



**REGULAR MEETING OF THE
CITY OF CONCORD
PLANNING COMMISSION**

**Wednesday, June 17, 2015
7:00 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Robert Hoag, Chair

Ernesto A. Avila, Vice Chair

Jason Laub, Commissioner

Tim McGallian, Commissioner

Carlyn Obringer, Commissioner

**REGULAR MEETING
7:00 p.m. – Council Chamber**

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. 6/3/15 Meeting Minutes

VI. PUBLIC HEARINGS

- 1. [Industrial Mixed Use Text](#) Amendment to the Development Code (PL15158-DC) - City initiated text amendment to the Industrial Mixed Use zoning classification of the Concord Development Code and recommend adoption of an Addendum to the 2012 SEIR for the Industrial Mixed Use Text Amendment to the Development Code. The proposed change would require a Use Permit to allow certain outdoor activities, storage or facilities that are compatible with the Industrial Mixed Use zone. **Project Planner: Laura Simpson @ (925) 671-3369****

2. [West Concord Mixed Use Text Amendment to the Development Code \(PL15132-DC\)](#) – City initiated text amendment to the West Concord Mixed Use zoning classification of the Concord Development Code and recommend adoption of an Addendum to the 2012 SEIR for the West Concord Mixed Use Text Amendment to the Development Code. The proposed changes would prohibit certain uses including building materials, sales and services, cabinetry, and recycling centers. Those uses are proposed to be removed from the West Concord Mixed Use (WMX) zoning district because they do not conform to the WMX purpose statement under the Development Code or the uses envisioned for the WCMU land use designation under the General Plan. **Project Planner: Laura Simpson @ (925) 671-3369**

VII. COMMISSION CONSIDERATIONS

1. [CIP and TIP General Plan Consistency](#) – Review of the proposed 2015-2016 Fiscal Year (FY) Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) for consistency with the adopted General Plan pursuant to Government Code Section 65401. **Project Engineer: Robert Ovadia @ (925) 671-3470.**

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) 671-3031, 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.

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

All matters listed under CONSENT CALENDAR are considered by the Commission to be routing and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Commissioner prior to the time Commission votes on the motion to adopt.

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 PLANNING COMMISSION MEETINGS:

July 1, 2015: 7:00 pm – Council Chamber
July 15, 2015: 7:00 pm – Council Chambers



REPORT TO PLANNING COMMISSION

DATE: June 17, 2015

SUBJECT: INDUSTRIAL MIXED USE TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL15158-DC)

Recommendation: Adopt Resolution No. 15-06 PC recommending City Council approval and adoption of an Addendum to the 2012 SEIR for the Industrial Mixed Use Text Amendment to the Development Code, and adoption of the Industrial Mixed Use Text Amendment to the Development Code.

I. Introduction

The Commission is being asked to review, discuss, and consider adopting Resolution No. 15-06 PC recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the Industrial Mixed Use Text Amendment to the Development Code, and adoption of the Industrial Mixed Use Text Amendment to the Development Code. Such resolution is attached to this staff report as Exhibit B and incorporated by reference.

II. Background

Outdoor activities, facilities, and storage are not currently allowed in the Industrial Mixed Use (IMX) zoning district. Staff is proposing to amend the IMX zoning district to allow outdoor activities, facilities or storage with a Use Permit, pursuant to Chapter 18.435 of the Concord Development Code (Minor Use Permits and Use Permits). Staff is also separately preparing an amendment to the West Concord Mixed Use (WMX) District to remove certain industrial uses that require outdoor activities that do not fit with the office and retail character of the WMX District. In effect, the IMX uses will be expanded to allow for outdoor facilities, storage, or activities that are more appropriate in this industrial zone, and WMX will allow only uses that fit with the character of the WMX District. Overall, this will enhance the economic vitality of the city by creating a better fit for businesses within the WMX and IMX districts, while allowing for additional business opportunities in the IMX District.

III. California Environmental Quality Act (CEQA)¹

The City of Concord (with the assistance of Rincon Consultants, Inc.) has also prepared an Addendum to the 2012 SEIR² dated June 2015 (“Addendum”), attached to Exhibit B as Attachment

¹ 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”).

² The Development Code was adopted after undergoing through environmental review. Specifically, on April 11, 2012 the City of Concord (with the assistance of Michael Brandman Associates) prepared a Concord Development Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program, and adopted the Findings of Fact and Statement of Overriding Considerations (collectively, the “2012 SEIR”), prepared and circulated in accordance with CEQA.

2 and hereby incorporated by reference. CEQA recognizes that between the date an environmental document is completed and the date a project is fully implemented, a change may occur that affects the environmental document; this could include one or more of the following: the project may change; the environmental setting in which the project occurs may change; laws, regulations, or policies may change; and/or previously unknown information may become available. CEQA requires a project's lead agency to evaluate these changes before proceeding with a project, in order to determine whether they may affect the conclusions of the environmental document. CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a proposed project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines that certain conditions have occurred, based on substantial evidence and in light of the whole record. CEQA Guidelines Section 15164 states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 have occurred.

The Addendum evaluates potential environmental impacts that could result from the Amendment, and considers potential impacts in comparison with the revised 2012 SEIR, to determine whether impacts associated with the Amendment are consistent with the impact analysis provided in the 2012 SEIR, and whether additional mitigation measures are required to minimize or avoid potential impacts. As discussed in detail in the Addendum, potential impacts associated with the Amendment are consistent with potential impacts characterized and mitigated in the 2012 Final SEIR. Substantive revisions to the 2012 Final SEIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the Amendment. Therefore, the following determinations have been found to be applicable:

- No further evaluation of environmental impacts is required for the proposed project;
- No subsequent EIR is necessary per CEQA Guidelines Section 15162; and
- This Addendum is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15164.

The Development Code is a policy document that does not commit the City to any specific project. The City will review new development at a project level to conduct the appropriate level of environmental review, as required by CEQA.

IV. Discussion

The following section discusses the recommended changes to the IMX zoning district in the Development Code. Such changes are in the form of a proposed Industrial Mixed Use Text Amendment to the Development Code ("Amendment") which is attached as Exhibit A to this staff report. These changes are designed to allow uses that require outdoor facilities, storage or activities, if a Use Permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits).

Section 18.50.010 Purpose.

Deletions and additions are shown underlined below:

C. IMX – Industrial Mixed-Use. The IMX district is applied to areas of the city appropriate for a mix of light industrial, offices, and live/work facilities at an intensity of 1.0 FAR. Light industrial uses

include warehouse, research and development, and artists' studios. The IMX district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. (delete- The IMX district does not allow) Uses that require outdoor facilities, storage, or activities, may only be allowed if a Use Permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC. The IMX district is found in the North Hillcrest area south of State Route 4, properties on Arnold Industrial Place, and the southern portion of the Detroit Avenue/Shary Circle Business Park. The IMX district is consistent with and implements the industrial mixed-use (IMU) land use designation of the general plan.

Table 18.50.020 Business Park and Industrial Districts - Allowed Uses and Permit Requirements.

In the Table 18.50.020 of allowed uses in Business Park and Industrial Districts a footnote 7 is proposed to be added as underlined below:

(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).

V. Analysis

The purpose of the Development Code is to implement the policies of the General Plan, including fostering harmonious and workable relationships among land uses. (Development Code Section 18.10.020.) As such, the General Plan prevails over any conflicting language in the Development Code. (Development Code Section 18.10.040.B.)

The General Plan identifies the City's vision for the Industrial Mixed Use (IMU) zoning designation:

This land use designation is intended for a mix of light industrial, secondary office, and service uses (excluding auto-oriented retail services) and live/work facilities. Typical uses include warehouse, research and development, wholesale, bulk retail, office space with limited customer access, and artists' studios. Small-scale retail and service uses serving employees, residents, and visitors may be permitted as secondary uses. This designation would allow for live/work facilities where appropriate, such as the North Hillcrest area and the southern portion of the Detroit Avenue/Shary Circle area. The maximum FAR is 1.0.

Development Code Section 18.45.010 defines IMX- Industrial Mixed Use as follows:

C. IMX – Industrial Mixed-Use. The IMX district is applied to areas of the city appropriate for a mix of light industrial, offices, and live/work facilities at an intensity of 1.0 FAR. Light industrial uses include warehouse, research and development, and artists' studios. The IMX district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. The IMX district does not allow uses that require outdoor facilities, storage, or activities. The IMX district is found in the North Hillcrest area south of State Route 4, properties on Arnold Industrial Place, and the southern portion of the Detroit Avenue/Shary Circle Business Park. The IMX district

is consistent with and implements the industrial mixed-use (IMU) land use designation of the general plan.

Concurrent with the changes proposed in the IMX District, the WMX zoning district is proposed to be amended to remove certain industrial uses that do not fit into the character of the WMX district. At the same time, staff is proposing to allow the option for additional outdoor facilities, storage or activities in the IMX District as an expansion of opportunities for businesses in these areas of the city. This change would offset the deletion of certain industrial uses in the WMX and shift them to areas of the city zoned IMX that are more appropriate for those uses. The IMX zone is located in two parts of the city, relatively limited in size. There is a small triangular area in north Concord directly to the south of Arnold Industrial Drive, and at the most southern portion of Detroit Avenue. To allow outdoor activities would not be inconsistent with the General Plan for IMU which allows warehouse, research and development, wholesale and bulk retail with limited customer access, small scale retail are only permitted as secondary uses. Outdoor activities in these parts of the city are away from residential, retail and other downtown commercial uses that would be incompatible with this zoning.

Staff proposes that a Use Permit be required to allow any types of outdoor activities, facilities or storage, to ensure that appropriate conditions may be established to ensure that they are not incompatible with the adjacent and surrounding land uses. This process requires a public hearing which allows any concerns to be voiced to the Planning Commission, which also helps ensure that appropriate conditions are placed on the use with the Use Permit.

VI. Fiscal Impact

Adoption of the Amendment will have a negligible fiscal impact on the City.

VII. Public Contact

Property owners in the IMX District were notified by mail of the public hearing on the proposed Amendment. Notice of this hearing was published on a 1/8 page advertisement in the Contra Costa Times, as required by State Law and the Concord Municipal Code. Notice for this meeting has also been posted at the Civic Center.

VIII. Summary and Recommendations

The Addendum finds that adoption of the Amendment would not result in new or substantially more severe environmental effects than those analyzed in the 2012 SEIR, and no new or revised mitigation measures are required.

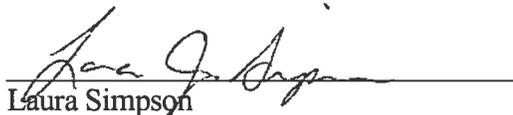
The Amendment will allow the expansion of commercial opportunities in the IMX zone, and is consistent with the uses envisioned for the IMU in the General Plan and in the IMX zone in the Development Code. It will allow outdoor facilities, storage and activities with a Use Permit. With the concurrent changes to the WMX zoning district, disallowing certain industrial uses, this will further the General Plan's vision of a campus-like environment developed with a mix of office and commercial development and similar job-generating land uses in the WMX.

Therefore, staff recommends that the Planning Commission adopt Resolution No 15-06 PC recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the Industrial Mixed Use Text Amendment to the Development Code, and adoption of the Industrial Mixed Use Text Amendment to the Development Code.

IX. Motion

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 15-06 PC recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the Industrial Mixed Use Text Amendment to the Development Code, and adoption of the Industrial Mixed Use Text Amendment to the Development Code. (Seconded by Comm. _____.)

Prepared by:


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Exhibits:

Exhibit A: Amendment (list of proposed amendments in legislative format)

Exhibit B: PC Resolution 15-06 PC (Attachment 1: Amendment; Attachment 2: Addendum)

1) Development Code, Article II (Zoning Districts – Uses and Standards), Division 6 Business Park and Industrial Districts (OBP, IBP, IMX, and HI) Table 18.50.020 (Business Park and Industrial districts- Allowed Uses and Permit Requirements), Land Use Classifications; Industrial Mixed Use (IMX), is amended as follows, all other Allowed Uses and Permit Requirements in the Table remain unchanged:

18.50.010 Purpose.

This chapter lists the uses that may be permitted within the business park and industrial zoning districts, the type of permit or approval required for each use, and basic development standards for the site and building. The purpose of each district is as follows:

A. OBP – Office Business Park. The OBP district is applied to areas of the city appropriate for campus-like office complexes and business parks at an intensity of 0.8 FAR. This district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. Commercial recreation and similar uses that require large warehouse-style buildings may be allowed. The OBP district does not allow uses that require outdoor facilities, storage, or activities. The OBP district is found in North Concord including North Point, Concord north industrial, and Willow Pass Business Parks, along Arnold Industrial Way and Bates Avenue bounded by Port Chicago Highway and Solano Way; Stanwell Business Park; and the northern portion of the Detroit Avenue/Shary Circle Business Park. The OBP district is consistent with and implements the business park (BP) land use designation of the general plan.

B. IBP – Industrial Business Park. The IBP district is applied to areas of the city appropriate for a mix of light industrial uses, warehouse and flex spaces, research and development, wholesale, and offices with limited customer access at an intensity of 0.8 FAR. The IBP district allows uses that require outdoor storage or activities when the outdoor facilities are not visible from a public street and are screened by a building or solid eight-foot wall. Commercial recreation and similar uses that require large warehouse-style buildings may be allowed. The IBP district is found in North Concord on Forni Drive, Bates Avenue, Industrial Way, Folsom Lane, Nelson Avenue; and the North Hillcrest area south of State Route 4, on Arnold Industrial Place and Solano Way; Franquette Avenue; and the northern portion of Detroit Avenue/Shary Circle Business Park. The IBP district is consistent with and implements the business park (BP) land use designation of the general plan.

C. IMX – Industrial Mixed-Use. The IMX district is applied to areas of the city appropriate for a mix of light industrial, offices, and live/work facilities at an intensity of 1.0 FAR. Light industrial uses include warehouse, research and development, and artists' studios. The IMX district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. ~~The IMX district does not allow Uses~~ that require outdoor facilities, storage, or activities, may only be allowed if a Use Permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits). The IMX district is found in the North Hillcrest area south of State Route 4, properties on Arnold Industrial Place, and the southern portion of the Detroit Avenue/Shary Circle Business Park. The IMX district is consistent with and implements the industrial mixed-use (IMU) land use designation of the general plan.

Table 18.50.020 – Business Park and Industrial Districts ⁽¹⁾ Allowed Uses and Permit Requirements					ZC = Permitted Use, Zoning Clearance Required AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required – = Use Not Allowed
Land Use Classifications	Permit Required by District				Additional Requirements
	OBP	IBP	IMX ⁽²⁾	HI	
Business Park and Industrial Uses					
Auto Wrecking, Dismantling Yards	–	–	–	UP	
Contractors, Special Trade					
Cabinet Shop	ZC ⁽³⁾	ZC	ZC ⁽³⁾	ZC	
Contractor Office, within a Building	ZC	ZC	ZC	ZC	
Contractor Yard, with Outdoor Storage	–	ZC	–	ZC	
Fleet-Based Service	–	ZC	AP ⁽²⁾	ZC	
Freight and Truck Terminal	–	–	–	UP	
Heavy Vehicle and Large Equipment, Sales/Rental, Service, and Repair					
Commercial Vehicle and Equipment	–	AP	–	ZC	
Recreational Vehicle	–	AP	–	ZC	
Laboratory, Research, and Development	ZC ⁽³⁾	ZC	ZC ⁽³⁾	ZC	
Manufacturing, Processing					
Artisan/Custom Product	ZC ⁽³⁾	ZC ⁽²⁾	ZC ⁽²⁾	ZC ⁽²⁾	
Industry, Heavy	–	–	–	UP	
Within a Building	ZC ⁽³⁾	ZC	ZC	ZC	
With Outdoor Storage or Activities	–	ZC ⁽²⁾	–	MP	
Warehouse Show Room with Assembly and Sales	ZC	ZC	ZC	ZC	
Media Production Facility	ZC	ZC	ZC	–	
Storage					
Hazardous Materials	–	–	–	UP	
Self-Storage Facility, Mini-Storage	UP	UP	UP	UP	
Vehicle	–	–	–	AP	
Towing Services	–	–	–	AP	
Warehouse with No Outdoor Storage	ZC ⁽³⁾	ZC	ZC ⁽³⁾	ZC	
Warehouse, with Outdoor Storage	–	AP	–	AP	
Wholesaling and Distribution	ZC	ZC ^(2, 6)	ZC ^(2, 6)	ZC ⁽²⁾	
Office, Commercial, and Retail Uses					

Adult Day Care Center	UP	-	UP	-	
Adult-Oriented Business	-	UP	UP	-	Chapter 18.210 CDC, Adult-Oriented Businesses
Animal Services					
Boarding, Kennel	AP	AP	AP	-	
Dog Day Care, Training	AP	AP	AP	-	
Grooming	AP	AP	AP	-	
Hospital, Veterinary Clinic	AP	AP	AP	-	
Antique, Collectible Store	-	-	-	-	
Automobile Sales and Rental/Leasing					
Auction	-	-	-	ZC	
Brokers, Office Only	ZC	ZC	ZC	-	
Brokers, Office with Vehicle Display	AP	ZC	AP	-	
Dealership, New	UP	UP	-	-	
Dealership, Used	-	-	-	-	
Dealership, Motorcycle	-	UP	-	-	
Rental	-	-	-	-	
Automobile Services and Repair					
Car Wash, Attended	-	-	-	-	CDC 18.200.090, Gas stations and car washes
Car Wash, Unattended	-	-	-	-	CDC 18.200.090, Gas stations and car washes
Gas Station	-	-	-	-	CDC 18.200.090, Gas stations and car washes
Auto Maintenance Services	-	-	-	-	
Major Repair/Body Work	-	-	-	-	
Minor Repair	-	-	-	-	
Banks and Financial Services					
Bank, Credit Union	ZC	ZC	ZC	-	
Bank with Drive-Through Service	UP	-	-	-	CDC 18.200.060, Drive-through facilities
Check Cashing Business	-	UP	-	-	
Building Materials Sales and Services					
No Outdoor Storage	ZC	ZC	ZC	-	
With Outdoor Storage	-	ZC ⁽²⁾	-	-	CDC 18.200.160, Outdoor sales and displays
Business Support Services	ZC	ZC	ZC	-	
Catering Services	ZC	ZC	ZC	-	
Eating and Drinking Establishments					
Bar, Night Club, Lounge	-	-	-	-	CDC 18.200.080, Entertainment uses

Food Vendor Group Site	AP	AP	AP	-	CDC 18.200.210, Food vendor group sites
Micro-Brewery/Distillery	MP	MP	MP	-	CDC 18.200.040, Alcoholic beverage sales
Micro-Brewery/Distillery, Large ⁽⁶⁾	UP	UP	UP	-	CDC 18.200.040, Alcoholic beverage sales
Restaurant, Full Service	AP ⁽¹⁾	AP ⁽¹⁾	AP ⁽¹⁾	-	
Restaurant, Limited Service	ZC ⁽¹⁾	ZC ⁽¹⁾	ZC ⁽¹⁾	-	
Restaurant, with Drive-Through	-	-	-	-	CDC 18.200.060, Drive-through facilities
Restaurant, with Live Entertainment	-	-	-	-	CDC 18.200.080, Entertainment uses
Tasting Room	AP	AP	AP	-	CDC 18.200.040, Alcoholic beverage sales
Fitness Facility, Health Club	AP	AP	AP	-	
Food, Beverage Sales					
Convenience Store, no Alcohol Sales	ZC ⁽¹⁾	ZC ⁽¹⁾	ZC ⁽¹⁾	-	
Convenience Store, with Alcohol Sales	-	-	-	-	CDC 18.200.040, Alcoholic beverage sales
Grocery Store	ZC ⁽¹⁾	ZC ⁽¹⁾	-	-	
Liquor Store	-	-	-	-	CDC 18.200.040, Alcoholic beverage sales
Hotel, Motel	-	-	-	-	
Maintenance Services					
Office with No Outdoor Storage/Activities	ZC	ZC	ZC	ZC	
Office with Outdoor Storage/Activities	-	AP	-	ZC	
Nursery, Preschool, Childcare	AP	AP	MP ⁽⁵⁾	-	CDC 18.200.050, Child day care facilities
Office					
Administrative, Information Processing	ZC	ZC	ZC	-	
Medical, Dental	ZC	-	ZC	-	
Professional	ZC	ZC ⁽⁶⁾	ZC	-	
Personal Services					
General	AP ⁽¹⁾	AP ⁽¹⁾	AP ⁽¹⁾	-	
Improvement, Instructional	AP	AP	AP	-	
Restricted	-	-	-	-	
Repair Service, Appliance and Small Equipment	ZC ⁽³⁾	ZC ⁽²⁾	ZC ⁽³⁾	ZC	
Retail Sales					
Big Box	UP	UP	-	-	
General	ZC ⁽¹⁾	ZC ⁽¹⁾	-	-	
Nursery, Garden Center	-	ZC	-	-	CDC 18.200.160, Outdoor sales and displays

Restricted	-	-	-	-	
With Drive-Through	-	-	-	-	CDC 18.200.060, Drive-through facilities
Secondhand Sales	-	-	-	-	

Residential Uses					
Bed and Breakfast Inn	-	-	-	-	
Dwelling, Dwelling Unit, Housing Unit					
Single-Family, Detached	-	-	-	-	
Single-Family, Detached – Small Lot Subdivision	-	-	-	-	
Single-Family, Attached	-	-	-	-	
Secondary Living Unit	-	-	-	-	CDC 18.200.180, Secondary living units
Duplex	-	-	-	-	
Multifamily	-	-	-	-	
Family Day Care Home, Small	-	-	ZC ⁽⁵⁾	-	CDC 18.200.050, Child day care facilities
Family Day Care Home, Large	-	-	MP ⁽⁵⁾	-	CDC 18.200.050, Child day care facilities
Group Housing	-	ZC	ZC	-	
Home-Based Business	-	-	ZC ⁽⁵⁾	-	CDC 18.200.100, Home-based businesses
Live/Work Unit	-	-	MP	-	CDC 18.200.110, Live/work or work/live units
Mixed-Use Projects	-	-	UP	-	
Mobile Home Park	-	-	-	-	
Residential Care Facility, Small	-	-	-	-	
Residential Care Facility, Large	-	-	-	-	
Residential Facility for Seniors, Assisted Living	-	-	-	-	
Work/Live Unit	-	-	MP	-	CDC 18.200.110, Live/work or work/live units
Public/Quasi-Public and Recreational Uses					
Airport	-	-	-	-	
Ambulance Service	AP	ZC	ZC	-	
Cemetery, Columbarium, Mausoleum	-	-	-	-	
Conference, Convention Facility	UP	UP	-	-	
Cultural Institution	-	-	-	-	
Emergency and Homeless Shelter	ZC	ZC	ZC	-	CDC 18.200.070, Emergency and homeless shelters
Farmers' Market	-	-	-	-	
Funeral Parlor, Mortuary	-	-	-	-	

Government Office	ZC	ZC	ZC	ZC	
Heliport	-	-	-	UP	
Library	ZC	ZC	ZC	-	
Medical Services					
Hospital, Medical Center	-	-	-	-	
Medical Marijuana Dispensary	-	-	-	-	
Medical Clinic	AP	AP	-	-	
Nursing Facility/Extended Care	-	-	-	-	
Urgent Care Facility	MP ⁽¹⁾	MP ⁽¹⁾	-	-	
Meeting Facility, Public/Private	UP	UP	-	-	
Military	-	-	-	-	
Parking Facility	AP	AP	AP	-	
Public Maintenance and Service Facility	-	AP ⁽⁴⁾	-	ZC ⁽⁴⁾	
Recreational Facilities					
Bingo Hall	UP	UP	-	-	
Commercial Recreation, Indoor	AP	AP	AP	-	
Golf Course, Country Club	-	-	-	-	CDC 18.200.130, Mechanical and electronic games
Park and Recreation Facility	ZC	ZC	ZC	-	
Residential Recreation Facility	-	-	UP	-	
Sports and Entertainment, Assembly	-	-	-	UP	CDC 18.200.080, Entertainment uses
Sports and Recreation Facility	UP	UP	UP	-	CDC 18.200.130, Mechanical and electronic games
Recycling Facilities					
Small Collection Facility	AP	AP	AP	AP	CDC 18.200.170, Recycling facilities
Large Collection Facility	-	UP	-	UP	CDC 18.200.170, Recycling facilities
Processing Facility	-	UP	-	UP	CDC 18.200.170, Recycling facilities
Religious Facility	-	-	-	-	
Schools					
Elementary, Middle, Secondary	-	-	-	-	
College, University	AP	AP	-	-	
Trade Schools, Vocational Training	AP	AP	AP	-	
Social Service Facility, Community Organization	AP	-	-	-	
Theater, Auditorium	UP	UP	UP	-	CDC 18.200.130, Mechanical and electronic games
Utility Facility, Transmission	ZC	ZC	ZC	ZC	

Towers					
Wireless Telecommunication Facility – CDC 18.205.010 – 18.205.050, Wireless Communication Facilities					

Open Space and Agricultural Uses					
Companion Animal, Horses, Fowl	-	-	-	-	
Community Gardens	MP	MP	AP	-	
Crop Production, Orchard, Vineyard	ZC	ZC	ZC	ZC	
Livestock, Grazing	-	-	-	-	
Mining and Quarrying	-	-	-	UP	

- (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.
- [Amended during 2014 recodification; Ord. 14-6 § 7; Ord. 13-5; Ord. 12-5; Ord. 12-4. DC 2012 § 122-177].

18.50.030 Table 18.50.030 – Business park and industrial districts – Development standards.

Subdivisions, new uses and structures, and alterations to existing uses and structures shall be designed, constructed, and established in compliance with the requirements specified in Table 18.50.030. Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.50.030

Business Park and Industrial Districts

Development Standards⁽¹⁾

Standards	OBP	IBP	IMX	HI	Additional Standards
Floor Area Ratio (FAR) maximum	0.80	0.80	1.00	0.60	
Lot Area (square feet) minimum	40,000	20,000	10,000	40,000	
Lot Width (feet) minimum					
Interior Lot	100	100	100	100	
Corner Lot	100	100	110	100	
Lot Depth (feet) minimum	100	100	100	100	
Building Height (feet) maximum	50	35	50	50	
Setbacks (feet) minimum ⁽³⁾					
Front	20	20	20	30	
Interior Side	10	10	10	10	CDC 18.150.180, Transitional requirements
Corner Side	20	20	20	20	
Rear	10	10	10	10	CDC 18.150.180, Transitional requirements
R District Boundary (feet) maximum	40	40	20	50	
C District Boundary (feet) minimum	15	15	15	15	

(1) Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

(2) Unless otherwise approved through a planned unit development (PUD).

(3) Measured from property line or back of sidewalk (whichever is less) to the face of building or structure. [Ord. 13-5; Ord. 12-4. DC 2012 § 122-178].

1 update of its zoning maps to ensure consistency with the adopted General Plan Map; and

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

4 **WHEREAS**, the City has complied with the requirements of the Local Planning Law
5 (Government Code section 65100 *et seq.*), and the City’s applicable ordinances and resolutions with
6 respect to approval of amendments to Chapter 122 of the Concord Municipal Code (“Development
7 Code”); and

8 **WHEREAS**, on October 9, 2012, the City Council adopted Ordinance No. 12-5 amending the
9 Development Code to correct minor technical errors and omissions and to provide clarification of
10 terms and procedures; and

11 **WHEREAS**, on September 24, 2013, the City Council adopted Ordinance No. 13-71 further
12 amending the Development Code to correct minor technical errors and omissions and to provide
13 clarification of terms and procedures; and

14 **WHEREAS**, on June 24, 2014, the City Council adopted Resolution No. 14-4823.1,
15 approving the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030
16 Concord General Plan EIR for the Concord Development Code Project and adopting the Downtown
17 Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030
18 General Plan (“2014 Addendum”); and

19 **WHEREAS**, on June 24, 2014, the City Council adopted Ordinance No. 14-6 further
20 amending the Development Code to provide clarification of terms and procedures; and

21 **WHEREAS**, the City has initiated a subsequent Development Code text amendment to further
22 address minor technical errors, omissions, and clarification of terms and procedures in the
23 Development Code, including correction of an inconsistency with the General Plan; and

24 **WHEREAS**, such text amendment is in the form of the proposed Development Code
25 Amendment PL15158-DC (“Amendment”) attached to the June 17, 2015 staff report as Exhibit A (an
26 additional copy of the Amendment is attached hereto as Attachment 1 and incorporated by reference),
27 in order to improve the accuracy of the Development Code and its standards and further achieve
28 internal consistency and consistency with the rest of the Concord Municipal Code; and

1 **WHEREAS**, the Amendment does not make substantial changes to the Development Code or
2 substantial changes with respect to the circumstances under which the Development Code would be
3 implemented which would require revisions to the 2012 SEIR due to new significant environmental
4 effects or a substantial increase in the severity of previously identified significant effects and there is
5 no new information that would require preparation of a subsequent or supplemental EIR under CEQA
6 Guidelines Section 15162; and

7 **WHEREAS**, as only minor technical changes or additions were required to the 2012 SEIR, an
8 Addendum (“Addendum”, attached hereto as Attachment 2 and incorporated by reference) was
9 prepared in accordance with all legal requirements, including CEQA Guidelines Section 15164; and

10 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law
11 and the Concord Municipal Code, held a duly noticed public hearing on June 17, 2015, on the
12 Addendum and Amendment; and

13 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
14 information, testimony, and comments received during the public review process, including
15 information received at the public hearing, the oral report from City staff, the written report from City
16 staff dated June 17, 2015, materials, exhibits presented, pertinent maps, plans, reports, studies,
17 memoranda, the Addendum, the Amendment, the General Plan, the General Plan FEIR, the Reuse
18 Plan FEIR/Addendum, the 2012 SEIR, the 2014 Addendum, the City of Concord Municipal Code, the
19 Development Code, applicable City laws and regulations, and all associated approved and certified
20 environmental documents, and all other information that constitutes the record of proceedings upon
21 which the Planning Commission has based its decision are maintained at the offices of the City of
22 Concord Planning Division (collectively, “Project Information”); and

23 **WHEREAS**, at such public hearing, the Planning Commission considered the 2012 SEIR and
24 the Addendum in accordance with the requirements of CEQA; and

25 **WHEREAS**, on June 17, 2015, the Planning Commission, after consideration of all pertinent
26 plans, documents, and testimony, declared their intent to recommend approval and adoption of the
27 Addendum and adoption of the Amendment.

1 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

2 Recitals

3 1. The Planning Commission finds that the above recitals (which are hereby incorporated by
4 reference) are accurate and constitute findings in this matter and, together with the Project
5 Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set
6 forth in this Resolution, and further makes the following findings:

7 General

8 2. The Planning Commission has reviewed, considered, and evaluated all of the Project
9 Information prior to acting upon the Addendum or the Amendment.

10 3. The documents and other materials that constitute the record of proceedings upon which the
11 Planning Commission has based its recommendation are located in and may be obtained from the City
12 of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

13 Addendum

14 4. Based on the Project Information, the Planning Commission makes the findings set forth
15 below with respect to the Addendum:

16 a. The findings above are hereby incorporated by reference.

17 b. The Addendum represents the appropriate level of environmental review, is the
18 appropriate environmental document, for the Amendment.

19 c. The Planning Commission considered the 2012 SEIR and the Addendum in accordance
20 with the requirements of CEQA.

21 d. The Addendum reflects the independent judgment and analysis of the City as the lead
22 agency for the Amendment.

23 e. Based on substantial evidence in the whole record before the City, the Amendment
24 does not make substantial changes to the Development Code or substantial changes with respect to the
25 circumstances under which the Development would be implemented which would require revisions to
26 the 2012 SEIR due to new significant environmental effects or a substantial increase in the severity of
27 previously identified significant effects and there is no new information that would require preparation
28 of a subsequent or supplemental EIR under Public Resources Code Section 21166 or CEQA

1 Guidelines Section 15162. Therefore, none of the elements set forth in Public Resources Code
2 Section 21166 or CEQA Guidelines Section 15162 exist and a subsequent or supplemental EIR or
3 negative declaration is not required.

4 f. No substantial changes have occurred with respect to traffic and freeway operations
5 that would cause new or substantially more severe significant environmental effects than were
6 identified in the 2012 SEIR, all mitigation measures were within the jurisdiction of the City to adopt
7 and will remain in place and continue to be implemented and enforced, and the Statement of
8 Overriding Considerations remain in effect. The mitigation measures and Statement of Overriding
9 Considerations associated with certification of the 2012 SEIR addresses the environmental effects of
10 the project.

11 g. As only minor technical changes or additions were required to the 2012 SEIR, the
12 Addendum was prepared in accordance with all legal requirements, including CEQA Guidelines
13 Section 15164.

14 5. The Planning Commission hereby recommends that the City Council approve and adopt the
15 Addendum and reaffirm the Statement of Overriding Considerations.

16 Amendment

17 6. Based on the Project Information, and all oral and written testimony submitted on this item,
18 the Planning Commission makes the findings set forth below with respect to the Amendment:

19 a. The findings above are hereby incorporated by reference.

20 b. The proposed Amendment is consistent with the policies in the General Plan and is
21 necessary in order to improve the accuracy of the Development Code and its standards and further
22 achieve internal consistency and consistency with the rest of the Concord Municipal Code.

23 c. The proposed Amendment would not be detrimental to the public interest, health,
24 safety, convenience, or welfare of the City.

25 7. The Planning Commission does hereby recommend that the City Council adopt an Ordinance
26 to approve the Amendment, consistent with the revisions in Attachment 1 hereto.

27 Effective Date

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

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PASSED AND ADOPTED this 17th day of June, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Laura Simpson
Secretary to the Planning Commission

Attachments:

- 1 – Amendment
- 2 – Addendum

1) Development Code, Article II (Zoning Districts – Uses and Standards), Division 6 Business Park and Industrial Districts (OBP, IBP, IMX, and HI) Table 18.50.020 (Business Park and Industrial districts- Allowed Uses and Permit Requirements), Land Use Classifications; Industrial Mixed Use (IMX), is amended as follows, all other Allowed Uses and Permit Requirements in the Table remain unchanged:

18.50.010 Purpose.

This chapter lists the uses that may be permitted within the business park and industrial zoning districts, the type of permit or approval required for each use, and basic development standards for the site and building. The purpose of each district is as follows:

A. OBP – Office Business Park. The OBP district is applied to areas of the city appropriate for campus-like office complexes and business parks at an intensity of 0.8 FAR. This district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. Commercial recreation and similar uses that require large warehouse-style buildings may be allowed. The OBP district does not allow uses that require outdoor facilities, storage, or activities. The OBP district is found in North Concord including North Point, Concord north industrial, and Willow Pass Business Parks, along Arnold Industrial Way and Bates Avenue bounded by Port Chicago Highway and Solano Way; Stanwell Business Park; and the northern portion of the Detroit Avenue/Shary Circle Business Park. The OBP district is consistent with and implements the business park (BP) land use designation of the general plan.

B. IBP – Industrial Business Park. The IBP district is applied to areas of the city appropriate for a mix of light industrial uses, warehouse and flex spaces, research and development, wholesale, and offices with limited customer access at an intensity of 0.8 FAR. The IBP district allows uses that require outdoor storage or activities when the outdoor facilities are not visible from a public street and are screened by a building or solid eight-foot wall. Commercial recreation and similar uses that require large warehouse-style buildings may be allowed. The IBP district is found in North Concord on Forni Drive, Bates Avenue, Industrial Way, Folsom Lane, Nelson Avenue; and the North Hillcrest area south of State Route 4, on Arnold Industrial Place and Solano Way; Franquette Avenue; and the northern portion of Detroit Avenue/Shary Circle Business Park. The IBP district is consistent with and implements the business park (BP) land use designation of the general plan.

C. IMX – Industrial Mixed-Use. The IMX district is applied to areas of the city appropriate for a mix of light industrial, offices, and live/work facilities at an intensity of 1.0 FAR. Light industrial uses include warehouse, research and development, and artists' studios. The IMX district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. ~~The IMX district does not allow Uses~~ that require outdoor facilities, storage, or activities, may only be allowed if a Use Permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits). The IMX district is found in the North Hillcrest area south of State Route 4, properties on Arnold Industrial Place, and the southern portion of the Detroit Avenue/Shary Circle Business Park. The IMX district is consistent with and implements the industrial mixed-use (IMU) land use designation of the general plan.

Table 18.50.020 – Business Park and Industrial Districts ⁽²⁾ Allowed Uses and Permit Requirements					ZC = Permitted Use, Zoning Clearance Required AP = Administrative Permit Required MP = Minor Use Permit Required UP = Use Permit Required – = Use Not Allowed
Land Use Classifications	Permit Required by District				Additional Requirements
	OBP	IBP	IMX ⁽²⁾	HI	
Business Park and Industrial Uses					
Auto Wrecking, Dismantling Yards	–	–	–	UP	
Contractors, Special Trade					
Cabinet Shop	ZC ⁽³⁾	ZC	ZC ⁽³⁾	ZC	
Contractor Office, within a Building	ZC	ZC	ZC	ZC	
Contractor Yard, with Outdoor Storage	–	ZC	–	ZC	
Fleet-Based Service	–	ZC	AP ⁽²⁾	ZC	
Freight and Truck Terminal	–	–	–	UP	
Heavy Vehicle and Large Equipment, Sales/Rental, Service, and Repair					
Commercial Vehicle and Equipment	–	AP	–	ZC	
Recreational Vehicle	–	AP	–	ZC	
Laboratory, Research, and Development	ZC ⁽³⁾	ZC	ZC ⁽³⁾	ZC	
Manufacturing, Processing					
Artisan/Custom Product	ZC ⁽³⁾	ZC ⁽²⁾	ZC ⁽²⁾	ZC ⁽²⁾	
Industry, Heavy	–	–	–	UP	
Within a Building	ZC ⁽³⁾	ZC	ZC	ZC	
With Outdoor Storage or Activities	–	ZC ⁽²⁾	–	MP	
Warehouse Show Room with Assembly and Sales	ZC	ZC	ZC	ZC	
Media Production Facility	ZC	ZC	ZC	–	
Storage					
Hazardous Materials	–	–	–	UP	
Self-Storage Facility, Mini-Storage	UP	UP	UP	UP	
Vehicle	–	–	–	AP	
Towing Services	–	–	–	AP	
Warehouse with No Outdoor Storage	ZC ⁽³⁾	ZC	ZC ⁽³⁾	ZC	
Warehouse, with Outdoor Storage	–	AP	–	AP	
Wholesaling and Distribution	ZC	ZC ^(2, 6)	ZC ^(2, 6)	ZC ⁽²⁾	
Office, Commercial, and Retail Uses					

Adult Day Care Center	UP	-	UP	-	
Adult-Oriented Business	-	UP	UP	-	Chapter 18.210 CDC, Adult-Oriented Businesses
Animal Services					
Boarding, Kennel	AP	AP	AP	-	
Dog Day Care, Training	AP	AP	AP	-	
Grooming	AP	AP	AP	-	
Hospital, Veterinary Clinic	AP	AP	AP	-	
Antique, Collectible Store	-	-	-	-	
Automobile Sales and Rental/Leasing					
Auction	-	-	-	ZC	
Brokers, Office Only	ZC	ZC	ZC	-	
Brokers, Office with Vehicle Display	AP	ZC	AP	-	
Dealership, New	UP	UP	-	-	
Dealership, Used	-	-	-	-	
Dealership, Motorcycle	-	UP	-	-	
Rental	-	-	-	-	
Automobile Services and Repair					
Car Wash, Attended	-	-	-	-	CDC 18.200.090, Gas stations and car washes
Car Wash, Unattended	-	-	-	-	CDC 18.200.090, Gas stations and car washes
Gas Station	-	-	-	-	CDC 18.200.090, Gas stations and car washes
Auto Maintenance Services	-	-	-	-	
Major Repair/Body Work	-	-	-	-	
Minor Repair	-	-	-	-	
Banks and Financial Services					
Bank, Credit Union	ZC	ZC	ZC	-	
Bank with Drive-Through Service	UP	-	-	-	CDC 18.200.060, Drive-through facilities
Check Cashing Business	-	UP	-	-	
Building Materials Sales and Services					
No Outdoor Storage	ZC	ZC	ZC	-	
With Outdoor Storage	-	ZC ⁽²⁾	-	-	CDC 18.200.160, Outdoor sales and displays
Business Support Services	ZC	ZC	ZC	-	
Catering Services	ZC	ZC	ZC	-	
Eating and Drinking Establishments					
Bar, Night Club, Lounge	-	-	-	-	CDC 18.200.080, Entertainment uses

Food Vendor Group Site	AP	AP	AP	-	CDC 18.200.210, Food vendor group sites
Micro-Brewery/Distillery	MP	MP	MP	-	CDC 18.200.040, Alcoholic beverage sales
Micro-Brewery/Distillery, Large ⁽⁶⁾	UP	UP	UP	-	CDC 18.200.040, Alcoholic beverage sales
Restaurant, Full Service	AP ⁽¹⁾	AP ⁽¹⁾	AP ⁽¹⁾	-	
Restaurant, Limited Service	ZC ⁽¹⁾	ZC ⁽¹⁾	ZC ⁽¹⁾	-	
Restaurant, with Drive-Through	-	-	-	-	CDC 18.200.060, Drive-through facilities
Restaurant, with Live Entertainment	-	-	-	-	CDC 18.200.080, Entertainment uses
Tasting Room	AP	AP	AP	-	CDC 18.200.040, Alcoholic beverage sales
Fitness Facility, Health Club	AP	AP	AP	-	
Food, Beverage Sales					
Convenience Store, no Alcohol Sales	ZC ⁽¹⁾	ZC ⁽¹⁾	ZC ⁽¹⁾	-	
Convenience Store, with Alcohol Sales	-	-	-	-	CDC 18.200.040, Alcoholic beverage sales
Grocery Store	ZC ⁽¹⁾	ZC ⁽¹⁾	-	-	
Liquor Store	-	-	-	-	CDC 18.200.040, Alcoholic beverage sales
Hotel, Motel	-	-	-	-	
Maintenance Services					
Office with No Outdoor Storage/Activities	ZC	ZC	ZC	ZC	
Office with Outdoor Storage/Activities	-	AP	-	ZC	
Nursery, Preschool, Childcare	AP	AP	MP ⁽⁵⁾	-	CDC 18.200.050, Child day care facilities
Office					
Administrative, Information Processing	ZC	ZC	ZC	-	
Medical, Dental	ZC	-	ZC	-	
Professional	ZC	ZC ⁽⁶⁾	ZC	-	
Personal Services					
General	AP ⁽¹⁾	AP ⁽¹⁾	AP ⁽¹⁾	-	
Improvement, Instructional	AP	AP	AP	-	
Restricted	-	-	-	-	
Repair Service, Appliance and Small Equipment	ZC ⁽³⁾	ZC ⁽²⁾	ZC ⁽³⁾	ZC	
Retail Sales					
Big Box	UP	UP	-	-	
General	ZC ⁽¹⁾	ZC ⁽¹⁾	-	-	
Nursery, Garden Center	-	ZC	-	-	CDC 18.200.160, Outdoor sales and displays

Restricted	-	-	-	-	
With Drive-Through	-	-	-	-	CDC 18.200.060, Drive-through facilities
Secondhand Sales	-	-	-	-	

Residential Uses					
Bed and Breakfast Inn	-	-	-	-	
Dwelling, Dwelling Unit, Housing Unit					
Single-Family, Detached	-	-	-	-	
Single-Family, Detached – Small Lot Subdivision	-	-	-	-	
Single-Family, Attached	-	-	-	-	
Secondary Living Unit	-	-	-	-	CDC 18.200.180, Secondary living units
Duplex	-	-	-	-	
Multifamily	-	-	-	-	
Family Day Care Home, Small	-	-	ZC ⁽⁵⁾	-	CDC 18.200.050, Child day care facilities
Family Day Care Home, Large	-	-	MP ⁽⁵⁾	-	CDC 18.200.050, Child day care facilities
Group Housing	-	ZC	ZC	-	
Home-Based Business	-	-	ZC ⁽⁵⁾	-	CDC 18.200.100, Home-based businesses
Live/Work Unit	-	-	MP	-	CDC 18.200.110, Live/work or work/live units
Mixed-Use Projects	-	-	UP	-	
Mobile Home Park	-	-	-	-	
Residential Care Facility, Small	-	-	-	-	
Residential Care Facility, Large	-	-	-	-	
Residential Facility for Seniors, Assisted Living	-	-	-	-	
Work/Live Unit	-	-	MP	-	CDC 18.200.110, Live/work or work/live units
Public/Quasi-Public and Recreational Uses					
Airport	-	-	-	-	
Ambulance Service	AP	ZC	ZC	-	
Cemetery, Columbarium, Mausoleum	-	-	-	-	
Conference, Convention Facility	UP	UP	-	-	
Cultural Institution	-	-	-	-	
Emergency and Homeless Shelter	ZC	ZC	ZC	-	CDC 18.200.070, Emergency and homeless shelters
Farmers' Market	-	-	-	-	
Funeral Parlor, Mortuary	-	-	-	-	

Government Office	ZC	ZC	ZC	ZC	
Heliport	-	-	-	UP	
Library	ZC	ZC	ZC	-	
Medical Services					
Hospital, Medical Center	-	-	-	-	
Medical Marijuana Dispensary	-	-	-	-	
Medical Clinic	AP	AP	-	-	
Nursing Facility/Extended Care	-	-	-	-	
Urgent Care Facility	MP ⁽¹⁾	MP ⁽¹⁾	-	-	
Meeting Facility, Public/Private	UP	UP	-	-	
Military	-	-	-	-	
Parking Facility	AP	AP	AP	-	
Public Maintenance and Service Facility	-	AP ⁽⁴⁾	-	ZC ⁽⁴⁾	
Recreational Facilities					
Bingo Hall	UP	UP	-	-	
Commercial Recreation, Indoor	AP	AP	AP	-	
Golf Course, Country Club	-	-	-	-	CDC 18.200.130, Mechanical and electronic games
Park and Recreation Facility	ZC	ZC	ZC	-	
Residential Recreation Facility	-	-	UP	-	
Sports and Entertainment, Assembly	-	-	-	UP	CDC 18.200.080, Entertainment uses
Sports and Recreation Facility	UP	UP	UP	-	CDC 18.200.130, Mechanical and electronic games
Recycling Facilities					
Small Collection Facility	AP	AP	AP	AP	CDC 18.200.170, Recycling facilities
Large Collection Facility	-	UP	-	UP	CDC 18.200.170, Recycling facilities
Processing Facility	-	UP	-	UP	CDC 18.200.170, Recycling facilities
Religious Facility	-	-	-	-	
Schools					
Elementary, Middle, Secondary	-	-	-	-	
College, University	AP	AP	-	-	
Trade Schools, Vocational Training	AP	AP	AP	-	
Social Service Facility, Community Organization	AP	-	-	-	
Theater, Auditorium	UP	UP	UP	-	CDC 18.200.130, Mechanical and electronic games
Utility Facility, Transmission	ZC	ZC	ZC	ZC	

Towers					
Wireless Telecommunication Facility – CDC 18.205.010 – 18.205.050, Wireless Communication Facilities					

Open Space and Agricultural Uses					
Companion Animal, Horses, Fowl	–	–	–	–	
Community Gardens	MP	MP	AP	–	
Crop Production, Orchard, Vineyard	ZC	ZC	ZC	ZC	
Livestock, Grazing	–	–	–	–	
Mining and Quarrying	–	–	–	UP	

- (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.
- [Amended during 2014 recodification; Ord. 14-6 § 7; Ord. 13-5; Ord. 12-5; Ord. 12-4. DC 2012 § 122-177].

18.50.030 Table 18.50.030 – Business park and industrial districts – Development standards. Subdivisions, new uses and structures, and alterations to existing uses and structures shall be designed, constructed, and established in compliance with the requirements specified in Table 18.50.030. Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

Table 18.50.030

Business Park and Industrial Districts

Development Standards⁽¹⁾

Standards	OBP	IBP	IMX	HI	Additional Standards
Floor Area Ratio (FAR) maximum	0.80	0.80	1.00	0.60	
Lot Area (square feet) minimum	40,000	20,000	10,000	40,000	
Lot Width (feet) minimum					
Interior Lot	100	100	100	100	
Corner Lot	100	100	110	100	
Lot Depth (feet) minimum	100	100	100	100	
Building Height (feet) maximum	50	35	50	50	
Setbacks (feet) minimum ⁽³⁾					
Front	20	20	20	30	
Interior Side	10	10	10	10	CDC 18.150.180, Transitional requirements
Corner Side	20	20	20	20	
Rear	10	10	10	10	CDC 18.150.180, Transitional requirements
R District Boundary (feet) maximum	40	40	20	50	
C District Boundary (feet) minimum	15	15	15	15	

(1) Additional requirements may apply pursuant to Division IV (Development Standards) and Division V (Standards for Specific Uses) of this title.

(2) Unless otherwise approved through a planned unit development (PUD).

(3) Measured from property line or back of sidewalk (whichever is less) to the face of building or structure. [Ord. 13-5; Ord. 12-4. DC 2012 § 122-178].

City of Concord

Industrial Mixed Use (IMX) District Development Code Revisions Project

**Addendum to the
Final Supplemental
Environmental
Impact Report to the
2030 Concord General
Plan Environmental
Impact Report**



June 2015

**Addendum to the
Final Supplemental Environmental
Impact Report (EIR) to the
2030 Concord General Plan EIR
for the
Industrial Mixed Use (IMX) District
Development Code Revisions Project**

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1.0 PURPOSE OF ADDENDUM

This document is an Addendum to the City of Concord 2030 *General Plan Update Final Supplemental Environmental Impact Report (SEIR)*, prepared in compliance with the California Environmental Quality Act (CEQA) 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. The purpose of this Addendum is to analyze the environmental impacts of proposed revised provisions for specific activities allowed within the City's Industrial Mixed Use Zoning District (IMX District), as defined in the Concord Development Code (CDC) which is codified as Title 18 of the Concord Municipal Code (City of Concord, 2015). Section 3 of this Addendum defines the "proposed project" and describes the proposed IMX District revisions in detail.

CEQA recognizes that between the date an environmental document is completed and the date a project is fully implemented, a change may occur that affects the environmental document; this could include one or more of the following: the project may change; the environmental setting in which the project occurs may change; laws, regulations, or policies may change; and/or previously unknown information may become available. CEQA requires a project's Lead Agency to evaluate these changes before proceeding with a project, in order to determine whether they may affect the conclusions of the environmental document.

The CEQA *Guidelines* Section 15162 states that when an EIR has been certified or a negative declaration adopted for a proposed project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines that one or more of the following situations has occurred, based on substantial evidence and in light of the whole record:

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - a. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration,*
 - b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR,*
 - c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or*
 - d. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*



The CEQA *Guidelines* Section 15164 states that the Lead Agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described above have occurred. The CEQA *Guidelines* further specify that a brief explanation of the decision not to prepare a subsequent EIR should be included in one of the following: the Addendum itself, the Lead Agency's findings on the project, or elsewhere in the record. Per the CEQA *Guidelines*, an Addendum does not need to be circulated for public review but can be included in or attached to the final EIR (in this case, the 2012 SEIR) prior to making a decision on the project.



2.0 BACKGROUND

This section provides an overview of the General Plan EIR, the 2012 SEIR, and a 2014 Addendum to the 2012 SEIR, to provide context for this Addendum (to the 2012 SEIR).

2.1 CONCORD 2030 GENERAL PLAN AND FINAL EIR

In October 2007, the Concord City Council adopted the *Concord 2030 Urban Area General Plan* (General Plan), which provides a framework for city development, and articulates a vision for the City over a 20-year period. The General Plan includes a number of key themes and initiatives, such as the integration of economic development into land use planning, greater support of mixed-use development and transit-supportive land uses around the Downtown Bay Area Rapid Transit (BART) station and transportation corridors, and an emphasis on preserving environmental resources and community assets.

The City also certified a *Final Environmental Impact Report* (EIR) for the General Plan in 2007. The General Plan EIR evaluated potential environmental consequences of the General Plan and alternatives at a programmatic level, meaning that specific impacts of individual actions were not identified, but a characterization was provided of the types of impacts that could occur as a result of the overall development direction described in the General Plan, and mitigation measures were identified to reduce or avoid potential adverse environmental effects associated with the General Plan. Subsequent projects that are proposed within the General Plan area are subject to project-specific environmental review, and may “tier” that review off of the programmatic General Plan EIR, in order to streamline analyses while providing consistency in mitigation strategies throughout the area.

The General Plan provides the basis for establishing and setting priorities for detailed plans and implementing programs such as the Zoning Ordinance, which specifies what types of activities may occur within certain land use districts.

The General Plan EIR determined that the proposed policies of the General Plan would avoid or eliminate most potentially significant impacts associated with implementation of the General Plan, although significant unavoidable impacts would occur in the issue area of transportation, and no feasible mitigation measures for physical improvements were identified that would reduce impacts to freeways, freeway ramps, or roadway segments to a level of less than significant. Accordingly, the City adopted a Statement of Overriding Considerations for these significant and unavoidable impacts per CEQA *Guidelines* Section 15093. As described above, project-specific environmental review will be prepared for proposed actions within the General Plan area.

2.2 2012 SUPPLEMENTAL EIR

Following certification of the 2030 General Plan and General Plan EIR, conditions arose which warranted preparation of a Supplemental EIR. Specifically, an SEIR was prepared to address the *Concord Development Code Project*, which included the following components:



- 1) Amendments to the General Plan text and Land Use Map;
- 2) Adoption of the new Concord Development Code; and
- 3) A new zoning map.

The CDC identifies land use districts throughout the Concord Planning Area Sphere of Influence (SOI), as guided by land use designations defined in the 2030 General Plan for the City of Concord. The SEIR, which was certified in 2012, described potential environmental impacts under a number of environmental issue areas that could occur in association with the proposed changes listed above (including adoption of the CDC, which would be amended by the proposed project to allow outdoor uses and activities). The SEIR also identified methods by which potential impacts of the CDC could be mitigated or avoided.

The 2012 SEIR used an Initial Study to determine which environmental issue areas suggested by the CEQA Guidelines should be examined in detail in the SEIR, for their potential to result in significant impacts and require changes to the 2030 General Plan EIR. These issue areas include the following:

- Air Quality;
- Greenhouse Gas Emissions;
- Noise;
- Public Services and Utilities; and
- Transportation/Traffic. (City of Concord, 2012b)

The 2012 SEIR identifies mitigation measures where necessary to minimize or avoid potentially adverse impacts under the issue areas listed above. This Addendum to the 2012 SEIR will consider whether potential impacts of the outdoor uses and activities that could be allowed under the proposed project are consistent with those impacts already characterized in the 2012 SEIR and, if so, if and how previously identified mitigation measures or other existing regulations would be implemented to reduce or avoid potential impacts associated with the proposed project. If this Addendum determines that the outdoor uses and activities that could be allowed under the proposed project would result in impacts not previously characterized, or if previously identified mitigation measures would not sufficiently reduce or avoid impacts of the potential outdoor uses and activities, these differences will be discussed in the analysis provided in Section 4, and new mitigation measures will identified where necessary.

The 2012 SEIR identified significant unavoidable impacts to the issue area of transportation, specifically with regards to freeway traffic, and determined that this potential impact of actions assessed in the SEIR would be the same as characterized in the traffic and transportation analysis provided in the General Plan EIR.

2.3 ADDENDUM TO THE SUPPLEMENTAL EIR (2014)

In 2014, following certification of the 2012 SEIR, the City of Concord prepared the *City of Concord Downtown Concord Specific Plan* (Specific Plan) and an Addendum to the 2012 SEIR was prepared to incorporate the new Specific Plan, which was not addressed in the 2030 General Plan. In addition to implementation of the Specific Plan, the 2014 Addendum also addressed changes to local, state, and federal regulations (federal and state air quality standards), and



changes to environmental data (state greenhouse gas inventory data, and county water supply data). The 2014 Addendum revised the following issue area sections of the 2012 SEIR, based on changes to agency regulations and new data:

- Air Quality;
- Greenhouse Gas Emissions; and
- Public Services and Utilities. (City of Concord, 2014a)

The 2014 Addendum introduced new mitigation measures in the issue area analyses listed above; as an Addendum to the 2012 SEIR, these new mitigation measures are included as part of the 2012 SEIR, and would therefore be applicable to potential impacts associated with the currently proposed project, as discussed in Section 4. The 2014 Addendum also addressed the Transportation/Traffic section of the 2012 SEIR, but determined that no new impacts would occur as a result of implementation of the Specific Plan.

The 2014 Addendum to the SEIR determined that no substantive revisions to the SEIR were required because no new significant impacts or impacts of substantially greater severity would result from the Specific Plan or regulatory updates; therefore, significant unavoidable impacts to the issue area of transportation would be the same as characterized in the 2012 SEIR and the General Plan EIR.

2.4 CONCORD NAVAL WEAPONS STATION REUSE PROJECT AREA PLAN

The Concord Naval Weapons Station (CNWS), a former military base located adjacent to the north of the City of Concord, was closed by the U.S. Navy in 2005; at that time the City undertook a seven-year community-based visioning and planning process that culminated in the adoption of the Concord Reuse Project (CRP) Area Plan. The CRP Area Plan details the community's desired use of the CNWS property. In addition to the CNWS property, the CRP Area Plan also encompasses the North Concord-Martinez BART station, public street rights-of-way, and a portion of the Diablo Creek Golf Course; total planning area is approximately 5,200 acres. (City of Concord, 2012a; City of Concord, 2014b)

A Final Programmatic EIR and Mitigation Monitoring and Reporting Program for the CRP Area Plan were certified, and the City's 2030 General Plan was amended to include the CRP Area Plan. The CRP Area Plan is an implementing format for amendment of the Concord 2030 General Plan to include the vision of the Reuse Plan. A Statement of Overriding Considerations for the CRP Area Plan was adopted in 2012 to recognize that benefits of the Plan outweigh unavoidable significant impacts identified in the following issue areas: Land Use; Transportation; Visual Resources; Air Quality; Noise and Vibration.

The CRP Area Plan does not encompass any areas identified as IMX District, and does not impose any requirements or restrictions on allowable uses within the IMX District areas, including the potential outdoor uses and activities assessed in this Addendum.



3.0 PROPOSED INDUSTRIAL MIXED USE (IMX) DEVELOPMENT CODE REVISIONS

Chapter 18.50 of the CDC, *Business Park and Industrial Districts (OBP, IBP, IMX, and HI)*, defines the uses allowed within the business park and industrial zoning districts, the type of permit or approval required for each use, and basic development standards for sites and proposed buildings. The proposed Industrial Mixed Use (IMX) Development Code Revisions Project (“proposed project”) would revise the CDC provisions for the IMX District to allow outdoor uses and activities that are not currently allowed in this district (further discussed below), contingent upon issuance of a Use Permit. The current CDC definition of the IMX District, as assessed in the 2012 SEIR, is provided below, with the proposed project revisions shown in underline/strikeout.

***IMX – Industrial Mixed-Use.** The IMX district is applied to areas of the city appropriate for a mix of light industrial, offices, and live/work facilities at an intensity of 1.0 FAR. Light industrial uses include warehouse, research and development, and artists’ studios. The IMX district allows ancillary restaurant, retail, and service activities that serve employees and provide business-support services. ~~The IMX district does not allow uses~~ Uses that require outdoor facilities, storage, or activities may only be allowed if a Use Permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits). The IMX district is found in the North Hillcrest area south of State Route 4, properties on Arnold Industrial Place, and the southern portion of the Detroit Avenue/Shary Circle Business Park. The IMX district is consistent with and implements the industrial mixed-use (IMU) land use designation of the general plan. (City of Concord, 2012b)*

As shown above, implementation of the proposed project would allow outdoor facilities, storage, and activities in the IMX District, contingent upon issuance of a Use Permit. These changes would also be reflected in the CDC in Table 18.50.020 – *Business Park and Industrial Use Districts, Allowed Uses and Permit Requirements*, with the following text, included as the following new footnote to Table 18.50.020:

Notwithstanding anything in this table to the contrary (including ZC, AP, or MP notations)¹ 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).

Potential new allowable activities in the IMX District are discussed in Section 3.1, as is the process of obtaining a Use Permit for these new uses.

As noted in the CDC language above, the IMX District implements the Industrial Mixed-Use (IMU) land use designation, which is described in the 2030 General Plan as follows:

***Industrial Mixed Use (IMU).** This land use designation is intended for a mix of light industrial, secondary office, service uses (excluding auto-oriented retail services) and live/work facilities. Typical uses include warehouse, research and development, wholesale, bulk retail, office*

¹ Per CDC Chapter 18.50, Table 18.50.020: ZC = Permitted Use, Zoning Clearance Required; AP = Administrative Permit Required; MP = Minor Use Permit Required.



space with limited customer access, and artists' studios. Small-scale retail and service uses serving employees, residents, and visitors may be permitted as secondary uses. This designation would allow for live/work facilities where appropriate, such as the North Hillcrest area and the southern portion of the Detroit Avenue/Shary Circle area. The maximum FAR is 1.0. (City of Concord, 2007)

The proposed project would not change the language of the 2030 General Plan; it would change the language of the 2012 SEIR and the CDC which implements 2030 General Plan and land use designations included therein. As shown above, the 2030 General Plan does not define the IMU land use designation with specificity to outdoor or indoor uses; rather, that level of specificity was introduced with the IMX District designation in the 2012 SEIR.

The proposed project would only apply to the IMX-zoned areas of the Concord Planning Area SOI; as shown on Figures 1a and 1b and reflected on Page K15 of the City of Concord Zoning Map (effective August 23, 2012), there are two IMX-zoned areas within the Concord Planning Area SOI. These areas are referred to in this document as the Arnold Industrial Place IMX and the Detroit Avenue IMX District area see Figures 1a and 1b). An aerial view of the two IMX District areas and their surroundings is shown on Figures 2a and 2b.

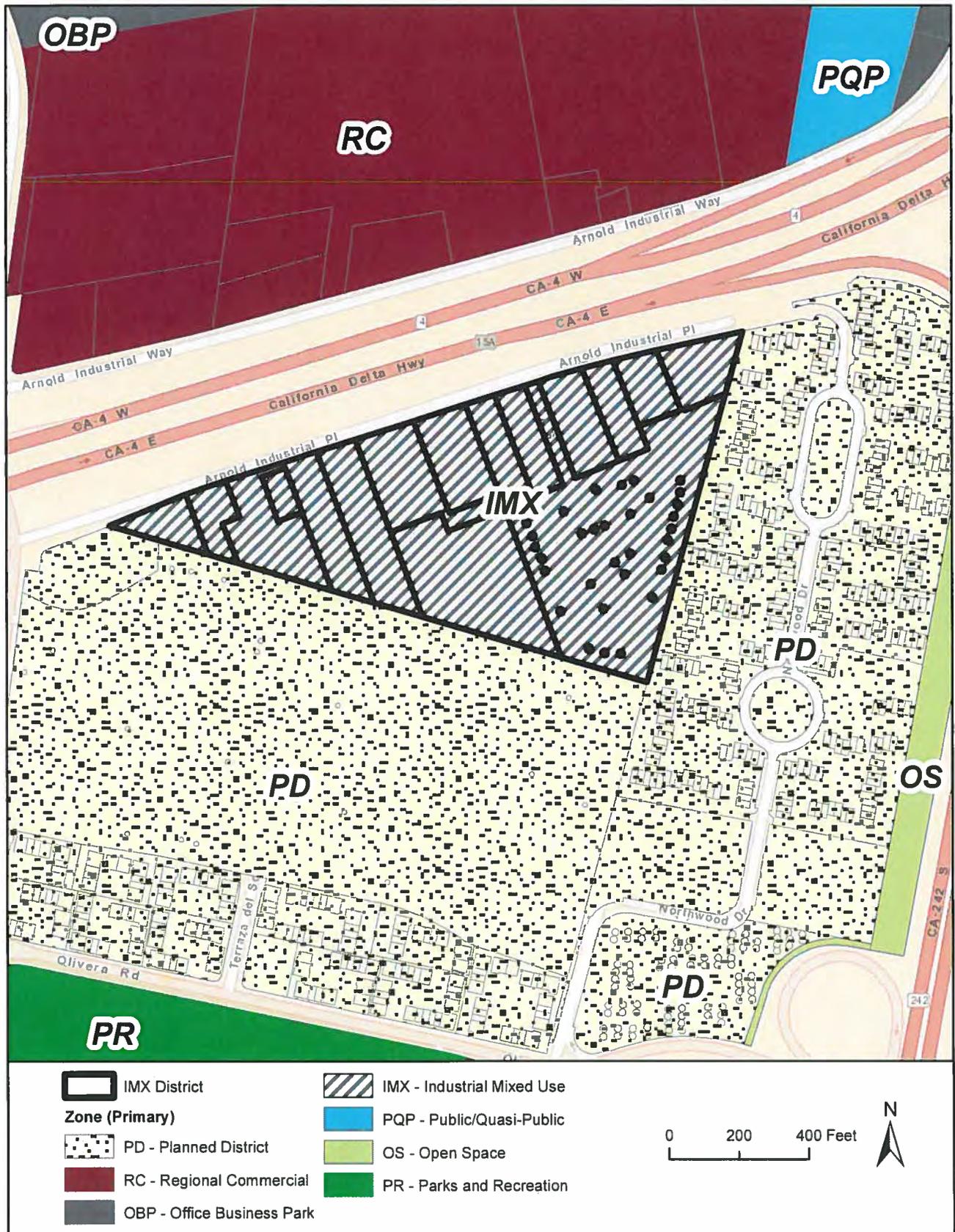
Detroit Avenue IMX District Area. Land zone districts in the vicinity of this IMX District are indicated on Figures 1a and 1b, and include the following:

- Industrial Business Park (IBP) and Office Business Park (OBP) to the north (IBP on the west side of the north and OBP on the east side of the north);
- Public / Quasi-Public (PQP) to the northeast and southwest (the PQP zone to the west is currently developed as Ygnacio Valley Elementary School);
- Existing BART Track and corridor to the east (Rural Residential [RR20] to the east of the BART Track and Single Family Residential [R6] to the southeast);
- Single Family Residential (R6 and R7) to the south and southwest; and
- Residential Medium Density (RM) to the west and southwest.

The Detroit Avenue IMX District area is characterized by generally level topography almost entirely occupied by buildings and paved parking areas and sidewalks. Existing uses in this IMX District area are industrial and commercial in nature. There are some trees and ornamental vegetation around the borders of this IMX District area, and along property lines within the area, but there are no substantial open spaces or areas of native vegetation. There is a defined drainage channel along the western border of this IMX District area, outside of the main developed area. Photo 1 on Figure 3 provides a view of the Detroit Avenue IMX District area, looking to the northeast from the intersection of Chalomar Road and Chalet Drive; the Ygnacio Valley Elementary school yard is to the left of the frame.

Roadways in the vicinity of this IMX District area include Whitman Road, which borders a portion of this IMX District area on the north and runs in a southwest-northeast alignment through this IMX District area, and Detroit Avenue, which runs through the IMX District area in both a northwest-southeast alignment and a southwest-northeast alignment (after making a sharp turn to the southwest). Detroit Avenue is truncated within the IMX District area, just before a break in the road, on the other side of which is Chalomar Road. Chalomar Road is approximately parallel to the south of Whitman Road, and continues to the IMX District area boundary, where the break in the road creates a barrier to vehicle traffic.

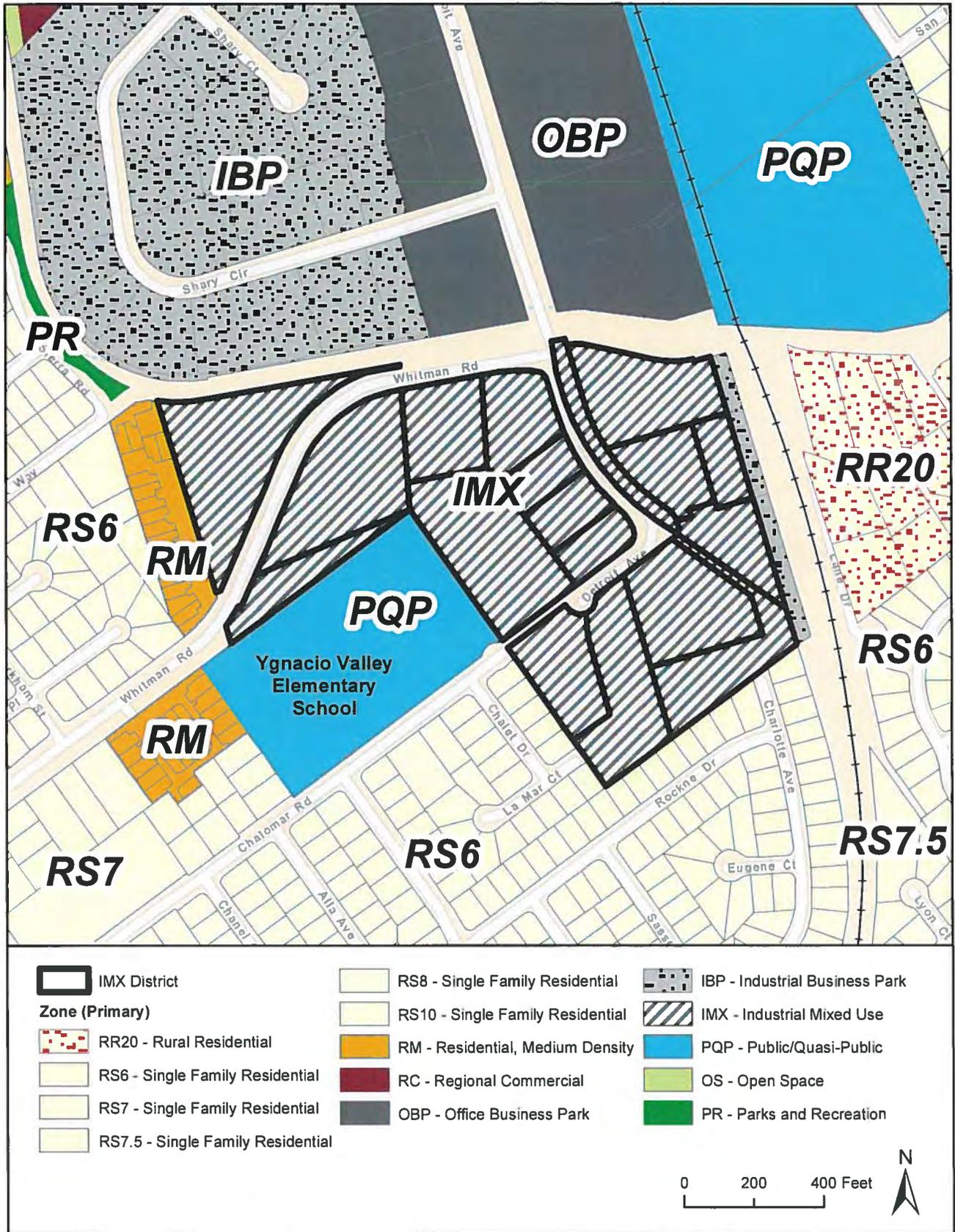




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 Zoning data from City of Concord Zoning Map, August 23, 2012.

Arnold Industrial Place IMX District Area

Figure 1a



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 Zoning data from City of Concord Zoning Map, August 23, 2012.

Detroit Avenue IMX District Area

Figure 1b

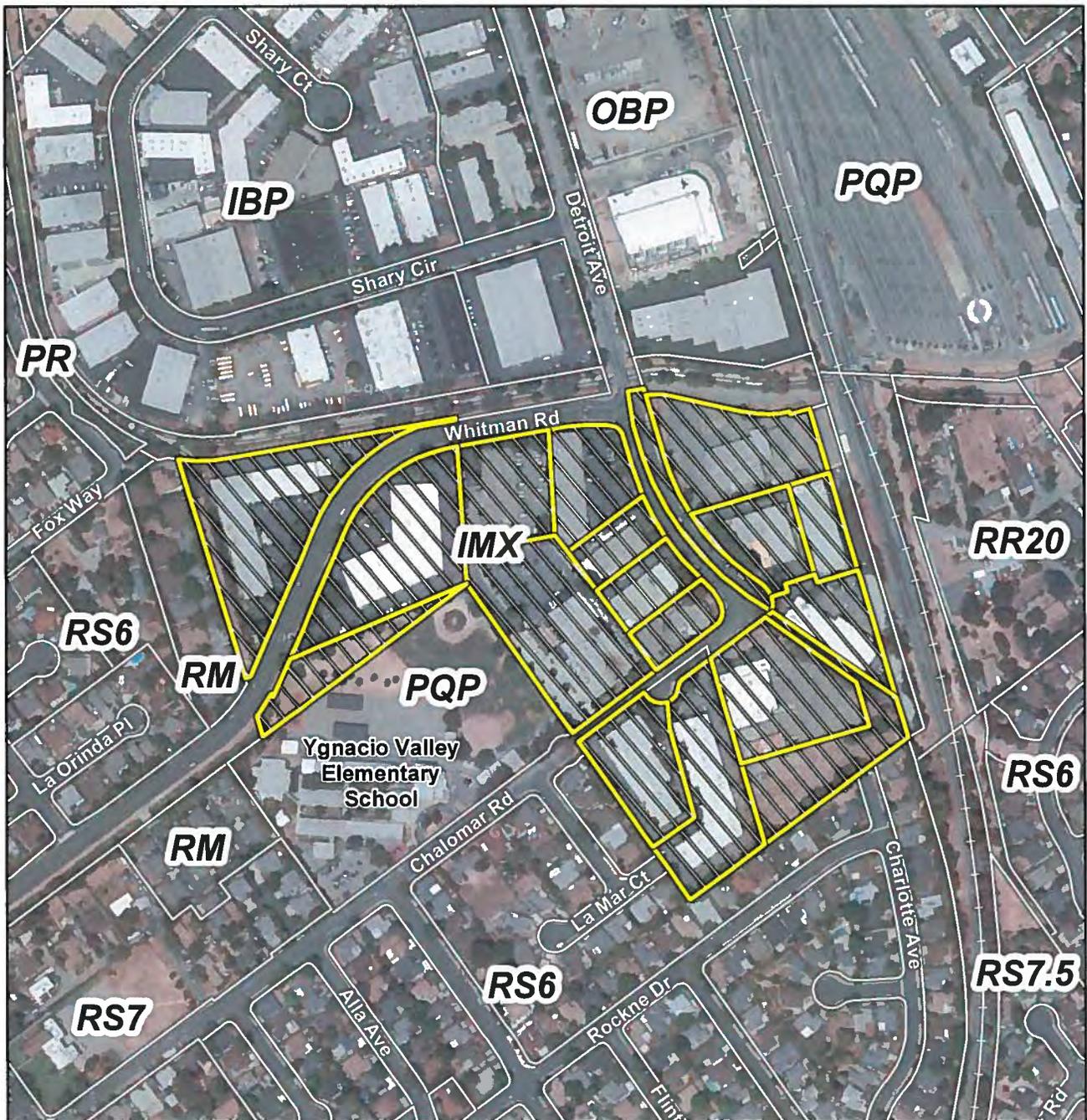


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 Zoning data from City of Concord Zoning Map, August 23, 2012.

Arnold Industrial Place IMX District Area

Figure 2a
 City of Concord

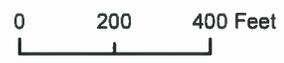




 IMX District

- RR20 - Rural Residential
- RS6 - Single Family Residential
- RS7 - Single Family Residential
- RS7.5 - Single Family Residential
- RS8 - Single Family Residential
- RS10 - Single Family Residential
- RM - Residential, Medium Density

- RC - Regional Commercial
- OBP - Office Business Park
- IBP - Industrial Business Park
- IMX - Industrial Mixed Use
- PQP - Public/Quasi-Public
- OS - Open Space
- PR - Parks and Recreation



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 Zoning data from City of Concord Zoning Map, August 23, 2012.

Detroit Avenue IMX District Area

Figure 2b

Arnold Industrial Place IMX District Area. Land zone districts in the vicinity of this IMX District area include the following:

- Highway 4 to the north/northwest (Regional Commercial [RC] on the north side of Highway 4); and
- Planned District (PD) to the east, south, and southwest.

The Planned District which surrounds this IMX District area on three sides is presently comprised exclusively of residential uses. In accordance with the CDC, "Existing residential development approved in the Planned District zoning district shall retain the (PD) zoning designation until and unless the property is redeveloped."

As with the Detroit Avenue IMX District area, the Arnold Industrial Place IMX District area is characterized by generally level topography almost entirely covered by buildings and paved parking areas and sidewalks. Existing uses in this IMX District area are industrial in nature, with residential uses in the Victoria Village Mobile Home Park located in the PD Zone District, in the southeastern portion of the area. A Street provides access to the residential area from Arnold Industrial Place, and loops through the residences for internal access. A small grassy area is adjacent to the north/northeast of the residential area. Photo 2 on Figure 3 provides a photo of this IMX District area, looking to the south across Arnold Industrial Place; residences in the PD Zone District are to the east and industrial uses within this IMX District area are to the west. There are some trees and ornamental vegetation around the borders of this IMX District area, and along property lines within the area, but there are no substantial open spaces or areas of native vegetation.

Roadways in the vicinity of this IMX District area include Arnold Industrial Place (and Highway 4) to the north/northwest), an unnamed access road to the east/southeast, Dalis Drive to the south/southwest.

The proposed project would introduce the potential for a variety of new outdoor uses and activities in the IMX District. The CDC includes Table 18.50.020, which identifies the uses allowed within the IMX District, and the associated permit requirements (ZC/AP/MP). With the proposed project to allow certain outdoor uses and activities, the uses listed in Table 18.50.020 would continue to be allowable, but would also include the ability to apply for use permits for outdoor uses and activities that are not currently allowed in the IMX District. As described above, uses within the IMX District may include warehouse uses, research and development facilities, and artists' studios, as well as ancillary restaurant, retail, and service/business support activities. The types of new outdoor uses and activities that could be associated with existing IMX uses may include but would not be limited to the following (contingent upon issuance of a Use Permit):

- Gatherings of people for classes, activities, or events, or for casual outdoor enjoyment;
- Increased temporary parking areas to accommodate new outdoor uses and activities;
- Use of vehicles and equipment such as cranes, forklifts, tractors, and hand tools;
- Use of engines, generators, or battery units for outdoor power;
- Permanent or temporary storage areas that may be screened, walled, or uncovered;





Photo 1: Looking northeast on Chalomar Road from its intersection with Chalet Drive, toward the adjacent IMX area and associated development. The Ygnacio Valley Elementary school yard is on the left.



Photo 2: Looking south across Arnold Industrial Place; residences in the PD Zone District are to the left (east) and industrial uses to the right (west).



- Nighttime lighting in a potential variety of forms, such as flood lighting mounted on poles or site-specific lighting for specific uses;
- Presence of media production support operations such as cameras and equipment, stages, trailers, food service, lighting, music, etc.;
- Kennels, play areas, and other facilities associated with animal services (boarding, grooming, doggy day care, etc.);
- Sidewalk cafes and outdoor eating areas permitted as accessory uses to a micro-brewery/micro-distillery or restaurant operations;
- Parks and recreational facilities, playgrounds, athletic facilities;
- Community gardens, support/storage facilities, trails, and picnic areas.

The majority of outdoor uses are expected to be ancillary to existing enclosed uses on the same parcels, rather than new “freestanding” commercial operations.

The impact analysis provided in this Addendum assesses whether the outdoor uses and activities that could be allowed under the proposed project are consistent with the impact analysis provided in the 2012 SEIR, which amended the 2030 General Plan to include the current CDC. New outdoor uses within the IMX District would be required to be consistent with development standards included in the CDC. Chapter 18.150 (*General Development Standards*) of the CDC addresses development standards associated with the details of site planning and project design, while Chapter 18.200 (*Standards for Specific Uses*) of the CDC establishes broader regulations for certain land uses within individual districts. These standards are discussed throughout the impact analysis, as applicable.

3.1 USE PERMIT FOR NEW ALLOWABLE ACTIVITIES

As noted above, outdoor uses and/or activities that would be allowed with the proposed revisions to the CDC definition of IMX District would be contingent upon issuance of a Use Permit, which would include an environmental review process under CEQA for projects with the potential to result in significant environmental impacts. The requirements and processes for obtaining a Use Permit are detailed in the CDC Chapter 18.435 (*Minor Use Permits and Use Permits*) and summarized below. CDC Chapter 18.400 (*Authority for Land Use and Zoning Decisions*) includes Table 18.400.020 (*Review Authority*), which describes that decisions on Use Permits are made by the Planning Commission.

Any Use Permit application involving outdoor uses and/or activities must be reviewed by the Planning Commission at a public hearing conducted in compliance with Article VIII (*Administration*) of the CDC. As prescribed in the CDC, when a Use Permit requires a public hearing, the public must be provided notice of the hearing which contains: hearing information; project (proposed use) information; and a statement on what type of CEQA environmental review document will be considered (in compliance with CEQA and the City’s Environmental Review Procedures). The public notices are distributed to the affected property owner or applicant, local agencies that would provide services or facilities for the project, and property owners or renters located within 300 feet of the project site.

During the public hearing, the Planning Commission may receive testimony from individuals, agencies, and/or organizations with an interest in the proposed action, and may consider



testimony in making a decision on the Use Permit application. The Planning Commission may approve; approve with conditions; modify; revoke; or deny a Use Permit application. Decisions are based on consistency with the CDC and General Plan, testimony received at the public hearing, and environmental considerations, among other possible factors. Use Permits may only be approved after the following findings have been made:

- 1) *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the CDC.*
- 2) *The proposed use is consistent with the General Plan and any applicable specific plan.*
- 3) *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.*
- 4) *The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.*
- 5) *Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located.*

If it is not possible to make all of the required findings listed above for approval of a new use as proposed or as modified with conditions, the proposed use will be denied and the Use Permit will not be issued. Conditions may be imposed on a proposed use in order to facilitate approval; conditions placed on a proposed use may include but are not limited to revisions on the placement, height, nature, and extent of the use; buffers and screening; landscaping and surfacing; off-site improvements; maintenance requirements; and performance measures and guarantees.



4.0 ENVIRONMENTAL CHECKLIST AND IMPACTS OF PROPOSED CHANGES TO THE SEIR

This Addendum evaluates potential environmental impacts that could result from the proposed project, which would revise allowable uses within the IMX District. The IMX District areas were introduced to the City's Zoning Map via the 2012 SEIR. The existing environmental conditions on and near the IMX-zoned area are substantially the same under present conditions as described in the 2012 SEIR; the analysis below provides updates where necessary to characterize potential impacts.

Appendix G of the CEQA *Guidelines* provides a checklist of environmental issues areas that are suggested as the issue areas that should be assessed in CEQA analyses. As mentioned above, the 2012 SEIR only addressed in detail five of the 17 suggested environmental issue areas, because the Initial Study prepared for the SEIR determined that other issue areas would not have potential to result in significant adverse environmental impacts. Of the five issue areas addressed in the 2012 SEIR, the 2014 Addendum only addressed four issue areas, as it was determined that one of the five (Noise) would not have potential to result in significant adverse environmental impacts. As with the 2014 Addendum, this Addendum also tiers off the 2012 SEIR and addresses the issue areas discussed in detail in that document; however, in order to provide a thorough and conservative analysis of potential impacts associated with allowing outdoor uses and activities in the IMX District, this Addendum addresses each of the 17 environmental issue areas suggested by Appendix G of the CEQA Guidelines, as listed below.

- *Aesthetics*
- *Agriculture and Forestry*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology/Soils*
- *Greenhouse Gas Emissions*
- *Hazards and Hazardous Materials*
- *Hydrology/Water Quality*
- *Land Use / Planning*
- *Mineral Resources*
- *Noise*
- *Population / Housing*
- *Public Services*
- *Recreation*
- *Transportation / Traffic*
- *Utilities / Service Systems*

As noted above, this Addendum tiers off of the 2012 SEIR, as amended by the 2014 Addendum for the Downtown Specific Plan. Therefore, potential environmental impacts of the proposed project are considered in comparison with the revised 2012 SEIR, to determine whether impacts associated with the proposed project are consistent with the impact analysis provided in the 2012 SEIR, and whether additional mitigation measures are required to minimize or avoid potential impacts. For the purposes of this impact analysis, the "Approved Project" refers to the actions approved by the 2012 SEIR, including as amended by the 2014 Addendum to incorporate the Downtown Specific Plan (General Plan Land Use Map; Concord Development Code; Zoning Map).

Where impacts are identified in the following analysis, discussion of previously identified mitigation measures (from the 2012 SEIR), revised/updated mitigation measures (from the 2014 Addendum), and existing laws and regulations are also discussed where they would reduce or



avoid potential impacts. Where applicable, the existing CDC provisions would be implemented for compliance with the 2030 Concord General Plan goals and policies, as discussed throughout the impact analysis provided below.

4.1 AESTHETICS

The Initial Study prepared for the 2012 SEIR determined that Aesthetic impacts would be less than significant with no mitigation required. Potential outdoor uses and activities that could be allowed under the proposed project could result in visual changes within the IMX District areas.

As noted above, Figure 3 provides a photo (Photo 1) looking into the Detroit Avenue IMX District area, showing residential uses to the north/northeast and Ygnacio Valley Elementary School to the south/southwest, both adjacent to the IMX District area and located in the RS6 and PQP zones, respectively. Figure 3 also provides a photo (Photo 2) looking into the Arnold Industrial Place IMX District area, showing existing industrial uses (warehouses and parking) within the IMX District area adjacent to existing residential uses in the PD zone; the two areas separated by a masonry wall.

The existing IMX District areas are presently developed, primarily with commercial and industrial development, and do not include historic buildings or state scenic highways (City of Concord, 2007; CDOT, 2011). Elevation in the City of Concord is generally about 75 feet above mean sea level, and topography is generally flat; due to the presence of buildings and landscape trees, the IMX District areas do not provide scenic vistas (distant view) or viewsheds (geographic area that is visible from a specific location, excluding points and features that are beyond the horizon or obstructed by terrain and other features such as buildings). Due to the generally level nature of topography within and around the IMX District areas (as described in Section 3), the absence of historic buildings or state scenic highways, and the largely developed and industrial nature of both areas and their vicinities, scenic views are not considered to be available from within or through the IMX District areas. Therefore, outdoor uses and activities that could be allowed under the proposed project, which would not be expected to exceed the height of existing development, are not expected to affect scenic vistas or viewsheds.

The proposed project would introduce outdoor uses and activities that could temporarily introduce light and glare to the area. Outdoor lighting standards included in the CDC would be applied through the Use Permit process and routine code enforcement for outdoor uses and activities that would require lighting or may introduce glare. For instance, the "Manufacturing / Processing" land use classification allows "Artisan / Custom Product" activities such as welding; with implementation of the proposed project that could allow outdoor uses and activities, welding activities would be allowed to occur outdoors (contingent upon issuance of a Use Permit), but must be consistent with Section 18.150.130 (*Performance Standards*), (K), *Mechanical or Chemical Processes*, of the CDC. This provision states the following:

"...any light or glare from mechanical, chemical, or high-temperature processes such as combustion or welding shall be shielded or modified to prevent emission of adverse light or glare beyond the property line."



As such, activities that may occur within the IMX District must be conducted to avoid the production of light or glare that would result in impacts beyond the affected property line.

The proposed project would not result in new or substantially more severe impacts to Aesthetics, and the proposed project would therefore be consistent with the 2012 SEIR (*Appendix A, Initial Study*). As discussed in Section 3.1 of this Addendum, future outdoor uses and activities within the IMX District areas are contingent upon issuance of a Use Permit, including environmental review per CEQA. Use Permits may include conditions of approval to avoid potentially adverse effects, such as but not limited to the following types of requirements: revisions on the physical nature of the proposed use; use of buffers, screening, or landscaping; maintenance requirements and/or performance measures. In addition, in order to approve a Use Permit, the City must find that “The site is physically suitable for the type, density, and intensity of the proposed use...” and that “Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood...” among other required findings.

Effects and Mitigation Measures

No new or substantially more severe effects would occur related to Aesthetics, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Same as Approved Project)

4.2 AGRICULTURE AND FORESTRY

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Agriculture and Forestry would be less than significant with no mitigation required. Potential outdoor uses and activities that could be allowed under the proposed project would not involve or affect agriculture or forestry uses. The existing IMX District areas are located in industrial/urban areas and do not include any farmland or forestry zoning or uses.

The proposed project would not result in new or substantially more severe impacts to Agriculture and Forestry, and the proposed project would therefore be consistent with the 2012 SEIR (*Appendix A, Initial Study*). As described in the Initial Study prepared for the 2012 SEIR, the CDC and Zone changes assessed in that document would have no impact to agricultural resources, except for the potential to involve other changes in the existing environment which could result in conversion of Farmland; comparatively, the proposed project would have no potential to result in the conversion of Farmland and potential impacts would therefore be less than described for the Approved Project.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Agriculture and Forestry, and no new or revised mitigation measures are necessary.



Conclusion

No Impact (Same as Approved Project)

4.3 AIR QUALITY

The Initial Study prepared for the 2012 SEIR determined that impacts to Air Quality would be potentially significant, and this issue was therefore analyzed in the 2012 SEIR. The 2012 SEIR determined that impacts would be less than significant with mitigation measures that require performance measures incorporated into the Concord Citywide Climate Action Plan (CAP), discussed further below. In addition, as discussed in Section 2.3, an Addendum to the 2012 SEIR was produced in 2014 to assess the *City of Concord Downtown Specific Plan*, as well as changes to local, state, and federal air quality regulations that occurred after certification of the 2012 SEIR. The IMX District areas are not located in the Specific Plan area and the 2014 analysis of the Specific Plan does not place restrictions or mitigation requirements on potential outdoor uses and activities in the IMX District; however, the updated air quality regulations addressed in the 2014 Addendum are applicable to the proposed project, and are presented below.

Potential outdoor uses and activities that could be allowed under the proposed project could potentially introduce new or increased air quality emissions to the area, specifically as related to the use of vehicles and equipment. A number of regulatory bodies are responsible for regulating air quality in the proposed project area. The U.S. Environmental Protection Agency (USEPA) regulates at the national level, the California Air Resources Board (ARB) regulates at the state level, and the Bay Area Air Quality Management District (BAAQMD) regulates at the regional level. Following is a summary of air quality regulations applicable to the proposed project (City of Concord, 2012b).

- **ARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks**, would require that new and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged.
- **ARB Regulation for In-Use Off-Road Diesel Vehicles**. On July 26, 2007, the ARB adopted a regulation to reduce diesel particulate matter and NOx emissions from in-use (existing) off-road heavy-duty diesel vehicles in California.
- **ARB Airborne Toxic Control Measure (ATCM)**. In July 2001, the ARB approved an Air Toxic Control Measure (ATCM) for construction, grading, quarrying and surface mining operations to minimize emissions of naturally occurring asbestos.
- **Land Use Handbook**. ARB adopted the Air Quality and Land Use Handbook: A Community Health Perspective (Land Use Handbook) in 2005. The Land Use Handbook provides information and guidance on siting sensitive receptors in relation to sources of toxic air contaminants.

In addition to the above regulations described in the 2012 SEIR, the 2014 Addendum describes updates to the regulatory environment relevant to Air Quality that are also applicable to the proposed project. These are provided below.



- **BAAQMD Regulation 2, Rule 2 - New Source Review.** This rule requires any new source resulting in an increase of any criteria pollutant to be evaluated for adherence to Best Available Control Technology (BACT). For example, for compression internal combustion engines, BACT requires that the generator be fired on “California Diesel Fuel” (fuel oil with a sulfur content less than 0.05 percent by weight and less than 20 percent by volume of aromatic hydrocarbons). All stationary internal combustion engines larger than 50 horsepower must obtain a Permit to Operate. If the engine is diesel fueled, then it must also comply with the BAAQMD-administered Statewide Air Toxics Control Measure for Stationary Diesel Engines.
- **BAAQMD Regulation 2, Rule 5 - New Source Review of Toxic Air Contaminants.** This rule applies to pre-construction review of new and modified sources of toxic air contaminants, contains project health risk limits, and requires Toxics Best Available Control Technology.
- **Climate Action Plan.** The CAP was adopted in July 2013 in response to mandates from the State of California intended to reduce the emission of greenhouse gases statewide, because of their contribution to global climate change. The CAP is a document that includes policies, measures, and strategies to improve the health, safety, mobility, and livability of the greater community and serves as a “qualified GHG reduction plan,” and prioritizes GHG reduction measures to comply with California environmental and land use planning laws. The CAP identifies how the City will take action consistent with the state’s goals while supporting the local economy and quality of life. The CAP is anticipated to bring the amended General Plan into compliance with regional and statewide GHG emission reduction goals, and incorporate regional reduction targets developed pursuant to Senate Bill 375 (Sustainable Communities and Climate Protection Act of 2008). The CAP contains the performance measures identified in the 2012 SEIR (City of Concord, 2013).

Additionally, select Concord General Plan Policies for Air Quality are provided below.

- Policy S-1.3.5 (now S-1.3.7): Prohibit installation of wood-burning fireplaces in new residential development, except for EPA-certified wood-burning devices, and seek grant funding for a wood-burning stove “changeout” program to encourage owners of wood-burning fireplaces in existing residences to replace them with EPA-certified devices, and prepare homeowner information handouts describing low-emission alternatives to wood-burning fireplaces.
- Policy S-1.1.3: Require project applicants to implement all feasible control measures to reduce combustion emissions from construction equipment.
- Policy S-1.1.4: Require developers on a case-by-case basis to inform future residents of any potential health impacts resulting from nearby sources of dust, toxic air contaminants (TACs), or odors, and other pollutants or air quality issues.
- Policy S-1.1.7: Require new development to comply with all applicable dust control measures promulgated by the BAAQMD for new construction.
- Policy S-1.2.4: Encourage car sharing program at new high density, mixed use developments, consistent with the Transportation Control Measures in BAAQMD’s Clean Air Plan.
- Policy S-1.2.5: Work with the school district to implement the Safe Routes to Schools Program.



- Policy S-1.2.6: Establish preferential parking provisions in the Development Code for car sharing programs.

As described in Section 3.1, the new allowable uses that the proposed project may introduce to the IMX District include a variety of activities. Air quality emissions may be associated with mobile sources or stationary sources. As relevant to the outdoor uses and activities that could be allowed under the proposed project, mobile sources may include automobiles, trucks, and construction equipment. Stationary sources typically include many aggregated point sources such as gas stations and dry cleaners that are not inventoried individually, but rather estimated by facility operators and local air districts (City of Concord, 2014a). The aforementioned mobile sources may generate air quality emissions traveling to and from the IMX District areas (for automobiles and trucks), or while temporarily operating within the IMX District areas (construction equipment). The proposed project would not introduce new permanent structural development or facilities to the IMX District areas that would have potential to generate air quality emissions and would therefore not introduce a new stationary source of emissions.

The 2012 SEIR determined the General Plan to be consistent with the Bay Area Air Quality Management District (BAAQMD) 2005 Ozone Strategy, the applicable air quality plan. The proposed project would not result in population growth, and would therefore be consistent with the Association of Bay Area Governments' (ABAG's) population projections, which formed the basis of the 2005 Ozone Strategy (the air quality attainment plan applicable at the time of analysis) (City of Concord, 2014a).

It is possible that the proposed project could increase Vehicle Miles Traveled (VMT) associated with increased use of the IMX District areas by individuals wishing to participate in new outdoor uses or activities. General Plan policies that reduce the potential for air pollution emissions, geographic distribution of land uses that encourage new growth in proximity to employment centers (thereby reducing travel distance between residences and employment areas), and the use of an Urban Limit line (also reducing travel distance) would minimize potential emissions-related impacts associated with mobile sources (City of Concord, 2014a). These include Policies S-1.2.4, S-1.2.5, and S-1.2.6, listed above.

Actions included under the proposed project would be required to comply with the General Plan goals and policies set forth to reduce air quality impacts, and would therefore be consistent with applicable air quality laws and regulations.

As discussed in Section 3.1 of this Addendum, future outdoor uses and activities within the IMX District areas are contingent upon issuance of a Use Permit, including environmental review per CEQA. Use Permits may include conditions of approval to avoid potentially adverse effects, such as but not limited to the following types of requirements: revisions on the physical nature of the proposed use; use of buffers, screening, or landscaping; maintenance requirements and/or performance measures. In addition, in order to approve a Use Permit, the City must find that "The site is physically suitable for the type, density, and intensity of the proposed use..." and that "Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood..." among other required findings.



Effects and Mitigation Measures

Potential Air Quality impacts associated with the outdoor uses and activities that could be allowed under the proposed project are consistent with the impact analysis provided in the 2012 SEIR. No new or substantially more severe effects would occur to Air Quality, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.4 BIOLOGICAL RESOURCES

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Biological Resources would be less than significant with no mitigation required.

Potential outdoor uses and activities that could be allowed under the proposed project could potentially disturb biological resource, if present. However, the existing IMX District areas are located in urbanized/industrial areas where virtually all properties are developed with structures and surface paving; biological resources are generally absent.

As discussed in the Initial Study for the 2012 SEIR, implementation of the current CDC and associated zoning changes (including establishment of the IMX District) would not result in significant impacts to Biological Resources associated with the following: Candidate, Sensitive, or Special-Status Species; Riparian Habitat or Other Sensitive Natural Community; Wetlands or Jurisdictional Features; Wildlife Movement, Corridors, Nursery Sites; Conflict with Tree Preservation Polity; and Habitat, Natural Community, or Other Conservation Plan. The allowing of outdoor uses and activities within the IMX District areas that would occur under the proposed project would not introduce new actions that could significantly affect the aforementioned areas to result in new adverse impacts to biological resources.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Biological Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.5 CULTURAL RESOURCES

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Cultural Resources would be less than significant with no mitigation required.

Potential outdoor uses and activities that could be allowed under the proposed project could result in the encountering of cultural resource if substantial ground-disturbing activities are included in approved actions (approval contingent upon issuance of a Use Permit). As



discussed in the Initial Study prepared for the 2012 SEIR, establishment of the IMX District through implementation of the CDC would not result in significant impacts to Cultural Resources associated with the following: Historic Resources; Archaeological Resources; Paleontological Resources; or Burial Sites. The IMX District areas are entirely urbanized / industrialized, and located in a previously disturbed area; the vast majority of these areas are paved/impervious, although there are some landscaped areas/buffers present. The new outdoor uses and activities that may occur within the IMX District through the proposed project would not include substantial excavation or other ground-disturbing activities that could result in the disruption or encountering of cultural resources not previously encountered through development of the IMX District areas.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Cultural Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.6 GEOLOGY/SOILS

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Geology/Soils would be less than significant with no mitigation required. Potential outdoor uses and activities that could be allowed under the proposed project would occur in areas subject to geology- and soil-related hazards, including as related to seismic events and soil stability.

The existing IMX District areas are located in a seismically active area of northern California and are subject to seismic-related hazards, including but not limited to earthquakes and fault rupture. As discussed in the Initial Study prepared for the 2012 SEIR (included as Appendix A to the 2012 SEIR), the City of Concord is bisected by the Concord fault. Portions of the City are also located within an Alquist-Priolo Earthquake Fault Zone; these are regulatory zones that encompass surface traces of active faults that have a potential for surface fault rupture. If a property located within an Alquist-Priolo Zone is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted or, if a property within an Alquist-Priolo Zone is already developed, all real estate transactions must include disclosure of the identified Earthquake Zone (CDOC, 2013). Figure 7-4 (*Geologic and Seismic Hazards*) of the 2030 General Plan indicates that the Arnold Industrial Place IMX District area is located approximately one mile to the east of the identified Alquist-Priolo Zone, and the Detroit Avenue IMX District area is located adjacent to the west of the Alquist-Priolo Zone; neither IMX District area is located within the Alquist-Priolo Zone.

Figure 7-4 of the 2030 General Plan also indicates that the west/southwest portion of the Detroit Avenue IMX District area is located in an area designating as having "High" liquefaction potential. As described in the General Plan, liquefaction occurs when unconsolidated and/or



near-saturated soils lose cohesion and convert to a fluid state as a result of strong seismic ground-shaking, potentially causing damage to infrastructure.

The CDC addresses liquefaction in two areas: Chapter 16.10 (*Grading, Erosion, and Sedimentation Control*) and Chapter 17.15 (*Major Subdivisions*). These chapters require that a geotechnical investigation which includes study of liquefaction potential is included with grading permit applications and proposed tentative tract maps. As previously described, the proposed project would not include substantial excavation or other ground-disturbing activities, and grading permits are therefore not anticipated to be necessary; however, should such activities be proposed, they would be subject to grading permit requirements and a geotechnical investigation would be conducted accordingly. Furthermore, implementation of General Plan Policies would reduce potential hazards associated with strong ground shaking and soils-related hazards (including but not limited to landslides, erosion, and unstable soils); these policies include the following: LU-1.1.1; LU-10.1.3; LU-10.1.4; POS-1.2.1; S-3.1.1; S-3.1.2; S-3.2.1; S-3.2.2; S-3.2.3; S-3.2.4; and S-3.2.5 (City of Concord, 2012b).

Outdoor uses and activities that could be allowed under the proposed project would not introduce any new permanent habitable structures, would not directly result in increased population of the area, and would not alter existing potential for the IMX districts and land uses therein to be affected by potential hazards associated with geology and soils. Compliance with the California Building Code (CBC), the CDC and General Plan Policies listed above would minimize or avoid potential adverse effects associated with Geology and Soils.

As discussed in Section 3.1 of this Addendum and mentioned above, future outdoor uses and activities within the IMX District areas are contingent upon issuance of a Use Permit, including environmental review per CEQA. Use Permits may include conditions of approval to avoid potentially adverse effects, such as but not limited to the following types of requirements: revisions on the physical nature of the proposed use; use of buffers, screening, or landscaping; maintenance requirements and/or performance measures. In addition, in order to approve a Use Permit, the City must find that "The site is physically suitable for the type, density, and intensity of the proposed use..." and that "Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood..." among other required findings.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Geology/Soils, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.7 GREENHOUSE GAS EMISSIONS

The Initial Study prepared for the 2012 SEIR determined that potential impacts associated with greenhouse gas (GHG) emissions would be potentially significant, and this issue was therefore



analyzed in the SEIR, which determined that impacts would be less than significant with mitigation measures that require performance measures incorporated into the CAP. In addition, as described in Sections 2.3, the 2014 Addendum to the 2012 SEIR assessed state greenhouse gas inventory data that was developed following certification of the 2012 SEIR, and introduced updated mitigation requirements for GHG emissions to address the CAP; the 2014 Addendum updated the 2012 SEIR and the mitigation requirements included therein are applicable to potential outdoor uses and activities in the IMX District that could occur under the proposed project. As discussed in the Air Quality analysis above, the CAP was adopted in 2013 and contains the performance measures identified in the 2012 SEIR, as updated by the 2014 Addendum (City of Concord, 2013).

Potential outdoor uses and activities that could be allowed under the proposed project could contribute to GHG emissions associated with the use of vehicles and motorized equipment. The 2012 SEIR describes GHG emissions and trends by sector in California and the San Francisco Bay Area; additionally, the 2014 Addendum identifies GHG inventory data developed since certification of the 2012 SEIR. Activities such as motor vehicle use, manufacturing, and power plant operations are generating carbon dioxide, methane, and other “greenhouse” gases faster than the earth’s atmosphere can absorb them (City of Concord, 2007). As described in Section 4.3 (Air Quality), outdoor uses and activities that could be allowed under the proposed project could potentially introduce new air quality emissions if the proposed project causes an increase Vehicle Miles Traveled (VMT) associated with increased use of the IMX District areas by individuals wishing to participate in new outdoor uses or activities. General Plan policies and air quality laws and regulations including those identified in Section 4.3 would minimize the proposed project’s potential to result in GHG emissions and impacts.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Greenhouse Gas Emissions, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.8 HAZARDS AND HAZARDOUS MATERIALS

The Initial Study prepared for the 2012 SEIR for the Approved Project determined that impacts to Hazards and Hazardous Materials would be less than significant with no mitigation required. The proposed project would introduce outdoor uses and activities to the IMX District, where such uses are currently prohibited. As discussed in Section 3 of this Addendum, such outdoor uses and activities may include the increased use or presence of vehicles and equipment in the IMX District areas, which could subsequently increase the use of potentially hazardous materials such as vehicle fuels and lubricants.

The CDC Table 18.50.020 specifies that “Heavy Industry” uses are not permitted within the IMX District; as such, the storage of hazardous materials would not occur as a result of the proposed project. CDC Table 18.50.020 also specifies that the storage of hazardous materials and vehicles



are not permitted within the IMX District. These restrictions would not be altered by the proposed project to allow outdoor uses and activities (contingent upon issuance of a Use Permit).

Compliance with the CDC, including but not limited to the restriction of hazardous materials storage specified in Table 18.50.020, as well as implementation of General Plan Policies, would reduce potential impacts associated with Hazards and Hazardous Materials. Applicable General Plan policies include the following: LU-7.2.4; T-1.1.8; S-5.1.1; S-5.1.2; S-5.1.3; PF-1.5.3 (City of Concord, 2012b). Existing regulations, such as those associated with the California Division of Occupational Safety and Health (OSHA) and state and local regulations pertaining to use, storage and transport of hazardous materials, would also continue to apply.

Additionally, as discussed in Section 3 of this Addendum and mentioned above, future outdoor uses and activities within the IMX District areas are contingent upon issuance of a Use Permit, including environmental review per CEQA. Use Permits may include conditions of approval to avoid potentially adverse effects, such as but not limited to the following types of requirements: revisions on the physical nature of the proposed use; use of buffers, screening, or landscaping; maintenance requirements and/or performance measures. In order to approve a Use Permit, the City must find that “The site is physically suitable for the type, density, and intensity of the proposed use...” and that “Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood...” among other required findings.

Effects and Mitigation Measures

No new or substantially more severe effects would occur related to Hazards and Hazardous Materials, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.9 HYDROLOGY / WATER QUALITY

The Initial Study prepared for the 2012 SEIR for the Approved Project determined that impacts to Hydrology / Water Quality would be less than significant with no mitigation required.

The existing IMX District areas are industrial areas that are largely developed with commercial and industrial buildings and paved parking lots. Because these areas are almost entirely covered in impervious surfaces, allowing outdoor uses and activities in the IMX District areas would not alter existing drainage patterns, and would not alter the course of any stream or river (including the existing drainage channel along the western border of the Detroit Avenue IMX District area, north of Whitman Avenue, and the channelized branch of Walnut Creek that also runs through this area). Substantial ground-disturbing activities are not anticipated to occur with allowable outdoor uses and activities, and associated potential for erosion and sedimentation would also be generally avoided as excavation would not generally be required. Additionally, as described in Section 4.8, the storage of hazardous materials is not permitted



within the IMX District; associated potential for water quality degradation to occur as a result of an accidental spill would also be avoided.

As described in Section 4.6, the IMX District areas and surrounding areas are located in a seismically active area; if a very large offshore seismic event were to occur, however, the IMX District areas would not be subject to inundation by tsunami from the Pacific Ocean due to the intervening distance of approximately 30 miles. The proposed project would have not result in new or substantially more severe impacts associated with flooding or inundation.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Hydrology and Water Quality, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.10 LAND USE / PLANNING

The Initial Study prepared for the 2012 SEIR determined that impacts to Land Use / Planning would be less than significant with no mitigation required.

As previously discussed, the proposed project would amend the CDC (as addressed in the 2012 SEIR) to allow outdoor uses and activities, contingent upon the issuance of a Use Permit. Allowing outdoor uses and activities within the IMX District would not divide an established community, conflict with applicable plans/policies/regulations, or conflict with a habitat conservation plan. The introduction of outdoor uses and activities to the IMX District would not conflict with the General Plan IMU designation.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Land Use and Planning, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.11 MINERAL RESOURCES

The Initial Study prepared for the 2012 SEIR determined that no impacts to Mineral Resources would occur. As described in the Initial Study provided as Appendix A of the 2012 SEIR, development under the General Plan could restrict the development of mineral resources, and/or access to existing mineral and aggregate resources throughout the City of Concord. The General Plan identifies several policies to preserve and maintain access and availability to mineral resources, including Policies POS-3.5.1, POS-3.5.3, and POS-3.5.4. However, the



allowance of outdoor uses and activities in the IMX District would not increase new permanent development or roadways, and would introduce no potential to adversely affect Mineral Resources. No impact to Mineral Resources would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Mineral Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.12 NOISE

The Initial Study prepared for the 2012 SEIR determined that impacts related to Noise would be potentially significant, and this issue was therefore analyzed in the SEIR, which determined that impacts would be less than significant with no mitigation measures required, as compliance with General Plan Policies would reduce or avoid potentially adverse impacts of CDC implementation related to noise. Outdoor uses and activities that could be allowed under the proposed project could introduce new noise sources within the IMX District areas, as assessed in this section.

The primary noise sources in the IMX District areas and surrounding areas are associated with traffic, as studied in detail in the 2012 SEIR (*Appendix B, Noise Modeling Output*). As previously described, the Detroit Avenue IMX District area is bordered to the east by a railroad, and the Arnold Industrial Place IMX District area is bordered to the north by a highway; both areas are also surrounded by existing residential and other land uses with associated traffic noises. Noise was not addressed in the 2014 Addendum because it was determined that potential noise sources and characteristics associated with the Specific Plan studied in that Addendum were effectively characterized in the 2012 SEIR and the General Plan EIR. Outdoor uses and activities in the IMX District would be subject to the existing noise ordinances detailed in the CDC, as analyzed by the 2012 SEIR.

As discussed in Section 3.1 of this Addendum, Chapter 18.150 (*General Development Standards*) of the CDC addresses development standards associated with the details of site planning and project design; within this chapter, Section 18.150.130 (*Performance Standards*) of the CDC stipulates that all noise emanating from a subject site must comply with the noise standards in the General Plan Safety and Noise Element, and that an acoustic study may be required for the introduction of any new noise sources/exposure that exceeds levels deemed normally acceptable by the General Plan. Certain uses are exempt from these requirements, including Emergency Warnings and Temporary Uses such as fairs, festivals, and community events. Any future outdoor uses and activities proposed within the IMX District areas as a result of the proposed project would be subject to issuance of a Use Permit; in considering Use Permit applications, consistency with General Plan requirements will be considered, including as related to noise, and project modifications may be required as conditions of approval in order to ensure that neighboring residential uses aren't adversely affected by increased noise levels. In



addition, in order to approve a Use Permit, the City must find that “The site is physically suitable for the type, density, and intensity of the proposed use...” and that “Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood...” among other required findings.

Noise level (volume) is typically measured in decibels (dB) using the A-weighted sound pressure level (dBA). Quiet suburban areas typically have noise levels in the range of 40 to 50 dBA, while arterial streets are in the range of 50 to 60 dBA or more. Normal conversational levels are in the 60 to 65 dBA range, while ambient noise levels greater than 65 dBA can be disruptive to normal-level conversations. (FTA, 2006)

As described in the General Plan, noise produced by existing industry in the City of Concord has a negligible effect on the City’s residential environment, and primary noise sources within the City are associated with aircraft activity and rail transportation. The General Plan further provides the following description of how changes in noise levels can be perceived:

- Except under special conditions, a change in sound level of 1 dB cannot be perceived;
- A 3-dB change is considered a just noticeable difference;
- A 5-dB change is required before any noticeable change in community response would be expected;
- A 5-dB increase is often considered a significant impact; and
- A 10-dB increase is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response (City of Concord, 2007).

As mentioned, the CDC specifies that all land uses shall comply with the noise standards included in the General Plan Safety and Noise Element (Chapter 7). Policy S-2.1.1 specifies that the community noise level exposure standards provided in Figure 7-8 (*Land Use Compatibility for Community Noise Environments*) of the General Plan should be used as criteria for evaluating new land uses. The outdoor uses and activities that could be allowed under the proposed project would not increase development intensity or introduce new permanent structures, but would allow outdoor uses pending issuance of a Use Permit. As indicated in the General Plan Figure 7-8, within Industrial and Manufacturing areas, noise levels of up to 75 dBA are considered “normally acceptable”, while noise levels between 75 and 80 dBA are “conditionally acceptable,” and noise levels over 80 dBA are “normally unacceptable.” New construction or development that would generate noise over 80 dBA may be permitted with the use of noise reduction methodologies and noise insulation features (City of Concord, 2007).

The outdoor uses and activities that could be allowed under the proposed project would not increase development density or cause the relocation of existing uses to areas where they may be exposed to more intense noise levels or durations, such as but not limited to an Airport Overlay District. However, outdoor uses and activities that could be allowed within the IMX District could introduce noise types and levels that do not currently occur outdoors in the IMX District areas. New types of noises associated with outdoor uses and activities may include but are not limited to the following:

- Voices from groups of people or individuals;
- Voice projection through a speaker or other amplification device;



- Use of generators and other types of engines for power;
- Vehicles and equipment idling on-site;
- Use of mechanical equipment and hand-held power tools;
- Barking from dogs in kennels or play areas.

The Federal Highway Administration (FHWA) provides estimates of noise levels associated with specific types of equipment and machinery, some of which could be associated with outdoor uses and activities that could be allowed under the proposed project. The table below shows typical noise levels associated with various commonly used pieces of equipment and tools, including generators which are anticipated to be involved in some outdoor uses and activities that may occur with the proposed project.

**Table 1
 Typical Noise Levels Generated by
 Vehicles and Equipment**

Typical dBA*	Equipment	Type
81	Air Compressor	Stationary
83	Compactor (ground)	Mobile
76	Dump Truck	Mobile
74	Flat Bed Truck	Mobile
81	Generator	Stationary
75	Pickup Truck	Mobile
85	Pneumatic Tools	Stationary
70	Saw	Stationary
83	Warning Horn	Stationary
74	Welder/Torch	Stationary

*Source: FHWA, 2011.
 * Typical Lmax (dBA) 50 feet from the Source*

Table 1 shows that typical peak noise levels associated with various types of heavy equipment can range from about 70 to 89 dBA at 50 feet from the source (FHWA, 2006). It is anticipated that outdoor uses added to the IMX District would not introduce a new constant noise level, but rather would introduce occasionally elevated noise levels, such as the use of generators (81 dBA), air compressors (81 dBA) or welder/torches (74 dBA). Some of these new noises could be higher than the “normally unacceptable” level of 80 dBA described above Table 1; however, it is important to note that the IMX District areas already generate some level of industrial noises associated with light manufacturing, trucks and other heavy equipment use and loading, and that these areas are zoned to accommodate such uses and associated noises. Additionally, as described in the CDC and the General Plan, new construction or development that would generate noise over 80 dBA may be permitted with the use of noise reduction methodologies and noise insulation features (City of Concord, 2007).

General Plan Policy S-2.2.1 (Provide for the mitigation of noise exposure in areas of the City exposed to noise levels in excess of the “normally acceptable” standards to the extent feasible) and General Plan Policy S-2.2.2 (Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities) require the



mitigation of excess noise, such as through the use of insulation devices. As mentioned above, any outdoor uses or activities occurring in the IMX District areas are subject to the issuance of a Use Permit, and would be subject to these requirements. The City would consider proposed outdoor uses/activities in comparison with General Plan Policies, in order to determine whether the design, location, size, and operating characteristics of the proposed activity would be compatible with existing and future land uses in the vicinity, or whether proposed Use Permits would require conditions of approval in order to achieve this compatibility. As discussed in Section 3.1, granting a Use Permit must not be “detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located;” as applicable to potential noise-related impacts, this means that future outdoor uses and activities authorized by Use Permit approvals in the IMX District areas would not result in unacceptable noise levels.

Sensitive noise receptors in the vicinity of the IMX District areas primarily include residential developments. There is also an elementary school adjacent to the Detroit Avenue IMX District area. For the most part, residential units are separated from the IMX District areas by existing shrubs, walls, and/or roadways. In addition, the Ygnacio Valley Elementary School is laid out so that the classrooms and other school structures are on the opposite side of the school property as the side that borders the Detroit Avenue IMX District area, so that the school’s athletic fields are adjacent to this IMX District area. As described in the General Plan, common practice dictates that maximum noise levels of 60 dB are considered “normally acceptable” for unshielded residential development, while noise levels ranging from 60 dB to 70 dB fall within the “conditionally unacceptable” range, and those in the 70 dB to 75 dB range are considered “normally unacceptable” (City of Concord, 2007). It is possible that noise generation in the IMX District could occasionally exceed the “normally unacceptable” levels for unshielded residential development. However, it is important to note that noise levels typically attenuate (i.e., drop off) at a rate of 6 dBA per doubling of distance from point sources (i.e., stationary industrial machinery) (FTA, 2006). Additionally, due to the non-continuous nature of project-related noise and the implementation of noise-reduction features where needed, contingent upon issuance of required Use Permits, surrounding residential areas are not expected to be affected by noise associated with outdoor uses and activities in the IMX District.

Section 3.3 of the 2012 SEIR addresses the potential noise of development and land use activities associated with the Concord Development Code Project, which would be amended by this proposed project to allow certain outdoor uses and activities in the IMX District. The 2012 SEIR addresses potential impacts of the CDC on neighborhood and residential uses, with regards to noise generation, and describes that sensitive noise receptors may be exposed to noise levels which exceed the “normally acceptable” level associated with temporary construction sources; the 2012 SEIR determines that compliance with General Plan Policy S-2.2.6 would ensure that such occurrences would not result in significant impacts, due to the implementation of project-specific restriction of noise-generating activities. Similarly, implementation of the proposed project would include compliance with General Plan Policies to minimize or avoid the potential for adverse noise-related impacts, including the following: LU-1.1.5, LU-10.1.6, S-2.1.1, S-2.1.2, S-2.1.3, S-2.1.4, S-2.1.5, S-2.2, S-2.2.1, S-2.2.2, S-2.2.3, S-2.2.4, S-2.2.5, S-2.2.6. The 2014 Addendum to the 2012 SEIR also relies on General Plan Policies to reduce or avoid noise-related impacts, and no new noise impacts are identified.



Effects and Mitigation Measures

No new or substantially more severe effects would occur to Noise, and no new mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.13 POPULATION / HOUSING

The Initial Study prepared for the 2012 SEIR determined that impacts to Population / Housing would be less than significant with no mitigation required. The outdoor uses and activities that could be allowed under the proposed project could potentially result in an incremental increase in employment opportunities, if outdoor uses and activities approved through Use Permits require an increased number of employees than currently work in the IMX District areas, or if a different type of work becomes available or necessary as a result of proposed outdoor uses and activities. This potential increase in employment opportunities would be limited, and likely filled by local residents, such that a substantial increase in population would not occur as a result of the proposed project. Because an increased population is not expected to occur as a result of the proposed project, an increase in housing needs is also not anticipated to occur. Furthermore, residential uses in the IMX District areas and vicinity are limited in nature, consisting of mixed-use and live-work projects; allowing outdoor uses and activities to occur in the IMX District would not spur residential development. Therefore, outdoor uses and activities that could be allowed under the proposed project would not directly or indirectly increase population or residential density and would not displace housing or residents. No impact to population and housing would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur related to Population and Housing, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.14 PUBLIC SERVICES

The Initial Study prepared for the 2012 SEIR determined that potential impacts associated with Public Services would be less than significant with no mitigation required, where "Public Services" includes fire protection, police protection, schools, and parks. The SEIR also includes a "Public Services and Utilities" analysis (SEIR Section 3.4), which addresses water supply reliability. The 2014 Addendum to the SEIR includes analysis of water supply reliability using updated County water supply data that was not available at the time of preparation of the 2012 SEIR. Water supply reliability relevant to the current proposed project analyzed in this addendum is discussed in Section 3.16 (Utilities). Potential outdoor uses and activities that



could be allowed under the proposed project could introduce new or increased needs for public services (fire protection, police protection, schools, and parks), as discussed below.

Compliance with existing City ordinances would ensure the outdoor uses and activities introduced under this proposed project would not increase demand for public services.

Fire and Police Protection. General Plan Policies GM-7.2.1 and GM-7.2.2 of the Growth Management Element require new development to pay its fair share for fire and police services respectively; however, the outdoor uses and activities that could be allowed under the proposed project would not introduce new development, but rather would introduce the possibility of new outdoor uses/activities within an existing developed area. Fire protection to the IMX District and the City of Concord as a whole is provided by the Contra Costa County Fire Department. Chapter 15.65 (Fire Code) of the CDC, Section 15.65.020 describes that sufficient fire and police protection to the area will be provided.

Schools. The outdoor uses and activities that could be allowed under the proposed project would not introduce new development to the area and would not directly or indirectly increase the need for schools in the area, or otherwise affect school capacity.

Parks. Outdoor uses and activities that could be introduced to the IMX District under the proposed project may offer activities or facilities similar to those that may be currently available at local parks and recreation facilities; this would not directly or indirectly increase the need for parks and recreation facilities in the area, and no impact would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Public Services, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.15 RECREATION

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Recreation would be less than significant with no mitigation required. It is possible that allowing outdoor uses and activities to occur in areas where they are not currently allowed, as may occur under the proposed project, may increase recreational opportunities in the IMX District (pending Use Permit to be issued by the Planning Commission). It is anticipated that the proposed project could result in positive impacts to recreation. The proposed project would not increase the use of existing recreational facilities or require the construction of new facilities.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Recreation, and no new or revised mitigation measures are necessary.



Conclusion

No Impact (Less than Approved Project)

4.16 TRANSPORTATION / TRAFFIC

The Initial Study prepared for the 2012 SEIR for the Approved Project determined that potential impacts to Transportation/Traffic would be potentially significant, and this issue was therefore analyzed in the SEIR, which determined that impacts would be significant and unavoidable even with the implementation of General Plan policies and mitigation measures to improve circulation and service levels throughout the City. Potential outdoor uses and activities that could be allowed under the proposed project could result in increases to existing traffic levels to and from the IMX District areas, as well as within the IMX District areas.

The 2014 Addendum to the 2012 SEIR includes an updated traffic analysis to replace the 2012 SEIR traffic analysis specifically where it applies to the Central Business District (CBD) in the City of Concord. The existing IMX District areas are not located in the CBD and therefore, the existing traffic analysis included in the 2012 SEIR is applicable. As described, Transportation/Traffic was one of the five environmental issue areas assessed in detail in the 2012 SEIR.

As described in the 2012 SEIR, implementation of the General Plan would contribute to substandard freeway segment operations during the peak hours along I-680, [State Route] SR-242, and SR-4, and no viable mitigation measures were identified to effectively avoid significant impacts (City of Concord, 2007). The outdoor uses and activities that could be allowed under the proposed project would not increase the population or substantially increase the employment density of the IMX District areas and would not have direct adverse effects on substandard freeway segment operations. It is possible that the availability of outdoor uses and activities within the IMX District areas could increase individual vehicle travel to and from the IMX District areas; however, this is not expected to exacerbate traffic on area freeways, as outdoor uses and activities are currently available throughout the Concord Planning Area, and the outdoor uses and activities that could be allowed under the proposed project would not draw substantial additional traffic from out of the area.

As described in Section 3, roadways in the vicinity of the Detroit Avenue IMX District area include Whitman Road and Detroit Avenue, while the Arnold Industrial Place IMX District area is bordered by Arnold Industrial Place and Peralta Road. The traffic analysis provided in the 2012 SEIR indicates that the Level of Service (LOS) on Detroit Avenue north of Montgomery Boulevard would be D under baseline and General Plan build-out conditions, and F under cumulative conditions (this is the closest traffic-monitored point for either IMX District area). LOS-D indicates conditions approaching unstable or tolerable delays, where small increases in flow may cause substantial increases in delay and decreases in travel speed, while LOS-F indicates conditions with forced flow or excessive delays, where congestion, high delays, and extensive queuing occur at critical signalized intersection with urban street flow at extremely low speeds. (City of Concord, 2012b)



Any increase in traffic on area roadways resulting from the availability of outdoor uses and activities within the IMX District would have the potential to contribute to traffic congestion conditions such as those described above. As with the proposed project's potential to increase traffic on area freeways, the outdoor uses and activities that could be allowed under the proposed project are also not anticipated to substantially increase traffic on area roadways because, as described above, outdoor uses and activities are currently available throughout the Concord Planning Area, and the proposed project would not draw substantial additional traffic from out of the area. It is possible that traffic on area roadways could redistribute on a local level, as participants in the outdoor uses and activities that could occur with the proposed project travel in vehicles to and from the IMX District areas. Depending upon the types of outdoor uses and activities that are permitted to occur in the IMX District areas (contingent upon issuance of Use Permits including traffic analysis), such redistribution of local traffic could occur throughout the day, and on a variety of roadways. However, because the proposed project is not expected to draw substantial additional traffic from out of the area, potential traffic associated with outdoor uses and activities that could occur under the proposed IMX revisions would not be significant and unavoidable. In addition, numerous General Plan Policies would help to alleviate traffic congestion by maintaining high-quality streets, promoting transportation options, and facilitating different types of transportation availability.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Transportation / Traffic, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)

4.16 UTILITIES / SERVICE SYSTEMS

The Initial Study prepared for the 2012 SEIR determined that impacts to Utilities / Service Systems would be less than significant with no mitigation required, where "Public Services" include water, waste water, and storm drainage. As discussed in Section 4.14 (Public Services), the analysis of water supply reliability included in the SEIR was updated by the 2014 Addendum to the SEIR, incorporating new County water supply data to assess water supply reliability and availability over the long-term, with consideration to varied climatic (drought) conditions; water supply reliability determinations in the 2014 Addendum are discussed below, as relevant to the proposed project.

Potential outdoor uses and activities that could be allowed under the proposed project would not introduce a new source of wastewater or wastewater treatment requirements, and would not generate surface runoff that could not be accommodated by existing stormwater drainage facilities. Potential new solid waste generated by new outdoor uses and activities would be accommodated by existing solid waste disposal facilities, as studied in the 2012 SEIR.

Outdoor uses and activities may introduce a new water supply requirement, and would be served by the Contra Costa Water District (CCWD), which serves the City of Concord with



water provided almost entirely by the Sacramento/San Joaquin Delta and the United States Bureau of Reclamation's Central Valley Project (CVP). The 2014 Addendum included updated information on water supply availability and reliability, based on projections included in the updated Urban Water Management Plan (UWMP) for the area. The 2014 Addendum makes the following determination about water supply availability and reliability in the CCWD area: *"The supply and demand forecasts indicated that near-term demands can be met under all supply conditions, except in the latter years of a multi-year drought where short-term water purchases or voluntary short-term conservation of up to nine (9) percent (versus seven percent indicated in the SEIR) would be considered to meet demands. Future water demands will be achieved through implementation of the CCWD's Future Water Supply Study, which identifies alternative ways of meeting future water demand for the next 50 years."* (City of Concord, 2014). It is possible that the outdoor uses and activities that could be allowed under the proposed project may introduce new residents or businesses to the district, if businesses with outdoor uses/activities that formerly could not locate here might now do so, and it is possible that should such relocations occur, a new or increased water demand associated with the IMX District could also occur. However, with the water supply availability projections identified in the 2014 Addendum, including implementation of CCWD's Future Water Supply Study, water supply would be reliably provided under normal-year and drought-year conditions. Additionally, the following General Plan Policies would minimize or avoid potential effects associated with water supply: PF-1.1.1 (*Coordinate with the Contra Costa Water District (CCWD) to provide an adequate and safe water supply*) and PF-1.1.2 (*Encourage water conservation through City programs and cooperation with the CCWD*).

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Utilities / Service Systems, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant (Less than Approved Project)



5.0 CONCLUSION

As discussed in detail in the preceding sections, potential impacts associated with the outdoor uses and activities that could be allowed under the proposed project are consistent with potential impacts characterized and mitigated in the 2012 SEIR. Substantive revisions to the 2012 SEIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the outdoor uses and activities that could be allowed under the proposed project. Therefore, the following determinations have been found to be applicable:

- No further evaluation of environmental impacts is required for the proposed project;
- No Subsequent EIR is necessary per CEQA Guidelines Section 15162; and
- This Addendum is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15164.

Pursuant to CEQA Guidelines Section 15164(c), this Addendum will be included in the public record for the 2012 SEIR to the General Plan EIR. The Concord Development Code is available on the City's website at <http://www.codepublishing.com/ca/concord/>.

5.1 DECISION NOT TO PREPARE SUBSEQUENT EIR

As outlined in CEQA Guidelines Section 15164 (*Addendum to an EIR or Negative Declaration*) of the State CEQA Guidelines, a Lead Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. As discussed in detail in the following impact analysis, the proposed IMX District revisions are consistent with the 2012 SEIR, which revised the General Plan to include the current CDC. Also as discussed in the impact analysis, mitigation measures identified in the 2012 SEIR are applicable to potential uses and actions associated with the outdoor uses and activities that could be allowed under the proposed project, and specific mitigation measures from the 2012 SEIR are discussed below where applicable.

As demonstrated by the analysis in Section 4 of this Addendum, the outdoor uses and activities that could be allowed under the proposed project would not introduce any new significant environmental impacts beyond those which have already been identified and characterized in the 2012 SEIR, and none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred would occur as a result of the proposed project. Therefore, this Addendum to the 2012 SEIR is consistent with CEQA, and this Addendum is the appropriate level of environmental documentation to provide under CEQA. This Addendum will be considered by the City of Concord in making a decision on the proposed project.



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REPORT TO PLANNING COMMISSION

DATE: June 17, 2015

SUBJECT: WEST CONCORD MIXED USE TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL15132-DC)

Recommendation: Adopt Resolution No. 15-07 PC recommending City Council approval and adoption of an Addendum to the 2012 SEIR for the West Concord Mixed Use Text Amendment to the Development Code, and adoption of the West Concord Mixed Use Text Amendment to the Development Code.

I. Introduction

The Planning Commission is being asked to review, discuss, and consider adopting Resolution No. 15-07 PC recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the West Concord Mixed Use Text Amendment to the Development Code, and adoption of the West Concord Mixed Use Text Amendment to the Development Code. That resolution is attached to this staff report as Exhibit B and incorporated by reference.

II. Background

Planning staff has prepared the proposed West Concord Mixed Use Text Amendment to the Development Code (“Amendment”) which is attached hereto as Exhibit A in order to bring the Development Code into alignment with the 2030 Urban Area General Plan (“General Plan”). Pursuant to the City’s General Plan, the West Concord Mixed Use (WCMU) land use designation is intended to allow a mix of office and commercial development, “including such uses as new auto dealers, hotels, restaurants, and showroom/warehouses. Public /quasi-public uses are allowed...[and] a campus-like office environment.” Certain industrial land uses, such as sales and service of building materials, recycling centers, and cabinetry fabrication, are inconsistent with this description. Staff proposes those uses be removed from the West Concord Mixed Use (WMX) zoning district because they do not conform to the WMX purpose statement under the Development Code or the uses envisioned for the WCMU land use designation under the General Plan.

The City Council adopted a new Chapter 122 of the Concord Municipal Code, known as the “Development Code”, which became effective on August 23, 2012. The intent of the Development Code was that it be an up-to-date, user-friendly document. Due to the size and scale of the project, it was expected that a number of amendments would be needed during the initial phases of implementation. Since adoption of the Development Code, City staff has undertaken several “clean-up” amendments. Those amendments were reviewed by both the Planning Commission and the City Council, and ultimately adopted by the City Council at several hearings from 2012 through 2014.

The current proposed amendment to remove certain industrial activities will ensure consistency between the General Plan (WCMU land use designation) and the Development Code (WMX zoning district).

Concurrently, but as a separate agenda item, staff is proposing to amend the Industrial Mixed Use (IMX) zoning district to allow outdoor activities, facilities or storage with approval of a Use Permit. In effect, the IMX uses will be expanded to allow for outdoor facilities, storage, or activities that are more appropriate in this industrial zone, and WMX will allow only uses that fit with the character of the WMX zoning district. Overall, this will enhance the economic vitality of the City by creating a better fit for businesses within the WMX and IMX districts, while allowing for additional business opportunities in the IMX District.

III. California Environmental Quality Act (CEQA)¹

Staff believes 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...”

In the interest of transparency, however the City of Concord (with the assistance of Rincon Consultants, Inc.) has also prepared an Addendum to the 2012 SEIR² dated June 2015 (“Addendum”), attached to Exhibit B as Attachment 2 and hereby incorporated by reference. CEQA recognizes that between the date an environmental document is completed and the date a project is fully implemented, a change may occur that affects the environmental document; this could include one or more of the following: the project may change; the environmental setting in which the project occurs may change; laws, regulations, or policies may change; and/or previously unknown information may become available. CEQA requires a project’s lead agency to evaluate these changes before proceeding with a project, in order to determine whether they may affect the conclusions of the environmental document. CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a proposed project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines that certain conditions have occurred, based on substantial evidence and in light of the whole record. CEQA Guidelines Section 15164 states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 have occurred.

The Addendum evaluates potential environmental impacts that could result from the Amendment, and considers potential impacts in comparison with the revised 2012 SEIR, to determine whether impacts associated with the Amendment are consistent with the impact analysis provided in the 2012 SEIR, and whether additional mitigation measures are required to minimize or avoid potential impacts. As discussed in detail in the Addendum, potential impacts associated with the Amendment are consistent with potential impacts characterized and mitigated in the 2012 Final SEIR. Substantive revisions to the 2012 Final SEIR are not necessary because no new significant impacts or

¹ 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”).

² The Development Code was adopted after undergoing through environmental review. Specifically, on April 11, 2012 the City of Concord (with the assistance of Michael Brandman Associates) prepared a Concord Development Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program, and adopted the Findings of Fact and Statement of Overriding Considerations (collectively, the “2012 SEIR”), prepared and circulated in accordance with CEQA.

impacts of substantially greater severity than previously described would occur as a result of the Amendment. Therefore, the following determinations have been found to be applicable:

- No further evaluation of environmental impacts is required for the proposed project;
- No subsequent EIR is necessary per CEQA Guidelines Section 15162; and
- This Addendum is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15164.

The Development Code is a policy document that does not commit the City to any specific project. The City will review new development at a project level to conduct the appropriate level of environmental review, as required by CEQA.

IV. Discussion

The following section discusses the recommended changes to certain Development Code provisions regulating the WMX zoning district, as well as related General Plan inconsistencies. Such changes are in the form of the proposed Amendment, attached as Exhibit A to this staff report. These changes will prohibit the establishment of certain new industrial land uses in the WMX zone. Existing businesses of that type currently operating in the WMX will become legal non-conforming land uses. They will be allowed to continue operation, but will not be allowed to expand or enlarge their facilities.

Table 18.45.020 Downtown Districts - Allowed Uses and Permit Requirements. In the Table 18.45.020 of allowed uses in Downtown Districts, three land use classifications will no longer be permitted, and one will have an added qualification; those items are listed below in the order they appear in the proposed Amendment:

- *Building Materials Sales and Services with no outdoor storage* will change from a land use that is permitted with a Zoning Clearance to not permitted. *Building Materials Sales and Services with outdoor storage* is changed from requiring a Use Permit to not permitted. CDC 18.200.160. *Outdoor sales and displays* will be deleted.
- Under *Contractors, Special Trade - Cabinet Shop* will change from requiring a Zoning Clearance to not permitted.
- Under *Recycling Facilities, a Small Collection Facility* will change from requiring an Administrative Permit to not permitted.
- Under *Manufacturing, Processing, the Artisan/Custom Product* will still be permitted with a Zoning Clearance, but no outdoor storage or outdoor activities will be allowed.

Additional minor corrections are shown in Exhibit A.

Development Code, Chapter 18.20 General Terms, Article I, 18.20.020 Use classifications.

This section under General Terms is proposed to be amended as follows;

“Building materials sales and services” means
an indoor or outdoor establishment selling cabinetry,

fixtures, flooring, glass, lumber, paint, wallpaper, and other building materials, plants and landscaping materials including rock, stone, and masonry products to the general public. ~~Includes stores with indoor service areas.~~ Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesaling, distribution.” Does not include large format retail home stores in buildings over 80,000 square feet (see “Big box” under “Retail Sales”), nor show room stores with contractor sales and assembly, which are classified as “Warehouse show room with assembly and sales” under “Manufacturing, processing.”
Contractors, Special Trade.

“Cabinet shop” means a facility that provides ~~indoor and outdoor~~ carpentry workspace, as well as areas where finished products are sold.

V. Analysis

The purpose of the Development Code is to implement the policies of the General Plan, including fostering harmonious and workable relationships among land uses. (Development Code Section 18.10.020.) As such, the General Plan prevails over any conflicting language in the Development Code. (Development Code Section 18.10.040.B.)

City staff has identified inconsistencies between the Development Code’s WMX zoning district land use table, the stated purpose of that zoning district, and the General Plan’s vision for the WCMU land use designation. Staff proposes to correct such inconsistencies via the Amendment.

Development Code Section 18.45.010 defines WMX – West Concord Mixed Use as follows:

The WMX district is applied to the area between Highway 242, south of Concord Avenue and the Walnut Creek Channel, south of Concord, and areas of the city appropriate for a mix of schools, commercial, office, retail, multi-tenant office/warehouses, and institutional development at up to 4.0 FAR. The WMX district allows new automobile dealers, shopping centers, hotels, restaurants, office buildings and multi-tenant commercial spaces, including contractor showrooms and storage uses when located entirely within a building and public/quasi-public uses. The WMX district does not allow residential uses. The WMX district is consistent with and implements the West Concord mixed-use (WCMU) land use designation of the general plan.

The General Plan identifies the City’s vision for the West Concord Mixed Use (WCMU) zoning designation:

This designation is intended for use in the area generally located between the I-680 and Highway 242 freeways, south of Concord Avenue. It allows for a mix of office and commercial development, including such uses as new auto dealers, hotels, restaurants, and showroom/warehouses. Public/ quasi-public uses also are allowed. Residential development is not allowed in this mixed-use category, as it is intended to create a campus-like office environment. The maximum FAR is 4.0.

The General Plan also designates the WCMU area as an Employment District in Central Concord, which is typically characterized by low to high rise office, technology and other job generating land uses. In the General Plan, Policy LU-5.1.3 calls for: Provide sites for professional, administrative, and headquarters office space in Central Concord and other transit-oriented development (TOD) locations.

Because of the WMX/WCMU location, visitors to Concord necessarily form their first impressions of the City when exiting either I-680 or Highway 242. Those freeways afford Concord visitors efficient access to Concord's downtown streets and shopping areas. Given that gateway location, a number of hotel, restaurant, and office uses have located in the area. Neither the General Plan nor the Development Code vision for WMX includes certain industrial uses. Certain industrial uses such as building materials and services, cabinet shops, and recycling centers are incompatible with surrounding businesses, and would diminish the perception of that area as an economically viable and attractive location for the types of businesses and job generation the City envisions. It appears that the tables of permitted uses for the WMX district erroneously included "building materials sales and services" and other industrial uses, including recycling centers, and cabinet shop, which are inconsistent with that vision and the General Plan.

The use classification of "Building Materials, sales and services" means an indoor or outdoor establishment selling cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, and other building materials, plants and landscaping material including rock, stone and masonry products to the general public. While outdoor storage is addressed, outdoor activities are not.³ This type of use would generate noise and dust from cutting of lumber, stone, and masonry materials (whether associated with indoor or outdoor storage or activities) on a daily basis. In addition, a large volume of truck and vehicular traffic associated with pick up and delivery of building materials would occur – both at and around the site. The visual appearance of building and accessory structures is typically of an industrial nature, and the necessary functions of the use make it difficult to ensure a visual

³ The Development Code contains other irregularities that will need to be addressed. For example:

-- The Development Code contains "outdoor storage" and "outdoor storage/activities" definitions which are not necessarily be consistent among use classifications. Staff feels that the Development Code would benefit from consistent definitions, clarification as to whether and what types of outdoor storage and/or activities are appropriate for the type of use or zoning district, and a reevaluation of the level of review needed.

-- The Development Code currently contains a "Manufacturing, processing" use classification which lists "Artisan/custom product", "Industry, heavy", "With no outdoor storage/activities", "With outdoor storage/activities", "Warehouse show room with assembly and sales", and "Artisan/custom product" as separate uses within that category. Staff feels that the two outdoor storage/activities items are use characteristics rather than use types in and of themselves.

-- Staff feels that it may be beneficial to create an "Industry, light" category under the "Manufacturing, processing" use classification and place "Building Materials, sales and services", "Cabinet shop", and "Artisan/custom product" within that category, with "Warehouse show room with assembly and sales" classified under a different use category. Staff intends to review those issues on a City-wide basis and consider proposing Development Code amendments to address items of concern.

appearance consistent with surrounding non-industrial uses. Based on land use characteristics, “Building Materials, sales and services” uses are incompatible with the surrounding hotel, restaurant and office uses. Moreover, the “Building Materials, sales and services use” use classification expressly states that the use excludes show room stores with contractor sales and assembly. By that definition, building materials sales and services is not one of the uses contemplated under the General Plan or the Development Code vision.

A “Cabinet shop” use falls under the “Contractors, Special Trade” use classification and means a facility that provides indoor and outdoor carpentry workspace, as well as areas where finished products are sold. At present, cabinet shops are allowed in the WMX district subject to a Zoning Clearance. With respect to outdoor storage and activities, construction of cabinetry and related activities would generate noise and dust particles throughout the day. Even if limited to indoor activities, a cabinet shop use would raise concerns similar to those discussed above in connection with the “building materials sales and services” use, and is seen as an industrial activity that would not fit with the character of the WMX District.

The Development Code currently allows “small collection facilities “(a subset of “Recycling Facilities”⁴) in WMX subject to an administrative permit: “Small collection facility” means a facility that occupies less than 500 square feet and may include a mobile unit, single and bulk reverse vending machines, kiosk-type units that may include permanent structures, and unattended containers placed for the donation of recyclable materials. These recycling facilities include drop off, collection and processing of recyclable materials that requires sorting, crushing, and grinding of metals, plastics, or e-waste. These activities are not administrative or professional office uses, nor retail, warehouse or showroom uses, and raise noise, dust, traffic, and other issues similar to those discussed above in connection with the building materials, sales and services and cabinet shop uses. They fall into the industrial category and are not consistent with the character of the WMX District.

“Artisan/custom product” means an establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity. Because the classification contemplates small scale hand fabrication, staff has fewer concerns than with building materials sales and services or cabinet shops. However, since this use can also be characterized as industrial, staff proposes prohibiting any type of outdoor storage/activities in order to avoid the concerns discussed above in the building materials sales and services or cabinet shops analyses.

The descriptions under General Terms for Building Materials Sales and Services and Cabinet Shop will have the references to indoor or outdoor deleted from the descriptions, as a use permit will now be required for outdoor activities.

VI. Fiscal Impact

Adoption of the Amendment will have a negligible fiscal impact on the City.

⁴ The other two types of “Recycling Facilities” (Large collection facility” and “Processing facility”) are currently prohibited in WMX.

VII. Public Contact

Property owners in the WMX District were notified by mail of the public hearing on the proposed Amendment. Notice of this hearing was published on a 1/8 page advertisement in the Contra Costa Times, as required by State Law and the Concord Municipal Code. Notice for this meeting has also been posted at the Civic Center.

VIII. Summary and Recommendations

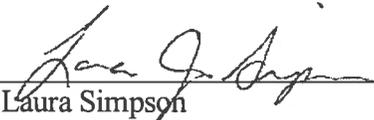
The Addendum finds that adoption of the Amendment would not result in new or substantially more severe environmental effects than those analyzed in the 2012 SEIR, and no new or revised mitigation measures are required.

The Amendment will reconcile inconsistencies between the General Plan and the Development Code by disallowing certain industrial uses in the WMX zoning district, and furthering the General Plan's vision of a campus-like environment developed with a mix of office and commercial development and similar job-generating land uses for that part of the City.

Therefore, staff recommends that the Planning Commission adopt Resolution No 15-07 PC recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the West Concord Mixed Use Text Amendment to the Development Code, and adoption of the West Concord Mixed Use Text Amendment to the Development Code.

IX. Motion

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 15-07 PC recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the West Concord Mixed Use Text Amendment to the Development Code, and adoption of the West Concord Mixed Use Text Amendment to the Development Code. (Seconded by Comm. _____.)

Prepared by: 
Laura Simpson
Planning Manager
925-671-3369
Laura.simpson@cityofconcord.org

Exhibits:

Exhibit A: Amendment (list of proposed amendments in legislative format)

Exhibit B: PC Resolution 15-07 PC (Attachment 1: Amendment; Attachment 2: Addendum)

- 1) *Development Code, Article II (Zoning Districts – Uses and Standards), Division 5 Downtown Districts (DP, DMX, and WMX), Table 122-154.1 (Office and Commercial Districts – Allowed Uses and Permit Requirements), Land Use Classifications; Office, Commercial, and Retail Services, Permit Required by District, is amended as follows; all other Allowed Uses and Permit Requirements in the Table remain unchanged:*

Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements				ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Office, Commercial, and Retail Uses				
Adult, Day Care Center	--	AP ⁽¹⁰⁾	--	
Adult-Oriented Business	--	--	--	§122-726 - 741 Adult-Oriented Business
Animal Services				
Boarding, Kennel	--	AP	UP	
Dog Day Care, Training	--	AP	ZC	
Grooming	ZC	ZC	ZC	
Hospital, Veterinary Clinic	--	ZC	ZC	
Antique, Collectible Store	ZC	ZC	ZC	
Automobile Sales and Rental/Leasing				
Auction	--	--	--	
Brokers, Office Only	ZC ⁽¹⁾	ZC ⁽¹⁾	ZC	
Brokers, Office w/Vehicle Display	--	--	ZC	
Dealership, New	--	--	ZC	
Dealership, Used	--	--	--	
Dealership, Motorcycles	--	--	ZC	
Rental	--	--	AP	
Automobile Services and Repair				
Car Wash, Attended	--	--	UP	§122-622 Gas Stations & Car Wash
Car Wash, Unattended	--	--	--	§122-622 Gas Stations & Car Wash
Gas Station	--	--	UP	§122-622 Gas Stations & Car Wash
Maintenance Services	--	--	ZC	
Major Repair/Body Work	--	--	--	
Minor Repair	--	--	ZC	
Banks and Financial Services				
Bank, Credit Union	ZC ⁽³⁾	ZC ⁽³⁾	ZC	
Bank w/Drive-Through Service	--	--	UP	§122-619 Drive Through Facilities
Check Cashing Business	--	--	--	
Building Materials Sales and Services				
No Outdoor Storage	--	--	--	
w/Outdoor Storage	--	--	--	
Business Support Services	ZC ⁽¹⁾	ZC	ZC	
Catering Service	ZC ⁽¹⁾	ZC	ZC	
Eating and Drinking Establishments				

Table 122-154.1
Downtown Districts
 Allowed Uses and Permit Requirements

ZC - Permitted Use, Zoning Clearance
 AP - Administrative Permit required
 MP - Minor Use Permit required
 UP - Use Permit required
 -- - Use Not Allowed

Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Bar, Night Club, Lounge	AP	AP	AP	§122-621 Entertainment Uses
Restaurant, Full Service	ZC	ZC	ZC	
Restaurant, Limited Service	ZC	ZC	ZC	
Restaurant, w/Drive-Through	--	--	UP	§122-619 Drive Through Facilities
Restaurant, w/Live Entertainment	AP	AP	UP	§122-621 Entertainment Uses
Fitness Facility, Health Club	ZC ⁽¹⁾	ZC	ZC	
Office, Commercial, and Retail Uses (cont.)				
Food, Beverage Sales				
Convenience Store, no Alcohol Sales	ZC	AP	ZC	
Convenience Store, w/Alcohol Sales	--	--	--	§122-617 Alcoholic Beverage Sales
Grocery Store	ZC	ZC	ZC	
Liquor Store	--	--	--	§122-617 Alcoholic Beverage Sales
Hotel, Motel	UP ⁽¹⁾	UP	UP	
Maintenance Services				
Office w/No Outdoor Storage/or Activities	--	--	ZC	
Office w/Outdoor Storage/or Activities	--	--	--	
Nursery, Pre-school, Childcare	UP ⁽¹⁾	MP	AP	§122-618 Child Day Care Facilities
Office				
Administrative, Information Processing	ZC ⁽¹⁾	ZC	ZC	
Medical, Dental	ZC ⁽¹⁾	ZC	ZC	
Professional	ZC ⁽¹⁾	ZC	ZC	
Personal Services				
General	AP ⁽³⁾	ZC	ZC	
Improvement, Instructional	ZC ⁽¹⁾	ZC	ZC	
Restricted	--	--	UP	
Repair Service, Appliance & Small Equipment	--	--	UP	
Retail Sales				
Big Box	--	UP	UP	
General	ZC	ZC	ZC	
Nursery, Garden Center	--	--	ZC	§122-629 Outdoor Sales & Display
Restricted	--	--	UP	
w/Drive-Through	--	--	UP	§122-619 Drive Through Facilities
Secondhand Sales	--	AP	AP	

Business Park and Industrial Uses				
Auto Wrecking, Dismantling Yards	--	--	--	
Contractors, Special Trade				
Cabinet Shop	--	--	--	
Contractor Office, No Outdoor Storage	--	--	ZC	
Contractor Yard, Outdoor Storage	--	--	--	
Fleet-Based Service	--	--	UP	
Freight and Truck Terminal	--	--	--	
Heavy Vehicle and Large Equipment, Sales/Rental, Service and Repair				

Table 122-154.1
Downtown Districts
 Allowed Uses and Permit Requirements

ZC - Permitted Use, Zoning Clearance
 AP - Administrative Permit required
 MP - Minor Use Permit required
 UP - Use Permit required
 -- - Use Not Allowed

Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Commercial Vehicles and Equipment	--	--	--	
Business Park and Industrial Uses (cont.)				
Recreational Vehicle	--	--	--	
Laboratory, Research, and Development	AP ⁽¹⁾	AP ⁽¹⁾	AP ⁽¹⁾	
Manufacturing, Processing				
Artisan/Custom Product , with no outdoor storage or activities	--	--	ZC	
Industry, Heavy	--	--	--	
Within a Building	--	--	--	
w/Outdoor Storage or Activities	--	--	--	
Warehouse Show Room w/Assembly & Sales	--	--	ZC	
Media Production Facility	ZC ⁽¹⁾	ZC	ZC	
Storage				
Hazardous Materials	--	--	--	
Self-Storage Facility, Mini-Storage	--	--	--	
Vehicle	--	--	--	
Towing Service	--	--	--	
Warehouse, w/No Outdoor Storage	--	--	--	
Warehouse, w/Outdoor Storage	--	--	--	
Wholesaling, Distribution	--	--	--	

Residential Uses				
Bed and Breakfast Inn	AP	AP	--	
Dwelling, Dwelling Unit, Housing Unit				
Single Family, Detached	--	--	--	
Single Family, Detached – Small Lot Subdivision	--	--	--	
Single Family, Attached	--	--	--	
Secondary Living Unit	--	--	--	§122-631 Secondary Living Unit
Duplex	--	--	--	
Multi-family	UP	UP	--	
Family Day Care Home, Small	ZC ⁽¹⁰⁾	ZC	--	§122-618 Child Day Care Facilities
Family Day Care Home, Large	MP ⁽¹⁰⁾	MP	--	§122-618 Child Day Care Facilities
Group Housing	--	UP	--	
Home-based Business	ZC ⁽¹⁰⁾	ZC	--	§122-623 Home-based Business
Live/Work Unit	UP ⁽¹⁾	UP	--	§122-624 Live/Work or Work/Live Unit
Mixed Use Projects	UP	UP	---	
Mobile Home Park	--	--	--	
Residential Care Facility, Small	ZC	ZC	--	
Residential Care Facility, Large	--	UP	--	
Residential Facility for Seniors, Assisted Living	UP ⁽¹⁰⁾	UP	--	
Residential Uses (cont.)				
Work/Live Unit	UP ⁽¹⁾	UP	--	§122-624 Live/Work or Work/Live Unit
Public/Quasi-Public and Recreational Uses				

Table 122-154.1
Downtown Districts
 Allowed Uses and Permit Requirements

ZC - Permitted Use, Zoning Clearance
 AP - Administrative Permit required
 MP - Minor Use Permit required
 UP - Use Permit required
 -- - Use Not Allowed

Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Airport	--	--	--	
Ambulance Service	--	--	--	
Cemetery, Columbarium, Mausoleum	--	--	--	
Conference, Convention Facility	--	UP	UP	
Cultural Institution	ZC	ZC	MP	
Emergency and Homeless Shelter	--	--	--	§122-620 Emergency & Homeless Shelter
Government Office	ZC ⁽¹⁾	ZC	ZC	
Farmers Market	UP	UP	UP	
Funeral Parlor, Mortuary	--	--	UP	
Heliport	--	--	--	
Library	ZC ⁽¹⁾	ZC	ZC	
Medical Services				
Hospital, Medical Center	--	--	--	
Medical Marijuana Dispensary	--	--	--	
Medical Clinic	--	--	--	
Nursing Facility/Extended Care	--	UP	--	
Urgent Care Facility	--	--	ZC	
Meeting Facility, Public/Private	AP ⁽¹⁾	AP	AP	
Military	--	--	--	
Parking Facility	--	AP	AP	
Public Maintenance and Service Facility	--	--	--	
Recreational Facilities				
Bingo Hall	--	--	UP	
Commercial Recreation, Indoor	AP	AP	AP	
Golf Course, Country Club	--	--	--	§122-626 Mechanical & Elec. Games
Park and Recreation Facility	ZC	ZC	ZC	
Residential Recreation Facility	ZC	ZC	--	
Sports and Entertainment, Assembly	--	--	--	§122-621 Entertainment Uses
Sports and Recreation Facility	--	--	UP	§122-626 Mechanical & Elec. Games
Recycling Facilities				
Small Collection Facility	--	--	--	
Large Collection Facility	--	--	--	
Processing Facility	--	--	--	
Religious Facility	--	--	UP	
Schools				
Elementary, Middle, Secondary	UP ⁽¹⁾	UP	--	
College, University	AP ⁽¹⁾	AP	AP	
Public/Quasi-Public and Recreational Uses (cont.)				
Trade School, Vocational Training	AP ⁽¹⁾	AP	AP	
Social Svc Facility, Community Organization	UP ^(1,2)	MP/AP ^(7,8)	AP	
Theater, Auditorium	UP	UP	UP	§122-626 Mechanical & Elec. Games
Utility Facility, Transmission Towers	--	--	--	
Wireless Telecommunication Facility	§§122-664 - 668 Wireless Communication Facilities			

Open Space and Agricultural Uses

Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements				ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Companion Animal, Horses, Fowl	--	--	--	
Community Gardens	UP	UP	UP	
Crop Production, Orchard, Vineyard	ZC	ZC	ZC	
Livestock, Grazing	--	--	--	
Mining and Quarrying	--	--	--	

- (1) Not allowed on ground floor.
- (2) Allowed on upper floors subject to Use Permit approval.
- (3) Allowed to occupy up to 20 % gross area of shopping center or multi-tenant building, or 20% street frontage of one building.
- (7) Allowed on ground floor subject to a Minor Use Permit approval.
- (8) Allowed on upper floors subject to an Administrative Permit approval.
- (10) Allowed with residential use only.

2) *Development Code, Chapter 18.20 General Terms, Article I, 18.20.020 Use classifications. is amended as follows;*

“Building materials sales and services” means an ~~indoor or outdoor~~ establishment selling cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, and other building materials, plants and landscaping materials including rock, stone, and masonry products to the general public. ~~Includes stores with indoor service areas.~~ Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesaling, distribution.” Does not include large format retail home stores in buildings over 80,000 square feet (see “Big box” under “Retail Sales”), nor show room stores with contractor sales and assembly, which are classified as “Warehouse show room with assembly and sales” under “Manufacturing, processing.”

Contractors, Special Trade.

“Cabinet shop” means a facility that provides ~~indoor and outdoor~~ carpentry workspace, as well as areas where finished products are sold.

1 update of its zoning maps to ensure consistency with the adopted General Plan Map; and

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

4 **WHEREAS**, the City has complied with the requirements of the Local Planning Law
5 (Government Code section 65100 *et seq.*), and the City’s applicable ordinances and resolutions with
6 respect to approval of amendments to Chapter 122 of the Concord Municipal Code (“Development
7 Code”); and

8 **WHEREAS**, on October 9, 2012, the City Council adopted Ordinance No. 12-5 amending the
9 Development Code to correct minor technical errors and omissions and to provide clarification of
10 terms and procedures; and

11 **WHEREAS**, on September 24, 2013, the City Council adopted Ordinance No. 13-71 further
12 amending the Development Code to correct minor technical errors and omissions and to provide
13 clarification of terms and procedures; and

14 **WHEREAS**, on June 24, 2014, the City Council adopted Resolution No. 14-4823.1,
15 approving the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030
16 Concord General Plan EIR for the Concord Development Code Project and adopting the Downtown
17 Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030
18 General Plan (“2014 Addendum”); and

19 **WHEREAS**, on June 24, 2014, the City Council adopted Ordinance No. 14-6 further
20 amending the Development Code to provide clarification of terms and procedures; and

21 **WHEREAS**, the City has initiated a subsequent Development Code text amendment to further
22 address minor technical errors, omissions, and clarification of terms and procedures in the
23 Development Code, including correction of an inconsistency with the General Plan; and

24 **WHEREAS**, such text amendment is in the form of the proposed Development Code
25 Amendment PL15132-DC (“Amendment”) attached to the June 17, 2015 staff report as Exhibit A (an
26 additional copy of the Amendment is attached hereto as Attachment 1 and incorporated by reference),
27 in order to improve the accuracy of the Development Code and its standards and further achieve
28 internal consistency and consistency with the rest of the Concord Municipal Code; and

1 **WHEREAS**, staff believes the Amendment falls within the “common sense” exemption set
2 forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with
3 certainty that there is no possibility that the activity in question may have a significant effect on the
4 environment...”; and

5 **WHEREAS**, the Amendment does not make substantial changes to the Development Code or
6 substantial changes with respect to the circumstances under which the Development Code would be
7 implemented which would require revisions to the 2012 SEIR due to new significant environmental
8 effects or a substantial increase in the severity of previously identified significant effects and there is
9 no new information that would require preparation of a subsequent or supplemental EIR under CEQA
10 Guidelines Section 15162; and

11 **WHEREAS**, as only minor technical changes or additions were required to the 2012 SEIR, an
12 Addendum (“Addendum”, attached hereto as Attachment 2 and incorporated by reference) was
13 prepared in accordance with all legal requirements, including CEQA Guidelines Section 15164; and

14 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law
15 and the Concord Municipal Code, held a duly noticed public hearing on June 17, 2015, on the
16 Addendum and Amendment; and

17 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
18 information, testimony, and comments received during the public review process, including
19 information received at the public hearing, the oral report from City staff, the written report from City
20 staff dated June 17, 2015, materials, exhibits presented, pertinent maps, plans, reports, studies,
21 memoranda, the Addendum, the Amendment, the General Plan, the General Plan FEIR, the Reuse
22 Plan FEIR/Addendum, the 2012 SEIR, the 2014 Addendum, the City of Concord Municipal Code, the
23 Development Code, applicable City laws and regulations, and all associated approved and certified
24 environmental documents, and all other information that constitutes the record of proceedings on
25 which the Planning Commission has based its decision are maintained at the offices of the City of
26 Concord Planning Division (collectively, “Project Information”); and

27 **WHEREAS**, at such public hearing, the Planning Commission considered the 2012 SEIR and
28 the Addendum in accordance with the requirements of CEQA; and

1 **WHEREAS**, on June 17, 2015, the Planning Commission, after consideration of all pertinent
2 plans, documents, and testimony, declared their intent to recommend approval and adoption of the
3 Addendum and adoption of the Amendment.

4 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

5 Recitals

6 1. The Planning Commission finds that the above recitals (which are hereby incorporated by
7 reference) are accurate and constitute findings in this matter and, together with the Project
8 Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set
9 forth in this Resolution, and further makes the following findings:

10 General

11 2. The Planning Commission has reviewed, considered, and evaluated all of the Project
12 Information prior to acting upon the Addendum or the Amendment.

13 3. The documents and other materials that constitute the record of proceedings upon which the
14 Planning Commission has based its recommendation are located in and may be obtained from the City
15 of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

16 CEQA Exemption

17 4. The Amendment falls within the “common sense” exemption set forth in 14 Cal. Code Regs.
18 Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility
19 that the activity in question may have a significant effect on the environment...”

20 Addendum

21 5. Based on the Project Information, the Planning Commission makes the findings set forth
22 below with respect to the Addendum:

23 a. The findings above are hereby incorporated by reference.

24 b. The Addendum represents the appropriate level of environmental review, is the
25 appropriate environmental document, for the Amendment.

26 c. The Planning Commission considered the 2012 SEIR and the Addendum in accordance
27 with the requirements of CEQA.

28 d. The Addendum reflects the independent judgment and analysis of the City as the lead

1 agency for the Amendment.

2 e. Based on substantial evidence in the whole record before the City, the Amendment
3 does not make substantial changes to the Development Code or substantial changes with respect to the
4 circumstances under which the Development would be implemented which would require revisions to
5 the 2012 SEIR due to new significant environmental effects or a substantial increase in the severity of
6 previously identified significant effects and there is no new information that would require preparation
7 of a subsequent or supplemental EIR under Public Resources Code Section 21166 or CEQA
8 Guidelines Section 15162. Therefore, none of the elements set forth in Public Resources Code
9 Section 21166 or CEQA Guidelines Section 15162 exist and a subsequent or supplemental EIR or
10 negative declaration is not required.

11 f. No substantial changes have occurred with respect to traffic and freeway operations
12 that would cause new or substantially more severe significant environmental effects than were
13 identified in the 2012 SEIR, all mitigation measures were within the jurisdiction of the City to adopt
14 and will remain in place and continue to be implemented and enforced, and the Statement of
15 Overriding Considerations remain in effect. The mitigation measures and Statement of Overriding
16 Considerations associated with certification of the 2012 SEIR addresses the environmental effects of
17 the project.

18 g. As only minor technical changes or additions were required to the 2012 SEIR, the
19 Addendum was prepared in accordance with all legal requirements, including CEQA Guidelines
20 Section 15164.

21 6. The Planning Commission hereby recommends that the City Council approve and adopt the
22 Addendum and reaffirm the Statement of Overriding Considerations.

23 Amendment

24 7. Based on the Project Information, and all oral and written testimony submitted on this item,
25 the Planning Commission makes the findings set forth below with respect to the Amendment:

26 a. The findings above are hereby incorporated by reference.

27 b. The proposed Amendment is consistent with the policies in the General Plan and is
28 necessary in order to improve the accuracy of the Development Code and its standards and further

1 achieve internal consistency and consistency with the rest of the Concord Municipal Code.

2 c. The proposed Amendment would not be detrimental to the public interest, health,
3 safety, convenience, or welfare of the City.

4 8. The Planning Commission does hereby recommend that the City Council adopt an Ordinance
5 to approve the Amendment, consistent with the revisions in Attachment 1 hereto.

6 Effective Date

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

8

9 **PASSED AND ADOPTED** this 17th day of June, 2015 by the following vote:

10 **AYES:**

11 **NOES:**

12 **ABSTAIN:**

13 **ABSENT:**

14

15 _____
Laura Simpson
Secretary to the Planning Commission

16

17 **Attachments:**

18 1 – Amendment

19 2 – Addendum

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- 1) *Development Code, Article II (Zoning Districts – Uses and Standards), Division 5 Downtown Districts (DP, DMX, and WMX), Table 122-154.1 (Office and Commercial Districts – Allowed Uses and Permit Requirements), Land Use Classifications; Office, Commercial, and Retail Services, Permit Required by District, is amended as follows; all other Allowed Uses and Permit Requirements in the Table remain unchanged:*

Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements				ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Office, Commercial, and Retail Uses				
Adult, Day Care Center	--	AP ⁽¹⁰⁾	--	
Adult-Oriented Business	--	--	--	§122-726 - 741 Adult-Oriented Business
Animal Services				
Boarding, Kennel	--	AP	UP	
Dog Day Care, Training	--	AP	ZC	
Grooming	ZC	ZC	ZC	
Hospital, Veterinary Clinic	--	ZC	ZC	
Antique, Collectible Store	ZC	ZC	ZC	
Automobile Sales and Rental/Leasing				
Auction	--	--	--	
Brokers, Office Only	ZC ⁽¹⁾	ZC ⁽¹⁾	ZC	
Brokers, Office w/Vehicle Display	--	--	ZC	
Dealership, New	--	--	ZC	
Dealership, Used	--	--	--	
Dealership, Motorcycles	--	--	ZC	
Rental	--	--	AP	
Automobile Services and Repair				
Car Wash, Attended	--	--	UP	§122-622 Gas Stations & Car Wash
Car Wash, Unattended	--	--	--	§122-622 Gas Stations & Car Wash
Gas Station	--	--	UP	§122-622 Gas Stations & Car Wash
Maintenance Services	--	--	ZC	
Major Repair/Body Work	--	--	--	
Minor Repair	--	--	ZC	
Banks and Financial Services				
Bank, Credit Union	ZC ⁽³⁾	ZC ⁽³⁾	ZC	
Bank w/Drive-Through Service	--	--	UP	§122-619 Drive Through Facilities
Check Cashing Business	--	--	--	
Building Materials Sales and Services				
No Outdoor Storage	--	--	--	
w/Outdoor Storage	--	--	--	
Business Support Services	ZC ⁽¹⁾	ZC	ZC	
Catering Service	ZC ⁽¹⁾	ZC	ZC	

Table 122-154.1
Downtown Districts
 Allowed Uses and Permit Requirements

ZC - Permitted Use, Zoning Clearance
 AP - Administrative Permit required
 MP - Minor Use Permit required
 UP - Use Permit required
 -- - Use Not Allowed

Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Eating and Drinking Establishments				
Bar, Night Club, Lounge	AP	AP	AP	§122-621 Entertainment Uses
Restaurant, Full Service	ZC	ZC	ZC	
Restaurant, Limited Service	ZC	ZC	ZC	
Restaurant, w/Drive-Through	--	--	UP	§122-619 Drive Through Facilities
Restaurant, w/Live Entertainment	AP	AP	UP	§122-621 Entertainment Uses
Fitness Facility, Health Club	ZC ⁽¹⁾	ZC	ZC	
Office, Commercial, and Retail Uses (cont.)				
Food, Beverage Sales				
Convenience Store, no Alcohol Sales	ZC	AP	ZC	
Convenience Store, w/Alcohol Sales	--	--	--	§122-617 Alcoholic Beverage Sales
Grocery Store	ZC	ZC	ZC	
Liquor Store	--	--	--	§122-617 Alcoholic Beverage Sales
Hotel, Motel	UP ⁽¹⁾	UP	UP	
Maintenance Services				
Office w/No Outdoor Storage/or Activities	--	--	ZC	
Office w/Outdoor Storage/or Activities	--	--	--	
Nursery, Pre-school, Childcare	UP ⁽¹⁾	MP	AP	§122-618 Child Day Care Facilities
Office				
Administrative, Information Processing	ZC ⁽¹⁾	ZC	ZC	
Medical, Dental	ZC ⁽¹⁾	ZC	ZC	
Professional	ZC ⁽¹⁾	ZC	ZC	
Personal Services				
General	AP ⁽³⁾	ZC	ZC	
Improvement, Instructional	ZC ⁽¹⁾	ZC	ZC	
Restricted	--	--	UP	
Repair Service, Appliance & Small Equipment	--	--	UP	
Retail Sales				
Big Box	--	UP	UP	
General	ZC	ZC	ZC	
Nursery, Garden Center	--	--	ZC	§122-629 Outdoor Sales & Display
Restricted	--	--	UP	
w/Drive-Through	--	--	UP	§122-619 Drive Through Facilities
Secondhand Sales	--	AP	AP	

Business Park and Industrial Uses				
Auto Wrecking, Dismantling Yards	--	--	--	
Contractors, Special Trade				
Cabinet Shop	--	--	--	
Contractor Office, No Outdoor Storage	--	--	ZC	
Contractor Yard, Outdoor Storage	--	--	--	
Fleet-Based Service	--	--	UP	
Freight and Truck Terminal	--	--	--	

Table 122-154.1
Downtown Districts
 Allowed Uses and Permit Requirements

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Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Heavy Vehicle and Large Equipment, Sales/Rental, Service and Repair				
Commercial Vehicles and Equipment	--	--	--	
Business Park and Industrial Uses (cont.)				
Recreational Vehicle	--	--	--	
Laboratory, Research, and Development	AP ⁽¹⁾	AP ⁽¹⁾	AP ⁽¹⁾	
Manufacturing, Processing				
Artisan/Custom Product , with no outdoor storage or activities	--	--	ZC	
Industry, Heavy	--	--	--	
Within a Building	--	--	--	
w/Outdoor Storage or Activities	--	--	--	
Warehouse Show Room w/Assembly & Sales	--	--	ZC	
Media Production Facility	ZC ⁽¹⁾	ZC	ZC	
Storage				
Hazardous Materials	--	--	--	
Self-Storage Facility, Mini-Storage	--	--	--	
Vehicle	--	--	--	
Towing Service	--	--	--	
Warehouse, w/No Outdoor Storage	--	--	--	
Warehouse, w/Outdoor Storage	--	--	--	
Wholesaling, Distribution	--	--	--	

Residential Uses				
Bed and Breakfast Inn	AP	AP	--	
Dwelling, Dwelling Unit, Housing Unit				
Single Family, Detached	--	--	--	
Single Family, Detached – Small Lot Subdivision	--	--	--	
Single Family, Attached	--	--	--	
Secondary Living Unit	--	--	--	§122-631 Secondary Living Unit
Duplex	--	--	--	
Multi-family	UP	UP	--	
Family Day Care Home, Small	ZC ⁽¹⁰⁾	ZC	--	§122-618 Child Day Care Facilities
Family Day Care Home, Large	MP ⁽¹⁰⁾	MP	--	§122-618 Child Day Care Facilities
Group Housing	--	UP	--	
Home-based Business	ZC ⁽¹⁰⁾	ZC	--	§122-623 Home-based Business
Live/Work Unit	UP ⁽¹⁾	UP	--	§122-624 Live/Work or Work/Live Unit
Mixed Use Projects	UP	UP	---	
Mobile Home Park	--	--	--	
Residential Care Facility, Small	ZC	ZC	--	
Residential Care Facility, Large	--	UP	--	
Residential Facility for Seniors, Assisted Living	UP ⁽¹⁰⁾	UP	--	
Residential Uses (cont.)				
Work/Live Unit	UP ⁽¹⁾	UP	--	§122-624 Live/Work or Work/Live Unit

Table 122-154.1
Downtown Districts
 Allowed Uses and Permit Requirements

ZC - Permitted Use, Zoning Clearance
 AP - Administrative Permit required
 MP - Minor Use Permit required
 UP - Use Permit required
 -- - Use Not Allowed

Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Public/Quasi-Public and Recreational Uses				
Airport	--	--	--	
Ambulance Service	--	--	--	
Cemetery, Columbarium, Mausoleum	--	--	--	
Conference, Convention Facility	--	UP	UP	
Cultural Institution	ZC	ZC	MP	
Emergency and Homeless Shelter	--	--	--	§122-620 Emergency & Homeless Shelter
Government Office	ZC ⁽¹⁾	ZC	ZC	
Farmers Market	UP	UP	UP	
Funeral Parlor, Mortuary	--	--	UP	
Heliport	--	--	--	
Library	ZC ⁽¹⁾	ZC	ZC	
Medical Services				
Hospital, Medical Center	--	--	--	
Medical Marijuana Dispensary	--	--	--	
Medical Clinic	--	--	--	
Nursing Facility/Extended Care	--	UP	--	
Urgent Care Facility	--	--	ZC	
Meeting Facility, Public/Private	AP ⁽¹⁾	AP	AP	
Military	--	--	--	
Parking Facility	--	AP	AP	
Public Maintenance and Service Facility	--	--	--	
Recreational Facilities				
Bingo Hall	--	--	UP	
Commercial Recreation, Indoor	AP	AP	AP	
Golf Course, Country Club	--	--	--	§122-626 Mechanical & Elec. Games
Park and Recreation Facility	ZC	ZC	ZC	
Residential Recreation Facility	ZC	ZC	--	
Sports and Entertainment, Assembly	--	--	--	§122-621 Entertainment Uses
Sports and Recreation Facility	--	--	UP	§122-626 Mechanical & Elec. Games
Recycling Facilities				
Small Collection Facility	--	--	--	
Large Collection Facility	--	--	--	
Processing Facility	--	--	--	
Religious Facility	--	--	UP	
Schools				
Elementary, Middle, Secondary	UP ⁽¹⁾	UP	--	
College, University	AP ⁽¹⁾	AP	AP	
Public/Quasi-Public and Recreational Uses (cont.)				
Trade School, Vocational Training	AP ⁽¹⁾	AP	AP	
Social Svc Facility, Community Organization	UP ^(1,2)	MP/AP ^(7,8)	AP	
Theater, Auditorium	UP	UP	UP	§122-626 Mechanical & Elec. Games
Utility Facility, Transmission Towers	--	--	--	
Wireless Telecommunication Facility	§§122-664 - 668 Wireless Communication Facilities			

Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements			ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed	
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Open Space and Agricultural Uses				
Companion Animal, Horses, Fowl	--	--	--	
Community Gardens	UP	UP	UP	
Crop Production, Orchard, Vineyard	ZC	ZC	ZC	
Livestock, Grazing	--	--	--	
Mining and Quarrying	--	--	--	

- (1) Not allowed on ground floor.
- (2) Allowed on upper floors subject to Use Permit approval.
- (3) Allowed to occupy up to 20 % gross area of shopping center or multi-tenant building, or 20% street frontage of one building.
- (7) Allowed on ground floor subject to a Minor Use Permit approval.
- (8) Allowed on upper floors subject to an Administrative Permit approval.
- (10) Allowed with residential use only.

2) *Development Code, Chapter 18.20 General Terms, Article I , 18.20.020 Use classifications. is amended as follows;*

“Building materials sales and services” means an ~~indoor or outdoor~~ establishment selling cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, and other building materials, plants and landscaping materials including rock, stone, and masonry products to the general public. ~~Includes stores with indoor service areas.~~ Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesaling, distribution.” Does not include large format retail home stores in buildings over 80,000 square feet (see “Big box” under “Retail Sales”), nor show room stores with contractor sales and assembly, which are classified as “Warehouse show room with assembly and sales” under “Manufacturing, processing.”

Contractors, Special Trade.

“Cabinet shop” means a facility that provides ~~indoor and outdoor~~ carpentry workspace, as well as areas where finished products are sold.

City of Concord

West Concord Mixed Use (WMX) District Development Code Revisions Project

**Addendum to the
Final Supplemental
Environmental
Impact Report to the
2030 Concord General
Plan Environmental
Impact Report**



June 2015

**Addendum to the
Final Supplemental Environmental
Impact Report (EIR) to the
2030 Concord General Plan EIR
for the
West Concord Mixed Use (WMX) District
Development Code Revisions Project**

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June 2015

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1.0 PURPOSE OF ADDENDUM

This document is an Addendum to the City of Concord 2030 *General Plan Update Final Supplemental Environmental Impact Report (SEIR)*, prepared in compliance with the California Environmental Quality Act (CEQA) 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. The purpose of this Addendum is to analyze the environmental impacts of proposed restriction of specific activities within the City's West Concord Mixed Use Zoning District (WMX District), as defined in the Concord Development Code (CDC) which is codified as Title 18 of the Concord Municipal Code (City of Concord, 2015). Section 3 of this Addendum defines the "proposed project" and describes the proposed WMX District revisions in detail.

CEQA recognizes that between the date an environmental document is completed and the date a project is fully implemented, a change may occur that affects the environmental document; this could include one or more of the following: the project may change; the environmental setting in which the project occurs may change; laws, regulations, or policies may change; and/or previously unknown information may become available. CEQA requires a project's Lead Agency to evaluate these changes before proceeding with a project, in order to determine whether they may affect the conclusions of the environmental document.

The CEQA *Guidelines* Section 15162 states that when an EIR has been certified or a negative declaration adopted for a proposed project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines that one or more of the following situations has occurred, based on substantial evidence and in light of the whole record:

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - a. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration,*
 - b. *Significant effects previously examined will be substantially more severe than shown in the previous EIR,*
 - c. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or*



- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

The CEQA Guidelines Section 15164 states that the Lead Agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described above have occurred. The CEQA Guidelines further specify that a brief explanation of the decision not to prepare a subsequent EIR should be included in one of the following: the Addendum itself, the Lead Agency's findings on the project, or elsewhere in the record. Per the CEQA Guidelines, an Addendum does not need to be circulated for public review but can be included in or attached to the final EIR (in this case, the Final SEIR) prior to making a decision on the project.



2.0 BACKGROUND

This section provides an overview of the General Plan EIR, the 2012 SEIR, and a 2014 Addendum to the 2012 SEIR, to provide context for this Addendum (to the 2012 SEIR).

2.1 CONCORD 2030 GENERAL PLAN AND FINAL EIR

In October 2007, the Concord City Council adopted the *Concord 2030 Urban Area General Plan* (General Plan), which provides a framework for city development, and articulates a vision for the City over a 20-year period. The General Plan includes a number of key themes and initiatives, such as the integration of economic development into land use planning, greater support of mixed-use development and transit-supportive land uses around the Downtown Bay Area Rapid Transit (BART) station and transportation corridors, and an emphasis on preserving environmental resources and community assets.

The City also certified a *Final Environmental Impact Report* (EIR) for the General Plan in 2007. The General Plan EIR evaluated potential environmental consequences of the General Plan and alternatives at a programmatic level, meaning that specific impacts of individual actions were not identified, but a characterization was provided of the types of impacts that could occur as a result of the overall development direction described in the General Plan, and mitigation measures were identified to reduce or avoid potential adverse environmental effects associated with the General Plan. Subsequent projects that are proposed within the General Plan area are subject to project-specific environmental review, and may “tier” that review off of the programmatic General Plan EIR, in order to streamline analyses while providing consistency in mitigation strategies throughout the area.

The General Plan provides the basis for establishing and setting priorities for detailed plans and implementing programs such as the Zoning Ordinance, which specifies what types of activities may occur within certain land use districts.

The General Plan EIR determined that the proposed policies of the General Plan would avoid or eliminate most potentially significant impacts associated with implementation of the General Plan, although significant unavoidable impacts would occur in the issue area of transportation, and no feasible mitigation measures for physical improvements were identified that would reduce impacts to freeways, freeway ramps, or roadway segments to a level of less than significant. Accordingly, the City adopted a Statement of Overriding Considerations for these significant and unavoidable impacts per CEQA *Guidelines* Section 15093. As described above, project-specific environmental review will be prepared for proposed actions within the General Plan area.

2.2 2012 SUPPLEMENTAL EIR

Following certification of the 2030 General Plan and General Plan EIR, conditions arose which warranted preparation of a Supplemental EIR. Specifically, an SEIR was prepared to address the *Concord Development Code Project*, which included the following components:



- 1) Amendments to the General Plan text and Land Use Map;
- 2) Adoption of the new Concord Development Code; and
- 3) A new zoning map.

The CDC identifies land use districts throughout the Concord Planning Area Sphere of Influence (SOI), as guided by land use designations defined in the 2030 General Plan. The SEIR, which was certified in 2012, described potential environmental impacts under a number of environmental issue areas that could occur in association with the proposed changes listed above (including adoption of the CDC, which would be amended by the proposed project to restrict certain uses and activities within the WMX District). The SEIR also identified methods by which potential impacts of the CDC could be mitigated or avoided.

The 2012 SEIR used an Initial Study to determine which environmental issue areas suggested by the CEQA Guidelines should be examined in detail in the SEIR, for their potential to result in significant impacts and require changes to the 2030 General Plan EIR. These issue areas include the following:

- Air Quality;
- Greenhouse Gas Emissions;
- Noise;
- Public Services and Utilities; and
- Transportation/Traffic. (City of Concord, 2012)

The 2012 SEIR identifies mitigation measures where necessary to minimize or avoid potentially adverse impacts under the issue areas listed above. This Addendum to the 2012 SEIR will consider whether prohibiting certain uses and activities within the WMX District would result in impacts that are consistent with those impacts already characterized in the 2012 SEIR, or if there is potential for new impacts to occur. If this Addendum determines that the proposed project could result in impacts not previously characterized, or if previously identified mitigation measures would not sufficiently reduce or avoid impacts of the potential project, these differences will be discussed in the analysis provided in Section 4, and new mitigation measures will identified where necessary.

The 2012 SEIR identified significant unavoidable impacts to the issue area of transportation, specifically with regards to freeway traffic, and determined that this potential impact of actions assessed in the SEIR would be the same as characterized in the traffic and transportation analysis provided in the General Plan EIR.

2.3 ADDENDUM TO THE SUPPLEMENTAL EIR (2014)

In 2014, following certification of the 2012 SEIR, the City of Concord prepared the *City of Concord Downtown Concord Specific Plan* (Specific Plan) and an Addendum to the 2012 SEIR was prepared to incorporate the new Specific Plan, which was not addressed in the 2030 General Plan. In addition to implementation of the Specific Plan, the 2014 Addendum also addressed changes to local, state, and federal regulations (federal and state air quality standards), and changes to environmental data (state greenhouse gas inventory data, and county water supply



data). The 2014 Addendum revised the following issue area sections of the 2012 SEIR, based on changes to agency regulations and new data:

- Air Quality;
- Greenhouse Gas Emissions; and
- Public Services and Utilities. (City of Concord, 2014a)

The 2014 Addendum introduced new mitigation measures in the issue area analyses listed above; as an Addendum to the 2012 SEIR, these new mitigation measures are included as part of the 2012 SEIR, and would therefore be applicable to potential impacts associated with the currently proposed CDC revisions, as discussed in Section 4. The 2014 Addendum also addressed the Transportation/Traffic section of the 2012 SEIR, but determined that no new impacts would occur as a result of implementation of the Specific Plan.

The 2014 Addendum to the SEIR determined that no substantive revisions to the SEIR are required because no new significant impacts or impacts of substantially greater severity would result from the Specific Plan or regulatory updates; therefore, significant unavoidable impacts to the issue area of transportation would be the same as characterized in the 2012 SEIR and the General Plan EIR.

2.4 Concord Naval Weapons Station Reuse Project Area Plan

The Concord Naval Weapons Station (CNWS), a former military base located adjacent to the north of the City of Concord, was closed by the U.S. Navy in 2005; at that time the City undertook a seven-year community-based visioning and planning process that culminated in the adoption of the Concord Reuse Project (CRP) Area Plan. The CRP Area Plan details the community's desired use of the CNWS property. In addition to the CNWS property, the CRP Area Plan also encompasses the North Concord-Martinez BART station, public street rights-of-way, and a portion of the Diablo Creek Golf Course; total planning area is approximately 5,200 acres. (City of Concord, 2012b; City of Concord, 2014b)

A Final Programmatic EIR and Mitigation Monitoring and Reporting Program for the CRP Area Plan were certified, and the City's 2030 General Plan was amended to include the CRP Area Plan. The CRP Area Plan is an implementing format for amendment of the 2030 General Plan to include the vision of the Reuse Plan. A Statement of Overriding Considerations for the CRP Area Plan was adopted in 2012 to recognize that benefits of the Plan outweigh unavoidable significant impacts identified in the following issue areas: Land Use; Transportation; Visual Resources; Air Quality; Noise and Vibration.

The CRP Area Plan does not encompass any areas identified as WMX District, and does not impose any requirements or restrictions on allowable uses within the WMX District areas, including the potential outdoor uses and activities assessed in this Addendum.



3.0 PROPOSED WEST CONCORD MIXED USE (WMX) DEVELOPMENT CODE REVISIONS

Chapter 18.45 of the CDC, *Downtown Districts (DP, DMX, and WMX)*, defines the uses allowed within the downtown zoning districts, the type of permit or approval required for each use, and basic development standards for sites and proposed buildings. The proposed West Concord Mixed Use (WMX) Development Code Revisions Project (“proposed project”) would revise the CDC provisions for the WMX District to prohibit certain uses that are currently allowed in this district. The current CDC’s definition of the WMX District as assessed in the 2012 SEIR is provided below. The proposed CDC revisions to restrict certain uses from the WMX District would not alter the WMX language provided below.

***WMX – West Concord Mixed-Use.** The WMX district is applied to the area between Highway 242, south of Concord Avenue and the Walnut Creek Channel, south of Concord, and areas of the city appropriate for a mix of schools, commercial, office, retail, multi-tenant office/warehouses, and institutional development at up to 4.0 FAR. The WMX district allows new automobile dealers, shopping centers, hotels, restaurants, office buildings and multi-tenant commercial spaces, including contractor showrooms and storage uses when located entirely within a building and public/quasi-public uses. The WMX district does not allow residential uses. The WMX district is consistent with and implements the West Concord mixed-use (WCMU) land use designation of the general plan. [Ord. 14-3 § 1; Ord. 12-4. DC 2012 § 122-153]. (City of Concord, 2012a)*

Implementation of the proposed project would prohibit certain types of uses from occurring in the WMX District. These changes are reflected in proposed revisions to CDC Table 18.45.020 – *Downtown Districts, Allowed Uses and Permit Requirements*. Following is an excerpt from Table 18.45.020 of the CDC, which shows the proposed WMX District revisions in underline/strikeout text. All other portions of Table 18.45.020 not shown below would remain the same as provided in CDC Chapter 18.45, *Downtown Districts (DP, DMX, and WMX)*.

**Table 1
 West Concord Mixed Use District – Revisions to
 Allowed Uses and Permit Requirements**

Land Use Classification	Permit	Additional Requirements
Office, Commercial, and Retail Uses		
Building Materials Sales and Services		
No Outdoor Storage	ZC --	§122-629 Outdoor Sales & Display
w/Outdoor Storage	UP --	
Business Park and Industrial Uses		
Contractors, Special Trade		
Cabinet Shop	ZC --	
Manufacturing, Processing		
<u>Artisan/Custom Product, with no outdoor storage or activities</u>	ZC	
Public/Quasi-Public and Recreational Uses		
Recycling Facilities		
Small Collection Facility	AP --	§122-630 Recycling Facilities
Large Collection Facility	--	
Processing Facility	--	



In the table above and in the following tables, “--” indicates that the identified use is prohibited. Thus the proposed project would amend Table 18.45.020 to specify that the following would no longer be allowable within the WMX District: 1) building materials sales and service, 2) cabinet shops, 3) outdoor storage and activities associated with artisan/custom product businesses; and 4) small recycling collection facilities. The following text expands upon the overview provided in Table 1 to provide a more detailed discussion of the proposed changes to allowable uses within the WMX District.

- **Office, Commercial, and Retail Uses.** This land use classification would no longer allow uses under the “Building Materials Sales and Services” category, either with or without outdoor storage facilities. This restriction will affect any future project that would provide building materials sales and services within the WMX District, but would not prohibit such uses from occurring in other districts where allowed per the CDC. The table below indicates that Building Materials Sales and Services uses are permitted in several of the “Office and Commercial” Districts, including Neighborhood Commercial (NC), Service Commercial (SC), and Regional Commercial (RC), as well as several of the “Business Park and Industrial Districts” Districts, including Office Business Park (OBP), Industrial Business Park (IBP), and Industrial Mixed Use (IMX). The table below also indicates the permits required for Building Materials Sales and Services uses within these districts.

Table 2
Alternate Permitted Use Areas – Office, Commercial, and Retail

Land Use Classification – Building Materials Sales and Services	Permit Required by District ¹					
	<u>NC</u>	<u>SC</u>	<u>RC</u>	<u>OBP</u>	<u>IBP</u>	<u>IMX</u>
No Outdoor Storage	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>
With Outdoor Storage	--	<u>AP</u>	<u>UP</u>	=	<u>ZC</u> ²	=

* **Permits.** ZC: Permitted Use, Zoning Clearance; AP: Administrative Permit Required; UP: Use Permit Required; --: Use Not Allowed.

¹ Permitted Building Materials Sales and Services uses are contingent upon compliance with CDC 18.200.160, Outdoor Sales and Displays.

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.

- **Business Park and Industrial Uses.** This land use classification will no longer allow “Cabinet Shop” uses under the “Contractors, Special Trade” category. In addition, “Artisan/Custom Product” uses under the “Contractors, Special Trade” category would be restricted from including outdoor storage or activities. These restrictions will affect any proposed project that would provide cabinetry and special trade uses within the WMX District, but would not prohibit such uses from occurring in other districts, as allowed per the CDC. The table below indicates that Cabinet Shop and Artisan Custom Product uses under the Contractors Special Trade classification are permitted in several of the “Business Park and Industrial Development” Districts, including: Office Business Park (OBP), Industrial Business Park (IBP), Industrial Mixed Use (IMX), and Heavy Industrial (HI). Cabinet Shop and Artisan Custom Product uses may also be permitted in the following “Office and Commercial” District: Service Commercial (SC).



Table 3
Alternate Permitted Use Areas – Business Park and Industrial

Land Use Classification – Contractors, Special Trade	Permit Required by District*				
	OBP	IBP	IMX	HI	SC
Cabinet Shop	ZC ¹	ZC	ZC ¹	ZC	ZC
Artisan, Custom Product	ZC ¹	ZC ²	ZC ²	ZC ²	ZC

* **Permits.** ZC: Permitted Use.

¹ No outdoor facilities, storage, or activities are allowed.

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.

- **Public/Quasi-Public and Recreational Uses.** This land use classification will no longer allow “Small Collection Facility” uses under the “Recycling Facilities” category. The CDC already restricts other Recycling Facilities uses within the WMX District; therefore, with the proposed WMX revisions to Recycling Facilities uses, no Recycling Facilities uses would be permitted within the WMX District. Such uses would not be prohibited from occurring in other districts, as allowed per the CDC. The table below indicates that Small Collection Facility uses under the Recycling Facilities classification are permitted in the Public / Quasi-Public (PQP) District, as well as in several of the Business Park and Industrial Development Districts (OBP, IBP, IMX, HI), and several of the Office and Commercial Districts (NC, SC, RC).

Table 4
Alternate Permitted Use Areas – Public/Quasi-Public and Recreational

Land Use Classification – Recycling Facilities	Permit Required by District*							
	PQP	OBP	IBP	IMX	HI	NC	SC	RC
Small Collection Facility	AP	AP	AP	AP	AP	AP	AP	AP

* **Permits.** AP: Administrative Permit Required.

* Permitted Building Materials Sales and Services uses are contingent upon compliance with CDC 18.200.170, Recycling Facilities.

Thus, although the proposed WMX revisions would restrict certain land uses and activities from areas where they are currently permitted, such uses and activities are permitted in other areas throughout the Concord Planning Area SOI, including (as applicable) Office, Commercial, and Retail Uses; Business Park and Industrial Uses; and Public/Quasi-Public and Recreational Uses. The proposed restriction of certain land uses and activities from the WMX District is expected to remain consistent with the 2030 General Plan, as the WMX District partially implements the West Concord Mixed Use (WCMU) land use designation of the General Plan:

West Concord Mixed Use (WCMU). This designation is intended for use in the area generally located between the I-680 and Highway 242 freeways, south of Concord Avenue. It allows for a mix of office and commercial development, including such uses as new auto dealers, hotels, restaurants, and showroom/warehouses. Public/quasi-public uses also are allowed. Residential development is not allowed in this mixed-use category, as it is intended to create a campus-like office environment. The maximum FAR is 4.0. (City of Concord, 2007)

The proposed project would not change the language of the 2030 General Plan; it would change the language of the CDC which implements General Plan and land use designations included therein, as was analyzed in the 2012 SEIR. As shown above, the 2030 General Plan does not



define the WCMU land use designation with specificity to cabinet shops or building materials sales; rather, that level of specificity was introduced with the WMX District designation in the CDC and 2012 SEIR.

The proposed project would only apply to the WMX-zoned areas of the Concord Planning Area SOI. As shown on Figures 1 and 2, there are several WMX-zoned areas within the Concord Planning Area SOI, all clustered at the intersection of Interstate 680, State Route 242, and Willow Pass Road in the City of Concord, bounded to the north by Concord Avenue. Walnut Creek and its surrounding riparian area is situated in a north-south alignment through approximately the center of this area, with Interstate 680 to the west and State Route 242 to the east. A tributary to the creek separates from the main channel approximately 0.25 miles south of Concord Avenue and runs in a southeast direction to existing drainage facilities adjacent to State Route 242.

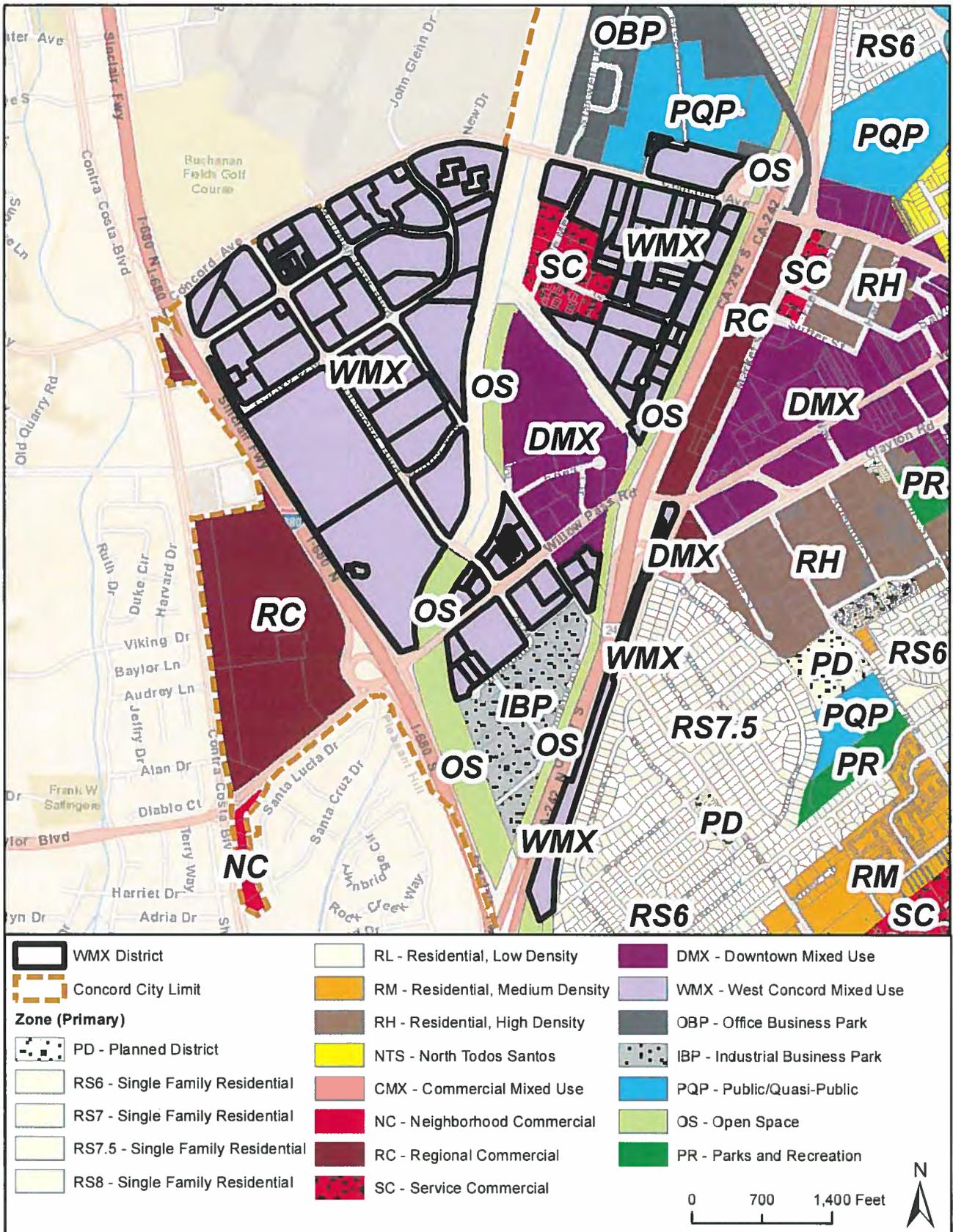
The largest WMX District is west of Walnut Creek, bounded by Walnut Creek to the east, Interstate 680 to the west, and Concord Avenue to the north. The second-largest WMX District is east of Walnut Creek, bounded by the drainage to the west, Concord Avenue to the north, State Route 242 to the east, and the drainage tributary to the south. A small WMX District is located north of Concord Avenue, and several additional WMX parcels are located in the southern portion of the project area, clustered at the intersection of Willow Pass Road (southwest/ northeast) and Diamond Boulevard (northwest/ southeast). Other land use zones in the this area include the following:

- Open Space (OS) runs through the WMX District in two strips, both situated in north-south alignments, with the eastern OS area adjacent to the west of State Route 242;
- Downtown Mixed Use (DMX) is located between the two OS swaths, between SC and WMX District to the north, and WMX to the south (this DMX area consists entirely of the Waterworld California recreational development including parking);
- Service Commercial (SC) is located north of the DMX area, surrounded to the north, east, and south by WMX and to the south and west by OS;
- Industrial Business Park (IBP) is located in the southern project area, adjacent to the south of the southern-most WMX District, and bounded to the west and east by OS areas adjacent to Interstate 680 and State Route 242, respectively.

Existing land uses in the WMX District consist almost exclusively of commercial developments, including large buildings and associated parking areas. The overall area is characterized by generally flat topography and is almost entirely paved. There are some trees and ornamental vegetation around the borders of the WMX District, and along property lines within the areas, but there is no substantial open space or native vegetation.

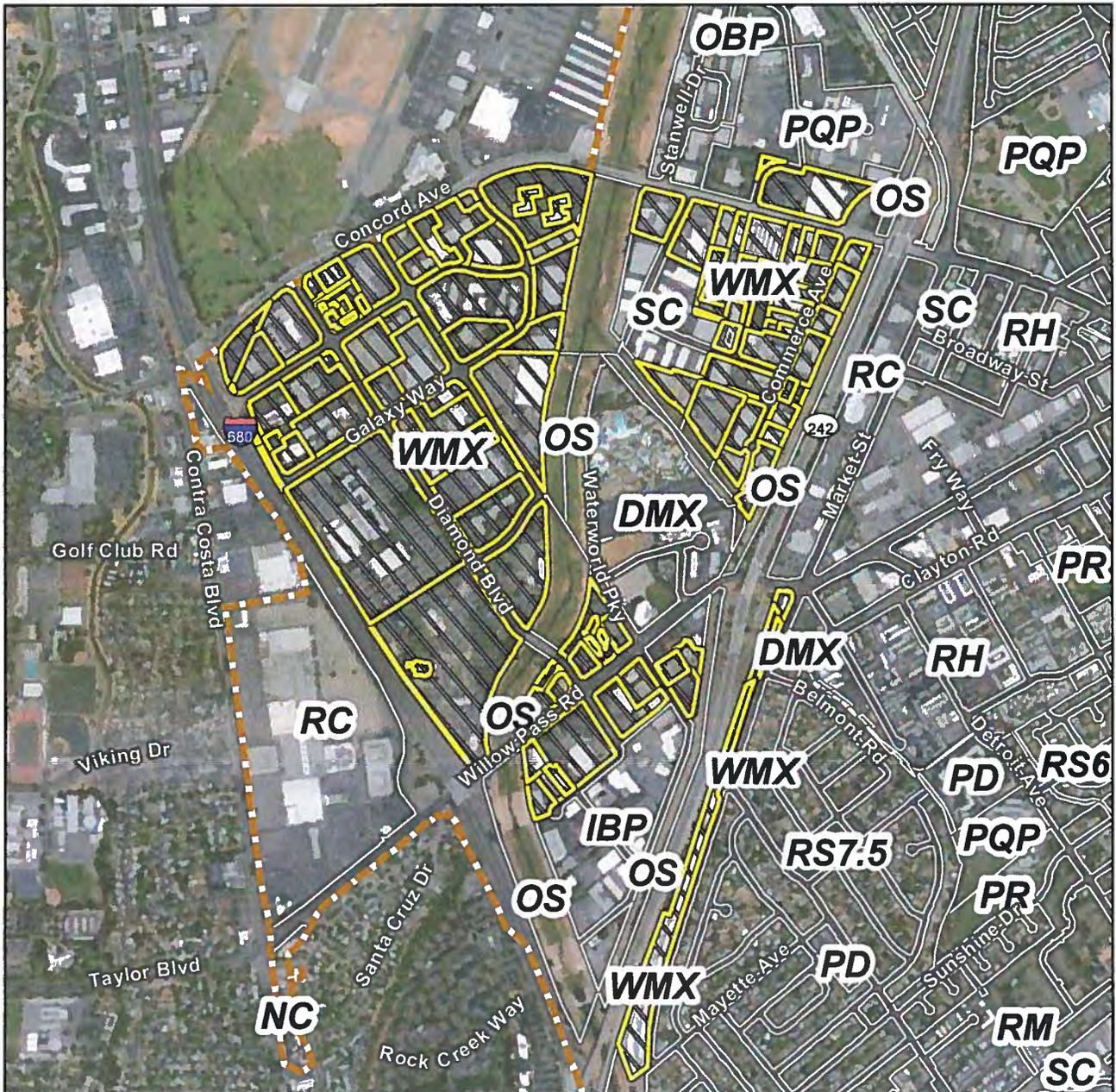
The impact analysis provided in this Addendum assesses whether restriction from the WMX District of the types of uses described above would be consistent with the impact analysis provided in the 2012 SEIR, which amended the 2030 General Plan to include the current CDC. Uses within the WMX District would continue to be required to be consistent with development standards included in the CDC. Chapter 18.150 (General Development Standards) of the CDC addresses development standards associated with the details of site planning and project design, while Chapter 18.200 (Standards for Specific Uses) of the CDC establishes broader regulations for certain land uses within individual districts. These standards are discussed throughout the impact analysis, as applicable.



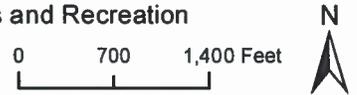


WMX District

Figure 1



	WMX District	PD - Planned District	NC - Neighborhood Commercial
	Concord City Limit	RS6 - Single Family Residential	RC - Regional Commercial
		RS7 - Single Family Residential	SC - Service Commercial
		RS7.5 - Single Family Residential	DMX - Downtown Mixed Use
		RS8 - Single Family Residential	WMX - West Concord Mixed Use
		RL - Residential, Low Density	OBP - Office Business Park
		RM - Residential, Medium Density	IBP - Industrial Business Park
		RH - Residential, High Density	PQP - Public/Quasi-Public
		NTS - North Todos Santos	OS - Open Space
		CMX - Commercial Mixed Use	PR - Parks and Recreation



Imagery provided by National Geographic Society, ESRI and its licensors © 2015.
 Zoning data from City of Concord Zoning Map, August 23, 2012.

WMX District

Figure 2

4.0 ENVIRONMENTAL CHECKLIST AND IMPACTS OF PROPOSED CHANGES TO THE SEIR

This Addendum evaluates potential environmental impacts that could result from the proposed project, which would revise allowable uses within the WMX District. The WMX District was introduced to the Zoning Map via the 2012 SEIR. The existing environmental conditions on and near the WMX-zoned areas are substantially the same under present conditions as described in the 2012 SEIR; the analysis below provides updates where necessary to characterize potential impacts.

Appendix G of the CEQA *Guidelines* provides a checklist of environmental issue areas that are suggested as the issue areas that should be assessed in CEQA analyses. As mentioned above, the 2012 SEIR only addressed in detail five of the 17 suggested environmental issue areas, because the Initial Study prepared for the SEIR determined that other issue areas would not have potential to result in significant adverse environmental impacts. Of the five issue areas addressed in the 2012 SEIR, the 2014 Addendum only addressed four issue areas, as it was determined that one of the five (Noise) would not have potential to result in significant adverse environmental impacts. As with the 2014 Addendum, this Addendum also tiers off the 2012 SEIR and addresses the issue areas discussed in detail in that document; however, in order to provide a thorough and conservative analysis of potential impacts associated with allowing outdoor uses and activities in the WMX District, this Addendum addresses each of the 17 environmental issue areas suggested by Appendix G of the CEQA *Guidelines*, as listed below.

- Aesthetics
- Agriculture and Forestry
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation / Traffic
- Utilities / Service Systems

As noted above, this Addendum tiers off of the 2012 SEIR, as amended by the 2014 Addendum. Therefore, potential environmental impacts of the proposed project are considered in comparison with the revised 2012 SEIR, to determine whether impacts associated with the WMX revisions are consistent with the impact analysis provided in the 2012 SEIR, and whether additional mitigation measures are required to minimize or avoid potential impacts. For the purposes of this impact analysis, the “Approved Project” refers to the actions approved by the 2012 SEIR, including as amended by the 2014 Addendum to incorporate the Downtown Specific Plan (General Plan Land Use Map; Concord Development Code; Zoning Map).

Where impacts are identified in the following analysis, discussion of previously identified mitigation measures (from the 2012 SEIR), revised/updated mitigation measures (from the 2014 Addendum), and existing laws and regulations are also discussed as relevant to the avoidance of potential impacts. Where applicable, the existing CDC provisions would be implemented for



compliance with the 2030 Concord General Plan goals and policies, as discussed throughout the impact analysis provided below.

4.1 AESTHETICS

The Initial Study prepared for the 2012 SEIR determined that Aesthetic impacts would be less than significant with no mitigation required. Proposed changes to the WMX District would prohibit the following uses/activities within this District: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. Potential impacts to aesthetics associated with these uses and activities would be avoided within the WMX District, although such uses and activities may redistribute to the other areas within the Concord Planning Area SOI where such uses and activities are permitted (see Section 3 of this Addendum). This redistribution would not introduce new uses or activities to other Districts within the SOI where these uses are already permissible, and would be contingent upon the issuance of permits, as described in Section 3, to ensure consistency with the CDC.

The proposed project would not introduce new impacts to Aesthetics, and would be consistent with the impact analysis provided in the 2012 SEIR.

Effects and Mitigation Measures

No new or substantially more severe effects would occur related to Aesthetics, and no new or revised mitigation measures are necessary.

Conclusion

Less than Significant Impact (Same as Approved Project)

4.2 AGRICULTURE AND FORESTRY

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Agriculture and Forestry would be less than significant with no mitigation required. The proposed project would not include uses or activities related to Agriculture and Forestry, and would not introduce uses or activities to areas designated for agriculture or forestry. The proposed project would not introduce new impacts to Agriculture and Forestry, and would be consistent with the impact analysis provided in the 2012 SEIR.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Agriculture and Forestry, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Same as Approved Project)



4.3 AIR QUALITY

The Initial Study prepared for the 2012 SEIR determined that impacts to Air Quality would be potentially significant, and this issue was therefore analyzed in the 2012 SEIR. The 2012 SEIR determined that impacts would be less than significant with mitigation measures that require performance measures incorporated into the Concord Citywide Climate Action Plan (CAP). The CAP is a document that includes policies, measures, and strategies to improve the health, safety, mobility, and livability of the greater community and serves as a “qualified GHG reduction plan,” and prioritizes GHG reduction measures to comply with California environmental and land use planning laws.

In addition, as discussed in Section 2.3, an Addendum to the 2012 SEIR was produced in 2014 to assess the *City of Concord Downtown Specific Plan*, as well as changes to local, state, and federal air quality regulations that occurred after certification of the 2012 SEIR. The WMX District areas are not located in the Specific Plan area and the 2014 analysis of the Specific Plan does not place restrictions or mitigation requirements on potential land uses and activities in the WMX District; however, the updated air quality regulations addressed in the 2014 Addendum are applicable to the proposed project, and are presented below.

- **Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 2 - New Source Review.** This rule requires any new source resulting in an increase of any criteria pollutant to be evaluated for adherence to Best Available Control Technology (BACT).
- **BAAQMD Regulation 2, Rule 5 - New Source Review of Toxic Air Contaminants.** This rule applies to pre-construction review of new and modified sources of toxic air contaminants, contains project health risk limits, and requires Toxics Best Available Control Technology.
- **Climate Action Plan.** The CAP was adopted in July 2013 in response to mandates from the State of California intended to reduce the emission of greenhouse gases statewide, because of their contribution to global climate change. The CAP is anticipated to bring the amended General Plan into compliance with regional and statewide GHG emission reduction goals, and incorporate regional reduction targets developed pursuant to Senate Bill 375 (Sustainable Communities and Climate Protection Act of 2008). The CAP contains the performance measures identified in the 2012 SEIR (City of Concord, 2013).

Proposed changes to the WMX District would prohibit the following uses/activities within this District: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. Potential air quality impacts from these uses would be associated with emissions from the use of vehicles and equipment, including vehicles traveling to and from the sites where these uses are available. With the restriction of these uses from the WMX District, such emissions could redistribute to other areas where the uses would remain permitted, but would not increase them. Such redistribution would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. Therefore, the proposed project would not introduce new impacts to air quality.



Effects and Mitigation Measures

No new or substantially more severe effects would occur to Air Quality, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.4 BIOLOGICAL RESOURCES

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Biological Resources would be less than significant with no mitigation required.

As described in Section 3, the WMX District affected by the proposed project is almost entirely developed and characterized by commercial uses, with surfaces almost entirely paved. Biological resources within the WMX District are generally absent. Walnut Creek and its associated riparian area adjacent to the WMX District, but this would not be altered or otherwise affected as a result of the proposed land use restrictions.

The restriction of land uses within the WMX District may result in the redistribution of such uses to other areas where they are allowable. Such redistribution would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. Therefore, the proposed project would not introduce new impacts to biological resources.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Biological Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.5 CULTURAL RESOURCES

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Cultural Resources would be less than significant with no mitigation required.

The restriction of certain land uses and activities from the WMX District would not involve any ground-disturbing activities and would have no potential to encounter or otherwise disturb cultural resources. Restricted uses may redistribute to other districts where such uses are allowable. Such redistribution would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. Therefore, the proposed project would not introduce new impacts to cultural resources.



Effects and Mitigation Measures

No new or substantially more severe effects would occur to Cultural Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.6 GEOLOGY/SOILS

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Geology/Soils would be less than significant with no mitigation required. Potential outdoor uses and activities that could be allowed under the proposed CDC revisions would occur in areas subject to geology- and soil-related hazards, including as related to seismic events and soil stability.

The restriction of certain land uses and activities from the WMX District may result in the redistribution of such uses to other districts where they are allowable, contingent upon permit conditions, but such redistribution would not introduce new impacts to geology/soils not previously analyzed, would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. Therefore, the proposed project would not introduce new impacts to geology and soils.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Geology/Soils, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.7 GREENHOUSE GAS EMISSIONS

The Initial Study prepared for the 2012 SEIR determined that potential impacts associated with greenhouse gas (GHG) emissions would be potentially significant, and this issue was therefore analyzed in the SEIR, which determined that impacts would be less than significant with mitigation measures that require performance measures incorporated into the CAP. In addition, as described in Sections 2.3, the 2014 Addendum to the 2012 SEIR assessed state GHG inventory data that was developed following certification of the 2012 SEIR, and introduced updated mitigation requirements for GHG emissions to address the CAP; the 2014 Addendum updated the 2012 SEIR and the mitigation requirements included therein are applicable to land uses and activities that may redistribute through the Concord Planning Area SOI as a result of restricting them from the WMX District. As discussed in the Air Quality analysis above, the CAP was adopted in 2013 and contains the performance measures identified in the 2012 SEIR, as updated by the 2014 Addendum (City of Concord, 2013).



The potential redistribution of certain land uses and activities that could occur as a result of the restriction of land uses and activities within the WMX District would not result in new emissions not previously anticipated. The proposed project would not result in new impacts to greenhouse gas emissions, as the revisions would not result in increases in the subject uses.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Greenhouse Gas Emissions, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.8 HAZARDS AND HAZARDOUS MATERIALS

The Initial Study prepared for the 2012 SEIR determined that impacts to Hazards and Hazardous Materials would be less than significant with no mitigation required. The proposed project would restrict certain land uses and activities from the WMX district, where such uses and activities are currently allowed. As such, the potential use, handling, and storage of hazardous materials that could occur in associated with the following activities would not occur in the WMX District: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. These uses and activities may redistribute to other areas where the uses are permitted, as described in Section 3. Such redistribution would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. Therefore, the proposed project would not introduce new impacts associated with hazards and hazardous materials.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Hazards and Hazardous Materials, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.9 HYDROLOGY / WATER QUALITY

The Initial Study prepared for the 2012 SEIR determined that impacts to Hydrology / Water Quality would be less than significant with no mitigation required.

As described in Section 3, Walnut Creek and an associated tributary run between areas designated as WMX District. These features are not included within the WMX District and would not be altered or otherwise affected by the restriction of certain uses from the WMX District. Nor would any changed or new uses be allowed that could result in impacts to these



watercourses. Uses and activities that would be restricted from the WMX District under the proposed project may redistribute to other districts where they are permitted; such redistribution would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. Therefore, the proposed project would not introduce new impacts associated with hydrology and water quality.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Hydrology and Water Quality, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.10 LAND USE / PLANNING

The Initial Study prepared for the 2012 SEIR determined that impacts to Land Use / Planning would be less than significant with no mitigation required.

As previously discussed, the proposed WMX revisions would amend the CDC (as addressed in the 2012 SEIR) to restrict certain uses and activities from the WMX District, which may result in the redistribution of uses to other areas, where they would be subject to permit requirements and are anticipated to have already been accounted for in the land use planning processes reflected in the General Plan and associated CDC. As described in Section 4.1 (Aesthetics), the restriction of certain land uses from the WMX District may result in the area having a less industrial character, and would be consistent with the General Plan. The proposed project would not introduce new impacts associated with land use and planning.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Land Use and Planning, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.11 MINERAL RESOURCES

The Initial Study prepared for the 2012 SEIR determined that no impacts to Mineral Resources would occur. The restriction and potential redistribution of previously described land uses and activities from the WMX District would not require a source of mineral resources, and would not restrict or otherwise adversely affect mineral resources in the area. The proposed project would not introduce new impacts associated with mineral resources.



Effects and Mitigation Measures

No new or substantially more severe effects would occur to Mineral Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.12 NOISE

The Initial Study prepared for the 2012 SEIR for the Approved Project determined that impacts to Noise would be potentially significant, and this issue was therefore analyzed in the SEIR, which determined that impacts would be less than significant with no mitigation measures required, as compliance with 2030 General Plan Policies would reduce or avoid potentially adverse impacts of CDC implementation related to noise.

The proposed project would restrict certain land uses and activities from the WMX District, where such uses and activities are currently allowed. As such, potential noises associated with the following uses and activities would not occur in the WMX District: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. These uses and activities may redistribute to other areas where the uses are permitted, as described in Section 3. Such redistribution would be subject to the issuance of appropriate permits, and is anticipated to have already been planned for in the affected districts. The WMX District and surrounding areas (described in Section 3) are largely characterized by commercial uses, and noise associated with the aforementioned uses would be consistent with the surrounding area. Section 18.150.130 (*Performance Standards*) of the CDC stipulates that all noise emanating from a subject site must comply with the noise standards in the Safety and Noise Element of the 2030 General Plan, and that an acoustic study may be required for the introduction of any new noise sources/exposure that exceeds levels deemed normally acceptable by the General Plan. Redistributed uses as affected by the proposed WMX District revisions would be subject to issuance of permits; in considering these, consistency with General Plan requirements will be considered, including as related to noise, and project modifications may be required as conditions of approval in order to ensure that neighboring residential uses aren't adversely affected by increased noise levels. The proposed project would not introduce new noise-related impacts.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Noise, and no new mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)



4.13 POPULATION / HOUSING

The Initial Study prepared for the 2012 SEIR determined that impacts to Population / Housing would be less than significant with no mitigation required. The proposed project would restrict certain land uses and activities from the WMX District, where such uses and activities are currently allowed; these uses are not residential and would not require the construction of new residential areas. The potential redistribution of land uses and activities to other districts within the Concord Planning Area SOI would not alter housing demands. The proposed project would not introduce new impacts associated with population and housing. No impact to population and housing would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur related to Population and Housing, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.14 PUBLIC SERVICES

The Initial Study prepared for the 2012 SEIR determined that potential impacts associated with Public Services would be less than significant with no mitigation required, where “Public Services” includes fire protection, police protection, schools, and parks. The SEIR also includes a “Public Services and Utilities” analysis (SEIR Section 3.4), which addresses water supply reliability. The 2014 Addendum to the SEIR includes analysis of water supply reliability using updated County water supply data that was not available at the time of preparation of the 2012 SEIR. Water supply reliability relevant to the current proposed project analyzed in this addendum is discussed in Section 3.16 (Utilities).

The restriction of certain land uses and activities from the WMX District may result in the redistribution of such uses and activities to other districts within the Concord Planning Area SOI; this would not alter public services demands in the SOI, including as related to fire and police protection, schools, parks, or other public services. The proposed project would not introduce new impacts to public services, and no impact would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Public Services, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)



4.15 RECREATION

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Recreation would be less than significant with no mitigation required. The restriction of certain land uses and activities from the WMX District and potential redistribution of such uses and activities to other areas in the SOI would not introduce new recreational demands or facilities, and would have no impact on recreation. The proposed project would not introduce new impacts to recreation, and no impact would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Recreation, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.16 TRANSPORTATION / TRAFFIC

The Initial Study prepared for the 2012 SEIR for the Approved Project determined that potential impacts to Transportation/Traffic would be potentially significant, and this issue was therefore analyzed in the SEIR, which determined that impacts would be significant and unavoidable even with the implementation of General Plan policies and mitigation measures to improve circulation and service levels throughout the City.

The proposed project would restrict the following land uses from the WMX District, and would avoid traffic associated with such uses within the WMX District: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. These uses may redistribute to other areas in the Concord Planning Area SOI, and associated traffic would also redistribute. As discussed in Section 3, if these uses and activities occur in other districts within the Concord Planning Area SOI, they would be subject to permit conditions and requirements. In addition, it is expected that districts allowing these uses have planned for associated traffic.

As the project would not increase the subject uses within the city, no change in impacts to the overall circulation would occur. Similar to under existing conditions, new traffic from specific projects would be evaluated for localized impacts when and if proposed. The proposed project would not introduce new uses and activities and would not increase existing adverse traffic conditions. The proposed project would not introduce new impacts to traffic and transportation, and no impact would occur.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Transportation / Traffic, and no new or revised mitigation measures are necessary.



Conclusion

No Impact (Less than Approved Project)

4.17 UTILITIES / SERVICE SYSTEMS

The Initial Study prepared for the 2012 SEIR determined that impacts to Utilities / Service Systems would be less than significant with no mitigation required. The restriction and potential redistribution of certain land uses and activities from the WMX District would not increase demands on utilities and service systems. Such demands may occur in other districts allowing the identified uses and activities, but would be contingent upon the issuance of permits and require project by project evaluation, and would not introduce new impacts to utilities and service systems.

Effects and Mitigation Measures

No new or substantially more severe effects would occur to Utilities / Service Systems, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)



5.0 CONCLUSION

As discussed in detail in the preceding sections, potential impacts associated with restriction of the following land uses from the WMX District are consistent with potential impacts characterized and mitigated in the 2012 SEIR: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. Substantive revisions to the 2012 SEIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the proposed project. Therefore, the following determinations have been found to be applicable:

- No further evaluation of environmental impacts is required for the proposed project;
- No Subsequent EIR is necessary per CEQA Guidelines Section 15162; and
- This Addendum is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15164.

Pursuant to CEQA Guidelines Section 15164(c), this Addendum will be included in the public record for the 2012 SEIR to the General Plan EIR. The Concord Development Code is available on the City's website at <http://www.codepublishing.com/ca/concord/>.

5.1 DECISION NOT TO PREPARE SUBSEQUENT EIR

As outlined in CEQA Guidelines Section 15164 (*Addendum to an EIR or Negative Declaration*) of the State CEQA Guidelines, a Lead Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. As discussed in the impact analysis provided in Section 4, the proposed WMX District revisions are consistent with the 2012 SEIR, which revised the 2030 General Plan to include the current CDC. The restriction of the following land uses from the WMX District would not introduce any new significant environmental impacts beyond those which have already been identified and characterized in the 2012 SEIR: building materials sales and services; cabinet shops; outdoor storage and activities associated with artisan/custom product businesses; and small recycling collection facilities. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred or would occur as a result of the proposed project. Therefore, this Addendum to the 2012 SEIR is consistent with CEQA, and this Addendum is the appropriate level of environmental documentation to provide under CEQA. This Addendum will be considered by the City of Concord in making a decision on the proposed project.



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List of Preparers

This Addendum was prepared by Rincon Consultants, Inc. under contract to the City of Concord. Persons and firms involved in data gathering, analysis, project management, and quality control include:

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June 10, 2015

VIA EMAIL

City of Concord Planning Commission
Robert Hoag, Chair
1950 Parkside Drive
Concord, CA 94519

Re: July 17 Hearing on Proposed WMX Zoning Amendment (PL15132-DC)

Honorable Commissioners:

The Commission has scheduled a hearing on July 17 to consider a zoning amendment that would remove three currently permitted uses from the West Concord Mixed Use (“WMX”) District, including “*Building Materials Sales and Service*.” We represent Golden State Lumber (“GSL”), which has applied to build and operate a business at 2180 Diamond Boulevard selling lumber, building materials, windows and doors, and related hardware in an enclosed building. GSL opposes the zoning change, which would prohibit their business.

GSL believes the proposed amendment was triggered by the misperception that GSL intends to operate a messy, noisy sawmill. In fact there will be no fabricating or milling work. The commercial business will be an upscale retail home improvement store providing building materials to the general public. It will be an asset to the neighborhood and the city. The amendment is trying to address a problem that does not exist.

The hearing notice states that the uses “*do not conform to the WMX purpose statement or the uses envisioned for the WCMU land use designation under the General Plan*.” This letter is a preliminary response to that claim. We reserve the right to raise additional objections once the staff report is made public and we better understand the reasons used to support the proposal.

1. Use Conforms to the WMX Purpose Statement.

Code §18.45.010.C states the purpose of the WMX District as “*appropriate for a mix of schools, commercial, office, retail, multi-tenant office/warehouses, and institutional development*” that allows “*new automobile dealers, shopping centers, hotels, restaurants, office buildings and multi-tenant commercial spaces, including contractor showrooms and storage uses when located entirely within a building and public/quasi-public uses.*” The only use specifically prohibited is residential.

There is no definition or restriction provided for the terms “*commercial*”, “*retail*”, “*warehouse*”, “*contractor showroom*” or “*storage uses*”. The intent is to allow a broad range of business use. GSL will operate a retail commercial facility with an office for staff taking orders, a showroom displaying merchandise, and a warehouse area for customers to pick up lumber and building materials. There is nothing to support the claim that Building Materials Sales and Service uses are inconsistent with the purpose statement.

GSL has sent to the Commission a study by planning consultants Loewke Planning Associates, which identified 20+ existing businesses in the WMX District that qualify as Building Materials Sales and Services. The Loewke study describes the ramifications of making those businesses nonconforming uses. It is reasonable to assume that in adopting the zoning regulations the City Council recognized that these and similar businesses make up a large portion of the area’s land uses and comprise an important component in the city’s economic and employment base compatible with the WMX **mixed-use** purpose, and they should be allowed and encouraged to operate.

The new WMX District regulation was adopted in March 2014. Table 18.45.020 listing permitted uses (including “*Building Materials Sales and Services with no outdoor storage*”) was adopted at the same time as the purpose statement. It is reasonable to conclude that the City Council in approving the list of uses determined that they all were consistent with the purpose statement. Nothing has occurred in the past year to reverse this finding or undermine the Council’s discretion in reaching that conclusion.

2. Use is Consistent with the General Plan.

An update to the Concord General Plan (2030 General Plan) was adopted in 2012. The WMX Zoning District was adopted in 2014 for the express purpose of implementing the General Plan. Code §§18.45.010.C concludes by stating: “*The WMX district is consistent with and implements the West Concord mixed-use (WCMU) land use designation of the general plan.*” The City Council adopted the new Code section and made that finding only a year ago. Nothing has changed that justifies reversing that conclusion.

The General Plan created over 20 land use designations covering the city. Some describe types of uses (e.g., “medium density residential”) and are applied to multiple locations, while others set guidelines for specific areas (e.g., “North Todos Santos”). The WCMU designation is described as allowing “*a mix of office and commercial development, including such uses as new auto dealers, hotels, restaurants, and showroom/warehouses.*” Residential development is specifically prohibited because of its incompatibility with these more intensive uses..

Nothing in this statement supports claiming that GSL in particular, or Building Materials Sales and Services in general, is inconsistent. The area is intended to allow and support a **mix** of commercial activity. Use of the term “*including*” means there is no intent to limit businesses to the four types named. There are no statements limiting the types of commercial development that might apply to Building Materials Sales and Services. There is no indication that the City Council in adopting the General Plan intended to make 20+ existing businesses nonconforming or to force their closure.

As additional support we draw your attention to General Plan Policy LU-4.2.7, which states: *“Facilitate the relocation of gas stations, auto repair, and service uses to service commercial areas throughout the City.”* This shows the City Council did consider whether to move and cluster particular types of uses. If the City had wanted to remove and prohibit the many existing Building Materials Sales and Services from the WCMU area, it would have included a similar policy in the General Plan.

3. Zoning Amendment Requires CEQA Study.

The hearing notice states that the amendment will be supported by an Addendum to the 2012 EIR. This is not appropriate under CEQA. An initial study and formal environmental determination is required before the City can act. The evidence presented in the record shows that the contemplated prohibition of Building Materials Sales and Services uses may have a significant effect on many older purpose-built structures, which may in turn require the preparation of a supplemental EIR or at a minimum a negative declaration.

Section 15164 of the CEQA Guidelines prohibits relying on an addendum to a previous EIR if *“Substantial changes are proposed in the project which will require major revisions of the previous EIR ... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”* The proposed zoning amendment will immediately make 20+ businesses in the WMX District nonconforming. As explained in the Loewke study, that will have dire consequences for those businesses, making it difficult or impossible for them to continue operating and forcing them to close. Many of those businesses are located in older buildings that were designed for these types of business activity – thus making it more uncertain if and how they may be reused.

The courts recognize that in such situations there is an elevated risk of blight affecting the surrounding community, caused by buildings standing empty, deteriorating, and attracting graffiti and vandalism. This represents a potentially significant environmental impact that must be studied now because it was not considered in the previous EIR. The zoning amendment may require mitigation measures to protect the neighborhood from these adverse effects. If a new EIR is required, it should include an analysis of possible alternatives to avoid the impacts – including the “no project” alternative.

The study also should evaluate the direct and indirect economic effects on the City and its residents of losing these businesses, such as lost jobs, property and sales taxes, and multiplier benefits enjoyed by other local businesses. While purely economic impacts are not subject to CEQA, their potential to cause indirect physical effects should be considered, and the City should be aware of the economic consequences before it acts.

4. Amendment Should Include Additional Zoning Uses.

If the City insists on declaring Building Materials Sales and Services inconsistent with the WCMU General Plan designation, this will require prohibiting additional types of uses now listed as permitted in the WMX Zoning District. Since the issue is the activity being judged, there is nothing to protect other uses that may be operating under a different zoning label.

Failing to do so would leave the City open to legal challenges if it approves such a use, and existing businesses might face litigation seeking to declare them illegal and subject to the nonconforming use ordinance. There is no logical basis to allow the same uses under a different artificial label. General Plan consistency supposedly is based on ensuring uses in an area are compatible and won't cause problems.

The Code defines Building Materials Sales and Service as:

“[A]n indoor or outdoor establishment selling cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, and other building materials, plants and landscaping materials including rock, stone, and masonry products to the general public. Includes stores with indoor service areas. Establishments primarily selling electrical, plumbing, heating, and air conditioning, equipment and supplies are classified in ‘Wholesaling, distribution.’ Does not include large format retail home stores in buildings over 80,000 square feet (see ‘Big box’ under ‘Retail Sales’), nor show room stores with contractor sales and assembly, which are classified as ‘Warehouse show room with assembly and sales’ under ‘Manufacturing, processing’.”

Any business selling or servicing any of the products listed in the definition would be vulnerable, unless the City can adopt a defensible finding that explains why it actually is consistent with the WCMU General Plan designation and not covered by the finding used to prohibit Building Materials Sales and Service.

For example, there is nothing sacred about being a “Big Box”, which the Code identifies separately only so the City can require a use permit. It is simply retail sales in a building over 80,000 square feet. Thus all operations related to building materials would be prohibited.

Other examples include:

- *“Nursery, garden center”* which is a permitted outdoor sales area use under *“Retail Sales”*, but *“plants and landscaping materials”* would be prohibited.
- *“Electrical, plumbing, heating, and air conditioning, equipment and supplies”* business might be vulnerable, unless the City can explain why *“Wholesaling, distribution”* uses are consistent with the WCMU designation when Building Materials Sales and Services are not – especially given that the definition for *“Wholesaling, distribution”* suggests it applies to businesses that sell to contractors, retailers, etc. but not to the general public. There is no logical reason to allow sale of plumbing and electrical supplies but not flooring, paint, etc.
- *”Show room stores with contractor sales and assembly”* supposedly excluded from the Building Materials Sales and Services definition also might be found inconsistent with the WCMU designation under the same argument. They are under the category *“Warehouse show room with assembly and sales”* which is defined as displaying and selling *“cabinetry, fixtures, flooring and other custom-made products”* and allows

assembly and repair work. At a minimum, “*fixtures*” and “*flooring*” must be deleted because they are included in the definition of Building Materials Sales and Services.

- Because we have not yet seen the staff report, we don’t know exactly what reasoning is being used to justify the proposed zoning amendment. However, if it attempts to argue that the WCMU designation is meant to allow only “cleaner” or more “upscale” types of commercial uses, that logic might suggest that auto dealerships and their service facilities also should be prohibited.

Circumstances suggest that this zoning proposal arose from concerns over alleged effects that GSL’s business may have on the area. The amendment raises a number of legal and planning issues, briefly described in this letter. Given the complexity of the legal situation and the focus on GSL, we ask the Commission to allow two GSL representatives to speak for up to 10 minutes each, to address legal/planning arguments and provide a better understanding of the nature of GSL’s proposed operation. We believe this will benefit the Commission by providing a clear and coordinated presentation, versus requiring GSL to arrange more speakers covering separate topics during their three-minute speaking times.

Very truly yours,

ARCHER NORRIS

/s/ Edward L. Shaffer

Edward L. Shaffer

ELS

cc: Mark Coon, City Attorney
Susanne Brown, Senior Assistant City Attorney
Victoria Walker, Community & Economic Development Director
Laura Simpson, Planning Manager
Andrew Mogensen, Principal Planner
Ryan Lenhardt, Senior Planner
Golden State Lumber representatives

June 8, 2015

Mr. Seth Nobmann
Golden State Lumber Company
855 Lakeville Street, Suite 200
Petaluma, CA 94952

SUBJECT: Issues Raised in Connection with the Application by Golden State Lumber for a Determination of Zoning Consistency in the City of Concord, California

Dear Mr. Nobmann,

Following is a summary of the several issues identified in our review of the application process and procedures used by the City for review of the Golden State Lumber (GSL) application:

- 1. Is GSL a “Building Materials Sales and Service Use”?** Yes. Section 18.20.030 of the Municipal Code contains the definitions used in interpreting and implementing the City’s Development Code (zoning ordinance). It defines Building Materials and Service as *“an indoor or outdoor establishment selling cabinetry, fixtures, flooring, **glass, lumber, paint, wallpaper, and other building materials**, plants and landscaping materials including rock, stone, and masonry products to the general public. Includes stores with **indoor, service areas**. Establishments primarily selling electrical, plumbing, heating, and air conditioning, equipment and supplies are classified in ‘Wholesaling, distribution.’ Does not include large format retail home stores in buildings over 80,000 square feet (see ‘Big box’ under ‘Retail Sales’), nor show room stores with contractor sales and assembly, which are classified as ‘Warehouse show room with assembly and sales’ under ‘Manufacturing, processing’* (emphasis added). GSL meets the “Building Materials Sales and Service” definition because it is a commercial use that primarily sells windows, lumber and other building materials such as hardware to the general public, has an indoor service area, does not provide any of the products meeting the definition of “wholesaling, distribution”, is not a retail home store of over 80,000 square feet (Big Box), and does not provide contractor sales and assembly. GSL is in the same zoning category, and must therefore be treated the same as other building materials sales and service uses focusing on carpet, wood flooring, tile, appliances, paint, granite and marble, kitchen materials, cabinetry, doors and windows, hardware, wall coverings, etc.
- 2. Is the GSL use Permitted by Right in WMX District?** Yes. The site at the southeast corner of Burnett Avenue and Diamond Boulevard is zoned WMX (West Concord Mixed Use District). Code Section 18.45.020 contains Table 18.45.020 which distinguishes between: (a) Uses that are “Permitted” subject to verification of compliance with applicable development standards through the ministerial Zoning Clearance process; (b) Uses that require either a discretionary “Administrative Permit”; (c) Conditional uses that may only be authorized by either a discretionary “Minor Use Permit” or discretionary full “Use Permit”; and (d) Uses that are “Prohibited” in the WMX District. The table lists “Building Materials Sales and Services” uses with no outside storage as being “Permitted”, subject only to Zoning Clearance. Because GSL provides no outside storage, Table 18.45.020 identifies it as allowed by right in this zoning district. The Zoning Clearance process serves the sole purpose of verifying compliance with the development standards of the WMX District.

3. **Is Zoning Clearance a discretionary entitlement process?** No. Section 18.45.030 establishes the building height, floor area ratio, setback, parking and other development standards applicable to the Downtown Districts including WMX, which Building Materials Sales and Service uses such as GSL must comply with. Section 18.25.030 outlines the basis for the staff's determination of whether a use is allowed in any zoning district, including WMX; it states that any use identified as allowable in Table 18.45.020 "*may be established on any parcel within that district, subject to the planning permit requirements of subsection (B) of this section and compliance with all applicable requirements of the development code.*" Thus Section 18.45.030 establishes an absolute right for GSL to locate in the WMX District, subject only to verification of compliance with code requirements through a staff-level administrative verification process. As identified in Table 18.45.020, the applicable development standard verification process for GSL is the Zoning Clearance process. Sub-Section B.1 of 18.25.030 states defines the Zoning Clearance process as follows: "*Use is permitted subject to compliance with all applicable provisions of the development code, subject to obtaining a zoning clearance (Chapter 18.410 CDC), and shown as "ZC" in the tables. A zoning clearance is a stamp, signature, or other official notation on approved plans, business license or similar.*" Because Building Materials Sales and Service uses like GSL are listed by name in Table 18.45.020, a staff-level determination of "similar and compatible" under Sub-Section A.3 is not required. Thus the Zoning Clearance process applicable to GSL consists of a staff-level stamp, signature or notation on plans documenting that the proposed improvements are in compliance with the applicable development standards of Section 18.45.030.

The California Environmental Quality Act (CEQA) Guidelines provide in Section 15268 that "ministerial" projects "*are exempt from the requirements of CEQA*". It lists as examples of ministerial projects, the issuance of building permits and business licenses. Section 15002(i) of the CEQA Guidelines define "ministerial" as follows: "*Where the law requires a governmental agency to act on a project in a set way without allowing the agency to use its own judgment, the project is called 'ministerial', and CEQA does not apply.*" Conversely, CEQA distinguishes between ministerial projects which require no discretionary judgment, such as the permitted GSL use, and "discretionary" projects as defined in Section 15357 as follows: "*Discretionary project' means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.*" Therefore, as stated in the CEQA Guidelines, since the Zoning Clearance process applicable to permitted Building Materials Sales and Service uses, such as GSL, "*merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations*", it is by definition ministerial and not discretionary.

4. **Are Permitted Building Materials Sales and Service Uses Consistent with the "Purposes" of the WMX District?** Yes. Section 18.45.010 lists the purpose of the WMX District, and references the subsequent section which identifies Building Materials Sales and Services, like GSL, as permitted uses within the WMX District. It states that the WMX District

applies to the area of west Concord covered by the WCMU designation, and makes the explicit finding that “*The WMX District is consistent with and implements the West Concord mixed-use (WCMU) land use designation of the general plan*” (emphasis added). Section 18.45.010 also states that the WMX District is “*appropriate for a mix*” of non-residential uses including “*schools, commercial, office, retail, multi-tenant office/warehouses, and institutional development at up to a 4.0 FAR*”, and states that it “*allows new automobile dealers, shopping centers, hotels, restaurants, office buildings, and multi-tenant commercial spaces, including contractor showrooms and storage uses when located entirely within a building and public/quasi-public uses*”. Thus while the WMX District was designed to facilitate a broad range of commercial activities, it explicitly states that one of its basic purposes is to allow commercial uses with showrooms and enclosed storage of materials, such as GSL.

5. **Is the GSL proposal consistent with other General Plan policies?** Yes. As noted under question 4 above, the GSL Building Materials Sales and Service use is fully consistent with the 2030 General Plan Land Use Element’s policy to guide uses in the WCMU area. GSL is part of the Building Materials Sales and Service class of uses listed by name in the WMX District and expressly found by the City in 2014 to be “*consistent with and implement the West Concord mixed-use (WCMU) land use designation of the general plan*”.

As a general commercial use, the GSL business also serves to implement important policies in the Economic Development Strategy of the General Plan, including provision of goods and services to local residents, demand for which is growing and which is not currently being fully provided the Concord market (resulting in retail “leakage”).

The Growth Management Element Policy GM-6.1.2 requires the preparation of a traffic impact study for “*General Plan Amendments and major development projects estimated to generate 100 or more net new peak hour vehicle trips, based on local conditions.*” This policy was included in the Growth Management Element to address those unanticipated traffic considerations associated with proposed amendments to the General Plan, along with major **discretionary** development projects not already analyzed in or otherwise consistent with the Circulation Element of the General Plan which are capable of generating a “net” increase of more than 100 peak hour trips. The term “net” increase means an increase up and beyond those trips generated by the existing or previous uses of property modeled in the General Plan EIR under “baseline” and “cumulative” conditions. The GSL use is a use which is permitted by right, and does not involve any discretionary entitlements, including any amendments to the Concord General Plan. Therefore it is exempt from Policy GM-6.1.2. Even if the GSL project were to involve a discretionary land use entitlement (which it does not), it replaces the former car dealership use at the southeast corner of Burnett Avenue and Diamond Boulevard and would therefore not in any event generate a “net” increase of more than 100 peak hour trips up and beyond the General Plan EIR Baseline or Cumulative Traffic scenarios.

General Plan Circulation Element Figure 5-3 and Concord Municipal Code Section 10.25.010 both designate Burnett Avenue and Concord Avenue as official “*Truck Routes*” where trucks of over 5 tons are allowed to freely travel (the Code also allows movement of trucks of over 5

tons on other non-Truck Routes “*where necessary to traverse to a destination for the purpose of loading or unloading*”). The General Plan states that these Truck Routes are intended for the accommodation of a “*substantial number of trucks moving goods*”, which are “*designed to allow truck traffic to pass through the City with minimal impact on residential neighborhoods*”. GSL’s truck traffic would primarily utilize these designated Truck Routes leading to and from Interstate 680.

6. **What action was taken by the DRB and how does it affect the application?** Action was to assist City staff with the Zoning Compliance verification. Code Section 18.415.020 states that all new buildings (other than individual single family dwellings) are subject to “*Design and Site Review*” prior to issuance of construction permits in order to “*determine compliance with the development code*”. Sub-Section 18.415.040A authorizes City staff to refer this ministerial compliance verification for a permitted use to the DRB (and in the case of conditional uses to the Zoning Administrator or Planning Commission). Sub-Section 18.415.040C specifically authorizes the staff to refer plans for new construction involving permitted uses which do not require a discretionary permit to the DRB. Conversely, Sub-Section 18.415.040D distinguishes between permitted uses such as GSL, and uses which require discretionary permits such as use permits, variances, and the like; it states that for such discretionary uses the Design and Site Review shall be carried out by the discretionary review authority. Lastly, Sub-Sections 18.415.040F and G state that the DRB’s role is to review the Site and Design Review application for compliance with the applicable standards, and to provide a recommendation to the review authority – in the case of GSL, to the planning staff. ***Thus the DRB’s recent unanimous recommendation for approval of the Site and Design Review application of GSL reflected the DRB’s determination that the GSL plans were in full compliance with the applicable development standards.***
7. **Is GSL application consistent with WMX Development Standards?** Yes. The current application satisfies all of the WMX District standards contained in Section 18.45.020, including setbacks, parking, landscape area, floor area ratio, etc. It also complies with all of the General Development Standards of Chapter 18.150 which apply on a City-wide basis, as verified by the DRB. Therefore GSL qualifies for issuance of a Zoning Clearance. As noted under question 3 above, this is a ministerial action which calls for no discretionary judgment, but rather requires an affirmative determination based on the facts of compliance.
8. **Why was a traffic study prepared for the GSL application?** GSL initiated preparation of a traffic study to address concerns voiced by nearby uses and to answer questions about how to safely and efficiently accommodate vehicle movements to and from the planned use. As noted under question 5 above, the traffic study is not a code requirement applicable to GSL.
9. **Is the GSL use as proposed an “Industrial” use?** No. Section 18.20.030 of the City Code defines Building Sales and Service uses as ***commercial*** businesses, in part because they contain showrooms and enclosed warehousing of materials ***offered to the general public***. This section of the Code distinguishes between such general commercial uses and “*establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies*”, which it classifies as “***wholesaling, distribution***”. The Code also makes the

*distinction between such general commercial uses as GSL and “show room stores with contractor sales and assembly” which it classifies as “**manufacturing**” (industrial).*

Interestingly, the City’s proposed prohibition of Building Materials Sales and Service uses would not affect wholesale distribution or manufacturing uses in the WMX District.

10. **Does CEQA apply to the GSL application?** No. As noted under question 3 above, the GSL Zoning Clearance process is by definition ministerial, and CEQA Guidelines Section 15268 states that such ministerial projects “*are exempt from the requirements of CEQA*”.
11. **Why has the City Initiated Changes to WMX District Uses?** Unclear. The public hearing notice dated 6/05/15 states that this City-initiated ordinance amendment would revise the text of the WMX District for the purpose of prohibiting “*building materials sales and service uses, cabinetry and recycling centers.*” It goes on to state that the uses proposed for prohibition “*do not conform to the WMX purpose statement under the Development Code or the uses envisioned for the WCMU land use designation under the General Plan.*” However, as answered under above question 5, Building Materials Sales and Services uses are fully consistent with the purpose statement of the WMX District. In addition, as documented in our opinion letter dated 6/01/15 (attached) these uses proliferate the area covered by the WMX District, creating a synergy between commercial uses selling and servicing a wide range of different building materials, including cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, plants and landscaping materials, rock, stone, masonry products, etc. As concluded in our opinion letter, the City’s proposed prohibition of these uses as a category would create an immediate non-conformity for at least 20 other businesses similar to GSL, and would create a myriad of circumstances under which these long-established businesses may have their values diminished and may be forced to close or move.
12. **Is an Addendum to 2012 SEIR adequate for City’s Ordinance Amendment under CEQA?** No. Section 15164 of the CEQA Guidelines states that an addendum to a previously certified EIR may **not** be used for evaluation of a project like the proposed code amendment prohibiting a broad class of uses if **any** of the circumstances listed in Section 15162 might apply to the project. These circumstances include where:
 - (1) “*Substantial changes are proposed in the project which will require major revisions of the previous EIR ... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.*” Here, the City’s proposed amendment project would render an entire class of existing businesses as prohibited uses in the WMX District. As documented in our opinion letter, this action may force the closure or relocation of at least 20 existing Building Materials Sales and Service uses, almost all of which are housed in older buildings which were purpose-built to accommodate showrooms and warehousing of stock and materials for sale. The proposed prohibition therefore has a **high likelihood of leaving these purpose-built buildings empty for a long period of time, diminishing their value, and precipitating long-term deferred maintenance.** The number of buildings affected, and the age of these buildings, therefore result in an elevated risk for resulting physical blight within the WMX District. California Courts have held that such blight is a potentially significant environmental impact

which is subject to CEQA (and was not analyzed in the City's original EIR, since this effect was never contemplated by the original authors of the WMX District).

- (2) *“Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR ... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”* Here, it is not a matter of new circumstances under which the original WRX District uses and procedures would be carried out; rather the issue is that a ***new or modified project proposal*** has emerged which requires ***new analysis of different environmental effects***.
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a) *“The project will have one or more significant effects not discussed in the previous EIR or negative declaration;”* (applies to the City's revised project -- see below)
 - b) *“Significant effects previously examined will be substantially more severe than shown in the previous EIR;”*
 - c) *“Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or”*
 - d) *“Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”*

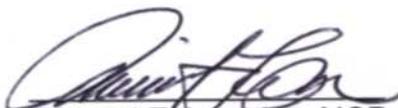
Clearly, the City's new proposal results in an entirely new set of environmental effects. CEQA requires that the potentially significant effects of this new project proposal on at least 20 existing businesses and older buildings be fully evaluated, since the resulting displacement and onset of blight are significant new effects which were not associated with the original WMX District creation and therefore not disclosed in the previously certified EIR from 2012. As part of the new EIR which must be prepared to evaluate the new City proposal, CEQA requires an alternatives analysis be completed to look at options to avoid these potentially significant effects. One such alternative required by law is the “*no project*” alternative.

13. **Are the currently permitted WMX District uses now targeted for prohibition by the City inconsistent with “Uses envisioned for the WCMU land use designation under the General Plan”?** No. As explained under question 5 above, the WMX District was specifically written to permit Building Materials Sales and Service uses, by name. Section 18.45.010 was adopted in 2014 containing the written finding that the WMX Zoning District is: “**consistent**

with and implements the West Concord mixed-use (WCMU) land use designation of the general plan. The Concord 2030 General Plan was updated in 2012 (two years earlier). The General Plan's policy for land uses in the West Concord Mixed Use area reads as follows: **"This designation is intended for use in the area generally located between the I-680 and Highway 242 freeways, south of Concord Avenue. It allows for a mix of office and commercial development, including such uses as new auto dealers, hotels, restaurants, and showroom / warehouses."** Because the City Council adopted a specific finding of consistency between the WMX District's authorization of Building Materials Sales and Service uses and the intended uses in the General Plan's WCMU Area, the proposed amendments would be inconsistent with the General Plan. Clearly, the General Plan intended to accommodate a wide range of commercial uses including "showrooms/warehouses"; these uses, such as the GSL use, were found to be consistent with the General Plan in 2014.

14. **If the City amends the WMX District to prohibit building materials and sales uses, who will be affected?** At least 20 existing businesses. As noted under questions 2 and 13 above, and documented in the attached opinion letter, the City's proposed ordinance amendment would target the entire class of Building Materials Sales and Service uses (along with two additional categories). This class includes at least 20 businesses which have been operating in the area now zoned WMX for many years. Shown by name and location on pages 2 and 3 of the opinion letter, these business thrive within the current WMX District because of the proximity to one another (synergy), the convenient access to all of Concord and the surrounding area via proximity to two freeways using General Plan designated Truck Routes, and the availability of older buildings which were purpose-built to accommodate the volume of space needed for both showrooms and interior warehousing of materials sold for use in completing home improvements.
15. **How would the City's proposed WMX District amendment affect existing businesses?** They would be made non-conforming. As explained in the attached opinion letter, the 20+ existing Building Materials Sales and Service uses now lawfully located in the WMX District as "permitted uses" would be made non-conforming, and any other similar businesses would be prohibited. Those businesses made non-conforming by the City's proposed action could not be expanded or intensified in any way, even to meet changing market demands. If the buildings these uses occupy were to be destroyed by a natural disaster, they could not be rebuilt. As further explained in our opinion letter, these limitations are likely to devalue properties containing such uses, or even block the refinance or purchase of existing buildings.

Sincerely,



Richard T. Loewke, AICP

June 1, 2015

Mr. Seth Nobmann
Golden State Lumber Company
855 Lakeville Street, Suite 200
Petaluma, CA 94952

SUBJECT: Proposed City of Concord Zoning Amendment Prohibiting Building Materials Sales & Service Uses in West Concord

Dear Mr. Nobmann

The City of Concord has proposed an amendment to its zoning ordinance which would prohibit "**Building Materials Sales and Service**" uses on properties in the West Concord Mixed Use (WMX) Zoning District. If enacted, this amendment would affect Golden State Lumber's planned facility at the corner of Burnett Avenue and Diamond Boulevard, as well as a substantial number of other existing similar businesses on nearby properties. As a zoning expert with 40 years of professional experience, I have reviewed the proposed prohibition of Building Materials Sales and Service uses in the WMX District in relationship to the City's current Non-Conforming Use Ordinance, and have reached the following conclusions.

1. **Types of Businesses Affected:** The City's contemplated prohibition of Building Materials and Service Uses in the WMX District would affect all existing and future uses covered by the definition contained in Section 18.20.020 of the Zoning Ordinance (attached), including any: "**indoor or outdoor establishment selling cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, and other building materials, plant and landscaping materials including rock, stone, and masonry products to the general public**", including "**stores with indoor service areas**".
2. **Businesses Reclassified as "Non-Conforming":** In addition to prohibiting similar future businesses (such as Golden State Lumber), the City's zoning amendment would reclassify all existing lawfully established Building Materials Sales and Service uses in the WMX Zoning District as "Non-Conforming". Section 18.530.020 of the Zoning Ordinance defines these uses to include any "**use of land and/or a structure that was legally established and has been maintained prior to the adoption or amendment of this development code, but the use is not allowed in the applicable zoning district**".
3. **Existing Businesses Affected:** The diagrams below identify (in pink color) those West Concord properties which are currently zoned "WMX", located generally south of Concord Avenue between Highways 242 and 680. Identified by number and name are the location of the twenty-three (23) existing Building Materials Sales and Service businesses, along with the planned Golden State Lumber business (total of 24 Building Materials Sales and Service businesses). Twenty-one (21) of these businesses are zoned WMX and would be affected by the City's proposal, while the remaining three (3) are zoned Service Commercial (and would not be affected).

4. **Prohibition on Expansion:** The Zoning Ordinance would prohibit any expansion of a Building Materials Sales and Service use in the WMX District if the proposed amendment is adopted. Section 18.530.030A.1 states that any non-confirming use: “***shall not be enlarged or expanded in size or capacity, or extended to occupy a greater area of land or building floor area than it legally occupied before it became nonconforming***”.
5. **Prohibition on Intensification:** The Zoning Ordinance would also prohibit any intensification of a Building Materials Sales and Service use in the WMX District if the proposed amendment is adopted. Section 18.530.030A.2 states that any non-confirming use: “***shall not be intensified so that the hours of operation are extended, the number of employees are increased, the occupancy capacity is increased, the volume of traffic or noise generated by the use is increased, or a greater amount of parking is required***”.
6. **Limitations Affecting Uses in Multi-Tenant Complexes:** The proposed WMX District amendment would severely limit the ability of owners of multi-tenant buildings in which Building Material Sales and Service uses now operate from finding new tenants. Section 18.530.030A.4 states that: “***Nonconforming uses within a multitenant commercial or industrial center or complex may be established or replaced by another similar nonconforming use when the planning division finds: (a) That the new nonconforming use is, as per Division II of this title, land use classification tables, a similar classification to or less intensive than the use previously allowed in the center or complex; (b) That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and (c) That the use of the entire center or complex has not been vacant or discontinued for a period of one year or more.***”
7. **Prohibitions on Re-Occupancy of Vacant Buildings:** Under the proposed amendment, if an existing Building Materials Sales and Service use were to discontinue operation for one year, the building could not be used again for any similar use. Section 18.530.040A(1) states that: “***If the nonconforming use of land, a nonconforming use of a conforming structure, a conforming use of a nonconforming structure or use of nonconforming physical improvements is discontinued for a continuous period of 365 calendar days or more, all rights to legal nonconforming status shall terminate.***”
8. **Prohibition on Repair of Damaged Buildings:** The proposed amendment would also prohibit making repairs to any building containing a Building Materials Sales and Service use following a fire or other disaster where the cost of the repairs is substantial. Section 18.530.040B states that: “***Nonconforming status shall terminate if a nonconforming structure, conforming structure occupied by a nonconforming use or nonconforming physical improvements are involuntarily damaged or destroyed by earthquake, explosion, fire, or other calamity...where the cost of repairing or replacing the damaged portion of the nonconforming structure or physical improvements is greater than 50 percent of the assessed value immediately prior to the involuntary damage.***”

9. **City Declaration of Nuisance and Forced Eviction:** The City's proposed prohibition of Building Materials Sales and Service uses in the WMX District would result in these businesses being declared "Nuisances" and being forced to cease operations if any of the above new limitations are not complied with. Section 18.530.070 states that: "***The provisions of this chapter do not allow, and shall not be interpreted to allow, the continuance of a use, structure or physical improvement which is deemed a public nuisance, or which is prohibited or otherwise made unlawful, in whole or in part, by the municipal code. In the event that a nonconforming use, structure or physical improvement is found to constitute a public nuisance, appropriate action shall be taken by the city in compliance with the municipal code. Any violation of the development code can be deemed to be evidence of a public nuisance.***"

10. **Limitations on Sale or Lease of Existing Buildings:** While the City does not have the authority to directly interfere with the private sale or lease of property, the proposed amendment would provide notice to buyers and lenders that Building Materials Sales and Service uses are no longer allowed in the WMX District. Therefore, the buyer or the loan underwriter for acquisition of an existing Building Materials Sales and Service use would be made aware of the foregoing prohibitions. The natural interpretation of this Zoning Ordinance amendment would be to ***discount the value of the property and to impose less favorable conditions on financing for acquisition*** (such as higher interest rates and use limitations).

Conclusions

It is my conclusion that the above effects would occur following adoption of the City's contemplated amendments to the WMX Zoning District. However, in order to adopt the proposed ordinance amendment prohibiting Building Materials and Sales uses, the City must first hold public hearings before its Planning Commission and City Council. In addition, pursuant to the California Government Code, the City Council would need to make the finding that the proposed WMX District amendments serve an important public purpose, and that the amendments are consistent with the Concord General Plan.

In addition, the California Environmental Quality Act (CEQA) requires that before considering such an ordinance, the City must conduct an environmental review of the potential significant effects of forced closure and sustained vacancies of the numerous older, large buildings now housing Building Materials Sales and Service uses within the WMX District.

The Concord 2030 General Plan was updated in 2012. The General Plan's policy for land uses in the West Concord Mixed Use area reads as follows: "***This designation is intended for use in the area generally located between the I-680 and Highway 242 freeways, south of Concord Avenue. It allows for a mix of office and commercial development, including such uses as new auto dealers, hotels, restaurants, and showroom / warehouses.***"

The Development Code regulations in the City's Zoning Ordinance were also adopted in 2012. Section 18.45.010 of the Zoning Ordinance, which established the WMX Zoning District, was subsequently adopted in 2014 (Ordinance No. 14-3). It contains the specific finding that the WMX Zoning District, which currently allows Building Materials Sales and Service uses by right, is: "**consistent with and implements the West Concord mixed-use (WCMU) land use designation of the general plan.**"

Last year, the City adopted a finding of consistency between the WMX Zoning regulations allowing Building Materials Sales and Service uses and the General Plan. It is therefore clear that the currently proposed changes to prohibit these same Building Materials Sales and Service uses may be inconsistent with the General Plan and would clearly affect a number of existing and proposed businesses. Therefore, in my professional opinion, before considering this Zoning Ordinance Amendment, the City should first: (1) **Conduct a full analysis pursuant to CEQA**; (2) Concurrently **consider the necessary amendments to the Concord General Plan to maintain consistency between the General Plan and Zoning**; and (3) **Consider whether a true important public purpose would be served** by this amendment in light of the resulting indirect loss of revenues to the City, and the direct harm caused to individual businesses now operating in or planning to build or expand within the WMX District.

Sincerely,



Richard T. Loewke, AICP

- Attachments: 1. Zoning Section 18.20.020 Use Classifications
2. Ordinance No. 14-8, WMX District
3. Zoning Code Chapter 18.530, Non-Confirming Uses

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**

18.20.010 Purpose and applicability.

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. If a particular [land use](#) is identified as an example of one category but exhibits the characteristics of another, the [use](#) shall be categorized under the latter.

The planning division shall make the determination as to whether a specific [use](#) is included or not included within a classification based on the characteristics of the [use](#). A specific [use](#) shall not be deemed to be within a classification whether or not named within the classifications if its characteristics are substantially incompatible with those of the typical [uses](#) named within the classification. [Ord. 12-4. DC 2012 § 122-1579].

18.20.020 Use classifications.

“Adult day care center” means a state-licensed facility that provides nonmedical care and supervision for dependent adult clients for periods of less than 24 hours for any client.

“Adult-oriented business” means an [establishment](#) that (A) operates as an [adult arcade](#), [adult bookstore](#), adult novelty store, adult video store, [adult cabaret](#), [adult motel](#), [adult motion picture theater](#), [adult theater](#), [escort agency](#), adult modeling studio; (B) sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented materials; or (C) any other [establishment](#) which offers products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to [specified sexual activities](#) or [specified anatomical areas](#).

This classification does not include [uses](#) or activities whose regulation is preempted by [state](#) law. This classification applies to all [establishments](#) that provide materials, products, merchandise, services, entertainment, or performances characterized by an emphasis on matters depicting, describing, or relating to [specified sexual activities](#) or [specified anatomical areas](#) when one or more of the following conditions exist:

A. The area devoted to adult merchandise and/or sexually oriented material exceeds more than 20 percent of the total display or floor space area open to the public.

B. The [establishment](#) presents any type of live entertainment characterized by an emphasis on specified sexual activity or [specified anatomical areas](#).

C. The business consists of or involves the sale, trade, display, or presentation of services, products, or entertainment characterized by an emphasis on matter depicting, describing, or relating to [specified sexual activities](#) or [specified anatomical areas](#).

“Airport” means a facility for aircraft take-off and [landing](#) with a runway, helipad, or water surface which also may include support operations, fueling and maintenance facilities, aircraft [storage](#) buildings, public terminals, parking, incidental retail sales, and food services related to airport operations.

“Ambulance service” means a base facility where [emergency](#) vehicles are stored until dispatched, and/or a facility, other than a hospital or fire department, where ambulance vehicles and crews stand by for [emergency](#) calls. This classification may include residential accommodations for [emergency](#) personnel.

Animal Services.

“Boarding, kennel” means a commercial [establishment](#) that provides overnight boarding for [household pets](#) as a paid service and/or breeding services. This classification does not include [animal](#) hospitals that provide 24-hour accommodations for [animals](#) receiving medical services. (See also “Hospital, veterinary clinic” under “Animal Services.”)

“Dog day care, dog training” means a commercial [establishment](#) that provides less than 24-hour keeping, boarding, or training for [household pets](#) as a paid service. This classification does not include facilities that provide overnight accommodations.

“Grooming” means a commercial [establishment](#) that provides [household pet](#) grooming services with no boarding services.

“Hospital, veterinary clinic” means office and indoor medical treatment facilities used by veterinarians, including large and small [animal](#) veterinary clinics, and [animal](#) hospitals. (See also “Boarding, kennel” under “Animal Services.”)

Antennas. (See “Wireless telecommunication facility.”)

“Antique, collectible stores” means a retail [establishment](#) that sells antiques, curios, gifts and souvenirs, and collectible items including sports cards and comic books. This classification does not include stores selling other types of secondhand items, including clothing, [household](#) items, or furniture, including consignment stores or pawn shops. (See “Restricted” under “Retail Sales.”)

Artisan/Custom Product. (See “Manufacturing, [processing](#).”)

Automobile Sales and Rental/Leasing.

“Auction” means a facility that sells new or used automobiles and other vehicles through a bidding process.

“Brokers” means an [establishment](#) engaged in arranging, negotiating, and assisting in the sale of new or used vehicles (not owned by the broker) by acting as an agent of the buyer, seller, or both, including the following:

A. "Office only" means automobile brokers operating within an enclosed office [building](#) with no vehicle display area.

B. "Office with vehicle display" means automobile brokers operating within an enclosed office [building](#) with an indoor or outdoor vehicle display area.

"Dealership" means an [establishment](#) that sells or leases automobiles, motorcycles, trucks for personal [use](#), and vans.

A. "New" means sales or leasing of new automobiles and trucks by new car dealers, including previously owned automobiles, and sales of parts and accessories, [storage](#), and incidental maintenance and repair.

B. "Used" means sales or leasing of previously owned automobiles and trucks by car dealers not affiliated with new car manufacturers.

C. "Motorcycles" means sales of motorcycles or similar vehicles such as motor scooters, mini-bikes, and all-terrain vehicles including repair and sales of parts and accessories as an incidental [use](#).

"Rental" means a facility that rents automobiles, trucks and other passenger vehicles used primarily for personal or business travel. U-haul rentals, large commercial trucks and related vehicles are listed elsewhere under the classification "vehicle and equipment facilities."

Automobile Services and Repair.

"Car wash, attended" means a commercial facility for washing cars where a service attendant washes the vehicle using on-site equipment or the car [operator](#) drives through an automated car washing and drying facility. An [owner](#) or his representative is on location to participate in the operation of the facility.

"Car wash, unattended" means a commercial facility where the car [operator](#) uses water hoses, soap dispensers, drying and other on-site equipment to wash the vehicle with no facility [owner](#) or representative present during the washing. For example, the customer feeds coins into a machine in order to operate the hoses and drying vacuums for a set period of time.

"Gas [station](#)" means a commercial facility that sells gasoline and/or diesel fuel for the on-site fueling of individual vehicles and may include a small mini-mart, minor maintenance/repair facilities and services, and unattended car wash as incidental [uses](#). This classification does not include vehicle or truck rentals such as U-haul rentals or fleet services. (See "Vehicle and Equipment Facilities.")

"Maintenance services" means an [establishment](#) that provides maintenance services as opposed to repair while customers wait, such as oil changes, tune-ups, smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and the sale of related parts and accessories. There is no overnight [storage](#) and most work is performed within a [building](#) or under covered bays.

"Major repair/body work" means an [establishment](#) that provides major repair that may require vehicles to be stored on an overnight basis such as body and fender work, vehicle painting, transmission shops, exhaust and suspension systems, engine overhauls involving the removal of engine [blocks](#), painting and undercoating, glass replacement, upholstery and convertible top

service, radiator, transmission, and wheel and axle repair. This classification does not include vehicle dismantling or salvaging and tire retreading or recapping.

“Minor repair” means an [establishment](#) that provides repair, service, [alteration](#), restoration, painting, cleaning, or maintenance of automobiles, light-duty trucks, motorcycles, including the sale, installation, and servicing of parts, where repairs are made or service provided in enclosed bays. Activities could include auto detail or brake and muffler work.

This classification does not include automobile repair when incidental to a new car dealership (see “Dealership” under “Automobile Sales and Rental/Leasing”), and dismantling and salvage yards (see “Automobile wrecking, dismantling yard”), or repair of heavy trucks, construction vehicles, motor homes, and recreational vehicles (see “Heavy vehicle and large equipment, sales/rental, service, and repair” under “Vehicle and Equipment Facilities”).

“Automobile wrecking, dismantling yard” means an [establishment](#) primarily engaged in assembling, breaking up, sorting, and the temporary [storage](#) and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, or the [storage](#) of, sale or dumping of, dismantled, partly dismantled, obsolete or wrecked vehicles or their parts and the incidental wholesale or retail sales of parts from those vehicles. This classification does not include recycling [processing](#) facilities. (See “Processing facility” under “Recycling Facilities.”)

Banks and Financial Services.

“Bank, credit union” means a financial institution that provides retail banking services. Examples include institutions engaged in the on-site circulation of money, including credit unions. This classification does not include check cashing businesses.

“Bank with drive-through service” means a facility where banking services may be obtained by motorists without leaving their vehicles.

“Check cashing business” means an [establishment](#) that provides compensation for checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes [establishments](#) offering deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in California Civil Code Section [1789.33](#).

This classification does not include [state](#) or federally chartered banks, savings associations, credit unions, or industrial loan companies and retail sellers that cash checks or issue money orders incidental to the main business.

“Bed and breakfast inn” means a residential facility with one or more bedrooms, rented for overnight lodging, where meals may be provided from a single [kitchen](#) for lodgers and residents only.

“Building materials sales and services” means an indoor or outdoor [establishment](#) selling cabinetry, fixtures, flooring, glass, lumber, paint, wallpaper, and other [building](#) materials, plants and [landscaping](#) materials including rock, stone, and masonry products to the general public. Includes stores with indoor service areas. [Establishments](#) primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “Wholesaling, distribution.” Does not include large format retail home stores in [buildings](#) over 80,000 square feet (see “Big box” under “Retail Sales”), nor show room

stores with contractor sales and assembly, which are classified as “Warehouse show room with assembly and sales” under “Manufacturing, [processing](#).”

With [Outdoor Storage](#).

“Business support services” means an [establishment](#) that provides goods and services to the general public, as well as to other businesses. Examples include:

- A. Graphics, and advertising services.
- B. Bookkeeping.
- C. Computer-related services.
- D. Copying and blueprint services.
- E. Mailboxes.
- F. Office equipment rental and leasing.
- G. Publishing services.
- H. Secretarial, word [processing](#) and temporary clerical services.
- I. Shipping and mailing services.

This classification does not include professional, executive, or management services. (See “Professional” under “Offices.”)

“Catering service” means a business that prepares food for consumption on the [premises](#) of a client or at any other location separate from where the food was prepared.

“Cemetery, columbarium, mausoleum” means an [establishment](#) that provides land or [structures](#) for the burial of the deceased and/or their cremated remains. This classification excludes crematoriums and mortuaries. (See “Funeral parlor, mortuary.”)

“Child day care” means facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours. These facilities, all of which are required to be licensed by the California [State](#) Department of Social Services, include the following:

“Family day care home,” as defined by Health and Safety Code Section [1596.78](#), means a home that regularly provides care, protection, and supervision for 14 or fewer children in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, including the following:

- A. Small. A day care facility in a [single-family dwelling](#) where an occupant of the residence provides childcare for six or fewer children under the age of six or up to eight children when two of the children are at least six years of age, including children under the age of 10 years who reside at the residence.
- B. Large. A day care facility in a [single-family dwelling](#) where an occupant of the residence provides childcare for seven to 12 children under the age of six or up to 14 children when two of the children

ORDINANCE NO. 14-3

AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE BY ADOPTING AMENDMENTS TO THE 2012 DEVELOPMENT CODE; VOLUME 1, DATED JULY 24, 2012 (FORMERLY CHAPTER 122 (ZONING) OF THE CONCORD MUNICIPAL CODE) ARTICLE II (ZONING DISTRICTS – USES AND STANDARDS), DIVISION 5 (DOWNTOWN DISTRICTS - DP, DMX, AND WMX), SECTION 122-153 (PURPOSE), SUBSECTION (C) (WMX – WEST CONCORD MIXED USE) AND TABLE 122-154.1 FOR CONSISTENCY

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

Section 1. 2012 Development Code, Article II (Zoning Districts Uses and Standards), Division 5 (Downtown Districts - DP, DMX, and WMX), Section 122-153 (Purpose), Subsection (c) WMX – West Concord Mixed Use) is hereby amended to read as follows:

(c) WMX – West Concord Mixed Use. The WMX District is applied to the area between Highway 242, south of Concord Avenue and the Walnut Creek Channel, south of Concord, and areas of the City appropriate for a mix of schools, commercial, office, retail, multi-tenant office/warehouses, and institutional development at up to 4.0 FAR. The WMX District allows new automobile dealers, shopping centers, hotels, restaurants, office buildings and multi-tenant commercial spaces, including contractor showrooms and storage uses when located entirely within a building and Public/Quasi-Public uses. The WMX District does not allow residential uses. The WMX District is consistent with and implements the West Concord Mixed Use (WCMU) land use designation of the General Plan.

Section 2. 2012 Development Code, Article II (Zoning Districts Uses and Standards), Division 5 (Downtown Districts - DP, DMX, and WMX), Table 122-154.1 (Downtown Districts – Allowed Uses and Permit Requirements), Public/Quasi –Public and Recreational Uses, Land Use Classifications – Schools is hereby amended as follows:

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Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements				ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Public/Quasi-Public and Recreational Uses				
Schools				
Elementary, Middle, Secondary	UP ⁽¹⁾	UP	UP	

Section 3. This Ordinance No. 14-3 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 Contra Costa Times, a newspaper of general circulation in the City of Concord.

Timothy S. Grayson
Mayor

ATTEST:

Mary Rae Lehman, CMC
City Clerk

(Seal)

1 Ordinance No. 14-3 was duly and regularly introduced at a regular meeting of the City Council
2 of the City of Concord held on March 11, 2014, and was thereafter duly and regularly passed and
3 adopted at a regular meeting of the City Council of the City of Concord on March 25, 2014, by the
4 following vote:

5 **AYES:** Councilmembers -

6 **NOES:** Councilmembers -

7 **ABSTAIN:** Councilmembers -

8 **ABSENT:** Councilmembers -

9 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
10 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.
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13 _____
14 Mary Rae Lehman, CMC
15 City Clerk
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Chapter 18.530 NONCONFORMING USES, STRUCTURES, AND PARCELS

Sections:

- [18.530.010](#) Purpose.
- [18.530.020](#) Applicability.
- [18.530.030](#) Nonconforming uses and nonconforming structures.
- [18.530.040](#) Loss of nonconforming status.
- [18.530.050](#) Nonconforming parcels.
- [18.530.060](#) Exemptions.
- [18.530.070](#) Nuisance abatement and enforcement.

18.530.010 Purpose.

A. This chapter provides regulations for nonconforming [uses](#), [structures](#), and parcels that were lawful before the adoption or amendment of the [development](#) code, but which would be prohibited, regulated, or restricted differently under the terms of this title or future amendments.

B. It is the intent of the [city](#) to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to continue to exist under the conditions identified in this chapter.

C. This chapter does not regulate [nonconforming signs](#) which are subject to the requirements in CDC [18.180.150](#) (Nonconforming and [abandoned](#) signs), or nonconforming parking, subject to the requirements in CDC [18.160.040](#)(F) (Nonconforming Parking).

D. Any [use](#) or [structure](#) which was established or constructed in violation of the applicable zoning regulations in effect at the time of [establishment](#) or construction and which does not conform to the applicable regulations of this [development](#) code is not a nonconforming [use](#) or [structure](#), and the [use](#) or [structure](#) is in violation of this [development](#) code. [Ord. 12-4. DC 2012 § 122-1316].

18.530.020 Applicability.

Nonconforming [uses](#), [structures](#), and parcels may be continued, transferred, or sold only in compliance with the provisions of this chapter.

A. **Nonconforming Uses.** A [use](#) of land and/or a [structure](#) that was legally established and has been maintained prior to the adoption or amendment of this [development](#) code, but the [use](#) is not allowed in the applicable zoning [district](#) or the [use](#) has not been granted a permit(s) required by the applicable zoning [district](#), or the [use](#) is not operated in conformance with applicable performance standards in the [development](#) code.

B. **Nonconforming Structures.** A [structure](#) that was legally constructed prior to the adoption or amendment of this [development](#) code or the [city](#)'s adopted design guidelines, but does not conform to the [development](#) standards in Division II of this title (Zoning [Districts](#) – [Uses](#) and Standards) with the exception of minimum [floor area ratio](#) (FAR).

C. **Nonconforming Parcels/Lots.** A parcel that was legally created prior to the adoption or amendment of this [development](#) code, but does not comply with the current requirements for [lot area](#), width, depth, or

other applicable requirements of this [development](#) code. [Ord. 12-4. DC 2012 § 122-1317].

18.530.030 Nonconforming uses and nonconforming structures.

A nonconforming [use](#) and/or a nonconforming [use](#) of a [structure](#) may continue to exist, including transfers of ownership; provided, that their continuation shall comply with the requirements of this section.

A. Nonconforming [Uses](#). A nonconforming [use](#) may be continued or replaced; provided, that:

1. The [use](#) shall not be enlarged or expanded in size or capacity, or extended to occupy a greater area of land or [building](#) floor area than it legally occupied before it became nonconforming.
2. The [use](#) shall not be intensified so that the hours of operation are extended, the number of [employees](#) are increased, the occupancy capacity is increased, the volume of traffic or noise generated by the [use](#) is increased, or a greater amount of parking is required.
3. The [use](#) may be replaced with another nonconforming [use](#) of a similar classification or a less intensive [use](#) in compliance with subsection (A)(2) of this section.
4. Nonconforming [uses](#) within a multi-tenant commercial or industrial center or complex may be established or replaced by another similar nonconforming [use](#) when the planning division finds:
 - a. That the new nonconforming [use](#) is, as per Division II of this title, [land use](#) classification tables, a similar classification to or less intensive than the [use](#) previously allowed in the center or complex;
 - b. That the nonconforming [use](#) will not adversely affect or be materially detrimental to adjoining properties; and
 - c. That the [use](#) of the entire center or complex has not been vacant or discontinued for a period of one year or more.
5. An existing [use](#) that is authorized by a previously approved [use](#) permit, but is not allowed by the [development](#) code in its current location, may continue to exist in compliance with the original [permit](#) approval and shall be deemed nonconforming.
6. A [use](#) lawfully existing without a minor [use](#) permit or [use](#) permit that would be required by the [development](#) code to have such a [permit](#) approval in compliance with Division II of this title shall be allowed to operate to the extent that it previously operated (e.g., maintains the same [site](#) area boundaries, hours of operation, etc.) and shall be deemed nonconforming.

B. [Nonconforming Structures](#). A [nonconforming structure](#) may be expanded, enlarged, repaired and maintained as follows:

1. Expansion and Enlargement. [Nonconforming structures](#) may be enlarged or extended to occupy a greater area of land or [building](#) floor area; provided, that any expansion or enlargement complies with all applicable requirements of this [development](#) code and does not increase the degree of nonconformity.
2. Repair, Maintenance and Additional Improvements. A nonconforming [single-family dwelling](#) or duplex may be maintained and repaired at the discretion of the [owner](#). Nonconforming multifamily

and nonresidential [structures](#) may be maintained, repaired and improved as follows:

a. Repairs, Maintenance and Additional Improvements up to 50 Percent of the Value of the [Structure](#).

i. No [structural alterations](#) are allowed except as set forth in subsection (B)(3) of this section, Seismic Retrofitting, [Building](#) and Fire Code Compliance.

ii. The cost of the work done during any 12-month period shall not exceed 50 percent of the value of the [structure](#) as determined by the [building](#) official in compliance with the [building](#) code.

b. Repairs, Maintenance and Additional Improvements Greater Than 50 Percent of the Value of the [Structure](#). Repairs, maintenance and additional improvements performed within a 12-month period, having a total cost greater than 50 percent of the value of the [structure](#), may be authorized through a minor [use](#) permit [approval](#); provided, that the [review authority](#) finds that the work will be a benefit to the [city](#) and the surrounding area.

3. Seismic Retrofitting, [Building](#) and Fire Code Compliance. Repairs, [alterations](#) or reconstruction to reinforce unreinforced masonry [structures](#) necessary to comply with [building](#) code and fire code requirements shall be allowed; provided, that the work is exclusively to comply with applicable earthquake safety standards and the [building](#) code and fire code.

4. For purposes of this subsection, the cost of any required foundation work shall not be counted within the 50 percent limitation. [Ord. 12-4. DC 2012 § 122-1318].

18.530.040 Loss of nonconforming status.

The nonconforming status of a [use](#), [structure](#) or physical improvements shall terminate under the following conditions:

A. Discontinuance.

1. If the nonconforming [use](#) of land, a nonconforming [use](#) of a conforming [structure](#), a conforming [use](#) of a [nonconforming structure](#) or [use](#) of nonconforming physical improvements is discontinued for a continuous period of 365 calendar days or more, all rights to legal nonconforming status shall terminate.

2. The planning division shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, [structures](#), or other components of the nonconformity, disconnected or discontinued utilities, or no business receipts or records to document continued operation.

3. Without further action by the [city](#), any further [use](#) of the land, [structure](#) or physical improvements shall comply with all of the regulations of the applicable zoning [district](#) and all other applicable provisions of this [development](#) code and city-adopted design guidelines.

B. Destruction. Nonconforming status shall terminate if a [nonconforming structure](#), conforming [structure](#) occupied by a nonconforming [use](#) or nonconforming physical improvements are involuntarily damaged or destroyed by earthquake, explosion, fire, or other calamity, except for single-family, duplex and

multifamily [structures](#) as provided by CDC [18.530.060](#)(B), except as follows:

1. Less Than 50 Percent. If the cost of repairing or replacing the damaged portion of the [nonconforming structure](#) or physical improvements is 50 percent or less of the [assessed value](#) immediately before the involuntary damage, the [structure](#) or physical improvements may be restored to the same size, and the [use](#) continued as before; provided, that [permits](#) have been obtained and the restoration work is started within 180 days of the date of the damage, and the work is continuously pursued to completion within 12 months from the date [building](#) permits were issued.
2. Greater Than 50 Percent. If the cost of repairing or replacing the damaged portion of the [nonconforming structure](#) or physical improvements is greater than 50 percent of the [assessed value](#) immediately prior to the involuntary damage, neither the [structure](#) nor the physical improvement shall be reconstructed, repaired, or restored, except in conformity with the requirements of the applicable zoning [district](#). [Ord. 12-4. DC 2012 § 122-1319].

18.530.050 Nonconforming parcels.

A. Legal [Building](#) Site. A nonconforming parcel that does not comply with the applicable area, width, or depth requirements of the [development](#) code shall be considered a legal [building](#) site if it meets at least one of the following criteria, as documented to the satisfaction of the planning division with evidence furnished by the [applicant](#).

1. Approved [Subdivision](#). The parcel was created by a recorded [subdivision](#);
2. Individual Parcel Legally Created By Deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the [effective date](#) of the zoning amendment that made the parcel nonconforming;
3. [Variance](#) or [Lot Line](#) Adjustment. The parcel was approved through a [variance](#) procedure or resulted from a [lot line](#) adjustment; or
4. Partial Government Acquisition. The parcel was created in compliance with the provisions of this [development](#) code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a [public right-of-way](#) was decreased not more than 50 percent.

B. [Subdivision](#) or [Lot Line](#) Adjustment.

1. No [subdivision](#) or [lot line](#) adjustment shall be approved that would increase the nonconformity of an existing parcel.
2. No [subdivision](#) or [lot line](#) adjustment shall be approved for a parcel that contains a nonconforming [use](#) on the parcel. [Ord. 12-4. DC 2012 § 122-1320].

18.530.060 Exemptions.

A. Historic [Structures](#). [Nonconforming structures](#) of historical significance may be altered or enlarged without conforming to the zoning [district](#) requirements, provided the historic [structure](#) is:

1. Designated by the [city](#) as an historic [site](#) or [structure](#) as listed in the [general plan](#);

2. Designated as a California [State Historic Landmark](#) or a National Register [Site](#); and
3. Proposed to be altered or enlarged in such a way that once completed the entire [structure](#) represents an authentic replica of the original [structure](#).

B. Nonconforming Residential [Structures](#).

1. Nonconforming single-family, duplex and multifamily [dwelling](#) units that have been involuntarily damaged or destroyed by earthquake, explosion, fire, flood, wind, riot, war, or other calamity, may be reconstructed or replaced with a new [structure](#) using the same [development](#) standards applied to the damaged or destroyed [structure](#) (e.g., [building](#) footprint, [building](#) height, density standards, number of [dwelling](#) units, [setbacks](#), and square footage), provided:

- a. The [applicant](#) provides sufficient documentation supporting the claim that the damage or destruction occurred involuntarily;
- b. There is no expansion of the gross [floor area](#) or number of [dwelling](#) units;
- c. The replacement [structure](#) complies with the [building](#) code, and will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the immediate vicinity of the replacement [structure](#); and
- d. A [building](#) permit is issued no later than 12 months after the date of destruction, and construction is diligently pursued to completion.

2. If the preceding requirements are not met, the replacement [structure](#) shall comply with all of the regulations of the applicable zoning [district](#) in effect on the date of application for a [building](#) permit.

C. Nonconforming Upon Annexation. Nonconforming [uses](#), [structures](#), and/or physical improvements which lawfully exist on the date the property is annexed to the [city](#), and which do not conform to this [development](#) code and the [city](#)'s adopted design guidelines, may continue to exist and, upon annexation, shall be deemed nonconforming and subject to the provisions of this chapter.

D. Approved [Uses](#), [Structures](#) and Physical Improvements Not Yet Established or Constructed.

1. A [use](#), [structure](#) or physical improvements for which a planning or [building](#) permit was approved and issued, but not yet established or construction completed before the [effective date](#) of the ordinance codified in this title, may be completed, provided the work is diligently pursued to completion.
2. If upon [establishment](#) or completion, a [use](#), [structure](#) or physical improvements, referenced in subsection (D)(1) of this section, or parts thereof, are not in compliance with this [development](#) code, they shall be deemed to be nonconforming and shall thereafter be subject to the provisions of this chapter.
3. For the purpose of this section, the provisions of Chapter [18.505](#) CDC (Permit Implementation, Time Limits, Extensions, and Amendments) shall govern the determination of whether the [permit](#) has been exercised in a timely manner.

E. [Floor Area Ratio](#) (FAR) of Existing [Development](#). At the time of adoption of this [development](#) code,

existing [development](#) that does not meet the minimum [FAR](#) standards shall not be classified as nonconforming. [Ord. 12-4. DC 2012 § 122-1321].

18.530.070 Nuisance abatement and enforcement.

A. Violations. [Uses](#), [structures](#) and physical improvements which do not comply with the applicable provisions of this [development](#) code when established are violations of this [development](#) code and are subject to the regulations of the municipal code.

B. Continuance of Public Nuisances Prohibited. The provisions of this chapter do not allow, and shall not be interpreted to allow, the continuance of a [use](#), [structure](#) or physical improvement which is deemed a public nuisance, or which is prohibited or otherwise made unlawful, in whole or in part, by the municipal code (including the [building](#) code and fire code) or by laws enacted by the [state](#) or federal government which are applicable to the [city](#).

C. Enforcement. In the event that a nonconforming [use](#), [structure](#) or physical improvement is found to constitute a public nuisance, appropriate action shall be taken by the [city](#) in compliance with the municipal code. Any violation of the [development](#) code can be deemed to be evidence of a public nuisance. [Ord. 12-4. DC 2012 § 122-1322].

The Concord Municipal Code is current through Ordinance 15-3, passed March 28, 2015.

Disclaimer: The City Clerk's Office has the official version of the Concord Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



**REPORT TO PLANNING COMMISSION**

DATE: June 17, 2015

**SUBJECT: PROPOSED FISCAL YEAR 2015-16 CAPITAL IMPROVEMENT PROGRAM (CIP)
AND TRANSPORTATION IMPROVEMENT PROGRAM (TIP)****Introduction**

Review of the proposed Fiscal Year (FY) 2015-16 Capital Improvement Program and Transportation Improvement Program for consistency with the adopted General Plan pursuant to Government Code Section 65401.

Report in Brief

Government Code Section 65103(c) requires each city's Planning Commission to annually review the Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) for their consistency with the adopted General Plan pursuant to Government Code Section 65401. Staff recommends that the Planning Commission report to the City Council that the proposed FY 2015-16 CIP and TIP are consistent with the General Plan.

Background and Discussion

The proposed FY 2015-16 Improvement Programs consist of two components:

1. A 10-year Capital Improvement Program which is divided into seven parts: Buildings and Grounds; Community Development Block Grant; Drainage and Stormwater Management; Golf Course Enterprise; Miscellaneous Projects; Parks and Recreation; and Sewer and Sanitation.
2. A 10-year Transportation Improvement Program which is divided into four areas: Annual Programs; Local Streets and Roads; Traffic Signals; and Utility Undergrounding.

Staff has provided each member of the Commission with a copy of the Proposed CIP/TIP, the latest version of the FY 2015-16 CIP/TIP Ten-year Plan. On June 9, 2015, staff will review this draft with the City Council.

Government Code Section 65402 requires that street vacations (the complete or partial abandonment of the public right to use a street) and right of way acquisitions, be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan (Attachment A). Engineering Services staff has reviewed the following projects under the proposed FY 2015-16 CIP/TIP and believes they are consistent with the adopted General Plan:

- Project No. 2144 (Clayton Road/Treat Boulevard Intersection Capacity Improvements) includes right of way acquisitions;

**PROPOSED FY2015-16 CAPITAL IMPROVEMENT PROGRAM (CIP)
AND TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

June 17, 2015

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- Project No. 2239 (Central Concord Pedestrian Improvements & Streetscape) includes potential right of way acquisitions;
- Project No. 2251 (Farm Bureau Road Safe Routes to School Improvements – Wren Ave to Willow Pass Rd) includes potential right of way acquisitions; and
- Project No. 2276 (Detroit Avenue Pedestrian & Bicycle Improvements) includes right of way acquisitions; and
- Project No. 2292 (Concord Various Streets Preservation) includes potential right of way acquisitions; and
- Project No. 2307 (Franquette Pedestrian & Bicycle Trail Connection) includes potential right of way acquisition and licensing agreements;
- Project No. 2314 (Cowell Road Safety Enhancements) includes potential right of way acquisitions; and
- Project No. 2318 (Detroit Ave/Whitman Rd Pedestrian Improvements) includes potential right of way acquisitions; and
- Project No. 2319 (Monument Blvd Design Improvements) includes potential right of way acquisitions; and
- Project No. 2321 (Galindo St Multi-Modal Design Improvements) includes potential right of way acquisitions; and
- Project No. TIP-1610 (Farm Bureau Rd Complete Streets – Phase 2 – Wren Ave to Walnut Ave) includes potential right of way acquisitions; and
- Project No. TIP-1611 (Salvio Street Complete Streets Sidewalk Installation) includes potential right of way acquisitions; and
- Project No. TIP-1611 (Operational Improvements on Parallel Arterials) includes potential right of way acquisitions.

Government Code Section 65401 requires that the Planning Commission report to the City Council as to the consistency of the proposed projects with the adopted General Plan.

Public Contact

Notification has been provided as required by State Law and the Concord Municipal Code.

**PROPOSED FY2015-16 CAPITAL IMPROVEMENT PROGRAM (CIP)
AND TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

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Recommendation for Action

Staff recommends that the Planning Commission report to the City Council that the proposed FY 2015-16 Capital Improvement Plan and the Transportation Improvement Plan are consistent with the General Plan.

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City Engineer
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Attachment 1: General Plan Consistency Documentation

GENERAL PLAN CONSISTENCY DOCUMENTATION

CIP-Category	Land Use Element	Growth Management Element	Transportation/ Circulation Element	Public Services Element	Parks, Open Space, and Conservation Element	Public Health and Safety Element
Building and Grounds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CDBG	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage and Stormwater	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Golf Course Enterprise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miscellaneous	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Redevelopment Agency	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sewer and Sanitation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TIP-Category						
Annual Projects	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Streets and Roads	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic Signals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Undergrounding	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANNING COMMISSION MEETING
June 17, 2015
CIP PROJECTS AND THE GENERAL PLAN

LAND USE ELEMENT GOALS

Neighborhoods: Preserve and enhance residential neighborhoods.

Regional Commercial: Promote and enhance Concord's role as a regional shopping destination

Central Concord: Maintain and enhance Central Concord as the economic, social, and symbolic center of the City

North Todos Santos: Protect and preserve the North Todos neighborhood while accommodating future growth and development of the Mt. Diablo Medical Center and related offices.

GROWTH MANAGEMENT ELEMENT GOALS

Traffic: Reduce traffic congestion.

Development Mitigation: Ensure that new development pays for costs of service and does not have detrimental effects upon service levels for parks, fire, police, sanitary facilities, water, and flood control.

Reduce Commute Trips and Commute Length: Seek to reduce commute trips and commute length through the policies and programs that address housing options and job opportunities in the City, the subregion and the County.

TRANSPORTATION/CIRCULATION ELEMENT GOALS

Street System: Provide a safe and efficient circulation network to accommodate existing and planned development.

Alternative Modes of Transportation: Reduce dependence on automobiles.

Central Area: Provide for circulation needs of the Central Area.

Visual Quality: Preserve and improve the scenic quality of roadways.

PUBLIC SERVICES ELEMENT GOALS

Public Utilities: Ensure provision of an adequate and safe public system.

Public Health and Safety Services: Ensure the provision of high quality public and safety services to meet the needs of the community.

Education, Cultural, Arts and Entertainment: Support education, cultural, arts and entertainment facilities and programs for the community.

PARKS, OPEN SPACE, AND CONSERVATION ELEMENT GOALS

Parks and Recreation: Provide recreation opportunities and leisure facilities, including parks, trails, and cultural facilities, for the benefit of the community.

Open Space: Preserve open space for the enjoyment of scenic beauty and recreation, the protection of natural resources as wildlife habitat and protection from natural hazards.

Conservation: Conserve natural resources, including water, wildlife, vegetation, minerals, and energy.

PUBLIC HEALTH AND SAFETY ELEMENT GOALS

Air Quality: Achieve air quality goals for the benefit of the public.

Flood Risk Reduction: Minimize the risk of injury, property loss, public health impacts, and interruption of services due to flooding. (Objectives and policies pertaining to this goal are found in the Public Services Element, Objective 1.3 and the Growth Management Element, Objectives 2.1)