



Staff Report

Date: August 2, 2016

To: City Council

From: Valerie J. Barone, City Manager

Reviewed by: Victoria Walker, Director of Community and Economic Development

Prepared by: Laura Simpson, Planning Manager
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Subject: **Considering a Change of Zoning for Six Parcels (Located on the North Side of Concord Between Highway 242 and Bonifacio Street - APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) From Downtown Mixed-Use (DMX) to West Concord Mixed Use (WMX) By Amending the General Plan, Downtown Specific Plan, Zoning Map and the Text in Development Code Section 18.45.010(C); Considering the Adoption of an Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR and Reaffirming the Statement of Overriding Considerations**

Report in Brief

The parent company of the Mazda Service Center (DG Concord LLC), located at 1951 Concord Avenue, has applied to modify the General Plan land use designation and zoning on this parcel from Downtown Mixed Use (DMX) to West Concord Mixed Use (WMX¹).

Applicant DG Concord LLC currently operates a legally established *Automobile Services and Repair* center for Mazda on the site, and is interested in expanding their business to include a new auto sales dealership. However, neither the existing

¹ The General Plan land use designation for Downtown Mixed Use is also referred to as “DTMU” and West Concord Mixed Use is referred to as “WCMU.” Accordingly, any references in the staff report and accompanying resolutions and ordinances to “DMX” and “WMX” shall also refer to “DTMU” and “WCMU,” respectively.

Automobile Services and Repair center nor an *Automobile Sales – New Dealership* land use is allowed in the DMX General Plan and zoning designation. As a result, the Mazda dealership operators are unable to modify their building or expand their automotive business operations to include new automobile sales under the current land use regulations.

The 1951 Concord Avenue site containing the Mazda Service Center and the other five parcels shown in Attachment 1 that contain adjacent automotive businesses on this block were re-designated as Downtown Mixed Use in August of 2012 with the adoption of the new Development Code, an action which made those automotive uses legal but non-conforming. The applicant requests an amendment of the General Plan and a re-zoning to West Concord Mixed Use (WCMU/WMX) to bring these businesses into conformance with an appropriate land use and zoning designation.

The proposed change would necessitate the removal of these six parcels from the Downtown Specific Plan boundary area and also requires a minor revision to the description of the general location of West Concord Mixed Use district in the Development Code to achieve internal consistency within the code. There is no development project associated with the proposed change in land use and zoning at this time. The Planning Commission recommended City Council approval of this request by a 4-0 vote at their June 15, 2016 meeting. No public comments were received.

Recommended Action

Adopt the following resolutions and ordinances, included as Attachments 3 through 7:

- 1) Resolution No. 16-60 (Attachment 3): To approve and adopt the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR, and Reaffirming the Statement of Overriding Considerations, to Approve the DG Concord LLC Amendments to the General Plan, Downtown Specific Plan, Zoning Map and Concord Municipal Code, Title 18, Development Code, Chapter 18.45.010(C);
- 2) Resolution No. 16-4823.1 (Attachment 4): To approve and adopt the Amendments to the General Plan, Downtown Specific Plan, and Zoning Map to Change the Land Use Designation From Downtown Mixed-Use to West Concord Mixed Use for Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) located on the north side of Concord Avenue between Highway 242 and Bonifacio Street;
- 3) Resolution No. 16-68 (Attachment 5): To approve and adopt the Amendment to Concord Development Code Section 18.45.010(C) to Change the Land Use Designation From Downtown Mixed-Use to West

City Council Agenda Report

Considering a Change of Zoning for Six Parcels from Downtown Mixed-Use (DMX) to West Concord Mixed Use (WMX)

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Concord Mixed Use for Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) located on the north side of Concord Avenue between Highway 242 and Bonifacio Street;

- 4) Ordinance No. 16-425.2 (Attachment 6): To approve and adopt an ordinance amending the Concord 2030 General Plan, Downtown Specific Plan, and Zoning Map to Change the Land Use Designation From Downtown Mixed-Use to West Concord Mixed Use for Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) Located on the North Side Of Concord Avenue Between Highway 242 And Bonifacio;
- 5) Ordinance No. 16-5 (Attachment 7): To approve and adopt an ordinance amending Concord Municipal Code, Title 18, Development Code, Chapter 18.45.010(C) (Purpose - WMX-West Concord Mixed Use) To Change The Land Use Designation From Downtown Mixed-Use To West Concord Mixed Use For Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) Located On the North Side of Concord Avenue Between Highway 242 And Bonifacio.

Background

The current *General Plan 2030* was adopted by the City Council in 2007, followed by a comprehensive update of the Development Code and Zoning Map 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.

The Concord Mazda dealership is divided between a car sales showroom located on a small parcel at 1891 Market Street that is zoned West Concord Mixed Use (WMX) and a legal but non-conforming Mazda Service Center located at 1651 Concord Avenue in the Downtown Mixed Use (DMX) zoning district. Mazda has discussed potentially unifying their dealership into one contiguous site on Concord Avenue in the future. However, the existing DMX zoning district prohibits the establishment of new automotive land uses such as car dealerships and prevents existing legal but non-conforming automotive businesses from expanding their operations. Three of the five other businesses on this block of Concord Avenue are also legal non-conforming automotive-related businesses.

The 6 contiguous parcels that are proposed for land use regulation amendments total 7.78 acres. Information on each parcel is included in the Analysis section of this report.

Modification of the General Plan land use and zoning designations for all six properties on this block from DMX to WMX would resolve the current limitations. This action would bring all of the existing legal non-conforming automotive uses, which are expected to

remain and possibly intensify in the future, into conformance with the General Plan and the Development Code.

Concord Development Code Section §18.455.020, Initiation of Amendment, states that an amendment to the General Plan, Development Code, and zoning can only be initiated by either the property owner, the City Council, Planning Commission, or a verified petition of at least 50 residents of the City. Last summer, the Mazda ownership, DG Concord LLC made a good faith effort to contact the five other adjacent property owners and suggested they serve as co-applicants to this proposal. However with the exception of the adjacent City-owned (former Redevelopment) parcel at 1701 Concord Ave., the Mazda ownership received either no response or a lack of interest from the other businesses and property owners to serve as co-applicants and share in the cost of the application.

Per Concord Development Code Section §18.455.020, the applicant made a formal request to the City Council to be granted permission to submit an application to change the General Plan land use designation and zoning of the remaining adjacent properties that were not owned by the applicant. Following public notification of all the affected property owners, the City Council heard their request on February 23, 2016 and unanimously approved a motion to allow DG Concord LLC to proceed with this application.

Planning staff later hosted a publically noticed neighborhood meeting to discuss this proposal on April 11th, 2016 at the Permit Center Conference Room in City Hall, inviting all of the affected businesses and all residents and property owners within 500 feet of the site. The applicant attended the meeting to answer questions. Two nearby property owners attended the neighborhood meeting and neither attendee had any comments or concerns regarding the proposal.

The Planning Commission considered this application at their June 15, 2016 public hearing. Aside from brief supporting comments from the applicant, no one from the public spoke on this item and no public comments were received. By a 4-0 vote, the Planning Commission at their June 15, 2016 public hearing recommended City Council approval and adoption of Addendum and amendments currently before the City Council.

Analysis

The request is for a proposed Amendment to change the zoning to West Concord Mixed Use for the following six parcels located on the north side of Concord Avenue between State Highway 242 and Bonifacio Street, for the purpose of bringing their existing land uses into conformity with a more appropriate designation in the General Plan and Zoning Code:

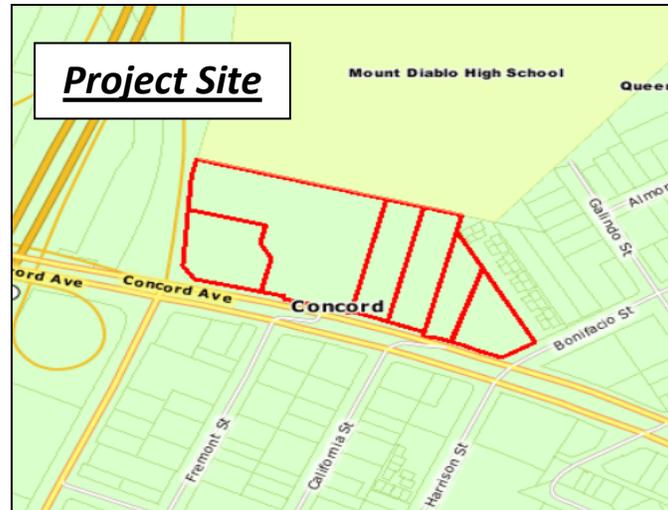
- 1771 & 1775 Concord Avenue, APN 112-101-025, .82 Acres

City Council Agenda Report

Considering a Change of Zoning for Six Parcels from Downtown Mixed-Use (DMX) to West Concord Mixed Use (WMX)

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- 1757 Concord Avenue, APN 112-101-016, .64 Acres
- 1701 Concord Avenue, APN 112-101-022, .95 Acres
- 1651 Concord Avenue, APN 112-101-029, .93 Acres
- 1581 Concord Avenue, APN 112-101-030, 3.32 Acres
- 1501 Concord Avenue, APN 112-101-031, 1.117 Acres



The applicant proposes to modify the land use and zoning designation for these six parcels from Downtown Mixed Use (DTMU/DMX) to West Concord Mixed Use (WCMU/WMX) (Exhibit A). From east to west, these parcels include three automotive businesses, a vacant parcel owned by the City of Concord, the Mazda Service Center, the Premier Inn Motel, and Chili's restaurant. The applicant currently operates the Mazda Service Center at 1651 Concord Avenue, located at the center of the subject area. The Table of Permitted Uses in Development Code Section 18.45.020 prohibits automobile sales, leasing, service and repair activities in the Downtown Mixed Use (DMX) zoning district.

Because the existing automotive businesses located within the subject area are all legal but non-conforming uses under the DMX zoning, they are currently unable to enlarge or expand their legal non-conforming businesses. As per Development Code Section 18.530.030, this limitation includes a prohibition on enlarging the buildings for non-conforming use, expanding the automotive business operations in size or capacity, increasing hours of operation, increasing the number of employees, or occupying a greater area of land than the use legally occupied prior to the zoning change in 2012.

Two existing businesses within the subject area, the Premier Inn motel and Chili's restaurant, are both permitted uses in both the current DMX and proposed WMX zoning

district. The proposed amendments to the existing land use regulations would have no effect on the motel and restaurant.

Effect on Future Development Standards

Development Standard	Existing (DMX/DTMU)	Proposed (WMX/WCMU)
Residential Density (du/net acre) Minimum Maximum	33 du/net acre 100 du/net acre	N/A (no residential uses allowed)
Maximum Floor Area Ratio (FAR)	6.0	4.0
Maximum Building Height	200 feet	140 feet
Setbacks (minimum feet) Front Interior Side Corner Side Rear	10 0 10 0	10 10 10 0
Allowable Land Uses	Offices, retail, hotels, restaurants, residential	Automotive uses and dealerships, hotels, restaurants, retail showroom/warehouse

The current DMX zoning designation is intended to permit higher density commercial developments with a higher floor area ratio and zero setbacks on the side and rear, and also supports higher density multi-family residential uses. Amending the zoning from DMX to WMX would reduce the density of future development and prohibit future residential uses while allowing certain other land uses, such as automotive uses or auto sales showrooms that are not currently permitted. The proposed WMX zoning does not permit residential uses and has a lower Floor Area Ratio, resulting in a lower building density and intensity. The Addendum to the Final Supplemental EIR prepared for this project provides an analysis of maximum build-out scenarios under the proposed change of land use and zoning, as identified on pages 16-17 of Exhibit A to Attachment 3 (proposed Resolution 16-60).

The parcels in question are located in a transition area between a number of different zoning designations, including Public/Quasi-Public to the north, North Todos Santos to the Northeast, Service Commercial and High Density Residential to the south across the Concord Avenue, and West Concord Mixed Use to the West. Amending the land use regulations to WMX at this location maintains a consistent transition and would not result in spot zoning or land uses incompatible with the surrounding area. (Zoning Maps for the existing and proposed zoning designations are included in Attachment 1).

General Plan and Text Amendments

Development Code Chapter 18.455 (General Plan, Specific Plans, Development Code And Zoning Map Amendments) sets forth the process and standards for making the changes requested by the applicant, including environmental review (discussed below).

The applicant has requested an Amendment to the General Plan Land Use, Downtown Specific Plan, and Zoning Map designation for six parcels located along the north side of Concord Avenue between Highway 242 and Bonifacio Street from the land use designation of Downtown Mixed Use (“DMX”) to West Concord Mixed Use (“WMX”), and has requested to remove the parcels from the boundary of the Downtown Specific Plan in order to bring existing legal non-conforming automotive-oriented land uses into conformance with an appropriate land use designation (hereinafter collectively referred to as “General Plan Amendment”); the General Plan Amendment would be effected by the City Council’s passage and adoption of Ordinance No. 16-425.2 (“General Plan Amendment Ordinance”), as set forth in Attachment 6, attached hereto and made a part hereof.

The applicant has also requested to amend Section 18.45.010(C) of the Concord Development Code and the City’s Zoning Map (hereinafter collectively referred to as “Text Amendment”) in order to address minor technical errors such that the location of the West Concord Mixed Use Zoning District in the Development Code to be consistent with the description identified within the General Plan, the Text Amendment would be effected by the City Council’s passage and adoption of Ordinance No. 16-5 (“Text Amendment Ordinance”), as set forth in Attachment 7, attached hereto and made a part hereof;

In order to accommodate a change to the General Plan land use and zoning designations and maintain consistency with other plans, this proposal will also need to remove the six parcels from the boundary of the Downtown Specific Plan and update the Development Code’s description of the location of the West Concord Mixed Use zoning district boundary. This action requires a General Plan Amendment as the Downtown Specific Plan was adopted by the Council as Volume IV to the Concord 2030 General Plan on June 24, 2014.

This particular block is located at the outer fringe of the downtown area and will not create an inconsistency in the Downtown Specific Plan. There are no unique projects or policies identified in the Downtown Specific Plan that apply specifically to the parcels proposed for amendment.

Development Code Section 18.45.010(C) describes the boundary area of WMX as being “*applied to the area between Highway 242, south of Concord Avenue and the Walnut Creek Channel, south of Concord, and areas of the City appropriate for a mix of schools, commercial, office, retail, multi-tenant office/warehouses, and institutional*”

development at up to 4.0 FAR.” However, there are existing properties zoned WMX which are not located between Highway 242 and Concord Avenue. Staff proposes to modify this sentence in the Development Code with the following updated language to accommodate those existing properties and this proposed Amendment:

“The WMX district is applied to the area ~~between Highway 242 west of Downtown, south of~~ along Concord Avenue and the Walnut Creek Channel, ~~south of Concord,~~ and adjoining areas of the city appropriate for a mix of schools, commercial, office, retail, multi-tenant office/warehouses, and institutional development at up to 4.0 FAR.”

The proposed language partially serves as a Development Code clean-up item by deleting an erroneous reference to “south of Concord” and is consistent with the description of the West Concord land use area in the General Plan. This action will also address several properties located to the east of Highway 242 along Market Street which are currently zoned WMX.

The necessary findings required for any General Plan, Specific Plan or Development Code amendment can be made in this instance. For example, the proposed amendments are internally consistent with other provisions of the General or Specific Plan; the proposed rezoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Moreover, the affected parcels are physically suitable for the proposed or anticipated uses and/or development, including the absence of any physical constraints, access, compatibility with adjoining land uses and provision of utilities. The proposed change in zoning would restore the legal conformity of existing automotive land uses at the affected parcels, consistent with other uses found along the Concord Avenue corridor.

Financial Impact

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

Environmental Determination

The City of Concord (with the assistance of Rincon Consultants, Inc.) has prepared an Addendum to the 2012 Supplemental Environmental Impact Report ((2012 SEIR²) dated May 2016 (“Addendum”), attached as Exhibit A to Attachment 3 (proposed Resolution 16-60), and hereby incorporated by reference.

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

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

CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a proposed project, no subsequent EIR shall be prepared for that project unless the Lead Agency determines that certain conditions have occurred, based on substantial evidence and in light of the whole record. CEQA Guidelines Section 15164 states that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 have occurred.

The Addendum prepared for this application evaluates potential environmental impacts that could result from the Amendments, and considers potential impacts in comparison with the revised 2012 SEIR, to determine whether impacts associated with the Amendment are consistent with the impact analysis provided in the 2012 SEIR, and whether additional mitigation measures are required to minimize or avoid potential impacts. As discussed in detail in the Addendum, potential impacts associated with the 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 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.

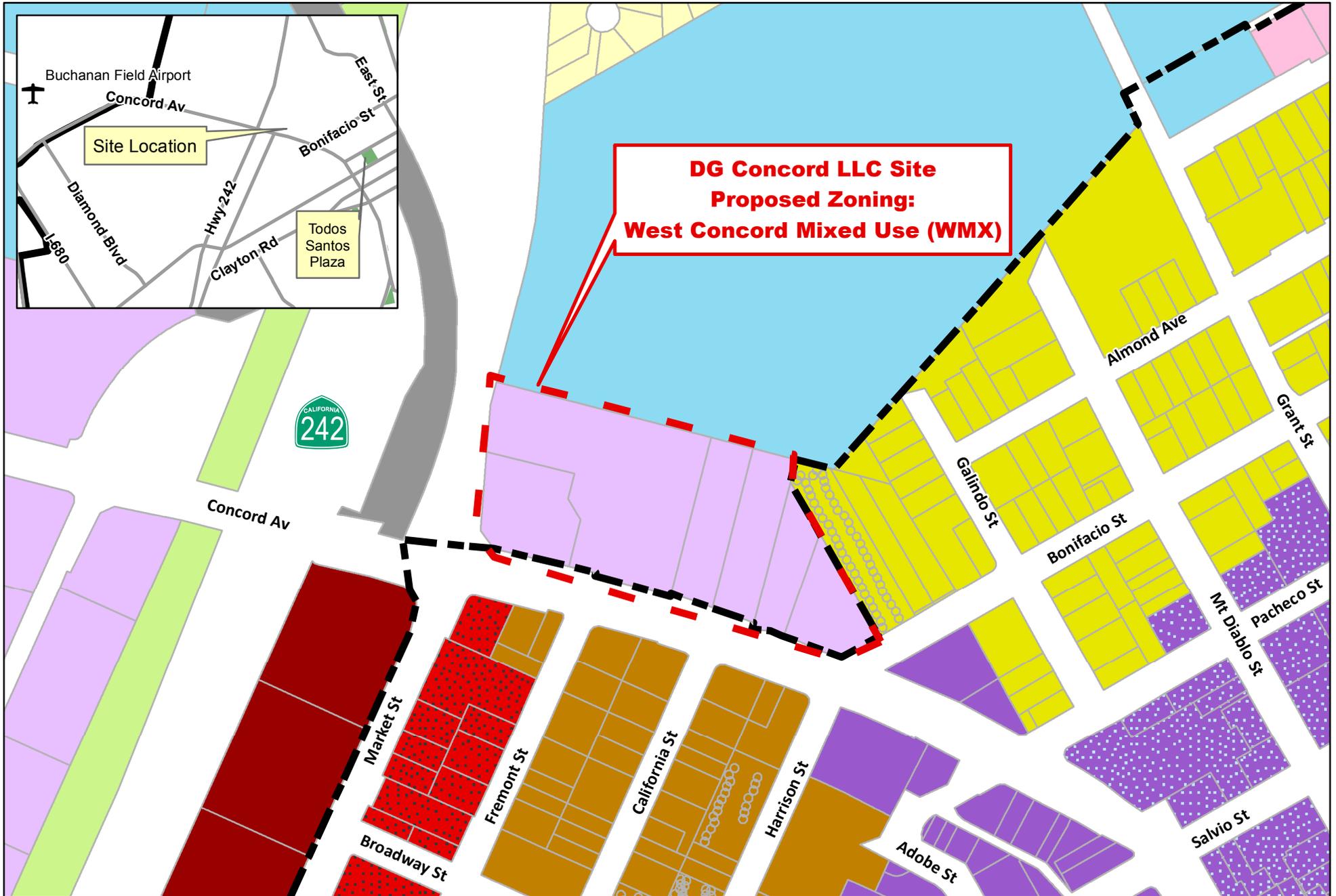
The Addendum to the 2012 SEIR was posted on the City's website for public review and a copy was made available upon request in the City of Concord Permit Center in accordance with CEQA notification requirements. The City will review any new development at a project level to conduct the appropriate level of environmental review, as required by CEQA.

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 City of Concord Permit Center for public review. All property owners, businesses, and residents within 500 feet of the proposed area were notified by mail on four separate occasions including in advance of the City Council application acceptance hearing, the Neighborhood Meeting, Planning Commission hearing and this Council hearing. An advertisement was posted in the local newspaper prior to both the Planning Commission and City Council hearings. No public comments were received regarding this proposal prior to the completion of this staff report.

Attachments

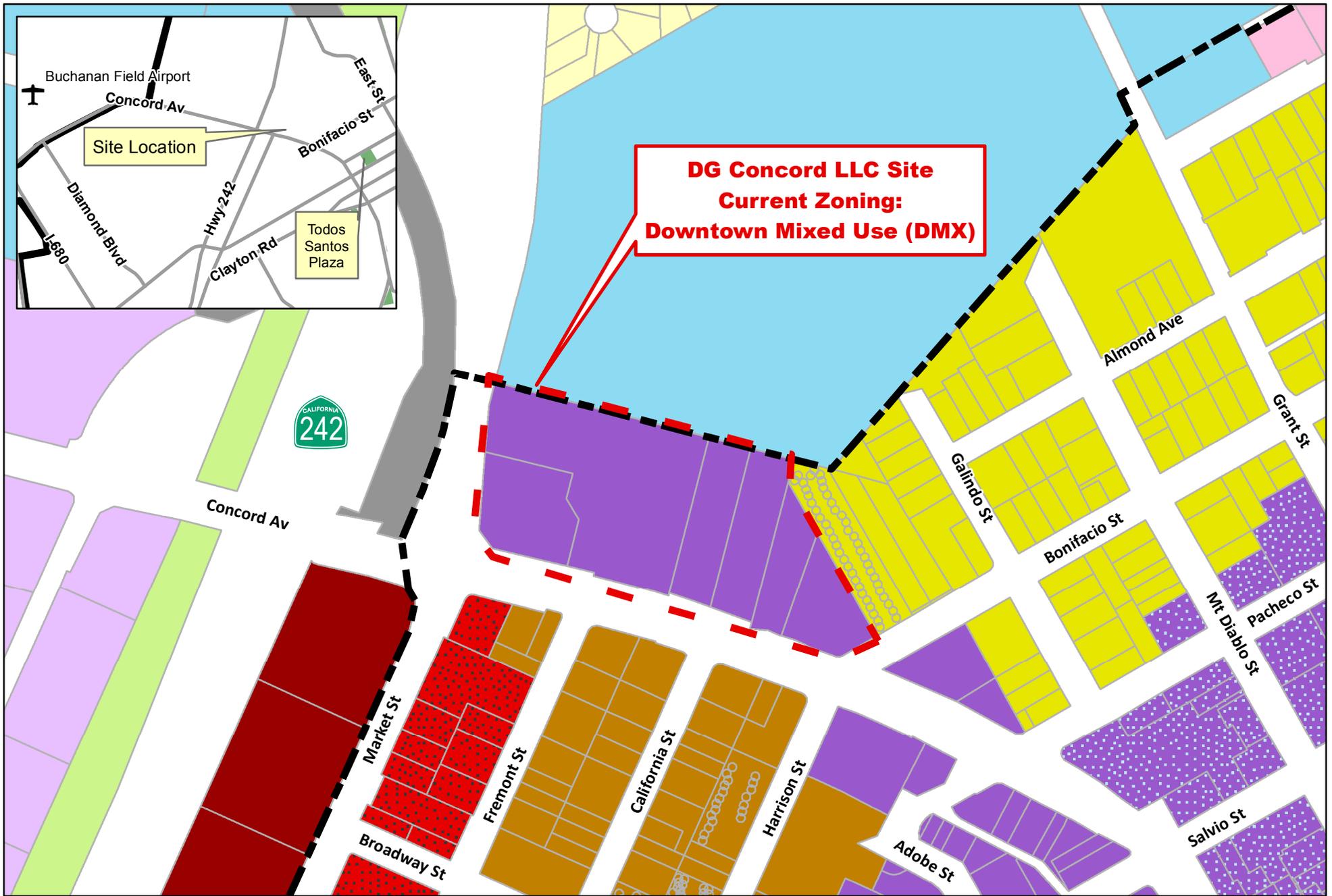
1. Map Exhibits: Proposed Areas for Amendment
2. Site Photographs
3. Resolution No. 16-60
4. Resolution No. 16-4823.1
5. Resolution No. 16-68
6. Ordinance No. 16-425.2
7. Ordinance No. 16-5



Legend

Amended Planning Land Use Zones and Downtown Specific Plan Boundary

- | | | | | | |
|--|---------------------------------|----------------------------------|--------------------------------|---------------------------|-----------------------------------------|
| | Planning Land Use Zones | | | | Amended Downtown Specific Plan Boundary |
| | Single Family Residential (RS6) | Residential, Medium Density (RM) | Residential, High Density (RH) | Regional Commerical (RC) | |
| | North Todos Santos (NTS) | Community Office (CO) | Service Commerical (SC) | Public/Quasi-Public (PQP) | Office Business Park (OBP) |
| | Parks and Recreation (PR) | West Concord Mixed Use (WMX) | Downtown Pedestrian (DP) | Open Space (OS) | Open Space (OS) |



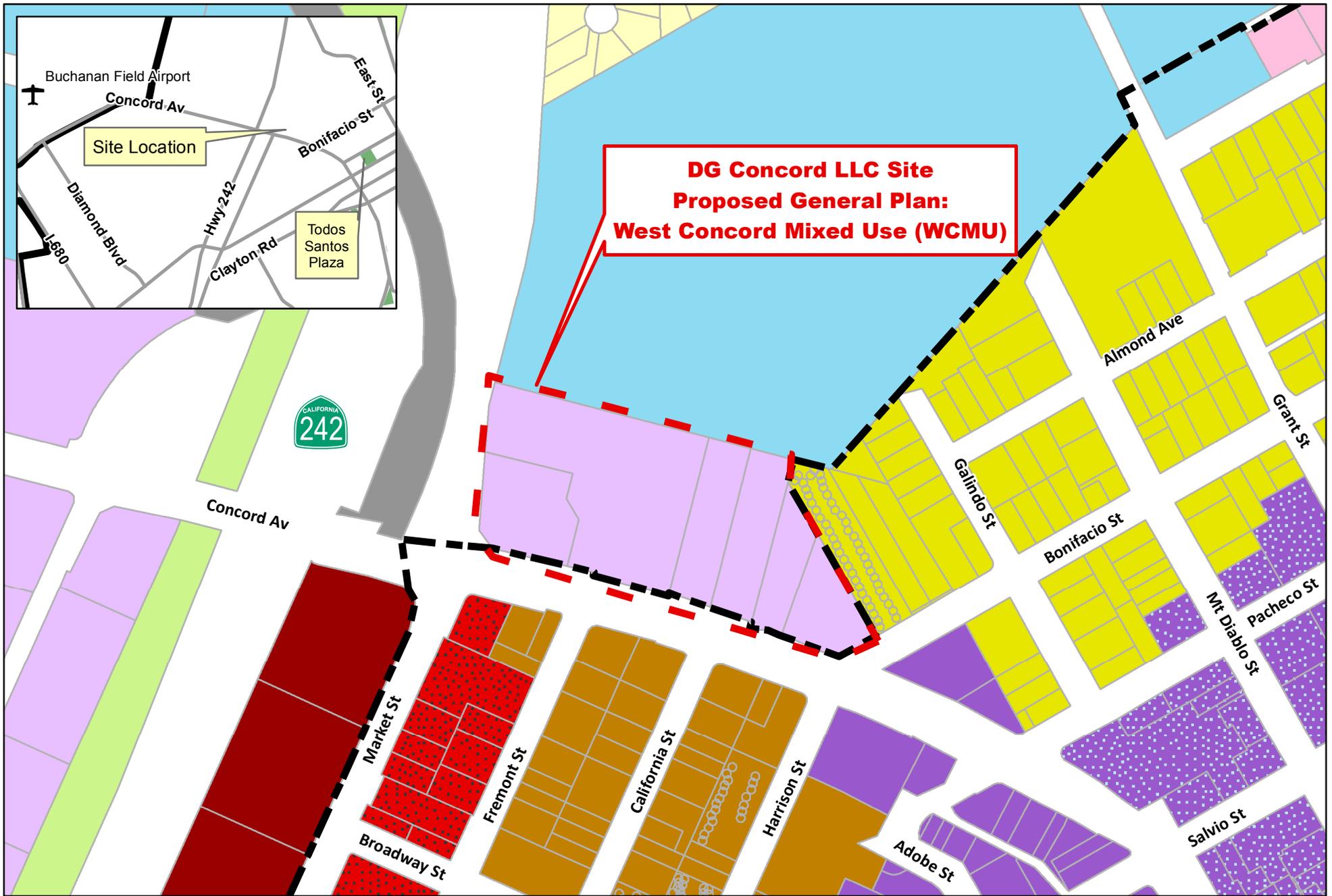
Legend

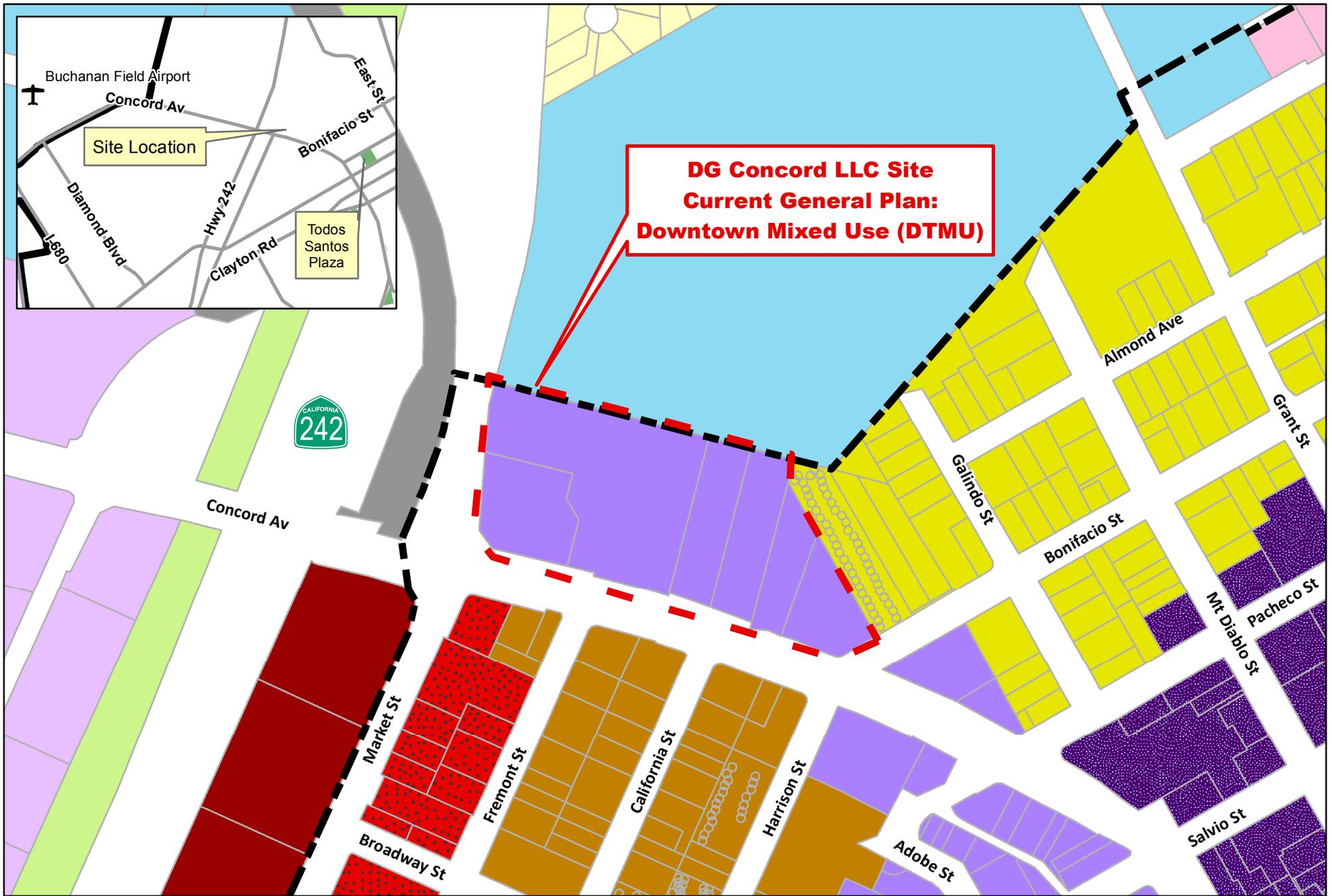


Current Downtown Specific Plan Boundary

Planning Land Use Zones

- | | | | | |
|----------------------------------|----------------------------|--------------------------|---------------------------|------------------------------|
| Single Family Residential (RS6) | North Todos Santos (NTS) | Regional Commercial (RC) | Downtown Mixed Use (DMX) | Office Business Park (OBP) |
| Residential, Medium Density (RM) | Community Office (CO) | Service Commercial (SC) | Public/Quasi-Public (PQP) | Open Space (OS) |
| Residential, High Density (RH) | Commercial Mixed Use (CMX) | Downtown Pedestrian (DP) | Parks and Recreation (PR) | West Concord Mixed Use (WMX) |





Legend

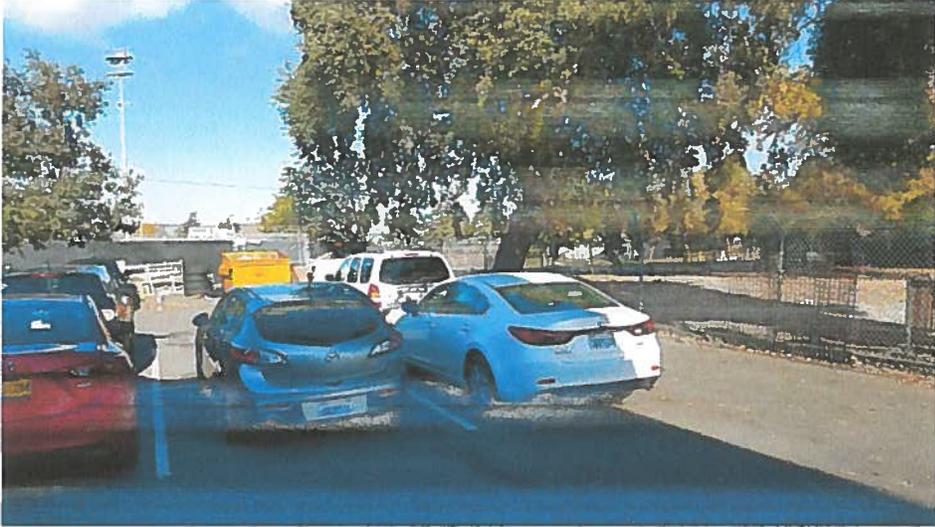


Current Downtown Specific Plan Boundary

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 (WCMX) |







**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

A Resolution Approving and Adopting the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR, and Reaffirming the Statement of Overriding Considerations, to Approve the DG Concord LLC Amendments to the General Plan, Downtown Specific Plan, Zoning Map and Concord Municipal Code, Title 18, Development Code, Chapter 18.45.010(C) to Change the Land Use Designation From Downtown Mixed-Use to West Concord Mixed Use For Six Parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) Located On The North Side Of Concord Avenue Between Highway 242 And Bonifacio Street (PL15497-TA, GPA, RZ)

Resolution No. 16-60

WHEREAS, the City of Concord adopted the Concord 2030 General Plan on October 2, 2007 (“General Plan”); and

WHEREAS, the City of Concord concurrently certified the Final Environmental Impact Report for the Concord 2030 General Plan on October 2, 2007 (“General Plan FEIR”); and

WHEREAS, on July 10, 2012, the City Council certified the Concord Development Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program, and adopted the Findings of Fact and Statement of Overriding Considerations (collectively, the “2012 SEIR”); and

WHEREAS, the City of Concord adopted Chapter 122 of the Concord Municipal Code (“Development Code”) on July 24, 2012; and

WHEREAS, the City of Concord concurrently certified the Supplemental Environmental Impact Report to the 2030 Concord General Plan EIR for the Concord Development Code Project and adopted Chapter 122 of the Concord Municipal Code (“Development Code”) on July 24, 2012 (“SEIR”); and

WHEREAS, on June 24, 2014, the City Council adopted Resolution No. 14-4823.1,

1 approving the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030
2 Concord General Plan EIR for the Concord Development Code Project and adopting the Downtown
3 Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030
4 General Plan (“Downtown Specific Plan”); and

5 **WHEREAS**, on July 7, 2015, the City Council adopted Resolution 15-49, adopting an
6 Addendum to the 2012 SEIR for the Industrial Mixed Use Text Amendment to the Development
7 Code, and reaffirmed the Statement of Overriding Considerations; and

8 **WHEREAS**, Government Code section 65358 *et seq.* provides for the amendment of all or
9 part of an adopted general plan; and

10 **WHEREAS**, Development Section 18.455 *et seq.* sets forth City requirements with respect to
11 general plan amendments; and

12 **WHEREAS**, the City has complied with the foregoing as well as other applicable
13 requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City’s
14 ordinances and resolutions with respect to general plan amendments; and

15 **WHEREAS**, DG Concord LLC, (“Applicant”) has requested an Amendment to the General
16 Plan Land Use, Downtown Specific Plan, and Zoning Map designation (Exhibit A) for six parcels
17 located along the north side of Concord Avenue between Highway 242 and Bonifacio Street from the
18 land use designation of Downtown Mixed-Use (“DMX”) to West Concord Mixed Use (“WMX”), and
19 has requested to remove the parcels from the boundary of the Downtown Specific Plan in order to
20 bring existing legal non-conforming automotive-oriented land uses into conformance with an
21 appropriate land use designation (hereinafter collectively referred to as “General Plan Amendment”);
22 the General Plan Amendment would be effected by the City Council’s passage and adoption of
23 Ordinance No. 16-425.2 (“General Plan Amendment Ordinance”) and

24 **WHEREAS**, the Applicant has also requested to amend Section 18.45.010(C) of the Concord
25 Development Code (“Text Amendment”) in order to address minor technical errors such that the
26 location of the West Concord Mixed Use Zoning District in the Development Code to be consistent
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1 with the description identified within the General Plan, as set forth in Exhibit B, attached hereto and
2 made a part hereof; the Text Amendment would be effected by the City Council's passage and
3 adoption of Ordinance No. 16-5 ("Text Amendment Ordinance"); and

4 **WHEREAS**, neither the General Plan Amendment nor the Text Amendment makes
5 substantial changes to the Development Code or substantial changes with respect to the circumstances
6 under which the Development Code would be implemented which would require revisions to the 2012
7 SEIR due to new significant environmental effects or a substantial increase in the severity of
8 previously identified significant effects and there is no new information that would require preparation
9 of a subsequent or supplemental EIR under CEQA Guidelines Section 15162; and

10 **WHEREAS**, as the General Plan Amendment and the Text Amendment require only minor
11 technical changes or additions to the 2012 SEIR, an Addendum to the Final Supplemental
12 Environmental Impact Report (EIR) to the 2030 Concord General Plan EIR for the DG Concord, LLC
13 General Plan Amendment, Downtown Specific Plan Amendment, and Change of Zoning Project
14 ("Addendum") attached hereto as Exhibit A and incorporated by reference was prepared in
15 accordance with all legal requirements, including CEQA Guidelines Section 15164; and

16 **WHEREAS**, on June 15, 2016, the Planning Commission, after giving all public notices
17 required by State Law and the Concord Municipal Code, held a duly noticed public hearing on the
18 Addendum, the General Plan Amendment, and the Text Amendment; and

19 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
20 information, testimony, and comments received during the public review process, including
21 information received at the public hearing, the oral report from City staff, the written report from City
22 staff dated June 15, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies,
23 memoranda, the Addendum (attached as Exhibit C and incorporated herein by reference), the General
24 Plan Amendment, the Text Amendment, the General Plan, the General Plan FEIR, the 2012 SEIR and
25 related Addenda, the City of Concord Municipal Code, the Development Code, the Downtown
26 Specific Plan, applicable City laws and regulations, and all associated approved and certified
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1 environmental documents, and all other information that constitutes the record of proceedings on
2 which the City Council has based its decision are maintained at the offices of the City of Concord
3 Planning Division (collectively, “Planning Commission Project Information”), and recommended the
4 City Council approve and adopt the Addendum, the General Plan Amendment, and the Text
5 Amendment; and

6 **WHEREAS**, on August 2, 2016, the City Council, after giving all public notices required by
7 State Law and the Concord Municipal Code, held a duly noticed public hearing on the Addendum, the
8 General Plan Amendment, and the Text Amendment; and

9 **WHEREAS**, at such public hearing, the City Council considered all testimony and
10 information received at the public hearing, the oral report from City staff, the written report from City
11 staff dated August 2, 2016, exhibits presented, pertinent plans and documents, the Addendum (Exhibit
12 C), the General Plan Amendment, the Text Amendment, the Planning Commission Project
13 Information, and other materials and information contained in the record of proceedings, which are
14 maintained at the offices of the City of Concord Planning Division and City Clerk’s office at City
15 Hall, 1950 Parkside Drive, Concord, CA 94519 (collectively, “Project Information”).

16 **WHEREAS**, at such public hearing, the City Council considered the 2012 SEIR and the
17 Addendum (Exhibit C) in accordance with the requirements of CEQA; and

18 **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act of 1970,
19 Public Resources Code § 21000, *et seq.*, as amended and implementing State CEQA Guidelines, Title
20 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”) the City Council
21 determined that preparation of Addendum (Exhibit C) would be the appropriate environmental
22 document to determine if the Amendment would have any significant effect on the environment and
23 meet the requirements of CEQA, due to the fact that no new significant impacts or impacts of
24 substantially greater severity than previously described would occur because of the Amendment.

25 **WHEREAS**, potential impacts associated with the Amendment are consistent with the
26 potential impacts characterized and mitigated in the 2012 SEIR, and substantive revisions to the 2012
27

1 SEIR are not necessary; and

2 **WHEREAS**, the City Council thereafter declared their intent to approve and adopt the
3 Addendum, as attached as Exhibit C, incorporated herein and made a part hereof, as the appropriate
4 environmental review document.

5 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the City Council does
6 hereby makes the following findings:

7 **Section 1.** **General.**

8 a. The recitals above are true and correct and are incorporated herein by reference. The
9 recitals constitute findings in this matter and, together with the Project Information, and serve as an
10 adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution, the
11 General Plan Amendment Ordinance, and the Text Amendment Ordinance.

12 b. The City Council has reviewed, considered, and evaluated all of the Project
13 Information prior to acting upon the Addendum, the General Plan Amendment, the Text Amendment,
14 the General Plan Amendment Ordinance, and the Text Amendment Ordinance.

15 **Section 2.** **Addendum.** Based on the Project Information, the City Council makes the findings set
16 forth below with respect to the Addendum:

17 a. The recitals and findings above are hereby incorporated by reference.

18 b. The Addendum (Exhibit C) is the appropriate environmental document for the General
19 Plan Amendment and the Text Amendment.

20 c. The environmental documents for the Addendum have been prepared, published,
21 circulated, and reviewed in accordance with all legal requirements, including CEQA Guidelines
22 Section 15164.

23 d. The City Council considered the 2012 SEIR and the Addendum in accordance with the
24 requirements of CEQA.

25 e. The Addendum reflects the independent judgment and analysis of the City as the lead
26 agency for the General Plan Amendment, the Text Amendment.

1 f. There is no substantial evidence in light of the whole record before the City Council,
2 that the General Plan Amendment or the Text Amendment will have a significant effect on the
3 environment.

4 g. Based on substantial evidence in the whole record before the City, the neither General
5 Plan Amendment, nor the Text Amendment makes substantial changes to the General Plan or
6 Development Code or substantial changes with respect to the circumstances under which the General
7 Plan or Development Code would be implemented which would require revisions to the SEIR due to
8 new significant environmental effects or a substantial increase in the severity of previously identified
9 significant effects and there is no new information that would require preparation of a subsequent or
10 supplemental EIR under Public Resources Code Section 21166 or CEQA Guidelines Section 15162.
11 Therefore, none of the elements set forth in Public Resources Code Section 21166 or CEQA
12 Guidelines Section 15162 exist and a subsequent or supplemental EIR or negative declaration is not
13 required.

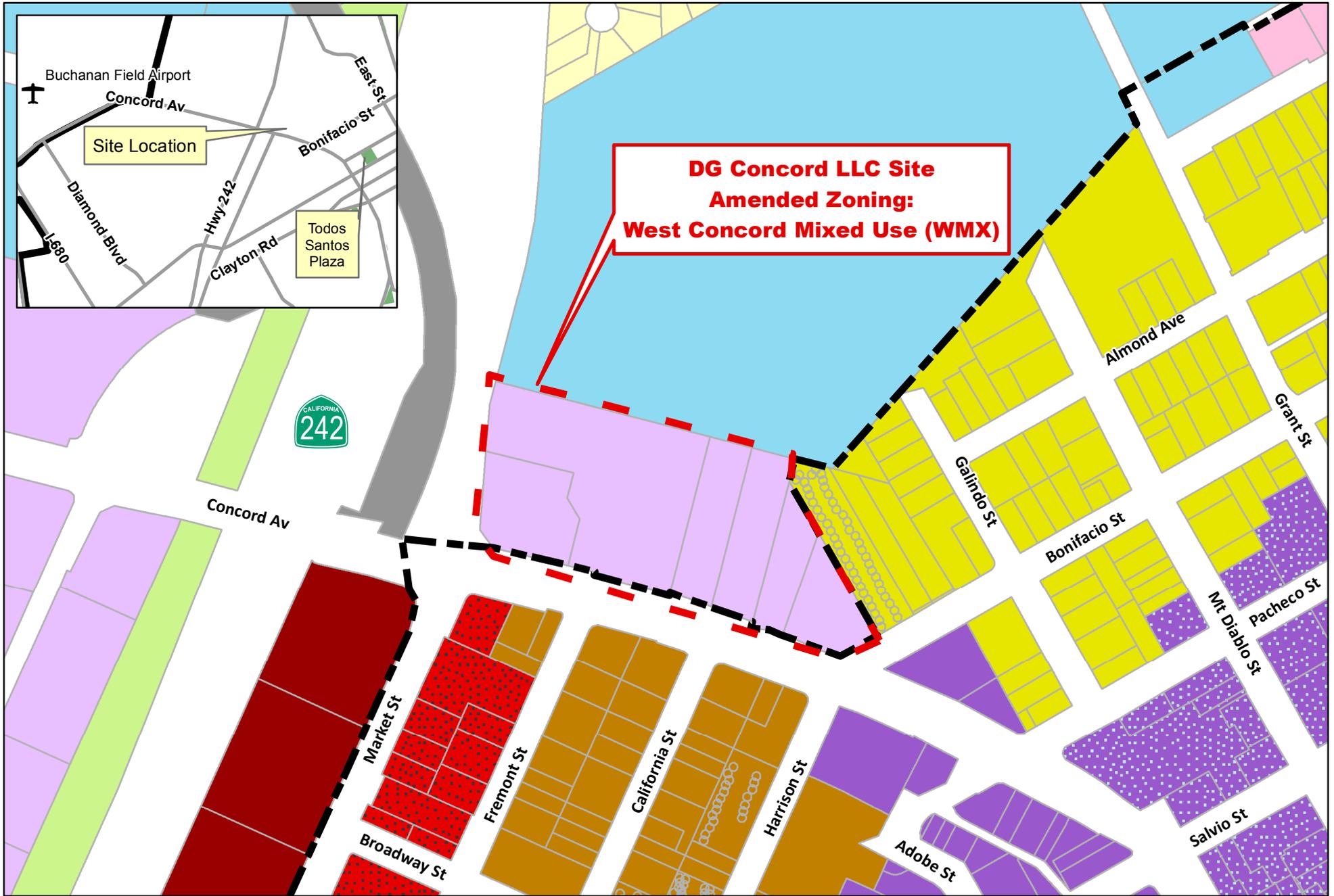
14 h. No substantial changes have occurred with respect to traffic and freeway operations
15 that would cause new or substantially more severe significant environmental effects than were
16 identified in the 2012 SEIR, all mitigation measures described in the SEIR are within the jurisdiction
17 of the City to adopt, and will remain to be implemented as deemed feasible. The Statement of
18 Overriding Considerations will also remain in effect.

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

22 j. The City Council hereby approves and adopts the Addendum and reaffirms the
23 Statement of Overriding Considerations.

24 **Section 4. Effective Date.** This resolution shall become effective immediately upon its passage and
25 adoption.

26 //



Legend

Amended Planning Land Use Zones and Downtown Specific Plan Boundary



Amended Downtown Specific Plan Boundary

Planning Land Use Zones

- | | | | | |
|----------------------------------|----------------------------|--------------------------|---------------------------|------------------------------|
| Single Family Residential (RS6) | North Todos Santos (NTS) | Regional Commercial (RC) | Downtown Mixed Use (DMX) | Office Business Park (OBP) |
| Residential, Medium Density (RM) | Community Office (CO) | Service Commercial (SC) | Public/Quasi-Public (PQP) | Open Space (OS) |
| Residential, High Density (RH) | Commercial Mixed Use (CMX) | Downtown Pedestrian (DP) | Parks and Recreation (PR) | West Concord Mixed Use (WMX) |

Exhibit B

18.45.010(C) Purpose.

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

City of Concord

**DG Concord, LLC General
Plan Amendment,
Downtown Specific Plan
Amendment, and
Change of Zoning Project**

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



May 2016

**Addendum to the
Final Supplemental Environmental
Impact Report (EIR) to the
2030 Concord General Plan EIR
for the
DG Concord, LLC General Plan Amendment,
Downtown Specific Plan Amendment, and
Change of Zoning Project**

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May 2016

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1.0 PURPOSE OF ADDENDUM

This document is an addendum to the City of Concord 2030 *General Plan Update Final Supplemental Environmental Impact Report (SEIR)*, prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, Public Resources Code §21000, et seq., as amended, and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. The purpose of this addendum is to analyze the environmental impacts of the proposed *DG Concord, LLC General Plan Amendment, Downtown Specific Plan Amendment, and Change of Zoning Project*, heretofore referred to as the “proposed project.” The proposed project involves a General Plan land use amendment, an amendment to the Downtown Concord Specific Plan, and change of zoning of 7.77 acres consisting of six parcels, located at 1501, 1581, 1651, 1701, 1757, and 1771-1775 Concord Avenue within the City of Concord, California. 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.



2.0 BACKGROUND

This section provides an overview of the General Plan EIR, the 2012 SEIR, and the 2014 and 2015 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.

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.

2.4 2015 ADDENDUM TO THE SUPPLEMENTAL EIR

In 2015, the City of Concord adopted another addendum to the 2012 SEIR, to implement the *Industrial Mixed Use (IMX) District Development Code Revisions Project*. This project revised provisions for specific activities allowed within the City's Industrial Mixed Use Zoning District (IMX District), as defined in the CDC. The IMX District revisions specified that within the IMX District, uses that require outdoor facilities, outdoor storage, or outdoor activities may only be allowed if a use permit (UP) is reviewed and approved pursuant to Chapter 18.435, *Minor Use Permits and Use Permits* of the CDC.

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 outdoor uses and activities that could be allowed under the proposed project.

The IMX 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 land use and zoning designation changes assessed in this addendum.

2.5 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 any areas identified under the proposed project, and does not impose any requirements or restrictions on allowable uses within the proposed project areas, including the potential land use and zoning designation changes assessed in this addendum.



3.0 DG CONCORD, LLC GENERAL PLAN, DOWNTOWN SPECIFIC PLAN, AND DEVELOPMENT CODE AMENDMENTS AND REZONE

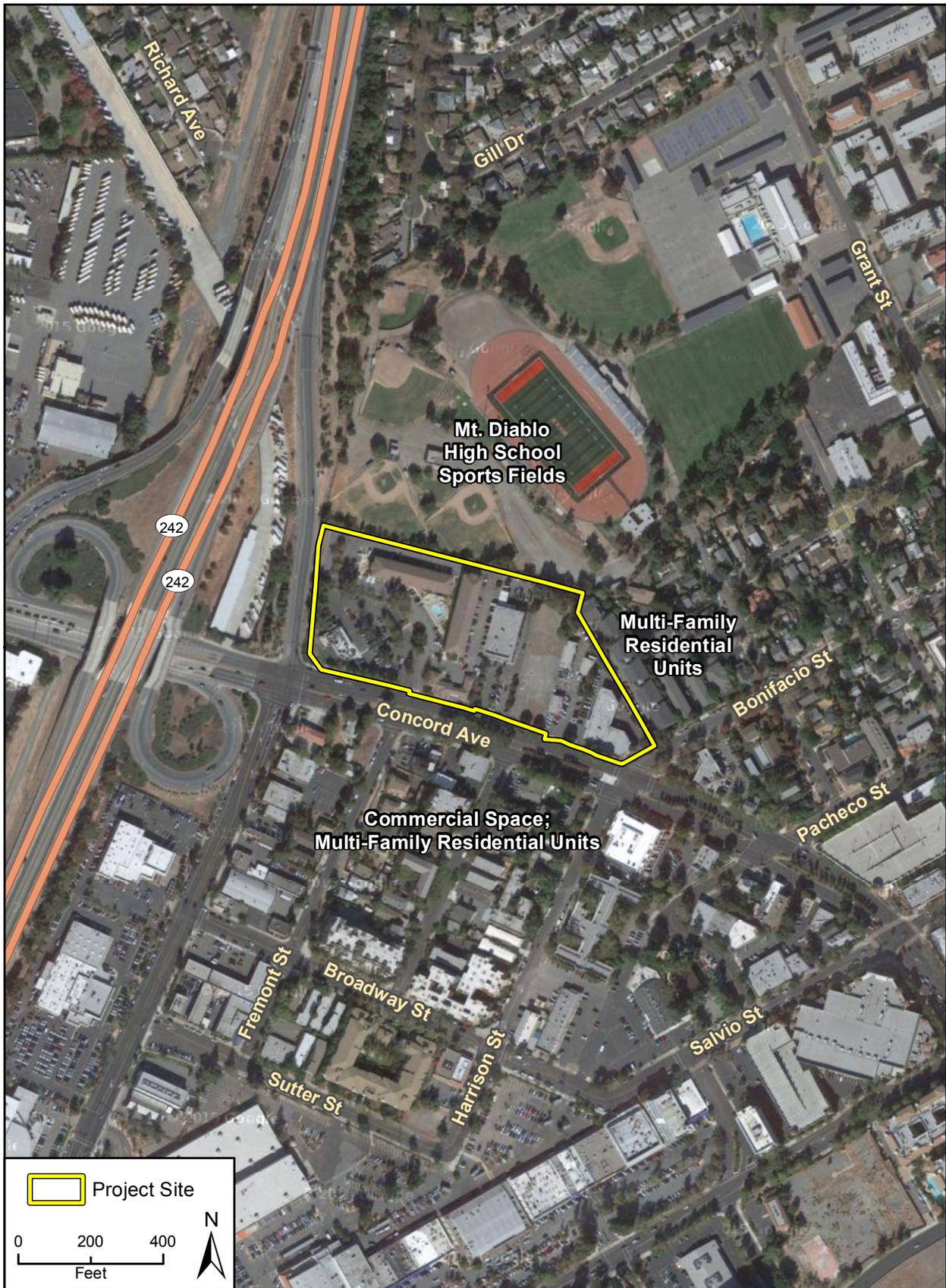
3.1 PROJECT SITE

The project site is located along Concord Avenue, immediately east of California State Route (SR) 242. Adjacent properties include the Mt. Diablo High School sports fields zoned Public/Quasi-Public (PQP) to the north, multi-family residential units zoned North Todos Santos (NTS) to the east, various vacant commercial and multi-family residential properties zoned High Density Multi-Family Residential (RMH) and Service Commercial (SC) to the south across Concord Avenue, and a self-storage RV business zoned Office Business Park (OBP) as well as SR 242 to the west. Figure 1 provides an aerial view of the project site and surroundings.

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, with one partially paved but otherwise vacant parcel with ruderal vegetation and mature valley oak trees along its northern boundary (see Figures 5(a) through 5(c) for views of the existing uses within and surrounding the project site as well as area roadways).

The project site is entirely located within an Alquist-Priolo fault zone, a regulatory zone that encompasses surface traces of active faults that have a potential for surface fault rupture (further discussed below in Section 4.6). As determined by the fault hazards evaluation performed by GEOCON Consultants, Inc. in November 2006, the Concord Fault lies outside of the project site.





Project Site and Surrounding Uses

Figure 1

3.2 PROPOSED PROJECT

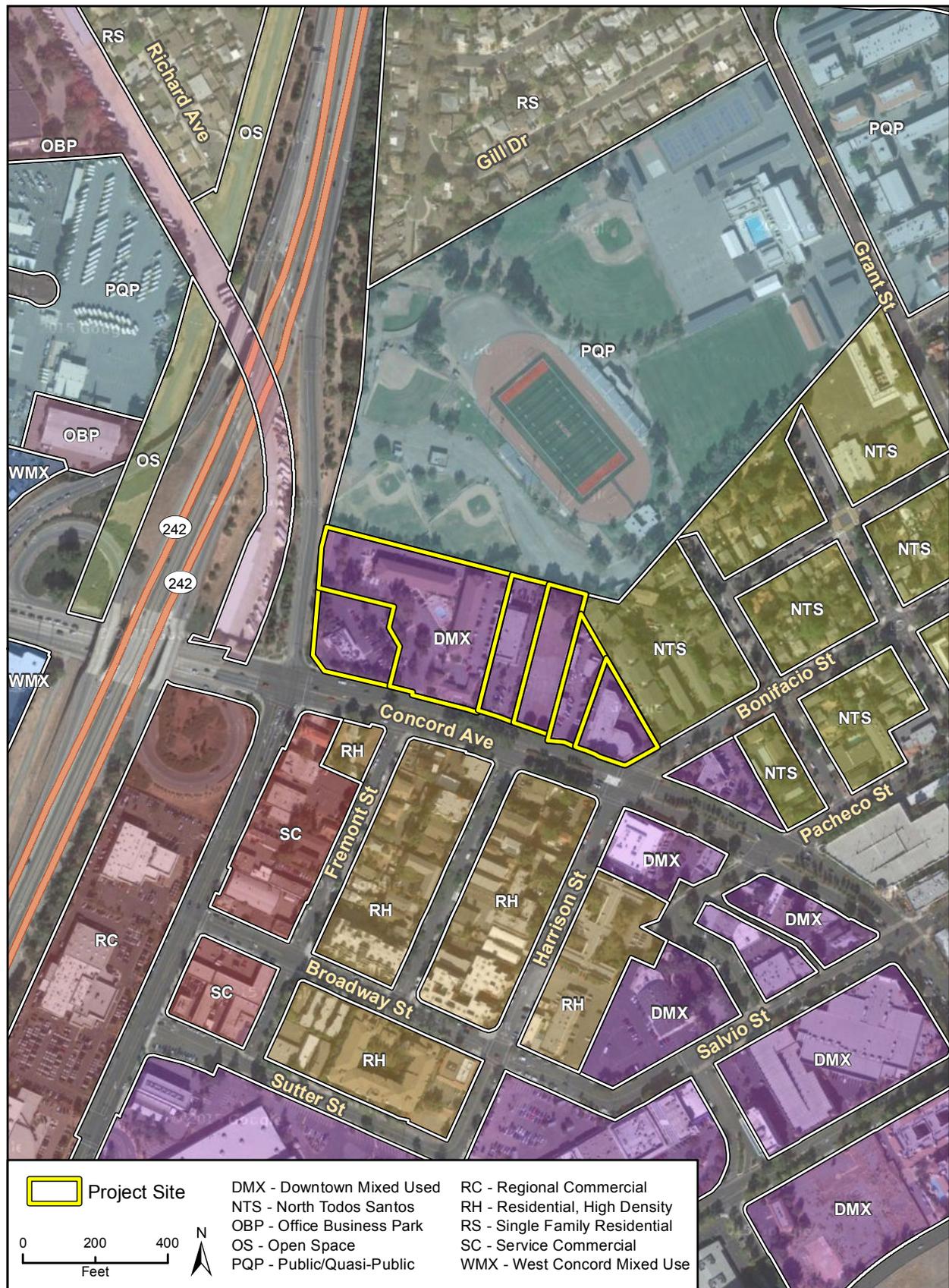
As noted in Section 1 above, the proposed project would involve a General Plan amendment, an amendment to the Downtown Concord Specific Plan, and a change of zoning for 7.77 acres of land on six parcels located along Concord Avenue (a major arterial), immediately east of SR 242 in the City of Concord. These changes would also require a text amendment to the CDC. The purpose of the proposed amendments and zoning change is 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. The properties in question currently consist of several legal, non-conforming businesses including automotive-oriented businesses, a motel, and a restaurant. The proposed project would not change the language of the 2030 General Plan, but rather the language of the 2012 SEIR and the land use designations included therein. The specific changes proposed for the six parcels within the project site include:

- Change of zoning– Downtown Mixed Use (DMX) to West Concord Mixed Use (WMX);
- Concord 2030 General Plan Land Use amendment – Downtown Mixed Use (DTMU) to West Concord Mixed Use (WCMU);
- Downtown Concord Specific Plan amendment – Removal of project site from the Downtown Specific Plan area; and
- CDC text amendment – Alteration of WMX location description to delete specification that the zoning district must be located west of SR 242.

Figures 2a and 2b show the project area’s existing and proposed zoning, respectively, in the context of surrounding development and zoning. Figures 3a and 3b show the project area’s existing and proposed land use, respectively, in the context of surrounding land uses. Figure 4 identifies the six parcels within the project site and the proposed zoning change within each parcel.

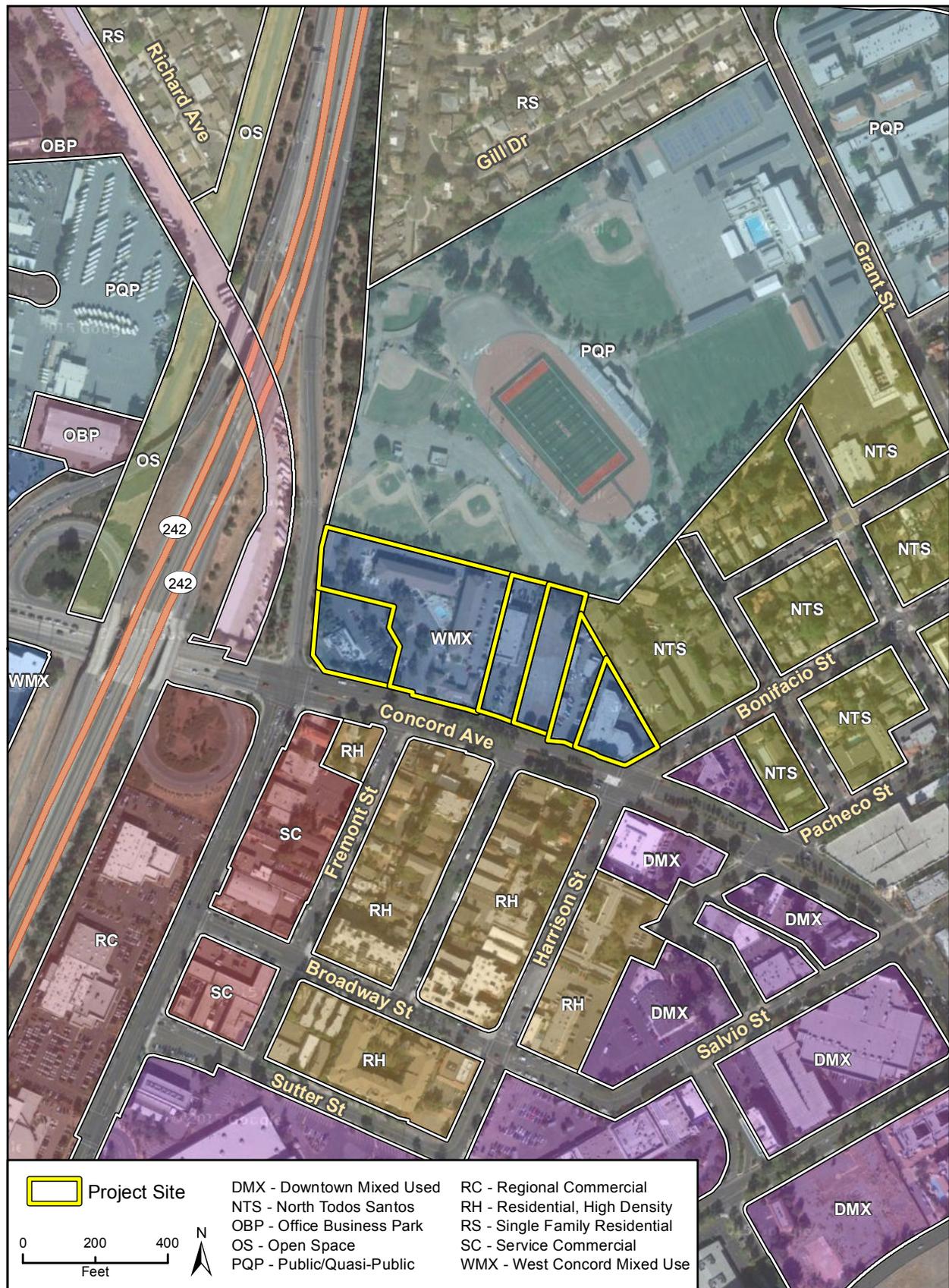
Chapter 18.45, *Downtown Districts (DP, DMX, and WMX)* of the CDC defines the uses allowed within the downtown zoning districts, the type of permit or approval required for each use, and basic development standards for sites and proposed buildings. The proposed project would change the provisions, uses, and activities currently allowed on the project site by changing the existing land use and zoning designations. The current definitions of the DTMU and WCMU land use designations and DMX and WMX zoning districts are provided below; these definitions indicate that Floor Area Ratio (FAR), setbacks, and building height are more restricted under the proposed WMX zoning than under the existing DMX zoning on the project site. In addition, the types of land uses and development allowed in the two districts are different, with a broader range of commercial, light industrial, and other non-residential uses allowed under the proposed WMX zoning than under the existing DMX zoning. Maximum permitted FAR is specified for non-residential uses; FAR is a broad measure of building bulk that controls both visual prominence and can affect estimated potential traffic generation from buildout. It can be clearly translated to a limit on building bulk in the CDC and is independent of the type of use occupying the building.





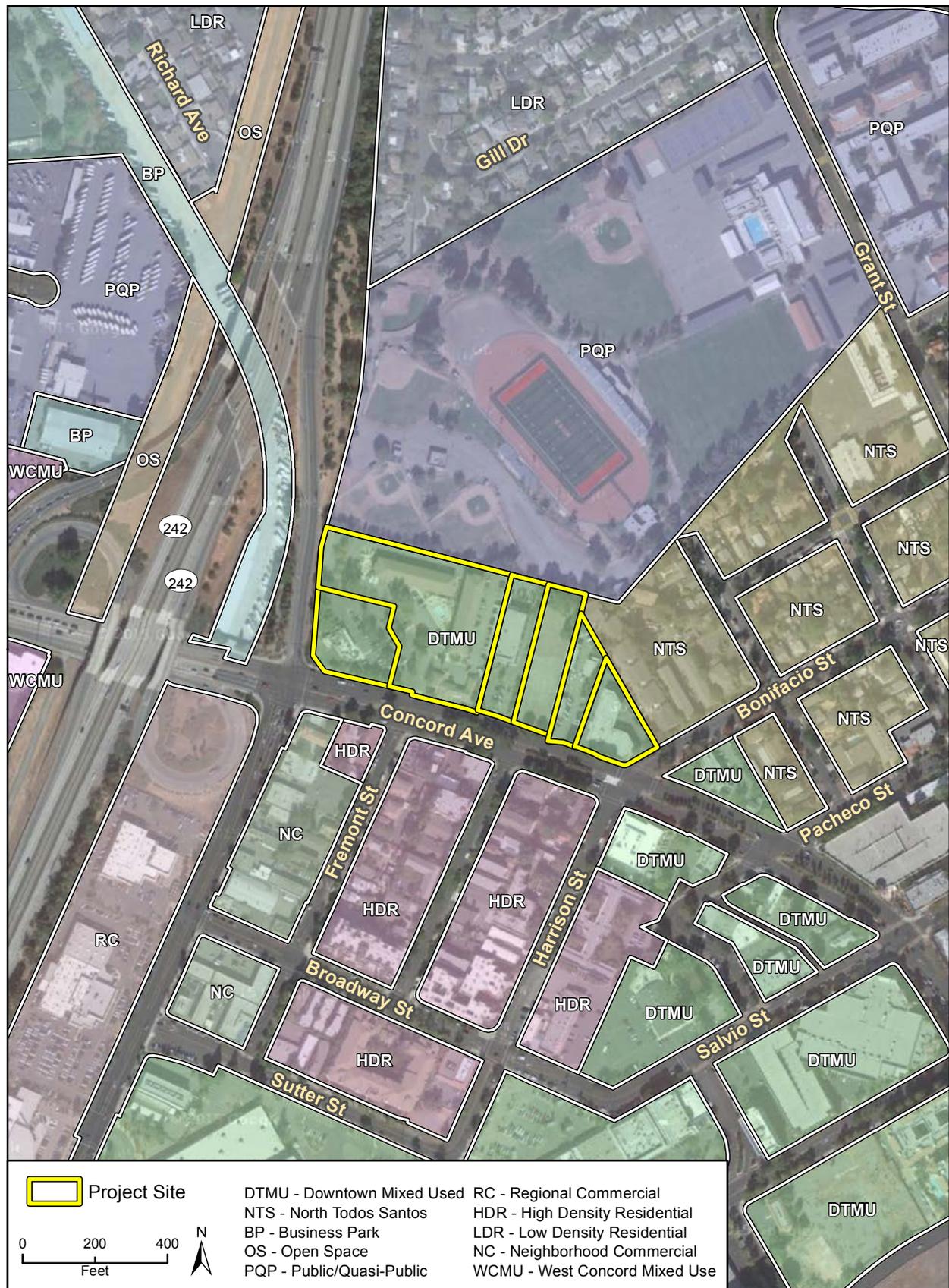
Existing Zoning Districts

Figure 2a



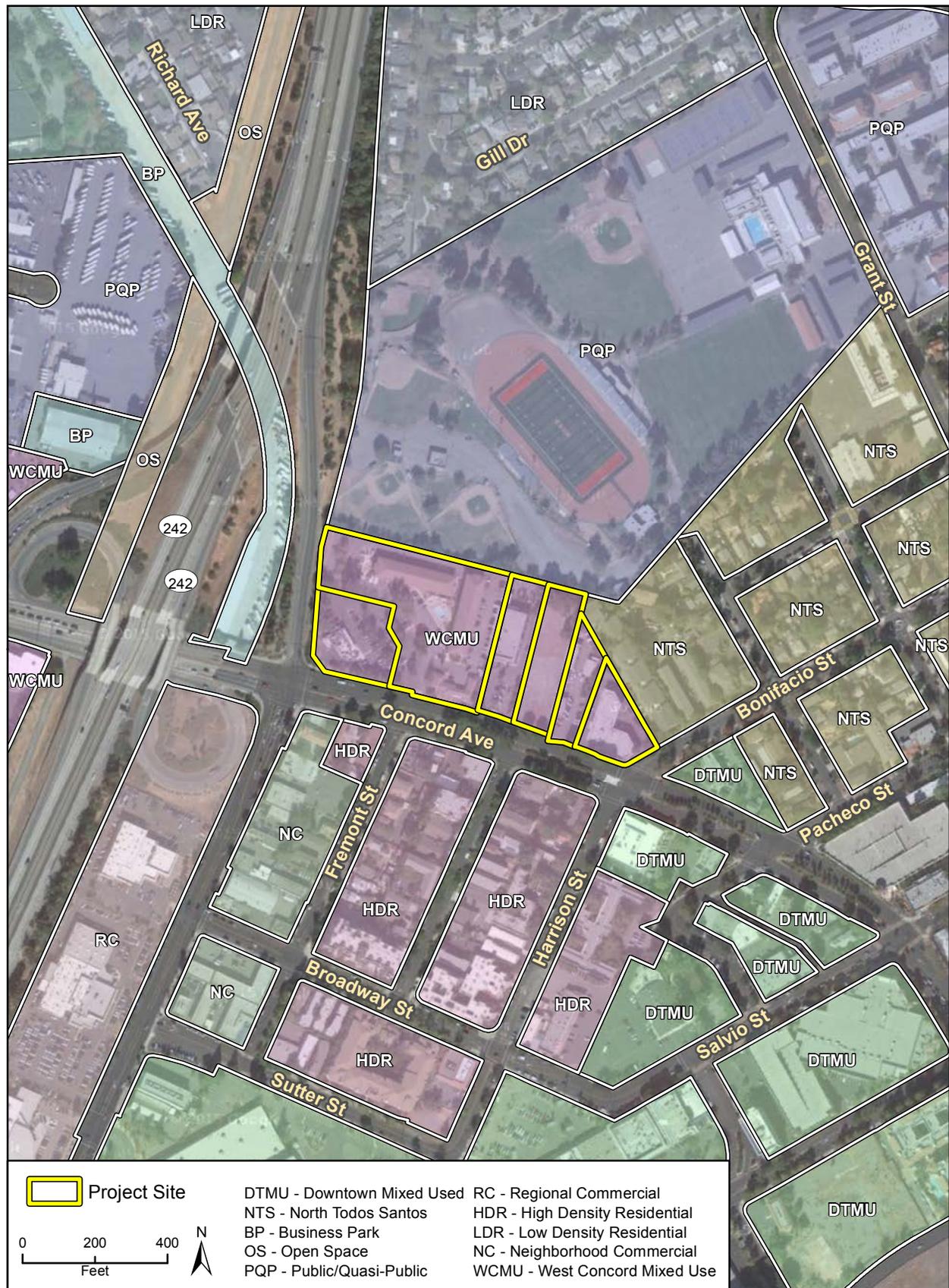
Proposed Zoning Districts

Figure 2b



Existing Land Use Designations

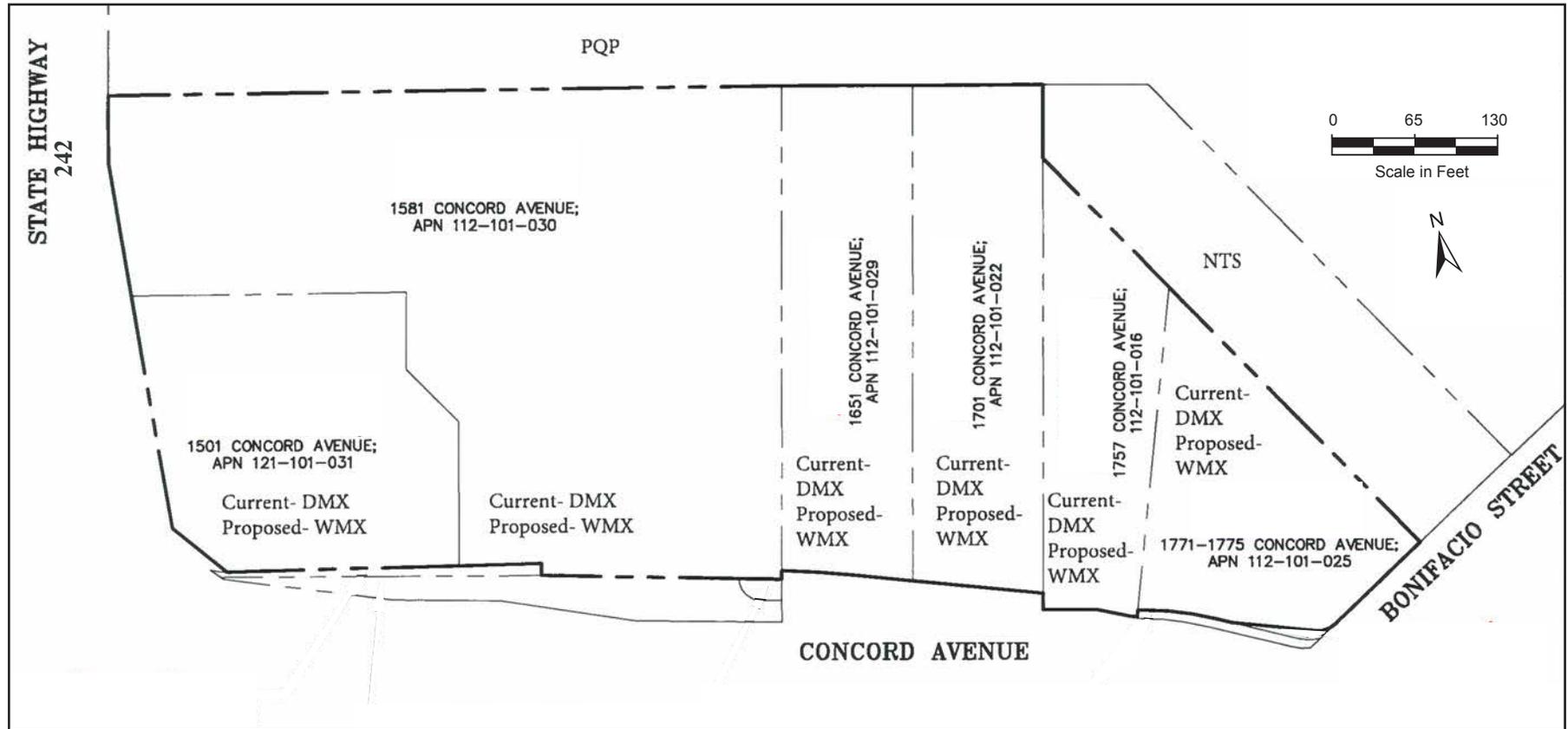
Figure 3a



Imagery provided by Google and its licensors © 2016.
 Zoning data by City of Concord, 2012.

Proposed Land Use Designations

Figure 3b



Source: City of Concord, 2015.

Project Site Parcels and Proposed Zoning Change

Concord 2030 General Plan Land Use Descriptions, Land Use Element

Downtown Mixed Use (DTMU). This designation is intended for a high density and intensity mix of residential, commercial and office development in Central Concord. It allows for a mix of uses that balances jobs and housing opportunities, including offices, commercial development, hotels, public/quasi-public, and residential uses. Residential densities range from a minimum of 33 units per acre to a maximum of 100 units per net acre. The FAR ranges from a minimum of 1.0 to a maximum of 6.0.

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

Concord Development Code, Chapter 18.45

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

Downtown Mixed-Use (DMX). The DMX district is applied to downtown areas appropriate for a cohesive mix of high density residential, commercial and office, and mixed-uses, including hotels with a minimum FAR of 1.0 up to 6.0, and residential densities of 33 to 100 units per net acre. Well-designed vertical mixed-use within a single building is encouraged with retail at ground level and office and multifamily residential on upper floors. Single uses and horizontal mixed-use with retail, office, and residential uses located in separate buildings but within a single development may also occur. The DMX district is consistent with and implements the DTMU land use designation of the general plan.

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

Table 1 provides a summary of selected allowable uses and development standards under existing and proposed land use designations and zoning for the project site.



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

Standards	Existing (DMX/DTMU)	Proposed (WMX/WCMU)
Density (du/net acre) Minimum Maximum	33 du/net acre 100 du/net acre	N/A (no residential uses allowed)
Floor Area Ratio (FAR) Minimum Maximum	1.0 6.0	-- 4.0
Building Height (feet) Minimum Maximum	30 200	-- 140
Setbacks (feet; required minimum) Front Interior Side Corner Side Rear	10 0 10 0	10 10 10 0
Allowable Land Uses	Office, commercial, hotel, public/quasi- public, residential	Automobile dealership, hotel, restaurant, showroom/warehouse, public/quasi-public

Source: City of Concord, 2015

Development of new uses allowed under the proposed project would generally be contingent upon issuance of use permits by the City. These uses and associated requirements are shown in the CDC in Table 18.45.020 – *Downtown Districts, Allowed Uses and Permit Requirements*. The requirements and process for obtaining a use permit for these new uses are discussed in Section 3.3. Table 2 provides a summary of existing uses on the six parcels within the project site as well as allowable development of the parcels under existing and proposed conditions.

As previously described and shown in the table above, the six parcels included in the project site are characterized by a variety of existing land uses, including automotive sales, repair, and service; a hotel; a restaurant; and vacant. Under the existing zoning, development on these parcels could potentially reach a maximum floor area ranging from roughly 167,000 square feet to 870,000 square feet and a maximum building height of 200 feet. Under the proposed zoning, development on these parcels would be limited to a maximum floor area ranging from roughly 112,000 square feet to 580,000 square feet and the maximum allowable building height would be reduced to 140 feet.

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



**Table 2
 Project Site Parcels Development Under Existing and Proposed Standards**

Parcel (APN/ address)	Use	Existing Structures (square feet)	Lot Area (acres)	Lot Area (square feet)	Max. Allowable Floor Area Under DMX Zoning ² (FAR x area) (square feet)	Max. Allowable Floor Area Under WMX Zoning ² (FAR x area) (square feet)	Max. Allowable Building Height Under DMX Zoning (feet)	Max. Allowable Building Height Under WMX Zoning (feet)
112-101-016 ¹ / 1757 Concord Ave	Used automobile sales, automobile repair	5,400	0.640	27,878	167,270	111,510	200	140
112-101-022/ 1701 Concord Ave	Vacant	--	0.952	41,469	248,810	165,880	200	140
112-101-025/ 1771 Concord Ave	Automobile repair	8,957	0.822	35,806	214,840	143,220	200	140
112-101-029/ 1651 Concord Ave	Automobile sales and service	11,520	0.930	40,511	243,070	162,040	200	140
112-101-030/ 1581 Concord Ave	Hotel	40,426	3.327	144,924	869,540	579,700	200	140
112-101-031/ 1501 Concord Ave	Restaurant	5,440	1.117	48,657	291,940	194,630	200	140

Source: City of Concord, 2015

¹There are three buildings on this parcel; information may not be complete; ²Rough estimates conservatively based on gross area.



3.3 USE PERMIT FOR NEW ALLOWABLE ACTIVITIES

As noted above, many of the uses that would be allowed with the proposed WCMU land use designation and WMX zoning district would be contingent upon issuance of a use permit, which would include an environmental review process under CEQA. The requirements and processes for obtaining a use permit are detailed in the CDC Chapter 18.435, *Minor Use Permits and Use Permits*, and summarized below. CDC Chapter 18.400, *Authority for Land Use and Zoning Decisions*, includes Table 18.400.020, *Review Authority*, which states that decisions on use permits are made by the City's Planning Commission.

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

During the public hearing, the Planning Commission may receive testimony from individuals, agencies, and/or organizations with an interest in the proposed action, and may consider testimony in making a decision on the use permit application. The Planning Commission may take any of the following actions on a use permit application: approve; approve with conditions; modify; revoke; or deny. Decisions are based on consistency with the CDC and General Plan, testimony received at the public hearing, and environmental considerations, among other possible factors. Use permits may only be approved after the following findings have been made:

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

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



4.0 ENVIRONMENTAL CHECKLIST AND IMPACTS OF PROPOSED CHANGES TO THE SEIR

This addendum evaluates potential environmental impacts that could result from the proposed project, which would change the land use designation and zoning district of six parcels included in the Concord 2030 General Plan, CDC, and zoning maps, and would remove the parcels from the Downtown Concord Specific Plan. The DMX District areas were introduced to the City's Zoning Map via the 2012 SEIR. The existing environmental conditions on and near the DMX-zoned areas are substantially the same under present conditions as described in the 2012 SEIR; the analysis below provides updates where necessary to characterize potential impacts 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 and 2015 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 Forestry*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology/Soils*
- *Greenhouse Gas Emissions*
- *Hazards and Hazardous Materials*
- *Hydrology / Water Quality*
- *Land Use / Planning*
- *Mineral Resources*
- *Noise*
- *Population / Housing*
- *Public Services*
- *Recreation*
- *Transportation / Traffic*
- *Utilities / Service Systems*

As noted above, this addendum tiers off of the 2012 SEIR, as amended by the 2014 addendum for the Downtown Specific Plan and 2015 addendum for the IMX District Development Code Revisions. 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 and 2015 addenda to incorporate the Downtown Specific Plan and revise the IMX District (General Plan Land Use Map; CDC; Zoning Map).



Where impacts are identified in the following analysis, discussion of previously identified mitigation measures (from the 2012 SEIR), revised/updated mitigation measures (from the 2014 and 2015 addenda), and existing laws and regulations are also discussed where they would reduce or avoid potential impacts. Where applicable, the existing CDC provisions would be implemented for compliance with the 2030 Concord General Plan goals and policies, as discussed throughout the impact analysis provided below.

As discussed in Section 3.3 of this addendum, future uses within the project site are contingent upon issuance of a use permit, which may include conditions of approval to avoid potentially adverse effects. 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.

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 amendments and rezone could result in visual changes within the project site. Refer to Figures 5(a) through 5(c) for views of the existing uses within and surrounding the project site as well as area roadways.

Five out of six of the parcels within the project site are presently developed, primarily with commercial and industrial development, and do not include historic buildings or state scenic highways (City of Concord, 2007; CDOT, 2011). Elevation in the City of Concord is generally about 75 feet above mean sea level, and topography is generally flat in this portion of the city. Distant views of the mountainous areas of Mount Diablo State Park are partially visible looking southwest from the project site. However, due to the presence of existing development surrounding the site, including SR 242, buildings, and natural and landscape trees, the project site does not provide major scenic vistas (distant view) or viewsheds (geographic area that is visible from a specific location) to this scenic resource. Due to the generally level nature of topography within and around the project site (as described in Section 3), the absence of historic buildings or state scenic highways, and the largely developed and commercial nature of the site, scenic views are not available from within or through the project site. In addition, building FAR, height, and setbacks would be more restricted under the proposed WMX zoning than under the existing DMX zoning on the project site (refer to Table 1 for a comparison of building standards and allowable uses under the existing and proposed conditions). Therefore, development that could occur under the proposed project would not exceed the height of development allowed under the current land use and zoning designations, and would not affect scenic vistas or viewsheds.

The visual character of the project site is defined by urban development and mature valley oak trees along the northern boundary of the site. All current and future development that would occur on the site would be required to comply with the City’s Heritage Tree Ordinance (Chapter 8.40, Trees and Shrubs) to preserve valley oak trees with a diameter of 12 inches or





Photo 1: View looking northwest toward the project site from the center median of Concord Avenue.



Photo 2: View looking east toward the project site from the center median of Concord Avenue.





Photo 3: View looking northwest toward the project site from the south side of Bonifacio Street just north of Concord Avenue. The western boundary of the project site is in the left of the frame, and eastern adjacent multi-family residential buildings are in the right of the frame.



Photo 4: View of the western portion of the project site from Concord Avenue, looking west. California State Route (SR) 242 is visible beyond the project site.



Photo 5: View looking north from the interior of the project site (Mazda service facility parking lot) across the vacant parcel at 1701 Concord Avenue. Mature oak trees are visible along the site's northern boundary, and the Mt. Diablo High School sports fields are visible beyond.



Photo 6: View looking south from the interior of the project site across the vacant parcel at 1701 Concord Avenue. Residential and commercial uses are visible to the south of the project site, across Concord Avenue.



more as measured 54 inches above the ground (e.g., diameter at breast height). Additionally, new development would provide for the same type of urban character on the site. Therefore, the visual character provided by mature trees and development on the site would not be degraded by the project.

The project would allow uses that could introduce new sources of light and glare to the area. Outdoor lighting standards included in the CDC would be applied through the use permit process and routine code enforcement for uses that would require lighting or may introduce glare. For instance, the WCMU land use classification allows commercial development such as automobile dealerships and showroom/warehouses (refer to Table 1); with implementation of the proposed project, these uses would be allowed (contingent upon issuance of a use permit), but must be consistent with Section 18.150.110, *Outdoor Lighting*, of the CDC. This code section includes General Standards, Hours of Illumination, Prohibitions, and Exemptions for outdoor lighting. As such, new uses within the project site must be designed and constructed to avoid the production of light or glare that would result in impacts beyond the affected property line.

As discussed in Section 3.3 of this addendum, future uses within the project site are contingent upon issuance of a use permit, which may include conditions of approval to avoid potentially adverse effects, such as but not limited to the following types of requirements related to Aesthetics: revisions on the physical nature of the proposed use; use of buffers, screening, or landscaping; maintenance requirements and/or performance measures. The proposed project would not result in new or substantially more severe impacts to Aesthetics, and the proposed project would therefore be consistent with the 2012 SEIR (*Appendix A, Initial Study*).

Effects and Mitigation Measures

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

Conclusion

Less than Significant (Same as Approved Project)

4.2 AGRICULTURE AND FORESTRY

The Initial Study prepared for the 2012 SEIR determined that potential impacts to Agriculture and Forestry would be less than significant with no mitigation required. Potential 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 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 would be removed from 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 amendments and rezone could potentially introduce new or increased emissions to the area, specifically as related to the use of vehicles and equipment (refer to Table 1 for allowable uses under the existing and proposed zoning and land use 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 1, new allowable uses under the proposed WMX zoning include commercial and industrial development. 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 proposed project would also allow for new permanent structural development or facilities on the project site that would have potential to generate emissions and may introduce a new stationary source of emissions.

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 amendments and zoning changes 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 amendments and zone change, including commercial and automobile dealerships may generate more VMT than residential and office uses currently allowed on the site. However, the more restricted setbacks and height limits under the proposed changes would limit the square footage of development and thus the generation of new VMT associated with development on the site. Additionally, the project site currently contains non-conforming



uses, including automotive-oriented businesses, a hotel, and a restaurant, which generate more VMT than would result from development in conformance with the current land use designations and zoning districts on the site (ITE, 2012). General Plan policies that reduce the potential for air pollution emissions, geographic distribution of land uses that encourage new growth in proximity to employment centers (thereby reducing travel distance between residences and employment areas), and the use of an Urban Limit line (also reducing travel distance) would minimize potential emissions-related impacts associated with mobile sources (City of Concord, 2014a). These include Policies S-1.2.4, S-1.2.5, and S-1.2.6, listed above. Actions included under the proposed project would be required to comply with the General Plan goals and policies set forth to reduce air quality impacts, and would therefore be consistent with applicable air quality laws and regulations.

As discussed in Section 3.3 of this addendum, future uses within the proposed WMX-zoned project site are contingent upon issuance of a use permit, including environmental review per CEQA. Use permits may include conditions of approval to avoid potentially adverse effects 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 amendments and rezone could disturb biological resources, if present. However, the project site is located in an urbanized and commercial area where virtually all properties are developed with structures and/ or surface paving and biological resources are generally absent except for mature valley oak trees located along the northern boundary of the project site. All development that would occur on the project site under the proposed land use and zoning changes would be required to comply with the City's Heritage Tree Ordinance (Chapter 8.40, Trees and Shrubs) to preserve valley oak trees with a diameter of 12 inches or more as measured 54 inches above the ground (e.g., diameter at breast height).



As discussed in the Initial Study for the 2012 SEIR, implementation of the current CDC and associated 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 WMX 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 could result in the encountering of cultural resource if substantial ground-disturbing activities are included in approved actions (approval contingent upon issuance of a use permit). As discussed in the Initial Study prepared for the 2012 SEIR, 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 entirely urbanized/ commercialized and located in a previously disturbed area; the vast majority of these areas are paved and impervious, although there are some landscaped areas and buffers present. The project site currently contains non-conforming uses, including automotive-oriented businesses, a hotel, and a restaurant, and the proposed changes would bring these uses into conformance with more proper land uses and zoning designations. The new uses that would be allowable under the proposed WMX zoning for the project site (refer to Table 1) 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 (Less than Approved Project)

4.6 GEOLOGY/SOILS

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

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, 2013). Figure 7-4, *Geologic and Seismic Hazards*, of the 2030 General Plan indicates that all six parcels within the project site are located within the identified Alquist-Priolo Zone. To more accurately assess the conditions on the site, a fault hazards evaluation was performed for the site by GEOCON Consultants, Inc. in November of 2006. The fault hazards evaluation included background review of published geologic maps and reports, review of historical and recent air photos, a geophysical survey, and exploratory trenching. Based on the investigation of the site, the Concord Fault was determined to be approximately 150 feet east-southeast of the site with other possible fault features running approximately 15 feet southwest of the southwest corner and northwest of the site. Trenching performed for the evaluation indicated that geologic units on the site did not appear to be displaced or otherwise affected by faulting. Therefore significant or increased impacts related to fault rupture would not occur, and new development allowable under the proposed land use and zoning changes on the project site would not present new or increased risk to people from earthquakes or fault rupture.

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: LU-1.1.1; LU-10.1.3; LU-10.1.4; POS-1.2.1; S-3.1.1; S-3.1.2; S-3.2.1; S-3.2.2; S-3.2.3; S-3.2.4; and S-3.2.5 (City of Concord, 2012b).

The amendments and zoning changes that would occur under the proposed project would prohibit residential development on the site and restrict FAR, setbacks, and building heights beyond 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.

As discussed in Section 3.3 of this addendum and mentioned above, future new uses on the project site are contingent upon issuance of a use permit, including environmental review per CEQA. Use permits may include conditions of approval to avoid potentially adverse effects associated with geology and soil hazards, such as but not limited to revisions on the physical nature of the proposed use to avoid or minimize existing hazards. Any proposed use for the project site would have to abide by the above requirements and findings, to avoid exposure of people or structures to seismic hazards or soil instability, in order to obtain a use permit. The proposed project would not result in new or substantially more severe impacts under geology and soils, and the proposed project would therefore be consistent with the 2012 SEIR (*Appendix A, Initial Study*).

Effects and Mitigation Measures

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

Conclusion

Less than Significant (Less than Approved Project)

4.7 GREENHOUSE GAS EMISSIONS

The Initial Study prepared for the 2012 SEIR determined that 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 WMX 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 amendments and rezone for the project site could contribute to GHG emissions associated with the use of vehicles and motorized equipment (refer to Table 1 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 amendments and 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 automotive uses on the site into conformity with more appropriate land use and zoning designations and would allow for new development of commercial and automotive uses instead of the existing allowable residential and office uses. Therefore, new development allowable under the proposed land use and 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 WMX zoning, where such uses are currently prohibited under the DMX District (refer to Table 1). As discussed in Section 3 of this addendum, while the WMX District would allow for less physical development in terms of height, setbacks, and FAR, it would allow for more automotive and commercial uses and less residential and office uses. 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 18.45.020 specifies that “Heavy Industry” uses are not permitted under the current DMX zoning or proposed WMX zoning. CDC Table 18.45.020 also specifies that the storage of hazardous materials and vehicles are not permitted within the WMX District. As such, the storage of hazardous materials on the project site would not occur as a result of the proposed project. These restrictions would apply to the allowable uses under the proposed project (contingent upon issuance of a use permit). Compliance with the CDC, including but not limited to the restriction of hazardous materials storage specified in Table 18.45.020, as well as implementation of General Plan Policies, would reduce potential impacts associated with Hazards and Hazardous Materials. Applicable General Plan policies include the following: LU-7.2.4; T-1.1.8; S-5.1.1; S-5.1.2; S-5.1.3; PF-1.5.3 (City of Concord, 2012b). Existing regulations, such as those associated with the California Division of Occupational Safety and Health (OSHA) and State and local regulations pertaining to use, storage and transport of hazardous materials, would also continue to apply.

Additionally, as discussed in Section 3 of this addendum and mentioned above, future uses within the proposed WMX zoned parcels are contingent upon issuance of a use permit, including environmental review per CEQA. Use permits may include conditions of approval to avoid potentially adverse effects associated with hazards and hazardous materials, such as revisions on the physical nature of the proposed use, use of best management practices to store or contain hazardous materials, maintenance requirements, and/or performance measures. Any use proposed for development on the project site must comply with the requirements above to avoid impacts related to hazards and hazardous materials and to obtain a use permit. The proposed project would not result in new or substantially more severe impacts associated with hazards and hazardous materials, and the proposed project would therefore be consistent with the 2012 SEIR (*Appendix A, Initial Study*).

Effects and Mitigation Measures

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

Conclusion

Less than Significant (Less than Approved Project)

4.9 HYDROLOGY/WATER QUALITY

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

The 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 differed uses under a new zoning district on the project site (refer to Table 1) would not alter existing drainage patterns, and would not alter the course of any stream or river. As 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 or allowed under the current zoning. The project site



currently contains non-conforming uses, including automotive-oriented businesses, a hotel, and a restaurant, and the proposed changes would allow for similar development on the site. Additionally, as described in Section 4.8, the storage of hazardous materials is not permitted within the WMX zoning proposed for the project site and associated potential for water quality degradation to occur as a result of an accidental spill would be avoided.

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 have not result in new or substantially more severe impacts associated with flooding or inundation.

Effects and Mitigation Measures

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

Conclusion

Less than Significant (Less than Approved Project)

4.10 LAND USE / PLANNING

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

As previously discussed, the proposed project would amend the CDC (as addressed in the 2012 SEIR) and zoning on the project site to allow new uses, contingent upon the issuance of a use permit. Table 1 shows the allowable uses for the project site under existing and proposed zoning and land use designations. The purpose of the proposed zoning change would be to bring the existing land uses into conformity with a more appropriate land use designation in the General Plan and the CDC. Accordingly, the proposed project would involve changing the language of the 2012 SEIR and the land use designations included therein.

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.

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-.3.53, and POS-3.5.4. The uses and development which would be allowed under the proposed WMX zoning for the parcels within the project site (refer to Table 1) 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 Mineral Resources, and no new or revised mitigation measures are necessary.

Conclusion

No Impact (Less than Approved Project)

4.12 NOISE

The Initial Study prepared for the 2012 SEIR determined that impacts related to noise would be potentially significant, and this issue was therefore analyzed in the SEIR, which determined that impacts would be less than significant with no mitigation measures required, as compliance with General Plan Policies would reduce or avoid potentially adverse impacts of CDC implementation related to noise. Uses that would be permitted under the proposed amendments and 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 east by residential development, to the west by SR 242, and to the south by Concord Avenue and other land uses with associated traffic noises. Noise was not addressed in the 2014 addendum because it was determined that potential noise sources and characteristics associated with the Specific Plan studied in that addendum were effectively characterized in the 2012 SEIR and the General Plan EIR (refer to Figure 6 for the Projected Noise Conditions under General Plan Buildout relative to the project site). Uses allowed within the proposed WMX 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. Development of any future uses proposed within the WMX zoned parcels as a result of the proposed project would be subject to issuance of a use permit. In considering use permit applications, consistency with General Plan requirements would be considered, including as related to noise. Project modifications may also be required as conditions of approval in order to ensure that neighboring sensitive receptors, including residences directly adjacent to the project site's eastern boundary and Mt. Diablo High School north of the site, 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. The uses that would be allowed under the proposed amendments and rezone may introduce new permanent structures, pending issuance of a use permit. As indicated in the General Plan Figure 7-8, within Industrial and Manufacturing areas, noise levels of up to 75 dBA are considered "normally acceptable," while noise levels between 75 and 80 dBA are "conditionally acceptable," and noise levels over 80 dBA are "normally unacceptable." New construction or development that would generate noise over 80 dBA may be permitted with the use of noise reduction methodologies and noise insulation features (City of Concord, 2007).



The 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 project would prohibit the development of any new residential uses within the project site which would be sensitive to noise generation. However, new uses that would be allowed within the proposed WMX zones on the project site could introduce noise types and levels that do not currently occur on or in the vicinity of the project site. New types of noises associated with land uses may include but are not limited to the following:

- Industrial activities;
- Use of generators and other types of engines for power;
- Vehicles and equipment idling on-site;
- Use of mechanical equipment and hand-held power tools.

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 3
 Typical Noise Levels
 Generated by Vehicles and Equipment**

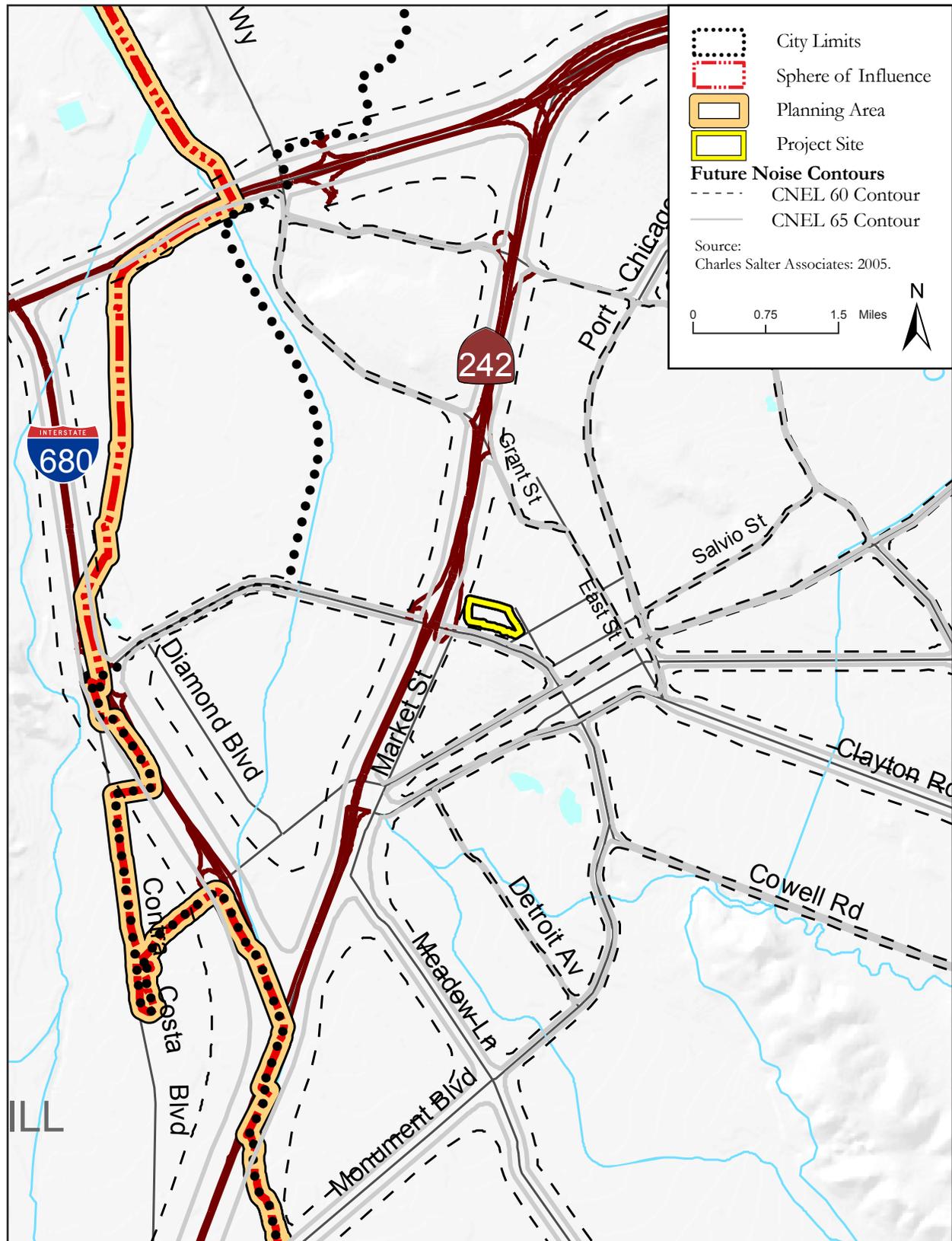
Typical dBA*	Equipment	Type
81	Air Compressor	Stationary
83	Compactor (ground)	Mobile
76	Dump Truck	Mobile
74	Flat Bed Truck	Mobile
81	Generator	Stationary
75	Pickup Truck	Mobile
85	Pneumatic Tools	Stationary
70	Saw	Stationary
83	Warning Horn	Stationary
74	Welder/Torch	Stationary

Source: FHWA, 2011.

** Typical Lmax (dBA) 50 feet from the Source*

Table 3 shows that typical peak noise levels associated with various types of heavy equipment can range from about 70 to 89 dBA at 50 feet from the source (FHWA, 2006). It is anticipated that 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), air compressors (81 dBA) or welder/torches (74 dBA). However, these uses and associated noise levels would be limited as major repair/body work uses and uses with outdoor storage or activities would not be allowed under the proposed WMX zoning. Although some of the noises





Projected Noise Conditions
 Under General Plan Buildout

Figure 6

Source: City of Concord, 2007

associated with new development could be higher than the “normally unacceptable” level of 80 dBA described above Table 3, it is important to note that the existing non-conforming uses within the project site already generate some level of noises associated with restaurant and hotel operations, trucks and other heavy equipment use and loading, and automobile repair and maintenance. Additionally, as described in the CDC and the General Plan, new construction or development that would generate noise over 80 dBA may be permitted with the use of noise reduction methodologies and noise insulation features (City of Concord, 2007).

General Plan Policy S-2.2.1 (Provide for the mitigation of noise exposure in areas of the City exposed to noise levels in excess of the “normally acceptable” standards to the extent feasible) and General Plan Policy S-2.2.2 (Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities) require the mitigation of excess noise, such as through the use of insulation devices. As mentioned above, any new uses within the project site are subject to the issuance of a use permit, and would be subject to these requirements. 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. As discussed in Section 3.3 above, granting a use permit must not be “detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located;” as applicable to potential noise-related impacts, this means that future uses authorized by use permit approvals in the proposed WMX zoned parcels within the project site would not result in unacceptable noise levels.

Sensitive noise receptors in the vicinity of the project site include a residential development adjacent to the eastern boundary of the site and Mt. Diablo High School north of the site. Residential units are separated from the project site by existing landscaped trees and shrubs, walls, and fences. In addition, the Mt. Diablo High School is situated such that the classrooms and other school structures are on the opposite side of the school property as the side that borders the project site, so that the school’s sports fields are adjacent to the northern boundary of the project site. As described in the General Plan, common practice dictates that maximum noise levels of 60 dB are considered “normally acceptable” for unshielded residential development, while noise levels ranging from 60 dB to 70 dB fall within the “conditionally unacceptable” range, and those in the 70 dB to 75 dB range are considered “normally unacceptable” (City of Concord, 2007). It is possible that noise generation at the project site could occasionally exceed the “normally unacceptable” levels for unshielded residential development. However, it is important to note that noise levels typically attenuate (i.e., drop off) at a rate of 6 dBA per doubling of distance from point sources (i.e., stationary industrial machinery) (FTA, 2006). Additionally, due to the non-continuous nature of project-related noise, prohibition of major noise generating uses, and the implementation of noise-reduction features where needed, contingent upon issuance of required use permits, surrounding residential areas are not expected to be affected by noise associated with new uses allowable under the proposed WMX zoning for the project site.

Section 3.3 of the 2012 SEIR addresses the potential noise of development and land use activities associated with the Concord Development Code Project, which would be amended by this



proposed project and would allow differed uses on the project site under the proposed zoning change from DMX to WMX. The 2012 SEIR addresses potential impacts of the CDC on neighborhood and residential uses, with regards to noise generation, and describes that sensitive noise receptors may be exposed to noise levels which exceed the “normally acceptable” level associated with temporary construction sources; the 2012 SEIR determines that compliance with General Plan Policy S-2.2.6 would ensure that such occurrences would not result in significant impacts, due to the implementation of project-specific restriction of noise-generating activities. Similarly, implementation of the proposed project would include compliance with General Plan Policies to minimize or avoid the potential for adverse noise-related impacts, including the following: LU-1.1.5, LU-10.1.6, S-2.1.1, S-2.1.2, S-2.1.3, S-2.1.4, S-2.1.5, S-2.2, S-2.2.1, S-2.2.2, S-2.2.3, S-2.2.4, S-2.2.5, S-2.2.6. The 2014 addendum to the 2012 SEIR also relies on General Plan Policies to reduce or avoid noise-related impacts, and no new noise impacts are identified.

Effects and Mitigation Measures

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

Conclusion

Less than Significant (Less than Approved Project)

4.13 POPULATION/HOUSING

The Initial Study prepared for the 2012 SEIR determined that impacts to Population/Housing would be less than significant with no mitigation required. The land uses that would be allowed under the proposed amendments and rezone could potentially result in an incremental increase in employment opportunities if uses approved through use permits require 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. Furthermore, the change from DMX zoning to WMX zoning on the project site would restrict the development of residential uses on the site. Although residential uses are permitted under the existing zoning, none currently exist on the project site. 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 3.16 (Utilities). 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 uses that would be allowed under the proposed project could facilitate new development, but would restrict FAR, setbacks, and building height beyond what is currently allowed on the project site (refer to Table 1 for comparison of design standards and allowable uses under the existing and proposed land uses designations and zoning). 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 WMX 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 WMX 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/TRAFFIC

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

As described in the 2012 SEIR, implementation of the General Plan would contribute to substandard freeway segment operations during the peak hours along I-680, 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 WMX 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 WMX District proposed for the parcels within the project site would have the potential to contribute to



traffic congestion conditions. The project site currently contains non-conforming uses, including automotive-oriented businesses, a hotel, and a restaurant, and the proposed changes would bring these uses into conformance with more appropriate land use and zoning designations. New development allowable under the proposed land use and zoning changes on the project site would be similar to these existing uses on the site. Accordingly, the land uses that would be allowed under the proposed amendments and 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 2 above 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 land uses into conformity with a more appropriate land use designation in the General Plan and zoning district in the CDC. 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 1, travel in vehicles to and from the project site. Depending upon the types of uses that are permitted to occur in the proposed WMX zoned parcels (contingent upon issuance of use permits including traffic analysis), such redistribution of local traffic could occur throughout the day, and on a variety of roadways. However, because the proposed project is not expected to draw substantial additional traffic from out of the area, potential traffic associated with new allowable uses that could occur under the proposed zoning change 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 WMX zoned parcels are also contingent upon 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/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 amendments and rezone (as shown in Table 1) 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, 2014)

It is possible that the uses that would be allowed under the proposed project may introduce new businesses to the proposed WMX 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)



5.0 CONCLUSION

As discussed in detail in the preceding sections, potential impacts associated with new uses that could be allowed under the proposed project are consistent with potential impacts characterized and mitigated in the 2012 SEIR. Substantive revisions to the 2012 SEIR are not necessary because no new significant impacts or impacts of substantially greater severity than previously described would occur as a result of the uses that could be allowed under the proposed amendments and 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 following impact analysis, the proposed amendments and zoning change are consistent with the 2012 SEIR, which revised the General Plan to include the current CDC. Also as discussed in the impact analysis, mitigation measures identified in the 2012 SEIR are applicable to potential uses and actions associated with the uses that would be allowed under the proposed amendments and zoning change on the project site, and specific mitigation measures from the 2012 SEIR are discussed below where applicable.

As demonstrated by the analysis in Section 4 of this addendum, the 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, and none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred would occur as a result of the proposed project. Therefore, this addendum to the 2012 SEIR is consistent with CEQA, and this addendum is the appropriate level of environmental documentation to provide under CEQA. This addendum will be considered by the City of Concord in making a decision on the proposed project.



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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:

City of Concord (Lead Agency)

Community and Economic Development Department, Planning Division
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Rincon Consultants

Abe Leider, AICP CEP, Project Manager
Aubrey Mescher, Senior Environmental Planner
Mattie Cardenaz, Associate Planner



**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Approving the DG Concord LLC
Amendments to the General Plan, Downtown Specific
Plan, and Zoning Map to Change the Land Use
Designation From Downtown Mixed-Use to West
Concord Mixed Use For Six Parcels (APNS 112-101-
025, 112-101-016, 112-101-022, 112-101-029, 112-101-
030, 112-101-031) Located On The North Side Of
Concord Avenue Between Highway 242 And Bonifacio
Street (PL15497-TA, GPA, RZ)**

Resolution No. 16-4823.1

WHEREAS, DG Concord LLC, (“Applicant”) has requested Amendments to the General Plan Land Use, Downtown Specific Plan, and Zoning Map designation, (as set forth in Exhibit A), for six parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) located along the north side of Concord Avenue between Highway 242 and Bonifacio Street from the land use designation of Downtown Mixed-Use (“DMX”) to West Concord Mixed Use (“WMX”), and has requested to remove the parcels from the boundary of the Downtown Specific Plan in order to bring existing legal non-conforming automotive-oriented land uses into conformance with an appropriate land use designation (hereinafter collectively referred to as “General Plan Amendment”); and

WHEREAS, the General Plan Amendment would be effected by the City Council’s passage and adoption of Ordinance No. 16-425.2 (“General Plan Amendment Ordinance”); and

WHEREAS, the Applicant has also requested to amend Section 18.45.010(C) of the Concord Development Code (“Text Amendment”) in order to address minor technical errors such that the location of the West Concord Mixed Use Zoning District in the Development Code to be consistent with the description identified within the General Plan; and

WHEREAS, the Text Amendment would be effected by the City Council’s passage and adoption of Ordinance No. 16-5 (“Text Amendment Ordinance”); and

WHEREAS, the City of Concord adopted the Concord 2030 General Plan on October 2, 2007 (“General Plan”); and

1 **WHEREAS**, the City of Concord amended the General Plan to include the Downtown
2 Specific Plan as Volume IV on June 24, 2014; and

3 **WHEREAS**, the City of Concord adopted Chapter 122 of the Concord Municipal Code
4 (“Development Code”) on July 24, 2012; and

5 **WHEREAS**, Government Code section 65358 *et seq.* provides for the amendment of all or
6 part of an adopted general plan; and

7 **WHEREAS**, Development Section 18.455 *et seq.* sets forth City requirements with respect to
8 general plan and zoning map amendments; and

9 **WHEREAS**, the City has complied with the foregoing as well as other applicable
10 requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City’s
11 ordinances and resolutions with respect to general plan amendments; and

12 **WHEREAS**, on June 15, 2016, the Planning Commission, after giving all public notices
13 required by State Law and the Concord Municipal Code, held a duly noticed public hearing on the
14 Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord
15 General Plan EIR (“Addendum”), reaffirmed the Statement of Overriding Considerations for the
16 project, the General Plan Amendment, and the Text Amendment; and

17 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
18 information, testimony, and comments received during the public review process, including
19 information received at the public hearing, the oral report from City staff, the written report from City
20 staff dated June 15, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies,
21 memoranda, the Addendum, the General Plan Amendment, the Text Amendment, the General Plan,
22 the General Plan FEIR, the 2012 SEIR and related Addenda, the City of Concord Municipal Code, the
23 Development Code, the Downtown Specific Plan, applicable City laws and regulations, and all
24 associated approved and certified environmental documents, and all other information that constitutes
25 the record of proceedings on which the City Council has based its decision are maintained at the
26 offices of the City of Concord Planning Division (collectively, “Planning Commission Project
27 Information”), and recommended the City Council approve and adopt the Addendum, the General
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1 Plan Amendment, and the Text Amendment; and

2 **WHEREAS**, on August 2, 2016, the City Council, after giving all public notices required by
3 State Law and the Concord Municipal Code, held a duly noticed public hearing on the Addendum, the
4 General Plan Amendment, and the Text Amendment; and

5 **WHEREAS**, at such public hearing, the City Council considered all testimony and
6 information received at the public hearing, the oral report from City staff, the written report from City
7 staff dated August 2, 2016, exhibits presented, pertinent plans and documents, the Addendum, the
8 General Plan Amendment, the Text Amendment, the Planning Commission Project Information, and
9 other materials and information contained in the record of proceedings, which are maintained at the
10 offices of the City of Concord Planning Division and City Clerk’s office at City Hall, 1950 Parkside
11 Drive, Concord, CA 94519 (collectively, “Project Information”); and

12 **WHEREAS**, at such public hearing, the City Council, after consideration of the Project
13 Information, adopted Resolution 16-60 approving and adopting the Addendum to the Final
14 Supplemental Environmental Impact Report (SEIR), and reaffirmed the Statement of Overriding
15 Considerations for the project; and

16 **WHEREAS**, the City Council thereafter declared their intent to approve and adopt the General
17 Plan Amendment and Zoning Map Amendment, and to pass and adopt the General Plan Amendment
18 Ordinance; and

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

20 That the City Council does hereby makes the following findings:

21 **Section 1. General.**

22 a. The recitals above are true and correct and are incorporated herein by reference. The
23 recitals constitute findings in this matter and, together with the Project Information, and serve as an
24 adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution, the
25 General Plan Amendment Ordinance, and the Text Amendment Ordinance.

26 b. The City Council has reviewed, considered, and evaluated all of the Project
27 Information prior to acting upon the Addendum, the General Plan Amendment, the Text Amendment,
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1 the General Plan Amendment Ordinance, and the Text Amendment Ordinance.

2 **Section 2. General Plan Land Use and Zoning Map Amendment.** The City Council does
3 hereby make and incorporate each of the above recitals and findings by reference, and further makes
4 the following findings:

5 a. The General Plan Amendment would amend the Land Use Diagram Map or Zoning
6 Map of the 2030 General Plan for six parcels, (APNS 112-101-025, 112-101-016, 112-101-022, 112-
7 101-029, 112-101-030, 112-101-031) located along the north side of Concord Avenue between
8 Highway 242 and Bonifacio Street, from Downtown Mixed-Use to West Concord Mixed Use, as
9 identified in Exhibit A and incorporated herein.

10 b. The General Plan Amendment would amend the boundary of the Downtown Concord
11 Specific Plan General Plan Amendment, Volume IV of the Concord 2030 General Plan, by removing
12 the six parcels identified in Exhibit A from the boundary of the Downtown Specific Plan.

13 c. The General Plan Amendment is and provides for continuing internal consistency with
14 all other provisions of the General Plan and the Specific Plan, as applicable,

15 d. The proposed General Plan Amendment is consistent with the General Plan and is
16 necessary in order to improve the accuracy of the Development Code and its standards and further
17 achieve internal consistency and consistency with the rest of the Concord Municipal Code.

18 e. The General Plan Amendment furthers the goals and objectives of the General Plan and
19 Specific Plan consistent with their objectives.

20 f. The proposed General Plan Amendment will not be detrimental to the public interest,
21 health, safety, convenience, or welfare of the City.

22 g. The affected parcels are physically suitable, including the absence of physical
23 constrains, access, compatibility with adjoining land uses, and provision of utilities, for proposed or
24 anticipated uses and/or development.

25 h. The City Council hereby approves the General Plan Amendment and Zoning Map
26 Amendment.

27 i. The City Council will pass and adopt the General Plan Land Use and Zoning Map
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1 Amendment Ordinance No. 16-425.2.

2 **Section 4. Effective Date.** This resolution shall become effective immediately upon its passage and
3 adoption.

4 **PASSED AND ADOPTED** by the City Council of the City of Concord on August 2, 2016, by
5 the following vote:

6 **AYES:** Councilmembers -

7 **NOES:** Councilmembers -

8 **ABSTAIN:** Councilmembers -

9 **ABSENT:** Councilmembers -

10 **I HEREBY CERTIFY** that the foregoing Resolution No. 16-4823.1 was duly and regularly
11 adopted at a regular meeting of the City Council of the City of Concord on August 2, 2016.

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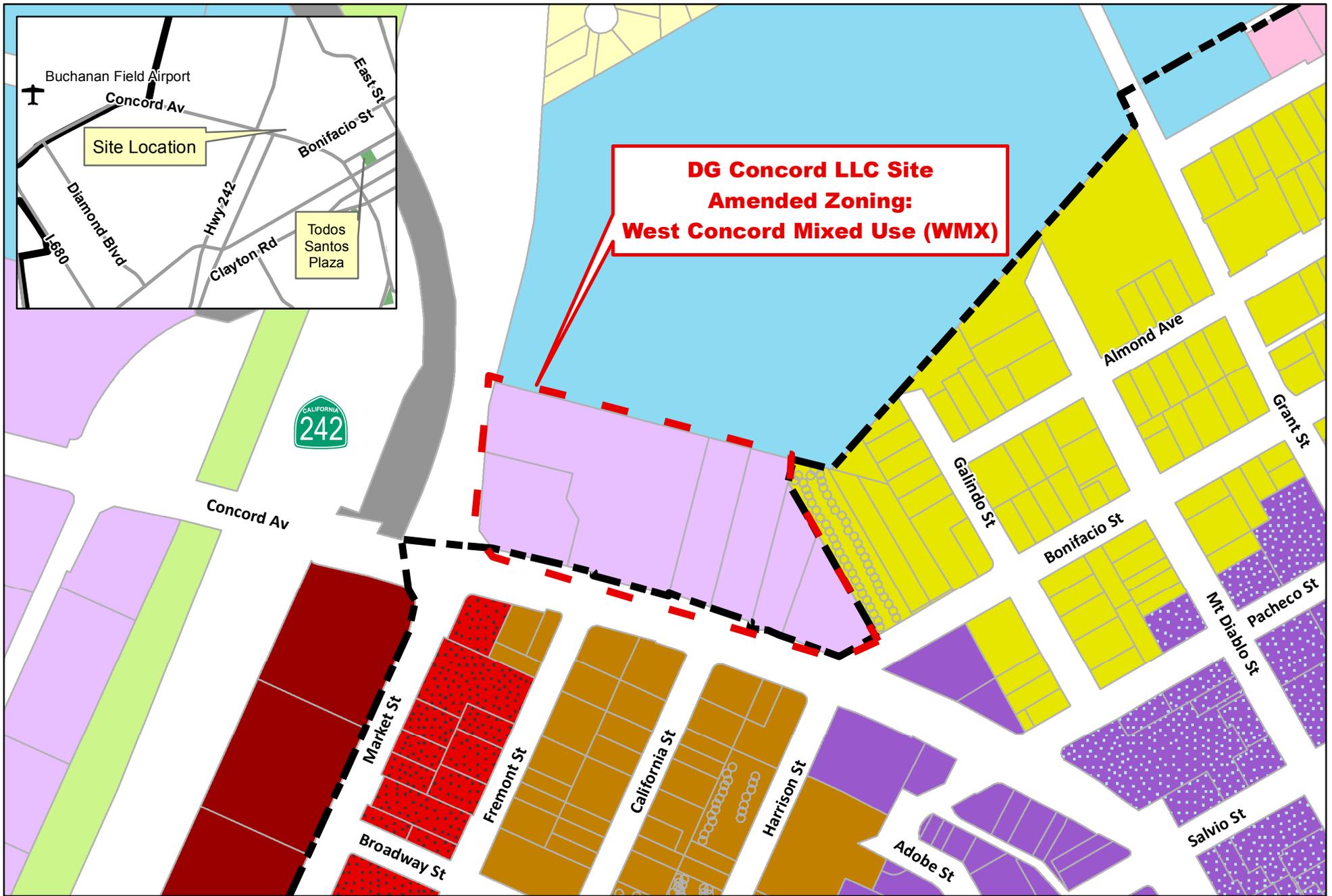
Joelle Fockler, MMC
City Clerk

15 **APPROVED AS TO FORM:**

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Susanne Meyer Brown
18 City Attorney

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20 Exhibit A: Zoning Map Amendment



Legend



Amended Downtown Specific Plan Boundary

Planning Land Use Zones

- | | | | | |
|----------------------------------|----------------------------|--------------------------|---------------------------|------------------------------|
| Single Family Residential (RS6) | North Todos Santos (NTS) | Regional Commercial (RC) | Downtown Mixed Use (DMX) | Office Business Park (OBP) |
| Residential, Medium Density (RM) | Community Office (CO) | Service Commercial (SC) | Public/Quasi-Public (PQP) | Open Space (OS) |
| Residential, High Density (RH) | Commercial Mixed Use (CMX) | Downtown Pedestrian (DP) | Parks and Recreation (PR) | West Concord Mixed Use (WMX) |

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Approving the DG Concord LLC
Amendment to Concord Municipal Code, Title 18,
Development Code, Chapter 18.45.010(C) (Purpose -
WMX-West Concord Mixed Use) to Change the Land
Use Designation From Downtown Mixed-Use to West
Concord Mixed Use For Six Parcels (APNS 112-101-
025, 112-101-016, 112-101-022, 112-101-029, 112-101-
030, 112-101-031) Located On The North Side Of
Concord Avenue Between Highway 242 And Bonifacio
Street (PL15497-TA, GPA, RZ)**

Resolution No. 16-68

WHEREAS, DG Concord LLC, (“Applicant”) has requested an Amendment to the General Plan Land Use, Downtown Specific Plan, and Zoning Map designation, for six parcels (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) located along the north side of Concord Avenue between Highway 242 and Bonifacio Street from the land use designation of Downtown Mixed-Use (“DMX”) to West Concord Mixed Use (“WMX”), and has requested to remove the parcels from the boundary of the Downtown Specific Plan in order to bring existing legal non-conforming automotive-oriented land uses into conformance with an appropriate land use designation (hereinafter collectively referred to as “General Plan Amendment”); and

WHEREAS, the General Plan Amendment would be effected by the City Council’s passage and adoption of Ordinance No. 16-425.2 (“General Plan Amendment Ordinance”); and

WHEREAS, the Applicant has also requested to amend Section 18.45.010(C) of the Concord Development Code (“Text Amendment”), in order to address minor technical errors such that the location of the West Concord Mixed Use Zoning District in the Development Code to be consistent with the description identified within the General Plan, as set forth in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Text Amendment would be effected by the City Council’s passage and adoption of Ordinance No. 16-5 (“Text Amendment Ordinance”); and

WHEREAS, the City of Concord adopted the Concord 2030 General Plan on October 2, 2007 (“General Plan”); and

1 **WHEREAS**, the City of Concord adopted Chapter 122 of the Concord Municipal Code
2 (“Development Code”) on July 24, 2012; and

3 **WHEREAS**, Government Code section 65358 *et seq.* provides for the amendment of all or
4 part of an adopted general plan; and

5 **WHEREAS**, Development Section 18.455 *et seq.* sets forth City requirements with respect to
6 general plan, zoning map amendments and Development Code text amendments; and

7 **WHEREAS**, the City has complied with the foregoing as well as other applicable
8 requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City’s
9 ordinances and resolutions with respect to general plan amendments; and

10 **WHEREAS**, on June 15, 2016, the Planning Commission, after giving all public notices
11 required by State Law and the Concord Municipal Code, held a duly noticed public hearing on the
12 Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord
13 General Plan EIR (“Addendum”), reaffirmed the Statement of Overriding Considerations for the
14 project, the General Plan Amendment, and the Text Amendment; and

15 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
16 information, testimony, and comments received during the public review process, including
17 information received at the public hearing, the oral report from City staff, the written report from City
18 staff dated June 15, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies,
19 memoranda, the Addendum, the General Plan Amendment, the Text Amendment, the General Plan,
20 the General Plan FEIR, the 2012 SEIR and related Addenda, the City of Concord Municipal Code, the
21 Development Code, the Downtown Specific Plan, applicable City laws and regulations, and all
22 associated approved and certified environmental documents, and all other information that constitutes
23 the record of proceedings on which the City Council has based its decision are maintained at the
24 offices of the City of Concord Planning Division (collectively, “Planning Commission Project
25 Information”), and recommended the City Council approve and adopt the Addendum, the General
26 Plan Amendment, and the Text Amendment; and

27 **WHEREAS**, on August 2, 2016, the City Council, after giving all public notices required by
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1 State Law and the Concord Municipal Code, held a duly noticed public hearing on the Addendum, the
2 General Plan Amendment, and the Text Amendment; and

3 **WHEREAS**, at such public hearing, the City Council considered all testimony and
4 information received at the public hearing, the oral report from City staff, the written report from City
5 staff dated August 2, 2016, exhibits presented, pertinent plans and documents, the Addendum, the
6 General Plan Amendment, the Text Amendment, the Planning Commission Project Information, and
7 other materials and information contained in the record of proceedings, which are maintained at the
8 offices of the City of Concord Planning Division and City Clerk’s office at City Hall, 1950 Parkside
9 Drive, Concord, CA 94519 (collectively, “Project Information”); and

10 **WHEREAS**, at such public hearing, the City Council, after consideration of the Project
11 Information, adopted Resolution 16-60 approving and adopting the Addendum to the Final
12 Supplemental Environmental Impact Report (SEIR), and reaffirmed the Statement of Overriding
13 Considerations for the project; and

14 **WHEREAS**, the City Council thereafter declared their intent to approve and adopt the Text
15 Amendment, and to pass and adopt the Text Amendment Ordinance; and

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

17 That the City Council does hereby makes the following findings:

18 **Section 1. General.**

19 a. The recitals above are true and correct and are incorporated herein by reference. The
20 recitals constitute findings in this matter and, together with the Project Information, and serve as an
21 adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution, the
22 General Plan Amendment Ordinance, and the Text Amendment Ordinance.

23 b. The City Council has reviewed, considered, and evaluated all of the Project
24 Information prior to acting upon the Addendum, the General Plan Amendment, the Text Amendment,
25 the General Plan Amendment Ordinance, and the Text Amendment Ordinance.

26 **Section 2. Text Amendment.** The City Council does hereby make and incorporate each of the
27 above recitals and findings by reference, and further makes the following findings:
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1 a. The Text Amendment as set forth in Exhibit A and incorporated herein, is consistent
2 with the General Plan, as amended.

3 b. The West Concord Mixed Use land use designation will not be detrimental to public
4 interest, health, safety, convenience or welfare to the City.

5 c. The Text Amendment will not result in any new or changed conditions that could
6 impact adjacent land uses or the Downtown area, but rather would restore the legal conformity of
7 existing automotive land uses at the affected sites, consistent with those found along the Concord
8 Avenue corridor.

9 d. The affected parcels are physically suitable, including an absence of physical
10 constraints, access, compatibility with adjoining land uses, and provision of utilities, for the change in
11 zoning designation and amendment to the Development Code text.

12 e. The City Council hereby approves and adopts the Text Amendment Ordinance No. 16-
13 5, consistent with Exhibit A hereto.

14 **Section 4. Effective Date.** This resolution shall become effective immediately upon its passage and
15 adoption.

16 **PASSED AND ADOPTED** by the City Council of the City of Concord on August 2, 2016, by
17 the following vote:

18 **AYES:** Councilmembers -

19 **NOES:** Councilmembers -

20 **ABSTAIN:** Councilmembers -

21 **ABSENT:** Councilmembers -

22 **I HEREBY CERTIFY** that the foregoing Resolution No. 16-68 was duly and regularly
23 adopted at a regular meeting of the City Council of the City of Concord on August 2, 2016.

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Joelle Fockler, MMC
City Clerk

27 **APPROVED AS TO FORM:**

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Susanne Meyer Brown
City Attorney

Exhibit A: Development Code Text Amendment

Exhibit A

18.45.010(C) Purpose.

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

ORDINANCE NO. 16-425.2**AN ORDINANCE AMENDING THE CONCORD 2030 GENERAL PLAN, DOWNTOWN SPECIFIC PLAN, AND ZONING MAP TO CHANGE THE LAND USE DESIGNATION FROM DOWNTOWN MIXED-USE TO WEST CONCORD MIXED USE FOR SIX PARCELS (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) LOCATED ON THE NORTH SIDE OF CONCORD AVENUE BETWEEN HIGHWAY 242 AND BONIFACIO**

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

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

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

WHEREAS, the City of Concord adopted the Concord 2030 General Plan on October 2, 2007 (“General Plan”); and

WHEREAS, the City of Concord amended the General Plan to include the Downtown Specific Plan as Volume IV on June 24, 2014; and

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

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

WHEREAS, the City of Concord initiates regular and routine Development Code Clean-Up Amendments to comply with State legislative actions, to ensure consistency, and to address minor technical errors, omissions, and clarifications of terms and procedures in the Development Code; and

WHEREAS, such text amendments improve the accuracy of the Development Code and its standards by achieving internal consistency and consistency with the rest of the Concord Municipal Code; and

1 **WHEREAS**, DG Concord LLC, (“Applicant”) has requested an Amendment to the General
2 Plan Land Use, Downtown Specific Plan, and Zoning Map designation for six parcels, (APNS 112-101-
3 025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031), located along the north side of
4 Concord Avenue between Highway 242 and Bonifacio Street from the land use designation of
5 Downtown Mixed-Use (“DMX”) to West Concord Mixed Use (“WMX”), as indicated in Exhibit A
6 attached hereto and made a part hereof, and has requested to remove the parcels from the boundary of
7 the Downtown Specific Plan in order to bring existing legal non-conforming automotive-oriented land
8 uses into conformance with an appropriate land use designation (hereinafter collectively referred to as
9 “General Plan Amendment”); and

10 **WHEREAS**, the Applicant has also requested to amend Section 18.45.010(C) of the Concord
11 Development Code and the City’s Zoning Map (hereinafter collectively referred to as “Text
12 Amendment”) in order to address minor technical errors such that the location of the West Concord
13 Mixed Use Zoning District in the Development Code to be consistent with the description identified
14 within the General Plan, as set forth in Exhibit B, attached hereto and made a part hereof; and

15 **WHEREAS**, the Text Amendment would be effected by the City Council’s passage and
16 adoption of Ordinance No. 16-5 (“Text Amendment Ordinance”); and

17 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law
18 and the Concord Municipal Code, held a duly noticed public hearing on June 15, 2016, on the
19 Addendum (as that term is defined in City Council Resolution 16-60), the General Plan Amendment,
20 and the Text Amendment; and

21 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
22 information, testimony, and comments received during the public review process, including
23 information received at the public hearing, the oral report from City staff, the written report from City
24 staff dated June 15, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies,
25 memoranda, the Addendum, the General Plan Amendment, the Text Amendment, the General Plan,
26 the General Plan FEIR, the 2012 SEIR and related Addenda, the City of Concord Municipal Code, the
27 Development Code, the Downtown Specific Plan, applicable City laws and regulations, and all
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1 associated approved and certified environmental documents, and all other information that constitutes
2 the record of proceedings on which the City Council has based its decision are maintained at the
3 offices of the City of Concord Planning Division (collectively, “Planning Commission Project
4 Information”), and recommended the City Council approve and adopt the Addendum, the General
5 Plan Amendment, and the Text Amendment; and

6 **WHEREAS**, on August 2, 2016, the City Council after giving all public notices required by
7 State Law and the Concord Municipal Code, held a duly noticed public hearing on August 2, 2016, on
8 the Addendum, the General Plan Amendment, and the Text Amendment; and

9 **WHEREAS**, at such public hearing, the City Council considered all testimony and
10 information received at the public hearing, the oral report from City staff, the written report from City
11 staff dated August 2, 2016, exhibits presented, pertinent plans and documents, the Addendum, the
12 General Plan Amendment, the Text Amendment, the Planning Commission Project Information, and
13 other materials and information contained in the record of proceedings, which are maintained at the
14 offices of the City of Concord Planning Division and City Clerk’s office at City Hall, 1950 Parkside
15 Drive, Concord, CA 94519 (collectively, “Project Information”).

16 **WHEREAS**, at such public hearing, the City Council considered the 2012 SEIR and the
17 Addendum in accordance with the requirements of CEQA; and

18 **WHEREAS**, as set forth in Resolution 16-60 (incorporated herein by reference), pursuant to
19 the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq. and
20 implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations, all
21 as amended (collectively, “CEQA”), the City Council determined that preparation of the Addendum to
22 the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR
23 for the DG Concord, LLC General Plan Amendment, Downtown Specific Plan Amendment, and
24 Change of Zoning Project (“Addendum,”) would be the appropriate environmental document to
25 determine if the Amendment would have any significant effect on the environment and meet the
26 requirements of CEQA, due to the fact that no new significant impacts or impacts of substantially
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1 greater severity than previously described would occur because of the General Plan Amendment, and
2 the Text Amendment.

3 **WHEREAS**, on August 2, 2016, the City Council approved the General Plan Amendment and
4 Text Amendment as set forth in Resolutions 16-4823.1 and 16-68, including finding that, among other
5 things, such amendments provide internal consistency with other elements of the General Plan, further
6 the goals and objectives of the General Plan consistent with General Plan objectives, are not
7 detrimental to the public interest, health, safety, convenience or welfare to the City, and would restore
8 legal conformity to existing automotive businesses along the Concord Avenue corridor.

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

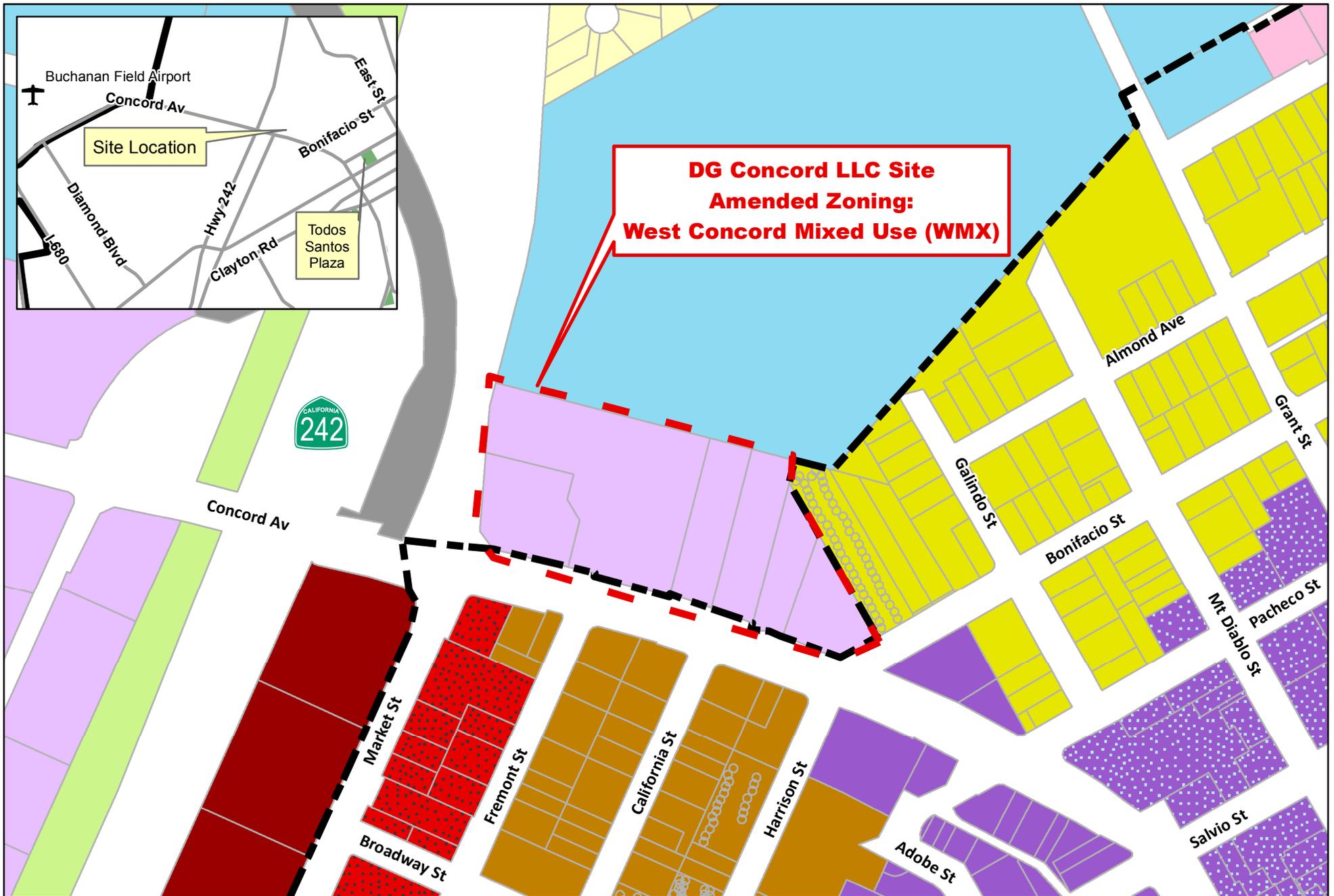
10 **Section 1.** The Zoning Map, as set forth in the General Plan and as described in Chapter 18.15
11 of the Development Code, is amended to reflect the zoning identified in Exhibit A, attached hereto
12 and made a part hereof.

13 **Section 2.** The following parcels shall be rezoned on the Zoning Map from Downtown
14 Mixed-Use (DMX) to West Concord Mixed Use (WMX):

- 15 a. 1501 Concord Avenue, Assessor's Parcel Number 112-101-031
- 16 b. 1581 Concord Avenue, Assessor's Parcel Number 112-101-030
- 17 c. 1651 Concord Avenue, Assessor's Parcel Number 112-101-029
- 18 d. 1701 Concord Avenue, Assessor's Parcel Number 112-101-022
- 19 e. 1757 Concord Avenue, Assessor's Parcel Number 112-101-016
- 20 f. 1771 and 1775 Concord Avenue, Assessor's Parcel Number 112-101-025.

21 **Section 3.** The boundary of the Downtown Specific Plan General Plan Amendment, Volume
22 IV of the Concord 2030 General Plan, adopted on June 24, 2014, is amended to remove the parcels
23 identified in Section 2 above from the boundary of the Plan Area.

24 **Section 5.** This Ordinance No. 16-425.2 shall become effective thirty (30) days following its
25 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
26 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
27 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
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Legend

Amended Planning Land Use Zones and Downtown Specific Plan Boundary

- | | | | | | |
|-----------------------------------------|---------------------------------------|----------------------------|--------------------------|---------------------------|------------------------------|
| | <p>Planning Land Use Zones</p> | | | | |
| | Single Family Residential (RS6) | North Todos Santos (NTS) | Regional Commercial (RC) | Downtown Mixed Use (DMX) | Office Business Park (OBP) |
| Amended Downtown Specific Plan Boundary | Residential, Medium Density (RM) | Community Office (CO) | Service Commercial (SC) | Public/Quasi-Public (PQP) | Open Space (OS) |
| | Residential, High Density (RH) | Commercial Mixed Use (CMX) | Downtown Pedestrian (DP) | Parks and Recreation (PR) | West Concord Mixed Use (WMX) |

Exhibit B

18.45.010(C) Purpose.

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

ORDINANCE NO. 16-5**AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE, CHAPTER 18.45.010(C) (PURPOSE - WMX-WEST CONCORD MIXED USE) TO CHANGE THE LAND USE DESIGNATION FROM DOWNTOWN MIXED-USE TO WEST CONCORD MIXED USE FOR SIX PARCELS (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031) LOCATED ON THE NORTH SIDE OF CONCORD AVENUE BETWEEN HIGHWAY 242 AND BONIFACIO**

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

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

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

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

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

WHEREAS, the City of Concord initiates regular and routine Development Code Clean-Up Amendments to comply with State legislative actions, to ensure consistency, and to address minor technical errors, omissions, and clarifications of terms and procedures in the Development Code; and

WHEREAS, such text amendments improve the accuracy of the Development Code and its standards by achieving internal consistency and consistency with the rest of the Concord Municipal Code; and

WHEREAS, DG Concord LLC, (“Applicant”) has requested an Amendment to the General Plan Land Use, Downtown Specific Plan, and Zoning Map designation for six parcels, (APNS 112-101-025, 112-101-016, 112-101-022, 112-101-029, 112-101-030, 112-101-031), located along the north side of Concord Avenue between Highway 242 and Bonifacio Street from the land use

1 designation of Downtown Mixed-Use (“DMX”) to West Concord Mixed Use (“WMX”), as indicated
2 in Exhibit A attached hereto and made a part hereof, and has requested to remove the parcels from the
3 boundary of the Downtown Specific Plan in order to bring existing legal non-conforming automotive-
4 oriented land uses into conformance with an appropriate land use designation (hereinafter collectively
5 referred to as “General Plan Amendment”); and

6 **WHEREAS**, the General Plan Amendment would be effected by the City Council’s passage
7 and adoption of Ordinance No. 16.425.2 (“General Plan Amendment Ordinance”); and

8 **WHEREAS**, the Applicant has also requested to amend Section 18.45.010(C) of the Concord
9 Development Code and the City’s Zoning Map (hereinafter collectively referred to as “Text
10 Amendment”) in order to address minor technical errors such that the location of the West Concord
11 Mixed Use Zoning District in the Development Code to be consistent with the description identified
12 within the General Plan, as set forth in Exhibit B, attached hereto and made a part hereof; and

13 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law
14 and the Concord Municipal Code, held a duly noticed public hearing on June 15, 2016, on the
15 Addendum (as that term is defined in City Council Resolution 16-60), the General Plan Amendment,
16 and the Text Amendment; and

17 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
18 information, testimony, and comments received during the public review process, including
19 information received at the public hearing, the oral report from City staff, the written report from City
20 staff dated June 15, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies,
21 memoranda, the Addendum, the General Plan Amendment, the Text Amendment, the General Plan,
22 the General Plan FEIR, the 2012 SEIR and related Addenda, the City of Concord Municipal Code, the
23 Development Code, the Downtown Specific Plan, applicable City laws and regulations, and all
24 associated approved and certified environmental documents, and all other information that constitutes
25 the record of proceedings on which the City Council has based its decision are maintained at the
26 offices of the City of Concord Planning Division (collectively, “Planning Commission Project
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1 Information”), and recommended the City Council approve and adopt the Addendum, the General
2 Plan Amendment, and the Text Amendment; and

3 **WHEREAS**, on August 2, 2016, the City Council after giving all public notices required by
4 State Law and the Concord Municipal Code, held a duly noticed public hearing on August 2, 2016, on
5 the Addendum, the General Plan Amendment, and the Text Amendment; and

6 **WHEREAS**, at such public hearing, the City Council considered all testimony and
7 information received at the public hearing, the oral report from City staff, the written report from City
8 staff dated August 2, 2016, exhibits presented, pertinent plans and documents, the Addendum, the
9 General Plan Amendment, the Text Amendment, the Planning Commission Project Information, and
10 other materials and information contained in the record of proceedings, which are maintained at the
11 offices of the City of Concord Planning Division and City Clerk’s office at City Hall, 1950 Parkside
12 Drive, Concord, CA 94519 (collectively, “Project Information”).

13 **WHEREAS**, at such public hearing, the City Council considered the 2012 SEIR and the
14 Addendum in accordance with the requirements of CEQA; and

15 **WHEREAS**, as set forth in Resolution 16-60 (incorporated herein by reference), pursuant to
16 the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq. and
17 implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations, all
18 as amended (collectively, “CEQA”), the City Council determined that preparation of the Addendum to
19 the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR
20 for the DG Concord, LLC General Plan Amendment, Downtown Specific Plan Amendment, and
21 Change of Zoning Project (“Addendum,”) would be the appropriate environmental document to
22 determine if the Amendment would have any significant effect on the environment and meet the
23 requirements of CEQA, due to the fact that no new significant impacts or impacts of substantially
24 greater severity than previously described would occur because of the General Plan Amendment, and
25 the Text Amendment.

26 **WHEREAS**, on August 2, 2016, the City Council approved the General Plan Amendment and
27 Text Amendment as set forth in Resolutions 16-4823.1 and 16-68, including finding that, among other
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1 things, such amendments provide internal consistency with other elements of the General Plan, further
2 the goals and objectives of the General Plan consistent with General Plan objectives, are not
3 detrimental to the public interest, health, safety, convenience or welfare to the City, and would restore
4 legal conformity to existing automotive businesses along the Concord Avenue corridor.

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

6 **Section 1.** Title 18, Development Code, Chapter 18.45.010(C) (Purpose - WMX-West
7 Concord Mixed Use), as set forth in the General Plan and as described in Chapter 18.15 of the
8 Development Code, is amended to change the land use designation of six parcels on Concord Avenue
9 between Highway 242 and Bonifacio Street from Downtown Mixed-Use to West Concord Mixed Use,
10 as set forth in Exhibit A, attached hereto and made a part hereof.

11 **Section 2.** This Ordinance No. 16-5 shall become effective thirty (30) days following its
12 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
13 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
14 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
15 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
16 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
17 once within fifteen (15) days after its passage and adoption, including the vote of the
18 Councilmembers, in the East Bay Times, a newspaper of general circulation in the City of Concord.

19
20 _____
Laura M. Hoffmeister
Mayor

21 ATTEST:

22
23 _____
Joelle Fockler, MMC
City Clerk

24
25 (Seal)

26 Ordinance No. 16.5 was duly and regularly introduced at a regular meeting of the City Council
27 of the City of Concord held on August 2, 2016, and was thereafter duly and regularly passed and
28

1 adopted at a regular meeting of the City Council of the City of Concord on _____, by the
2 following vote:

3 **AYES:** Councilmembers –

4 **NOES:** Councilmembers

5 **ABSTAIN:** Councilmembers -

6 **ABSENT:** Councilmembers –

7

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

10

11 Joelle Fockler, MMC
City Clerk

12 Attachments: Exhibit A – Proposed General Plan Map
13 Exhibit B – Text Amendment

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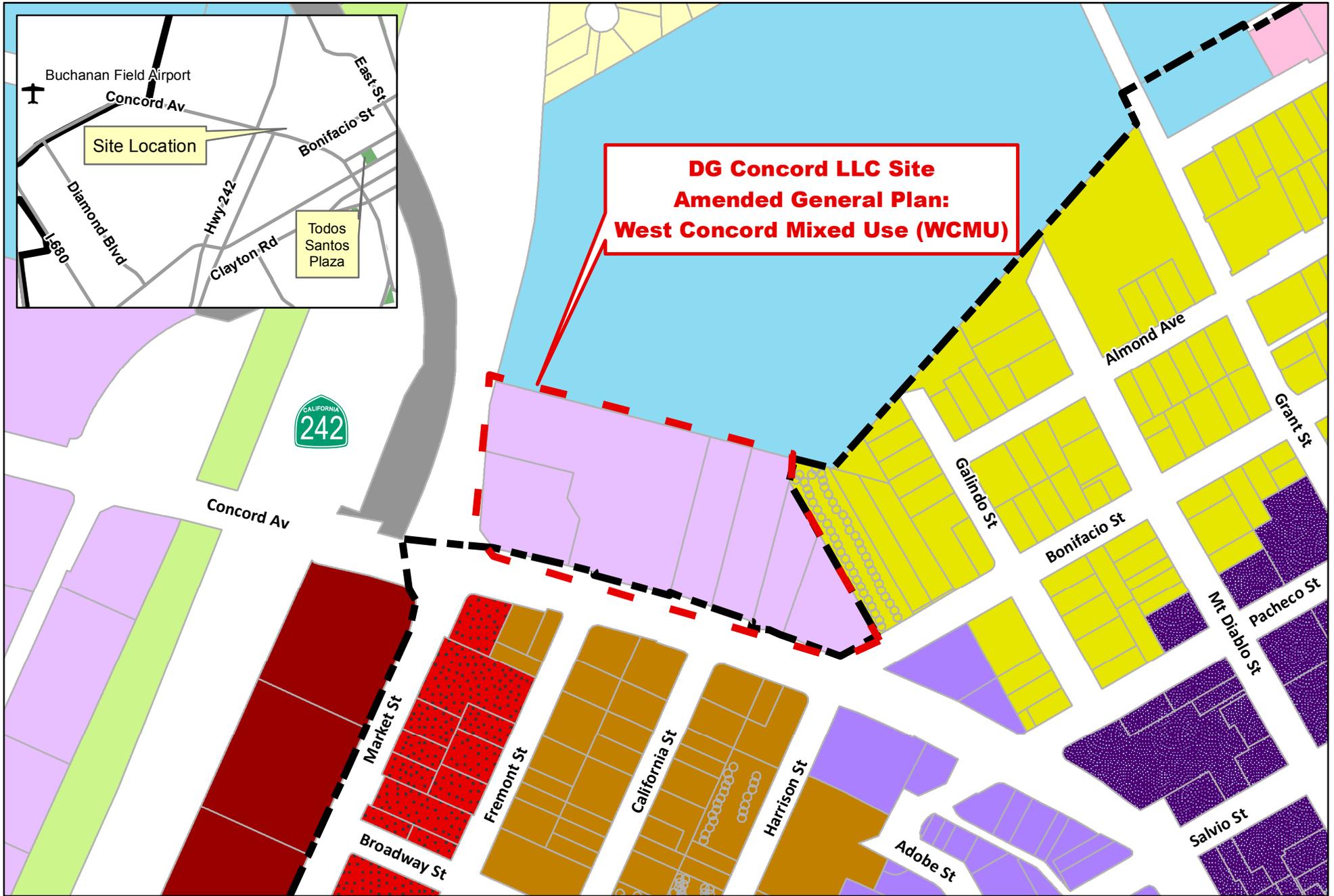
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Legend

Amended General Plan Land Use and Downtown Specific Plan Boundary



Amended Downtown Specific Plan Boundary

General Plan 2030 Land Use

- | | | | | |
|----------------------------------|----------------------------|----------------------------|---------------------------|-------------------------------|
| Low Density Residential (LDR) | North Todos Santos (NTS) | Regional Commerical (RC) | Downtown Mixed Use (DTMU) | Business Park (BP) |
| Medium Denstiy Residential (MDR) | Community Office (CO) | Service Commerical (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 (WCMX) |

Exhibit B

18.45.010(C) Purpose.

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