

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.

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20 _____
Laura M. Hoffmeister
Mayor

21 ATTEST:

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23 _____
Joelle Fockler, MMC
City Clerk

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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
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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 –

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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.

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11 Joelle Fockler, MMC
City Clerk

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

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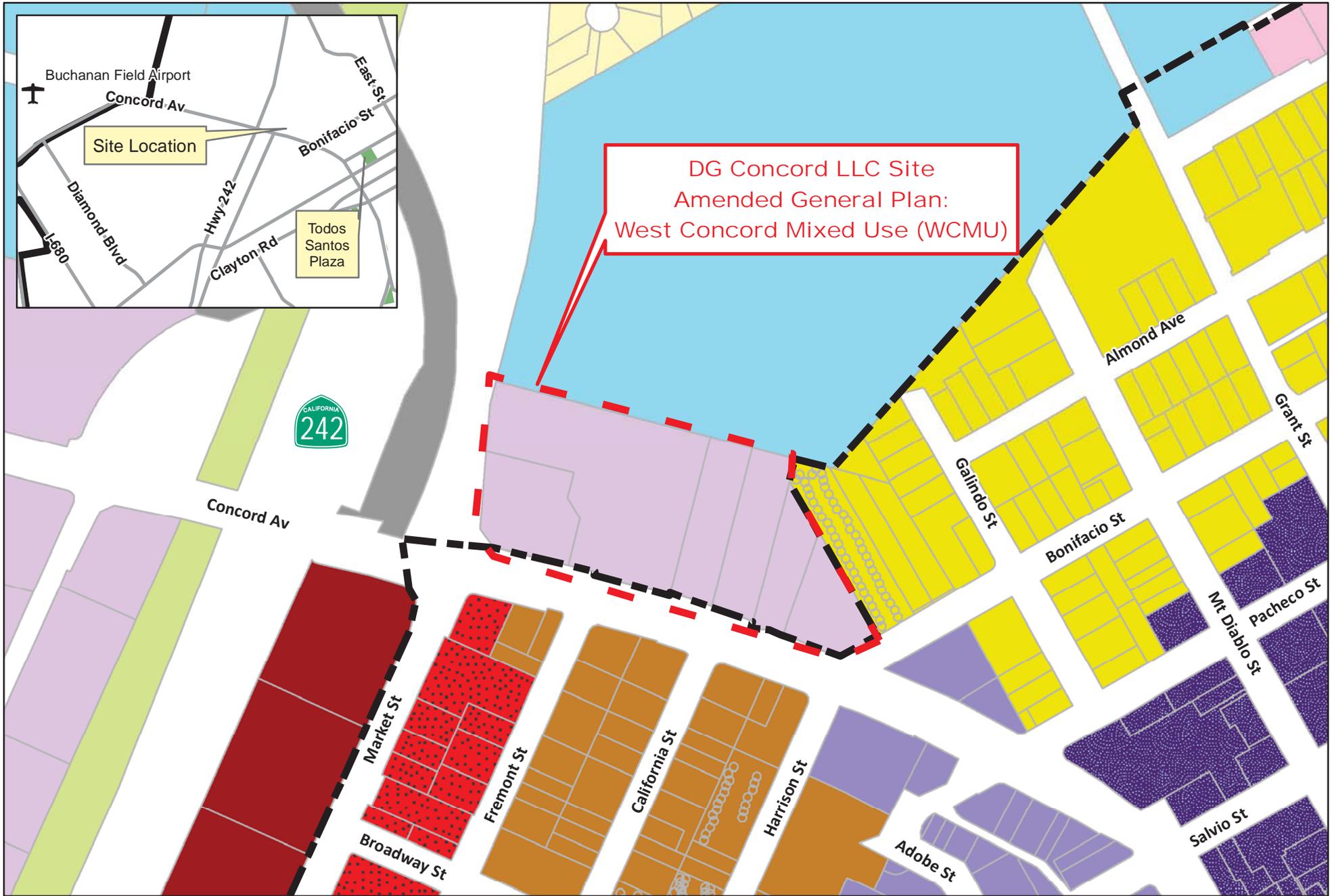
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Legend

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 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) |

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].