



**SPECIAL MEETING OF THE
CITY OF CONCORD
ZONING ADMINISTRATOR**

**9:00 a.m., Wednesday, December 16, 2015
CITY COUNCIL CHAMBERS
1950 Parkside Drive, Concord**

AGENDA

PUBLIC COMMENT PERIOD

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. **St. Demetrious Church Parcel Map (PL15256 – PM)** – Application for a Parcel Map to subdivide a 3.95-acre site located at 2159 Kirker Pass Road into two lots for single-family homes. The General Plan designation is Rural Residential; Zoning classification is RR20 (Single-family residential; minimum 20,000 sq. ft. lot area); APN 117-070-026. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15315 “Minor Land Divisions,” the project is classified as a Class 15 Categorical Exemption, and therefore, no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128**

ADJOURNMENT

Next Zoning Administrator’s Meeting: December 23, 2015 – Cancelled
January 13, 2016

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) 671-3257, 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.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator 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.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. 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.

II. Background

On June 29, 2015, St. Demetrios Orthodox Church filed a Tentative Parcel Map application to subdivide a 3.95-acre site into two single-family residential lots. The application was reviewed by the Development Advisory Committee (DAC) on July 21, 2015, and deemed incomplete. Revised plans were submitted on August 24, 2015 that were deemed complete on September 22, 2015.

St. Demetrios' application does not include plans to develop the proposed parcels. As such, staff elected to defer the neighborhood meeting typically required for infill projects until such time development plans are proposed for the site.

III. General Information

A. General Plan

The General Plan designation is Rural Residential.

B. Zoning

Zoning classification is RR20 (Single-family residential; minimum 20,000 sq. ft. lot area)

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15315, "Minor Land Divisions", the project is classified as a Categorical Exemption, and therefore, no further environmental review is required.

D. Site Description and Surrounding Uses

The subject site is a 3.95-acre lot located east of St. Demetrios' church site. The site does not directly front onto Kirker Pass Road and is accessed by a private street off Clearbrook Drive that parallels Kirker Pass Road. The site has a flag lot configuration with the narrow or "pole" portion of the lot beginning at the private street, and extending approximately 310 feet north towards the main or "flag" portion of the property. The site has a moderate upslope towards the northeast corner of the site where an existing single-family home and secondary living unit are located. Site vegetation is characterized by ruderal grass and three mature protected trees including two oaks.

A 26-foot wide offer of dedication for roadway purposes encumbers the property along the east side of the pole portion of the lot. The dedication was offered to Contra Costa County prior to the site's incorporation into Concord. The dedication was to be combined with a similar offer of dedication on a neighboring property for roadway improvements intended to serve future development at the Reuse Area, located north of the site.

Table 1: Surrounding Land Uses

Direction	Land Use	General Plan	Zoning
North	Child day care	Rural Residential	RR20
East	Single-family residential	Rural Residential	RR20
West	St. Demetrios Church	Rural Residential	RR20
South	Kirker Pass Rd./Concord Pavilion	Open Space	OS

IV. Project Description & Analysis

The project proposes to subdivide the property into two residential parcels noted as parcels A and B on the Tentative Parcel Map. Parcel A will have 27,797 sq. ft. of net lot area following the deduction of an access easement through Parcel A for the benefit of Parcel B. An existing single-family home on Parcel A would remain. Parcel B is 107,590 sq. ft. in net area after deducting an access easement for the benefit of Parcel A. An existing secondary living unit on Parcel B would remain.

No development is currently proposed as part of this application. Condition of Approval (COA) #7 requires a separate design review application for constructing any new homes or related improvements on Parcel A or B. COA #11 and #12 addresses future reciprocal access and maintenance between the two parcels and the vacation of the offer of dedication at the time of any new construction or significant redevelopment on either parcel.

A. General Plan

The General Plan designates the site as Rural Residential for single-family residential use at densities of 2.5 units or less. The project will not change the single-family residential use of the property. The project will result in densities of 1.6 and 0.40 dwelling units for Parcels A and B, respectively.

B. Zoning and Development Regulations

The following table compares the proposed parcels and existing improvements with the RR20 development standards. All new conditions resulting from the proposed subdivision comply with RR20 zoning. Both dwelling units currently do not meet the required rear setback. However these are existing conditions that are not affected by the proposed subdivision and will remain as legal non-conforming rear setbacks.

Table 2: Comparison of Proposed Subdivision to RR20 Development Standards

RR20 Standard	Required	Parcel A	Parcel B
Net Lot Area	20,000 sq. ft.	23,797 sq. ft.	107,590 sq. ft.
Lot Width (min.)	100'		120'
Lot Depth (min.)	100'	282'	135' (avg.)
Building Setbacks (min.)			
Front	25'	> 50' (existing)	> 300'(existing)
Sides	10'	41'	10'
Aggregate Side	15'	82'	> 100 ft.
Rear	30'	22.9'	22.6'
Lot Coverage	25%	11%	.005%

C. Tentative Parcel Map Findings

Pursuant to Concord Municipal Code Section 17.20.050(c), a “tentative parcel map may not be approved unless the Zoning Administrator finds that the proposed tentative parcel map, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the Municipal Code.” Staff believes the proposed subdivision meets the findings for approval in that:

- a) the project will result in densities less than 2.5 units per net acre as allowed by the Rural Residential designation of the General Plan;
- b) existing and future use of the properties for single-family homes is consistent with the General Plan land use designation;
- c) the proposed lots comply with the RR20 zoning standards for lot area, lot width and depth; and;
- d) the existing homes comply with RR20 development standards for setbacks, lot coverage, and building height, notwithstanding the existing nonconforming rear setbacks that are not affected by the proposed subdivision.

V. Public Contact

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VI. Summary and Recommendations

Staff believes the proposal to subdivide the property into two residential parcels is compatible with the surrounding area. The project complies with the General Plan and RR20 zoning with respect to land use, lot dimensions, lot area and development standards for the existing dwelling units. Therefore,

staff recommends the Zoning Administrator open the public hearing, consider the staff report, the applicant's presentation, public testimony, and any issues identified. Following testimony and discussion, staff recommends the Zoning Administrator adopt Zoning Order No. 15-16 approving the St. Demetrios Church Parcel Map (PL15256-PM), subject to the findings and conditions of approval contained in ZA Order No. 15-16.

Prepared by: Frank Abejo
Frank Abejo
Senior Planner
(925) 671-3128
frank.abejo@cityofconcord.org

Exhibits:

- A - Zoning Order No. 15-16 and Draft Conditions of Approval (Attachment 1)
- B - Project Plans date-stamped received August 24, 2015

ZA ORDER NO. 15-16 ZA

OFFICE OF THE ZONING ADMINISTRATOR
CITY OF CONCORD
APPROVING A MINOR SUBDIVISION (PL15256-PM)
Applicant/Owner: St. Demetrios Orthodox Church
Project Name: St. Demetrios Church Parcel Map

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WHEREAS, on June 29, 2015, St. Demetrios Orthodox Church (“Applicant”) submitted an application to subdivide a 3.95-acre site into two lots for single-family homes at 2159 Kirker Pass Road, APN 117-070-026; and

WHEREAS, on September 22, 2015, the application was deemed complete; and

WHEREAS, the Zoning Administrator, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on December 16, 2015 on the proposed parcel map; and

WHEREAS, at such public hearing, the Zoning Administrator considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearing, the oral report from City staff, and the written report from City staff dated December 16, 2015, application materials, and exhibits presented; and

NOW, THEREFORE, BE IT RESOLVED that the Zoning Administrator does hereby approve the St. Demetrios Church Parcel Map (PL15256-PM) subject to the attached Conditions of Approval referenced in Attachment 1, based on the following findings.

1. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended; the project is classified as Categorical Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15315, “Minor Land Divisions”, the project is classified as a Categorical Exemption, and therefore, no further environmental review is required.
2. The proposed tentative parcel map, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the Municipal Code in that:

- 1 a) the project will result in densities less than 2.5 units per net acre as allowed by
2 the Rural Residential designation of the General Plan;
3 b) existing and future use of the properties for single-family homes is consistent
4 with the General Plan land use designation;
5 c) the proposed lots comply with the RR20 zoning standards for lot area, lot width
6 and depth; and; and
7 d) the existing homes comply with RR20 development standards for setbacks, lot
8 coverage, and building height, notwithstanding the existing nonconforming rear
9 setbacks that are not affected by the proposed subdivision.

10 Based on the above findings, on Wednesday, December 16, 2015, the Zoning Administrator
11 approves said application subject to the attached Conditions of Approval, referenced as Attachment 1.
12
13

14 _____
15 Andrew Mogensen, AICP
16 Zoning Administrator

17 A – DRAFT Conditions of Approval
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**DRAFT CONDITIONS OF APPROVAL
ST. DEMETRIOS CHURCH PARCL MAP
PL15256-PM
2159 KIRKER PASS ROAD
APN: 117-070-026**

NOTE: Changes and additions to Standard Conditions are highlighted in bold.

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a **Tentative Parcel Map (MS 401-15)** consisting of *two (2)* individual parcels **on 3.95 acres**.
2. The following Exhibits, date stamped received by the City of Concord, on , are approved and shall be incorporated as Conditions of Approval.

<u>Plan</u>	<u>Date Prepared</u>	<u>Prepared by</u>	<u>Sheet</u>
Title Sheet	8-21-15	Milani & Associates	1 of 4
Tentative Map	8-21-15	Milani & Associates	3 of 4
C.3 Exhibits	8-21-15	Milani & Associates	4 of 4

GENERAL CONDITIONS

3. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. (***PLNG, BLDG, ENGR***)
4. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. (***PLNG, BLDG, ENGR***)
5. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). (***PLNG, ENGR***)
6. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted at the time of submittal of the Parcel Map for recordation. (***PLNG, ENGR***)

DESIGN REVIEW

7. Subsequent construction of homes and related improvements on Parcel A or Parcel B requires approval of an Administrative Design Review application. A noticed neighborhood meeting shall be conducted allowing for property owners and residents within 300 feet of the site an opportunity to review and comment on subsequent plans to develop Parcel A or B. (***PLNG***)

1 **NOISE**

2 8. Noise producing site preparation and construction activities shall be limited to the days and
3 hours as set forth below:

4 **Monday through Friday.....7:30 a.m. to 6:00 p.m.**

5 Construction on Saturdays may be allowed only upon prior approval by the Building,
6 Engineering, and Planning Divisions. No changes to these construction hours shall be allowed
7 without the prior written consent of the City. A contact person shall be available during all
8 construction activities in the evening and on weekends to respond to complaints and take
9 actions necessary to reduce noise. (*BLDG, ENGR, PLNG*)

8 **SUBDIVISIONS/SITE DEVELOPMENT PLANS**

9 9. The Tentative Parcel Map prepared by Milani & Associates and date stamped received August
10 24, 2015 by the Planning Division is not approved for construction. Submit Grading, Erosion
11 Control, Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater
12 Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and
13 approval prior to issuance of an Encroachment Permit or Grading Permit. (*ENGR*)

13 10. The Parcel Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor
14 and shall be subject to review and approval by Engineering Services. (*ENGR*)

14 11. Reciprocal access and joint maintenance rights and obligations shall be stipulated in the Road
15 Maintenance Agreement, to be recorded concurrently with the Parcel Map, and identified
16 thereon. (*PLNG, ENGR*)

17 12. Existing offer of dedication to Contra Costa County shall remain on Parcel B, to be vacated at
18 a future date coincident with any new construction or significant redevelopment on either
19 parcel. (*PLNG, ENGR*)

19 **AGREEMENTS, FEES, BONDS**

20 13. All fees noted below are the fees currently in effect as of July 1, 2015 per the Resolution of
21 Fees and Charges. The fees and charges are reviewed annually as part of the budget public
22 hearing process. Fee adjustments are based on a number of factors and vary depending on the
23 type of fee:

23 **Service-based fees** are adjusted annually based on the San Francisco-San Jose-
24 Oakland Area Consumer Price Index;

25 **Improvement based fees** (also called impact fees) are adjusted annually based on
26 Engineering News Record Construction Cost Index (San Francisco Bay Area); and the

27 **Parkland Fee** is adjusted per Section 78-95 of the Concord Municipal Code.
28

1 The fees become effective as of the date set forth in Exhibit A of Resolution No. 78-6042,
2 Fees and Charges for Various Municipal Services, as most recently amended and approved by
3 the City Council. Persons interested in how a particular fee is calculated should contact the
4 City Department administering the fee or the Finance Department. **(ENGR)**

5 14. Provide a **\$1,000** cash deposit to the Planning Division to cover Condition Compliance at the
6 time of submittal of Parcel Map for recordation to Engineering Services. Planning staff's time
7 will be charged to this deposit for work performed to implement the Conditions of Approval,
8 from the time of project approval to occupancy approval. The deposit will be placed in a
9 refundable account and any unused funds will be returned upon completion. If the initial
10 deposit is insufficient to cover actual costs, an additional deposit will be required. **(PLNG)**

11 15. Pay a Document Imaging fee to reimburse the City for implementation of the Document
12 Imaging and File Retention programs, prior to recordation of Parcel Map. **(PLNG)**

13 16. Enter into a Maintenance Agreement acceptable to the City prior to the approval of Parcel
14 Map, agreeing to provide for proper maintenance of the private street, storm drain outside of
15 the public street right of way, street lights and other privately maintained improvements
16 pursuant to CMC Section 94-33. **(ENGR)**

- 17 17. Parcel Map Application:
- 18 a. Pay the Parcel Map review fee at the time of submittal of Parcel Map to Engineering
19 Services for review and recordation. Current fee is estimated to be \$1,892.00 (based on
20 two parcels), plus additional review time at \$172/hour if required.
 - 21 b. Pay the Parcel Map recordation filing fee prior to consideration by the Approving
22 Authority. The current fee is \$1,720.00.
 - 23 c. Pay new parcel fee of \$344.00 per parcel prior to the approval of the Parcel Map.
 - 24 d. Pay acceptance of easements and dedications fee of \$860.00 prior to scheduling items
25 for action by the Approving Authority.
 - 26 e. Provide a \$1,000.00 deposit for archiving permanent records prior to approval of the
27 Parcel Map for recordation. Actual fees will be charged following completion of work.
28 **(ENGR)**

OTHER/MISCELLANEOUS

18 18. Contact local postal authorities to get their requirements for mail facilities for the project. The
19 design and location of mail receptacles shall be reviewed and approved by the Planning
20 Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of
21 Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to
22 occupancy approval. **(PLNG)**

23 19. Contact the Geographic Information Systems (GIS) Technician, in the Information
24 Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the
25 Contra Costa Fire Protection District for their approval, prior to issuance of a Building Permit.
26 **(PLNG)**

1 20. Comply with the requirements of the Contra Costa County Health Department for the
abandonment of existing septic tanks or wells. *(ENGR) CMC*

2 21. Comply with the requirements of the Contra Costa Fire Protection District. Submit complete
3 sets of plans and specifications to the Fire District for review and approval at:

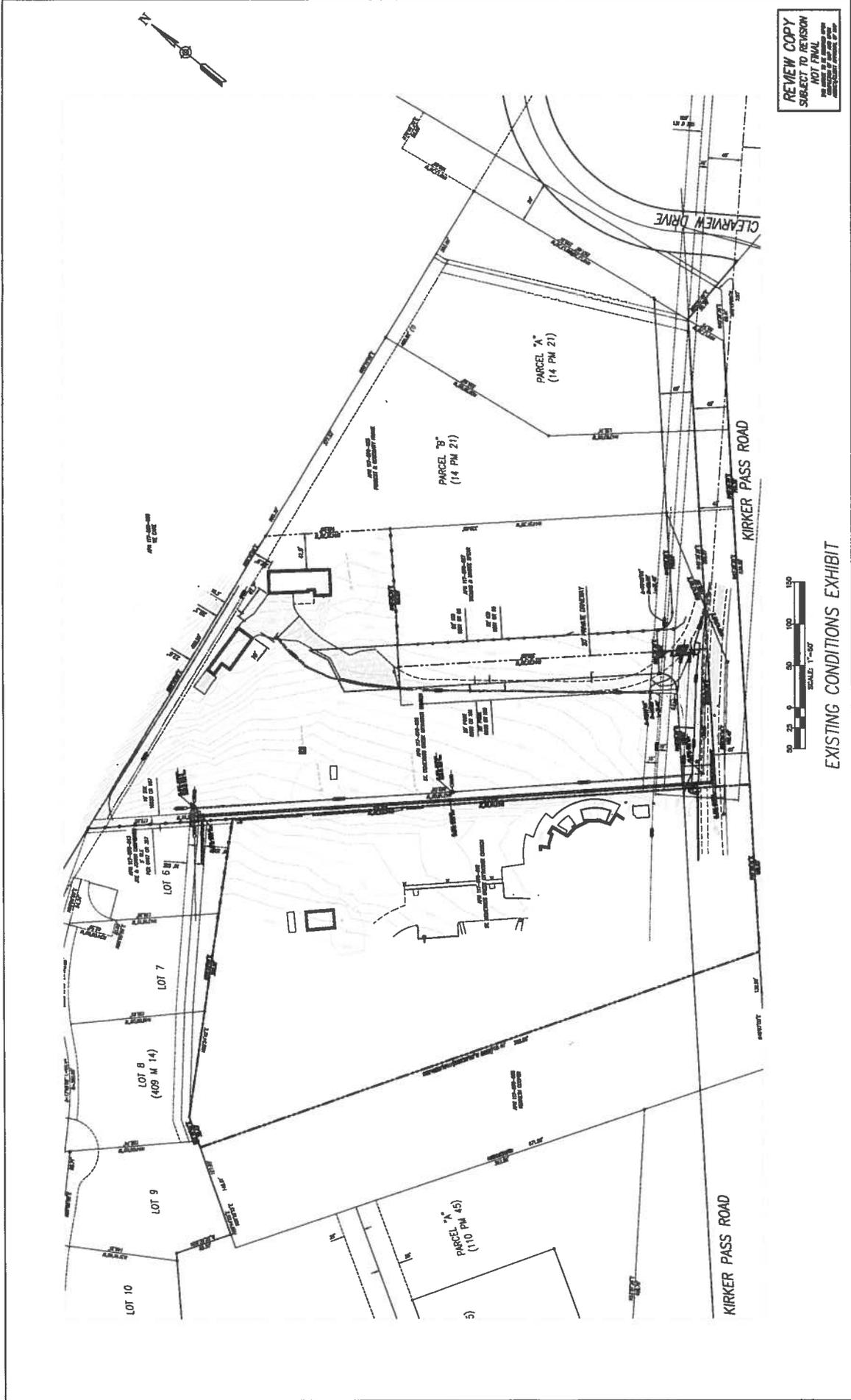
4 Contra Costa County Fire Protection District
5 2010 Geary Road
6 Pleasant Hill, CA 94523

7 Plan review fees are assessed at that time. The City is not responsible for the collection of fees
or enforcement of requirements imposed by the Fire District. *(CCCFIRE)*

8 22. Applicant and/or subdivider shall defend, indemnify and hold harmless the City, its agents,
9 officials and employees from any claim, action or proceeding brought by a third party to set
10 aside, annul, attack or otherwise void the approval of the Parcel Map by the Zoning
11 Administrator, which action is brought within the time period provided for in Government
12 Code section 66499.37. The City shall promptly notify the applicant/subdivider of any claim,
action or proceeding against the City of Concord and that the City will cooperate fully in the
defense. *(PLNG)*

13 23. The permit and approval shall expire in *two (2) years* from the date on which they became
14 effective unless construction permits are obtained and work has begun. All permits approved
15 concurrently with a Tentative Map shall be valid for the life of the map. The effective date of
the permit and approval is *December 16, 2015 (PLNG)*

16 24. A request for a time extension from the expiration date of *December 16, 2017* can be
17 considered if an application with required fee is filed at least 45 days before the original
18 expiration date, otherwise a new application is required. A public hearing will be required for
19 all extension applications. Extensions are not automatically approved. Changes in conditions,
20 City policies, surrounding neighborhood, and other factors permitted to be considered under
21 the law, may require, or permit denial. *(PLNG)*



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NOT FINAL

NO.	REVISIONS	BY	DATE	SHEET
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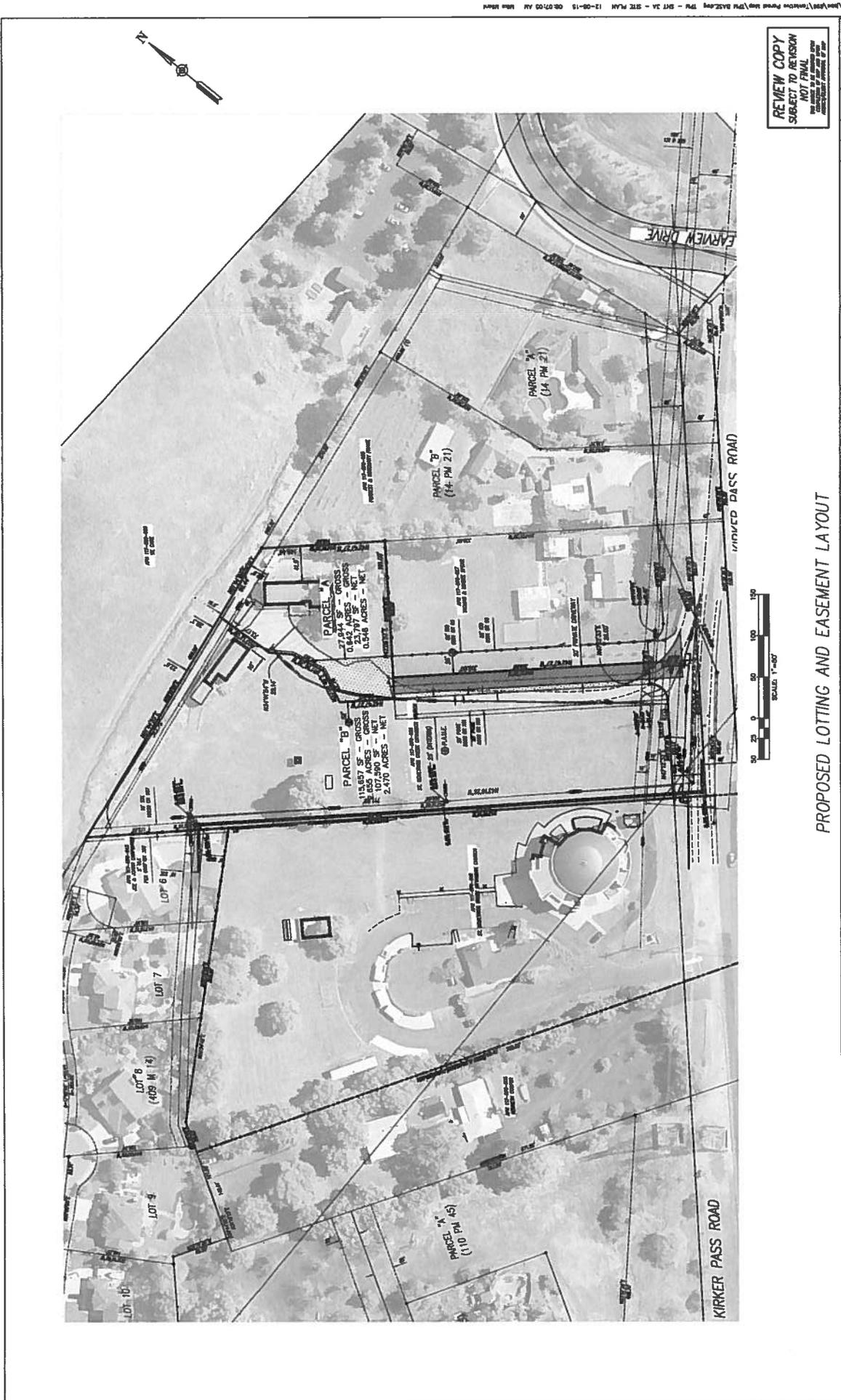
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 DATE: 06/21/2018
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TENTATIVE PARCEL MAP
MS 401-15
 CONTRA COSTA COUNTY
 CALIFORNIA

APN 117-070-026
 CITY OF CONCORD
 2320 Stewart Drive, Suite 200
 Concord, CA 94520
 P. LAURENCE 925-2888
 C. LAURENCE 925-2888
 F. LAURENCE 925-2888
 F. LAURENCE 925-2888



Planning & Mapping
 Land Development Engineering
 Surveying
 Construction Management



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SHEET **3A** OF **4**

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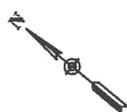
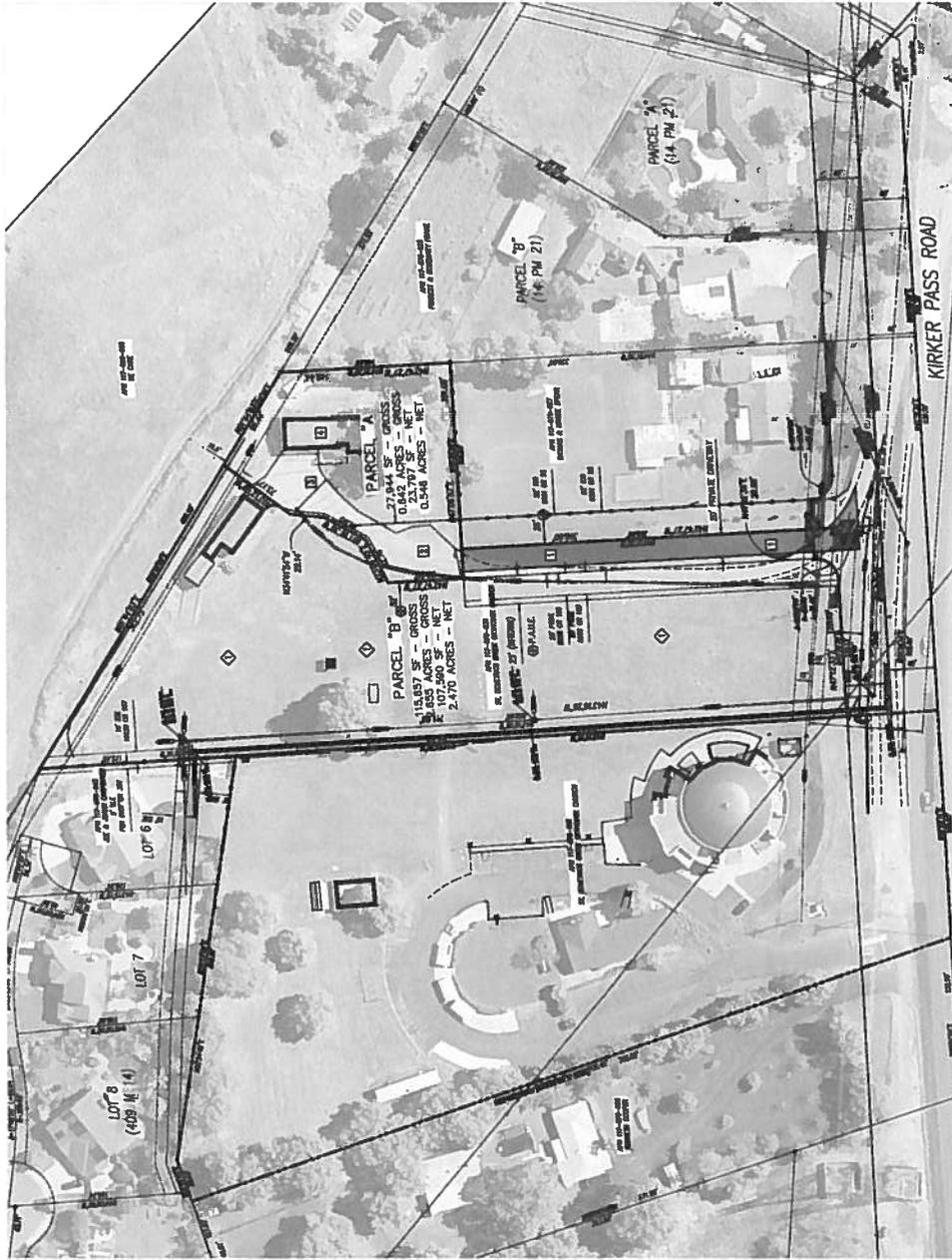
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APN 117-070-026
CITY OF CONCORD
CENTRAL COSTA COUNTY
CALIFORNIA

TENTATIVE PARCEL MAP
MS 401-15

2330 Stewart Drive, Suite 200
Concord, CA 94520
Phone: (925) 674-6000
Fax: (925) 674-6076

MILANI
Engineering & Architecture



CALIF. TITLE 1, SECTION 1

SYMBOL	DESCRIPTION	MP	REGULATORY CODE
[Symbol]	PROPOSED PRIVATE 20' DRIVEWAY	MP-1	SELF-TREATING
[Symbol]	EXISTING CONCRETE DRIVEWAY	EXEMPT/MP-1	SELF-TREATING
[Symbol]	EXISTING CONCRETE DRIVEWAY	EXEMPT/MP-1	SELF-TREATING
[Symbol]	EXISTING HOUSE	EXEMPT/MP-1	SELF-TREATING
[Symbol]	UNDEVELOPED PORTIONS OF PARCEL 'B'		

1. C.U. REQUIREMENTS WILL ONLY BE REQUIRED ON THE NEW 20' SHARED PRIVATE DRIVEWAY TO BE CONSTRUCTED WITH ANY BUILDING PERMIT ISSUED FOR PARCEL 'B'.



LEGEND

- [Symbol] DM AREA
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FOR CONSTRUCTION

NO.	REVISIONS	BY	APP.	DATE	SHEET
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APN 117-070-026
CITY OF CONCORD
CONCORD, CALIFORNIA

MILANI
2300 Shattuck Blvd, Suite 200
Concord, CA 94520
Phone: (925) 674-8888
Fax: (925) 674-8879

TENTATIVE PARCEL MAP
MS 401-15
CITY OF CONCORD
CONCORD, CALIFORNIA

MILANI
Engineering & Surveying
Land Development
Civil Engineering
Construction Management

APN 117-070-026
CITY OF CONCORD
CONCORD, CALIFORNIA

MILANI
Engineering & Surveying
Land Development
Civil Engineering
Construction Management