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

**Wednesday, November 16, 2016  
6:30 p.m. – Council Chamber  
1950 Parkside Drive, Concord**

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Planning Commission Members:

Carlyn Obringer, Chair

Jason Laub, Vice Chair

Dominic Aliano, Commissioner

LaMar Anderson, Commissioner

Ray Barbour, Commissioner

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

**I. ROLL CALL**

**II. PLEDGE TO THE FLAG**

**III. PUBLIC COMMENT PERIOD**

**IV. ADDITIONS / CONTINUANCES / WITHDRAWALS**

**V. CONSENT CALENDAR**

**1. [11/02/16 Meeting Minutes](#)**

**VI. PUBLIC HEARINGS**

- 1. [Conco Rezoning \(PL16278 – RZ\)](#) – Application to authorize the adoption of a resolution recommending that the City Council approve a Change of Zoning, an amendment to Section 18.50.010 of the Development Code, and adoption of an Addendum to the City of Concord General Plan Update Final Supplemental Impact Report (SEIR). The Change of Zoning for the six properties along Port Chicago Highway (5101, 5111, 5121, 5135, 5143, and 5147 Port Chicago Highway) would be from Office Business Park (OBP) to Industrial Business Park (IBP) and the Amendment to Chapter 18.50 Business Park and Industrial Parks is to accurately describe the location of the six parcels to be rezoned to IBP in the Code. The Planning Commission recommendations will be brought forward for consideration at a City Council public hearing to be scheduled at a later date, where a final action will be taken for the proposed Change of Zoning, adoption of the SEIR, and Development Code Amendment. An Addendum to the 2012 Supplemental Environmental Impact Report for the 2030 Concord General Plan (SEIR) dated May 2016 has been prepared for consideration with the proposed actions. **Project Planner: Jerry Hittleman @ (805) 644-4455****

**VII. COMMISSION CONSIDERATIONS****VIII. STAFF REPORTS / ANNOUNCEMENTS****IX. COMMISSION REPORTS / ANNOUNCEMENTS****X. FUTURE PUBLIC HEARING ITEMS****XI. ADJOURNMENT**

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**NOTICE TO PUBLIC**

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**ADA ACCOMMODATION**

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

**APPEALS**

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

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

**APPLICANT'S SUBMITTAL OF INFORMATION**

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

**CONSENT CALENDAR**

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

**CORRESPONDENCE**

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

**HEARINGS**

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

**MEETING RECORDS**

Planning Commission meetings are available for viewing on the City's website, [www.cityofconcord.org](http://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.

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**NEXT PLANNING COMMISSION MEETINGS:**

December 7, 2016: 6:30 pm – Council Chamber  
December 15, 2016: 6:30 pm – Council Chamber – Special Meeting

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REGULAR MEETING OF THE  
CITY OF CONCORD PLANNING COMMISSION  
COUNCIL CHAMBER, 1950 PARKSIDE DRIVE  
CONCORD, CALIFORNIA

**Wednesday, November 2, 2016**

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Obringer at 6:30 P.M., November 2, 2016, in the City Council Chamber.

**I. ROLL CALL**

**COMMISSIONERS PRESENT:** Chair Carlyn Obringer  
Vice Chair Jason Laub  
Commissioner Dominic Aliano  
Commissioner LaMar Anderson  
Commissioner Ray Barbour

**STAFF PRESENT:** Frank Abejo, Principal Planner  
Margaret Kotzebue, Senior Assistant City Attorney  
Ryan Lenhardt, Senior Planner  
Kevin Marstall, Senior Civil Engineer  
Guy Bjerke, Director of Community Local Reuse Authority

**II. PLEDGE TO THE FLAG**

Commissioner Barbour led the pledge.

**III. PUBLIC COMMENT PERIOD**

None was heard.

**IV. ADDITIONS / CONTINUANCES / WITHDRAWALS**

None were announced.

**V. CONSENT CALENDAR**

No public comment was heard.

**APPROVAL OF MINUTES**

Motion was made by Commissioner Aliano and seconded by Commissioner Anderson to approve the meeting minutes of October 19, 2016. The motion was passed by the following vote:

AYES: Aliano, Anderson, Barbour, Laub, Obringer  
NOES: None  
ABSTAIN: None  
ABSENT: None

**VI. PUBLIC HEARINGS**

**2111 Kirker Pass Road – Vacation Right of Way** – Application to vacate a 26 ft. by 310 ft. section of street right-of-way located westerly of the property at 2111 Kirker Pass Road, that represents the easterly half of a 52 ft. wide section of right-of-way serving two adjacent parcels. The right-of-way vacation is classified under the California Environmental Quality Act (CEQA) as categorically exempt pursuant to Sections 15304, “Minor Alterations to Land;” therefore, no further environmental review is required. **Project Contact: Kevin Marstall @ (925) 671-3257** *This item was continued from the 10/19/16 meeting.*

Kevin Marstall, Senior Civil Engineer, presented the report and answered questions from the Planning Commission.

Guy Bjerke, Director of Community Local Reuse Authority, explained the process required for any potential future access from Kirker Pass Road to the Reuse area.

Motion was made by Commissioner Aliano and seconded by Commissioner Barbour to adopt Resolution No. 16-27PC finding the vacation of a roadway right-of-way consisting of 8,060 sq. ft. area and located at 2111 Kirker Pass Road is consistent with the Concord 2030 General Plan, and recommend that the City Council approve the vacation of the subject right-of-way.

AYES: Aliano, Barbour, Anderson, Laub, Obringer  
NOES: None  
ABSTAIN: None  
ABSENT: None

**VII. STUDY SESSION**

**Subdivision Ordinance Update – Project Planner: Ryan Lenhardt @ (925) 671-3162**

Senior Planner, Ryan Lenhardt, gave an introduction on changes to the report since the last time it was brought to the Planning Commission.

Ben Noble, Urban and Regional Planning consultant, gave a presentation and answered questions from the Planning Commission.

**VIII. COMMISSION CONSIDERATIONS**

There were none.

**IX. STAFF REPORTS / ANNOUNCEMENTS**

There were none.

**X. COMMISSION REPORTS/ANNOUNCEMENTS**

There were none.

**XI. FUTURE PUBLIC HEARING ITEMS**

Principal Planner Frank Abejo confirmed the next Planning Commission will be November 16, 2016 and will contain a report for Conco Rezoning.

**XII. ADJOURNMENT**

Commissioner Barbour moved to adjourn at 8:02 P.M. Vice Chair Laub seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Frank Abejo  
Principal Planner

Transcribed by Grant Spilman,  
Administrative Coordinator

DRAFT



## REPORT TO PLANNING COMMISSION

DATE: November 16, 2016

**SUBJECT: Conco Rezoning (PL16278 – RZ)****Recommendation: Adopt Resolution No. 16-28 PC recommending City Council approval and adoption of an Addendum to the 2012 SEIR, for an Amendment to Section 18.50.010 of the Development Code, and a Change of Zoning from Office Business Park (OBP) to Industrial Business Park (IBP).****Report in Brief**

The owners of five different parcels located west of Port Chicago Highway and north of Bates Avenue approached the City to potentially modify the existing zoning of their parcels from Office Business Park (OBP) to Industrial Business Park (IBP); one property owner, Dennis E. Baca, located at 5135 Port Chicago Highway did not submit a signed application. Mr. Baca relayed to the applicant that he did not object to the rezone request; however, he did not want to participate in the application process or pay any required fees. Pursuant to Section 18.455.020(A), the City Council initiated the Change of Zoning request for all six properties at their September 27, 2016 meeting.

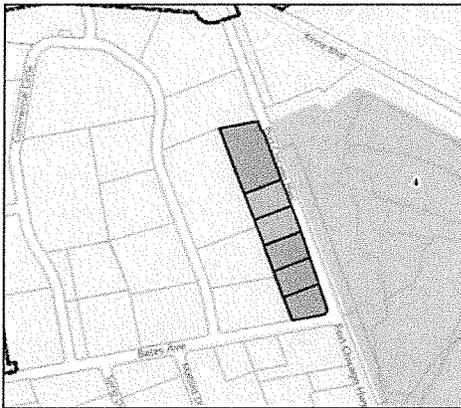
As part of the City-wide changes to the development code and zoning map in 2012, the six properties in question were rezoned, along with other industrial properties in this area from Planned District (PD) to Office Business Park (OBP). The PD District allowed outdoor storage and the new OBP zoning does not allow outdoor storage. The Conco Commercial property and the five other property owners desire to continue their outdoor storage use, which began prior to the 2012 zone change. The proposed change in zoning would also require a minor revision to the description of the general location of IBP zoned properties in Development Code Section 18.50.010. There is no development project associated with the proposed change in zoning at this time.

**I Introduction****A. Application Request**

Application for an Amendment to the Development Code Section 18.50.010 and Change of Zoning for six parcels located on the west side of Port Chicago Highway north of Bates Avenue from Office Business Park (OBP) to Industrial Business Park (IBP) for the purpose of allowing outdoor storage to continue on these properties, which was a prior use allowed under the former Planned District (PD) Zone.

**B. Location**

- 5143 Port Chicago Highway, APN 159-040-021-2, 1.00 Acres
- 5135 Port Chicago Highway, APN 159-040-024-6, 1.00 Acres
- 5121 Port Chicago Highway, APN 159-040-037-8, 0.98 Acres
- 5111 Port Chicago Highway, APN 159-040-038-6, 1.00 Acres
- 5101 Port Chicago Highway, APN 159-040-039-4, 0.93 Acres
- 5147 Port Chicago Highway, APN 159-040-095-6, 2.38 Acres



**II. Background**

Concord's current General Plan was adopted in 2007, followed by an overhaul of the City's Development Code, including zoning designations, in August, 2012. Due to the size and scale of both projects, it was expected that amendments would be needed from time to time following implementation. City-wide changes to zoning designations sometimes can result in unforeseen circumstances. City staff has undertaken a number of "clean-up" amendments over the past few years in order to be responsive to the needs and interests of the community and to resolve any potential issues. These amendments are always reviewed by the Planning Commission and ultimately considered by the City Council.

As part of the City-wide changes to the development code and zoning map in 2012, the six properties in question were rezoned, along with other industrial properties in this area, from Planned District (PD) to Office Business Park (OBP). The PD District allowed outdoor storage and the new OBP zoning does not allow outdoor storage. The following six parcels that are the subject of this rezone request all are on Port Chicago Highway (PCH), north of Bates Avenue: 5147/5151 PCH (Gonsalves & Inc. aka: Conco Commercial), 5143 PCH (Norseman 5143 LLC), 5135 PCH (Dennis E. Baca), 5121 PCH (Hnc Investment Partners, LLC), 5111 PCH (Majestic Floors, Inc.), and 5101 PCH (Richard N Reese Family LLC).

Conco Commercial, who submitted the rezone application and took the lead on securing signed applications from four of the five property owners to the south of their property, also owns 5141 Commercial Circle and the property behind it at 5161 Port Chicago Highway. Conco's offices are at 5141 Commercial Circle and uses 5161 Port Chicago Highway for outdoor storage. Even though 5161 is zoned OBP, outdoor

storage can continue to occur on this property since it is considered to be a prior or “grandfathered use.” Properties are required to terminate non-conforming uses if discontinued for a continuous period 365 calendar days in accordance with Concord Development Code Section §18.530.040, Loss of Nonconforming Status.

Conco’s property at 5147/5151 PCH has also historically been used for outdoor storage, most recently by American Medical Response (AMR), who leased the property for ambulance storage and vacated the property in May 2016. Conco has been approached by a prospective new tenant to lease the properties at 5161 and 5147/5151 PCH for outdoor storage of construction equipment. The new tenant plans to utilize the office space at 5147/5151 PCH and will store their equipment on both parcels. In addition, the northern and western portions of this property, where outdoor storage has historically occurred, is within the FEMA100-year Floodplain Zone A.

Properties south of Conco are accessed from PCH and have parking and storage capabilities behind the buildings, and in one case (5101 PCH), on the side of the existing industrial building. The property at 5143 PCH is being leased to a construction company that stores some equipment and materials behind the building; 5135 PCH is currently vacant; 5121 PCH is partly vacant and occupied by a printing company, which has some materials stored behind the building; 5111 PCH is occupied and owned by Majestic Floors Inc. who uses a small outdoor area for storage; and 5101 PCH is occupied by Standard Plumbing Supply that utilizes a fenced area for outdoor storage of materials.

Conco had originally proposed to only submit a rezoning application for their 5147/5151 PCH property to allow outdoor storage. City staff was concerned that the rezone request for this one property if approved, would be surrounded by OBP zoned properties and would result in “spot zoning,” thus allowing only Conco outdoor storage by right. Conco made a good faith effort to contact the five adjacent property owners to the south suggesting they serve as co-applicants and received signed applications from all owners with the exception of 5135 PCH owned by Dennis E. Baca. Conco proceeded to submit applications in July 2016 requesting a zone change from OBP to IBP for five of the six parcels, however as per Concord Development Code Section §18.455.020, they are unable to initiate their application without a motion from the City Council.

### **III. Discussion and Analysis**

The applicants propose to change the zoning for six parcels located on the west side of Port Chicago Highway from Office Business Park (OBP) to Industrial Business Park (IBP) north of Bates Avenue for the purpose of allowing outdoor storage to continue on these properties, which was a prior use allowed under the Planned District (PD) Zone.

The six subject properties were developed prior to 2012, under the former PD Zone District, which allowed outdoor storage. Consequently, the properties were designed for outdoor storage uses, some of which continue today as nonconforming uses. These properties will not be visible from the interior of the Northpoint Business Park upon buildout of the park. Additionally, the northern and western portions of the Conco Commercial property at 5147/5151 PCH, where outdoor storage has historically occurred, is within the FEMA 100-year Floodplain Zone A.

According to Section 18.455.070 (B) of the Development Code, amendments to the Development Code and Zoning Map may be approved only if all of the following findings are made:

1. The proposed amendment is consistent with the general plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
3. Zoning map amendments shall also find that the affected site is physically suitable, including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities, for the requested zoning designation and proposed or anticipated uses and/or development.

Effect on Future Development Standards

Use/Development Standard	Existing Office Business Park (OBP)	Proposed Industrial Business Park (IBP)
Heavy Vehicle and Large Equipment Sales/Rental, Service and Repair	Not Allowed	Allowed with Administrative Permit
Warehouse with Outdoor Storage	Not Allowed	Allowed with Administrative Permit
Adult Oriented Business	Not Allowed	Allowed with a Use Permit
Motorcycle Dealership	Not Allowed	Allowed with a Use Permit
Manufacturing, Processing with Outdoor Storage	Not Allowed	Allowed with a Zoning Clearance
Check Cashing Business	Not Allowed	Allowed with a Use Permit
Building Material Sales and Service with Outdoor Storage	Not Allowed	Allowed with a Zoning Clearance
Maintenance Services – Office with Outdoor Storage/Activities	Not Allowed	Allowed with Administrative Permit
Contractor Yard with Outdoor Storage	Not Allowed	Allowed with a Zoning Clearance
Nursery/Garden Center	Not Allowed	Allowed with a Zoning Clearance
Group Housing	Not Allowed	Allowed with a Zoning Clearance
Minimum Lot Area	40,000	20,000
Building Height	50 feet	35 feet

Changing the zoning from OBP to IBP would reduce the allowable lot size for new subdivisions and restrict building height to 35 feet. The zone change to IBP would enable certain other land uses as shown in the table above such as group housing, a nursery/garden center, heavy vehicle and large equipment sales/rental, service and repair, and outdoor storage associated with building material sales, manufacturing and processing, maintenance services, contractor yards, a motorcycle dealership, or adult oriented businesses. All of the IBP uses would only be allowed with prior approval of a use permit, zoning clearance or administrative permit by City or the Planning Commission. No residential properties are located within the boundaries or vicinity of the proposed properties to be rezoned to IBP and all existing businesses are industrial in nature and some have existing outdoor storage uses. The closest residences are over 1,000 feet to the north of the project site in Clyde (unincorporated Contra Costa County) and over 2,000 feet to the south of State Route 4 in

Concord. Therefore, the allowance of outdoor storage and other uses in the IBP Zone will not adversely impact any residences.

Amendment to Chapter 18.50 Business Park and Industrial Districts, Section 18.50.010 Purpose

In order to accommodate a change in zoning for the six properties located west of Port Chicago Highway and north of Bates Avenue, a modification to the language in Chapter 18.50 of the Municipal Code is required. Development Code Section 18.50.010 Purpose (Business Park and Industrial Districts) describes the general area of IBP zoning as being “*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.*” Staff proposes to modify this sentence in the Development Code with the following updated language:

“The IBP district is found in North Concord on Forni Drive, Bates Avenue, west of Port Chicago Highway and north of 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.”

This proposed language serves as a code clean up item by adding language that includes the properties that are the subject of this zone change and are located west of Port Chicago Highway and north of Bates Avenue. The added language and proposed location of the IBP Zone is consistent with the General Plan designation of Business Park and the land use patterns in the area. For instance, other IBP zoned properties are located west of the project site on Bates Avenue at Folsom Court and Industrial Way. In addition, the area of the City located north of SR 4, is generally characterized by commercial/industrial business park uses such as those on the project site, which is consistent with the IBP designated zoning. Accordingly, the proposed zoning change is compatible with adjoining land uses and anticipated uses and/or development for the subject area

California Environmental Quality Act

The City of Concord (with assistance of Rincon Consultants, Inc.) has prepared an Addendum to the 2012 SEIR dated October 2016 (“Addendum”), attached as Attachment B 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; 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, 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 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 Zone Change and Text Amendment, and considers potential impacts in comparison with the revised 2012 SEIR, to determine whether impacts associated with the Zone Change and Text 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 Zone Change and Text Amendments 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 Zone Change and Text 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 addendum to the SEIR was posted on the City's website for public review and a copy was made available upon request in the Permit Center in accordance with CEQA. The City will review any new development at a project level to conduct the appropriate level of environmental review, as required by CEQA.

#### **Fiscal Impact**

Approval of proposed actions will have no fiscal impact on the City. Any required fees necessary to process this proposal have been paid by the respective applicants.

#### **Public Contact**

All appropriate public notices of this agenda item have been posted. The Addendum to the 2012 SEIR has been posted online and made available at the Permit Center for review. All property owners, businesses, and residents within 500 feet of the proposed area were notified by mail in advance of this public hearing and advertisement was posted in a local newspaper. No comments were received regarding this proposal prior to the completion of the staff report.

#### **IV. Recommendation**

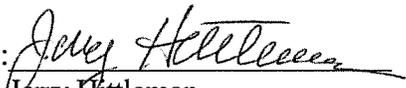
The purpose of the proposed Development Code Text Amendment and Change Zoning for the six parcels located on the west side of Port Chicago Highway from Office Business Park (OBP) to Industrial Business Park (IBP) north of Bates Avenue is mainly to allow outdoor storage to continue on these properties, which was a prior use allowed under the Planned District (PD) Zone.

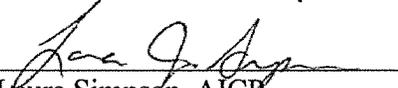
Staff is supportive the Planning Commission recommending approval of the Development Code Text Amendment and Change of Zoning from OBP to IBP as the new zone could enhance the economic vitality of the City by creating a better fit for industrial uses along Port Chicago Highway that typically need some

outdoor storage capabilities. No residential properties are located within the boundaries or vicinity of the proposed applications and all adjacent and surrounding businesses are industrial or commercial in nature.

V. Motion

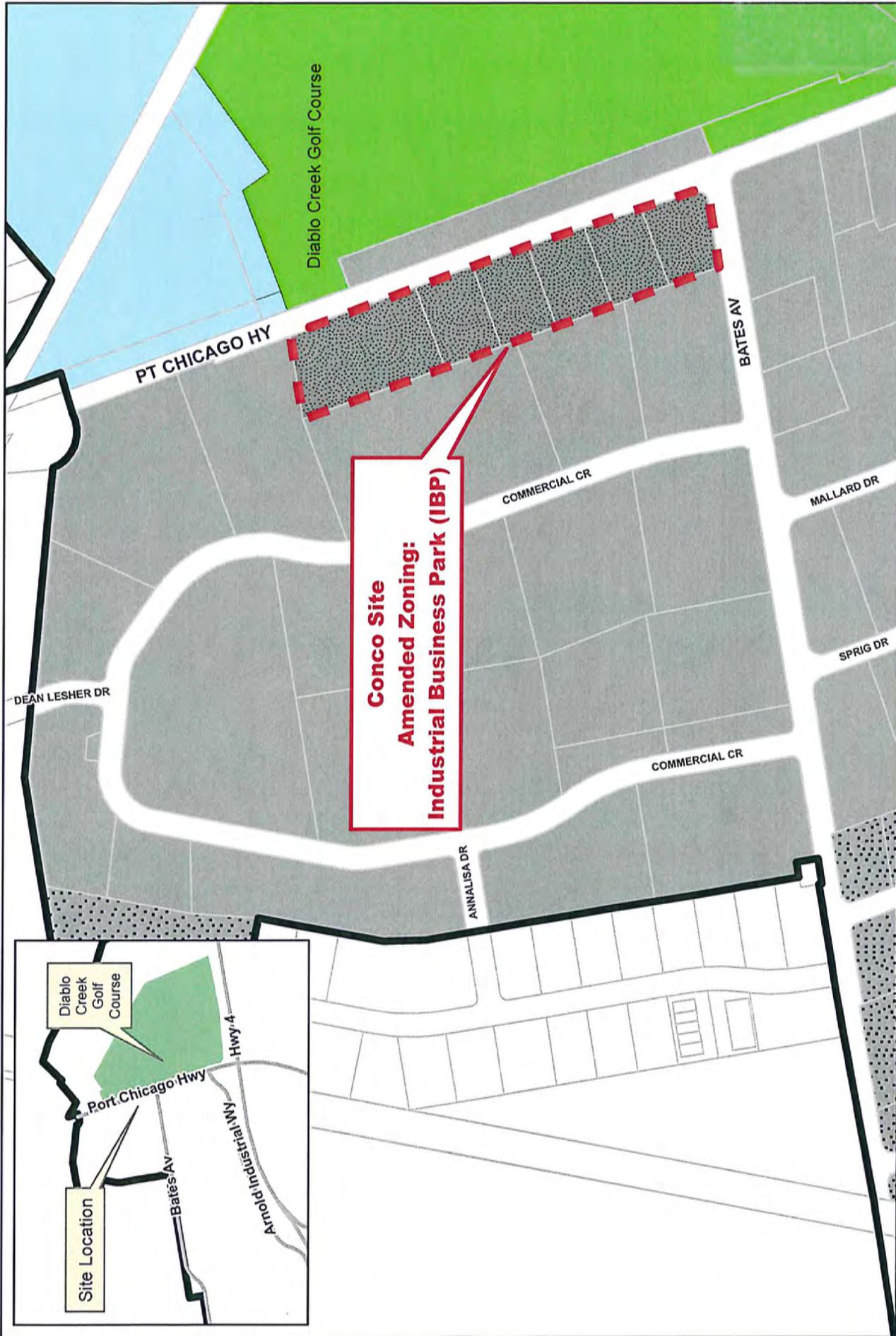
I (Comm. \_\_\_\_ ) hereby move that the Planning Commission adopt Resolution 16-28PC, which recommends City Council approval and adoption of the Addendum to the 2012 SEIR, for the Text Amendment to Development Code Section 18.50.010, and Change of Zoning from Office Business Park (OBP) to Industrial Business Park (IBP) for six parcels on the west side of Port Chicago Highway north of Bates Avenue. (Seconded by Comm. \_\_\_\_ ).

Prepared by:   
Jerry Hittleman  
Contract Planner  
[jhittleman@rinconconsultants.com](mailto:jhittleman@rinconconsultants.com)

Reviewed by:   
Laura Simpson, AICP  
Planning Manager  
[laura.simpson@cityofconcord.org](mailto:laura.simpson@cityofconcord.org)

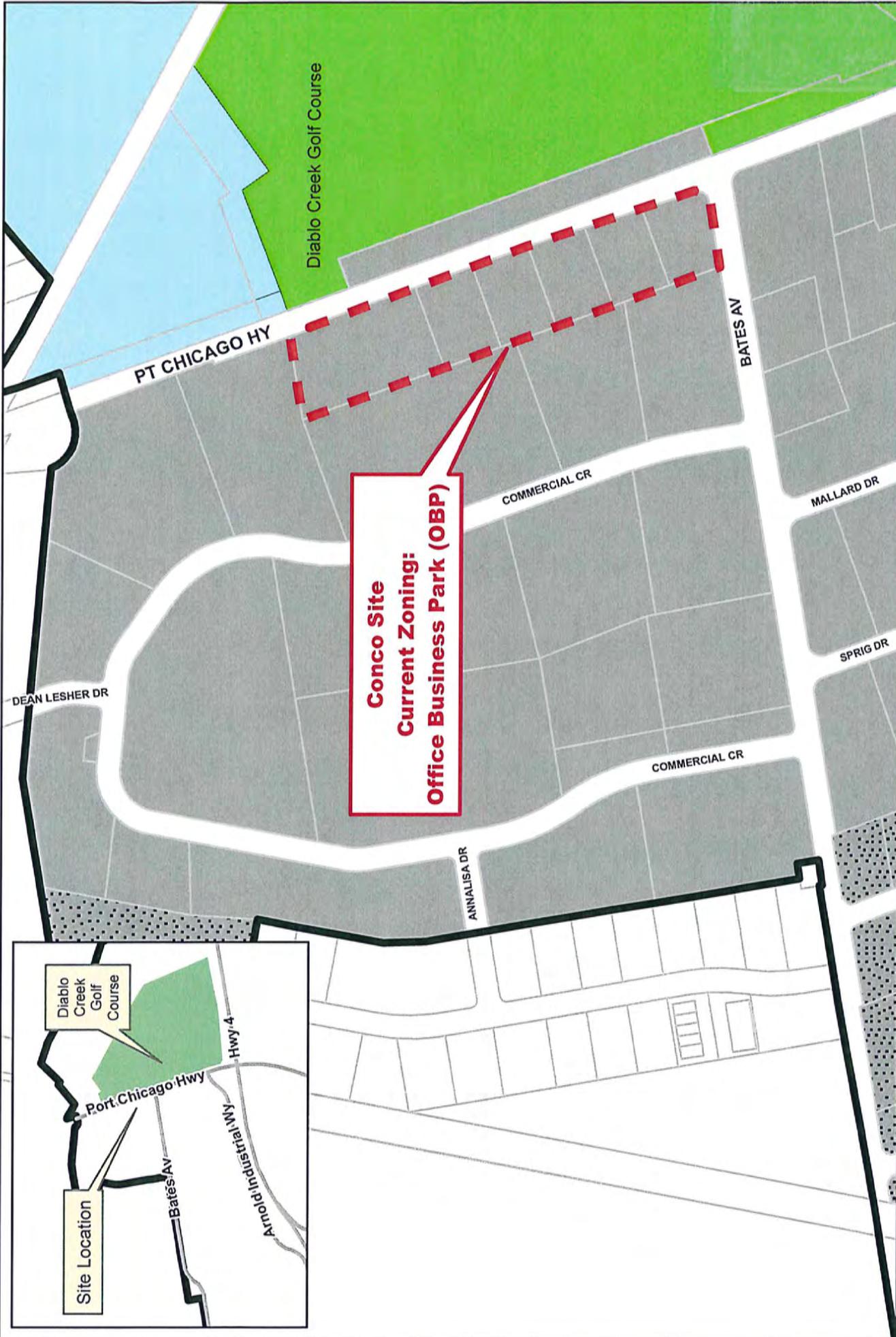
Exhibits:

- A. Map Exhibits: Proposed Areas for Amendment
  - 1. Amended Zoning Map
  - 2. Current Zoning Map
  
- B. Resolution 16-28PC, with Addendum to the City of Concord's 2030 General Plan Update Final Supplemental Environmental Impact Report (SEIR) (Attachment 1), Development Code Section 18.50.010 and Amended Zoning Map (Attachment 2)



**Amended Planning Land Use Zones**

- Planning Land Use Zones**
- Single Family Residential (RS6)
  - Residential, Medium Density (RM)
  - Residential, High Density (RH)
  - North Todos Santos (NTS)
  - Community Office (CO)
  - Commercial Mixed Use (CMX)
  - Regional Commercial (RC)
  - Service Commercial (SC)
  - Downtown Pedestrian (DP)
  - Downtown Mixed Use (DMX)
  - Public/Quasi-Public (PQP)
  - Parks and Recreation (PR)
  - Office Business Park (OBP)
  - Industrial Business Park (IBP)
  - Open Space (OS)
- Legend**
- City Limit



**Conco Site  
Current Zoning:  
Office Business Park (OBP)**



**Current Planning Land Use Zones**

- Planning Land Use Zones**
- Single Family Residential (RS6)
  - Residential, Medium Density (RM)
  - Residential, High Density (RH)
  - North Todos Santos (NTS)
  - Community Office (CO)
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  - Parks and Recreation (PR)
  - Office Business Park (OBP)
  - Industrial Business Park (IBP)
  - Open Space (OS)
- Legend**
- City Limit



1           **WHEREAS**, Conco Commercial (“Applicant”) has requested to Change the Zoning  
2 designation for six parcels located west of Port Chicago Highway and north of Bates Avenue from  
3 Office Business Park (OBP) to Industrial Business Park (IBP) in order to allow outdoor storage on  
4 these lots; and

5           **WHEREAS**, the Applicant has also requested to amend Section 18.50.010 of the Concord  
6 Development Code (“Amendment”) in order to accurately describe the location of the Industrial  
7 Business Park Zoning District in the Development Code; and

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

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

14           **WHEREAS**, the City Council, after giving all public notices required by State Law and the  
15 Concord Municipal Code, held a duly noticed public hearing on September 27, 2016, to consider  
16 whether to initiate an application to rezone the six properties; and at such public hearing, the City  
17 Council considered all oral and written information, testimony, and comments received during the  
18 public review process, including information received at the public hearing, the oral report from City  
19 staff, the written report from City staff dated September 27, 2016, materials, exhibits presented,  
20 pertinent maps, plans, reports, studies, memoranda, and all other information that constitutes the  
21 record of proceedings; and

22           **WHEREAS**, at such public hearing, the City Council moved to initiate an application to  
23 rezone the subject six properties, pursuant to Section 18.455.020(A) of the Concord Municipal Code;  
24 and

25           **WHEREAS**, the Amendment does not make substantial changes to the Development Code or  
26 substantial changes with respect to the circumstances under which the Development Code would be  
27 implemented which would require revisions to the 2012 SEIR due to new significant environmental  
28

1 effects or a substantial increase in the severity of previously identified significant effects and there is  
2 no new information that would require preparation of a subsequent or supplemental EIR under CEQA  
3 Guidelines Section 15162; and

4 **WHEREAS**, as only minor technical changes or additions were required to the 2012 SEIR, an  
5 Addendum (“Addendum”), attached hereto as Attachment 1 and incorporated by reference) was  
6 prepared in accordance with all legal requirements, including CEQA Guidelines Section 15164; and

7 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law  
8 and the Concord Municipal Code, held a duly noticed public hearing on November 16, 2016, on the  
9 Addendum and Amendment; and

10 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written  
11 information, testimony, and comments received during the public review process, including  
12 information received at the public hearing, the oral report from City staff, the written report from City  
13 staff dated November 16, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies,  
14 memoranda, the Addendum, the Amendment, the General Plan, the General Plan FEIR, the Reuse  
15 Plan FEIR/Addendum, the 2012 SEIR, the 2014 Addendum, the City of Concord Municipal Code, the  
16 applicable City laws and regulations, and all associated approved and certified environmental  
17 documents, and all other information that constitutes the record of proceedings on which the Planning  
18 Commission has based its decision are maintained at the offices of the City of Concord Planning  
19 Division (collectively, “Project Information”); and

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

22 **WHEREAS**, on November 16, 2016, the Planning Commission, after consideration of all  
23 pertinent plans, documents, and testimony, declared their intent to recommend approval and adoption  
24 of the Addendum and adoption of the Amendment.

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

26 Recitals

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

5 General

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

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

11 CEQA Addendum

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

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

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

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

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

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

1 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  
3 supplemental EIR or 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  
6 than were identified in the 2012 SEIR, all mitigation measures were within the  
7 jurisdiction of the City to adopt and will remain in place and continue to be  
8 implemented and enforced, and the Statement of Overriding Considerations remain in  
9 effect. The mitigation measures and Statement of Overriding Considerations  
10 associated with certification of the 2012 SEIR addresses the environmental effects of  
11 the project.

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

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

17 Development Code Text and Zoning Map Amendment

18 6. Based on the Project Information, and all oral and written testimony submitted on this item,  
19 the Planning Commission makes the findings set for the below with respect to the  
20 Development Code Text and Zoning Map Amendment (“Amendment”):

- 21 a. The findings above are hereby incorporated by reference.
- 22 b. The proposed Amendment is consistent with the policies in the General Plan.
- 23 c. The proposed Amendment would not be detrimental to the public interest, health,  
24 safety, convenience, or welfare of the City; and
- 25 d. The proposed Amendment is consistent with the existing industrial uses on the site, the  
26 character of the surrounding community other land uses in North Concord along Port Chicago

1 Highway and Bates Avenue, and will not increase or intensity development standards such as floor  
2 area ratio, height limits, or setbacks.

3 e. The proposed Amendment is physically suitable, including an absence of physical  
4 constraints, access, compatibility with adjoining land uses, and provision of utilities for the  
5 proposed zoning designation change and proposed or anticipated uses and/or development.

6 7. The Planning Commission does hereby recommend that the City Council adopt an Ordinance  
7 to approve the Amendment, consistent with the revisions in Attachment 2 hereto.

8 Effective Date

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

10 **PASSED AND ADOPTED** this 16<sup>th</sup> day of November, 2016 by the following vote:

11 **AYES:**

12 **NOES:**

13 **ABSTAIN:**

14 **ABSENT:**

15  
16 \_\_\_\_\_  
17 Laura Simpson  
18 Secretary to the Planning Commission

18 **Attachments:**

19 1 – Addendum

20 2 – Proposed Ordinance with Development Code Text and Zoning Map Amendment



## Conco Commercial Rezone

Addendum to the City of Concord 2030 General Plan Update Final  
Supplemental Environmental Impact Report

SCH# 2006-06-2093

*prepared by*  
City of Concord  
Community and Economic Development Department  
1950 Parkside Drive, MS/53  
Concord, CA 95419  
Contact: Laura Simpson, AICP, Planning Manager

*prepared with the assistance of*  
Rincon Consultants  
449 15<sup>th</sup> Street, Suite 303  
Oakland, California 94610



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# Conco Commercial Rezone

Addendum to the City of Concord 2030 General Plan Update Final  
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November 2016



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# Table of Contents

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Table of Contents.....	i
1 Purpose of Addendum .....	1
2 Background .....	3
2.1 Concord 2030 General Plan and Final EIR .....	3
2.2 2012 Supplemental EIR .....	3
2.3 2014 Addendum to the Supplemental EIR.....	4
2.4 2015 Addendum to the Supplemental EIR.....	5
2.5 2016 Addendum to the Supplemental EIR.....	5
2.6 Concord Naval Weapons Station Reuse Project Area Plan .....	6
3 Conco Commercial Rezone .....	7
3.1 Project Site .....	7
3.2 Proposed Project.....	7
4 Environmental Checklist and Impacts of Proposed Changes to the SEIR .....	15
4.1 Aesthetics .....	16
4.2 Agriculture and Forestry.....	16
4.3 Air Quality.....	16
4.4 Biological Resources.....	19
4.5 Cultural Resources.....	20
4.6 Geology and Soils .....	20
4.7 Greenhouse Gas Emissions .....	21
4.8 Hazards and Hazardous Materials.....	22
4.9 Hydrology and Water Quality.....	22
4.10 Land Use and Planning .....	23
4.11 Mineral Resources.....	24
4.12 Noise.....	24
4.13 Population and Housing .....	27
4.14 Public Services.....	27
4.15 Recreation .....	28
4.16 Transportation.....	28
4.17 Utilities and Service Systems.....	29
5 Conclusion.....	31
5.1 Decision not to Prepare Subsequent EIR.....	31
6 References .....	33
6.1 Bibliography.....	33
6.2 List of Preparers .....	34

## Tables

Table 1 Selected Development Standards and Allowable Land Uses.....	12
Table 2 Allowable Land Uses in OBP and IBP with Differing Requirements.....	13
Table 3 Project Site Parcels Development Under Existing and Proposed Standards .....	14
Table 4 Typical Noise Levels Generated by Vehicles and Equipment.....	26

## Figures

Figure 1 Project Site and Surrounding Uses.....	8
Figure 2 Existing Zoning .....	9
Figure 3 Proposed Zoning .....	10

# 1 Purpose of Addendum

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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 the proposed *Conco Commercial Rezone Project*, heretofore referred to as the “proposed project.” The proposed project involves a change of zoning of approximately 7.25 acres consisting of six parcels, located at 5147/5151, 5143, 5135, 5121, 5111, and 5101 Port Chicago Highway within the City of Concord, California, from Office Business Park (OBP) to Industrial Business Park (IBP). Additionally, a zoning clearance would be required to allow the use of the property located at 5147/5151 PCH for a contactor yard with outdoor storage. Section 3 of this addendum defines the “proposed project” and describes the proposed changes 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 Background

---

This section provides an overview of the General Plan EIR, the 2012 SEIR, and the 2014, 2015 and 2016 addenda 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 (City of Concord 2007).

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. 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 would 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 (SEIR). 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 (CDC); 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. 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 included the following:

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

The 2012 SEIR identified mitigation measures where necessary to minimize or avoid potentially significant adverse impacts under the issue areas listed above. The 2012 SEIR identified significant unavoidable impacts under the issue area of Traffic and Transportation, specifically with regards to freeway traffic, and determined that potential impacts would be the same as characterized in the traffic and transportation analysis provided in the General Plan EIR.

This addendum to the 2012 SEIR considers whether potential impacts of land use and zoning designation changes included under the proposed project are consistent with those impacts already characterized in the 2012 SEIR and, if so, whether 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 proposed project would result in impacts not previously characterized, or if previously identified mitigation measures would not sufficiently reduce or avoid impacts of the project, these differences will be discussed in the analysis provided in Section 4, and new mitigation measures will be identified where necessary.

## 2.3 2014 Addendum to the Supplemental EIR

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 now 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 Traffic and Transportation 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 2012 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 Traffic and Transportation would be the same as characterized in the 2012 SEIR and the General Plan EIR.

The Specific Plan does not encompass any areas identified under the current proposed project, and does not impose any requirements or restrictions on allowable uses within the proposed project areas, including the potential zoning designation changes assessed in this addendum.

## 2.4 2015 Addendum to the Supplemental EIR

In 2015, the City of Concord adopted another addendum to the 2012 SEIR, to implement the West Concord Mixed Use (WMX) District Development Code Revisions Project. This project revised provisions for specific activities allowed within the City's WMX District, as defined in the CDC. The revisions changed Table 18.45.020 of the CDC to remove several land use classifications previously allowed in the WMX District. Uses that were removed include Building Materials Sales and Services with or without outdoor storage, Cabinet Shops and Small Collection Recycling Facilities (City of Concord 2015).

The addendum determined that substantive revisions to the 2012 SEIR were 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.

The WMX District zones do not encompass any areas identified under the current proposed project, and do not impose any requirements or restrictions on allowable uses within the proposed project areas, including the potential zoning designation changes assessed in this addendum.

## 2.5 2016 Addendum to the Supplemental EIR

In May 2016, the City of Concord adopted another addendum to the 2012 SEIR to implement the DG Concord, LLC General Plan Amendment, Downtown Specific Plan Amendment, and Change of Zoning Project. This project involved a General Plan amendment, an amendment to the Downtown Concord Specific Plan, and a change of zoning for 7.77 acres of land on six parcels located along Concord Avenue, immediately east of SR 242 in the City of Concord. These changes also required a text amendment to the CDC. The purpose of the proposed amendment and zoning change was to bring the existing land uses into conformity with a more appropriate land use designation in the General Plan and zoning district in the CDC (City of Concord 2016a).

The addendum determined that substantive revisions to the 2012 SEIR were 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.

The DG Concord, LLC General Plan Amendment, Downtown Specific Plan Amendment, and Change of Zoning in the 2016 amendment do not encompass any areas identified under the current proposed project, and do not impose any requirements or restrictions on allowable uses within the proposed project areas, including the potential zoning designation changes assessed in this addendum.

## 2.6 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; the total planning area is approximately 5,200 acres. (City of Concord 2012a; City of Concord 2014b)

The Final Programmatic EIR and Mitigation Monitoring and Reporting Program (MMRP) 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 CRP Area 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; Traffic and Transportation; Visual Resources; Air Quality; and Noise and Vibration.

The CRP Area Plan does not encompass the area identified under the proposed project; however, the project area is adjacent to the northwest corner of the CRP Area Plan boundary. The CRP Area Plan would not impose any requirements or restrictions on allowable uses within the proposed project areas, including the potential zoning designation changes assessed in this addendum.

## 3 Conco Commercial Rezone

---

### 3.1 Project Site

The project site consists of six parcels located at 5147/5151, 5143, 5135, 5121, 5111, and 5101 Port Chicago Highway within the City of Concord, California. Adjacent properties include commercial/industrial and some vacant parcels to the north, south and west, and across Port Chicago Highway to the east is a row of commercial buildings adjacent to the west side of the Diablo Creek Golf Course.

The project site is characterized by generally level topography almost entirely occupied by buildings and paved parking areas, sidewalks, and landscaped areas. Existing uses in this area are industrial and commercial in nature. There are some trees and ornamental vegetation around the borders of this project site and along property lines within the area. Mt. Diablo Creek generally flows south to north through the Diablo Creek Golf Course and crosses under Port Chicago Highway just north of the project site; some native vegetation may be present along the creek. Figure 1 shows the proposed project and surrounding area.

### 3.2 Proposed Project

As noted in Section 1 above, the proposed project would involve a change of zoning from Office Business Park (OBP) to Industrial Business Park (IBP) for approximately 7.25 acres of land on six parcels located along Port Chicago Highway, just north of State Route 4 in the City of Concord. The purpose of the proposed zoning change is to bring the existing outdoor storage uses on the site into conformity with a more appropriate zoning designation. As part of the City-wide changes to the development code and zoning map in 2012, the six properties in question were rezoned, along with other industrial properties in this area, from Planned District (PD) to Office Business Park (OBP). The former zoning, PD District, allowed outdoor storage and the new OBP zoning does not allow outdoor storage.

Conco Commercial, who submitted the rezone application and took the lead on securing signed applications from four of the five property owners to the south of their property, also owns 5141 Commercial Circle and the property behind it at 5161 Port Chicago Highway. Conco's offices are at 5141 Commercial Circle and uses 5161 Port Chicago Highway for outdoor storage. Even though 5161 is zoned OBP, outdoor storage can continue to occur on this property since it is considered to be a prior or "grandfathered use." Properties are required to terminate non-conforming uses if discontinued for a continuous period of 365 calendar days in accordance with Concord Development Code Section §18.530.040, Loss of Nonconforming Status.

The properties in question currently consist of legal businesses including a flooring company, plumbing supply company and construction company, several of which use the area behind their buildings for outdoor storage, all of which are currently classified as a legal non-conforming use. The proposed project would change the zoning from Office Business Park (OBP) to Industrial Business Park (IBP) to allow outdoor storage as a legal use under the IBP zoning. Figure 2 and Figure 3 show the project area's existing and proposed zoning, respectively, in the context of surrounding development and zoning.

Figure 1 Project Site and Surrounding Uses



Figure 2 Existing Zoning

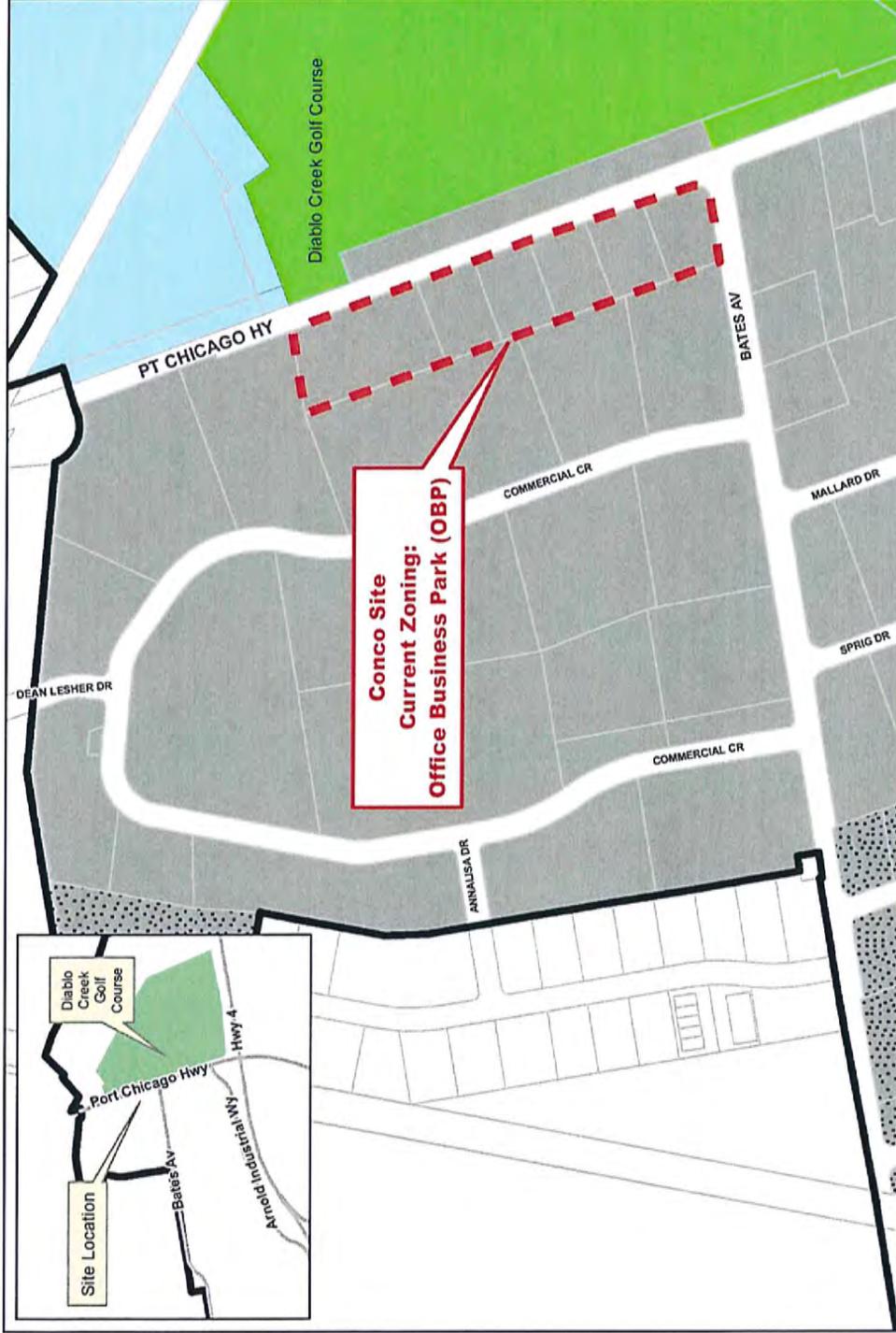
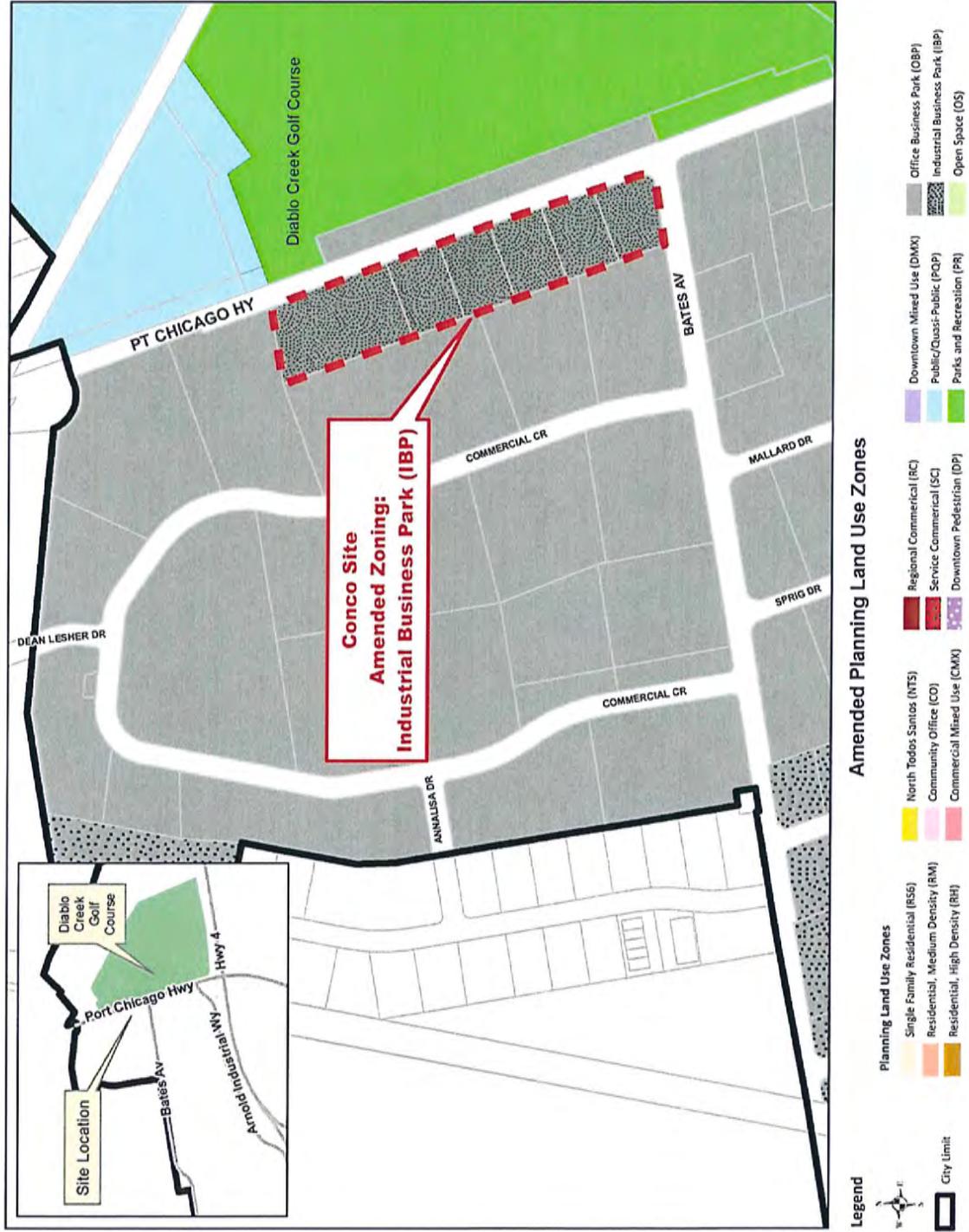


Figure 3 Proposed Zoning



Chapter 18.50, Business Park and Industrial Districts (OBP, IBP, IMX and HI) of the CDC 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 project would change the provisions, uses, and activities currently allowed on the project site by changing the existing zoning designation. The current definitions of the OBP and IBP zoning districts are provided below; these definitions indicate that Floor Area Ratio (FAR) and setbacks are the same, with OBP allowing a higher building height than IBP (50 feet compared to 35 feet, respectively) and OBP requiring a larger minimum lot area (40,000 compared to 20,000 square feet, respectively). Mostly the same uses are allowed under both districts, the difference being outdoor storage is allowed within the IBP and not in the OBP. Table 2 below lists the allowable uses for each zone where there is a difference between the two zones. The sites are currently developed with existing light industrial buildings with parking in the front and areas for outdoor storage at the rear of the buildings not visible from Port Chicago Highway. The southernmost building at the corner of Port Chicago Highway and Bates Avenue has an outdoor storage area with a narrow viewshed from Port Chicago Highway looking through the parking lot between two buildings. The back (west side) of the southern three buildings can currently be seen from Bates Avenue and Commercial Circle because the two parcels immediately to the west are currently vacant and the fencing is not a solid wall.

### **Concord 2030 General Plan Land Use Descriptions, Land Use Element**

*Business Park (BP). This designation is intended for campus-like office complexes as well as industrial parks, including single and multi-story office, flex-space, and industrial buildings for single and multiple users, light industrial and warehouse uses, and research and development activities. Other uses may include mini-storage, wholesale, bulk retail, and business with limited customer access, commercial recreation, and other uses that require large, warehouse-style buildings. Small-scale retail and service uses serving employees and visitors may be permitted as secondary and accessory uses. This designation may also allow small restaurants, support services, and convenience retail activities at appropriate locations, subject to standards to minimize impacts on industrial users. Where permitted, storage uses in areas with this designation must be screened by vegetation and other means to maintain community aesthetics. The maximum FAR is 0.8.*

### **Concord Development Code, Chapter 18.50**

The following CDC districts implement the General Plan land use designations described above:

*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 OPB district is consistent with and implements the business park (BP) land use designation of the general plan.*

*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.*

Table 1 provides a summary of the uses allowed in the OBP and IBP where there is a difference between the two districts, along with the development standards for each district.

**Table 1 Selected Development Standards and Allowable Land Uses**

Development Standard	OBP (Existing Zone)	IBP (Proposed Zone)
Lot Area (minimum square feet)	40,000	20,000
Maximum Floor Area Ratio (FAR)	0.8	0.8
Maximum Building Height	50 Feet	35 feet
Setback (minimum feet)		
Front	20	20
Interior Side	10	10
Corner Side	20	20
Rear	10	10

Source: City of Concord 2016b

Table 2 provides a summary of the allowed uses in the OBP and IBP where there is a difference between the two districts.

Development of new uses allowed under the proposed project would generally be contingent upon issuance of use permits by the City. Table 3 provides a summary of existing uses on the six parcels within the project

As previously described and shown in Table 3 below, the six parcels included in the project site are characterized by a variety of existing land uses, including a flooring company, plumbing supply company and construction company, several of which use the area behind their buildings for outdoor storage. All of the properties in Table 3 are accessed from Port Chicago Highway, have an existing building, and have parking and storage capabilities behind the buildings. The property at 5101 Port Chicago Highway has storage/parking on the side of the existing industrial building. Under the proposed zoning, outdoor storage would be an allowable use on the side or rear of buildings when not viewable from the public right of way.

**Table 2 Allowable Land Uses in OBP and IBP with Differing Requirements**

Land Use Classification	Permit Required by District	
	OBP	IBP
ZC = Permitted Use, Zoning Clearance Required		
AP = Administrative Permit Required		
MP = Minor Use Permit Required		
UP = Use Permit Required		
– = Use Not Allowed		
<b>Business Park and Industrial Uses</b>		
Cabinet Shop	ZC <sup>(3)</sup>	ZC
Contractor Yard, with Outdoor Storage	–	ZC
Fleet-Based Service	–	ZC
Commercial Vehicle and Equipment	–	AP
Recreational Vehicle	–	AP
Laboratory, Research, and Development	ZC <sup>(3)</sup>	ZC
<i>Manufacturing, Processing</i>		
Artisan/Custom Product	ZC <sup>(3)</sup>	ZC <sup>(2)</sup>
Within a Building	ZC <sup>(3)</sup>	ZC
With Outdoor Storage or Activities	–	ZC <sup>(2)</sup>
<i>Storage</i>		
Warehouse with No Outdoor Storage	ZC <sup>(3)</sup>	ZC
Warehouse, with Outdoor Storage	–	AP
Wholesaling and Distribution	ZC	ZC <sup>(2, 6)</sup>
<b>Office, Commercial, and Retail Uses</b>		
Adult Day Care Center	UP	–
Adult-Oriented Business	–	UP
Brokers, Office with Vehicle Display	AP	ZC
Dealership, Motorcycle	–	UP
Bank with Drive-Through Service	UP	–
Check Cashing Business	–	UP
<i>Building Materials Sales and Services</i>		
With Outdoor Storage	–	ZC <sup>(2)</sup>
<i>Maintenance Services</i>		
Office with Outdoor Storage/Activities	–	AP
<i>Office</i>		
Medical, Dental	ZC	–
Professional	ZC	ZC <sup>(6)</sup>
<i>Personal Services</i>		
Repair Service, Appliance and Small Equipment	ZC <sup>(3)</sup>	ZC <sup>(2)</sup>
<i>Retail Sales</i>		
Nursery, Garden Center	–	ZC
<b>Residential Uses</b>		
<i>Dwelling, Dwelling Unit, Housing Unit</i>		

Land Use Classification	Permit Required by District	
Group Housing	–	ZC
<b>Public/Quasi-Public and Recreational Uses</b>		
Ambulance Service	AP	ZC
<i>Medical Services</i>		
Public Maintenance and Service Facility	–	AP <sup>(4)</sup>
<i>Recycling Facilities</i>		
Large Collection Facility	–	UP
Processing Facility	–	UP
<i>Schools</i>		
Social Service Facility, Community Organization	AP	–

(1) Allowed to occupy up to 20 percent of: gross area of shopping center, multi-tenant building, or 20 percent street frontage of one building.  
 (2) Outdoor sales, activities, or storage allowed in side or rear yards when enclosed by an eight-foot-tall masonry wall and materials do not exceed wall height.  
 (3) No outdoor facilities, storage, or activities are allowed.  
 (4) Allowed if occupying less than 80,000 square feet of gross floor area.  
 (5) Allowed with residential use only.  
 (6) A facility which exceeds 3,000 square feet.  
 (7) Notwithstanding anything in this table to the contrary (including ZC, AP, or MP notations), outdoor facilities, storage, or activities may only be allowed in the IMX district if a use permit (UP) is reviewed and approved pursuant to Chapter 18.435 CDC (Minor Use Permits and Use Permits).  
 [Ord. 15-5 § 1; amended during 2014 recodification; Ord. 14-6 § 7; Ord. 13-5; Ord. 12-5; Ord. 12-4. DC 2012 § 122-177].

**Table 3 Project Site Parcels Development Under Existing and Proposed Standards**

Parcel (APN/ address)	Use
159-040-095-6/ 5147/5151 Port Chicago Highway	Historically been used for outdoor storage, most recently by American Medical Response (AMR), who leased the property for ambulance storage and vacated the property in May 2016. Conco has been approached by a prospective new tenant to lease the properties at 5161 and 5147/5151 Port Chicago Highway for outdoor storage of construction equipment. The new tenant plans to utilize the office space at 5147/5151 Port Chicago Highway and will store their equipment on both parcels.
156-040-021-2 / 5143 Port Chicago Highway	Leased to a construction company that stores some equipment and materials behind the building
159-040-024-6 / 5135 Port Chicago Highway	Vacant building
159-040-037-8/ 5121 Port Chicago Highway	Partly vacant and occupied by a printing company, which has some materials stored behind the building
159-040-038-6/ 5111 Port Chicago Highway	Occupied and owned by Majestic Floors Inc. who uses a small area of the building for storage
159-040-039-4 / 5101 Port Chicago Highway	Occupied by Standard Plumbing Supply that utilizes a fenced area for outdoor storage of materials

## 4 Environmental Checklist and Impacts of Proposed Changes to the SEIR

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This addendum evaluates potential environmental impacts that could result from the proposed project, which would change the zoning district from OBP to IBP for six parcels. The OBP and IBP District areas were introduced to the City’s Zoning Map via the 2012 update to the City’s Development Code and are both consistent with the project site’s General Plan designation of Office Business Park. The existing environmental conditions of the project 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 of changes included under the proposed project.

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, 2015 and 2016 addenda, 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 the project, this addendum addresses each of the 17 environmental issue areas suggested by Appendix G of the CEQA Guidelines, as listed below.

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and 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, 2015 addendum for the WMX District Development Code Revisions, and the 2016 DG Concord, LLC General Plan Amendment, Downtown Specific Plan Amendment and Change of Zoning Project. 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, 2015, and 2016 addenda (General Plan Land Use Map; CDC; Zoning Map).

## 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 uses that would be allowed under the proposed rezone are not expected to result in visual changes within the project site because all of the parcels are presently developed. Additionally, with the exception of the vacant building at 3125 Port Chicago Highway, all the parcels are currently using the paved area behind the buildings for outdoor storage. The outdoor storage would not be visible from the interior of the Northpoint Business Park (Commercial Circle) upon buildout of the park. However, the applicant is requesting a zoning clearance to allow a contractor yard with outdoor storage on the parcel located at 5147/5151.

### **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**

No Impact (Less than 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 uses and activities that could be allowed under the proposed project would not involve or affect agriculture or forestry uses. The project site is located in a commercial/urban area and does 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 related 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 Downtown Specific Plan,

as well as changes to local, State, and federal air quality regulations that occurred after certification of the 2012 SEIR. The project site is not within the Downtown Specific Plan area and restrictions or mitigation requirements included in the Downtown Specific Plan would not be applicable to potential uses within the project site; however, the updated air quality regulations addressed in the 2014 addendum are applicable to the proposed project, and are presented below.

Potential uses that would be allowed under the proposed rezone could potentially introduce new or increased emissions to the area, specifically as related to the use of vehicles and equipment (Refer to Table 2 for allowable uses under the existing and proposed zoning designations on the project site). 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. Effective as of November 2006, this regulation requires that all new 2008 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. If the parking brake is not engaged, then the engine shutdown system shall shut down the engine after 900 seconds of continuous idling operation once the vehicle is stopped and the transmission is set to “neutral” or “park.”
- 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 “change out” 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 3.2, Table 2, new allowable uses under the proposed IBP zoning includes outdoor storage. Emissions may be associated with mobile sources or stationary sources. As relevant to the uses that would 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 project site (for automobiles and trucks), or while temporarily operating within the project site (construction equipment).

The 2012 SEIR determined the General Plan to be consistent with the BAAQMD 2005 Ozone Strategy, the applicable air quality plan. The proposed project would not directly result in population growth, and would therefore be consistent with the Association of Bay Area Government’s (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 new development under the proposed zoning change and associated allowable uses for the project site. Based on the trip rates provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition (2012), the uses allowable under the proposed zoning change, would generate a similar VMT compared to the currently allowed on the site. 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.

Future uses within the proposed IBP-zoned project site require zoning clearance. Only a few uses such as Adult-Oriented Businesses and Medical Processing Facilities are contingent upon issuance of a use permit and environmental review per CEQA. Use permits may include conditions of approval to avoid potentially adverse effects of criteria air pollutant emissions, such as but not limited to requirements for mobile and stationary emission sources, revisions on the physical nature of the proposed use, maintenance requirements, and/or performance measures. Therefore, any proposed use on the project site, which has the potential to generate air pollutant emissions at detrimental levels, would not be approved for a use permit or development on the project site.

### **Effects and Mitigation Measures**

Potential Air Quality impacts associated with the uses 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 uses that would be allowed under the proposed rezone could disturb biological resources, if present. However, all properties in the project site are developed with structures and/or surface paving and biological resources are generally absent. The project area is generally urbanized; adjacent properties to the west that are not developed have been graded for future development. On the east side of Port Chicago Highway is the Diablo Creek golf course, which is highly modified and landscaped. Mt. Diablo Creek runs just north of the project area and provides a narrow riparian area. Additionally, a Mallard Reservoir is located approximately 2,000 feet west of the project site.

As discussed in the Initial Study for the 2012 SEIR, implementation of the zoning changes 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 policy; and habitat, natural community, or other conservation plan. The development of new uses within the proposed IBP zoning that could 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 uses and activities that would be allowed under the proposed project are not likely to encounter cultural resource, unless 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, 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 project site is fully built-out, entirely urbanized/ commercialized, and located in a previously disturbed area. The parcels in the proposed project are paved and impervious, although there are some landscaped areas and buffers present. The project site currently contains outdoor storage behind the existing buildings, which is a non-conforming use. The proposed changes would bring these uses into conformance with more proper zoning designations. The new uses that would be allowable under the proposed IBP zoning for the project site (refer to Table 2) would not require excavation or other ground-disturbing activities substantially different than that which was required for the current uses on the project site or are allowed under current zoning. Therefore, the project would not result in new or greater impacts associated with the disruption or encountering of cultural resources not previously encountered on the project site.

### **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 (Same as Approved Project)

## 4.6 Geology and 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. No development is expected to occur under the proposed zoning change.

The project site is located in a seismically active area of northern California and is 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 currently undeveloped, a fault study may be required before the parcel can be subdivided or before structures can be permitted. If a property within an Alquist-Priolo Zone is already developed, all future real estate transactions must include disclosure of the identified Earthquake Zone (CDOC 1993).

Figure 7-4, *Geologic and Seismic Hazards*, of the 2030 General Plan indicates that all six parcels within the project site are not located within the identified Alquist-Priolo Zone.

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. Figure 7-4 of the 2030 General Plan also indicates that the project site is not located in an area designated with “High” or “Very High” liquefaction potential.

Should excavation or ground-disturbing activities be proposed on the project site in the future for development allowable under the proposed land use and zoning changes, 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: S-3.1.1; S-3.1.2; S-3.2.3; S-3.2.4; and S-3.2.5 (City of Concord 2012b).

The zone change that would occur under the proposed project would prohibit residential development on the site and restrict building heights to what is currently allowable (refer to Table 1). As such, the project would not introduce any new permanent habitable structures and would not directly result in increased population of the area; therefore, the project would not alter existing potential for the project site 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.

### **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 (Same as Approved Project)

## **4.7 Greenhouse Gas Emissions**

The Initial Study prepared for the 2012 SEIR determined that 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 potential uses in the IBP zoned project site 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 uses that would be allowed under the proposed rezone for the project site could contribute to GHG emissions associated with the use of vehicles and motorized equipment (refer to Table 2 for a comparison of allowable uses under existing and proposed conditions). 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 GHG emissions faster than the earth’s atmosphere can absorb them (City of Concord 2007). As described above in Section 4.3, *Air Quality*, uses that could be developed on the project site under the proposed rezone could potentially introduce new air quality emissions if the proposed project causes an

increase in VMT associated with increased use of the project site by employees and customers visiting new uses. The project would bring the existing outdoor storage uses on the site into conformity with a more appropriate zoning designation and would allow for new development of commercial businesses with outdoor storage needs. Therefore, new development allowable under the proposed zoning changes on the project site would be similar to the existing uses on the site and would not substantially increase VMT and associated GHG emissions. In addition, General Plan policies and air quality laws and regulations including those identified in Section 4.3 above and the mitigation measures included in the 2012 SEIR 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 GHG 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 under Hazards and Hazardous Materials would be less than significant with no mitigation required. The proposed project may introduce uses to the project site under the proposed IBP zoning, where such uses are currently prohibited under the OBP zoning (refer to Table 2). As discussed in Section 3 of this addendum, the IBP District would allow for outdoor storage uses that are not allowed under the OBP District. Such new allowable uses may include the increased use or presence of vehicles and equipment at the project site, 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 under the current OBP zoning or proposed IBP zoning. CDC Table 18.50.020 also specifies that the storage of hazardous materials and vehicles are not permitted within either District. As such, the storage of hazardous materials on the project site would not occur as a result of the proposed project. 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: S-5.1.1; S-5.1.2; and S-5.1.3 (City of Concord 2012b).

### **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 and 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 parcels within the project site are largely developed with commercial buildings and paved parking lots. Because these areas are almost entirely covered in impervious surfaces, allowing different uses under a new zoning district on the project site (refer to Table 2) would not alter existing drainage patterns, and would not alter the course of any stream or river. The potential for erosion and sedimentation resulting from ground-disturbing activities associated with new allowable uses under the proposed changes would not be substantially different than under the existing uses on the project site.

Additionally, the northern and western portions of the property at 5147/5151 PCH, where outdoor storage has historically occurred, is restricted from development of structures due to its proximity to Mt. Diablo Creek and required setback from the creek. This property is also within the FEMA 100-year Floodplain Zone A, which further restricts development of structures (FEMA 2015).

The project site currently contains outdoor storage, which is a legal non-conforming use. As described in Section 4.8, the storage of hazardous materials is not permitted within the IBP zoning proposed for the project site and associated potential for water quality degradation to occur as a result of an accidental spill would not increase.

As described in Section 4.6 above, the project site and surrounding areas are located in a seismically active area; however, if a very large offshore seismic event were to occur, the project site 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 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 and 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.

The project would bring the existing outdoor storage uses on the site into conformity with a more appropriate zoning designation and would allow for new development of commercial businesses with outdoor storage needs.

As previously discussed, the proposed project would change the zoning of the project site to allow outdoor storage uses. Table 2 shows the allowable uses for the project site under existing and proposed zoning designations. The purpose of the proposed zoning change would be to bring the existing outdoor storage uses into conformity. Accordingly, the proposed project would involve changing the City of Concord Zoning Maps to show the project site zoned IBP (See Figure 3).

Similar to the project reviewed in the 2012 SEIR, the proposed changes associated with the project would not divide an established community, conflict with applicable plans/policies/regulations (including General Plan land use designations), or conflict with a habitat conservation plan. The proposed zoning is consistent with the site's Office Business Park General Plan 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 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-3.5.4, and POS-3.5.5. The uses and development which would be allowed under the proposed IBP zoning for the parcels within the project site (refer to Table 2) would not increase the area for new development or roadways, and would not introduce any 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 land use and planning, 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. Uses that would be permitted under the proposed rezone could introduce new noise sources on the project site, as assessed in this section.

The primary noise sources in the vicinity of the project site are associated with traffic, as studied in detail in the 2012 SEIR (*Appendix B, Noise Modeling Output*). As previously described, the project site is bordered to the north, south and west by commercial buildings and vacant parcels, and across Port Chicago Highway to the east is a row of commercial buildings adjacent to the west side of the Diablo Creek Golf Course. Uses allowed within the proposed IBP zoning on the project site would be subject to the existing noise ordinances detailed in the CDC, as analyzed by the 2012 SEIR.

As discussed in Section 3.2 and shown in Table 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. 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.

Future uses allowed within the proposed IBP Zone and not in the OBP Zone require a discretionary permit. There are only a few uses such as Adult-Oriented Businesses and Medical Processing Facilities that are contingent upon issuance of a discretionary use permit requiring separate environmental review per CEQA. In considering use permit applications, consistency with General Plan requirements would be considered, including noise impacts. Project modifications could be required as conditions of approval in order to ensure that neighboring sensitive receptors would not be significantly 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 must 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. 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." Within Office Buildings and Commercial and Professional Businesses, 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 "clearly 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 land uses that would be allowed under the proposed project are not likely to 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. Additionally, the proposed zone district does not allow residential uses which would be sensitive to noise generation. New uses that would be allowed within the proposed IBP zone on the project site could introduce noise types and levels that do not currently occur on or in the vicinity of the project site, but generally consistent with existing uses. New types of noises associated with land uses may include but are not limited to the following:

- Use of generators and other types of engines for power;
- Vehicles and equipment idling on-site;

- Use of mechanical equipment and hand-hold power tools.

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 new uses allowable under the proposed zoning for the project site. The table below shows typical noise levels associated with various commonly used pieces of equipment and tools, including generators which may be involved in uses, including automobile dealerships and repair shops, which would be allowed on the project site as a result of the proposed project.

**Table 4 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 4 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 2011). It is anticipated that uses added to the projects site would not introduce a new constant noise level, but rather would introduce occasionally elevated noise levels, such as the use of generators (81 dBA) or air compressors (81 dBA). Although some of the noises associated with new development could be higher than the “normally unacceptable” level of 80 dBA described above Table 4, it is important to note that the existing non-conforming uses within the project site already generate some level of noises associated with commercial vehicle and equipment use and fleet-based service.

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, the few new uses allowed within the proposed IBP Zone require discretionary approval such as Adult-Oriented Businesses and Medical Processing Facilities are contingent upon issuance of a use permit and environmental review per CEQA. The City would consider proposed uses in comparison with General Plan Policies, in order to determine whether the design, location, size, and operating characteristics 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. This means that future uses authorized by use permit approval within the project site would not result in unacceptable noise levels and be subject to separate CEQA review and approval.

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, S-2.1.1, S-2.1.2, S-2.1.3, S-2.1.4, S-2.1.5, S-2.2.1, S-2.2.2, S-2.2.3, S-2.2.4, and S-2.2.5.

### **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 and 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 land uses that would be allowed under the proposed rezone could potentially result in an incremental increase in employment opportunities if a new use requires an increased number of employees than currently work at uses on the project site, or if a different type of work becomes available or necessary as a result of proposed zoning changes. 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. Therefore, uses that would be allowed under the proposed project would not directly or indirectly significantly 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 and analyzed in this addendum is discussed in Section 4.17 Utilities and Service Systems. Potential uses that would 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 allowable uses 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. The proposed project would change the zoning of the project site to allow outdoor storage uses. Fire protection to the project site 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 describes that sufficient fire and police protection will be provided to the area.

**Schools.** The permitted uses that would be allowed on the project site under the proposed project would not include residential development and would not directly or significantly indirectly increase the need for schools in the area, or otherwise affect school capacity.

**Parks.** The uses that could be introduced to the IBP zoned parcels under the proposed project would not include residential development and would not directly or significantly 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 such that new or expanded facilities would be necessary, 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. The allowable uses under the proposed IBP zoning for the project site would not result in residential development which would increase the use of existing recreational facilities or require the construction of new facilities. Therefore, no impacts to recreation would occur as a result of the proposed project.

### **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**

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 uses that would be allowed under the proposed project could result in increases to existing traffic levels to and from the project site.

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 project site is not located in the CBD and therefore, the existing traffic analysis included in the 2012 SEIR is

applicable. 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, SR-242, and SR-4, and no viable mitigation measures were identified to effectively avoid significant impacts (City of Concord 2007). The land uses that would be allowed under the proposed project would not increase the population or substantially increase the employment density of the project site which could cause adverse effects on substandard freeway segment operations. It is possible that the uses allowable within the proposed IBP zoned parcels could increase individual vehicle travel to and from the project site. However, this is not expected to significantly exacerbate traffic on area freeways, as uses are currently available throughout the Concord Planning Area and within the project site and those that would be allowed under the proposed project are not expected to draw substantial additional traffic from out of the area.

Increases in traffic on area roadways resulting from the new allowable uses within the project site would have the potential to contribute to traffic congestion conditions. The project site currently contains non-conforming use in the form of outdoor storage. New development allowable under the proposed zoning change on the project site would be similar to the existing uses currently on the site. Accordingly, the land uses that would be allowed under the proposed rezone are not anticipated to substantially increase traffic on area roadways because, as described above, the proposed project would not draw substantial additional traffic from out of the area as the site is currently developed with traffic generating uses (refer to Table 3 for existing uses on the project site). The purpose of the proposed project is not to increase development, which has the potential to generate additional traffic, but rather to bring the existing outdoor storage uses on the site into conformity with a more appropriate zoning designation. It is possible that traffic on area roadways could redistribute on a local level, as employees and visitors associated with new allowable uses, as shown in Table 2, travel in vehicles to and from the project site. Depending upon the types of uses that are permitted to occur in the proposed IBP zoned parcels, 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 new allowable uses 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. As discussed in Section 3 of this addendum, future uses within the proposed IBP zoned parcels are also contingent upon zoning clearance or issuance of a use permit and environmental review per CEQA including preparation of a traffic study, where determined necessary, to determine impacts to transportation and circulation resulting from the project.

### **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)

## **4.17 Utilities and 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 “Utilities and Service Systems” include water, waste water, and storm drainage. As mentioned above 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. The analysis

incorporated 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 uses that would be allowed under the proposed rezone (as shown in Table 2) may introduce new sources of wastewater but are not expected to generate surface runoff that could not be accommodated by existing stormwater drainage facilities. Potential new solid waste generated by new uses would be accommodated by existing solid waste disposal facilities, as studied in the 2012 SEIR.

New uses 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 2014a)*

It is possible that the uses that would be allowed under the proposed project may introduce new businesses to the proposed IBP zoned parcels, if businesses 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 zoning changes on the project site 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 Conclusion

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As discussed in detail in the preceding sections, potential impacts associated with allowable uses in the IBP Zone, including reinstatement of the outdoor storage use formerly allowed for these properties, 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 uses that could be allowed under the proposed zone change for the six parcels within the project site. 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 would be included in the public record for the 2012 SEIR to the General Plan EIR. The CDC 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 above impact analysis, the proposed zoning change is 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 uses that would be allowed under the proposed zoning change on the project site, and specific mitigation measures from the 2012 SEIR are discussed where applicable.

As demonstrated by the analysis in Section 4 of this addendum, the uses that would 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. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred 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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## 6 References

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## 6.2 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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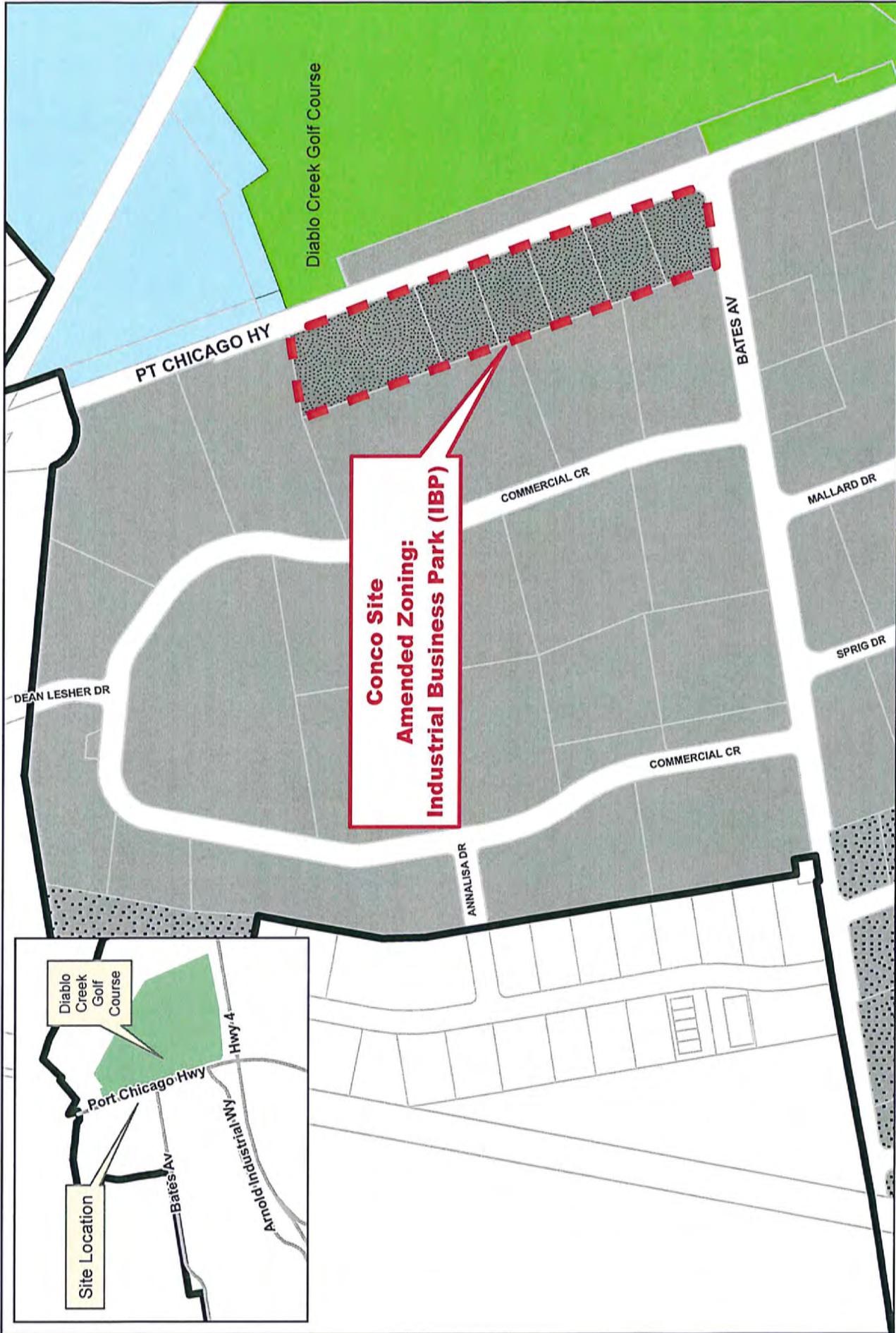
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**18.50.010 Purpose (Business Park and Industrial Districts)**

The IBP district is found in North Concord on Forni Drive, Bates Avenue, west of Port Chicago Highway and north of 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. [Ord. 14-3 1: Ord 12-4. DC 2012 122-153]



**Conco Site  
Amended Zoning:  
Industrial Business Park (IBP)**

**Amended Planning Land Use Zones**

- Legend**
- City Limit
  - North Todos Santos (NTS)
  - Community Office (CO)
  - Commercial Mixed Use (CMX)
  - Regional Commercial (RC)
  - Service Commercial (SC)
  - Downtown Pedestrian (DP)
  - Downtown Mixed Use (DMX)
  - Public/Quasi-Public (PQP)
  - Parks and Recreation (PR)
  - Office Business Park (OBP)
  - Industrial Business Park (IBP)
  - Open Space (OS)
- Planning Land Use Zones**
- Single Family Residential (RS6)
  - Residential, Medium Density (RM)
  - Residential, High Density (RH)