



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

**Wednesday, November 2, 2016
6:30 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Carlyn Obringer, Chair

Jason Laub, Vice Chair

Dominic Aliano, Commissioner

LaMar Anderson, Commissioner

Ray Barbour, Commissioner

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

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. [10/19/16 Meeting Minutes](#)

VI. PUBLIC HEARINGS

- 1. [2111 Kirker Pass Road – Vacation Right of Way](#) – Application to vacate a 26 ft. by 310 ft. section of street right-of-way located westerly of the property at 2111 Kirker Pass Road, that represents the easterly half of a 52 ft. wide section of right-of-way serving two adjacent parcels. The right-of-way vacation is classified under the California Environmental Quality Act (CEQA) as categorically exempt pursuant to Sections 15304, “Minor Alterations to Land;” therefore, no further environmental review is required. **Project Contact: Kevin Marstall @ (925) 671-3257** *This item was continued from the 10/19/16 meeting.***

VII. STUDY SESSION

- 1. [Subdivision Ordinance Update](#) – Project Planner: Ryan Lenhardt @ (925) 671-3162**

VIII. COMMISSION CONSIDERATIONS

IX. STAFF REPORTS / ANNOUNCEMENTS**X. COMMISSION REPORTS / ANNOUNCEMENTS****XI. FUTURE PUBLIC HEARING ITEMS****XII. ADJOURNMENT**

NOTICE TO PUBLIC

ADA ACCOMMODATION

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

APPEALS

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

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

APPLICANT'S SUBMITTAL OF INFORMATION

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

CONSENT CALENDAR

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

CORRESPONDENCE

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

HEARINGS

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

MEETING RECORDS

Planning Commission meetings are available for viewing on the City's website, www.cityofconcord.org and at the Concord Public Library. Copies of DVDs of the Planning Commission Meeting are available for purchase. Contact the Planning Division at (925) 671-3152 for further information.

NOTICE TO THE HEARING IMPAIRED

The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the staff for personal use during Commission meetings.

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

All routine and continued items will be considered by the Planning Commission at the beginning of the meeting. There will not be separate discussions of these items unless a request is made prior to the time the Planning Commission considers the motions.

SPEAKER'S CARD

Members of the audience who wish to address the Planning Commission should complete a speaker's card available in the lobby or at the front bench. Submit the completed card to staff before the item is called, preferably before the meeting begins.

TELEVISED MEETINGS

All Planning Commission meetings are broadcast live on Astound Broadband channel 29 and Comcast channel 28. The meeting is replayed on the Thursday following the meeting at 8:00 a.m., 2:00 p.m. and 8:00 p.m. Replays are also broadcast on Fridays and Saturdays. Please check the City website, <http://www.cityofconcord.org/about/citynews/tvlistings.pdf> or check the channels for broadcast times.

NEXT PLANNING COMMISSION MEETINGS:

November 16, 2016: 6:30 pm – Council Chamber

December 7, 2016: 6:30 pm – Council Chamber

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

Wednesday, October 19, 2016

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Obringer at 6:30 P.M., October 19, 2016, in the City Council Chamber.

I. ROLL CALL

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

STAFF PRESENT: Laura Simpson, Planning Manager
Margaret Kotzebue, Senior Assistant City Attorney
Kevin Marstall, Senior Civil Engineer

II. PLEDGE TO THE FLAG

Commissioner Aliano led the pledge.

III. PUBLIC COMMENT PERIOD

None was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

None were announced.

V. CONSENT CALENDAR

No public comment was heard.

APPROVAL OF MINUTES

Motion was made by Vice Chair Laub, and seconded by Commissioner Anderson to approve the meeting minutes of October 5, 2016. The motion was passed by the following vote:

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

VI. PUBLIC HEARINGS

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

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

Tom and Mindee Spear, project applicants, answered questions from the Planning Commission.

Motion was made by Vice Chair Laub and seconded by Commissioner Anderson to continue this item to November 2, 2016 Planning Commission meeting.

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

VII. COMMISSION CONSIDERATIONS

Planning Division Work Program – Update on the accomplishments of the Planning Division’s Work Program for Fiscal Year 2015-2016 and an overview of the Work Program for 2016-2017. **Staff Contact: Laura Simpson, Planning Manager @ (925) 671-3369**

No public comment was heard.

Laura Simpson, Planning Manager, presented the report and also introduced new Principal Planner, Michael Cass.

VIII. STAFF REPORTS / ANNOUNCEMENTS

There were none.

IX. COMMISSION REPORTS/ANNOUNCEMENTS

Chair Obringer announced that she attended the Crime Prevention Through Environmental Design graduation and was very impressed with the program and suggested crime prevention techniques be brought into the design of buildings and properties and asked fellow Commissioners if they were supportive of having Provisional Lieutenant Norris and Sergeant Williams present the program at a future Planning Commission meeting. The Commission supported that idea.

X. FUTURE PUBLIC HEARING ITEMS

Planning Manager Laura Simpson announced at the next Planning Commission meeting, November 2nd, there will be a study session on the Subdivision Ordinance draft and the continuance of the 2111 Kirker Pass Vacation Right of Way. She also announced Principal Planner, Frank Abejo, will be the liaison that meeting. She also stated at the November 16th meeting there will be a hearing on the rezoning of the Conco property along Port Chicago Highway.

XI. ADJOURNMENT

Vice Chair Laub moved to adjourn at 7:50 P.M. Commissioner Anderson seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Laura Simpson, AICP
Planning Manager

Transcribed by Grant Spilman,
Administrative Coordinator



REPORT TO PLANNING COMMISSION

DATE: November 2, 2016

SUBJECT: 2111 KIRKER PASS ROAD – VACATION OF RIGHT-OF-WAY

Recommendation: Adopt Resolution No. 16-27PC, finding the proposed vacation of excess public right-of-way consistent with the Concord 2030 General Plan, pursuant to Government Code Section 65402, and recommending that Council approve the vacation of the excess public right-of-way located at 2111 Kirker Pass Road.

I. Introduction

A. Applicant Request:

Application to vacate an irrevocable offer of dedication for a 26 ft. by 310 ft. section of street right-of-way located westerly of the property at 2111 Kirker Pass Road.

B. Location:

The site is located westerly of 2111 Kirker Pass Road. APN: 117-070-027

C. Applicant

Owner(s)

Thomas & Mindee Spear
2111 Kirker Pass Road
Concord, CA 94521
(510) 459-5328

Same as Applicant

II. Background and Discussion

Staff will provide verbal responses to the stated questions of the Planning Commission from the October 19th meeting. Guy Bjerke, Director of Community Reuse Planning, has also been invited to attend the meeting to share insight into the appropriateness of the proposed segment of right-of-way as it pertains to future trails or access into the Base Reuse Area.

Prepared by:

Kevin Marstall, P.E.
Current Development Manager
Engineering Division
(925) 671-3257
kevin.marstall@cityofconcord.org

Reviewed by:

Laura Simpson, AICP
Planning Manager
Planning Division
(925) 671-3369
laura.simpson@cityofconcord.org

EXHIBIT:

A – October 19, 2016 Staff Report

DATE: October 19, 2016

SUBJECT: 2111 KIRKER PASS ROAD – VACATION OF RIGHT-OF-WAY

Recommendation: Adopt Resolution No. 16-27PC, finding the proposed vacation of excess public right-of-way consistent with the Concord 2030 General Plan, pursuant to Government Code Section 65402, and recommending that Council approve the vacation of the excess public right-of-way located at 2111 Kirker Pass Road

I. Introduction

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B. Location:

The site is located westerly of 2111 Kirker Pass Road. APN: 117-070-027.



Vicinity Map

C. Applicant

Thomas & Mindee Spear
2111 Kirker Pass Road
Concord, CA 94521
(510) 459-5328

Owner(s)

Same as Applicant

II. Background and Discussion

On October 15, 1971, a Parcel Map was filed with Contra Costa County, as shown in Book 18 of parcel Maps, Page 50. That map included an Offer of Dedication for Street and Highway purposes, dated December 28, 1971, and recorded on January 11, 1972 in Book 6561 of Official Records, Page 95 under Recorder's Serial Number 2194. The Offer of Dedication affected the southwesterly 26 feet of 2111 Kirker Pass Road owned by Thomas & Mindee Spear ("Applicant"), APN 117-070-027, as described in Exhibit A and shown on Exhibit B, constituting a total of 8,060 square feet.

The Parcel Map by which the original offer of dedication was made included both a 26 ft. dedication on property owned by St. Demetrios Greek Orthodox Church and the Applicant's 26 ft. for a total of 52 ft. of right-of-way intended for the construction of a public road to provide access for a potential subsequent subdivision creating additional lots. However, no further subdivision of land occurred, nor is currently proposed, by the Applicant. Accordingly, in October 2015 the Applicant first approached the City regarding the possible vacation, for which they subsequently applied in April 2016. St. Demetrios received approval for a Parcel Map, earlier this year, to divide that parcel further into two (2) parcels, with a condition to construct a private access road located entirely within the 26ft. portion offered for dedication. St. Demetrios has also had conversations with the City of Concord regarding the logical vacation of the offer of dedication for the westerly 26ft of right-of-way, though no application has been received to date.

Vacation of Excess Public Right-of-Way

City's Administrative Directive No. 93 provides a process for individuals to submit an application to vacate or abandon City streets, alleys, public services easements (utilities) and other non-fee interests in which the City may have in real property.

As part of that process, the proposal to vacate the public property is to be presented to the Planning Commission for consideration to forward its recommendation for action by the City Council. Section 65402 of the California Government Code also requires the Planning Commission to make a finding of consistency with the General Plan in any instance in which a public street is vacated.

Section 8334(a) of the California Streets and Highway Code allows for the summary vacation of an excess right-of-way of a street or highway that is no longer required for street or highway purposes. Pursuant to Section 8335, the City may summarily vacate the right-of-way by resolution by City Council.

Staff has reviewed the request for summary vacation of the roadway right-of-way with the City Engineer and the City Attorney's office. The City's Engineering Division determined that the vacation of the offer of dedication would be consistent with the Concord 2030 General Plan.

The Transportation and Circulation Element of the General Plan sets forth the provisions for vehicular, transit, pedestrian and bicycle modes and has identified the roadway network required for circulation. The right of way for which the offer of dedication was made is not included in the Transportation and Circulation Element of the General Plan, and does not serve a public benefit. The subject 26 ft. of right-of-way is currently unimproved and used only by the Applicant to access the rear of their

property. The counterpart westerly 26 ft. of right-of-way accommodates a private unimproved access road that serves only St. Demetrios' property, and for which a tentative Parcel Map has been approved which is conditioned to construct an access road located entirely within the westerly 26 ft.

III. Environmental Review

The summary vacation of the right-of-way is exempt from the requirements of the California Environmental Quality Act (CEQA), as categorically exempt pursuant to CEQA Guidelines Section 15305 "Minor Alterations in Land Use Limitations."

IV. Public Contact

Notification was mailed to the utilities who had been given a 30-day opportunity to request that the City reserve any existing utility easement. No such request was received. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

V. Summary and Recommendations

Staff finds that the proposed summary vacation of the offer of dedication is consistent with the Concord 2030 General Plan. The Transportation and Circulation Element of the General Plan sets forth the provisions for vehicular, transit, pedestrian and bicycle modes and has identified the roadway network required for circulation. The offer of dedication for street and highway purposes is for excess right-of-way and is no longer needed.

Staff recommends the Planning Commission open the public hearing, consider the staff report and public testimony, and close the hearing upon completion of public testimony. Staff recommends the Commission adopt Resolution No. 16-27PC (see Attachment A) approving the vacation of a roadway right-of-way.

VI. Motion

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 16-27PC finding the vacation of a roadway right-of-way consisting of 8,060 sq. ft. area and located at 2111 Kirker Pass Road is consistent with the Concord 2030 General Plan, and recommend that the City Council approve the vacation of the subject right-of-way. (Seconded by Comm. _____.)

Prepared by:


Kevin Marstall, P.E.
Current Development Manager
Engineering Division
(925) 671-3257
kevin.marstall@cityofconcord.org

Reviewed by:


Laura Simpson, AICP
Planning Manager
Planning Division
(925) 671-3369
laura.simpson@cityofconcord.org

Attachments:

A – Resolution 16-27PC with Exhibit A: Legal Description and Exhibit B: Plat Map

BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION BY THE PLANNING
COMMISSION RECOMMENDING SUMMARY
VACATION OF EXCESS PUBLIC RIGHT-OF-
WAY OF 8,060 SQ. FT. LOCATED AT 2111
KIRKER PASS ROAD (APN 117-070-027) AND
FINDING THAT SUMMARY VACATION IS
CONSISTENT WITH THE 2030 GENERAL PLAN.

Resolution No. 16-27PC

WHEREAS, an Offer of Dedication to Contra Costa County for Street and Highway purposes was recorded January 11, 1972 in Book 6561 of Official Records, Page 95 under Recorder’s Serial Number 2194; and

WHEREAS, on May 26, 1987, the City Council of the City of Concord adopted Resolution 87-83 annexing approximately 127 acres of property, including the subject parcel APN 117-070-027, otherwise commonly known as 2111 Kirker Pass Road; and

WHEREAS, on April 19, 2016, Thomas & Mindee Spear submitted an application for Vacation of Excess Public Right-of-Way; and

WHEREAS, on June 27, 2016, the application was deemed complete for processing; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorical Exempt pursuant to Section 15305, “Minor Alterations to Land Limitations” and therefore no further environmental review is required; and

WHEREAS, pursuant to Streets and Highway Code Section 8334(a), the City Council may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes.

WHEREAS, the City of Concord has determined that said offer of dedication is no longer required for street or highway purposes and is in excess of the City’s needs; and

WHEREAS, utilities have been notified, given an opportunity to maintain any existing easement and have made no such request of the City; and

WHEREAS, pursuant to Government Code Section 65402, prior to the summary vacation of a

1 public right-of-way, the Planning Commission must make a finding that the vacation is consistent
2 with Concord 2030 General Plan.

3 **WHEREAS**, the Planning Commission, after giving all public notices required by State law
4 and the Concord Municipal Code, held a duly noticed public hearing on October 19, 2016 the subject
5 proposal; and

6 **WHEREAS**, the Planning Commission considered testimony and information received at the
7 public hearing and the oral and written reports from City staff dated October 19, 2016, as well as other
8 documents contained in the record of proceedings relating to the proposed project, which are
9 maintained at the offices of the City of Concord Planning Division; and

10 **WHEREAS**, on October 19, 2016 the Planning Commission, after consideration of all
11 pertinent plans, documents and testimony, determined that the summary vacation of the right-of-way
12 at 2111 Kirker Pass Road is consistent with Concord 2030 General Plan and recommended that the
13 City Council approve the vacation of the subject right-of-way.

14 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Planning Commission
15 does hereby: 1) Find the Vacation of Right-of-way consistent with the City’s 2030 General Plan, and
16 further makes the following findings:

17 Vacation of Right-of-Way.

18 **Section 1.** Finds that the right of way offered for dedication is in excess of the City’s needs
19 for street or highway purposes.

20 **Section 2.** Finds that there is no immediate or future need for the portion of excess right-of-
21 way as further described in attached Exhibits “A” and “B”, and recommends to City Council that it
22 may be summarily vacated as excess right-of-way, pursuant to Streets and Highways Code, Section
23 8334 (a).

24 **Section 3.** Finds that the proposed vacation is consistent with the Concord 2030 General Plan.

25 **Section 4.** This resolution shall become effective immediately upon its passage and adoption.
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1 **PASSED AND ADOPTED** this 19th day of October, 2016, by the following vote:

2 **AYES:**

3 **NOES:**

4 **ABSTAIN:**

5 **ABSENT:**

6 _____
7 Laura Simpson, AICP
8 Planning Manager

8 Exhibits:

9 A – Legal Description
10 B – Plat Map
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EXHIBIT "A"

Property to be Vacated

APN 117-070-027

All that certain real property situated in the City of Concord, County of Contra Costa, State of California, described as follows:

Being a portion of Parcel 'B', as said Parcel is shown on Parcel Map MS 76-71, filed October 15, 1971, in Book 18 of Parcel Maps, at Page 50, Contra Costa County Records, further described as follows:

BEGINNING at the most westerly corner of said Parcel 'B', said Point of Beginning also lies on the Easterly line of Parcel 'A', as shown on said map;

THENCE leaving said Point of Beginning, along the Northwesterly line of said Parcel 'B', North 45° 38' 30" East, 26.00 feet:

THENCE South 44° 21' 30" East, 310.00 feet, to a point on the northwesterly right-of way line of Kirker Pass Road, as shown on said map:

THENCE along said Right-of-Way line, South 45° 38' 30" West, 26.00 feet, to a point on the line common to Parcels 'A' and 'B', as shown on said map (18 PM 50)

THENCE along said common line, North 44° 21' 30" West, 310.00 feet, to said Point of Beginning.

Containing an area of 8,060 square feet of land, more or less.

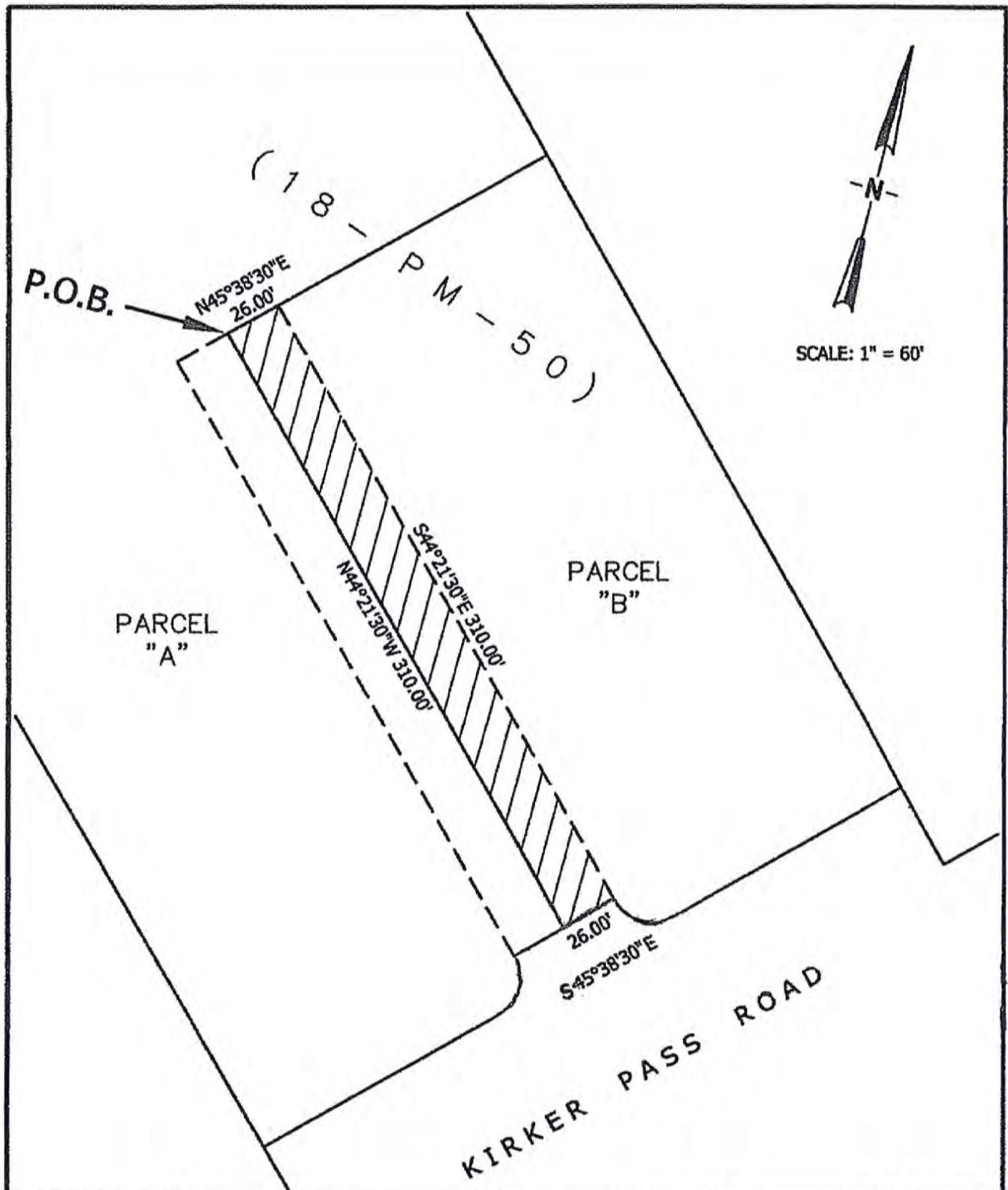


EXHIBIT "B"
 PLAT TO ACCOMPANY
 LEGAL DESCRIPTION

PROPERTY TO BE VACATED



DeBolt Civil Engineering
 811 San Ramon Valley Boulevard
 Danville, California 94526
 925/837-3780

Date:
 3/25/2016
 Scale:
 1" = 60'
 By:
 JED/adv
 Job No.:
 16156



REPORT TO PLANNING COMMISSION

DATE: November 2, 2016

SUBJECT: STUDY SESSION REGARDING PUBLIC REVIEW DRAFT SUBDIVISION ORDINANCE UPDATE**Recommendation:** Staff recommends that the Planning Commission hear an update and provide direction. No action is required by the Planning Commission.**I. Introduction**

With the improving economy, the number of applications for subdivisions in Concord has increased. The lack of development standards for infrastructure and other improvements and potential conflicts created with the adoption of the Development Code in 2012 have increased the complexity of project review. By updating the Subdivision Ordinance, it will better align the Development Code with the General Plan vision through a unified set of regulations and design standards for development in Concord.

II. Background

The Subdivision Ordinance Update process began in mid-2015. On August 26, 2015, staff and the City's consultant conducted a meeting with local developers and engineers to receive preliminary input on the strengths and weaknesses of the existing Subdivision Ordinance. The City's consultant then prepared a Subdivision Ordinance Assessment Report that evaluated the existing Subdivision Ordinance and made recommendations for updates. The Assessment Report was reviewed and discussed by the Planning Commission on January 6, 2016 and by the City Council on March 1, 2016. The following topics were discussed.

- Integration with Multiple Plans
- Compliance with the Subdivision Map Act
- Design and Improvement Standards
- Green Infrastructure Needs and Maintenance
- Complete Streets
- Deferred Improvement Agreements
- Condominium Conversions
- Street Naming Policy

III. Discussion

A Public Review Draft Subdivision Ordinance Update was prepared by the City's consultant based on input from the Planning Commission and City Council on the Assessment Report (Exhibit B). This study session is intended to provide the Planning Commission with the opportunity to provide feedback and direction regarding the Draft Ordinance Update. The Commission's comments will be

forwarded to the City Council for their consideration at a meeting on December 13, 2016. The City will make revisions to the Subdivision Ordinance following these meetings and will publish a Draft Final Subdivision Ordinance Update and the appropriate environmental document pursuant to the California Environmental Quality Act for Planning Commission review and City Council adoption at hearings planned for the spring of 2017.

Please note where there is text in italics such as “[*Modifies 17.40.010*],” a change is proposed to the existing Subdivision Ordinance. In addition, page 45 contains alternative language for the street naming process that will be discussed again with the City Council in December.

A. Description of Subdivision Ordinance Update

Staff and the City’s consultant comprehensively updated the Subdivision Ordinance (Municipal Code Title 17), which regulates the subdivision of land within the City of Concord and establishes requirements for approval of subdivision maps and other subdivision-related approvals. The contents of the Subdivision Ordinance are largely prescribed by State law, particularly the California Subdivision Map Act (California Government Code Section 66410 et seq.).

The Subdivision Ordinance Update regulates the subdivision of land in a manner consistent with the following City plans and regulatory documents:

- General Plan
- Development Code
- Climate Action Plan
- Concord Reuse Project Area Plan
- Downtown Specific Plan
- Bicycle, Pedestrian, and Safe Routes to Transit Plan (Draft)

B. Objectives

The Subdivision Ordinance has been updated to achieve the following objectives:

- Implement the General Plan and other City planning documents;
- Address California Map Act and other requirements of state law;
- Ensure consistency with the Development Code and other City ordinances;
- Ensure that the Subdivision Ordinance meets the needs of anticipated future types of subdivisions in Concord;
- Update improvement and design standards to be consistent with the Development Code and best practices; and
- Create a clear, consistent, and user-friendly document.

C. Significant Amendments

A summary of amendments to the Subdivision Ordinance is attached as Exhibit A to this report. Staff suggests that the Commission focus their discussion on the four items discussed

below, as they are substantive in nature. Should the Commission desire to discuss other amendments, you may do so.

1. New Condominium Conversion Standards for Non-Residential Condominiums

The conversion of a non-residential (commercial or industrial) property under single ownership into individual condominium units with separate owners is considered a subdivision governed by the Map Act. Based on recent trends in Bay Area communities similar to Concord, City staff expects an increase in non-residential condominium conversion applications in Concord in the future.

Existing Subdivision Ordinance

Article I (Standards for New Residential Condominiums) in the existing Subdivision Ordinance Chapter 17.50 (Common Interest Developments) contains requirements for residential condominiums, but is silent on new non-residential condominiums.

Proposed Subdivision Ordinance Update

Article II (Non-Residential Condominium Conversions) in Chapter 17.35 (Condominiums) of the Subdivision Ordinance Update contains new regulations for non-residential condominium conversions. The intent of these regulations is to promote increased ownership opportunities for small businesses in Concord, maintain the long-term economic value of non-residential condominium properties, and encourage investment in and improvements to commercial and industrial properties.

The proposed development standards in Chapter 17.35 are intended to ensure that converted non-residential units are well designed and safe and are consistent with the City's goals for these types of uses. Chapter 17.35 establishes a clear City review process and criteria for approval of non-residential condominium conversions, reduces the impacts associated with the conversion of units on tenants that may be required to relocate by providing procedures for notification and adequate time for relocation. The proposed language also ensures that purchasers of converted non-residential units have been properly informed as to the physical condition of the structure that is offered for purchase. The Subdivision Ordinance Update also requires the preparation of documents establishing responsibility for the maintenance of shared facilities, similar to CC&Rs prepared for residential condominiums.

2. Subdivision Design and Improvement Standards

The Map Act vests in cities broad powers to regulate and control the design and improvement of subdivisions. The definition of "design" and "improvements" includes physical infrastructure such as streets and utilities, but also other

improvements necessary to ensure consistency with and implementation of the General Plan.

Existing Subdivision Ordinance

Existing Subdivision Ordinance Section 17.35.020 lists the required subdivision improvements that are typically found in subdivision ordinances and reflects the Map Act definition of subdivision design and improvements. However, the City is not limited by these types of improvements and may add other types of improvements consistent with and necessary to implement the General Plan. Improvements that are less critical or addressed by other public agencies or laws can also be removed.

Proposed Subdivision Ordinance Update

Chapter 17.20 (Subdivision Design and Improvements) establishes standards for the general layout and configuration of subdivisions and the design and construction of physical improvements to serve the subdivision. These standards are consistent with and implement the following goals and policies from the General Plan and other City plans are relevant to the Subdivision Ordinance:

- Promote infill development
- Encourage various housing types
- Support higher density housing Downtown and near transit centers
- Design complete streets for all travel modes
- Maximize bicycle and pedestrian connections
- Provide a variety of parks and recreational facilities
- Conserve energy and support renewable energy generation
- Conserve water
- Protect sensitive natural resources

Revisions to the Ordinance include language that strengthens connections with neighborhood design policies in the General Plan. Language has been added that requires all subdivision improvements to be designed and constructed in conformance with the Standard Plans and Specifications, any applicable utility master plan, and the standards of any utility company involved in the subdivision project. Basic design goals including providing buildable lots that can accommodate development consistent with applicable Development Code requirements and providing networks for logical street, bicycle, and pedestrian facilities that are connected to adjacent development and destinations have also been included. This additional language contributes to the City's goals that call for quality development, housing diversity, and connectivity for all modes of transportation.

3. Streets

Under the authority granted by the Map Act to regulate the design and improvement of subdivisions, Subdivision Ordinances typically identify standard dimensions for different types of streets. Street dimensions play an important role in defining the character of new subdivisions, particularly relating to pedestrian safety and general walkability of residential neighborhoods.

Existing Subdivision Ordinance

Existing Subdivision Ordinance Section 17.35.190 (Streets) specifies minimum right-of-way widths for public and private streets. The existing Subdivision Ordinance does not define or provide standards for different types of streets (e.g., arterial, collector). The existing Subdivision Ordinance also does not address “green street” or “complete street” concepts.

Existing Subdivision Ordinance Section 17.35.190(d) also establishes design standards for private streets with standards that are more detailed than for public streets. This level of detail for private streets is unusual in a Subdivision Ordinance. A subdivision ordinance typically describes circumstances when private streets are permitted and requirements for their approval.

Proposed Subdivision Ordinance Update

The Subdivision Ordinance Update removes the existing specific minimum right-of-way widths for public and private streets and adds Section 17.20.030.B.4 (Street Types and Dimensions) which requires the design and construction of streets to be consistent with the City’s Standard Plans and Specifications for permitted street types. As part of the Subdivision Ordinance Update, the City is also preparing new typical cross section diagrams for a full range of street types, including alleys and narrow streets important for infill projects. The diagrams will also be standardized with the Fire District requirements for roadway dimensions.

The Subdivision Ordinance Update also removes private street design standards and adds Section 17.20.030.B.5 (Private Streets) which requires private streets to be designed the same as public streets. The City may approve on a limited basis private streets that deviate from public street design requirements subject to approval of the City Engineer and the Fire District, particularly for infill development.

4. Inclusionary Requirement for Condominium Conversions

The City of Concord has an inclusionary housing program to promote the development of affordable housing (Development Code Chapter 18.185). The program requires residential developments of five or more units to include either

10% or 6% of the units as affordable, depending on the level of affordability. Developers may choose to pay a fee in-lieu of constructing the affordable units and may construct the affordable units off-site in certain circumstances.

Existing Subdivision Ordinance

Currently, the City’s inclusionary housing requirement does not apply to condominium conversions, though it does apply to the construction of new condominiums.

Proposed Subdivision Ordinance Update

Section 17.35.120 (Inclusionary Housing) of the Subdivision Ordinance Update requires condominium conversion projects of five or more residential units to comply with the inclusionary housing requirements in Development Code Section 18.185 (Affordable Housing).

IV. Fiscal Impact

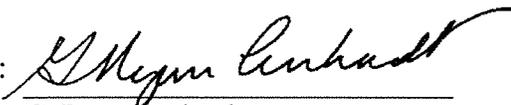
Funding for the proposed agreement in a not-to-exceed amount of \$100,000 is included in the Community and Economic Development Department’s 2014/2015 approved Capital Improvement Project budget funded by the Building Permit Surcharge Fee in the General Fund.

V. Public Contact

All appropriate public notices of this agenda item have been posted.

VI. Summary and Recommendations

There is no recommendation or call for approval for the Commission. However, staff requests that the Commission provide suggestions and direction on the issues and information presented – bullet points on those specific issues here would be helpful. The outcome of this evening’s discussion will move forward to the City Council at a later date.

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Exhibits:

A -	Summary of Amendments to Subdivision Ordinance
B -	Public Review Draft Subdivision Ordinance Update dated October 24, 2016*

*Planning Commission only

Summary of Amendments to Subdivision Ordinance

The Subdivision Ordinance Update is divided into the following seven chapters:

Chapter 17.05 - General Provisions: Establishes the purpose of the Subdivision Ordinance, roles and responsibilities in administering the Subdivision Ordinance, common procedures that apply to various types of subdivision approvals, and a summary of the maps required for different types of subdivisions.

Chapter 17.10 - Subdivision Maps: Establishes requirements for the approval of Tentative Maps and Final Maps for subdivisions of five parcels or more and Tentative Parcel Maps and Parcel Maps for subdivisions of less than five parcels.

Chapter 17.15 - Dedications and Reservations: Establishes requirements and procedures for dedications and reservations of land that the City may require as a condition of approval for a Tentative Map or Tentative Parcel Map.

Chapter 17.20 - Improvements and Design Standards: Establishes standards for the general layout and configuration of subdivisions and the design and construction of physical improvements to serve the subdivision. Establishes requirements for City approval of subdivision improvements, including requirements for improvement plans, agreements, and security; construction, inspection, and completion of improvements; and City acceptance of completed improvements.

Chapter 17.25- Reversions, Mergers, and Lot Line Adjustments: Establishes the process for eliminating the subdivision of previously subdivided lots and returning them to their original configuration, merging contiguous parcels under common ownership, and adjusting lot lines while not creating new lots.

Chapter 17.35 - Condominiums: Establishes requirements for the approval of new condominiums and other forms of community owned residential and non-residential property. Establishes regulations for the conversion of existing multi-family rental housing and non-residential properties into condominiums.

Chapter 17.40 – Definitions: Provides definitions of terms and phrases used in the Subdivision Ordinance that are technical or specialized, or which may not reflect common usage.

The chapters in the Subdivision Ordinance Update correspond with the chapters in the existing Subdivision Ordinance as shown in Table 1.

Table 1: Updated and Existing Subdivision Ordinance Chapters

Subdivision Ordinance Update	Existing Subdivision Ordinance
17.05 General Provisions	17.05 General Provisions 17.45 Amendments and Enforcement
17.10 Subdivision Maps	17.15 Major Subdivisions 17.20 Minor Subdivisions 17.25 Vesting Tentative Maps
17.15 Dedications and Reservations	17.30 Dedications and Reservations
17.20 Improvements and Design Standards	17.35 Improvements and Design Standards
17.25 Reversions, Mergers, and Lot Line Adjustments	17.40 Reversions, Mergers, and Lot Line Adjustments
17.30 Condominiums	17.50 Common Interest Developments (Condominiums)
17.40 Definitions	17.10 Definitions

Organization

The Subdivision Ordinance Update makes the following major organizational changes to the existing Subdivision Ordinance:

- Moves amendment and enforcement provisions in the General Provisions chapter.
- Consolidates separate chapters for major and minor subdivisions into a single chapter.
- Moves definitions to the end of the Subdivision Ordinance.

Style

The Subdivision Ordinance Update makes the following major stylistic changes to the existing Subdivision Ordinance:

- Increases use of headings at the subsection and paragraph levels.
- Decreases length of sentences and division of long paragraphs into smaller sections each with their own heading.
- Eliminates or replaces unnecessary legal jargon (e.g., thereto, beforementioned) with everyday language.

Subdivision Map Act

The Subdivision Ordinance Update makes the following changes to the existing Subdivision Ordinance to address provisions of the Subdivision Map Act:

- Incorporates into Subdivision Ordinance Update frequently used provisions from the Map Act.
- Incorporates verbatim short and clear Map Act requirements.

- Summarizes long and complicated Map Act requirements.
- Excludes from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.

Design and Improvement Standards

Changes are made to the Subdivision Ordinance to implement policies from the General Plan and other regulatory documents related to the design of subdivisions. This chapter also incorporates other design and improvement standard revisions.

Other General Changes.

Other changes were made to the Subdivision Ordinance including updated to Development Code reference and correction of references to the Map Act and other state laws.

Specific Changes

Tables 2 to 7 provide more details about specific changes made to the existing Subdivision Ordinance.

Table 2: Summary of Changes to Existing Subdivision Ordinance included in Chapter 17.05 (General Provisions) of the Subdivision Ordinance Update

Topic	Change	Ordinance Sections
Projects Exempt from Subdivision Ordinance	Replaces list of exempt projects with reference to Map Act section that lists exempt projects	New: 17.05.030 Existing 17.05.040
Conflicts with Map Act	Adds statement that describing how to address conflict between the Subdivision Ordinance and the Map Act	New: 17.05.060: Existing: Not addressed in existing Subdivision Ordinance
Administrative Responsibilities	Adds table summarizing decision-making authority and adds detail of responsibilities in the administration of the Subdivision Ordinance	New: 17.05.070 Existing: 17.05.070
Interpretation of Subdivision Ordinance	Adds statement that the Community and Economic Development Department interprets the meaning and applicability of the Subdivision Ordinance	New: 17.05.080: Existing: Not addressed in existing Subdivision Ordinance
Application Preparation and Filing	Describes general required application contents and eligibility for filing	New: 17.05.090.A Existing: Not addressed in existing Subdivision Ordinance

Applications Deemed Withdrawn	States that an application deemed withdrawn if applicant does not respond to City request within nine months	New: 17.05.090.C Existing: Not addressed in existing Subdivision Ordinance
Map Waivers	References when Map allows City to waive requirement to prepare Tentative Map or Tentative Parcel Map	New: 17.05.170 Existing: Not addressed in existing Subdivision Ordinance
Designated Remainder Parcels, Omitted Areas	Adds rules for remainder parcels and areas omitted from sale of subdivision	New: 17.05.180 Existing: Not addressed in existing Subdivision Ordinance

Table 3: Summary of Changes to Existing Subdivision Ordinance included in Chapter 17.10 (Subdivision Maps) of the Subdivision Ordinance Update

Topic	Change	Ordinance Sections
Tentative Maps for Major and Minor Subdivisions	Consolidates separate tentative map requirements for major and minor subdivisions into a single chapter that applies to both major and minor subdivisions	New: Chapter 17.10 Existing: Chapter 17.15
Application Materials	Replaces list of submittal requirements for subdivision maps with reference to City application checklists	New: 17.10.050, 17.10.180 Existing: 17.15.030
Application Review	Adds detail on the process for the City to review Tentative Map and Tentative Parcel Map applications	New: 17.10.060 Existing: 17.15.040
Tentative Map Approval	Adds findings required to approve Tentative Map and Tentative Parcel Maps	New: 17.10.080.B Existing: 17.15.060.D
Tentative Map Extensions	Focuses on discretionary extensions to Tentative Maps with reference to additional possible extensions in Map Act	New: 17.10.100 Existing: 17.15.070 and 17.20.060
Amendments to Approved Tentative Maps	Clarifies criteria for minor changes which may be approved by Zoning Administrator without a public hearing	New: 17.10.110 Existing: Article 1 of Chapter 17.45
Correction and Amendment of Parcel Maps and Final Maps	Clarifies different procedures for amendments to correct for errors and omissions approved by the City	New: 17.10.220 Existing: 17.45.030

	Engineer and amendments to reflect changed circumstances approved by the Planning Commission	
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Table 4: Summary of Changes to Existing Subdivision Ordinance included in Chapter 17.15 (Dedications and Reservations) of the Subdivision Ordinance Update

Topic	Change	Ordinance Sections
Dedications - General	Consolidates separate sections for each type of dedication with a more succinct single section	New: 17.15.020.A Existing: Chapter 17.30.020 - .080
Parkland Dedications	Updates Municipal Code reference for parkland dedication requirement.	New: 17.15.020.A.5 Existing: Chapter 17.30.060
School Site Dedications	Replaces requirements in the Subdivision Ordinance with a reference to the relevant Government Code section	New: 17.15.020.A.6 Existing: Chapter 17.30.070
Basis for Dedication Requirement	Adds a basis for determining when a dedication is required	New: 17.15.020.B Existing: Not addressed in existing Subdivision Ordinance
Dedication Standards	Specifies that the size, dimension and other characteristics of dedications shall be consistent with City standards	New: 17.15.020.C Existing: Not addressed in existing Subdivision Ordinance

Table 5: Summary of Changes to Existing Subdivision Ordinance included in Chapter 17.20 (Subdivision Design and Improvements) of the Subdivision Ordinance Update

Topic	Change	Ordinance Sections
Basic Subdivision Design Goals	Establish new basic design goals for subdivisions and their related improvements	New: 17.20.020.C Existing: Not addressed in existing Subdivision Ordinance
Parcel Design	Replaces specific parcel dimension standards in Subdivision Ordinance with reference to parcel dimension standards in Development Code. Adds new requirements for buildable parcels, parcel line orientation, double frontage parcels, flag lots, and boundary line	New: 17.20.030.A Existing: 17.35.180.a

	divisions	
Streets	Creates new standards for General Plan compliance, complete streets, green streets, maximum block length, and traffic management techniques and pedestrian safety. Replaces specific street standards in the Subdivision Ordinance with a reference to street design standards in the City's Standard Plans and Specifications. Replaces private street standards with requirement for private streets to comply with public street standards. Establishes new guidelines and process for naming streets.	New: 17.20.030.B Existing: 17.35.190
Natural Resources	Replaces specific tree protection standards with reference to tree protection standards in the Development Code and Chapter 8.40. Adds requirement to show the type and location of natural resources with Tentative Map applications and to protect these resources through subdivision design.	New: 17.20.030.C Existing: 17.35.170
Bicycle Facilities	Requires installation of bicycle facilities and improvements consistent with the Bicycle, Pedestrian & Safe Routes to Transit Plan. Requires bicycle connections to adjacent streets and destinations	New: 17.20.040.A Existing: 17.35.020.d
Sidewalks and Pedestrian Facilities	Requires installation of sidewalks and pedestrian improvements consistent with the Bicycle, Pedestrian & Safe Routes to Transit Plan. Requires pedestrian connections to adjacent streets and destinations	New: 17.20.040.G Existing: 17.35.020.c
Transit Facilities	Requires access improvements to adjacent BART and bus transit service	New: 17.20.040.J Existing: 17.30.040
Recycled Water	Requires access to recycled water where possible	New: 17.20.040.G Existing: Not addressed in existing Subdivision Ordinance

Communications and Fiber Optics	Requires installation of fiber optic equipment	New: 17.20.040.G Existing: Not addressed in existing Subdivision Ordinance
Design Modifications	Allows for the City to approve modifications to subdivision design and improvement standards	New: 17.20.070 Existing: Not addressed in existing Subdivision Ordinance
Improvement Plans	Adds detail about City review, approval, and modifications to approved improvement plans	New: 17.20.080 Existing: 17.35.030
Deferred Improvement Agreements	Replaces existing payment option for unbuilt improvements with a true deferred improvement agreement process	New: 17.20.090.C Existing: 17.35.060
Completion of Improvements	Adds process and requirements for City approval of extension to improvement completion date	New: 17.20.120 Existing: 17.35.090

Table 6: Summary of Changes to Existing Subdivision Ordinance included in Chapter 17.25 (Reversions, Mergers, and Lot Line Adjustments) of the Subdivision Ordinance Update

Topic	Change	Ordinance Sections
Reversion to Acreage Application Contents and Materials	Replaces list of required application contents with reference to contents identified in City application checklist	New: 17.25.040 Existing: 17.40.030
Reversion to Acreage Alternative Procedures	Adds reference to Map Act section that allows for a parcel map to revert to acreage for subdivision of four or fewer contiguous lots	New: 17.25.080 Existing: Not addressed in existing Subdivision Ordinance
Voluntary Parcel Mergers	Adds detail on voluntary parcel mergers, including eligibility requirements, application submittal and review process, criteria for decision, and expiration date	New: 17.25.100 Existing: 17.40.120
Mandatory Parcel Mergers	Replaces detailed requirements for mandatory parcel mergers with reference to Map Act section with procedures for mandatory parcel mergers	New: 17.25.110 Existing: 17.40.100
Lot Line Adjustment	Replaces description of required	New: 17.25.150

Application Contents and Materials	application contents with reference to contents identified in City application checklist	Existing: 17.40.160
Lot Line Adjustment Criteria for Decision	Adds criteria for approval of a lot line adjustment	New: 17.25.170 Existing: Not addressed in existing Subdivision Ordinance
Lot Line Adjustment Conditions of Approval	Adds statement on conditions which may be attached to approval of a lot line adjustment	New: 17.25.180 Existing: Not addressed in existing Subdivision Ordinance
Lot Line Adjustment Expiration	Adds expiration date for lot line adjustments that have not been recorded	New: 17.25.210 Existing: Not addressed in existing Subdivision Ordinance

Table 7: Summary of Changes to Existing Subdivision Ordinance included in Chapter 17.30 (Condominiums) of the Subdivision Ordinance Update

Topic	Change	Ordinance Sections
New Non-Residential Condominiums	Addresses new non-residential condominiums in addition to new residential condominiums	New: Article 1 of Chapter 17.35 Existing: Not addressed in existing Subdivision Ordinance
New Condominium Application Submittal, Review, and Approval Process	Adds detail on the application submittal, review, and approval process for new condominiums	New: 17.35.050 – 060. Existing: Not addressed in existing Subdivision Ordinance
Standards for New Condominiums	Replaces development standards for new condominiums that duplicate and/or conflict with the Development Code with a statement that new condominiums must comply with all standards and requirements that apply to development projects regardless of the form of ownership, the Development Code and the Building Code	New: 17.35.080 Existing: 17.50.020
Covenants, Conditions	Replaces detailed description of	New: 17.35.100

& Restrictions (CC&Rs) for New Condominiums	required CC&Rs with general statement of required content to be reviewed and approved by the City Attorney	Existing: 17.50.030
Residential Condominium Conversion Application Requirements	Replaces detailed description of application submittal requirements with reference to the City's application checklist	New: 17.35.140 Existing: 17.50.060
Standards for Residential Condominium Conversions	Replaces development standards for residential condominium conversions that duplicate and/or conflict with the Development Code with a statement that condominium conversions must comply with all standards and requirements that apply to development projects regardless of the form of ownership, the Development Code and the Building Code	New: 17.35.190 Existing: 17.50.080
Covenants, Conditions & Restrictions (CC&Rs) for Residential Condominium Conversions	Replaces reference to detailed description of required CC&Rs with general statement of required content to be reviewed and approved by the City Attorney	New: 17.35.240 Existing: 17.50.130
Inclusionary Housing Requirement for Residential Condominium Conversions	Adds requirement that residential condominium conversions of five or more residential units comply with the City's inclusionary housing requirements	New: 17.35.210 Existing: Not addressed in existing Subdivision Ordinance
Non-Residential Condominium Conversions	Adds new provisions for the conversion of commercial properties into condominium units. Provisions for non-residential condominium conversions are similar to those that apply to residential conversions minus tenant provisions, inclusionary housing requirements, and limits on conversions intended to maintain supply of affordable rental housing.	New: Article III of Chapter 17.35. Existing: Not addressed in existing Subdivision Ordinance

CITY OF CONCORD
SUBDIVISION ORDINANCE UPDATE
MUNICIPAL CODE TITLE 17

Public Review Draft

October 24, 2016

SUBDIVISION ORDINANCE CONTENTS

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CHAPTER 17.05 GENERAL PROVISIONS

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Article I – Introductory Provisions

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- 17.05.010 – Title and Authority
- 17.05.020 – Purpose
- 17.05.030 – Applicability
- 17.05.040 – Compliance Required
- 17.05.050 – Severability
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17.05.010 – Title and Authority [*Modifies 17.05.010*]

Title 17 of the Concord Municipal Code shall be known and cited as the Subdivision Ordinance of the City of Concord and referred to in this title as the “Subdivision Ordinance” or “this title.” The Subdivision Ordinance is adopted pursuant to the authority in California Government Code Section 66410 et seq., referred to in this title as the “California Subdivision Map Act” or “Map Act.”

17.05.020 – Purpose [*Modifies 17.05.020*]

- A. General.** The Subdivision Ordinance is adopted to implement the California Subdivision Map Act and to protect the health, safety, and general welfare of the residents of the City of Concord.
- B. Specific.** The Subdivision Ordinance is intended to:
 - 1. Implement the General Plan, specific plans, and other adopted plans and policies of the City of Concord relative to the subdivision of land and development of subdivisions.
 - 2. Facilitate and ensure orderly development of lands in the City of Concord.
 - 3. Establish responsibilities by the City Engineer, Community and Economic Development Department, Design Review Board, Zoning Administrator, Planning Commission, City Council, and City Attorney in the administration of the Subdivision Ordinance.
 - 4. Establish requirements for the preparation, processing, and filing of Tentative Maps, Parcel Maps, and Final Maps in a manner consistent with the Map Act and other applicable law.
 - 5. Establish procedures and requirements for dedications, reservations, and vacations required as conditions of subdivision approval.

6. Ensure that the design of subdivisions and subdivision improvements advances community goals expressed in the General Plan and other applicable City plans and policies.
7. Establish requirements for land divisions, mergers, reversions, and lot line adjustments not governed by the Map Act.
8. Establish requirements for the establishment of new condominiums and the conversion of existing properties into condominiums.

17.05.030 – Applicability [*Modifies 17.05.030 and 040*]

- A. General.** This title applies to all subdivisions of land within the City of Concord except for exceptions granted by the Map Act as identified in Subsection B (Exceptions) below.
- B. Exceptions.** This title shall not apply to projects exempt from Map Act requirements as specified in Government Code Sections 66412, 66412.1, 66412.2, 66412.5 or as stated elsewhere in the Map Act.

17.05.040 – Compliance Required [*Expands on 17.05.030*]

- A.** Prior to the subdivision of any land in the City of Concord, the subdivider shall conform to and comply with the requirements of this title.
- B.** No land shall be subdivided or developed for any purpose that is not in conformity with the General Plan, any applicable specific plan, or any title of the Concord Municipal Code, including but not limited to Title 18 (Development Code).
- C.** The City may not approve a subdivision or issue a certificate of compliance that would create or recognize a lot inconsistent with the requirements of this title or the Development Code.

17.05.050 – Severability [*Modifies 17.05.060*]

The articles, sections, paragraphs, sentences, clauses, and phrases of this title are severable. If any provision of this title or the application of this title to any person or circumstance is held invalid, the remainder of this title or the application of a provision to other persons or circumstances shall not be affected.

17.05.060 – Conflicts with Map Act [*New*]

In the event of any conflict between this title and the Map Act, the Map Act shall govern unless local divergence is permitted.

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- 17.05.130 – Certificate of Compliance

17.05.070 – Responsibilities [*Modifies 15.05.070*]

This article describes the role of the City Engineer, Community and Economic Development Department, Design Review Board, Zoning Administrator, Planning Commission, City Council, and City Attorney in the administration of the Subdivision Ordinance.

A. Review Authority. Table 17.05-1 identifies the review authority for subdivision maps and other approvals required by the Subdivision Ordinance.

B. City Engineer.

1. The responsibilities of the City Engineer include the following:
 - a. Serving as the decision-making authority on approvals as listed in Table 17.05-1.
 - b. Making recommendations to the Zoning Administrator, Planning Commission, or City Council on approvals as listed in Table 17.05-1.
 - c. Establishing subdivision design and construction details, standards, and specifications.
 - d. Determining if proposed subdivision improvements comply with this title, the Map Act, and conditions of approval.
 - e. The inspection and approval of subdivision improvements.

Table 17.05-1: Review Authority

	Role of Review Authority			
	Zoning Administrator	City Engineer	Planning Commission	City Council
Minor Subdivisions (less than five parcels)				
Tentative Maps and Vesting Tentative Maps	Decision	Recommend	Appeal	Appeal
Parcel Maps	Recommend	Decision	Appeal	Appeal
Tentative Map and Vesting Tentative Map Amendments	Decision	Recommend	Appeal	Appeal
Parcel Map Amendments	Recommend	Decision	Appeal	Appeal
Major Subdivisions (five or more parcels)				
Tentative Maps and Vesting Tentative Maps	Recommend	Recommend	Decision	Appeal
Final Maps	Recommend	Recommend	-	Decision
Minor Changes to Tentative Maps and Vesting Tentative Maps	Recommend	Decision	Appeal	Appeal
Substantive Changes to Tentative Maps and Vesting Tentative Maps	Recommend	Recommend	Decision	Appeal
Final Map Amendments to Correct Errors and Omissions	Recommend	Decision	Appeal	Appeal
Amendment to a Final Map to Reflect Changed Circumstances	Recommend	Recommend	-	Decision
Other Decisions				
Dedications and Reservations for Major Subdivisions	Recommend	Recommend	-	Decision
Dedications and Reservations for Minor Subdivisions	Recommend	Decision	-	Appeal
Improvement Agreements and Deferred Improvement Agreements	Recommend	Approve	-	Appeal
Improvement Securities	-	Approve	-	Appeal
Parcel Mergers	Recommend	Decision	Appeal	Appeal
Lot Line Adjustment	Recommend	Decision	Appeal	Appeal
Certificate of Compliance	Recommend	Decision	-	Appeal
Reversion to Acreage	-	Recommend	-	Decision

- f. Accepting dedications and improvements for minor subdivisions and offsite dedications lying outside a subdivision boundary that require a separate grant deed.
 - g. Processing applications and collecting fees and deposits for materials requiring approval of the City Engineer, Zoning Administrator, Planning Commission, or City Council.
2. When necessary to carry out these responsibilities, the City Engineer may designate and authorize a representative to act on the City Engineer's behalf.

C. Community and Economic Development Department. The responsibilities of the Community and Economic Development Department include the following:

1. Processing applications and collecting fees and deposits for approvals required by this title and other City codes and ordinances.
2. Reviewing applications for compliance with City requirements.
3. Verifying that all subdivisions and other approvals required by this title comply with the General Plan, Development Code, and applicable specific plans.
4. Ensuring that subdivision maps and the City's review process complies with the Map Act and other legal requirements.
5. Completing environmental review of proposed subdivisions as required by the California Environmental Quality Act (CEQA).
6. Ensuring that public notice and hearing for proposed subdivisions is given in accordance with this title and applicable state laws and other City codes and ordinances.
7. Completing other tasks in the administration of this title as assigned by the City Engineer, Design Review Board, Zoning Administrator, Planning Commission, and City Council.

D. Design Review Board. The Design Review Board is responsible for providing recommendations on the design of proposed subdivisions subject to design and site review in accordance with Development Code Chapter 18. 415 (Design and Site Review).

E. Zoning Administrator.

1. The responsibilities of the Zoning Administrator include the following:
 - a. Serving as the decision-making authority on approvals as listed in Table 17.05-1.
 - b. Making a recommendation to the City Engineer, Planning Commission, or City Council on approvals as listed in Table 17.05-1.

2. When necessary to carry out the responsibilities above, the Zoning Administrator may designate and authorize a representative to act on the Zoning Administrator's behalf.

F. Planning Commission. The responsibilities of the Planning Commission include the following:

1. Serving as the decision-making authority on approvals as listed in Table 17.05-1.
2. Serving as the appeal body for decisions of the Zoning Administrator and City Engineer as shown in Table 17.05-1.

G. City Council. The responsibilities of the City Council include the following:

1. Serving as the decision-making authority on approvals as listed in Table 17.05-1.
2. Accepting dedications and reservations for major subdivisions.
3. Serving as the appeal body for decisions of the Planning Commission and City Engineer as shown in Table 17.05-1.

H. City Attorney. The responsibilities of the City Attorney include reviewing and approving as to form all:

1. Subdivision improvement agreements, improvement securities, maintenance agreements, and covenants, conditions, and restrictions (CC&Rs).
2. Governing documents for condominiums.
3. Dedication instruments separate from a Final Map.
4. Other miscellaneous agreements and instruments related to the subdivision of land.

17.05.080 – Interpretation [New]

The Community and Economic Development Department has the authority to interpret any provision of the Subdivision Ordinance or its application to a specific property. Whenever the Department determines that the meaning or applicability of a requirement is subject to interpretation, the Department may issue an official interpretation. The Department may also refer any issues of interpretation to the Planning Commission for their determination. The Department shall keep a record of interpretations made in compliance with this section, which shall be available for public review.

17.05.090 – Application Submittal and Review

This section establishes procedures for the preparation, filing, and processing of applications for approvals required by this title.

A. Application Preparation and Filing. [New]

1. **Application Contents.**

- a. All applications shall be filed with the Community and Economic Development Department on an official City application form.
 - b. Applications shall be filed with all required fees, information, and materials as specified by the Community and Economic Development Department.
2. **Eligibility for Filing.**
- a. An application may only be filed by the property owner or the property owner's authorized agent.
 - b. The application shall be signed by the property owner or the property owner's authorized agent if written authorization from the owner is filed concurrently with the application.

B. Application Fees and Deposits. [Modifies 17.05.100]

1. **Requirement of Payment.**
 - a. The City may begin processing the application only after all required fees have been paid.
 - b. Failure to pay any required supplemental application fees is a basis for denial or revocation of an application.
2. **Refunds and Withdrawals.**
 - a. Application fees cover City costs for public hearings, mailings, staff and consultant time, and the other activities involved in reviewing and processing applications. Consequently, the City will not refund fees for a denied application.
 - b. In the case of an application withdrawal, the Community and Economic Development Director may authorize a partial refund of a deposit account based upon the pro-rated costs to date and the status of the application at the time of withdrawal.
 - c. Flat fees submitted in conjunction with an application are non-refundable.

C. Applications Deemed Withdrawn. [New]

1. **Response Required.** If an applicant does not pay required supplemental fees or provide information requested in writing by the City within six months following the date of the letter, the application shall expire and be deemed withdrawn without any further action by the City.
2. **Resubmittal.** After the expiration or withdrawal of an application, future City consideration shall require the submittal of a new complete application and associated filing fees.

17.05.100 – Public Notice and Hearings [*Modifies 17.05.080*]

When public notice and hearing is required by the Subdivision Ordinance, such notice and hearing shall be given as specified in Development Code Chapter 18.500 (Public Hearings).

17.05.110 – Appeals and Calls for Review [*Modifies 17.05.090*]

All decisions of the City Engineer, Design Review Board, Zoning Administrator, and Planning Commission as required by the Subdivision Ordinance may be appealed or called up for review as specified in Development Code Chapter 18.510 (Appeals and Calls for Review).

17.05.120 – Violations and Enforcement

- A. General.** The City shall enforce the Subdivision Ordinance in compliance with Government Code Sections 66499.30 - 66499.37 and Municipal Code Chapter 1.05 (General Provisions).
- B. Penalty for Violation.** Penalties for violation of the Subdivision Ordinance include:
1. Imprisonment and/or fine (Government Code Section 66499.31);
 2. Invalidation of conveyance (Government Code Section 66499.32);
 3. Other legal action (Government Code Section 66499.33);
 4. Denial of permits and approvals (Government Code Section 66499.34); and
 5. Conditions of Approval (Government Code Section 66499.34).
- C. Notice of Violation.** If the City has knowledge that property may have been divided in violation of the Subdivision Ordinance or the Map Act, the City shall conduct notice of violation proceedings in accordance with Government Code Section 66499.36.

17.05.130 – Certificate of Compliance

- A. General.**
1. A property owner may request through a certificate of compliance a determination by the City Engineer that a parcel complies with the Subdivision Ordinance and the Map Act.
 2. The City shall process and approve or deny an application for a certificate of compliance in compliance with this section and Government Code Sections 66499.34 and 66499.35.
- B. Application.** An application for the approval of a certificate of compliance shall be filed with the City Engineer and include the information required by the City Engineer together with any required fee.

C. City Engineer Review and Action.

1. The City Engineer shall review the completed application in light of public records and applicable law.
2. If the City Engineer is able to determine from this review that the parcel is in compliance with the Subdivision Ordinance and the Map Act, a certificate of compliance shall be issued by the City Engineer and delivered to the County Recorder for recordation.
3. If the City Engineer is unable to determine from this review that the parcel is in compliance, the procedures specified in Government Code Section 66499.35 shall apply.

D. Effect. A certificate of compliance shall serve only to officially determine whether a parcel conforms to the requirements of this title and the Map Act and does not grant any right to develop the parcel.

Article III – Maps Required

Sections:

- 17.05.140 – General
- 17.05.150 – Major Subdivisions (Five or More Parcels)
- 17.05.160 – Minor Subdivisions (Four or Fewer Parcels)
- 17.05.170 – Map Waivers
- 17.05.180 – Designated Remainder, Omitted Areas

17.05.140 – General [*Modifies 17.05.110*]

- A. City Approval Required.** The subdivision of an existing parcel into two or more parcels requires City approval in accordance with this title and the Map Act.
- B. Types of Maps.** A proposed subdivision first requires City approval of a Tentative Map or Vesting Tentative Map and then City approval of a Parcel Map (for a subdivision that results in four or fewer parcels) or a Final Map (for a subdivision that results in five or more parcels) to complete the subdivision process.
- C. Tentative Map.** The City’s review of a Tentative Map or Vesting Tentative Map evaluates the compliance of the proposed subdivision with applicable City standards, and the appropriateness of the proposed subdivision design.
- D. Parcel and Final Maps.** Parcel Maps and Final Maps are precise surveying documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.
- E. Lot Line Adjustments.** A Tentative Map, Parcel Map or Final Map is not required for adjustments to lot lines of four or fewer lots where land is taken from one lot and added to an adjacent lot and no additional lots are created. Lot line adjustments may be approved in accordance with Article III (Lot Line Adjustments) of Chapter 17.25 (Reversions, Mergers, and Lot Line Adjustments).

17.05.150 – Major Subdivisions (Five or More Parcels) [*Modifies 17.05.120*]

- A. Tentative Map and Final Map.** A Tentative Map and a Final Map is required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units.
- B. Tentative Parcel Map and Parcel Map.** A Tentative Parcel Map and a Parcel Map (but not a Final Map) is required where any one of the following occurs:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the City Council.
2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.
3. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the City as to street alignments and widths.
4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.
5. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Government Code Section 66418.2.

17.05.160 – Minor Subdivisions (Four or Fewer Parcels) [Modifies 17.05.130]

A Tentative Parcel Map and a Parcel Map are required for all divisions of land into four or fewer parcels, except that a Tentative Parcel Map and Parcel Map are not required for the following:

- A. Right-of-Way Subdivisions.** Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code that are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
- B. Conveyances.** Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a Parcel Map. Land conveyed to or from a governmental agency includes a fee interest, a leasehold interest, an easement, or a license.
- C. Lot Line Adjustments.** Lot line adjustments that meet the requirements of Section 17.25.130 (When Allowed).

17.05.170 – Map Waivers [New]

- A. Waiver of Tentative Parcel Maps and Parcel Maps.** The City may waive the requirement for a Tentative Parcel Map and a Parcel Map in accordance with Government Code Section 66428.
- B. Mobile Home Parks.** The City shall waive the requirement for subdivision maps for the conversion of a mobile home park to resident ownership in accordance with Government Code Section 66428.1.

17.05.180 – Designated Remainder, Omitted Areas [New]

- A. When Allowed.** As provided in Government Code Section 66424.6, a subdivider of unimproved land may designate as a remainder or omit entirely that area which is not divided for the purpose of sale, lease, or financing.
- B. Not Counted as Parcel.** The designated remainder or omitted area shall not be counted as a parcel for the purpose of determining whether a Parcel Map or Final Map is required.
- C. Required Documentation.** The remainder or omitted area shall be shown and labeled on the required maps as part of the original parcel from which the subdivision occurred. At the time of submittal of the Tentative Parcel Map or Tentative Map application, the subdivider shall provide a written declaration certifying that the remainder or omitted area is not intended for the purpose of sale, lease, or financing.
- D. Timing of Improvements and Fees.** The fulfillment of construction requirements for improvements and payment of improvement fees for a remainder or omitted area shall be consistent with the requirements in Government Code Section 66424.6.
- E. Certificate of Compliance Required.** A designated remainder or omitted parcel may not be sold until a certificate of compliance or conditional certificate of compliance is obtained in accordance with Section 17.05.130 (Certificate of Compliance).

CHAPTER 17.10 SUBDIVISION MAPS

Article I. Tentative Maps and Tentative Parcel Maps

- 17.10.010 – Purpose
- 17.10.020 – When Required
- 17.10.030 – Review Authority
- 17.10.040 – Form and Contents
- 17.10.050 – Application Materials
- 17.10.060 – Application Submittal and Review
- 17.10.070 – Public Notice and Hearing
- 17.10.080 – City Action
- 17.10.090 – Map Expiration
- 17.10.100 – Map Extensions
- 17.10.110 – Amendments to Approved Maps
- 17.10.120 – Appeals and Calls for Review
- 17.10.130 – Vesting Tentative Maps

Article II. Parcel Maps and Final Maps

- 17.10.140 – Purpose
- 17.10.150 – When Required
- 17.10.160 – Review Authority
- 17.10.170 – Form and Contents
- 17.10.180 – Submittal Requirements
- 17.10.190 – Surveys and Monuments
- 17.10.200 – Phasing of Final Maps
- 17.10.210 – City Review and Approval
- 17.10.220 – Corrections and Amendments

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Article I – Tentative Maps and Tentative Parcel Maps

Sections:

- 17.10.010 – Purpose
- 17.10.020 – When Required
- 17.10.030 – Review Authority
- 17.10.040 – Form and Contents
- 17.10.050 – Application Materials
- 17.10.060 – Application Submittal and Review
- 17.10.070 – Public Notice and Hearing
- 17.10.080 – City Action
- 17.10.090 – Map Expiration
- 17.10.100 – Map Extensions
- 17.10.110 – Amendments to Approved Maps
- 17.10.120 – Appeals and Calls for Review
- 17.10.130 – Vesting Tentative Maps

17.10.010 – Purpose [*Modifies 17.15.010 and 17.20.010*]

This article establishes procedures for submittal, review, and action on Tentative Maps and Tentative Parcel Maps.

17.10.020 – When Required [*New*]

- A. Tentative Maps.** A Tentative Map is required for subdivisions of five or more parcels (major subdivisions) as described in Section 17.05.150 (Major Subdivisions).
- B. Tentative Parcel Maps.** A Tentative Parcel Map is required for subdivisions of four or fewer parcels (minor subdivisions) as described Section 17.05.160 (Minor Subdivisions).

17.10.030 – Review Authority [*New*]

- A. Tentative Maps.** The Planning Commission shall take action on all Tentative Maps for major subdivisions.
- B. Tentative Parcel Maps.** The Zoning Administrator shall take action on all Tentative Parcel Maps for minor subdivisions.

17.10.040 – Form and Contents [*Modifies 17.15.020 and 17.20.020*]

Tentative Maps and Tentative Parcel Maps shall be prepared in accordance with requirements specified in the City's application checklists for major and minor subdivisions.

17.10.050 – Application Materials [*Modifies 17.15.030*]

Tentative Map and Tentative Parcel Map applications shall include all required fees, information, and materials as specified in the City's application checklists for major and minor subdivisions.

17.10.060 – Application Submittal and Review [*Modifies 17.15.040*]

Tentative Map and Tentative Parcel Maps applications shall be submitted to the City and processed in accordance with Section 17.05.090 (Application Submittal and Review) and as follows:

- A. Application Review.** [*Modifies 17.15.040 and 17.20.030*]
1. **Preliminary Review.** The applicant shall meet with Department staff to review the application for completeness and accuracy prior to submittal.
 2. **Determination of Completeness.** The Community and Economic Development Department's determination of completeness shall be based on the City's list of required application contents, any additional written instructions provided to the applicant during the initial application review period, and any other information required by this title and the Subdivision Map Act.
 3. **Notification of Applicant.** Within 30 calendar days of application filing, the Department shall inform the applicant in writing that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required. If the application is deemed incomplete, the Department will provide the applicant with a comprehensive list of additional information to be submitted and reviewed before the Department can make the finding of a complete application.
 4. **Environmental Information.** After the Department has accepted an application as complete, the Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).
- B. Referrals.** The Department shall forward copies of application materials to other City departments, service providers, and interested governmental agencies for review and comment. [*Modifies 17.15.040.B and 17.20.030.B*]
- C. Environmental Review.** [*New*]

1. **CEQA Review.** After acceptance of a complete application, the City shall review the project in compliance with CEQA to determine whether:
 - a. The proposed project is exempt from the requirements of CEQA;
 - b. The proposed project is not a project as defined by CEQA;
 - c. Additional environmental studies are required;
 - d. A Negative Declaration or Mitigated Negative Declaration is required; or
 - e. An Environmental Impact Report (EIR) is required.
2. **Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and any adopted City CEQA guidelines.
3. **Special Studies Required.** Special studies, paid for in advance by the applicant, may be required to supplement the City's CEQA compliance review.

D. Project Evaluation and Staff Reports. *[Modifies 17.15.040.C]*

1. **Staff Evaluation.** The Department shall review all applications to determine if they comply with this title, the General Plan, the Development Code, the Map Act, and other applicable City policies and regulations.
2. **Staff Report.** The Department shall prepare a staff report describing the proposed subdivision and including, where appropriate, a recommendation to approve, approve with conditions, continue, or deny the application.
3. **Report Distribution.** Staff reports shall be furnished to the applicant at the same time as they are provided to the review authority before action on the application.

17.10.070 – Public Notice and Hearing *[Modifies 17.15.050 and 17.20.040]*

The review authority shall take action on a Tentative Map or Tentative Parcel Map application at a noticed public hearing in accordance with Development Code Chapter 18.500 (Public Hearings).

17.10.080 – City Action *[Modifies 17.15.060 and 17.20.050]*

- A. Timing.** The review authority shall take action on a Tentative Map or Tentative Parcel Map application following completion of environmental review within the timeframes specified in Government Code Section 65950.
- B. Findings.** The review authority may approve the Tentative Map or Tentative Parcel Map application only after making all of the following findings:
 1. The proposed map is consistent with the General Plan, any applicable specific plan, any policy or guideline implementing the General Plan, the Development Code, and all other applicable provisions of the Municipal Code.

2. The site is physically suitable for the proposed type and density of development.
 3. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 4. The design of the subdivision or the type of improvements will not cause serious public health problems.
 5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The City may approve a Tentative Map if it finds that alternative easements for access will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This finding applies only to easements of record or to easements established by judgment of a court of competent jurisdiction.
 6. The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Government Code Section 66473.
 7. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Government Code Section 66473.7.
- C. Conditions of Approval.** The review authority may attach conditions to the approval of a Tentative Map or Tentative Parcel Map as necessary to ensure compliance with the General Plan, any adopted plans or design guidelines, the Development Code, or other applicable provisions of the Municipal Code.

17.10.090 – Map Expiration [*Modifies 17.15.070 and 17.20.060*]

- A. Timing of Expiration.** A Tentative Map or Tentative Parcel Map approval expires after 24 months except where the City approves an extension of time is approved as allowed by Section 17.10.100 (Map Extensions).
- B. Effect of Expiration.** The expiration of a Tentative Map or Tentative Parcel Map terminates all subdivision proceedings; no Parcel Map or Final Map may be filed without first processing a new Tentative Map or Tentative Parcel Map.
- C. Subsequent Actions after Timely Filing.** Once a timely filing is made, subsequent actions of the City, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the Tentative Map or Tentative Parcel Map. Delivery to the City Engineer in accordance with the requirements of this chapter shall be deemed a timely filing for purposes of this section.

17.10.100 – Map Extensions [*Modifies 17.15.070 and 17.20.060*]

An applicant may request City approval of an extension to the life of a Tentative Map or Tentative Parcel Map in accordance with this section.

A. Discretionary Extensions.

1. **Maximum Extension.** An applicant may request City approval of a discretionary extension to the life of a Tentative Map or Tentative Parcel Map for up to a maximum of six years.
2. **Review Authority.** The review authority for a requested discretionary extension shall be the same as for the original approval (i.e., Zoning Administrator for a Tentative Parcel Map extension and Planning Commission for a Tentative Map extension).
3. **Application Filing.**
 - a. All discretionary extension requests shall be filed with the Department on an official City application form at least 10 days before the expiration date. The application shall be accompanied by all fees, information, and materials as required by the Department.
 - b. Once the application for a Tentative Map or Tentative Parcel Map extension is timely filed, the map is automatically extended for 60 days or until the City acts on the extension, whichever occurs first.
 - c. The City may approve an application to extend a Tentative Map or Tentative Parcel Map after the automatic 60-day extension period has expired, so long as the application itself was filed at least 10 days before the original expiration date.
4. **Public Notice and Hearing.** The review authority shall hold a noticed public hearing to consider the requested discretionary extension in accordance with Development Code Chapter 18.500 (Public Hearings).
5. **Findings.** The review authority may approve a discretionary extension only if all of the following findings can be made:
 - a. The portions of the General Plan, specific plans, the Development Code, and other ordinances of the City applicable to the subdivision have not changed.
 - b. The character of the site and its surroundings that affect the applicability of the General Plan, specific plans, the Development Code, and other ordinances of the City has not changed.
 - c. The capacity of public services, utilities, and roads serving the project has not decreased.

6. **Conditions of Approval.** As a condition of the extension of a Tentative Map or Tentative Parcel Map, the review authority may impose new conditions, or revise existing conditions, on the approved map.
7. **Appeals and Calls for Review.** City decisions on requested extensions may be appealed or called for review in accordance with Development Code Chapter 18.510 (Appeals and Calls for Review).

B. Non-Discretionary Extensions.

1. As allowed by the Map Act, a Tentative Map or Tentative Parcel Map may be eligible for additional non-discretionary extensions, including the following:
 - a. Automatic extensions for phased Final Maps (Government Code Sections 66456.1, 66452.6(a)(1)).
 - b. Automatic statutory extensions granted by the State legislature (Government Code Sections 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, 66452.24).
 - c. Tolling periods results from a development moratorium or pending litigation (Government Code Sections 66452.6(b)(1), 66452.6(c)).
 - d. Extensions authorized by a Development Agreement with the City (Government Code Section 66452.6(a)(1)).
2. Non-discretionary extensions requested by an applicant consistent with the Subdivision Map Act and other applicable law may be approved by the Zoning Administrator without a noticed public hearing.

17.10.110 – Amendments to Approved Maps [*Modifies 17.15.080 and Article 1 of Chapter 17.45*]

Before a Parcel Map or Final Map is filed with the County Recorder, an applicant may request amendments to an approved Tentative Map or Tentative Parcel Map in accordance with this section.

- A. Application.** All requests for amendments to an approved Tentative Map or Tentative Parcel Map shall be filed with the Community and Economic Development Department on an official City application form. The application shall be accompanied by all fees, information, and materials as required by the Department.
- B. Minor Changes.** The Zoning Administrator may approve minor changes to a Tentative Map or Tentative Parcel Map without a noticed public hearing if the requested changes comply with the following criteria:
 1. The changes do not increase the number of lots, units or building sites within the subdivision.

2. The changes are consistent with the spirit and intent of the original Tentative Map or Tentative Parcel Map approval.
 3. The changes do not involve a feature of the subdivision that was a basis for findings in a negative declaration, mitigated negative declaration, or environmental impact report for the project.
 4. The changes do not involve a feature of the subdivision that was a basis for conditions of approval for the project.
 5. The changes do not involve a feature of the subdivision that was a specific consideration by the review authority in granting the approval.
 6. The changes do not result in any violations of the General Plan, applicable specific plan, the Development Code, or other applicable provisions of the Municipal Code.
- C. Substantive Changes.** Requested amendments to a Tentative Map or Tentative Parcel Map that do not qualify as a minor change as defined in Subsection B (Minor Changes) above shall be processed and considered by the same approving authority for the original map.
- D. Effect of Amendments.** Approved changes to a Tentative Map or Tentative Parcel Map shall not be considered as approval of a new map, and shall not extend the time limits provided by Section 17.10.090 (Map Expiration), nor extend any rights in compliance with a Vesting Tentative Map.
- E. Recording of Amendments.** Amendments to a Tentative Map or Tentative Parcel Map shall be indicated on the approved map and certified by the Zoning Administrator and City Engineer.

17.10.120 – Appeals and Calls for Review [Modifies 17.15.090]

- A. General.** City decisions on Tentative Map or Tentative Parcel Map applications may be appealed or called for review in accordance with Development Code Chapter 18.510 (Appeals and Calls for Review).
- B. Appeal Bodies.**
1. **Tentative Maps.** Planning Commission decisions on a Tentative Map application may be appealed to the City Council.
 2. **Tentative Parcel Maps.** Zoning Administrator decisions on a Tentative Parcel Map application may be appealed to the Planning Commission.

17.10.130 – Vesting Tentative Maps [Revises 17.25]

- A. Function.** The approval of a Vesting Tentative Map confers a vested right to proceed with development in substantial compliance with the City's ordinances, policies, and

standards in effect at the time the Vesting Tentative Map application is deemed complete.

- B. When Allowed.** Whenever this title or the Map Act requires that a Tentative Map or Tentative Parcel Map be filed, a Vesting Tentative Map may instead be filed.
- C. Procedures - General.** The process for application and City review and action on a Vesting Tentative Map is the same as for a Tentative Map or Tentative Parcel Map except as otherwise provided in this title or in the Map Act.
- D. Preliminary Conference.**
 - 1. During the preliminary conference for the Vesting Tentative Map, City staff shall identify any additional informational items which shall be filed with the Vesting Tentative Map to enable the City to adequately examine the vested rights being requested.
 - 2. Following the preliminary conference City staff shall submit to the applicant a written letter identifying additional requested information.
- E. Identification.** At the time a Vesting Tentative Map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map” or “Vesting Tentative Parcel Map.”
- F. Noted Inconsistencies.** If the Vesting Tentative Map is for a subdivision whose intended development is inconsistent with the Development Code, this inconsistency shall be noted on the Vesting Tentative Map.
- G. Duration.** The rights conferred by a Vesting Tentative Map last for a period of two years after the recording of the Final Map or Parcel Map. This period may be extended by the City as allowed by Section 17.10.100 (Map Extensions).
- H. Amendments.** If the City changes any ordinances, policies, or standards following the approval of a Vesting Tentative Map, the subdivider may at any time prior to the map’s expiration apply for an amendment to the map to secure a vested right to proceed with the amended ordinances, policies, or standards.
- I. Expiration of Rights.** The rights conferred by an approved Vesting Tentative Map shall expire if a Final Map or Parcel Map is not recorded prior to the expiration of the Vesting Tentative Map.
- J. Exceptions.** The City may condition or deny a permit, approval, extension, or entitlement in a manner contrary to a Vesting Tentative Map only in the following cases:
 - 1. A failure to do so would place the residents of the subdivision or the immediate community in a condition dangerous to their health or safety.
 - 2. The condition or denial is required in order to fully comply with state or federal law.

Article II – Parcel Maps and Final Maps

Sections:

- 17.10.140 – Purpose
- 17.10.150 – When Required
- 17.10.160 – Review Authority
- 17.10.170 – Form and Contents
- 17.10.180 – Submittal Requirements
- 17.10.190 – Surveys and Monuments
- 17.10.200 – Phasing of Final Maps
- 17.10.210 – City Review and Approval
- 17.10.220 – Corrections and Amendments

17.10.140 – Purpose [*Modifies 17.15.100 and 17.20.090*]

This chapter establishes procedures for submittal, review, and action on Parcel Maps and Final Maps.

17.10.150 – When Required [*New*]

- A. Parcel Maps.** A Parcel Map is required for subdivisions of four or fewer parcels (minor subdivisions). Parcel Maps are submitted to the City after approval of a Tentative Parcel Map.
- B. Final Maps.** A Final Map is required for subdivisions of five or more parcels (major subdivisions). Final Maps are submitted to the City after approval of a Tentative Map.

17.10.160 – Review Authority [*New*]

- A. Parcel Maps.** The City Engineer shall take action on all Parcel Maps for minor subdivisions. Dedications or improvement agreements associated with a Parcel Map may be accepted by the City Engineer.
- B. Final Maps.** The City Council shall take action on all Final Maps for major subdivisions.

17.10.170 – Form and Contents [*Modifies 17.15.140 and 17.20.110*]

Parcel Maps and Final Maps shall be prepared as required by Government Code Section 66433 and in accordance with requirements specified in the City's application checklists for Parcel Maps and Final Maps.

17.10.180 – Submittal Requirements [*Modifies 17.15.150*]

- A. Timing.** Final Maps and Parcel Maps shall be filed with the City Engineer before the Tentative Map or Tentative Parcel Map expires. The expiration of a Tentative Map or Tentative Parcel Map terminates all proceedings, and no Parcel Map or Final Map may be filed without first processing a new Tentative Map or Tentative Parcel Map. Once a timely filing is made, subsequent actions of the City, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the Tentative Map or Tentative Parcel Map. Delivery to the City Engineer shall be deemed a timely filing for purposes of this section.
- B. Applications.** Applications for approval of Parcel Maps and Final Maps shall be submitted in accordance with Section 17.05.090 (Application Submittal and Review) and shall be accompanied by all required fees, information, and materials as specified in the City’s application checklists for Parcel Maps and Final Maps.

17.10.190 – Surveys and Monuments**A. Survey Required.** [*Modifies 17.15.120 and 17.20.100*]

1. Final Maps and Parcel Maps shall be based upon a complete, precise, and accurate field survey of the land to be subdivided, prepared by a California-registered civil engineer or land surveyor.
2. All found monuments, property lines, centerlines of streets, and alleys adjoining or within the subdivision shall be tied into the survey.

B. Monuments Required. [*Modifies 17.15.130*] [*SMA 66495*]

1. At the time of making the survey for a Final Map or Parcel Map, the engineer or surveyor shall set sufficient, durable monuments which conform with California Business and Professions Code Section 8771 so that another engineer or surveyor may readily retrace the survey.
2. In conjunction with the filing of a Final Map or Parcel Map, at least one exterior boundary line shall be monumented. Additional monuments shall be set as required by the City Engineer.

17.10.200 – Phasing of Final Maps [*Modifies 17.15.110*]

- A. When Permitted.** Multiple Final Maps relating to an approved Tentative Map may be filed if:
1. The subdivider states in the Tentative Map application the subdivider’s intention to file multiple Final Maps; or
 2. After filing of the Tentative Map, the Planning Commission and the subdivider agree to the filing of multiple Final Maps.

- B. Separate Subdivision Numbers.** Each Final Map which constitutes a part of the approved Tentative Map shall have a separate subdivision number.
- C. Improvement Agreements.** The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to ensure a logical and orderly development of the whole subdivision.

17.10.210 – City Review and Approval [*Modifies 17.15.150.b, 17.15.160, and 17.15.170*]

A. City Engineer Review.

1. The City Engineer, in consultation with the Zoning Administrator, shall review the Final Map or Parcel Map for conformance with the approved Tentative Map or Tentative Parcel Map, conditions of approval, and all applicable requirements of this title and the Map Act.
2. The subdivider shall make corrections and additions until the map is acceptable to the City Engineer.
3. The City Engineer shall certify approval of the corrected Final Map within 20 days of receiving the corrected map, all required certificates and submittals, and any required fees.

B. Final Map Approval.

1. The City Council shall conduct a noticed public hearing to consider approval of a Final Map within 45 days of its certification by the City Engineer.
2. The City Council shall approve the Final Map if it complies with all requirements of this title and the Map Act. At the time of approval, the City Council shall also accept or reject any offers of dedication.
3. City Council disapproval of a Final Map shall be accompanied by a finding that identifies the conditions that have not been met.

C. Parcel Map Approval.

1. A Parcel Map may be approved in full by the City Engineer if it complies with the requirements of the Map Act, this chapter, the Tentative Parcel Map, and all attached conditions of approval.
2. Dedications or improvement agreements associated with a Parcel Map may be accepted by the City Engineer.

- D. Recordation.** After the City approves a Final Map or Parcel Map, the City Engineer shall transmit the map to the County Recorder. The Final Map or Parcel Map becomes valid and goes into effect after it is filed by the County Recorder.

17.10.220 – Corrections and Amendments [*Modifies 17.45.030*]

A recorded Final Map or Parcel Map may be amended to correct errors and omissions in the map or to reflect changed circumstances subsequent to map approval. Amendments may be requested using an amending map or a certificate of corrections and shall be approved by either the City Engineer or the Planning Commission depending on the nature of the amendments. Amendments shall be reviewed and approved in a manner consistent with this section and Government Code Sections 66469 and 66472.1.

- A. General.** The following applies to requested amendments reviewed by either the City Engineer and the Planning Commission.
1. Requested amendments shall be submitted to the Department in accordance with Section 17.05.090 (Application Submittal and Review).
 2. The form and contents of amending maps shall be prepared in accordance with requirements specified in the City’s application checklist for major and minor subdivisions.
 3. Amending maps and certificates of correction shall identify the corrections made, the names of the property owner affected by the correction or amendment, and the date of the filing or recording of the original map.
 4. Amending maps and certificates of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor.
 5. Requested amendments may not impose any additional burden on the property owners and may not alter any right, title, or interest in the property reflected on the recorded map.
- B. Amendments Allowed with City Engineer Approval.** The City Engineer may approve map amendments to correct for errors and omissions as specified in Government Code Section 66469.
1. Within 20 working days of receiving an application for an amending map or certificate, the City Engineer shall review the submittal for compliance with the requirements of this section.
 2. If the certificate complies, the City Engineer shall endorse a statement on it of examination and certification, and present it to the County Recorder for recordation.
 3. If an amending map or certificate fails to comply with the requirements of this section, the City Engineer shall notify the applicant in writing of the changes needed for compliance.
 4. Within 10 working days of receiving a revised amending map or certificate, the City Engineer shall review the revised submittal for compliance.
 5. Once the amending map or certificate is in compliance, the City Engineer shall present it to the County Recorder for recordation.

- C. Amendments Requiring Planning Commission Approval.** Map amendments to reflect changed circumstances that make map conditions no longer necessary or appropriate may be approved by the Planning Commission in a manner consistent with this section and Government Code Section 66472.1.
1. Within 30 days of receiving an amending map or certificate, the City Engineer shall examine the certificate of correction for compliance with the requirements of this section.
 2. After the application is deemed complete and a CEQA determination has been made, the requested amendments shall be scheduled for review by Planning Commission at a noticed public hearing.
 3. The Planning Commission may approve the requested amendment if all of the following findings can be made:
 - a. There are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary.
 - b. The modifications do not impose any additional burden on the property owners.
 - c. The modifications do not alter any right, title, or interest in the property.
 - d. The modifications comply with the findings required for approval of a Tentative Map or Tentative Parcel Map in Section 17.010.080.B (Findings) can be made.
 4. The Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification.
- D. Recording.**
1. The certified amending map or certificate of correction shall be filed or recorded in the office of the County Recorder.
 2. After accepted and indexed by the County Recorder, the original map shall be deemed to have been conclusively corrected.
- E. Amendment of an Approved Subdivision.**
1. If an applicant wishes to amend a recorded Final Map or Parcel Map in a manner that affects a property right, the applicant must file a new Tentative Map or Tentative Parcel Map application in compliance with this title.
 2. New maps are required for amendments to the characteristics of an approved subdivision including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements.

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CHAPTER 17.15 DEDICATIONS & RESERVATIONS

Article I. Dedications and Reservations

17.15.010 – Purpose

17.15.020 – Required Dedications

17.15.030 – Acceptance, Rejections, and Termination of Dedications

17.15.040 – Recording Dedications

17.15.050 – Reservations

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Article I – Dedications and Reservations

Sections:

17.15.010 – Purpose

17.15.020 – Required Dedications

17.15.030 – Acceptance, Rejections, and Termination of Dedications

17.15.040 – Recording Dedications

17.15.050 – Reservations

17.15.010 – Purpose

This article establishes requirements and procedures for dedications and reservations of land that the City may require as a condition of approval for a Tentative Map or Tentative Parcel Map.

17.15.020 – Required Dedications [*Modifies 17.30.020 to 17.30.080*]

A. Use of Dedication. When required as a condition of approval for a Tentative Map or a Tentative Parcel Map, the subdivider shall dedicate or make an irrevocable offer of dedication of real property for the following purposes:

1. Streets and alleys, including access rights and abutters' rights, drainage, public greenways, scenic easements, public utility easements, and other public easements.
2. Bicycle paths for the use, safety, and benefit of the residents of the subdivision.
3. Local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.
4. Easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought has the ability to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system, provided that the City has adopted standards for such easements consistent with Government Code Section 66475.3.
5. Land for open space, park, and recreational purposes consistent with Municipal Code Chapter 19.20 (Parkland Dedication).
6. Land for construction of an elementary school consistent with Government Code Section 66478.

7. Buffer areas and setbacks for watercourses, streams, and storm drains.

- B. Basis for Requirement.** Dedication requirements shall be as determined necessary by the Planning Commission or Zoning Administrator to achieve consistency with the General Plan, any applicable specific plan, and the subdivision and improvement design standards in Chapter 17.20 (Subdivision Design and Improvement Standards).
- C. Dedication Standards.** The size, dimensions, and other characteristics of dedicated property shall be consistent with City standards as described in Chapter 17.20 (Subdivision Design and Improvements) or as otherwise required by the City Engineer consistent with official City policy.

17.15.030 – Acceptance, Rejections, and Termination of Dedications [*Modifies 17.30.090*]

A. Acceptance.

1. At the time the City approves a Final Map or Parcel Map, the City shall also accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify or state on the map the City's action.
2. The City Engineer may accept dedications and improvements for minor subdivisions and offsite dedications lying outside a subdivision boundary that require a separate grant deed.
3. Acceptance of offers of dedication shall become effective on the date an approved Final Map or Parcel Map or resolution of acceptance by the City is filed with the County Recorder.

B. Rejection. If the City rejects any offers of dedication, the offer of dedication shall remain open and valid. The City Council may, by resolution at any later date and without further action by the subdivider, rescind the initial action rejecting an offer of dedication and accept and open the offered dedication for public use. Such later acceptance resolution shall be recorded with the County Recorder.

C. Termination. The City Council may by resolution terminate and abandon offers of dedications in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

17.15.040 – Recording Dedications

The City shall record a certificate with the County Recorder for any dedication for public purpose or for making public improvements or constructing public facilities, other than for open space, parks, or schools. The certificate shall be attached to the Final Map or Parcel Map and shall contain all of the following:

- A.** The name and address of the subdivider dedicating the property;

- B. A legal description of the real property being dedicated; and
- C. A statement that the City shall reconvey the property to the subdivider if the City makes a determination that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities.

17.15.050 – Reservations [*Modifies 17.30.110*]

- A. **General.** As a condition of approval of a Tentative Map or Tentative Parcel Map, the City may require a subdivider to reserve sites for parks, recreational facilities, fire stations, libraries, or other public uses. Any such requirement shall be consistent with Government Code Section 66479 and this section.
- B. **Standards for Reservation of Land.** Reservation requirements shall comply with the following standards:
 - 1. Reservation requirements shall be consistent with the General Plan and any applicable specific plan related to the public use for which the site is reserved.
 - 2. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.
 - 3. The reservation requirement shall not make development of the remaining land held by the subdivider economically unfeasible.
- C. **Binding Agreement.** Upon the approval of the Final Map or Parcel Map, the public agency for whose benefit an area has been reserved shall enter into a binding agreement to acquire the reserved area within two years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement between the subdivider and the benefiting public agency.
- D. **Payment to Subdivider.** The purchase price of the reserved area shall be the sum of:
 - 1. The fair market value of the reserved area at the time of the filing of the Tentative Map or Tentative Parcel Map;
 - 2. The taxes against the reserved area from the date of the reservation; and
 - 3. Any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.
- E. **Termination.** If the benefitting public agency does not enter into a binding agreement within two years as specified in Subsection C (Binding Agreement) above, the reservation shall automatically terminate.

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CHAPTER 17.20

Subdivision Design and Improvements

Article I. Design and Improvements

- 17.20.010 – Purpose
- 17.20.020 – General Requirements
- 17.20.030 – Subdivision Design Standards
- 17.20.040 – Required Improvements
- 17.20.050 – Maintenance of Improvements
- 17.20.060 – Supplemental Capacity
- 17.20.070 – Design Modifications

Article II. Improvement Construction and Approval

- 17.20.080 – Purpose
- 17.20.090 – Improvement Plans
- 17.20.100 – Improvement Agreements
- 17.20.110 – Improvement Security
- 17.20.120 – Construction and Inspection
- 17.20.130 – Completion of Improvements
- 17.20.140 – Acceptance of Improvements

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Article I – Design and Improvements

Sections:

- 17.20.010 – Purpose
- 17.20.020 – General Requirements
- 17.20.030 – Subdivision Design
- 17.20.040 – Required Improvements
- 17.20.050 – Supplemental Capacity
- 17.20.060 – Design Modifications

17.20.010 – Purpose

This article establishes standards for the general layout and configuration of subdivisions and the design and construction of physical improvements to serve the subdivision.

17.20.020 – General Requirements [*Modifies 17.35.020*]

- A. Consistency with City Plans, Policies, and Regulations.** The design of a subdivision and its related improvements shall be consistent with the General Plan, any applicable specific plan or area plan, the Municipal Code, and any other City plans, policies, or regulations adopted to give effect to the General Plan.
- B. Consistency with Standard Plans and Specifications.**
 - 1. All subdivision improvements shall be designed and constructed in conformance with the Standard Plans and Specifications, any applicable utility master plan, and the standards of any utility company involved in the subdivision project.
 - 2. The City Engineer has the authority to determine the appropriate final improvement design in the case of any uncertainty, variability, or conflict between improvement design options.
- C. Basic Design Goals.** A subdivision and its related improvements shall be designed to:
 - 1. Provide for buildable lots that can accommodate development consistent with applicable Development Code requirements;
 - 2. Provide for a logical network of streets, bicycle, and pedestrian facilities that are connected to adjacent development and destinations;
 - 3. Avoid impacts to important environmental resources;
 - 4. Minimize exposure to flood, fire, landslides, and other natural hazards; and
 - 5. Ensure that subdivisions are adequately served by water, sewer, stormwater, and other essential public utilities.

D. Design Modifications. The City may approve a modification to the subdivision design and improvement standards in this chapter as provided in Section 17.20.070 (Design Modifications).

17.20.030 – Subdivision Design Standards

The design of all subdivisions shall comply with the standards below unless the City approves a design modification as provided in Section 17.20.060 (Design Modifications).

A. Parcel Design. [*Modifies 17.35.180.a*]

1. **Buildable Parcel.** Each proposed parcel shall be determined by the City to be “buildable” with at least one building site that can accommodate a structure in compliance with the Development Code.
2. **Parcel Dimensions.**
 - a. The dimensions (area, width, and depth) of parcels shall conform with minimum requirements of the applicable zoning district as specified in the Development Code, except that flag lots may be created in accordance with Paragraph 6 (Flag Lots) below.
 - b. The minimum parcel dimensions in the Development Code shall not apply to condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel that is the location of the condominium or townhouse.
3. **Parcel Line Orientation.** The sidelines of parcels shall generally be at right angles to the street which the parcel faces, or radial, or approximately radial if the street is curved.
4. **Street Frontage and Access.**
 - a. Residential parcels shall have frontage on, and take direct access from a public or private street or a shared open space such as a courtyard, plaza, or pedestrian walkway. An alley is not considered a street for the purpose of this requirement.
 - b. Commercial or industrial parcels shall either have public-street frontage or appropriate access provided by way of common/reciprocal easement, such as in a shopping center or similar commercial development.
 - c. All street frontage requirements shall be consistent with City specific plans, design guidelines, and other adopted plans and policies of the City of Concord.
5. **Double Frontage Parcels.**

- a. Except for corner parcels, parcels may only front on more than one street (double-frontage lot) where necessitated by location of adjacent community or regional street, topography, or other unusual conditions.
 - b. The City may restrict access and/or require fencing, walls, or plantings in such instances to limit street access to a single street.
6. **Flag Lots.**
- a. Use of flag lots shall be minimized and limited primarily to situations where use of a standard frontage configuration is undesirable due to unique site conditions.
 - b. New flag lots shall not be created by a Parcel Map in developed areas where these lots are not in character with the surrounding neighborhood and the existing pattern of development.
7. **Boundary Line Divisions.** A parcel may not be created that is divided by a city, county, school district, service district, or other taxing district boundary line.
8. **Remnants and Reserve Strips.**
- a. Parcels shall be designed to minimize creating unusable and/or access-constrained remnants of land due to the position of streets, creeks, wetlands, or other development constraint.
 - b. Any reserve strip, land locked parcel, or property unsuitable for subdividing shall be maintained as common area within the subdivision. Alternatively, the City may require the subdivider to dedicate such property to the City or other appropriate entity for public use.
- B. Streets and Circulation.** [*Modifies 17.35.190*]
1. **General Plan Compliance.** The layout, design, and construction of streets shall comply with the General Plan and support a transportation network that:
 - a. Encourages healthy, active living;
 - b. Provides a range of transportation options;
 - c. Reduces the impacts of transportation on climate change;
 - d. Supports environmentally-friendly transportation options; and
 - e. Provides safe, comfortable transportation options for residents, workers, and visitors.
 2. **Complete Streets.**
 - a. Streets shall comply with the City's complete streets policies contained in the General Plan and any applicable specific plan.

- b. Streets shall meet the needs of multiple users, including motorists, bicyclists, pedestrians, transit users, and persons of different physical capabilities.
3. **Green Streets.** Streets shall incorporate green street measures such as canopy trees, vegetated swales, permeable pavements and other measures as required by the City Engineer to capture, infiltrate, and treat stormwater before it enters the storm drain system.
4. **Street Types and Dimensions.** The design and construction of streets shall be consistent with the City's Standard Plans and Specifications for permitted street types.
5. **Private Street.** Private streets shall comply with public street standards unless the City approves a design modification in compliance with Section 17.20.060 (Design Modifications).
6. **Block Length and Internal Connections.**
 - a. Where possible, subdivisions shall use a system of interconnected streets with shorter blocks to diffuse traffic and allow residents multiple ways to get to and from their homes. Longer street segments may be allowed where topography or other site constraints limit street design options.
 - b. Block lengths and street networks in new subdivisions shall comply with the Concord Reuse Project Area Plan and other applicable City specific plans and area plans.
7. **Dead End Streets.**
 - a. Subdivisions shall not include dead-end streets except where through streets cannot be provided because of existing development, environmental features requiring protection (e.g., a creek channel), or to accommodate infill subdivisions on physically constrained properties.
 - b. The length of a dead-end street shall not exceed 300 feet, as measured from the center of the closest intersection to the furthest extent of the dead-end street.
 - c. Dead-end streets shall provide a suitable vehicle turn-around consistent with the Standard Plans and Specifications or as approved by the City Engineer.
8. **Cul-De-Sacs and Hammerheads.**
 - a. Cul-de-sacs and hammerheads should generally be avoided to support an interconnected street network with subdivisions.
 - b. The City may allow cul-de-sacs and hammerheads when necessary to accommodate infill subdivisions on physically constrained properties or to advance the City's subdivision design goals described in Section 17.20.020.C (Basic Design Goals).

- c. Cul-de-sacs and hammerheads shall be designed and constructed in conformance with the Standard Plans and Specifications. The use of cul-de-sacs versus hammerheads shall reflect input from and the requirements of the Contra Costa County Fire Protection District.
- d. Where feasible, pedestrian and bicycle paths shall be provided from the end of a cul-de-sac or hammerhead to an adjacent street.

9. Connections to Adjacent Property.

- a. The street system shall be extended to the boundaries of the subdivision as necessary to allow for the logical extension of public streets to adjacent properties.
- b. For a residential subdivision boundary abutting developed land, streets intersecting the boundary shall align and connect with all adjoining streets.
- c. Where the subdivision adjoins undeveloped land, streets in the subdivision shall extend to the adjoining unsubdivided land to provide access to the unsubdivided land in the event of its future subdivision.
- d. In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjoining property. A suitable vehicle turn-around shall also be provided at the end of the stub end street as approved by the City Engineer.

10. Traffic Management Techniques and Pedestrian Safety.

- a. When determined necessary by the City, streets shall incorporate neighborhood traffic management techniques, such as traffic circles, narrow lanes, and bulbouts in residential areas. Such techniques should be evaluated to ensure they improve bicycle and pedestrian travel without compromising the overall connectivity of the roadway network.
- b. Streets shall be designed and constructed to facilitate safe crossings, including accessible curb ramps, crosswalks, refuge islands, and pedestrian signals, and shall meet the needs of persons with disabilities and people of different ages.

11. Lot Access.

- a. All buildable lots within a subdivision shall have access to a public or private street or to a shared open space such as a courtyard, plaza, or pedestrian walkway.
- b. Street access requirements do not apply to condominiums, condominium conversions, and townhouses, but shall apply to the original parcel that is the location of the condominium or townhouse.

- c. Condominium units and other lots that do not front on a public or private street shall provide direct pedestrian access to a public or private street.
12. **Direct Access to Major Streets for Residential Lots.** Direct access to community and regional streets shall be restricted for new single-family residential lots, except in special circumstances when determined appropriate by the City Engineer. The City Engineer may also require that access controls be applied to new lots in other subdivisions when necessary to address specific traffic-safety needs.
13. **Control of Traffic Speeds through Road Design.**
 - a. Road design shall be used to control traffic speeds in neighborhoods where necessary.
 - b. Appropriate design features may include jogs in the street pattern, traffic circles, narrowed streets and/or narrowing at intersections (neck-downs), median islands, provisions for on-street parking, or other features as approved by the City Engineer.
14. **Street and Traffic Signs.** The subdivider shall install traffic controls and signals, pavement markings, and street name signs at all intersections in conformance with the City's Standard Plans and Specifications and as required by the City Engineer.
15. **Street Lights.**
 - a. All subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's Standard Plans and Specifications.
 - b. The subdivider shall pay for street light maintenance on decorative fixture lighting as required by the City.
16. **Street Trees.**
 - a. The subdivider shall plant street trees at 30 feet on center, or as otherwise approved by the Planning Commission, along streets all within and bordering the subdivision.
 - b. The trees shall be of a species and size approved by the Planning Commission in accordance with the Street Tree Master Plan or applicable Design Guidelines for each particular street.
 - c. The exact location, species, and size of trees approved to be installed shall be shown on the project landscape plans.
 - d. The subdivider shall maintain street trees in accordance with the project landscape plans.
17. **Street Names.** The City Council shall approve all subdivision street names as described below.

- a. **Subdivider Proposal.**
 - (1) The subdivider shall propose street names as part of the Tentative Map or Tentative Parcel Map application.
 - (2) At least two street name options shall be submitted for each new street, listed in the order of preference.
- b. **Street Naming Guidelines.** The subdivider and City shall consider the Contra Costa County Street Naming Guidelines when selecting streets names.
- c. **City Review and Approval.**
 - (1) The City shall circulate all proposed street names to the Police Department, Fire Department, and U.S. Postal Service, for comment in order to avoid name conflicts or duplications.
 - (2) The Planning Manager shall recommend to the City Council approval of the street names proposed by the subdivider or alternative street names as deemed necessary to comply with the Contra Costa County Street Naming Guidelines and any City of Concord street naming standards, guidelines, or policies.
 - (3) The City Council shall consider the Planning Manager's recommendation and approve street names for all major and minor subdivisions concurrently with the approval of the Tentative Map or Tentative Parcel Map.

[Alternative language for paragraphs (1) and (2) above to support a streamlined Parcel Map approval process:

For major subdivisions, the Planning Manager shall recommend to the City Council approval of the street names proposed by the subdivider, or alternative street names as deemed necessary to comply with the street naming guidelines in paragraph 2 above.

The City Council shall consider the Planning Manager's recommendation and approve street names for all major subdivisions concurrently with the approval of the Final Map.

For minor subdivisions, the City Engineer shall approve street names concurrently with the approval of the Parcel Map based on a recommendation of the Planning Manager and input from the Police Department, Fire Department, and U.S. Postal Service.]

- (4) Approved street names shall become final with construction of the street or recordation of the Final Map or Parcel Map, whichever comes first. In the case of an approved subdivision project that is abandoned, street-name approvals shall expire along with expiration of the related Tentative Map or Tentative Parcel Map.

C. Natural Resources. [*Modifies 17.35.170*]

1. **Municipal Code Compliance.** All subdivisions shall be designed to allow development consistent with Municipal Code provisions protecting natural resources, including but not limited to Chapter 18.310 (Tree Preservation and Protection) Chapter 8.40 (Trees and Shrubs) and Chapter 18.305 (Creek and Riparian Habitat Protection).
2. **General Plan Compliance.**
 - a. All subdivision map applications shall be accompanied by information and materials that identify the type and location of important natural resources located within or adjacent to the proposed subdivision. Important natural resources include creeks, riparian corridors, surface waters, regulatory floodways, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, significant vegetation, and other resource areas as identified in the General Plan or other City plan, policy, or ordinance.
 - b. The City may approve a subdivision map only if it is designed to allow development consistent with General Plan policies to protect important natural resources located within or adjacent to the proposed subdivision.
 - c. The City may attach conditions as necessary to the approval of a subdivision map to achieve consistency with General Plan policies to the greatest extent possible in accordance with the California Environmental Quality Act (CEQA).
3. **Public Access.** Each proposed subdivision shall be designed and constructed to provide public access to waterways, lakes, and reservoirs in compliance with Government Code Chapter 4, Article 3.5 (Public Access to Public Resources).

D. Energy Conservation. [*Modifies 17.35.150*] To the extent feasible, all subdivisions shall be designed to provide maximum opportunities for energy conservation, including future passive or natural heating or cooling opportunities, in compliance with Government Code Section 66473.1.

E. Grading and Erosion Control. All subdivisions shall allow for development consistent with grading and erosion control requirements as specified in Municipal Code Chapter 16.10 (Grading, Erosion and Sedimentation Control), any City grading guidelines, and the California Building Code.

17.20.040 – Required Improvements

All subdivision improvements shall be designed and installed as required below unless the City approves a design modification as provided in Section 17.25.070 (Design Modifications).

A. Bicycle Facilities. [*Modifies 17.35.020.b*]

1. The subdivider shall install bicycle facilities (i.e., bike paths, lanes, routes, and other bike improvements) to implement the recommended bikeway network in the Bicycle, Pedestrian & Safe Routes to Transit Plan.
2. The subdivision shall facilitate nonmotorized modes of transportation with bicycle facilities that provide connections to:
 - a. Adjacent public streets where a standard street connection is not available or desired, such as from the end of a cul-de-sac; and
 - b. Adjacent destinations, including but not limited to parks, trails, open space, schools, shopping, and employment centers.
3. The City may require bicycle improvements, including but not limited to bicycle storage, traffic calming measures, intersection bikeway crossings, and wayfinding signage, as necessary to conform to the General Plan, Downtown Specific Plan, Concord Reuse Project Area Plan, and other City plans and studies.
4. The design and specifications of bicycle improvements shall conform with the City of Concord Standard Plans and Specifications, the Bicycle, Pedestrian & Safe Routes to Transit Plan, and other applicable City plans, policies, and ordinances. The City may require bicycle improvements to incorporate design features specified in the City of Concord Safe Routes to Transit: Bicycle and Pedestrian Facility Design Guidelines.

B. Communications and Fiber Optics. [*New*]

1. The subdivider shall install conduit and related equipment necessary to provide communications, cable, and fiber optic service to each developable parcel.
2. The design and specifications of communication and fiber optic equipment shall comply with City standards and with the requirements of the manufacture of the communications equipment.

C. Fire Hydrants. [*Modifies 17.35.020.k*] The subdivider shall install fire hydrants, with their associated underground water pipes, of sizes, locations, and flow capacities as required and approved by the Contra Costa County Fire Protection District.

D. Frontage Improvements. [*Modifies 17.35.020.b*]

1. The frontage of each parcel shall be improved to its ultimate adopted geometric section, including but not limited to street structural sections, curbs, gutters, sidewalks, driveway approaches, transitions, and landscaping.
2. Frontage improvements shall be installed in accordance with Development Code Section 18.150.050 (Frontage Improvements).

E. Public Utilities. [*Modifies 17.35.020.j*]

1. Each parcel within a subdivision shall be served by public utilities, including gas, electric, telephone, cable television, and fiber optic facilities.

2. All public utilities shall be installed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission and Municipal Code Chapter 13.10 (Underground Utilities).
3. Equipment appurtenant to underground facilities, such as transformers, streetlight poles, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts, may be installed above the surface of the ground.
4. All existing overhead distribution facilities within a proposed subdivision and along peripheral streets shall be replaced with underground distribution facilities at the subdivider's expense in compliance with Municipal Code Chapter 13.10 (Underground Utilities) and the specifications of the utility involved.

F. Sanitary Sewers. [*Modifies 17.35.020.h*]

1. Each parcel within a subdivision shall be connected to the municipal sewer collection system as required by Municipal Code Chapter 13.05 (Sewer System) and in compliance with the City of Concord Sewer System Management Plan.
2. Sanitary sewer facilities shall be installed in accordance with the City of Concord Standard Plans and Specifications and the Central Contra Costa Sanitary District.
3. The location and size of sanitary sewer facilities, including pipe lines, grades, manholes, and rodding inlets shall be as approved by the City Engineer.
4. Sanitary sewer facilities shall be installed to the end of new paving on any street that might need a water or sewer extension to avoid the need for a trench cut in new paving.
5. Easements not less than 15 feet in width shall be provided within the subdivision where required for construction and maintenance of facilities.
6. The City may permit a functioning septic system to continue to serve a subdivided parcel in accordance with Municipal Code Section 13.05.090.a.2.

G. Sidewalks and Pedestrian Facilities. [*Modifies 17.35.020.c*]

1. Sidewalks shall be installed on both sides of new streets consistent with the City of Concord Standard Plans and Specifications for the applicable street type.
2. The subdivider shall install sidewalks as necessary to implement the recommended sidewalk network in the Bicycle, Pedestrian & Safe Routes to Transit Plan.
3. The subdivider shall install additional pedestrian improvements, including but not limited to marked crosswalks, curb extensions, curb ramps, median refuge islands, and lighting, as necessary to provide for a safe and convenient network of pedestrian walkways consistent with the Bicycle, Pedestrian & Safe Routes to Transit Plan, the General Plan, and other City plans and studies.

4. The subdivision shall facilitate pedestrian connections to the adjacent street network and nearby destinations, including but not limited to parks, trails, open space, schools, shopping, and employment centers.
5. The design and specifications of pedestrian improvements shall conform with the City of Concord Standard Plans and Specifications, the Bicycle, Pedestrian & Safe Routes to Transit Plan, and other applicable City plans, policies, and ordinances. The City may require pedestrian improvements to incorporate design features specified in the City of Concord Safe Routes to Transit: Bicycle and Pedestrian Facility Design Guidelines.

H. Stormwater Drainage. [*Modifies 17.35.020.g*]

1. Storm water runoff discharge off-site must comply with all requirements of the current Municipal Regional Permit (MRP) issued by the California Regional Water Quality Control Board, San Francisco Bay Region and the Contra Costa County Clean Water Program with respect to treatment, hydrograph modification, trash removal, and other similar requirements.
2. Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system.
3. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of adjoining and off-site properties that would be adversely affected by any increase in runoff attributed to the development. Off-site storm drain improvements may be required to satisfy this requirement.
4. Any increase in runoff volume and flows shall be managed in accordance with the development runoff requirement.
5. Storm drain improvements and facilities shall be maintained by the property owner, property-owners' association, and/or equivalent maintenance entity.

I. Trails. [*Modifies 17.35.020.e*]

1. The subdivider shall install trails and trail improvements in accordance with the Trails Master Plan, the General Plan, and other applicable City plans, policies, and ordinances.
2. The design and specifications of trails and trail improvements shall conform with the City of Concord Standard Plans and Specifications, the Trails Master Plan, and other applicable City plans, policies, and ordinances

J. Transit Facilities. [*Modifies 17.30.040*]

1. Appropriate accommodations shall be provided to offer residents and/or workers of the subdivision safe, efficient, and convenient access to public transportation, including but not limited to BART trains, BART shuttles, and local and regional bus service.

2. Bus-stop pullout shall be provided when a subdivision is adjoining a street with an existing or planned fixed transit route, adjoining a street that is identified on a master plan of local or regional bus service agency as a future service route, or when it is likely that transit service will be extended along an adjoining street or new street in the subdivision in the future by any local or regional transit agency.
3. This requirement may be waived if it is determined by the approval authority that an existing bus stop is available to serve the residents of the subdivision.
4. Passenger amenities should be provided to enhance the comfort and safety of waiting passengers.

K. Water Supply. [*Modifies 17.35.020.i*]

1. Each parcel intended for development shall be served by an approved water-system connection capable of providing sufficient flows and pressure for domestic use and required fire protection.
2. Water supply facilities shall be installed in accordance with the standards and specifications of the Contra Costa Water District and requirements of the City.
3. The location and size of pump station reservoirs, water pipes, valves, and ancillary facilities shall comply with the requirements of the Contra Costa Water District and as approved by the City Engineer.
4. Water lines shall be installed to the end of new paving on any street that might need a water or sewer extension to avoid the need for a trench cut in new paving.
5. Easements, when required, shall comply with the requirements of the Contra Costa Water District.

L. Recycled Water. [*New*] To the extent possible, the subdivider shall provide each parcel intended for development access to a recycled water system for landscape irrigation consistent with Contra Costa Water District requirements.

M. Other Improvements. The City may require the subdivider to install other improvements as necessary to achieve consistency with the General Plan and City specific plans.

N. Off-Site Improvements. [*Modifies 17.35.020*]

1. If the subdivider is required to construct off-site improvements on land in which neither the City or the subdivider have sufficient title or interest to allow construction, the City shall, within 120 days of recording the Final Map or Parcel Map, acquire by negotiation or commence condemnation of the land.
2. If the City fails to meet the 120-day time limit, the condition for the construction shall be waived.

3. Prior to approval of the Final Map or Parcel Map, the City may require the subdivider to enter into an agreement to complete the off-site improvements at the time the City acquires title or interest in the land.
4. The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

17.20.050 – Maintenance of Improvements [New]

- A. Maintenance District/Association Required.** A formal maintenance district, property-owners' association, and/or equivalent maintenance entity shall be created when determined necessary by the City to ensure proper ongoing maintenance of improvements utilized in common, including private street lighting, landscaping, street trees, storm drain facilities, walls and fences, parking areas, bicycles and pedestrian facilities, private parks and playgrounds, and other improvements not specially accepted by the City.
- B. City Approval.** The City shall review and improve the conditions, covenants, and restrictions (CC&R's) for a subdivision with improvements utilized in common to ensure proper maintenance and management of the improvements.
- C. Subdivider Responsible for Costs.** The subdivider shall be responsible for all costs and fees associated with the formation of the maintenance district/association. Formal arrangements for creation of the required maintenance entity(s) shall be completed with recordation of a Final Map or Parcel Map.

17.20.060 – Supplemental Capacity [Modifies 17.35.020.a.2]

As a condition of approval for a Tentative Map or Tentative Parcel Map, the City may require the subdivider to install subdivision improvements with supplemental size, capacity, number, or length to benefit property outside the subdivision, and to dedicate those improvements to the public in accordance with Government Code Sections 66485-66489.

17.20.070 – Design Modifications [New]

- A. Purpose.** This section establishes a process by which the City may approve modifications to subdivision design and improvement standards contained in this chapter. City subdivision design and improvement standards reflect standard conditions and are not intended to be appropriate to all conditions.
- B. Eligibility.** At the time of approving a Tentative Map or Tentative Parcel Map, the approval authority may authorize modifications to a subdivision design and improvement standard when one or more of the following circumstances apply to the project:

1. It is impossible, impractical, or undesirable to conform to the standard because of 1) the size or shape of the subdivision; or 2) unique topographic, special habitat, soil conditions, or other constraint present within the subdivision. The requested modification is necessary due to this unique subdivision characteristic or condition.
2. The subdivision is located in an urban infill area with existing streets, utilities, or other public improvements that do not conform to the standards in this chapter. Modification of the standard is necessary to allow the logical and compatible extension of streets, utilities, or other public improvements due to existing conditions.
3. The subdivision is subject to a specific plan, area plan, planned development, mixed-use plan, or condominium plan with subdivision design and improvement standards different from the standards in this chapter. Modification of the standards within this chapter is necessary to comply with these alternative standards.
4. The subdivision must incorporate one or more mitigation measures identified in a Mitigated Negative Declaration or Environmental Impact Report to reduce the subdivision's environmental impacts.
5. The subdivision will include affordable housing approved under Municipal Code Chapter 18.185 (Affordable Housing) and Government Code Section 65915 et seq. Modification to the standard is necessary to make the affordable housing component of the project economically feasible.

C. Request for Modification.

1. The subdivider must request a design standard modification request as part of the Tentative Map or Tentative Parcel Map application.
2. The basis and factual information supporting the design modification request shall be clearly stated by the subdivider.
3. Additional information may be requested by the City Engineer as necessary to evaluate the request.

D. Approval of Modification. The review authority and/or City Engineer may approve a subdivision design standard modification upon making all of the following findings:

1. One or more special circumstances clearly apply to the subdivision as identified under Subsection B (Eligibility) above.
2. With the modification, the project remains consistent with the Map Act, the General Plan, and the general purpose and intent of this title.
3. The modification is necessary for preservation and enjoyment of a substantial property right of subdivider and does not result in a special privilege not available to others in the same circumstance.

Article II – Improvement Construction and Approval

Sections:

- 17.20.080 – Purpose
- 17.20.090 – Improvement Plans
- 17.20.100 – Improvement Agreements
- 17.20.110 – Improvement Security
- 17.20.120 – Construction and Inspection
- 17.20.130 – Completion of Improvements
- 17.20.140 – Acceptance of Improvements

17.20.080 – Purpose

This article establishes requirements for City approval of subdivision improvements, including requirements for improvement plans, agreements, and security; construction, inspection, and completion of improvements; and City acceptance of completed improvements.

17.20.090 – Improvement Plans [Revises 17.35.030]

A. General Requirements.

1. Prior to the approval of a Final Map or Parcel Map, the subdivider shall receive City Engineer approval of an improvement plan showing subdivision improvements specified in Section 17.20.040 (Required Improvements).
2. Improvement plans shall be prepared under the direction of and signed by a registered civil engineer licensed by the State of California.
3. The form and content of improvement plans shall conform to the conditions of approval and to the City of Concord Standard Plans and Specifications and approved modifications thereto.

B. Supplemental Plans and Calculations.

1. Engineering calculations, bond or other security estimates, and any structural calculations as required by the City Engineer shall be submitted with the improvement plans.
2. All calculations shall be legible, systematic, signed and dated by a registered civil engineer licensed by the State of California and in a form approved by the City Engineer. All preliminary and final calculations shall be clearly noted as such when submitted and shall be submitted per the requirements of the California Business and Professions Codes Sections 6735 and 8760.

C. City Engineer Review

1. The subdivider shall submit copies of the improvement plans, Tentative Map or Tentative Parcel Map with annotated conditions of approval, associated calculations, reports, and estimates to the City Engineer for review along with an application and all associated fees. Plans shall be accompanied by approvals from all outside governmental agencies and service providers.
2. The City Engineer shall act on the application within 60 working days of its submittal, plus extensions agreed to or necessitated by corrections in accordance with Government Code Section 66456.2.
3. Upon completion of the review, the City Engineer shall return to the subdivider one set of the preliminary plans, associated calculations, reports, and estimates, with any required revisions and/or the need for supplemental plans, associated calculations, reports, and estimates indicated.
4. If any revisions and/or supplemental plans, associated calculations, reports, and estimates are necessary, the subdivider shall submit the corrected and supplemental plans, associated calculations, reports, and estimates to the City Engineer for review and approval.

D. City Engineer Approval.

1. Upon finding that the improvement plans, associated calculations, reports, and estimates comply with all applicable City ordinances and plans, design requirements, and conditions of approval of the Tentative Map or Tentative Parcel Map, the City Engineer shall sign and date the improvement plans and return the originals to the subdivider.
2. Approval of the improvement plans shall not be construed as approval of the gas, electric, communications, water, or other services not provided by the City.
3. Approval by the City Engineer shall not relieve the subdivider or the subdivider's engineer from responsibility from the design of the improvements or for any deficiencies resulting from the design or from any conditions of approval of the Tentative Map or Tentative Parcel Map.
4. The approval of the improvement plans by the City Engineer, or the City Engineer's certification that no improvements are required, becomes effective only after approval of the Final Map or Parcel Map of the subdivision.

E. Revisions to Approved Improvement Plans [New]

1. **Revisions Initiated by Subdivider.**
 - a. If the subdivider determines during construction that revisions to approved improvement plans are necessary or desirable, a request for revision with revised plans showing the proposed revision shall be submitted in writing to the City Engineer along with plans and required fees.

- b. If the City Engineer determines the revision is acceptable and consistent with Tentative Map or Tentative Parcel Map, the original revised plans shall be submitted to the City Engineer's office for initialing.
 - c. Upon receipt of the initialed originals, the subdivider shall immediately transmit to the City Engineer a copy of the revised plans.
 - d. Construction of any proposed revision is not permitted until the City Engineer receives and approves the revised plans.
2. **Revisions Initiated by City Engineer.**
- a. If the City Engineer determines that revisions to approved improvement plans are necessary to protect public health and safety or required by field conditions, a written request for revisions shall be submitted to the subdivider by the City Engineer.
 - b. The subdivider shall revise the plans and transmit the originals to the City Engineer for initialing within the time specified by the City Engineer.
 - c. Upon receipt of the initialed originals, the subdivider shall immediately transmit to the City Engineer a copy of the revised plans.
 - d. The City Engineer may stop construction of all or any portion of the improvements until the subdivider submits revised drawings.
 - e. If revisions are made that would be in conflict with the approved Tentative Map or Tentative Parcel Map, the subdivider shall seek an amendment of the Tentative Map or Tentative Parcel Map in accordance with Section 17.10.110 (Amendments to Approved Maps).
 - f. The City Engineer may require amendments to improvement maintenance agreements previously approved by the City prior to approval or revised improvement plans.

17.20.100 – Improvement Agreements [Modifies 17.35.050]

A. Subdivision Improvement Agreement.

1. **Agreement Required.** Before the City may approve a Final Map or Parcel Map, the subdivider shall enter into an agreement with the City assuring the completion of subdivision improvements within a specified time and adequate funding for their completion.
2. **City Approval.** The agreement shall be approved by the City Engineer and approved as to form by the City Attorney.
3. **Agreement Form and Contents.** The agreement shall be based on the City's standard form of subdivision improvement agreement and shall provide for all of the following:

- a. Construction of all improvements according to the Standard Plans and Specifications.
 - b. Specified times to complete the improvements.
 - c. Guarantee and warranty of the improvements.
 - d. Payment of required City fees.
 - e. Improvement security as required by Section 17.20.100 (Improvement Security).
 - f. Release and indemnification of the City from liability from the development and payment of attorney's fees if the subdivision approval is challenged.
 - g. Insurance requirements.
 - h. Compliance with all applicable laws.
 - i. Any other provisions required by the City as reasonably necessary to comply with the requirements of this title or the Map Act.
4. **Recordance Required.** The executed improvement agreement shall be recorded in the office of the County Recorder and shall bind the subdivider's successors-in-interest.
- B. Development Agreement.** A development agreement may be used in lieu of, or in addition to, an improvement agreement, provided that it contains the provisions described in Subsection A (Subdivision Improvement Agreement) above at a minimum. Where public improvements are required, improvement plans, engineering calculations, and cost estimates shall be submitted and approved by the City Engineer prior to acceptance of a Final Map or Parcel Map for filing.
- C. Deferred Improvement Agreements** [*Replaces 17.35.060*]. The City may allow subdivision improvements to be deferred until a later date in accordance Government Code Section 66411.1. When deferment is allowed, the subdivider shall enter into a deferred improvement agreement in a form acceptable to the City Engineer and City Attorney for installment of all deferred improvements at a specified later time. Deferred improvement agreements shall comply with the following requirements:
1. The subdivider shall begin construction of improvements within a date mutually agreed upon in writing.
 2. In the event of a default by the subdivider, the City is authorized to have construction done and charge the entire cost and expense to the subdivider, including interest from the date of notice of the cost and expense until paid. The interest rate shall be consistent with the requirements of Article 15, Section 1 of the California State Constitution.

3. The City shall record the agreement with the County Recorder and shall constitute notice to all successors and assignees of title to the real property of the obligations specified in the agreement.
4. The agreement shall constitute a lien in a sufficient amount necessary to fully reimburse the City, including interest, subject to foreclosure in the event of a default in payment. The obligations under the agreement shall run with the property and constitute a lien against it.
5. In the event of litigation caused by default of the subdivider, the subdivider agrees to pay all costs involved, including reasonable attorneys' fees. Those costs shall become a part of the lien against the real property.
6. The construction of deferred improvements shall conform to the City of Concord Standard Plans and Specifications and all applicable City ordinances and regulations in effect at the time of construction.

D. Remainder Parcels. [*Modifies 17.35.060.b*]

1. For a designated remainder parcel, the subdivider may enter into an agreement with the City to construct improvements prior to future City approval of development on the remainder parcel. The improvements shall be at the subdivider's expense.
2. In the absence of an agreement, the City may require fulfillment of the construction requirements within a reasonable time following approval of the Final Map or Parcel Map, upon a finding that fulfillment of the construction requirements is necessary for reasons of:
 - a. The public health and safety; or
 - b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
3. If a designated remainder is subsequently sold, the owner shall obtain a certificate of compliance or conditional certificate of compliance from the City Engineer before development occurs.

E. Reimbursement Agreements. The subdivider may request reimbursement in accordance with Government Code Sections 66485-66487 for installed improvements when all of the following conditions are met:

1. Improvements are greater than minimum size required.
2. Improvements contain supplemental capacity, length, number, or size for the benefit of property not within the subdivision.
3. Improvements are to be dedicated to the public.

17.20.110 – Improvement Security [*Modifies 17.35.070*]

An improvement agreement, contract, or act required or authorized by the Map Act or this title for which security is required shall be secured in compliance with Government Code Section 66499 et seq. and as provided in this Section.

A. Improvement Security Required.

1. The City may approve a Final Map or Parcel Map only after receiving and approving all improvement securities required by this section.
2. All improvement securities shall be reviewed and approved by the City Engineer and the City Attorney.

B. Type and Amount of Security. The subdivider shall provide the following security in the amount and forms specified:

1. **Performance Security.** A performance security equal to 100 percent of improvement costs to guarantee the construction or installation of all improvements.
2. **Materials and Labor Security.** A materials and labor security equal to 100 percent of improvement costs to guarantee payment to subdivider's contractor, and to subcontractors and to persons furnishing labor, materials, or equipment for the construction or installation of improvements.
3. **Warranty Security.** A warranty security not less than 10 percent of improvement costs to guarantee throughout a one-year warranty period following completion and acceptance of improvements.

C. Estimated Improvement Cost. The estimate of improvement costs shall be as approved by the City Engineer and shall provide for all of the following:

1. Total construction costs.
2. Fifteen percent of the total construction and construction management and inspection cost for contingencies.
3. Increase for projected inflation computed to the estimated end of construction.
4. All utility installation costs or a certification acceptable to the City Engineer from the utility company that adequate security has been deposited to ensure installation.
5. Enforcement costs calculated as \$25,000 or five percent of the estimated construction cost, whichever is greater. These enforcement costs are not added if the bond language includes enforcement costs in addition to the face amount of the bond.

D. Form of Security. The form of security shall be one or the combination of the following subject to the approval of the City:

1. A bond by an insurer admitted to transact surety insurance in California. The provisions of the bond shall be in accordance with Government Code Sections 66499.1, 66499.2, 66499.3, and 66499.4.
2. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public money.
3. An instrument of credit from an agency of the state, federal, or local government when the agency of the state, federal, or local government provides at least 20 percent of the financing of the portion of the project requiring security.
4. A lien upon the property to be divided, created by contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map. The lien shall be in compliance with Government Code Section 66499(b).

E. Release of Security.

1. Performance Security.

- a. The City shall release performance security after accepting required improvements and receiving any required maintenance or warranty agreements and security.
- b. If warranty security is not submitted, the City shall release performance security twelve months after accepting required improvements and correction of all warranty deficiencies.
- c. The City may permit a partial release of performance security as work progresses in accordance with Government Code Section 66499.7.

2. Material and Labor Security.

- a. The City shall release material and labor security 180 days after the completion of improvement and acceptance by the City
- b. The amount of released security shall be reduced by the amount of claims filed and of which notice has been given to the City.
- c. The City shall release the balance of the security upon the settlement of all claims and obligations for which the security was given.

3. Warranty Security. The City shall release warranty security upon satisfactory completion of a one-year warranty period, provided:

- a. All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected; and

- b. Not less than twelve months has elapsed since the acceptance of the improvements by the City Council.

17.20.120 – Construction and Inspection [*Modifies 17.35.080*]

A. Compliance with Plans and Standards. The construction methods and materials for subdivision improvements shall comply with the approved improvement plans, the City of Concord Standard Plans and Specifications, and the standards and specifications of any participating utility.

B. Commencement of Construction.

1. Construction may not begin until the City Engineer has approved all required improvement plans and issued a permit for all required improvements.
2. Grading may not begin until the City issues a grading permit in accordance with Municipal Code Chapter 16.10 (Grading, Erosion, and Sedimentation Control).
3. The subdivider shall notify the City Engineer at least 10 working days before beginning any work.

C. Final Geotechnical Reports.

1. A final report acceptable to the City Engineer and Building Official shall be prepared for each preliminary geotechnical report.
2. Each final report shall be submitted at the completion of the grading work, prior to the release of grading bonds, and prior to issuance of building permits.
3. Each final report shall contain complete field data to indicate full compliance with the preliminary report and subsequent recommendations based on new information acquired during construction.
4. The geotechnical engineer shall provide written approval as to the adequacy of the site for the intended use and shall include pad certifications and compaction reports.

D. City Inspection.

1. All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the City Engineer.
2. The City Engineer shall have access to the work at all times during its construction and shall be furnished with every reasonable facility to verify that the improvements are in compliance with the requirements of this chapter.
3. If any of the work on improvements is done by the subdivider without the proper inspection of the improvements as required by the City Engineer, the City Engineer may reject that work, and it is deemed to have been done at the risk of the subdivider.

E. Progress Without Undue Delay.

1. The subdivider shall proceed with work on the improvements without undue delay except for inclement weather or other reasonable cause.
2. If there is a delay in completion of the work beyond the period stated in the subdivision improvement agreement, unless an extension is approved by the City Council in accordance with Section 17.20.130 (Completion of Improvements), the City Council may take appropriate steps to use the security to complete the work.

17.20.130 – Completion of Improvements [Modifies 17.35.090]**A. Timing.** The subdivider shall complete subdivision improvements before the recording of the Final Map or Parcel Map unless one or more apply:

1. The City Engineer authorizes a later completion date, not to exceed 24 months from the recording of the Final Map or Parcel Map.
2. The City Council grants an extension in accordance with Subsection C (Extensions) below.
3. The subdivision improvement agreement provides for a longer period for completion of the work.

B. Uncompleted Improvements. If the subdivider fails to complete the improvements within the specified time, the City Council may require the uncompleted improvements to be completed, and the parties executing the performance security shall be firmly bound for the payment of all costs. Additional costs will constitute a lien or reversion.**C. Extensions.**

1. A subdivider may request City Council approval to extend the completion date of required improvements by submitting a written request to the City Engineer. The request must be submitted at least 30 days before expiration of the subdivision improvement agreement and shall be accompanied by required fees and evidence to justify the request for extension.
2. The City Council shall act at the subdivider's request at a public meeting noticed in accordance with Development Code Chapter 18.500 (Public Hearings).
3. When approving a requested extension, the City Council may require any of the following:
 - a. Revised improvement plans to provide for current design and construction standards when required by the City Engineer.
 - b. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer.

- c. Increased improvement securities in compliance with revised construction estimates.
 - d. Increase of inspection fees to reflect current construction costs. Inspection fees are not subject to decrease or refund.
 - e. Additional requirements relating to the physical improvements, which would bring the project into compliance with current City ordinances, policies, and standards.
4. If approved by the City Council, the extension becomes effective only after an amendment to the subdivision improvement agreement, prepared by the City Engineer and approved by the City Attorney, has been executed by the subdivider.

17.20.140 – Acceptance of Improvements [*Modifies 17.35.100*]

A. Acceptance by City Council or City Engineer.

1. When the subdivider has completed all improvements, corrected all deficiencies, and submitted record drawings of the improvements, the City shall consider the subdivision improvements for acceptance.
2. The City Council shall by resolution accept all improvements for major subdivisions with a recommendation from the City Engineer. The City Engineer shall accept all improvements for minor subdivisions.
3. Acceptance of the public improvements shall imply only that the improvements have been completed satisfactorily and that improvements have been accepted for public use.

B. Recordation of Acceptance. When subdivision improvements, dedications of rights-of-way, and dedications of easements are accepted for public purposes, the City shall file a notice with the County Recorder.

C. Acceptance of a Portion of the Improvements. When requested by the subdivider in writing, the City may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements may be accepted by the City only upon finding that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this section.

CHAPTER 17.25
REVERSIONS, MERGERS, AND
LOT LINE ADJUSTMENTS

Article I. Reversion to Acreage

- 17.25.010 – Purpose
- 17.25.020 – Initiation
- 17.25.030 – Review Authority
- 17.25.040 – Application Submittal and Review
- 17.25.050 – Public Notice and Hearing
- 17.25.060 – City Action
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Article I – Reversion to Acreage

Sections:

- 17.25.010 – Purpose
- 17.25.020 – Initiation
- 17.25.030 – Review Authority
- 17.25.040 – Application Submittal and Review
- 17.25.050 – Public Notice and Hearing
- 17.25.060 – City Action
- 17.25.070 – Recordation and Effective Date
- 17.25.080 – Alternatives Procedures

17.25.010 – Purpose [*Modifies 17.40.010*]

This article establishes a process for eliminating the subdivision of previously subdivided lots and returning them to their original configuration. (Government Code Sections 66499.11 – 66499.20.3).

17.25.020 – Initiation

A proposed Reversion to Acreage may be initiated by either:

- A. Petition by all the owners of record of the property; or
- B. Resolution of the City Council, with the City Council directing the City Engineer to obtain the necessary information to initiate and conduct proceedings.

17.25.030 – Review Authority

The City Council shall take action on all proposed Reversions to Acreage.

17.25.040 – Petition Submittal and Review

If a property owner initiates a proposed Reversion to Acreage, a petition shall be submitted and reviewed in accordance with Section 17.05.090 (Application Submittal and Review). Petitions shall be accompanied by all required fees, information, and materials as specified in the City's checklist for Reversions to Acreage applications.

17.25.050 – Public Notice and Hearing

The City Council shall take action on a proposed Reversion to Acreage at a noticed public hearing in accordance with Development Code Chapter 18.500 (Public Hearings).

17.25.060 – City Action

A. Findings. The City Council may approve a proposed Reversion to Acreage only after making all of the following findings (Government Code Section 66499.16):

1. Dedications, or offers of dedication, to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.
2. One of the following is true:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion.
 - b. None of the improvements required to be made within two years from the date the Final Map or Parcel Map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later, have been completed.
 - c. No lots shown on the Final Map or Parcel Map have been sold within five years from the date such map was filed for record.

B. Conditions of Approval.

1. The City Council may attach the following conditions to the approval of a proposed Reversion to Acreage (Government Code Section 66499.17):
 - a. The property owner shall dedicate or make an irrevocable offer of dedication as required by Chapter 17.15 (Dedications and Reservations).
 - b. The property owner shall pay or submit all fees, deposits, or securities as required by this title.
2. The City Council may attach additional conditions as necessary to ensure compliance with the General Plan, any applicable specific plan, the Development Code, or other applicable provisions of the Municipal Code.

17.25.070 – Recordation and Effective Date

A. Recordation. After City Council approval of the Reversion to Acreage, the City shall transmit the Final Map or Parcel Map, together with the City Council resolution approving the reversion, to the County Recorder for recordation.

1. Upon recordation of the Final Map, all dedications and offers of dedication applicable to the previous subdivision and not shown on the reversion Final Map are of no further effect. (Government Code Section 66499.18).
2. Once reversion is effective, all unused fees and deposits must be returned to the current owner of record and all improvement security released except those retained pursuant to Section 17.25.060.B (Conditions of Approval). (Government Code Section 66499.19).

- B. Effective Date.** Reversions shall be effective when the Final Map or Parcel Map is filed with the County Recorder.

17.25.080 – Alternatives Procedures

- A. Parcel Map.** For subdivisions of four or fewer contiguous lots with a single owner, a Parcel Map may be used to revert to acreage in compliance with Government Code Section 66499.20.1.
- B. New Maps.** Subdivided lands may be merged and resubdivided without reverting to acreage by filing a new map over the old map in compliance with Government Code Section 66499.20.2.
- C. Merger of Contiguous Parcels.** As set forth in Article II (Parcel Mergers) of this chapter, the City Engineer may authorize the merger of contiguous parcels under common ownership without reverting to acreage upon recordation of an instrument evidencing the merger in compliance with Government Code Section 66499.20.3.

Article II – Parcel Mergers

Sections:

17.25.090 – Purpose

17.25.100 – Voluntary Parcel Mergers

17.25.110 – Mandatory Parcel Mergers

17.25.090 – Purpose

- A. This article provides a process for the merger of contiguous parcels under common ownership.
- B. Parcel mergers may be voluntary mergers initiated by a property owner or mandatory mergers initiated by the City.
- C. Parcel mergers may also occur by filing a Parcel Map or Final Map, which has the effect of creating a new subdivision.

17.25.100 – Voluntary Parcel Mergers

- A. **When Allowed.** Voluntary parcel mergers processed under this article are allowed only when all of the following are true:
 - 1. The parcels are contiguous and held by the same owner.
 - 2. One of the parcels does not conform to the minimum lot size standard specified in the Development Code.
 - 3. One of the parcels does not contain a structure for which a building permit is required, or contains only an accessory structure.
 - 4. At least one of the parcels meet one or more of the requirements specified in Government Code Section 66451.11(b).
- B. **Review Authority.** The City Engineer in consultation with the Zoning Administrator shall take action on all Voluntary Parcel Merger applications.
- C. **Application Submittal.**
 - 1. Voluntary Parcel Merger applications shall be submitted and reviewed in accordance with Section 17.05.090 (Application Submittal and Review). Applications shall be accompanied by all required fees, information, and materials as specified in the City’s checklist for Voluntary Parcel Merger applications.

- D. City Engineer Action.** Within 30 calendar days of accepting an application as complete, the City Engineer shall approve, approve with conditions, or deny the Voluntary Parcel Merger application.
- E. Public Notice and Hearing.**
1. No public hearing is required for a Voluntary Parcel Merger unless requested by the applicant.
 2. If a hearing is requested, notice of the public hearing shall be given in accordance with Development Code Chapter 18.500 (Public Hearings).
- F. Criteria for Decision.** The City Engineer shall approve a Voluntary Parcel Merger application if all of the following findings can be made:
1. The proposed Voluntary Parcel Merger complies with all requirements of this title and the Map Act.
 2. The resulting parcels are consistent with the requirements of the California Environmental Quality Act (CEQA), the General Plan, any applicable specific plans, the Development Code, and other applicable provisions of the Municipal Code.
- G. Conditions of Approval.** The City Engineer may attach conditions to the approval of a Voluntary Parcel Merger as necessary to ensure compliance with the General Plan, any applicable specific plan, the Development Code, or other applicable provisions of the Municipal Code.
- H. Appeals.** City Engineer decisions on Voluntary Parcel Merger applications may be appealed to the Planning Commission or called for review in accordance with Development Code Chapter 18.510 (Appeals and Calls for Review).
- I. Recordation and Effective Date.**
1. **Recordation.** The applicant shall file with the County Recorder a deed reflecting the Voluntary Parcel Merger and documentation from the City verifying approval of the Voluntary Parcel Merger. The applicant shall submit to the City Engineer a copy of the recorded deed.
 2. **Effective Date.** Voluntary Parcel Mergers shall be effective when the deed is filed with the County Recorder.
- J. Expiration.** A Voluntary Parcel Merger approval shall be valid for one year from the date of approval. If the adjusted lots are not recorded within that one-year period, the approval shall expire.

17.25.110 – Mandatory Parcel Mergers

The City may require the merger of contiguous parcels under single ownership if one of the parcels does not conform to the minimum parcel size to allow use or development in

compliance with the Development Code and if all of the requirements specified in Government Code Section 66451.11(b) are met. In such a case, the procedures and requirements for a mandatory parcel merger shall be as specified in Government Code Sections 66451.10 – 66451.33.

Article III – Lot Line Adjustments

Sections:

- 17.25.120 – Purpose
- 17.25.130 – When Allowed
- 17.25.140 – Review Authority
- 17.25.150 – Application Submittal and Review
- 17.25.160 – City Engineer Action
- 17.25.170 – Criteria for Decision
- 17.25.180 – Conditions of Approval
- 17.25.190 – Appeals
- 17.25.200 – Recordation and Effective Date
- 17.25.210 – Expiration

17.25.120 – Purpose [*Revises 17.40.140*]

This article provides a process for the legal adjustment of lot lines that does not create new lots.

17.25.130 – When Allowed [*Revises 17.40.150*]

Lot Line Adjustments processed under this article are allowed only when:

- A. The Lot Line Adjustment involves a maximum of four existing adjoining lots;
- B. The land taken from one lot is added to an adjoining lot; and
- C. No additional lots are created.

17.25.140 – Review Authority

The City Engineer in consultation with the Zoning Administrator shall take action on all Lot Line Adjustment applications.

17.25.150 – Application Submittal and Review [*Revises 17.40.160*]

Lot Line Adjustment applications shall be submitted and reviewed in accordance with Section 17.05.090 (Application Submittal and Review). Applications shall be accompanied by all required fees, information, and materials as specified in the City’s checklist for Lot Line Adjustment applications.

17.25.160 – City Engineer Action

Within 30 calendar days of accepting an application as complete, the City Engineer shall approve, approve with conditions, or deny the application. No public notice or hearing is required.

17.25.170 – Criteria for Decision [New]

The City Engineer shall approve a Lot Line Adjustment application if all of the following findings can be made:

- A. The proposed Lot Line Adjustment complies with all requirements of this title and the Map Act.
- B. The resulting lots are consistent with the requirements of CEQA, the General Plan, specific plans, the Development Code, and other applicable provisions of the Municipal Code.

17.25.180 – Conditions of Approval [New]

The City Engineer may attach conditions to the approval of a Lot Line Adjustment only for the following reasons:

- A. To ensure compliance with the requirements of CEQA, the General Plan, any applicable specific plans, the Development Code, and other applicable provisions of the Municipal Code.
- B. To require the prepayment of real property taxes prior to the approval of the Lot Line Adjustment.
- C. To facilitate the relocation of existing utilities, infrastructure, or easements.

17.25.190 – Appeals

City Engineer decisions on Lot Line Adjustment applications may be appealed to the Planning Commission or called for review in accordance with Development Code Chapter 18.510 (Appeals and Calls for Review).

17.25.200 – Recordation and Effective Date [Revises 17.40.180]

- A. **Recordation.** The applicant shall file with the County Recorder a deed reflecting the Lot Line Adjustment and documentation from the City verifying approval of Lot Line Adjustment. The applicant shall submit to the City Engineer a copy of the recorded documents.
- B. **Effective Date.** The Lot Line Adjustment shall be effective when the deed is filed with the County Recorder.

17.25.210 – Expiration [*New*]

A Lot Line Adjustment approval shall be valid for one year from the date of approval. If the adjusted lots are not recorded within that one-year period, the approval shall expire.

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CHAPTER 17.35 CONDOMINIUMS

Article I. New Residential and Non-Residential Condominiums

- 17.35.010 – Purpose
- 17.35.020 – Applicability
- 17.35.030 – Approvals Required
- 17.35.040 – Review Authority
- 17.35.050 – Application Submittal and Review
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- 17.35.070 – Post-Decision Procedures
- 17.35.080 – Standards for Condominiums
- 17.35.090 – Inclusionary Housing
- 17.35.100 – Conditions of Approval
- 17.35.110 – Covenants, Conditions, and Restrictions

Article II. Residential Condominium Conversions

- 17.35.120 – Purpose
- 17.35.130 – Applicability
- 17.35.140 – Approvals Required
- 17.35.150 – Review Authority
- 17.35.160 – Application Submittal and Review
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- 17.35.220 – Tenant Provisions
- 17.35.230 – Conditions of Approval
- 17.35.240 – Covenants, Conditions and Restrictions (CC&Rs)
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Article III. Non-Residential Condominium Conversions

17.35.260 – Purpose

17.35.270 – Applicability

17.35.280 – Approvals Required

17.35.290 – Review Authority

17.35.300 – Application Submittal and Review

17.35.310 – City Action

17.35.320 – Conditions of Approval

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17.35.340 – Standards for Condominium Conversions

17.35.350 – Exceptions to Development Standards

17.35.360 – Covenants, Conditions and Restrictions (CC&Rs)

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Article I – New Residential and Non-Residential Condominiums

Sections:

- 17.35.010 – Purpose
- 17.35.020 – Applicability
- 17.35.030 – Approvals Required
- 17.35.040 – Review Authority
- 17.35.050 – Application Submittal and Review
- 17.35.060 – City Action
- 17.35.070 – Post-Decision Procedures
- 17.35.080 – Standards for Condominiums
- 17.35.090 – Inclusionary Housing
- 17.35.100 – Conditions of Approval
- 17.35.110 – Covenants, Conditions, and Restrictions

17.35.010 – Purpose [*Modifies 17.50.010*]

This article establishes requirements for the approval of new condominiums and other forms of common interest residential and non-residential property. These requirements are intended to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium dwelling units.

17.35.020 – Applicability

This article applies to all new residential and non-residential condominiums, stock cooperatives, community apartments, or any other subdivision of common interest property.

17.35.030 – Approvals Required [*New*]

A. Subdivision Maps. Pursuant to Government Code Section 66426, a condominium is treated as a subdivision subject to this title and the Map Act. As such, a condominium project requires City approval of subdivision maps as described in Article III (Maps Required) of Chapter 17.05 (General Provisions) and as follows:

1. Condominiums creating four or fewer parcels: Tentative Parcel Map and a Parcel Map.
2. Condominiums creating five or more parcels: Tentative Map and a Final Map.

- B. Use Permits.** All condominium projects, regardless of the number of units created, require Planning Commission approval of a Use Permit in accordance with Development Code Chapter 18.435 (Minor Use Permits and Use Permits).
- C. Other Permits and Approvals.** In addition to required subdivision maps, a proposed condominium is subject to the same permit and approval requirements that apply to other proposed projects as required in the applicable zoning district, including but not limited to Design and Site Review and Use Permit approvals.

17.35.040 – Review Authority [New]

- A. Tentative Maps, Use Permit, and Design Review.** The Planning Commission shall concurrently review and act on applications including but not limited to Tentative Map or Tentative Parcel Maps, Design and Site Review, and Use Permits as required for all condominiums regardless of the number of parcels created.
- B. Parcel Maps and Final Maps.** In accordance with Section 17.10.160 (Review Authority), the City Engineer shall take action on Parcel Maps for condominiums creating four or fewer parcels, and the City Council shall take action on Final Maps for condominiums creating five parcels or more.

17.35.050 – Application Submittal and Review [New]

- A. Subdivision Maps.** Applications for Tentative Maps, Tentative Parcel Maps, Final Maps, and Parcel Maps for condominiums shall be submitted and reviewed in accordance with Chapter 17.10 (Subdivision Maps).
- B. Use Permits and Design and Site Review.** Applications for Use Permits, Design and Site Review, and other approvals when required by the Development Code shall be submitted concurrently with the Tentative Map or Tentative Parcel Map application in accordance with Development Code requirements. Applications shall include all required fees, information, and materials as specified in the City's application checklist for the required permits and approvals.

17.35.060 – City Action [New]

- A. Public Notice and Hearing.** The Planning Commission shall take action on condominium applications at a noticed public hearing in accordance with Development Code Chapter 18.500 (Public Hearings).
- B. Findings.** The Planning Commission may approve the application only after making all of the following findings:
 - 1. The proposed condominium is consistent with all applicable requirements of this title.

2. All findings can be made for approval of the Tentative Map or Tentative Parcel Map (Section 17.10.080 (City Action)) and the permits and approvals as required by the Development Code for the proposed condominium.
3. The proposed condominium is consistent with the requirements of this title, General Plan, any applicable specific plan, any policy or guideline implementing the General Plan, the Development Code, and all other applicable provisions of the Municipal Code.

17.35.070 – Post-Decision Procedures

- A. General.** Post-decision procedures that apply generally to Tentative Maps and Tentative Parcel Maps as established in Article I (Tentative Maps and Tentative Parcel Maps) of Chapter 17.10 (Subdivision Maps), including but not limited to map expiration and extensions, amendments to approved maps, and appeals, shall also apply to approved Tentative Maps and Tentative Parcel Maps for condominiums.
- B. Parcel Map or Final Map.** Following City approval of a Use Permit and Tentative Map or Tentative Parcel Map for a condominium, the condominium becomes effective only after the City approves a Final Map or Parcel Map for the condominium in accordance with Article II (Parcel Maps and Final Maps) of Chapter 17.10 (Subdivision Maps).

17.35.080 – Standards for Condominiums

- A. Compliance with Development Code.** Condominium projects shall conform to all applicable requirements of Development Code, including, but not limited to:
 1. Development standards (e.g., maximum density, minimum height, minimum setbacks) of the zoning district where the project is located.
 2. Landscaping standards in Chapter 18.165 (Landscaping).
 3. Minimum private and common open space requirements in Section 18.150.100 (Open Space and Recreational Facilities for Residential Development).
 4. Off-street and minimum guest parking standards in Chapter 18.160 (Parking, Loading, and Access).
 5. Trash and recycling collection area standards in Section 18.150.150 (Solid Waste and Recycling Storage).
- B. Building Code.** All condominium projects shall comply with the current City-adopted building codes and regulations as established in Municipal Code Title 15 (Building and Building Regulations).
- C. Utilities.** All utility meters and other utility apparatus shall be concealed from public view.

D. Specific to Residential Condominiums.

1. **Laundry Facilities.** All units shall be equipped with space and outlets for washers and dryers, unless the Planning Commission approves a common laundry area.
2. **Private Storage Space.** Each unit shall have a minimum of 200 cubic feet with no less than 25 square feet of enclosed weatherproofed and lockable private storage space in addition to clothes, guest, linen, and pantry closets customarily provided in each unit. The space shall be provided in any location approved by the Planning Commission, but may not be divided into two or more locations.

E. Condominium Associations. A condominium association and/or equivalent maintenance entity shall be created for all condominium projects to ensure proper ongoing maintenance of improvements utilized in common. The association shall be governed by covenants, conditions, and restrictions (CC&Rs) approved by the City in accordance with Section 17.35.110 (Covenants, Conditions, and Restrictions).

17.35.090 – Inclusionary Housing

Condominium projects of five or more residential units shall comply with the inclusionary housing requirements in Development Code Chapter 18.185 (Affordable Housing).

17.35.100 – Conditions of Approval [Modifies 17.50.020(h) and (i)]

- A. General Conditions.** In granting a Use Permit and Tentative Map or Tentative Parcel Map for a condominium, the Planning Commission may attach conditions as necessary to ensure compliance with the General Plan, any applicable specific plan, the Development Code, or other applicable provisions of the Municipal Code.
- B. Standard Conditions.** In addition to conditions attached in accordance with subsection A (General Conditions) above, the following conditions shall apply to Planning Commission approval of a Use Permit and Tentative Map or Tentative Parcel Map for all condominiums:
1. Before the initial meeting of the Condominium Association, the subdivider shall supply the Condominium Association with copies of final approved building and site plans which shall show, among other items, the location of major utilities and services, utility easements, and underground wiring;
 2. The subdivider shall make available the following information and documents to all potential and actual buyers of units in the condominium project:
 - a. The approved budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five-year period. The budget shall be reviewed or prepared by a professional management firm familiar with costs of similar properties, or by other qualified professional, and that firm or person shall

- provide a statement of recommendations on the budget, together with a statement of professional qualifications.
- b. The Covenants, Conditions and Restrictions (CC&Rs), which must be recorded.
 - c. The project conditions of approval.
 - d. Any other information as required by the Planning Commission.
3. The subdivider shall provide the Condominium Association the following minimum warranties from the date of Final Map or Parcel Map approval, unless otherwise specified:
- a. A five-year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weatherproof conditions.
 - b. A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.
 - c. A five-year warranty of a useful life for all paved areas within the project.
 - d. A five-year warranty of structural soundness of all swimming pools in the project.
 - e. A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
 - f. A one-year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working condition. The developer shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.
4. The subdivider shall establish the following minimum reserves prior to issuance of the first certificate of occupancy:
- a. A fund in the name of the Condominium Association that shall be earmarked for long-term reserves for capital maintenance replacement, and shall be equal to two times the estimated monthly assessment for each dwelling unit.
 - b. A fund, through cash deposit or bond, equal to \$500 for each dwelling unit in the project as minimum security for the various warranties required by the City. Such fund shall be maintained for the maximum period of the warranties.

17.35.110 – Covenants, Conditions, and Restrictions

- A. City Review and Approval.** Covenants, conditions, and restrictions (CC&Rs) shall be submitted to the City and shall be reviewed and approved by the City Attorney prior to City approval of the Final Map or Parcel Map.

- B. Required Content.** The CC&R contents shall include, but not be limited to pertinent information regarding the conveyance of units and the assignment of parking, an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for maintenance, and an indication of appropriate responsibilities for maintenance of all improvements and utility systems for each unit.
- C. Conditions of Approval and Recording.** The CC&Rs shall reference by incorporation the approved conditions of approval for the condominium conversion, and shall be recorded in conjunction with the Final Map or Parcel Map.
- D. Amendments.** CC&R provisions that relate to the approved conditions of approval may not be amended without City approval.

Article II – Residential Condominium Conversions

Sections:

17.35.120 – Purpose

17.35.130 – Applicability

17.35.140 – Approvals Required

17.35.150 – Review Authority

17.35.160 – Application Submittal and Review

17.35.170 – City Action

17.35.180 – Post-Decision Procedures

17.35.190 – Standards for Condominium Conversions

17.35.200 – Exceptions to Development Standards

17.35.210 – Inclusionary Housing

17.35.220 – Tenant Provisions

17.35.230 – Conditions of Approval

17.35.240 – Covenants, Conditions and Restrictions (CC&Rs)

17.35.250 – Annual Limitation on Residential Condominium Conversions

17.35.120 – Purpose [*Modifies 17.50.040*]

This article establishes regulations for the conversion of existing multi-family rental housing into condominiums. The intent of these regulations is to:

- A.** Promote homeownership opportunities and increase the amount of owner-occupied housing affordable to all segments of the community;
- B.** Ensure that converted housing achieves a high degree of appearance, safety, quality and is consistent with the goals of the City;
- C.** Reduce the impact of conversion on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums by providing procedures for notification and adequate time and assistance for such relocation;
- D.** Provide a reasonable balance of ownership and rental housing and a variety of choices of tenure, type, price and location of housing; and
- E.** Ensure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.

17.35.130 – Applicability

This article applies to condominium conversions of existing multi-family developments with three or more rental units.

17.35.140 – Approvals Required [*Modifies 17.50.050, 17.50.060.k*]

- A. Subdivision Maps.** Pursuant to Government Code Section 66426, a condominium conversion is treated as a subdivision subject to this title and the Map Act. As such, a condominium conversion requires City approval of subdivision maps as described in Article III (Maps Required) of Chapter 17.05 (General Provisions) and as follows:
1. Condominium conversions creating four or fewer parcels: Tentative Parcel Map and a Parcel Map.
 2. Condominium conversion creating five or more parcels: Tentative Map and a Final Map.
- B. Use Permit.** All condominium conversions require Planning Commission approval of a Use Permit regardless of the number of units created.
- C. Design and Site Review.** Condominium conversions involving modifications to a site or the exterior of a building may require Design and Site Review in accordance with Development Code Section 18.415 (Design and Site Review).

17.35.150 – Review Authority [*New*]

- A. Tentative Parcel Maps and Tentative Maps, Use Permit, and Design Review.** The Planning Commission shall concurrently review and act on applications including but not limited to a Tentative Map or Tentative Parcel Map, Use Permit, and Design Review as required for all condominium conversions regardless of the number of parcels created.
- B. Parcel Maps and Final Maps.** In accordance with Section 17.10.160 (Review Authority), the City Engineer shall take action on Parcel Maps for condominium conversions of creating four or fewer parcels, and the City Council shall take action on Final Maps for condominium conversion creating five parcels or more.

17.35.160 – Application Submittal and Review [*Modifies 17.50.060*]

- A. Subdivision Maps.** Applications for Tentative Maps, Tentative Parcel Maps, Final Maps, and Parcel Maps for condominium conversions shall be submitted and reviewed in accordance with Chapter 17.10 (Subdivision Maps).
- B. Use Permits and Design and Site Review.** Applications for Use Permits, Design and Site Review and similar applications for condominium conversions shall be submitted concurrently with the Tentative Map or Tentative Parcel Map application in accordance with Development Code Section 8.415 (Design and Site Review) and Chapter 8.435 (Minor Use Permits and Use Permits). Condominium conversion Use Permit applications shall include all required fees, information, and materials as specified in the City's condominium conversion Use Permit application checklist.

C. Evaluation of Effects on Housing Stock. In reviewing an application for conversion of existing rental units to condominiums, the City shall consider the following:

1. The role that the apartment structure plays in the existing housing rental market, including a determination whether the existing apartment complex is serving low and moderate income households as defined in Chapter 17.40 (Glossary). This determination shall be based on:
 - a. The number of families on current waiting lists for assisted rental housing programs that operate in Concord, such as the Housing Choice Program and assisted rental units.
 - b. The probable income range of tenants living in existing apartments based on the assumption that households should pay one-third of their income for housing. The City shall compare that income range with existing income limits for very low, low, and moderate income households to determine whether potential displaced tenants can be categorized as low and moderate income.
2. The extent and nature of demand in Concord and its housing market area for housing to purchase. Any conversion project shall be considered with respect to the segment of the market to which it is offered, and the level of demand in that market segment. The City shall compare the projected prices of units in the conversion project with the range of prices in newly built condominiums, planned unit developments, and single-family houses. Projects that can help meet the home ownership desires of low or moderate income households and other households for which the market is not otherwise making adequate provision shall receive special consideration. Projects that assist in the creation of housing units affordable to low and moderate income households as first time homebuyers shall also be evaluated.
3. The vacancy rate and turnover rate in multiple family rental housing in the community, and the extent to which the proposed conversion will create hardships. A conversion may be denied based upon lack of reasonable alternative housing opportunities.
4. Whether or not the conversion will be detrimental to the retention of low and moderate housing stock or will reduce or significantly alter housing opportunities in Concord for housing of young and elderly residents.

17.35.170 – City Action

A. Public Notice and Hearing. The Planning Commission shall take action on the Use Permit and Tentative Map or Tentative Parcel Map application at a noticed public hearing in accordance with Development Code Chapter 18.500 (Public Hearings).

B. Findings. The Planning Commission may approve the Use Permit and Tentative Map or Tentative Parcel Map for the condominium conversion only after making all of the following findings:

1. All findings can be made for approval of the Tentative Map or Tentative Parcel Map (Section 17.10.080 (City Action)) and the Use Permit (Development Code Section 18.435.060 (Findings and Decision)).
2. The proposed conversion is consistent with the requirements of this title, the General Plan, any applicable specific plan, any policy or guideline implementing the General Plan, the Development Code, and all other applicable provisions of the Municipal Code.
3. If the property does not comply with one or more Development Code standards, the Planning Commission can make all the findings specified in Section 17.35.200.C (Findings).
4. The proposed conversion will not have an adverse effect on the diversity of housing types available in Concord, including housing for young and elderly residents.
5. The proposed conversion will not significantly reduce the supply of housing affordable for low and moderate income households.
6. The proposed conversion will not displace a significant percentage of tenants and remove low and moderate income rental units at a time when no equivalent housing is readily available in Concord.
7. The amount and impact of the displacement of tenants will not have a detrimental effect on the health, safety or general welfare of the community.
8. The proposed conversion complies with the City's five-percent conversion limitation as described in Section 17.35.250 (Annual Limitation on Residential Condominium Conversions).
9. Vacancies in the project have not been increased for the purpose of preparing the project for conversion.

C. Limitations. Pursuant to Government Code Section 66427, the City may not deny a condominium conversion application for a project that complies with the Municipal Code due to:

1. The design or location of buildings subject to conversion, or
2. The manner in which the air space is to be divided in conveying units within the condominium.

17.35.180 – Post-Decision Procedures

A. General. Post-decision procedures that apply generally to Tentative Maps and

Tentative Parcel Maps as established in Article I (Tentative Maps and Tentative Parcel Maps) of Chapter 17.10 (Subdivision Maps), including but not limited to map expiration and extensions, amendments to approved maps, and appeals, shall also apply to approved Tentative Maps and Tentative Parcel Maps for condominium conversions.

- B. Application Materials.** Application materials as required by Section 17.35.160 (Application Submittal and Review) shall remain on file with the Planning Division for public review for no less than five years following City action on the proposed conversion.
- C. Parcel Map or Final Map.** Following City approval of a Use Permit and Tentative Map or Tentative Parcel Map for a condominium conversion, the conversion becomes officially valid and goes into effect only after the City approves a Final Map or Parcel Map for the conversion in accordance with Article II (Parcel Maps and Final Maps) of Chapter 17.10 (Subdivision Maps).

17.35.190 – Standards for Condominium Conversions

The following standards apply to all condominium conversions. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the Final Map or Parcel Map is approved.

- A. Compliance with Development Code.** Except as allowed by Section 17.35.200 (Exceptions to Development Standards), a condominium conversion projects shall conform to all applicable requirements of the Development Code, including, but not limited to:
 - 1. Development standards (e.g., maximum density, maximum height, minimum setbacks) of the zoning district where the project is located.
 - 2. Landscaping standards in Chapter 18.165 (Landscaping).
 - 3. Minimum private and common open space requirements in Section 18.150.100 (Open Space and Recreational Facilities for Residential Development).
 - 4. Bicycle parking in Chapter 18.160.120 (Bicycle Parking).
 - 5. Off-street and minimum guest parking standards in Chapter 18.160 (Parking, Loading, and Access).
 - 6. Trash and recycling collection area standards in Section 18.150.150 (Solid Waste and Recycling Storage).
- B. Repairs and Improvements.** Repairs and improvements shall be made to every structure and facility within the condominium conversion to achieve a high degree of appearance, quality, and safety as specified in the physical elements report for the condominium conversion approved by the City.

- C. Condominium Associations.** A condominium association and/or equivalent maintenance entity shall be created for all condominium conversions to ensure proper ongoing maintenance of improvements utilized in common. The association shall be governed by covenants, conditions, and restrictions (CC&Rs) approved by the City in accordance with Section 17.35.240 (Covenants, Conditions, and Restrictions).
- D. Laundry facilities.** All units shall be equipped with space and outlets for washers and dryers, unless the Planning Commission approves a common laundry area.
- E. Private Storage Space.** Each unit shall have a minimum of 200 cubic feet with no less than 25 square feet of enclosed weatherproofed and lockable private storage space in addition to clothes, guest, linen, and pantry closets customarily provided in each unit. The space shall be provided in any location approved by the Planning Commission, but may not be divided into two or more locations.
- F. Utilities.** All utility meters and other utility apparatus shall be concealed from public view.

17.35.200 – Exceptions to Development Standards

- A. Permitted Exceptions.** The Planning Commission may allow the condominium conversion of an existing multi-family development that does not comply with the following Development Code standards:
 - 1. Physical standards for the applicable zoning district, including standards for density, floor area ratio, lot area and dimensions, lot coverage, building height, and setbacks.
 - 2. Off-street parking requirements in Chapter 18.160 (Parking, Loading, and Access).
 - 3. Landscaping requirements in Chapter 18.165 (Landscaping).
 - 4. Other similar physical development standards in the Development Code as determined by the Planning Commission.
- B. Prohibited Exceptions.** The Planning Commission may not allow a condominium conversions of an existing multi-family development that conflicts with the following Development Code standards:
 - 1. Permitted land use (e.g., to allow a multi-family use in a zoning district where the Development Code does not allow multi-family use).
 - 2. Minimum open space requirement for the applicable zoning district as established in the Development Code.
 - 3. Any standard required by the General Plan.
 - 4. Any requirement of the current City-adopted building codes and regulations as established in Municipal Code Title 15 (Building and Building Regulations).

C. Findings. In addition to the general findings for condominium conversions in Section 17.35.170.B (Findings), the Planning Commission may approve a condominium conversion of an existing multi-family development that does not comply with the Development Code standards specified in Subsection A (Permitted Exceptions) above only after making all of the following findings:

1. Available evidence indicates that the nonconformity was legally established.
2. The nonconformity has not resulted in a notable negative impact or nuisance to the surrounding area.
3. The nonconformity is compatible with the general character of the surrounding area.
4. The nonconformity is consistent with the purpose and intent of the applicable zoning district.
5. The nonconformity has been brought into compliance with the Development Code to the greatest extent possible.

17.35.210 – Inclusionary Housing

Condominium conversions of five or more residential units shall comply with the inclusionary housing requirements in Development Code Section 18.185 (Affordable Housing).

17.35.220 – Tenant Provisions

A. Notice of Intention.

1. At least 60 days before submitting an application for a Tentative Map or Tentative Parcel Map, the subdivider shall give notice of the intention to convert to each tenant and prospective tenant in accordance with Government Code Sections 66452.8 and 66452.9.
2. Evidence of receipt of the notice by each tenant and prospective tenant shall be submitted with the Use Permit and Tentative Map or Tentative Parcel Map application for the condominium conversion.
3. After approval of the Use Permit and Tentative Map or Tentative Parcel Map, each tenant shall receive 180 days written notice of intent to convert prior to termination of tenancy due to the conversion.

B. Tenant's Right to Purchase.

1. As provided in Government Code Sections 66427.1(d) and 66459, each tenant shall receive a nontransferable right of first refusal to purchase the unit.
2. The right of first refusal shall extend for 90 days from the date of issuance of the subdivision public report or the beginning of sales, whichever is later.

3. Tenants shall receive discounts in an amount equal to at least seven percent of the price at which the market-rate unit will be offered to the public.
4. An additional discount shall be given if the tenant chooses to buy the unit in existing condition, which amount shall be based on costs of improvements which would otherwise be made in order to offer the unit on the open market.

C. Tenant Relocation Assistance.

1. Relocation and Assistance Plan.

- a. The subdivider shall submit a tenant relocation and assistance plan with the Use Permit and Tentative Map or Tentative Parcel Map application for the condominium conversion.
- b. The plan shall include the information consistent with the State of California Relocation Assistance Act (Government Code Sections 7260 – 7277) and the Federal Uniform Relocation Assistance and Real Property Policies for Federal and Federally Assisted Programs Act (United States Code Title 42, Chapter 61) as well as those additional provisions in Subparagraphs 2 to 5 below.

2. Rent Freeze.

- a. Upon notification of intent to convert, the then-current rents shall remain in effect for up to 12 months or until the conversion process has been completed or terminated.
- b. If approval of the Tentative Map or Tentative Parcel Map is still pending at the end of 12 months, the freeze shall apply for another 12 months, allowing for an increase based on the rental component of the Consumer Price Index.
- c. During such period as any rent freeze is in effect, 30-day eviction notices shall be issued only where a clear breach of the rental agreement exists.

3. Moving Allowance.

- a. Persons who are tenants at the time of the initial notice to convert the project shall be offered a minimum moving allowance of two times the monthly rent in effect at the time the tenant elects to move.
- b. Such allowance shall be payable only after City approval of the Use Permit and Tentative Map or Tentative Parcel Map. Payment to the tenant shall be within 14 days after the tenant vacates the premises.

4. Extended Leases. Tenants who have been displaced from previous conversions of apartments to condominiums in Concord during the last five years shall be offered a three-year lease from the date of the initial offering of units for sale to the public.

5. **Other Tenant Situations.** Any non-purchasing tenant who is handicapped or has minor children in school or is age 60 or older, living in any unit prior to the time a completed Use Permit and Tentative Map or Tentative Parcel Map application has been accepted as complete by the City shall be given at least six months in which to find suitable replacement housing.
- D. **Remodeling.** No remodeling planned as part of the conversion shall be performed in a unit still occupied by a nonpurchasing tenant, without prior written permission from the tenant.
- E. **Notification of Approved Conversion.** The subdivider shall provide written notification to current tenants of approved conversion within 10 days after approval of a final map or parcel map.

17.35.230 – Conditions of Approval [*Modifies 17.50.060*]

- A. **General Conditions.** In granting a Use Permit and Tentative Map or Tentative Parcel Map for a condominium conversion, the Planning Commission may attach conditions of approval as necessary to ensure compliance with the General Plan, any applicable specific plan, the Development Code, or other applicable provisions of the Municipal Code.
- B. **Standard Conditions.** In addition to conditions of approval attached in accordance with Subsection A (General Conditions) above, the following conditions shall apply to Planning Commission approval of a Use Permit and Tentative Map or Tentative Parcel Map for all condominium conversions:
 1. All units shall be brought into compliance with all requirements of this article prior to certificate of occupancy, and shall be duly inspected by the City to ensure compliance.
 2. All locks shall be changed so that no master key or other keys previously used will allow entry into any unit of the project after conversion prior to the issuance of the certificate of occupancy.
 3. All units shall be provided with separate gas and electric meters and provision made for individual shutoff valves, and all units shall be provided with separate water shutoff valves. There may be a master valve for each unit, or separate valves for each fixture in the unit.
 4. Before the initial meeting of the Condominium Association, the subdivider shall supply the Condominium Association with copies of final approved building and site plans which shall show, among other items, the location of major utilities and services, utility easements, and underground wiring.
 5. The subdivider shall make available the following information and documents to all potential and actual buyers of units in the condominium project:

- a. The approved budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five-year period. The budget shall be reviewed or prepared by a professional management firm familiar with costs of similar properties, or by other qualified professional, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications.
 - b. The physical elements report and sound transmission control details submitted as part of the condominium conversion application.
 - c. The Conditions, Covenants and Restrictions (CC&Rs).
 - d. The project conditions of approval.
 - e. Any other information as required by the Planning Commission.
6. The subdivider shall provide to the Condominium Association the following minimum warranties from the date of final or parcel map approval, unless otherwise specified:
- a. A five-year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weatherproof conditions.
 - b. A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.
 - c. A five-year warranty of a useful life for all paved areas within the project.
 - d. A five-year warranty of structural soundness of all swimming pools in the project.
 - e. A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
 - f. A one-year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working condition. The developer shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.
7. The subdivider shall establish the following minimum reserves prior to issuance of the first certificate of occupancy:
- a. A fund in the name of the Condominium Association that shall be earmarked for long-term reserves for capital maintenance replacement, and shall be equal to two times the estimated monthly assessment for each dwelling unit.
 - b. A fund, through cash deposit or bond, equal to \$500 for each dwelling unit in the project as minimum security for the various warranties required by the

City. Such fund shall be maintained for the maximum period of the warranties.

8. The subdivider shall provide evidence that all tenant notification requirements have been or will be satisfied pursuant to Government Code Section 66427.1.

17.35.240 – Covenants, Conditions and Restrictions (CC&Rs) [Modifies 17.50.130]

- A. City Review and Approval.** Covenants, conditions, and restrictions (CC&Rs) shall be submitted to the City and shall be reviewed and approved by the City Attorney prior to City approval of the Final Map or Parcel Map.
- B. Required Content.** The CC&Rs shall include all content required by Section 17.35.110 (Covenants, Conditions, and Restrictions (CC&Rs)) for new residential condominiums.
- C. Conditions of Approval and Recording.** The CC&Rs shall reference by incorporation the approved conditions of approval for the condominium conversion, and shall be recorded in conjunction with the Final Map or Parcel Map.
- D. Amendments.** CC&R provisions that relate to the approved conditions of approval may not be amended without City approval.

17.35.250 – Annual Limitation on Residential Condominium Conversions

- A. Maximum Number.** Each calendar year the number of condominium conversions approved by the City may not exceed five percent of the total rental units in development of four or more units existing at the beginning of the calendar year within the city.
- B. Calculation of Rental Units.**
 1. The Department shall calculate the number of existing rental units in development of four or more units based on the City's Multiple Housing Inspection Program inventory of multiple family units.
 2. For the purposes of this article, rented units in condominium projects shall not be counted as rental units.
 3. A unit approved for conversion to a condominium shall not be considered part of the total rental units for subsequent years regardless of whether the unit is owner-occupied or rented unless the time for filing of a Final Map or Parcel Map has expired without the filing of such map.
 4. The determination of the number of total rental units by the Department shall be final and conclusive in the absence of fraud.
- C. Rejection of Application.** The Department shall not accept for processing a condominium conversion application which, if approved and added to the number of

other units already approved that year for conversion, would exceed the five-percent limitation established in subsection A above.

D. Pending Applications. Any pending application for a condominium conversion which, if approved and added to the number of other units already approved that year for conversion, would exceed the five-percent limitation established in Subsection A (Maximum Number) above, shall be:

1. Reduced by the applicant to a number of units that does not exceed the five-percent limitation;
2. Withdrawn by the applicant; or
3. Denied by the Planning Commission without consideration of the merits of the proposal and not be reconsidered except upon a new application in the subsequent year.

Article III – Non-Residential Condominium Conversions

Sections:

- 17.35.260 – Purpose
- 17.35.270 – Applicability
- 17.35.280 – Approvals Required
- 17.35.290 – Review Authority
- 17.35.300 – Application Submittal and Review
- 17.35.310 – City Action
- 17.35.320 – Conditions of Approval
- 17.35.330 – Post-Decision Procedures
- 17.35.340 – Standards for Condominium Conversions
- 17.35.350 – Exceptions to Development Standards
- 17.35.360 – Covenants, Conditions and Restrictions (CC&Rs)
- 17.35.370 – Tenant Notification

[This article is new]

17.35.260 – Purpose

This article establishes regulations for the conversion of existing non-residential properties into condominiums. The intent of these regulations is to:

- A. Promote increased ownership opportunities for small businesses in Concord;
- B. Maintain the long-term economic value of non-residential condominium properties;
- C. Encourage investment in and improvements to commercial and industrial properties;
- D. Ensure that converted non-residential units achieve a high degree of appearance, safety, quality and are consistent with the goals of the City;
- E. Establish a clear City review process and criteria for approval of non-residential condominium conversions;
- F. Reduce the impact of conversion on tenants who may be required to relocate due to conversions by providing procedures for notification and adequate time for relocation; and
- G. Ensure that purchasers of converted non-residential units have been properly informed as to the physical condition of the structure that is offered for purchase.

17.35.270 – Applicability

This article applies to the conversion of a nonresidential building to a condominium or similar type of common interest forms of ownership.

17.35.280 – Approvals Required

- A. Subdivision Maps.** Pursuant to Government Code Section 66426, a non-residential condominium conversion is treated as a subdivision subject to this title and the Map Act. As such, a condominium conversion requires City approval of subdivision maps as described in Article III (Maps Required) of Chapter 17.05 (General Provisions) and as follows:
1. Condominium conversions creating four or fewer parcels: Tentative Parcel Map and a Parcel Map.
 2. Condominium conversion creating five or more parcels: Tentative Map and a Final Map.
- B. Use Permit.** All condominium conversions require Planning Commission approval of a Use Permit regardless of the number of parcels created.
- C. Design and Site Review.** Condominium conversions involving modifications to a site or the exterior of a building may require Design and Site Review in accordance with Development Code Section 18.415 (Design and Site Review).

17.35.290 – Review Authority

- A. Tentative Parcel Maps and Tentative Maps, Use Permit, and Design Review.** The Planning Commission shall concurrently review and act on applications including but not limited to a Tentative Map or Tentative Parcel Map, Use Permit, and Design Review as required for all condominium conversions regardless of the number of parcels created.
- B. Parcel Maps and Final Maps.** In accordance with Section 17.10.160 (Review Authority), the City Engineer shall take action on Parcel Maps for condominium conversions of creating four or fewer parcels, and the City Council shall take action on Final Maps for condominium conversion creating five parcels or more.

17.35.300 – Application Submittal and Review

- A. Subdivision Maps.** Applications for Tentative Maps, Tentative Parcel Maps, Final Maps, and Parcel Maps for condominium conversions shall be submitted and reviewed in accordance with Chapter 17.10 (Subdivision Maps).
- B. Use Permits and Design and Site Review.** Applications for Use Permits, Design and Site Review and similar applications for condominium conversions shall be submitted concurrently with the Tentative Map or Tentative Parcel Map application in accordance with Development Code Section 8.415 (Design and Site Review) and Chapter 8.435 (Minor Use Permits and Use Permits). Condominium conversion Use Permit applications shall include all required fees, information, and materials as specified in the City's condominium conversion Use Permit application checklist.

17.35.310 – City Action

- A. Public Notice and Hearing.** The Planning Commission shall take action on the Use Permit and Tentative Map or Tentative Parcel Map application at a noticed public hearing in accordance with Development Code Chapter 18.500 (Public Hearings).
- B. Findings.** The Planning Commission may approve the Use Permit and Tentative Map or Tentative Parcel Map for the condominium conversion only after making all of the following findings:
1. All findings can be made for approval of the Tentative Map or Tentative Parcel Map (Section 17.10.080 (City Action)) and the Use Permit (Development Code Section 18.435.060 (Findings and Decision)).
 2. The proposed conversion is consistent with the requirements of this title, General Plan, any applicable specific plan, any policy or guideline implementing the General Plan, the Development Code, and all other applicable provisions of the Municipal Code.
 3. If the property does not comply with one or more Development Code standards, the Planning Commission can make all the findings specified in Section 17.35.350.C (Findings).
 4. That the overall design and physical condition of the condominium conversion will achieve a high standard of appearance, quality, useful life, and safety.
 5. The quality of architecture, construction, and other design features of converted units are substantially equal to new condominium units or comparable tenant space.
 6. Each tenant, and each prospective tenant has, or will have, received all applicable notices and rights required by this division or by applicable State law.
 7. The amount and impact of the displacement of tenants resulting from the conversion will not have a detrimental effect on the health, safety or general welfare of the community.

17.35.320 – Conditions of Approval

In granting a Use Permit and Tentative Map or Tentative Parcel Map for a condominium conversion, the Planning Commission may attach conditions as necessary to ensure compliance with the General Plan, any applicable specific plan, the Development Code, or other applicable provisions of the Municipal Code.

17.35.330 – Post-Decision Procedures

- A. General.** Post-decision procedures that apply generally to Tentative Maps and Tentative Parcel Maps as established in Article I (Tentative Maps and Tentative Parcel Maps) of Chapter 17.10 (Subdivision Maps), including but not limited to map

expiration and extensions, amendments to approved maps, and appeals, shall also apply to approved Tentative Maps and Tentative Parcel Maps for condominium conversions.

- B. Parcel Map or Final Map.** Following City approval of a Use Permit and Tentative Map or Tentative Parcel Map for a condominium conversion, the conversion becomes effective only after the City approves a Final Map or Parcel Map for the conversion in accordance with Article II (Parcel Maps and Final Maps) of Chapter 17.10 (Subdivision Maps).

17.35.340 – Standards for Condominium Conversions.

The following standards apply to all condominium conversions. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the Final Map or Parcel Map is approved.

- A. Compliance with Development Code.** Except as allowed by Section 17.35.350 (Exceptions to Development Standards), a non-residential condominium conversion projects shall conform to all applicable requirements of Development Code, including, but not limited to:
1. Development standards (e.g., maximum floor area ratio, minimum height, minimum setbacks) of the zoning district where the project is located.
 2. Landscaping standards in Chapter 18.165 (Landscaping).
 3. Sign standards in Section 18.180 (Signs).
 4. Off-street parking and loading standards in Chapter 18.160 (Parking, Loading, and Access).
 5. Trash and recycling collection area standards in Section 18.150.150 (Solid Waste and Recycling Storage)
- B. Building Code.** All condominium conversions shall comply with the current City-adopted building codes and regulations as established in Municipal Code Title 15 (Building and Building Regulations).
- C. Utilities.**
1. All utility meters and other utility apparatus shall be concealed from public view.
 2. Electric and gas meters shall be provided to serve each individual unit in accordance with rules of the servicing utility on file with the California Public Utilities Commission and in effect on the date the application for conversion is accepted for filing by the City.

17.35.350 – Exceptions to Development Standards

- A. Permitted Exceptions.** The Planning Commission may allow the condominium conversion of an existing non-residential development that does not comply with the following Development Code standards:
1. Physical standards for the applicable zoning district, including standards for density, floor area ratio, lot area and dimensions, lot coverage, building height, and setbacks.
 2. Off-street parking requirements in Development Code Chapter 18.160 (Parking, Loading, and Access).
 3. Landscaping requirements in Development Code Chapter 18.165 (Landscaping).
 4. Other similar physical development standards in the Development Code as determined by the Planning Commission.
- B. Prohibited Exceptions.** The Planning Commission may not allow a condominium conversions of an existing development that conflicts with the following Development Code standards:
1. Permitted land use (e.g., to allow an office use in a zoning district where the Development Code does not allow office uses).
 2. Any standard required by the General Plan.
 3. Any requirement of the current City-adopted building codes and regulations as established in Municipal Code Title 15 (Building and Building Regulations).
- C. Findings.** In addition to the general findings for condominium conversions in Section 17.35.150.B (Findings), the Planning Commission may approve a condominium conversion of an existing development that does not comply with the Development Code standards specified in Subsection A (Exceptions) above only after making all of the following findings:
1. Available evidence indicates that the nonconformity was legally established.
 2. The nonconformity has not resulted in a notable negative impact or nuisance to the surrounding area.
 3. The nonconformity is compatible with the general character of the surrounding area.
 4. The nonconformity is consistent with the purpose and intent of the applicable zoning district.
 5. The nonconformity has been brought into compliance with the Development Code to the greatest extent possible.

17.35.360 – Covenants, Conditions and Restrictions (CC&Rs)

- A. City Review and Approval.** Covenants, conditions, and restrictions (CC&Rs) shall be submitted to the City and shall be reviewed and approved by the City Attorney prior to City approval of the Final Map or Parcel Map.
- B. Required Content.** The CC&Rs shall include all content required by Section 17.35.110 (Covenants, Conditions, and Restrictions (CC&Rs)) for new non-residential condominiums.
- C. Conditions of Approval and Recording.** The CC&Rs shall reference by incorporation the approved conditions of approval for the condominium conversion, and shall be recorded in conjunction with the Final Map or Parcel Map.
- D. Amendments.** CC&R provisions that relate to the approved conditions of approval may not be amended without City approval.

17.35.370 – Tenant Notification

- A.** At least 60 days before submitting an application for a Tentative Map or Tentative Parcel Map, the subdivider shall give notice of the intention to convert to each tenant and prospective tenant in accordance with Government Code Sections 66452.8 and 66452.9.
- B.** Evidence of receipt of the notice by each tenant and prospective tenant shall be submitted with the Use Permit and Tentative Map or Tentative Parcel Map application for the condominium conversion.
- C.** After approval of the Use Permit and Tentative Map or Tentative Parcel Map, each tenant shall receive 180-days written notice of intent to convert prior to termination of tenancy due to the conversion.

CHAPTER 17.40

GLOSSARY

Sections:

17.40.010 – Purpose

17.40.020 – Definitions

17.40.010 – Purpose

This chapter provides definitions of terms and phrases used in the Subdivision Ordinance that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with other definitions stated elsewhere in the Municipal Code, these definitions shall control only for the purpose of interpreting and enforcing the Subdivision Ordinance.

17.40.020 – Definitions

A. “A” Terms.

1. **Alley.** A public or private driveway or roadway that provides vehicle access to the rear or side of parcels having other public street frontage that is not intended for general traffic circulation.

B. “B” Terms.

1. **Bicycle Facility.** A bicycle path, lane, or route, and any improvement intended to facilitate bicycle circulation, including but not limited to bicycle storage facilities, traffic calming measures, intersection bikeway crossings, and wayfinding signage.
2. **Block.** An area of land separated from other areas by adjacent streets (excluding alleys), railroads, rights-of-way, public areas, or the subdivision boundary.
3. **Building Official.** The City of Concord Building Official or his or her designee.

C. “C” Terms.

1. **California Environmental Quality Act (CEQA).** State law, pursuant to California Public Resources Code Section 21000 et seq. or any successor statute, that requires public agencies to document and consider the environmental effects of a proposed action before a decision.

2. **Certificate of Compliance/Conditional Certificate of Compliance.** A written declaration issued by the City in accordance with Government Code Section 66499.35, recorded in the office of the Contra Costa County Recorder, stating that a parcel was created in conformance with this title and the Subdivision Map Act or will be considered in conformance upon the fulfillment of certain conditions.
3. **City Engineer.** The City Engineer of the City of Concord or his or her designee.
4. **Community Street.** A street identified as a community street by the General Plan. A community street serves and connects to work, regional shopping, downtown, office, and civic destinations that are accessed by people coming from throughout Concord. Community streets accommodate medium to high volume of traffic with slow to moderate speeds, extensive vehicle and transit use, and extensive bicycle and pedestrian use.
5. **Condominium-related Terms.** The following terms are related to condominium conversions and new condominium construction:
 - a. **Common Interest Community.** A community or development with individually owned units or parcels combined with common areas and facilities for the shared use of residents or tenants.
 - b. **Community Apartment Project.** A development of real property in which an undivided interest in the land is coupled with the right of exclusive occupancy of a designated residential unit located thereon or therein as defined in Business and Professions Code Section 11004. "Community apartment project" shall mean the same thing and shall be treated in the same way as a residential condominium. For purposes of this title, a limited equity housing cooperative as defined in Business and Professions Code Section 11003.4 shall not be considered to be a community apartment project.
 - c. **Condominium.** A residential or commercial development designed to allow individually owned residential units or business spaces, which are supported by a formal arrangement of common areas and facilities as is further defined in Section 1351(f) of the California Civil Code.
 - d. **Condominium Association.** An organization composed of persons who own a condominium unit or right of exclusive occupancy in a community apartment, and who are organized to operate and maintain common areas for condominiums.
 - e. **Condominium Conversion.** A change in the type of ownership of a parcel or parcels of real property, together with the existing attached structures, to that defined as a condominium project or a community apartment project, regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

- f. **Consumer Price Index.** A statistical measure of change over time, in the price of residential rent, as reported periodically by the U.S. Department of Labor. For purposes of this title, the index for the San Francisco-Oakland area, for the 12-month period most recently reported, shall be applicable.
 - g. **Cooperative, Stock.** A corporation holding title to improved real property in which shareholders receive rights to exclusive occupancy of portions of the real property, which rights of occupancy are transferable concurrently with transfer of the shares. The term “stock cooperative” does not include a limited equity housing cooperative as defined in Health and Safety Code Section 33007.5.
 - h. **Low Income Household.** A household whose combined annual income does not exceed the qualifying limit of 80 percent of Area Median Income, adjusted for household size, for “lower income households” established pursuant to Health and Safety Code Section 50079.5.
 - i. **Moderate Income Household.** A household whose combined annual income does not exceed the qualifying limit of 120 percent of Area Median Income, adjusted for household size, for “persons and families of low or moderate income” established pursuant to Health and Safety Code Section 50093.
 - j. **Tenant.** The person(s) in actual possession, or entitled to immediate possession, of the unit pursuant to a written or oral rental agreement, lease, or sublease. A person who sublets a unit to another, who does not live in the unit himself, is not a tenant.
 - k. **Unit.** Is an element of a condominium project which is not owned in common with the owners of other condominiums in the project or is an apartment in a community apartment project to which an owner of an undivided interest in common in a community apartment project has a right of exclusive occupancy.
6. **Cul-de-sac.** A street which connects to another public street only at one end with provisions for turning around and is not planned for later extension.

D. “D” Terms.

- 1. **Dead End Street.** A street that connects to another street at only one end without provisions for turning around.
- 2. **Dedication.** An official act of granting to the City an easement or fee title for land to accommodate public streets, utilities, parks, trails, open space, and/or other special public purposes.
- 3. **Department.** The City of Concord Community and Economic Development Department.
- 4. **Design.** Design shall include all of the following:

- a. Street alignments, profiles, cross sections, structural sections, grades, and widths;
 - b. Water, stormwater and sanitary sewer facilities, including alignments and grades;
 - c. Facilities for public utilities, including gas, electric, telephone, and cable television;
 - d. Location and size of all required easements and rights-of-way;
 - e. Fire roads and firebreaks;
 - f. Facilities for vehicular, bicycle, and pedestrian circulation and transit access
 - g. Lot size, dimensions, orientation, and configuration;
 - h. Features to avoid development impacts to environmental resources;
 - i. Traffic access;
 - j. Grading;
 - k. Land to be dedicated for park or recreational purposes; and
 - l. Other specific requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan as required pursuant to Government Code Section 66473.5.
5. **Development.** The uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of and construction incident thereto.
 6. **Development Code.** Title 18 of the City of Concord Municipal Code.
 7. **Driveway.** A private roadway providing vehicle access between a street or alley and a parking space, garage, dwelling, or other area on private property.

E. “E Terms.

1. **Easement.** A grant of certain property rights or limitations of use by the property owner to the public or other person or entity. Includes private access easements and public easements for utilities and other municipal infrastructure and services.

F. “F” Terms

1. **Final Map.** A map prepared in accordance with this title and the Map Act which is designed to be recorded in the office of the recorder of the County, for subdivisions of five or more parcels and as otherwise provided in the Map Act and this title.
2. **Flag Lot.** A lot with access to a street by means of a strip of land having less than the required lot width as required by the Development Code.

G. “G” Terms

1. **General Plan.** The General Plan of the City of Concord, including any amendments or revisions thereto.

H. “H” Terms.

1. **Hammerhead Street.** A street that connects to another street at only one end and that terminates with two rectangular turnouts directly opposite each other and oriented perpendicular to the street centerline.

I. “I” Terms.

1. **Improvement.** Includes all of the following:
 - a. Bridges, curbs, driveways, flood control or storm-drainage facilities, freeways, gutters, interchanges, landscaping and fences, lighting, overcrossings, public utilities, sanitary sewers and facilities, sidewalks, streets, storm water drainage facilities, traffic controls, water facilities, and other necessary infrastructure to be installed by the subdivider on the land to be used for public rights-of-way, private streets and easements as a condition of map approval; and
 - b. Any other improvements necessary to implement the General Plan or a specific plan and as defined by Government Code 66419.
2. **Improvement Plan.** An engineering plan submitted by a registered civil engineer showing the location and construction details of the streets, roads, drainage facilities, sanitary sewers, water mains and the pertinent structures and other subdivision improvements.

J. “J” Terms.**K. “K” Terms.****L. “L” Terms.**

1. **Lot.** A parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record of survey map or by metes and bounds, for purpose of sale, lease or separate use.
2. **Lot frontage.** The portion of a lot that fronts on or adjoins a street.
3. **Lot line.** A recorded boundary of a lot.
4. **Lot Line Adjustment.** A shift or rotation of an existing lot line of four or fewer existing adjoining parcels where the land is taken from one parcel and added to an adjoining parcel where a greater number of parcels than originally existed is not created.

M. “M” Terms.

1. **Major Subdivision.** A subdivision of five or more parcels, five or more condominiums as defined in Section 783 of the State Civil Code, a community apartment project containing five or more parcels, or the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:
 - a. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body; or
 - b. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway; or
 - c. The land consists of a parcel or parcels of land having approved access to a public street or highway that comprises part of a tract of land zoned for industrial or commercial development, and that has the approval of the governing body as to street alignments and widths; or
 - d. Each parcel created by the division has a gross area of not less than 40 acres or is not less than one quarter (1/4) of a quarter (1/4) section; or
 - e. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
2. **Merger.** The joining of two or more contiguous parcels of land under one ownership into one parcel.
3. **Minor Subdivision.** A subdivision of four or fewer parcels, or a subdivision of five or more parcels that is not classified as a Major Subdivision.
4. **Municipal Code.** The City of Concord Municipal Code.

N. "N" Terms.

O. "O" Terms.

P. "P" Terms.

1. **Parcel.** A legally subdivided plot of land shown on a map of record. Also referred to as "lot."
2. **Parcel Map.** A map showing a division of land of four or fewer parcels as required by this title, prepared in accordance with the provisions of this chapter and the Map Act.
3. **Pedestrian Facility.** Any physical improvement intended to facilitate pedestrian circulation including but not limited to sidewalks, paths, trails, crosswalks, curb extensions, curb ramps, median refuge islands, and lighting.
4. **Planning Commission.** The Planning Commission of the City of Concord.
5. **Planning Division.** The Planning Division of the Planning and Economic Development Department of the City of Concord.

Q. “Q” Terms.**R. “R” Terms.**

1. **Regional Street.** A street identified as a regional street by the General Plan. A regional street is a high volume corridor with moderate to higher speeds serving vehicles traveling through Concord and to other destinations.
2. **Remainder.** The portion of an existing parcel which is not designated by the subdivider on the Tentative Map or Tentative Parcel Map as part of the subdivision for the purpose of sale, lease, or financing, whether immediate or future.
3. **Record of Survey.** A map prepared by a registered civil engineer or licensed land surveyor for the purpose of depicting a field survey of the land made in conformance with the Land Surveyors’ Act.
4. **Registered Civil Engineer.** A civil engineer registered by the State and doing work consistent with the engineer’s authority under the California Business and Professions Code and the State Board of Registration for Professional Engineers and Land Surveyors.
5. **Review Authority.** The City official or official body, authorized by this title to approve, conditionally approve, or disapprove a subdivision map and other matters governed by this title.

S. “S” Terms.

1. **Street.** A permanently reserved public or private right-of-way or easement which affords a principal means of vehicular and pedestrian access to abutting or adjacent property.
2. **Street, Private.** Any street or accessway that is privately owned and maintained and provides access to a development.
3. **Standard Plans and Specifications.** The Standard Plans and Specifications of the City of Concord as approved and maintained by the City Engineer establishing required construction specifications for physical improvements within the public right-of-way, private streets, and easements.
4. **Subdivider.** A person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision. Employees and consultants of such persons or entities, acting in that capacity, are not “subdividers.”
5. **Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved contiguous land shown on the latest equalized County assessment roll as a unit or as contiguous units for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights of way.

“Subdivision” includes a condominium project, as defined herein or in subdivision (f) of Section 1351 of the Civil Code, or a community apartment project, as defined subdivision (d) of Section 1351 of the Civil Code, or the conversion of existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code. “Subdivision” includes any division of land by gift or inheritance (probate). Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.

6. **Subdivision Map Act.** State of California Government Code Sections 66410 to 66499 and any successor statute.

T. “T” Terms.

1. **Tentative Map.** A map made for the purpose of showing the design and improvements of a proposed subdivision of land into five or more parcels and the existing conditions in and around it.
2. **Tentative Parcel Map.** A map made for the purpose of showing the design and improvements of a proposed division of land into four or fewer parcels and the existing conditions in and around it.

U. “U” Terms.

V. “V” Terms

1. **Vesting Tentative Map.** A tentative map that confers a vested right to proceed with development in substantial compliance with the City’s ordinance, policies, and standards in effect at the time the vesting tentative subdivision map application is deemed complete.

W. “W” Terms

X. “X” Terms

Y. “Y” Terms

Z. “Z” Terms

1. **Zoning Administrator.** The Zoning Administrator of the City of Concord, or his or her designee.
2. **Zoning District.** A portion of the city within which certain uniform regulations and requirements apply in accordance with the Development Code.