both locally and regionally, which could result in associated impacts. For this reason staff believes they are not compatible with the NTS district, which is characterized by a mixture of residential uses and small-scale offices.

Exhibit D – Office and Commercial Districts (CO, CMX, NC, SC, and RC)

1. Medical Services Facility uses are proposed to be elevated from a Zoning Clearance to an Administrative Permit in all zoning districts except for RC (Regional Commercial). Additionally these uses will be limited to 20% of the gross square footage of a shopping center or multi-tenant building or building frontage in the NC (Neighborhood Commercial) and SC (Service Commercial) districts. Staff believes prohibiting such uses in RC zoning align with General Plan policies to emphasize large-scale region-serving retail.

2. Review of Social Services Facility is proposed be elevated from an Administrative Permit to a Use Permit in the CO, CMX, NC, and SC districts, and will continue to be prohibited in the RC district. As noted previously, Social Service Facility uses are often intensive uses; however, they may be appropriate in CO, CMX and NC districts, which tend to be located near residential neighborhoods, if use permit conditions can address potential operational concerns.

Exhibit E – Downtown Districts (DP, DMX and WMX)

1. Medical Services Facility uses are proposed to be prohibited in the DP (Downtown Pedestrian) district, which currently allows medical offices above the ground floor but prohibits clinics. Staff believes Medical Services Facility uses are not consistent with the purpose and policies of DP zoning that emphasizes pedestrian-oriented active uses such as retail and restaurants around Todos Santos Plaza.

2. Medical Service Facility is proposed to be allowed with a Conditional Use Permit in DMX (Downtown Mixed Use), which currently allows medical offices by Zoning Clearance but prohibits clinics. Staff believes allowing Medical Service Facility uses, particularly small medical offices, are appropriate given downtown’s proximity to medical offices in the NTS district and to John Muir Hospital.

3. Review of Urgent Care Facility uses in the WMX (West Concord Mixed Use) district will be elevated from Zoning Clearance to an Administrative Permit. This would allow staff...
to condition the use to be compatible with surrounding uses, such as office and retail uses established in WMX areas (e.g., Willows Shopping Center and Veranda).

Exhibit F – Business Park and Industrial Park Districts (OBP, IBP, IMX and HI)

1. Medical Services Facility is proposed to be allowed with an Administrative Permit in the OBP district, which currently allows medical clinics by Administrative Permit and medical office by Zoning Clearance.
2. Medical Service Facility is proposed to be allowed with an Administrative Permit in the IBP district, which currently allows medical clinics by Administrative Permit but prohibits medical office.
3. Social Services Facility is proposed be allowed by Minor Use Permit in the OBP district, which currently allows the use with an Administrative Permit. Staff feels elevating the level of review to a minor use permit is appropriate to provide a more robust review to minimize potential impacts. The Minor Use Permit also gives staff the ability to render a decision without requiring a public hearing, which may be appropriate given IBP districts are generally not located near sensitive uses such as residential neighborhoods.

Exhibit G – Public/Quasi Public District (PQP)

1. Medical Service Facility is proposed to be allowed by Administrative Permit in the PQP district, which currently allows clinics by Administrative Permit and medical clinics by Zoning Clearance.

Exhibit H – Community Land Districts (OS, PR, RLC AND WRC)

1. Amendments are limited to formatting the land use table to reflect proposed use classification titles. Medical-related uses will continue to be prohibited in Community Land Districts.

Potential Nonconforming Uses

By combining the current use classifications for “Medical and dental offices” and “Medical clinics” into the new Medical Services Facility classification, situations will be created where an existing medical clinic or office approved under the current review structure does not comply with the approvals required under the proposed review structure. Such businesses can continue to operate as “legal non-conforming” uses provided the use is not enlarged in size or capacity or intensified (e.g., increase in hours of operation). An expansion or intensification of the legal nonconforming use would trigger review under the proposed review structure.
IV. **Fiscal Impact**

The adoption of the proposed Development Code amendments will have a negligible fiscal impact on the City.

V. **Public Contact**

This agenda item has been published in the East Bay Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VI. **Summary and Recommendations**

I (Comm. _____) hereby move that the Planning Commission adopt Resolution10-09PC recommending City Council adoption of an ordinance approving a Development Code Amendment consistent with the revisions identified in Exhibits A through H of said resolution (Seconded by Comm. _____)

Prepared by:  
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Reviewed by:  
Mindy Gentry  
Planning Manager  
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Attachments:
1. Resolution No. 19-09PC with Exhibits A-I
2. Summary Table of Review and Permit Types for Zoning Decisions
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING CITY
COUNCIL ADOPTION OF AN ORDINANCE
APPROVING CITY-INITIATED DEVELOPMENT
CODE AMENDMENTS TO CONCORD
MUNICIPAL CODE CHAPTER 18.20.020 (USE
CLASSIFICATIONS) TO AMEND THE USE
CLASSIFICATIONS FOR “MEDICAL CLINIC
FACILITY;” “MEDICAL AND DENTAL
OFFICES;” AND “SOCIAL SERVICE
FACILITIES, COMMUNITY ORGANIZATION;”
AND TO AMEND THE ASSOCIATED LAND USE
TABLES FOR THESE USE CLASSIFICATIONS IN
ALL ZONING DISTRICTS, AS CONTAINED IN
THE CONCORD MUNICIPAL CODE.

Resolution No. 19-09 PC

WHEREAS, Government Code section 65800 et seq. provides for the amendment of any and
all adopted City of Concord (“City”) zoning laws, ordinances, rules and regulations; and

WHEREAS, the City has complied with the requirements of the Local Planning Law
(Government Code section 65100 et seq.), and the City’s applicable ordinances and resolutions with
respect to approval of amendments to Title 18 of the Concord Municipal Code (“Development
Code”); and

WHEREAS, the City of Concord has, from time to time, made amendments to the
Development Code to address changes in circumstances; and

WHEREAS, on July 24, 2012, the City Council adopted Chapter 122 of the Concord
Municipal Code (“Development Code”), to ensure consistency with General Plan policies, and an
update of its zoning maps to ensure consistency with the adopted General Plan Map; and

WHEREAS, on July 22, 2014, the City Council adopted Ordinance No. 14-2, which
reformatted and renumbered Chapter 122 into Title 18 of the Concord Municipal Code
(“Development Code”); and

WHEREAS, the City of Concord initiates regular and routine Development Code Clean-Up
Amendments to comply with State legislative actions, to ensure consistency, and to address minor
technical errors, omissions, and clarifications of terms and procedures in the Development Code; and
WHEREAS, such text amendments are in the form of the proposed Development Code Amendment ("Amendment") attached herein as Exhibits A through H, in order to improve the accuracy of the Development Code and its standards, further achieve internal consistency and consistency with the rest of the Concord Municipal Code as well as State and Federal law, address minor technical errors, and enact established policies; and

WHEREAS, the Planning Commission, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on May 1, 2019, on the proposed Amendment; and

WHEREAS, at such public hearing, the Planning Commission considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearing, the oral report from City staff, the written report from City staff dated May 1, 2019, materials, exhibits presented, and all other information that constitutes the record of proceedings on which the Planning Commission has based its decision are maintained at the offices of the City of Concord Planning Division (collectively, "Amendment Information"); and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), the Development Code Amendment does not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if the Amendment did constitute a project under CEQA, the Amendment falls within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...". Any future project resulting from the Amendment will be subject to CEQA and evaluated on a case-by-case basis; and

WHEREAS, on May 1, 2019, the Planning Commission, after consideration of all pertinent plans, documents, and testimony, declared their intent to recommend approval of the Amendment.
NOW, THEREFORE, BE IT RESOLVED AS Follows:

Recitals
1. The Planning Commission of the City of Concord does hereby make the following findings:
   a. The recitals above are true and correct and are incorporated herein by reference.
2. The Planning Commission has reviewed, considered, and evaluated all of the Amendment Information prior to acting upon Amendment.
3. The documents and other materials that constitute the record of proceedings upon which the Planning Commission has based its recommendation are located in and may be obtained from the City of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

CEQA
4. The Development Code Amendment does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if the Amendment did constitute a project under CEQA, the Amendment falls within the “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...”. Any future project resulting from the Amendment will be subject to CEQA and evaluated on a case-by-case basis.

General
5. The proposed Amendment is consistent with the policies in the 2030 General Plan and is necessary in order to improve the accuracy of the Development Code and its standards and further achieve internal consistency and consistency with the rest of the Concord Municipal Code.
6. The proposed Amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
7. The Amendment is necessary in order for the Development Code to comply with both State
and Federal law.

Amendment

8. The Planning Commission does hereby recommend that the City Council adopt an Ordinance to approve the Amendment, consistent with the revision exhibits identified in Exhibits A through E.

This resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this 1st day of May, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

Mindy Gentry
Secretary to the Planning Commission

Exhibits:

A. Section 18.20.020 (Use Classifications)
B. Table 18.30.020 (Residential Districts)
C. Table 18.35.020 (North Todos Santos District)
D. Table 18.40.020 (Office and Commercial Districts)
E. Table 18.45.020 (Downtown Districts)
F. Table 18.50.020 (Business Park and Industrial Districts)
G. Table 18.55.020 (Public/Quasi-Public District)
H. Table 18.60.020 (Community Land Districts)
I. Draft Ordinance 19.XX (without exhibits)
Chapter 18.20
GENERAL TERMS

Sections:

Article I. Use Classifications

18.20.010 Purpose and applicability.
18.20.020 Use classifications.

Article II. Definitions

18.20.030 Definitions.

Article I. Use Classifications

[NO CHANGE TO INTERVENING SECTIONS]

Medical Services.

"Hospital, medical center" means Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds for overnight stays, emergency services, and equipment and facilities to provide complete health care. These facilities may also include accessory uses such as on-site clinics, laboratories, emergency heliports, nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors and on-site ambulance dispatch facilities.

Medical and Dental Offices. (See "Medical and dental" under "Offices.")

"Medical clinic" means an outpatient facility operated by one or more physician, dentist, or other licensed health care practitioner that provides medical, dental, or counseling services to the public generally at reduced cost.

Medical services facility. A facility, other than a hospital, where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. A medical services facility use would provide consultation, diagnosis, therapeutic, preventative or
corrective treatment services by doctors, dentists, chiropractors, counselors, physical
therapists, respiratory therapists, acupuncturists, psychiatrists, psychologists, and similar
practitioners of medical and healing arts for humans licensed for such practice by the state of
California. This classification does not include counseling services and other services provided
by nonmedical or health professionals (see “Offices, Professional” or “Social Service Facility”),
massage therapy (see “Personal Services, General” or “Personal Services, Restricted”), and
Cannabis-related uses (see “Cannabis Uses”).

Nursing facility/extended care. A state-licensed residential facilities that provide 24-hour nursing and
health-related care as a primary use with inpatient beds. Examples include board and care homes,
convalescent hospitals, rest homes, extended care facilities, and skilled nursing facilities. Long-term
personal care facilities that do not emphasize medical treatment are included under residential care
facility.

-Urgent care facility. A state-licensed facility other than a hospital that provides medical care services
and treatment on an outpatient basis, with an emphasis on minor emergency care. These facilities may
also include incidental medical laboratories. This classification does not include private medical and
dental offices (see “Medical and dental” under “Offices”).

[NO AMENDMENTS TO INTERVENING SECTIONS]

Offices.

Administrative, information processing. means an establishment that provides information processing,
computer-dependent, and telecommunications-based activities, typically characterized by high
employment densities. Examples include:

A. Airline, lodging chain, and rental car company reservation centers (no vehicle storage).

B. Computer software and hardware.

C. Design and development.

D. Consumer credit reporting.

E. Data processing services.
F. Health management organization (HMO) offices where no medical services are provided.

G. Insurance claim processing.

H. Mail order and electronic commerce transaction processing.

I. Wireless communications facility design and management.

J. Telemarketing.

“Medical and dental” means an establishment that provides medical, dental, minor surgical, and/or personal health care services on an outpatient basis. Examples include chiropractors, dentists, medical doctors, optometrists, prescription opticians, and similar medical professionals.

Professional means an establishment that provides professional, executive, or management services. Examples include:

A. Accounting, auditing, bookkeeping, financial management and investment services, and tax preparation.

B. Advertising agencies, commercial art and design services.

C. Design professionals, architects, engineers, landscape architects, urban planners.

D. Educational, scientific and research organizations.

E. Employment agencies.

F. Legal offices.

G. Management and public relations services.

H. Professional-Non-medical counseling services. Examples include, but are not limited to, career or life coaching, financial consulting.

I. Real estate offices.
This classification does not include dispatch offices or offices for service-oriented businesses that have company vehicles or require storage of materials or equipment. (See “Fleet-based service.”)

[NO AMENDMENTS TO INTERVENING SECTIONS]

Social service facility, community-organization, means a noncommercial facility or center that provides services or activities undertaken to advance the welfare of citizens in need, typically run by a nonprofit organization, a public agency, or by a contract with a public agency, providing a variety of social and supportive services on a less-than-overnight basis. Examples of services provided include, but are not limited to counseling, group therapy, meal programs, personal storage lockers, showers, instructional programs, and meeting spaces. This classification does not include licensed day care centers (see Adult Day Care Center and Child Day Care) or emergency or homeless shelters providing 24-hour or overnight care (see Emergency, Homeless Shelter).

This classification may include supporting office uses, supporting medical office or health clinic uses, supporting vocational or trade training, child care services, supporting personal services, nonmedical substance abuse recovery and counseling services, and/or a food and goods distribution facility. This classification does not include emergency shelters, homeless shelters (see "Emergency, Homeless Shelter"), food banks, blood banks, and crisis centers or facilities that provide overnight treatment or observation services.
Chapter 18.30
RESIDENTIAL DISTRICTS (RR, RS, RL, RM AND RH)

Sections:
18.30.010 Purpose.
18.30.020 Table 18.30.020 – Residential districts – Allowed uses and permit requirements.

[NO AMENDMENTS TO INTERVENING SECTIONS]

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RR</td>
<td>RS</td>
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<tr>
<td>Medical Services</td>
<td></td>
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<tr>
<td>Hospital, Medical Center</td>
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<tr>
<td>Medical-Clinic Medical Services Facility</td>
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<tr>
<td>Nursing Facility/Extended Care</td>
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<tr>
<td>Urgent Care Facility</td>
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<tr>
<td>Offices</td>
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<tr>
<td>Administrative, Information Processing</td>
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<tr>
<td>Social Services Facility, Community Organization</td>
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</tr>
</tbody>
</table>

(1) Permitted where a legal detached single-family dwelling exists.

(2) The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[NO AMENDMENTS TO SUBSEQUENT SECTIONS]
Chapter 18.35
NORTH TODOS SANTOS DISTRICT (NTS)

Sections:
18.35.010 Purpose.
18.35.020 Table 18.35.020 – North Todos Santos district – Allowed uses and permit requirements.
18.35.030 Tables 18.35.030(A) and (B) – North Todos Santos district – Floor area ratio and development standards.
18.35.040 Building conversions.
18.35.050 Building expansion.
18.35.060 North Todos Santos design guidelines.
18.35.070 Parking and drive aisle standards.
18.35.080 Findings.

[NO AMENDMENTS TO INTERVENING SECTIONS]

<table>
<thead>
<tr>
<th>Table 18.35.020(1)</th>
<th>ZC = Permitted Use, Zoning Clearance</th>
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</thead>
<tbody>
<tr>
<td>North Todos Santos District</td>
<td>AP = Administrative Permit Required</td>
</tr>
<tr>
<td>Allowed Uses and Permit Requirements</td>
<td>MP = Minor Use Permit Required</td>
</tr>
<tr>
<td></td>
<td>UP = Use Permit Required</td>
</tr>
<tr>
<td></td>
<td>ADU = Accessory Dwelling Unit Application</td>
</tr>
<tr>
<td></td>
<td>6409 = Section 6409 Application</td>
</tr>
<tr>
<td></td>
<td>-- = Use Not Allowed</td>
</tr>
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<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
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<tr>
<td>Medical Services</td>
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<td>Medical-Clinic Medical Services Facility</td>
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<tr>
<td>Nursing Facility/Extended Care</td>
<td>UP</td>
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</table>

**Offices**

<table>
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<tr>
<th>Administrative, Information Processing</th>
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<tr>
<td>Medical, Dental</td>
<td>AP, MP</td>
</tr>
<tr>
<td>Professional</td>
<td>AP, MP</td>
</tr>
</tbody>
</table>

Social Services Facility/Community Organization  UP --

1. Permitted where a legal detached single-family dwelling exists.

2. The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

3. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

4. Minor use permit required for the conversion of an existing residence to office space.

[[NO CHANGES TO SUBSEQUENT SECTIONS]]
Chapter 18.40
OFFICE AND COMMERCIAL DISTRICTS (CO, CMX, NC, SC, AND RC)

Sections:
18.40.010 Purpose.
18.40.020 Table 18.40.020 – Office and commercial districts – Allowed uses and permit requirements.
18.40.030 Table 18.40.030 – Office and commercial districts – Development standards.

[NONE AMENDMENTS TO INTERVENING SECTIONS]

Table 18.40.020(n)
Office and Commercial Districts
Allowed Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
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<td>Hospital, Medical Center</td>
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<td>-</td>
</tr>
<tr>
<td>Medical Clinic Medical Services Facility</td>
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<td>AP</td>
</tr>
<tr>
<td>Nursing Facility/Extended Care</td>
<td>-</td>
<td>UP</td>
</tr>
<tr>
<td>Urgent Care Facility</td>
<td>ZC</td>
<td>AP</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Offices</th>
<th>CO</th>
<th>CMX</th>
<th>NC</th>
<th>SC</th>
<th>RC</th>
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<td>ZC</td>
<td>-</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Medical, Dental</td>
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<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC</td>
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<tr>
<td>Professional</td>
<td>ZC</td>
<td>ZC</td>
<td>ZC⁽²⁾</td>
<td>ZC⁽²⁾</td>
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</tr>
<tr>
<td>Social Services Facility, Community Organization</td>
<td>AP UP</td>
<td>AP UP</td>
<td>AP UP</td>
<td>AP UP</td>
<td>–</td>
<td></td>
</tr>
</tbody>
</table>

(1) Not allowed on ground floor.

(2) Allowed to occupy up to 20 percent gross area of shopping center or multi-tenant building or 20 percent street frontage of one building.

(3) No outdoor facilities, storage, or activities are allowed.

(4) Requires a minimum lot size of 10,000 square feet.

(5) Allowed with residential use only.

(6) A facility which exceeds 3,000 square feet.

(7) Permitted where a legal detached single-family dwelling exists.

(8) The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

(9) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[NO CHANGES TO SUBSEQUENT SECTIONS]
Chapter 18.45  
DOWNTOWN DISTRICTS (DP, DMX, AND WMX)

Sections:
18.45.010 Purpose.
18.45.020 Table 18.45.020 – Downtown districts – Allowed uses and permit requirements.
18.45.030 Table 18.45.030 – Downtown districts – Development standards.

[NO AMENDMENTS TO INTERVENING SECTIONS]

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>DP</td>
<td>DMX</td>
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<td>Medical Services</td>
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</tr>
<tr>
<td>Hospital, Medical Center</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Medical-Clinic Medical Services Facility</td>
<td>-</td>
<td>-UP</td>
</tr>
<tr>
<td>Nursing Facility/Extended Care</td>
<td>-</td>
<td>UP</td>
</tr>
<tr>
<td>Urgent Care Facility</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Administrative, Information Processing  | ZC\(^{(1)}\) | ZC | ZC
---|---|---|---
Medical, Dental  | ZC\(^{(1)}\) | ZC | ZC
Professional  | ZC\(^{(1)}\) | ZC | ZC
Social Services Facility, Community Organization  | UP\(^{(1, 2)}\) | MP/AP\(^{(4, 5)}\) | AP

(1) Not allowed on ground floor.

(2) Allowed on upper floors subject to use permit approval.

(3) Allowed to occupy up to 20 percent gross area of shopping center or multi-tenant building, or 20 percent street frontage of one building.

(4) Allowed on ground floor subject to a minor use permit approval.

(5) Allowed on upper floors subject to an administrative permit approval.

(6) Allowed with residential use only.

(7) A facility which exceeds 3,000 square feet.

(8) Permitted where a legal detached single-family dwelling exists.

(9) The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

(10) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[[NO CHANGES TO SUBSEQUENT SECTIONS]]
### Chapter 18.50
**BUSINESS PARK AND INDUSTRIAL DISTRICTS (OBP, IBP, IMX, AND HI)**

Sections:
- 18.50.010 Purpose.
- 18.50.020 Table 18.50.020 – Business park and industrial districts – Allowed uses and permit requirements.
- 18.50.030 Table 18.50.030 – Business park and industrial districts – Development standards.

**[NO AMENDMENTS TO INTERVENING SECTIONS]**

#### Table 18.50.020 – Business Park and Industrial Districts

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>OBP</td>
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<td>Medical Services</td>
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<td>Hospital, Medical Center</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Medical-Clinic Medical Services Facility</td>
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<td>AP</td>
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<tr>
<td>Nursing Facility/Extended Care</td>
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<tr>
<td>Urgent Care Facility</td>
<td>MP(1)</td>
<td>MP(1)</td>
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<td>Medical Office</td>
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<td>Administrative, Information Processing</td>
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<td>ZC</td>
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<tr>
<td>Medical, Dental</td>
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<tr>
<td>Professional</td>
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<td>ZC(6)</td>
</tr>
</tbody>
</table>

ZC = Permitted Use, Zoning Clearance Required
AP = Administrative Permit Required
MP = Minor Use Permit Required
UP = Use Permit Required
ADU = Accessory Dwelling Unit Application
6409 = Section 6409 Application
– = Use Not Allowed
Social Services Facility, Community Organization

<table>
<thead>
<tr>
<th></th>
<th>AP</th>
<th>MP</th>
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<tbody>
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</tbody>
</table>

(1) Allowed to occupy up to 20 percent of: gross area of shopping center, multi-tenant building, or 20 percent street frontage of one building.

(2) Outdoor sales, activities, or storage allowed in side or rear yards when enclosed by an eight-foot-tall masonry wall and materials do not exceed wall height.

(3) No outdoor facilities, storage, or activities are allowed.

(4) Allowed if occupying less than 80,000 square feet of gross floor area.

(5) Allowed with residential use only.

(6) A facility which exceeds 3,000 square feet.

(7) Notwithstanding anything in this table to the contrary (including ZC, AP, or MP notations), outdoor facilities, storage, or activities may only be allowed in the IMX district if a use permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits).

(8) Permitted where a legal detached single-family dwelling exists.

(9) The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

(10) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

(11) Subject to the limitations on the quantity of city cannabis licenses issued by the chief of police, pursuant to CMC 5.80.030(f).

[NO AMENDMENTS TO SUBSEQUENT SECTIONS]
Chapter 18.55
PUBLIC/QUASI-PUBLIC DISTRICT (PQP)

Sections:

18.55.010 Purpose.
18.55.020 Table 18.55.020 – Public/quasi-public district – Allowed uses and permit requirements.

[NO AMENDMENTS TO INTERVENING SECTIONS]

Table 18.55.020[^1]
Public/Quasi-Public District
Allowed Uses and Permit Requirements

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Services</td>
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<tr>
<td>Hospital, Medical Center</td>
<td>UP</td>
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<tr>
<td>Medical Clinic Medical Services Facility</td>
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<tr>
<td>Nursing Facility/Extended Care</td>
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<tr>
<td>Offices</td>
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<tr>
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<tr>
<td>Medical, Dental</td>
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</tbody>
</table>

[^1]: ZC = Permitted Use, Zoning Clearance Required
AP = Administrative Permit Required
MP = Minor Use Permit Required
UP = Use Permit Required
ADU = Accessory Dwelling Unit Application
6409 = Section 6409 Application
- = Use Not Allowed
(1) Permitted where a legal detached single-family dwelling exists.

(2) The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

(3) No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[NO AMENDMENTS TO SUBSEQUENT SECTIONS]
Chapter 18.60
COMMUNITY LAND DISTRICTS (OS, PR, RLC AND WRC)

Sections:
18.60.010 Purpose.
18.60.020 Table 18.60.020 – Community land districts – Allowed uses and permit requirements.
18.60.030 Community land districts – Development standards.

[NO AMENDMENTS TO INTERVENING SECTIONS]

<table>
<thead>
<tr>
<th>Land Use Classifications</th>
<th>Permit Required By District</th>
<th>Additional Requirements</th>
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<tr>
<td></td>
<td>OS</td>
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<td>Medical-Clinic Medical Services Facility</td>
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<td>Nursing Facility/Extended Care</td>
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<td>Urgent Care Facility</td>
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<td>Medical, Dental</td>
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<tr>
<td>Professional</td>
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</table>
1. Permitted where a legal detached single-family dwelling exists.

2. The designation of "license-A" shall mean adult use cannabis use and/or activities and "license-M" shall mean medicinal or medical cannabis use and/or activities. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

3. No cannabis business or sensitive land use shall be located in the buffer zone, pursuant to CMC 5.80.080.

[NO AMENDMENTS TO SUBSEQUENT SECTIONS]
“DRAFT” ORDINANCE NO. 19-XX

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 18
(DEVELOPMENT CODE), MUNICIPAL CODE SECTION 18.20.020 (USE
CLASSIFICATIONS) TO AMEND THE CLASSIFICATIONS FOR FOR
“MEDICAL CLINIC FACILITY;” “MEDICAL AND DENTAL OFFICES;”
AND “SOCIAL SERVICE FACILITIES, COMMUNITY ORGANIZATION;”
AND TO AMEND THE ASSOCIATED LAND USE TABLES FOR THESE USE
CLASSIFICATIONS, AS CONTAINED IN THE CONCORD MUNICIPAL
CODE

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Title 18, Development Code, Chapter 18.20 (General Terms), Section 18.20.020
(Use Classifications), and zoning district land use tables, shall be amended as set forth in Exhibits A
through H, attached hereto and made a part hereof, and hereafter collectively referred to as
“Amendments."

Section 2. The Amendments are consistent with the policies in the 2030 General Plan and are
necessary in order to improve the accuracy of the Development Code and its standards and further
achieve internal consistency and consistency with the rest of the Concord Municipal Code and State
law.

Section 3. The Amendments will not be detrimental to the public interest, health, safety,
convenience, or welfare of the City.

Section 4. 4. Pursuant to the California Environmental Quality Act of 1970, Public
Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14,
Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the Amendments do not
constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs.
Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct
physical change in the environment, or a reasonably foreseeable indirect physical change in the
environment. Even if the Amendment did constitute a project under CEQA, the Amendment falls
within the “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding
projects where “it can be seen with certainty that there is no possibility that the activity in question
may have a significant effect on the environment...”. Any future project resulting from the
Amendment will be subject to CEQA and evaluated on a case-by-case basis. Furthermore, the
Amendment is necessary in order for the Development Code to comply with both State and Federal law.

Section 5. This Ordinance No. 19-XX shall become effective thirty (30) days following its passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption, including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and once within fifteen (15) days after its passage and adoption, including the vote of the Councilmembers, in the East Bay Times, a newspaper of general circulation in the City of Concord.

______________________________
Carlyn Obringer
Mayor

ATTEST:

______________________________
Joelle Fockler, MMC
City Clerk

(Seal)

Ordinance No. 19-XX was duly and regularly introduced at a regular joint meeting of the City Council of the City of Concord held on ______________, and was thereafter duly and regularly passed and adopted at a regular joint meeting of the City Council of the City of Concord on ______________, by the following vote:
AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

Joelle Fockler, MMC
City Clerk

Exhibits:

A. Section 18.20.020 (Use Classifications)
B. Table 18.30.020 (Residential Districts)
C. Table 18.35.020 (North Todos Santos District)
D. Table 18.40.020 (Office and Commercial Districts)
E. Table 18.45.020 (Downtown Districts)
F. Table 18.50.020 (Business Park and Industrial Districts)
G. Table 18.55.020 (Public/Quasi-Public District)
H. Table 18.60.020 (Community Land Districts)
# Review and Permit Types for Zoning Decisions

<table>
<thead>
<tr>
<th>Review/Permit Type</th>
<th>Decision Maker</th>
<th>Conditional Approval</th>
<th>Public Hearing Required</th>
<th>Appeal Body</th>
<th>Application Fee¹</th>
<th>Processing Time</th>
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<tbody>
<tr>
<td>Zoning Clearance (ZC)</td>
<td>Planning staff</td>
<td>No</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
<td>1-5 Business Days</td>
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<td>Administrative Permit (AP)</td>
<td>Planning staff</td>
<td>Yes</td>
<td>No</td>
<td>Zoning Administrator</td>
<td>$400 – $700</td>
<td>10 – 20 Business Days</td>
</tr>
<tr>
<td>Minor Use Permit (MP)</td>
<td>Zoning Administrator</td>
<td>Yes</td>
<td>Upon Request or Determination by Planning Staff²</td>
<td>Planning Commission</td>
<td>$3,000</td>
<td>3-6 Months</td>
</tr>
<tr>
<td>Use Permit (UP)</td>
<td>Planning Commission</td>
<td>Yes</td>
<td>Yes</td>
<td>City Council</td>
<td>$3,000 - $5,000</td>
<td>3-6 Months</td>
</tr>
</tbody>
</table>

¹Fee estimate based on use of an existing building.

²Decisions can be rendered without a hearing unless one is requested within 10 days of the City sending notice. Conversely staff can require a hearing for any minor use permit application.