



**NOTICE OF INTENT TO ADOPT A
NEGATIVE DECLARATION**
California Environmental Quality Act



CITY OF CONCORD
Community Development Dept.
1950 Parkside Drive, MS/53
Concord CA 94519
PHONE: (925) 671-3152
FAX: (925) 671-3381

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the City of Concord has prepared an initial study and intends to adopt a Negative Declaration for the following project:

PROJECT: City Initiated Development Code Clean Up Amendment #2 (MC 13-1150)

LOCATION/ADDRESS: This is a text amendment to the City of Concord Development Code and applies City wide.

APPLICATION NUMBER: MC 13-1150

PROJECT DESCRIPTION: In July 2012, the City of Concord adopted a new comprehensive Development Code and certified an Environmental Impact Report for the project which also included a number of amendments to the General Plan. This is the second City initiated "clean-up" amendment to correct minor technical errors and inconsistencies, and to add clarifying language to the newly adopted code. This amendment does not contain changes to any of the major policy issues discussed at numerous study sessions and public hearings. The amendment does not change the zoning on any property or significantly alter the uses allowed in any zoning district. The amendment includes changes to some uses allowed in the land use tables to provide for consideration of an Administrative Permit, Minor Use Permit, or Use Permit for certain uses that are listed in the tables. The amendment also adds a new use, "Food Vendor Group Sites" to the use tables, subject to the one of the permits listed above, and subject to proposed development standards. Any application for a future proposal allowed under the new provisions would be subject to CEQA review, for that particular site. The clean up amendments respond to issues that arise in the implementation of the new Development Code.

PUBLIC COMMENT PERIOD

From May 29, 2013 to June 17, 2013, the public and all affected agencies are hereby invited to review the Negative Declaration and Initial Study Checklist (incorporated by reference) and submit written comments. Comments must be submitted by June 17, 2013 at 5:00 p.m. Comments can be mailed, faxed, or e-mailed.

DOCUMENT AVAILABILITY

The Negative Declaration and Initial Study Checklist are available for public review at the City of Concord Permit Center, Planning Division, located at 1950 Parkside Drive, Building D, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Thursday, excluding furlough days and holidays. The document is also available on the City's website at www.cityofconcord.org/citygov/dept/planning.

CONTACT PERSON AND PHONE NUMBER. Please send comments to the attention of

Cathy Munneke, Principal Planner
925-671-3332
City of Concord
1950 Parkside Drive, MS/53
Concord CA 94519
Fax: (925) 671-3381
E-Mail: cathy.munneke@cityofconcord.org

PLANNING COMMISSION PUBLIC HEARING 7:00 p.m. – June 19, 2013

The proposed Clean up Amendment and Negative Declaration will be considered by the City of Concord Planning Commission, for recommendation to the City Council.

Signature Cathy Munneke Date 5/29/13

Initial Study and Environmental Checklist
California Environmental Quality Act



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1. Project Title: **Development Code Clean-Up Amendment #2**
 2. Lead Agency Name and Address: **City of Concord
1950 Parkside Drive, MS/53
Concord, CA 94519**
 3. Contact Person and Phone Number: **Cathy Munneke
Principal Planner
925-671-3332**
 4. Project Location: **Citywide**
 5. Project Sponsor's Name and Address: **City of Concord**
 6. General Plan Designation: **NA**
 7. Zoning: **NA**
 8. Description of Project:
In July 2012, the City of Concord adopted a new comprehensive Development Code and approved an Environmental Impact Report for the project which also included a number of amendments to the General Plan. . This is the second City initiated "clean-up" amendment to correct minor technical errors and inconsistencies, and to add clarifying language to the newly adopted code. This amendment does not contain changes to any of the major policy issues discussed at numerous study sessions and public hearings. The amendment does not specifically apply to any one property or zoning district. The amendment does include changes to the allowable uses in the land use tables to provide for consideration of an Administrative Permit, Minor Use Permit, or Use Permit for certain uses that are already in the tables. This amendment also adds a new use, Food Vendor Group Sites to the use tables, subject to the one of the permits listed above and any application would be subject to CEQA review for that particular site. These clean up amendments were anticipated in at least the first couple of years implementation of the new Development Code.
 9. Surrounding Land Uses and Setting (Briefly describe the project's surroundings):
NA
 10. Other agencies whose approval may be required (e.g. permits, financing approval, or participation agreement.):
NA

Environmental Factors Potentially Affected:

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

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> None |

Determination:

On the basis of this initial study:

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

Signature

Date

Cathy Munneke
Printed Name

5/24/2013
Date

Evaluation of Environmental Impacts:

Issues:

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
I. AESTHETICS -- <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
II. AGRICULTURE AND FOREST RESOURCES --<i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526)?				X
d) Results in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
III. AIR QUALITY -- <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative threshold for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
IV. BIOLOGICAL RESOURCE -- <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the				X

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
disposal of waste water?				
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gases, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result				X

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
in flooding on- or off-site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structure to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XII. NOISE – Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XIII. PUBLIC SERVICES -- Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XV. RECREATION -- Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XVII. UTILITIES AND SERVICES SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
Discussion: The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
Discussion The project includes a series of technical corrections and clarification to the City's Development Code provisions and does not include any physical improvements to properties in the City.				

Exhibits:

- A) Attachment A List of Proposed Code Amendments (incorporated by reference, on file with the Planning Division, attn: Cathy Munneke at 1150 Parkside Dr, Concord, Ca 94519.
- B) Final Supplemental Environmental Impact Report for the Development Code Project sch#20060062093 (incorporated by reference, document on file at the Concord Planning Division see A. above)).