



REPORT TO MAYOR AND CITY COUNCIL

TO THE HONORABLE MAYOR AND CITY COUNCIL:

DATE: March 1, 2016

SUBJECT: DIRECT STAFF TO ACCEPT TWO PROPOSED APPLICATIONS TO AMEND THE GENERAL PLAN AND ZONING FOR TWO DEFINED AREAS TO WEST CONCORD MIXED USE (WMX):

- **A REQUEST BY IMPORT MOTORS, INC. TO AMEND THE GENERAL PLAN LAND USE AND ZONING FROM REGIONAL COMMERCIAL (RC) TO WEST CONCORD MIXED (WMX) USE FOR TWELVE PARCELS LOCATED ALONG THE WEST SIDE OF MARKET STREET, EAST OF HIGHWAY 242, NORTH OF WILLOW PASS ROAD AND SOUTH OF CONCORD BLVD.**
- **A REQUEST BY DG CONCORD, LLC. TO AMEND THE GENERAL PLAN LAND USE AND ZONING FROM DOWNTOWN MIXED USE (DMX) TO WEST CONCORD MIXED USE (WMX), AMEND THE DOWNTOWN SPECIFIC PLAN, AND AMEND SECTION 18.45.010 OF THE DEVELOPMENT CODE TO REVISE THE DESCRIPTION OF THE LOCATION OF THE WEST CONCORD MIXED USE ZONING DISTRICT FOR SIX PARCELS LOCATED ALONG THE NORTH SIDE OF CONCORD BLVD BETWEEN MARKET STREET AND BONIFACIO STREET.**

Report in Brief

The owners of two different automobile dealerships, the BMW dealership located at 1967 Market Street (Impact Motors Inc.) and the Mazda service center located at 1951 Concord Avenue (DG Concord LLC.), have requested to initiate applications to modify the existing zoning and General Plan land use designations of their business locations to the West Concord Mixed Use land use and zoning designation (see map exhibit, Attachment 1). As described further in this report, both ownerships believe the West Concord Mixed Use (WMX) district would be a more appropriate land use and zoning designation for their business activities. After review of these proposals, staff recommends that a number of adjacent parcels surrounding these two sites should also be included in the applications to better align the existing land use patterns with the underlying zoning.

In order to proceed with a General Plan amendment and Rezoning application that applies to properties that are not owned by an applicant, Concord Development Code Section §18.455.020 requires either a petition of 50 residents or a motion from the City Council or Planning Commission. Staff requests the City Council direct staff to permit both applicants to proceed with their proposed GPA/rezoning applications which extend to adjacent properties not owned by either applicant. No General Plan or Zoning Changes are

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being approved through this action. The applications will be analyzed by staff and brought forward for Planning Commission and City Council consideration at a future date.

Background

The current General Plan was adopted in 2007, followed by a comprehensive update of the Development Code which became effective 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. A number of “clean-up” amendments to the Development Code have been approved by City Council over the past few years in order to be responsive to the needs and interests of the community and to resolve issues as they were identified. These amendments are always reviewed first by the Planning Commission to provide a recommendation to the City Council, with a final determination made by the City Council.

BMW Request. Many of Concord’s automotive dealerships and related uses are currently located within the West Concord Mixed Use General Plan land use designation and have corresponding West Concord Mixed Use (WMX) zoning. Although the WMX is not the only land use and zoning designation that permits automotive-oriented land uses, it allows a greater floor area ratio (FAR) and more development flexibility than most of the other commercial districts. The WMX land use designation allows up to a 4.0 FAR, which means a project site can be built with four (4) times as much buildable area as its parcel size. For example, a parcel of 10,000 square feet with an FAR of 4.0 is allowed to construct up to 40,000 square feet of buildable area. Other land use designations have a much lower maximum FAR. The Regional Commercial (RC) land use designation, for example, has a maximum FAR of 0.8. This means that a 10,000 square foot parcel in the RC designation could have a maximum of 8,000 square feet of buildable area.

Until recently, auto dealerships in Concord maintained their inventory in surface parking lots, and the bulk of their sites were devoted to surface parking. The auto dealerships did not construct parking structures for vehicle storage. A lower FAR of 0.8 was more than sufficient for these types of low density land uses. The BMW dealership is considering the construction of a multi-story parking structure and dealership building on its Market Street site. The existing 0.8 FAR does not allow sufficient building square footage on the BMW parcel to accommodate the new structure(s) that this dealership wishes to construct. The dealership is also located underneath the flight path of Buchanan Field Airport, which separately imposes a 50 foot building height limitation.

Planning staff conducted preliminary research for Concord’s BMW dealership, Import Motors Inc., and determined that the West Concord Mixed Use may be a more compatible land use designation for this area. Staff recommends that all of the parcels located on the block between Market Street and Highway 242 and Willow Pass Road and Concord Ave, as identified in the map exhibit labeled Attachment 1, should be evaluated for a General Plan amendment and Rezoning to WMX. Import Motors Inc. (BMW Concord) has stated that other adjacent dealerships would likely be supportive of this change of land use designation, however getting all of the property owners to co-sign an application would pose a challenge. As a result, Import Motors, Inc. has requested a motion from the City Council to enable them to proceed with an application to amend the land use designation for the 12 parcels in this area to WMX.

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Mazda Request. The Concord Mazda dealership is divided between a showroom located on a small parcel at 1891 Market Street and a legal, but non-conforming Service Center located at 1651 Concord Avenue in the Downtown Mixed Use (DMX) zoning district. Mazda wishes to unify their dealership into one contiguous site on Concord Avenue and has written a letter to the City Council requesting their support (Attachment 2). However, the existing DMX zoning district prohibits automotive land uses such as car dealerships. Two of the five developed parcels in this area are also legal non-conforming automotive-related businesses. The other remaining two developed parcels host a restaurant (Chili's) and a hotel (Premier Inn). Additionally, one parcel in this area is vacant and owned by the Successor Agency of the City's former Redevelopment Agency. After researching options, staff recommends the City consider directing staff to process a modification of the General Plan land use and zoning designations for all of the properties on this block from DMX to West Concord Mixed Use (WMX), the merits of which would first be presented to the Planning Commission for consideration and a recommendation and then to the City Council for consideration and a decision. The Mazda ownership group, Del Grande (DG) Concord LLC, has made a good faith effort to contact the owners of the five adjacent developed properties suggesting they serve as co-applicants. However the Mazda ownership group has received either no response or a lack of interest. DG Concord LLC submitted an application in December 2015 requesting a change of land use and zoning from DMX to WMX for all of the parcels along their block.

California Environmental Quality Act (CEQA)

All project applications would be evaluated in accordance with CEQA. A motion by Council to initiate an application is exempt from CEQA review, as it does not constitute a project or a project approval.

Discussion and Analysis

A City Council motion to enable the proposed applications from BMW and Mazda will allow the existing automotive businesses along these portions of Market Street and Concord Avenue to further develop their sites as well as bring a number of pre-existing legal non-conforming automotive land uses into conformance with an appropriate land use designation and zoning district of WMX. An affirmative motion by the City Council will enable BMW and Mazda to submit applications for an amendment to the General Plan and a rezoning to WMX for their respective areas. Also, in the case of the Mazda application, it would include an Amendment to the Downtown Specific Plan to remove the 1600 block of Concord Avenue from the plan's boundary and an amendment to the Development Code to redefine the boundary of the West Concord Mixed Use district. The Council is not being asked to make any decision on the suitability or appropriateness of such changes; rather Council is being asked to allow the applications to be submitted without the endorsement of each affected property owner.

Staff recommends the City Council approve this motion so that the proposals can be evaluated.. No residential properties are located within the boundaries of the proposed applications and all but two existing businesses within the proposed areas are automotive-related. The application review process would include additional notification to affected property owners, a City-hosted and publically noticed neighborhood meeting, an initial study and environmental assessment under CEQA, as well as thorough staff analysis of the overall proposals. The applications would be considered by both the Planning Commission and City Council at a publically noticed meeting held at a future date.

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Fiscal Impact

A motion to allow the applications to proceed will have a negligible fiscal impact on the City. Any required fees necessary to process and review the proposed projects would be paid by the respective applicants.

Public Contact

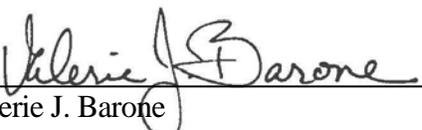
All property owners and tenants affected by this proposal have been provided with a courtesy notification of this item by mail, as no public notice is required by law. Additionally, public notices of this agenda item have been posted at City Hall.

Should the Council motion to approve the initiation of these applications, following their submittal, staff will schedule a Neighborhood Meeting and notify all residents, tenants, and property owners within 500 feet of the properties by mail, as required by Development Code Section 18.405.060. The proposed applications will be noticed again prior to any public hearings in accord with Section 18.500.020.

Recommendation

Direct staff to allow both Impact Motors, Inc. (BMW) and DG Concord, LLC. (Mazda) to proceed with an application for their proposed General Plan and Zoning amendments, as per Concord Development Code Section §18.455.020.

Prepared by: Andrew J. Mogensen, AICP
Principal Planner
andrew.mogensen@cityofconcord.org

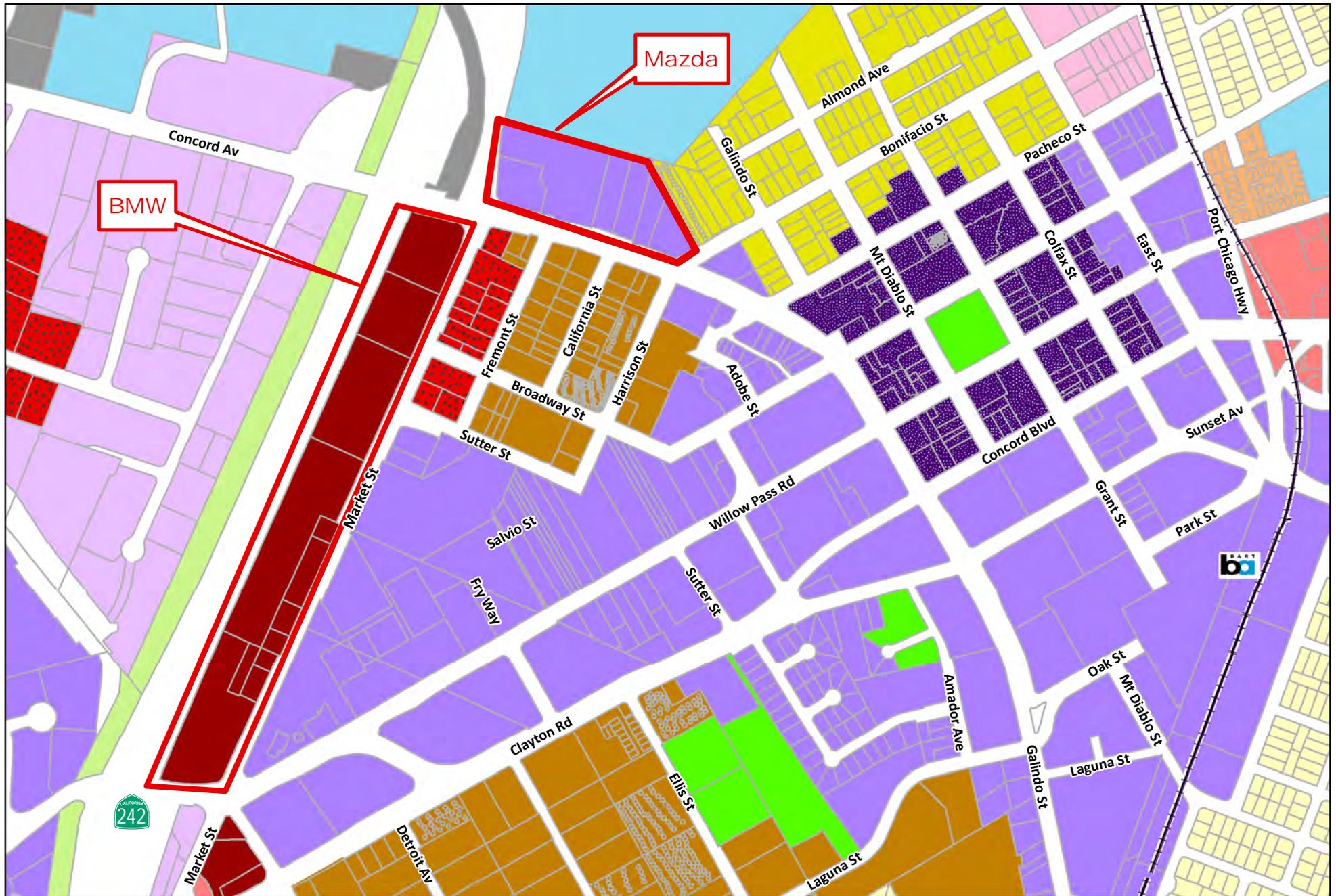


Valerie J. Barone
City Manager
valerie.barone@cityofconcord.org

Reviewed by: Laura Simpson, AICP
Planning Manager
laura.simpson@cityofconcord.org

Reviewed by: Victoria Walker
Director of Community and
Economic Development
victoria.walker@cityofconcord.org

Attachment 1 - Map Exhibit: Proposed Areas for Amendment
Attachment 2 - Letter from DG Concord dated February 5, 2016



BMW

Mazda

Legend



General Plan 2030 Land Use

- | | | | | |
|----------------------------------|----------------------------|----------------------------|---------------------------|------------------------------|
| Low Density Residential (LDR) | North Todos Santos (NTS) | Regional Commercial (RC) | Downtown Mixed Use (DTMU) | Business Park (BP) |
| Medium Density Residential (MDR) | Community Office (CO) | Service Commercial (SC) | Public/Quasi-Public (PQP) | Open Space (OS) |
| High Density Residential (HDR) | Commercial Mixed Use (CMU) | Downtown Pedestrian (DTPD) | Parks and Recreation (P) | West Concord Mixed Use (WMX) |

Maximum FAR: WMX = 4.0 ; RC = .5



February 5, 2016

[Via Email \(CityCouncil@cityofconcord.org\)](mailto:CityCouncil@cityofconcord.org)

Mayor Laura M. Hoffmeister
Vice Mayor Ron Leone
Councilmember Edi E. Birsan
Councilmember Tim Grayson
Councilmember Daniel C. Helix
1950 Parkside Drive, MS/01
Concord, CA 94519

Dear Mayor Hoffmeister and Councilmembers:

On behalf of Del Grande Dealer Group, and more specifically the Concord Mazda dealership located at 1651 Concord Avenue, I am writing in support of the effort to amend the land use designation and zoning of the properties along the north side of Concord Avenue between Highway 242 and Bonafacio Street from Downtown Mixed Use to Western Concord Mixed Use. As you know, we have submitted a General Plan Amendment and Rezoning Amendment application in concert with staff's efforts to amend the land use designation and zoning of this section of Concord Avenue, the purpose of which would be to expand our operations at this location in the future.

As you may know, we established a new automotive dealership in the City of Concord in November 2013 when we opened our doors for business at Concord Mazda. Since opening for business, we have grown significantly both in terms of the numbers of vehicles sold and the number of employees on our staff. We believe that in the future, we can continue to grow Concord Mazda if we can expand our operations at the 1651 Concord Avenue property, which is part of the area under consideration in this effort. Needless to say, we are extremely excited about Concord Mazda and our future in the City of Concord!

With regard to the properties within the area under consideration, all are currently being used for commercial operations which support the surrounding neighborhoods and traffic along highway 242. To both the west and east of these properties along Concord Avenue there are similar commercial operations, many of which have been revitalized over the past several years. If the land use designation and zoning of the Concord Mazda property along with the other properties along this stretch of Concord Avenue are changed to Western Concord Mixed Use, not only will many of the uses become legal conforming uses, but as such, their operations can grow and further enhance revitalization of the area.



These changes are also consistent with the history of this specific area of Concord Avenue. Only recently were these properties incorporated into the Downtown Specific Plan. Before that, they were largely considered an extension of the Western Concord Mixed Use area, primarily because of the purposes to which the properties were and are being used. Perhaps the thought was that by including these properties within the Downtown Specific Plan use of the properties would change, but that has not happened and unfortunately with the commercial growth limitations within the Downtown Specific Plan area, there is no reason to believe that they will change. Concord Avenue is largely a commercial route that supports the current commercial operations and that with these changes along this section of Concord Avenue, could support new or enhanced commercial operations. In other words, making these changes will afford the opportunity to bring current facilities up to modern operational standards, which will support continued business growth.

The Del Grande Dealer Group is excited to be part of the City of Concord business community and looks forward to the opportunity to expand its operations. With your support, we believe that Concord Mazda can continue to grow and be a valued business partner in growing all of aspects of business in the City of Concord.

Best regards,

A handwritten signature in blue ink, appearing to read "Will Steadman", is written over a light blue horizontal line.

Will Steadman
Chief Strategy Officer
Del Grande Dealer Group



BMW Concord

February 27th, 2016

Via Email to CityClerk@cityofconcord.org

City of Concord , City Council Members
1950 Parkside Drive
Concord, CA. 94519

Dear Councilmember's,

On behalf of Import Motors (BMW Concord and MINI of Concord) I am writing in support of the request to amend the General Plan Land Use and Zoning from Regional Commercial to West Concord Mixed use along the West side of Market Street, East of Highway 242, North of Willow Pass Road and South of Concord Boulevard.

This will allow our facilities to comply with BMW of North America's current facility requirements for the Future Retail program. In doing this our facilities will then be comparable to other BMW dealership facilities throughout the United States. In addition, this will allow us to bring on site all of our vehicle inventory which is now held at several sites in the area thus minimizing trip counts.

In supporting this change it give us the ability to meet BMW of North America's facility standards while remaining at the current location hence allowing us to continue to grow our business and providing more sales, employment, and of course economic benefits to the City of Concord.

Thank you for your support.

Best regards,

A handwritten signature in black ink, appearing to read 'Luis Garcia', followed by a long horizontal line extending to the right.

Luis Garcia
President
Import Motors

Address:
1967 Market Street
Concord, CA 94520-2626

Telephone:
(925) 682-3577

Facsimile:
(925) 671-7549

www.bmwconcord.com