

CONCORD SUBDIVISION ORDINANCE

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City of Concord Planning Division

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Division 1. Definitions

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Article I: General Provisions

Division 1. Introductory Provisions

Sections:

- 94-1 Citation and Authority.
- 94-2 Purpose.
- 94-3 Application.
- 94-4 Exceptions.
- 94-5 Interpretation.
- 94-6 Severability.

94-1 Citation and Authority.

Chapter 94 of the Concord Municipal Code shall be known and cited as the Subdivision Ordinance of the City of Concord, and will be referred to herein as “the Subdivision Ordinance” or “this chapter.”

Authority for this chapter is found in Title 7, Division 2 of the California Government Code, commencing with Section 66410, hereinafter referred to as the “Subdivision Map Act,” as may be amended from time to time.

94-2 Purpose.

The purpose of this chapter is to regulate and control the division of land within the City of Concord. These provisions implement and supplement the requirements of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Zoning Administrator, Planning Commission, the City Engineer, and City Council regarding the maps. To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, to promote orderly growth and development and to promote open space, conservation, protection and proper use of land, and to ensure provision for adequate traffic circulation, utilities and services. It is also the purpose of this chapter to ensure that the design and improvements of subdivisions is consistent with and promotes the goals and policies of the General Plan.

94-3 Application.

The regulations set forth in this chapter apply to all parts of subdivisions within the City of Concord and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act. Each subdivision and each part thereof lying within the City shall be made and each map shall be prepared and presented for approval as provided for and required by this chapter.

94-4 Exceptions.

This chapter shall not apply to:

- (a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks.
- (b) Mineral, oil or gas leases.
- (c) Land dedicated for cemetery purposes under the State Health and Safety Code.
- (d) A lot line adjustment between four or fewer existing adjoining parcels, consistent with the provisions of Article IX, Lot Line Adjustments, of this chapter and Section 66412(d) of the Subdivision Map Act.
- (e) Any separate assessment under §2188.7 of the State Revenue and Taxation Code for community apartment or cooperative housing projects.
- (f) The conversion of a community apartment project or a stock cooperative to a condominium if the requirements of Sections 66412(g) and (h) of the Subdivision Map Act are met.
- (g) The financing or leasing of any parcel of land, or any portion, for the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances regulating design and improvements.
- (h) The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- (i) The construction, financing or leasing of secondary living units, subject to the Zoning Ordinance.
- (j) Leasing for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.
- (k) Leasing of, or grant of easement to, a parcel of land, or any portion or portions of land, for financing, erection, and sale or lease of a wind powered electrical generation device which is subject to discretionary action by the City.
- (l) The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation, as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including but not limited to, antennae, transmission equipment, support structures,

microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the Zoning Administrator, Planning Commission or City Council.

94-5 Interpretation.

None of the provisions in the Subdivision Ordinance or in any other ordinance or resolution of the City or in any rule or regulation promulgated pursuant thereto, whether pre-existing, existing or in the future, are intended to create or to be construed to create an imposition of civil liability on the City, its Council, commissioners, officers or employees while acting in accordance with such provisions.

94-6 Severability.

The sections, paragraphs, sentences, clauses and phrases of the Subdivision Ordinance are severable. If any phrase, clause, sentence, paragraph or section of the Subdivision Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Subdivision Ordinance.

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Division 2. Administration and Common Procedures

Sections:

- 94-7 Responsibilities.
- 94-8 Notification Procedures for Public Hearings.
- 94-9 Appeals.
- 94-10 Fees and Deposits.

94-7 Responsibilities.

- (a) **City Attorney.** The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and improvement securities.
- (b) **City Council.** The City Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the City of lands and/or improvements as may be proposed for dedication to the City for Major Subdivisions. The City Council shall act as the final appeal board for hearing appeals of the approval, conditional approval or denial of tentative subdivision maps for Major and Minor Subdivisions.
- (c) **City Engineer.** The City Engineer shall be responsible for:
 - (1) Establishing design and construction details, standards and specifications;
 - (2) Determining if proposed subdivision improvements comply with the provisions of this chapter and the Subdivision Map Act and for reporting the findings together with any recommendations for approval, or conditional approval, of the tentative map to the Zoning Administrator for Major Subdivisions and Minor Subdivisions.
 - (3) The processing of final maps, reversion to acreage maps and amended maps; the processing and approval of subdivision improvement plans, lot line adjustments, mergers, and certificates of compliance;
 - (4) Examining and stating that final maps are in substantial conformance with the approved tentative map.
 - (5) The inspection and approval of subdivision improvements.
 - (6) The acceptance of dedications and improvements for Minor Subdivisions and offsite dedications lying outside a subdivision boundary that require a separate grant deed.
 - (7) The recording of a notice of completion of private subdivision improvements when not to be maintained by the City.
 - (8) The collection of all required deposits and fees.

- (d) **Planning Division.** The Planning Division shall be responsible for the processing of tentative maps and parcel maps, and for the collection of application fees. The Planning Division shall also be responsible for investigating proposed subdivisions for conformity to the General Plan, specific plans, and the Zoning Ordinance of the City, and reporting findings together with recommendations for approval, conditional approval, or denial of Minor Subdivisions to the Zoning Administrator and Major Subdivisions to the Planning Commission.
- (e) **Planning Commission.** The Planning Commission shall be the body responsible for approving, conditionally approving, or denying tentative maps for Major Subdivisions and appeals of Minor Subdivisions.
- (f) **Zoning Administrator.** The Zoning Administrator shall be responsible for the approval, conditional approval or denial of Minor Subdivisions.

94-8 Notification Procedures for Public Hearings.

Notification for public hearings shall be provided according to the provisions for notification of public hearings in the Zoning Ordinance.

94-9 Appeals.

Decisions that are subject to appeal under the Subdivision Map Act or the provisions of the Subdivision Ordinance shall be filed and processed according to the procedures for appeals and calls for review of the Zoning Ordinance.

94-10 Fees and Deposits.

All persons submitting maps and other documents required by the Subdivision Ordinance shall pay all fees and/or deposits as provided by the Master Fees and Charges Resolution for Various Municipal Services.

Fees shall be established by the City pursuant to Section 66451.2 of the Subdivision Map Act and the Mitigation Fee Act (Sections 66000 to 66025 of the Government Code).

Division 3. Maps Required

Sections:

- 94-11 General.
- 94-12 Major Subdivisions.
- 94-13 Minor Subdivisions.

94-11 General.

The necessity for tentative or vesting tentative, final, tentative parcel and parcel maps shall be governed by the provisions of this division.

94-12 Major Subdivisions.

A tentative and final map shall be 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, except where any one of the following occurs:

- (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;
- (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;
- (c) 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 governing body as to street alignments and widths.
- (d) 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.
- (e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.
- (f) A parcel map shall be required for those subdivisions described in subsections (a), (b), (c), (d), and (e).

94-13 Minor Subdivisions.

A tentative parcel map and parcel map shall be required for all divisions of land into four or fewer parcels and for divisions of land into five or more parcels described in

subsections (a) through (e) of Section 94-12, Major Subdivisions, except that a tentative parcel map and parcel map shall not be 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. The foregoing exemption shall only apply if, prior to the conveyance, the owner of the subject land complies with this section. The owner shall submit an application for exemption in the form and with such information as is required by the City Engineer. Upon receipt of a complete application by the City Engineer, the City Engineer shall either determine that the exemption applies, determine that the exemption applies subject to conditions or determine that public policy necessitates a parcel map. In making this determination, the City Engineer shall consider any written materials submitted by the applicant or any interested party. The City Engineer shall notify the applicant of the determination in writing. If the City Engineer determines that a parcel map is necessary, the applicant shall not subdivide the subject land without obtaining City approval of a parcel map pursuant to this chapter. Notwithstanding the foregoing, a tentative map and parcel map for a division of land into four or fewer parcels shall not be required for the dedication of land to a governmental agency, public entity or public utility which is required by the City as a condition of approval of a development project.
- (c) **Lot Line Adjustments.** Lot line adjustments that meet the requirements of Section 94-139, Permitted Lot Line Adjustments.

Article II: Major Subdivisions

Division 1. Tentative Maps

Sections:

94-14	General.
94-15	Form and Contents.
94-16	Accompanying Data and Reports.
94-17	Department Review and Referral.
94-18	Public Hearing.
94-19	Planning Commission Action.
94-20	Expiration and Extensions.
94-21	Amendments to Approved Tentative Maps.
94-22	Appeals.

94-14 General.

The form and contents, submittal and approval of a tentative map for Major Subdivisions shall be governed by the provisions of this division.

94-15 Form and Contents.

All tentative maps shall be prepared in accordance with all applicable City standards. The tentative map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn on a single 24- by 36-inch sheet and shall contain the information as established by the City Engineer and Zoning Administrator, which is on file with the Planning Division.

94-16 Accompanying Data and Reports.

The tentative map shall be accompanied by the following data or reports:

- (a) **Soils Report.** The City Engineer or Building Official may require the preparation of a preliminary soils report. If a preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, could lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory. The preliminary soils report may be waived if the City Engineer determines that, due to knowledge of the soil qualities in the subdivision, no preliminary analysis is necessary.
- (b) **Title Report.** A preliminary title report, showing the legal owners at the time of filing the tentative map.

- (c) **Engineering Geology and/or Seismic Safety Report.** If the subdivision lies within the Alquist-Priolo Fault Zone, or within a “high” or “very high” liquefaction potential area, as indicated on Figure 7-4, Geologic and Seismic Hazards, in the Safety and Noise Element of the Concord General Plan, then a preliminary engineering geology and/or seismic safety report, prepared in accordance with Alquist-Priolo Act guidelines, shall be submitted. If the preliminary engineering geology and/or seismic safety report indicates the presence of geologic hazards or seismic hazards which, if not corrected, would lead to structural defects, an engineering geology and/or seismic safety report shall accompany the final map and shall contain an investigation of each lot within the subdivision.
- (d) **Environmental Assessment.** The subdivider shall provide additional data and information and pay such fees as may be required for the preparation and processing of environmental documents pursuant to the California Environmental Quality Act.
- (e) **Other Reports.** Any other data or reports deemed necessary by the Planning Division and/or the City Engineer.

94-17 Department Review and Referral.

- (a) **Determination of Complete Application.** The Zoning Administrator shall determine whether the application is complete within 30 days after receipt of the application and shall notify the applicant of its determination in writing. The tentative map application shall be accepted for filing only when the Zoning Administrator determines that:
 - (1) All maps and information required by the Subdivision Ordinance and the Subdivision Map Act have been submitted, checked and accepted as complete;
 - (2) All information required to conduct environmental review in compliance with the California Environmental Quality Act, and the City’s environmental review regulations has been submitted;
 - (3) The required fees and deposits have been paid.
- (b) **Referral.** The Zoning Administrator shall forward copies of the tentative map to affected departments, public agencies, and utilities. The affected public agencies may, in turn, forward to the Planning Division their findings and recommendations.
- (c) **Staff Report.** At least five days prior to the Planning Commission hearing on a tentative map, the Zoning Administrator shall issue a report to the Planning Commission. The report shall include comments from the Development Advisory Committee, other public agencies, and analysis by the Zoning Administrator. The report shall also include a recommendation for action,

including any requirements or conditions deemed necessary to ensure that the map will comply with the General Plan and any applicable City regulations.

94-18 Public Hearing.

- (a) Upon receipt of an application for a tentative subdivision map that is accepted as complete, the Zoning Administrator shall schedule the proposed map for review and public hearing by the Planning Commission and shall provide notice of the public hearing according to the requirements of Section 94-8, Notification Procedures for Public Hearings.

94-19 Planning Commission Action.

- (a) **Action Required.** The Planning Commission shall approve, conditionally approve or deny the tentative map within 50 days after certification of an environmental impact report, adoption of a negative declaration or a determination by the City that the project is exempt from the requirements of the California Environmental Quality Act.
- (b) **Basis for Action.** The approval, conditional approval, or denial shall be based on the ordinances, policies, and standards in effect on the date of notification to the developer of the determination that the application is complete according to Section 94-17(a), Determination of Complete Application. If the City has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the developer's project prior to acceptance of a complete application, the amended ordinances, policies, and standards in effect on the date of tentative map approval shall apply. If the developer requests changes in applicable ordinances, policies, and standards, and if they are adopted, the changes shall apply.
- (c) **When Deemed Approved.** If no action is taken by the Planning Commission within the time limit as specified, and all other State and City requirements have been met, including but not limited to the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) the tentative map application shall be deemed to be approved by the Planning Commission if it complies with other applicable provisions of the Subdivision Map Act, this chapter, other City ordinances and the General Plan, and it shall be the duty of the City Clerk to certify the approval. The appeal period to the City Council shall begin on the date of such certification.
- (d) **Required Findings for Approval.** The Planning Commission may approve or conditionally approve the tentative map only if it makes all of the following findings:

- (1) **Consistency.** The proposed subdivision, 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.
 - (2) **Passive and Natural Heating and Cooling.** The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accord with Section 66473.1 of the Subdivision Map Act.
 - (3) **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accord with Section 66473.7 of the Subdivision Map Act.
- (e) **Conditions of Approval.**
- (1) **Authority and Limitations.** The Planning Commission may modify or delete any recommended conditions of approval, except conditions required by City ordinance or by the City Engineer related to public health and safety or to standards approved by the City Engineer. The Zoning Administrator may add additional requirements as conditions of its approval.
 - (2) **Joint Use.** The Planning Commission shall require, when applicable, agreements for the joint use of portions of private streets and driveways, including areas to be landscaped and jointly maintained.
- (f) **Basis for Denial.** The tentative map may be denied by the Planning Commission and/or City Council acting on an appeal on any of the grounds provided by this section or the Subdivision Map Act. The Planning Commission and/or City Council, acting on an appeal, shall deny approval of the tentative map if it makes any of the following findings:
- (1) The proposed map is not consistent with the General Plan, any applicable specific plans, or any applicable provision of this chapter.
 - (2) The design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable specific plans or adopted policies of the City.
 - (3) The site is not physically suitable for the type of development proposed.
 - (4) The site is not physically suitable for the proposed density of development.
 - (5) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (6) The design of the subdivision or the type of improvements are likely to cause serious public health problems.
 - (7) The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use

of, property within the proposed subdivision. In this connection, the Planning Commission or City Council acting on an appeal, may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to easements previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Planning Commission or City Council acting on an appeal, to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

- (8) The land is subject to a contract under the Williamson Act and the resulting parcels following the subdivision would be too small to sustain their agricultural use, or the subdivision meets other criteria for denial of Section 66474.4 of the Subdivision Map Act.
- (9) The waste discharge into the City sewer system from the proposed subdivision would add to, or result in, violations of requirements imposed by the California Regional Water Quality Control Board.

94-20 **Expiration and Extensions.**

(a) **Expiration.**

- (1) *Time Period.* The approval or conditional approval of a tentative map shall expire 24 months after the date of approval by the Planning Commission or City Council acting on an appeal. However, the expiration date shall be extended in accordance with Section 66452.6(a) of the Subdivision Map Act if the filing of multiple final maps is authorized by Section 94-24, Submittal by Units, and if the subdivider is required to provide off-site improvements in the amounts specified in Section 66452.6(a) of the Subdivision Map Act. An extension to the expiration date may be approved as provided in subsection 2 of this section.

(2) *Exclusions.*

- a. The period of time specified shall not include any period of time during which a development moratorium is in effect according to Section 66452.6(b) of the Subdivision Map Act.
- b. The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the City Council. Within 10 days of the service of the initial petition or complaint upon the City, the subdivider shall, in writing, to the Zoning Administrator, request a stay in the time period of the tentative map. Within 40 days after receiving the request, the City Council shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the

subdivider and to the appellant/petitioner and upon conclusion of the hearing, the City Council shall, within 10 days, declare its findings.

- (3) ***Termination of Proceedings.*** Expiration of an approved or conditionally approved tentative or vesting tentative map shall terminate all proceedings and no final or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.
 - (4) ***Processing Prior to Expiration.*** If the signed final map and agreement are submitted to the City Engineer prior to the expiration of the tentative map, processing, approval and recording may occur after the expiration date of the tentative map.
- (b) **Extensions.**
- (1) ***Request by Subdivider.*** The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Zoning Administrator prior to expiration of the map. The map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.
 - (2) ***Planning Commission Action.*** The Zoning Administrator shall review the request and submit the application for the extension, together with a report, to the Planning Commission for approval, conditional approval or denial. The map shall remain valid until such time as the Planning Commission hearing is scheduled. A copy of the Zoning Administrator's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The resolution adopted by the Planning Commission approving or conditionally approving an extension shall specify the new expiration date of the tentative map. Action taken by the Planning Commission to approve, conditionally approve or deny the request for the extension may be appealed to the City Council pursuant to Section 94-9, Appeals.
 - (3) ***Time Limit of Extension.*** The expiration date may be extended pursuant to this section for a period or periods totaling no more than five years.

94-21 Amendments to Approved Tentative Map.

Amendments to tentative maps may be made in accordance with Article VIII, Division 1, Correction and Amendment of Maps, of this chapter. A public hearing may be required.

94-22 Appeals.

The Planning Commission's decisions on tentative maps may be appealed to the City Council. Any decision subject to an appeal will be processed in accordance with Section 94-9, Appeals.

Division 2. Final Maps

Sections:

- 94-23 General.
- 94-24 Submittal by Units.
- 94-25 Survey Required.
- 94-26 Monuments Required.
- 94-27 Form and Contents.
- 94-28 Submittal for City Approval.
- 94-29 Action by City Council.
- 94-30 Filing with County Recorder.

94-23 General.

The form, contents, accompanying data and filing of the final map shall be governed by to the provisions of this division. The final map shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

94-24 Submittal by Units.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map is filed, informs the Zoning Administrator in writing of the subdivider's intention to file multiple final maps on the tentative map, or after the filing of the tentative map the subdivider and Zoning Administrator concur in the filing of multiple final maps. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The Planning Commission or City Council, acting on an appeal, shall approve the sequence of map approvals. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, or the approved or conditionally approved tentative map shall have a separate subdivision number. The public improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision.

94-25 Survey Required.

An accurate and complete survey of the land to be subdivided shall be made by a qualified registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

94-26 Monuments Required.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the City Engineer.

94-27 Form and Contents.

- (a) **General.** The form and contents of the final map shall be as approved by the City Engineer and in conformance with Section 66433 of the Subdivision Map Act.
- (b) **Scale, North Point and Basis of Bearings.** There must appear on each map sheet the scale, the north point, and the basis of bearings based on Zone III of the California Coordinates, and the equation of the bearing to true north. The basis of bearings shall be approved by the City Engineer.
- (c) **Linear, Angular and Radial Data.** Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.
- (d) **Monuments.** The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at or on City Engineer approved offsets from the following locations:
 - (1) The intersection of street centerlines;
 - (2) Beginning and end of curves or intersection of tangents on centerlines;
and
 - (3) At other locations as may be required by the City Engineer.
- (e) **Lot Numbers.** Lot numbers shall begin with the number one in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands under the same ownership are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one sheet of the final map, unless approved by the City Engineer.
- (f) **Adjoining Properties.** The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision, and if no such subdivision is adjacent, then by the name of the

owner, and reference to the recorded deed by book page number for the last recorded owner of such adjacent property.

- (g) **City Boundaries.** City boundaries that cross or join the subdivision shall be clearly designated.
- (h) **Street Names.** The names of all streets, alleys or highways within or adjoining the subdivision shall be shown.
- (i) **Easements.** Easements for roads or streets, paths, storm water drainage, sanitary sewers, or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map.
 - (1) All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.
 - (2) Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.
 - (3) The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the City Engineer.
- (j) **Additional Information.** The City may require additional information to be recorded simultaneously with the final map. Whenever additional information is made by separate document, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the County Recorder according to Section 66468.1 of the Subdivision Map Act. Additional information may include the following:
 - (1) Covenants, codes and restrictions.
 - (2) Regulatory agreements.
 - (3) Property maintenance agreements.
 - (4) Other documents or agreements required by the Planning Commission as conditions of approval on the tentative map.
 - (5) Additional survey and map information including, but not limited to building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of the recording, and is not intended

to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records, or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

94-28 Submittal For City Approval.

- (a) **Preliminary Submittal.** The subdivider shall submit prints of the final map to the City Engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer.
- (1) ***Improvement Plans.*** Improvement plans as directed by the City Engineer.
 - (2) ***Soils Report.*** A soils report prepared as directed by the City Engineer.
 - (3) ***Title Report.*** A title report showing the legal owners at the time of submittal of the final map.
 - (4) ***Improvement Agreement.*** An improvement agreement in accordance with the requirements of Section 94-64, Improvement Agreements. In the event that sewer, water, drainage, grading, paving or other improvements required pursuant to Section 94-61, Improvements Required, have not been completed prior to the presentation of the final map, a deferred improvement agreement in accordance with the requirements of Section 94-65, Deferred Improvement Agreements, shall be filed for the improvement thereof.
 - (5) ***Deeds for Easements or Rights-of-way.*** Written evidence of rights of entry or permanent easements across private property outside of the subdivision that permit or grant access to perform necessary construction work or permit the maintenance of any sewer, water, electric and/or other facility.
 - (6) ***Traverse Closures.*** Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.
 - (7) ***Hydrology and Hydraulic Calculations.*** Complete hydrology and hydraulic calculations of all storm drains.
 - (8) ***Governing Documents.*** If required by the City, the submittal of the final map for a common interest development within the meaning of Section 1350 et seq. of the California Civil Code shall include the proposed Declaration of Covenants, Conditions and Restrictions containing the provisions described in Section 1353 of the Civil Code, and all other governing documents for the subdivision. The submittal of the final map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the Zoning Administrator, City Engineer and City Attorney.

- (9) **Guarantee of Title.** A guarantee of title, in a form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall continue up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents to the making thereof and affidavits of dedication where necessary.
 - (10) **Flood Plain Information.** Flood plain information, including the floor elevation that has a one percent chance of being equaled or exceeded each year (the 100-year flood level).
 - (11) **Copies.** Copies of the final map in approved electronic format as required by the City Engineer.
 - (12) **Additional Data.** Any additional data, reports or information as required by the City Engineer.
- (b) **Review by City Engineer and Zoning Administrator.** The subdivider's engineer or surveyor shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the statements on the map, to the City Engineer and Zoning Administrator. The City Engineer and the Zoning Administrator shall review the final map and the subdivider's engineer or surveyor shall make corrections and/or additions until the map meets the requirements of the approved or conditionally approved tentative map and related City requirements.
- (c) **Transmission to City Clerk.** The City Engineer shall transmit the final map and related documents to the City Clerk for City Council action.

94-29 Action by City Council.

The City Council shall, at the meeting at which it receives the final map or at its next regular meeting after the meeting at which it receives the final map, approve the map if it conforms to all the requirements of the Subdivision Map Act and this chapter applicable at the time of approval or conditional approval of the tentative map. If the map does not conform, the City Council shall disapprove the map.

- (a) **Acceptance of Dedications and Improvements.** If the City Council approves the final map, it shall at the same time accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify on the final map the action by the City Council. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities, or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities,

or storm drainage easements, which acceptance shall be recorded in the office of the County Recorder.

- (1) The City Council may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder. If the improvement agreement and final map are approved by the City Council, it shall instruct the City Manager to execute the agreement on behalf of the City. If the improvement agreement and/or final map are unacceptable, the Council shall make its recommended corrections, instruct the City Engineer to draft a new agreement and/or revise the final map and defer approval until an acceptable agreement and/or final map have been resubmitted.
 - (2) The City Council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest to permit the improvements to be made.
- (b) **Denial by City Council.** The City Council shall deny the final map if it finds that the final map is not in substantial compliance with the previously approved tentative map.

94-30 Filing with the County Recorder.

Upon approval of the final map by the City Council, the City Clerk shall execute the appropriate statement on the map and forward the map, or have an authorized agent forward the map, to the County Recorder. If the subdivider dedicates property to the City, the City Clerk shall also prepare and forward for recording a certificate concerning the dedication as provided in Section 66477.5 of the Subdivision Map Act.

Article III: Minor Subdivisions

Division 1. Tentative Parcel Maps

Sections:

- 94-31 General.
- 94-32 Form and Contents, Accompanying Data, and Reports.
- 94-33 Zoning Administrator Review and Referral.
- 94-34 Public Notice.
- 94-35 Action on the Tentative Parcel Map.
- 94-36 Expiration and Extensions.
- 94-37 Amendments to the Approved Tentative Parcel Map.
- 94-38 Appeals.

94-31 General.

The form and contents, submittal and approval of tentative parcel maps for Minor Subdivisions shall be governed by the provisions of this division. The tentative parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

94-32 Form and Contents.

The tentative parcel map shall be prepared in accordance with all applicable City standards. The form and contents shall comply and be consistent with the requirements of Section 94-15, Form and Contents, and the accompanying data and reports shall comply and be consistent with Section 94-16, Accompanying Data and Reports. The Planning Division and/or the City Engineer may require additional information or may waive any of these requirements if the location and nature of the proposed subdivision or existing documentation demonstrates that a waiver is justified.

94-33 Zoning Administrator Review and Referral.

- (a) **Determination of Complete Application.** The Zoning Administrator shall determine whether the application is complete within 30 days after receipt of the application and shall notify the applicant of its determination in writing. The tentative parcel map shall be accepted for filing only when the Zoning Administrator determines that:
 - (1) All maps and information required by the Subdivision Ordinance and the Subdivision Map Act have been submitted, checked and accepted as complete;
 - (2) All information required to conduct environmental review in compliance with the California Environmental Quality Act, and the City's environmental review regulations has been submitted; and

- (3) The required fees and deposits have been paid.
- (b) **Referral.** The Planning Division shall forward copies of the tentative map to affected departments, public agencies, and utilities. The affected public agencies may, in turn, forward to the Zoning Administrator their findings and recommendations.

94-34 Public Notice.

Notification shall be provided according to the provisions for notification of public hearings in the Concord Municipal Code.

94-35 Action on the Tentative Parcel Map.

- (a) **Action Required.** The Zoning Administrator shall approve, conditionally approve or deny the tentative parcel map within 50 days after certification of an environmental impact report, adoption of a negative declaration or a determination by the City that the project is exempt from the requirements of the California Environmental Quality Act.
- (b) **Basis for Action.** The approval, conditional approval, or denial shall be based on the ordinances, policies, and standards in effect on the date of notification to the developer of the determination that the application is complete according to Section 94-17(a), Determination of Complete Application. If the City has initiated formal proceedings and published notice of an ordinance or resolution amending ordinances, policies, and standards applicable to the developer's project prior to acceptance of a complete application, the amended ordinances, policies, and standards in effect on the date of tentative map approval shall apply. If the developer requests changes in applicable ordinances, policies, and standards, and if they are adopted, the changes shall apply.
- (c) **Required Findings for Approval.** 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.
- (d) **Conditions of Approval.**
 - (1) **Authority and Limitations.** The Zoning Administrator may modify or delete any recommended conditions of approval, except conditions required by City ordinance or by the City Engineer related to public health and safety or to standards approved by the City Engineer. The Zoning Administrator may add additional requirements as conditions of its approval.

- (2) **Joint Use.** The Zoning Administrator shall require, when applicable, agreements for the joint use of portions of private streets and driveways, including areas to be landscaped and jointly maintained.
 - (3) **Indemnification.** Whether or not such a condition is explicitly listed as a condition of approval, every approved tentative parcel map shall be deemed to include a condition requiring the subdivider to defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attach, set aside, void or annul an approval of the Zoning Administrator, Planning Commission, or City Council concerning a subdivision. The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.
- (e) **Basis for Denial.** A tentative parcel map may be denied by the Zoning Administrator and/or Planning Commission acting on an appeal on any of the grounds provided by this chapter or the Subdivision Map Act. The Zoning Administrator and/or Planning Commission, acting on an appeal, shall deny approval of the tentative parcel map if it makes any of the following findings:
- (1) The proposed map is not consistent with the General Plan, any applicable specific plans, or any applicable provision of this chapter.
 - (2) The design or improvement of the proposed subdivision is not consistent with the General Plan or any applicable specific plans or adopted policies of the City.
 - (3) The site is not physically suitable for the type of development proposed.
 - (4) The site is not physically suitable for the proposed density of development.
 - (5) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (6) The design of the subdivision or the type of improvements are likely to cause serious public health problems.
 - (7) The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission, acting on an appeal may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the Zoning Administrator or Planning Commission, acting on an appeal, to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

- (8) The land is subject to a contract under the Williamson Act and the resulting parcels following the subdivision would be too small to sustain their agricultural use, or the subdivision meets other criteria for denial of Section 66474.4 of the Subdivision Map Act.
- (9) The waste discharge into the City sewer system from the proposed subdivision would add to, or result in, violations of requirements imposed by the California Regional Water Quality Control Board.

94-36 Expiration and Extensions.

(a) Expiration.

- (1) ***Time Period.*** The approval or conditional approval of a tentative map shall expire 24 months after the date of approval by the Zoning Administrator, Planning Commission, or City Council, acting on an appeal. An extension to the expiration date may be approved as provided in subsection 2 of this section.
- (2) ***Exclusions.***
 - a. The period of time specified shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative parcel map only if a stay of the time period is approved by the City Council. Within 10 days of the service of the initial petition or complaint upon the City, the subdivider shall, in writing, to the Zoning Administrator, request a stay in the time period of the tentative parcel map. Within 40 days after receiving such request, the City Council shall either stay the time period for up to five years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the City Council shall, within 10 days, declare its findings.
 - b. The period of time specified shall not include any period of time during which a development moratorium is in effect according to Section 66463.5 of the Subdivision Map Act.
- (3) ***Termination of Proceedings.*** The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings and no parcel map of all or any portion of the real property included within the tentative parcel map shall be filed without first processing a new tentative parcel map.
- (4) ***Processing Prior to Expiration.*** If the signed parcel map and agreement are submitted to the City Engineer prior to the expiration of the tentative parcel map, approval, processing and recording may occur after the expiration date of the tentative map.

(b) **Extensions.**

- (1) ***Request by Subdivider.*** The subdivider or engineer may request an extension of the expiration date of the approved or conditionally approved tentative parcel map by written application to the Zoning Administrator prior to the expiration of the map. The map shall automatically be extended for 60 days or until the application for extension is approved, conditionally approved or denied, whichever occurs first.
- (2) ***Zoning Administrator Action.*** A hearing shall be scheduled in front of the Zoning Administrator to consider the request for extension. The Zoning Administrator shall review the request for extension and approve, conditionally approve, or deny the request. The Planning Division shall make a written determination on the request and, if approved or conditionally approved, shall specify the new expiration date. Action taken by the Zoning Administrator to approve, conditionally approve, or deny the request for the extension may be appealed to the Planning Commission pursuant to Section 94-9, Appeals.
- (3) ***Time Limit of Extension.*** The expiration date may be extended pursuant to this section for a period or periods totaling no more than five years.

94-37 Modifications to the Approved Tentative Parcel Map.

Modifications to tentative parcel maps may be made in accordance with Article VIII, Division 1, Correction and Amendment of Maps, of this chapter.

94-38 Appeals.

Any interested person adversely affected by a decision of the Zoning Administrator with respect to the tentative parcel map may file an appeal with the Planning Commission concerning the decision. The procedure contained in Section 94-9, Appeals, shall apply.

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Division 2. Parcel Maps

Sections:

- 94-39 General.
- 94-40 Survey Required.
- 94-41 Form and Contents.
- 94-42 Preliminary Submittal.
- 94-43 Review by City Engineer.
- 94-44 Approval by City Engineer.
- 94-45 Filing with County Recorder.

94-39 General.

The form and contents, submittal, approval and filing of parcel maps shall conform to the provisions of this section and the Subdivision Map Act.

94-40 Survey Required.

An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

94-41 Form and Contents.

The form and content of the parcel map shall conform to the requirements of Sections 66444-66450 of the Subdivision Map Act and as approved by the City Engineer.

94-42 Preliminary Submittal.

The subdivider shall submit prints of the parcel map to the City Engineer for checking. The preliminary prints shall be accompanied by copies of the data, plans, reports and documents as required for parcel maps by Section 94-41, Form and Contents. The City Engineer may waive any of the requirements if the location and nature of the proposed subdivision or existing documentation demonstrates that compliance with the requirements of Section 94-41 is not necessary.

94-43 Review by City Engineer and Zoning Administrator.

The City Engineer and Zoning Administrator shall review the parcel map and the subdivider's engineer shall make corrections and/or additions until the map is acceptable to the City Engineer. The subdivider's engineer shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the statements on the map, to the City Engineer.

94-44 Approval by City Engineer.

The City Engineer shall approve the parcel map if it complies with the requirements of the Subdivision Map Act, this chapter, the tentative map and all conditions thereof. The City Engineer may accept, accept subject to improvements, or reject dedications or offers of dedication that are made by a statement on the map.

94-45 Filing with County Recorder.

The City Clerk or authorized agent shall file the approved parcel map directly with the County Recorder.

Article IV: Vesting Tentative Maps

Division 1. Vesting Tentative Maps

Sections:

- 94-46 Vesting Tentative Maps.
- 94-47 Procedures.
- 94-48 Vesting of Development Rights.

94-46 Vesting Tentative Maps.

- (a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions of this article. Whenever reference is made throughout this article to Vesting Tentative Map, such reference also includes Vesting Tentative Parcel Map.
- (b) If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

94-47 Procedures.

- (a) **Filing and Processing.** A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth for a tentative map in Article III, Division 1, Tentative Maps and Article IV, Division 1, Tentative Parcel Maps, except as provided herein:
 - (1) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 - (2) A subdivider shall obtain all discretionary approvals that will be required under this chapter in conjunction with the approval or conditional approval of the vesting tentative map in order to construct the development. An application for a vesting tentative map shall be determined to be incomplete if other required discretionary permit applications have not been submitted at the same time.
- (b) **Fees.** Upon filing a vesting tentative map, the subdivider shall pay the fees required by City for the filing and processing of a tentative map.

- (c) **Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same period, and shall be subject to the same extensions established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map (See Section 94-20, Expiration and Extensions).

94-48 Vesting of Development Rights.

- (a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, polices and standards in effect at the time that an application is determined to be complete by the City, provided that any fees required as a condition of approval of a vesting tentative map, unless otherwise specified, shall be payable at the rates in effect at the time building permits are issued. This section is further governed by Government Code Sections 65943 and 66474.2 and any successor legislation. This article shall not be interpreted to create any rights for subdividers beyond those expressly required by the Vesting Tentative Map Law (Government Code Sections 66498.1 et seq., as may from time to time be amended).
- (b) Notwithstanding subsection (a) of this section, a subsequent permit, approval, extension, building permit, or entitlement may be made conditional or denied pursuant to later ordinances, policies and standards if any of the following are determined:
 - (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; or
 - (2) The condition or denial is required, in order to comply with state or federal law.
- (c) The rights referred to in this article shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 94-47 (c), Expiration. If the final map is approved, these rights shall last for the following periods of time:
 - (1) An initial time period of one year beyond the recording of the final map. Where several maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - (2) The initial time period set forth in subdivision 1 of this subsection shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds 30 days from the date a complete application is filed.

- (3) If the subdivider submits a complete application for a building permit during the periods of time prior to the expiration of the final map, the rights referred to in this chapter shall continue until the expiration of such building permit or any extension of that permit.

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Article V: Dedications, Reservations, and Improvements

Division 1. Dedications and Reservations

Sections

94-49	Purpose.
94-50	Streets, Alleys and Other Public Rights-of-way or Easements.
94-51	Bicycle Paths.
94-52	Transit Facilities.
94-53	Solar Access Easements.
94-54	Parkland.
94-55	School Site.
94-56	Water Courses and Drainage Facilities
94-57	Acceptance of Dedications.
94-58	Recording Dedications.
94-59	Reservations.

94-49 Purpose.

The purpose of this division is to establish the dedications and reservations that the City may impose on a subdivider as a condition for approval of a tentative map or a parcel map.

94-50 Streets, Alleys and Other Public Rights-Of-Way or Easements.

When required as a condition for approval of a tentative map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision that is needed for streets and alleys, including access rights and abutters' rights, drainage, public greenways, scenic easements, public utility easements, and other public easements according to the standards listed below. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements.

- (a) **Streets.** The subdivider shall dedicate land for streets according to adopted City standards.
- (b) **Public Easements.** The subdivider shall dedicate easements of at least 10 feet in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary. Easements of different width may be required, based on the Public Works Director's determination.

94-51 Bicycle Paths.

When required as a condition for approval of a tentative map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of land that is needed to provide bicycle paths for the use, safety, and benefit of the residents of the subdivision.

94-52 Transit Facilities.

When required as a condition for approval of a tentative map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision.

94-53 Solar Access Easements.

At such time as the City has adopted solar access standards, and when required as a condition for approval of a tentative map, the subdivider shall dedicate or make an irrevocable offer of dedication of 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. The dimensions and locations of such easements shall be in accord with any standards for solar access adopted by the City Council.

94-54 Parkland.

As a condition of approval of a tentative map, the City shall require the subdivider to dedicate or make an irrevocable offer of dedication of land, to pay a fee in lieu thereof, or a combination of both, for open space, park and recreational purposes, according to the provisions of Article IV, Park Land Requirements, and Article V, Parkland Dedication, of Chapter 78 of the Municipal Code.

94-55 School Sites.

As a condition of approval of a final subdivision map, a subdivider who develops or completes the development of one or more subdivisions within one or more school districts maintaining a school may be required to dedicate to the school district or districts such lands as the district shall deem necessary for the purpose of constructing schools necessary to assure the residents of the subdivision adequate elementary school service.

- (a) **Procedure.** The requirement of dedication shall be imposed at the time of approval of the tentative map. If within 30 days after the requirement of dedication is imposed by the City the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time, before, concurrently with, or up to 60 days after the filing of the final map on any portion of the subdivision.

- (b) **Payments to Subdivider.** The school district shall, if it accepts the dedication of land, repay the subdivider the original cost of the dedicated land, plus a sum equal to the total of the following:
 - (1) **Improvement Costs.** The cost of any improvements to the dedicated land since acquisition by the subdivider;
 - (2) **Assessed Taxes.** The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and
 - (3) **Other Costs.** Any other costs incurred by the subdivider to maintain the dedicated land, including interest costs incurred on any loan on the land.
- (c) **Exceptions.** The requirements for dedication shall not apply to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative map.

94-56 Watercourses and Drainage Facilities.

- (a) The subdivider shall provide the necessary right-of-way dedication or easements for buffer areas and setbacks for watercourses, streams, and storm drains as required by the City Engineer, and consistent with the Zoning Ordinance.
- (b) Except as may be approved by the Planning Commission, there shall be sufficient right-of-way dedicated to the City to maintain a natural channel, floodplain, or open space as may be shown the General Plan, including right-of-way for a trail as may be shown on the City's Trails Master Plan.
- (c) Drainage facilities shall be installed in accord with the appropriate Drainage Area Plan, the General Plan, and other City requirements.
- (d) Storm drain easements not less than 10 feet in width shall be provided by the subdivider where required for construction and maintenance purposes.

94-57 Acceptance of Dedications.

At the time the City approves a final map or parcel map, the City shall also accept subject to improvement, or reject, any offer of dedication. The City Clerk shall certify or state on the map the City's action.

- (a) **Offers of Dedication.** If, at the time the final map or parcel map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities which directly benefit the residents of a subdivision, or storm drainage easements are not accepted by the City Council, the offer of dedication shall remain open and the City Council may, by resolution at any later date, accept and open the streets, paths, alleys or storm drainage easements for public use, which acceptance shall be recorded in the office of the County Recorder.

- (b) **Termination of Offers.** Offers of dedications may be terminated and abandoned 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.

94-58 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 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.
- (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.

94-59 Reservations.

- (a) **General.** As a condition of approval of a tentative map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this section.
- (b) **Standards for Reservation.** Where a park, recreational facility, fire station, library, or other public use is shown on any specific plan or the General Plan, the subdivider may be required by the City to reserve sites determined by the City to be in accordance with the policies and standards of the applicable plan. The reserved area must be of such size and shape as to permit the balance of the property to develop in an orderly and efficient manner. The amount of land reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or the General Plan, and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
- (c) **Procedure.** The public agency for whose benefit an area has been reserved shall, at the time of approval of the final, 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.

- (d) **Payment.** The purchase price shall be the market value of the reserved land at the time of the filing of the tentative map, plus the taxes against the reserved land from the date of the reservation and any maintenance costs incurred by the subdivider including interest costs incurred on any loan covering the reserved area.

- (e) **Termination.** If the public agency for whose benefit an area has been reserved does not enter into a binding agreement, as provided for in Government Code Section 66480, the reservation of the area shall automatically terminate.

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Division 2. Improvements

Sections:

94-60	General.
94-61	Improvements Required.
94-62	Improvement Plans.
94-63	Design of Improvement.
94-64	Improvement Agreements.
94-65	Deferred Improvement Agreements.
94-66	Improvement Security.
94-67	Construction Inspection.
94-68	Completion of Improvements.
94-69	Acceptance of Improvements.

94-60 General.

The subdivider shall construct all required improvements, both on-site and off-site, according to standards approved by the City.

94-61 Improvements Required.

- (a) **General.** All improvements as may be required as conditions of approval of a tentative map or City ordinance, together with, but not limited to the following shall be required of all subdivisions.
- (1) Requirements for construction of on-site and off-site improvements for subdivisions of four or less parcels shall be noted on the parcel map, or waiver of parcel map or the subdivision improvement agreement recorded prior to or concurrent with the parcel map.
 - (2) As a condition of approval of a tentative map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public, subject to the provisions of Sections 66485-66489 of the Subdivision Map Act.
- (b) **Frontage Improvements.** The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions. Crosses shall be placed on the top of the street curb, if any, at the intersection of the extension of the property line of each lot and the curb location.

(c) **Pedestrian Ways.**

- (1) Pedestrian ways 10 feet or more in width may be required:
 - a. Through the middle of blocks that are more than 1,200 feet in length;
 - b. To connect culs-de-sac;
 - c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - d. To provide access to trails or bikeways shown on the Trails Master Plan.
- (2) The subdivider shall install paving, landscaping, and fences as, approved by the Planning Commission unless otherwise waived.

(d) **Bikeways.**

- (1) Bikeways shall be required as may be required by the City Engineer and Zoning Administrator in all locations shown on the General Plan and the City's Trails Master Plan, or as approved by the Planning Commission and City Council.
- (2) Widths shall be as established by the Trails Master Plan, and subject to approval by the City Engineer and Zoning Administrator.
- (3) Appropriate signs as may be required by the City Engineer shall be furnished and installed by the subdivider.

(e) **Trails.**

- (1) Trail improvements shall be provided and graded out as may be required by the City Engineer and Zoning Administrator in all locations shown in the General Plan and the City's Trails Master Plan, or as approved by the Planning Commission and City Council.
- (2) Improvements (e.g., fencing, signs, etc.) shall be provided as necessary for the public health, safety, and general welfare.

(f) **Street Trees.**

- (1) The subdivider shall be required to plant street trees at 30 feet on center along all public or private streets within and/or bordering the subdivision.
- (2) The trees shall be of a species and size which are approved by the Design Review Board in accordance with the Street Tree Master Plan or applicable Design Guidelines for each particular street.
- (3) The exact location, species, and size of trees approved to be installed shall be shown on the improvement and landscape plans.

- (g) **Storm Drainage.** Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of abutting 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.
- (h) **Sanitary Sewers.** Each unit or lot within the subdivision shall be served by the City's sewer collection system as required by Chapter 110, Article II of the Municipal Code, unless an individual system is permitted thereunder.
- (i) **Water Supply.** Each unit or lot within the subdivision shall be served by an approved domestic water system.
- (j) **Utilities.** Each unit or lot within the subdivision shall be served by gas (if required), electric, telephone and cable television facilities. All utility distribution facilities (including but not limited to electric, video service, communication, and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground in accordance with the utility's rules and regulations on file with the state Public Utilities Commission and also pursuant to Chapter 110, article III, of the Municipal Code. 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.
- (k) **Fire Hydrants.**
 - (1) Subdividers shall install fire hydrants, gated connections, and appurtenances as required by the Contra Costa County Fire Protection District. Such hydrants, connections, and appurtenances shall be shown on the improvement plans.
 - (2) The plans shall be reviewed and approved by the Contra Costa County Fire Protection District.
 - (3) The inspection and approval of fire hydrants, gated connections, and appurtenances, as herein required, shall be by the Chief of the Contra Costa Fire Protection District.
- (l) **Walls and Fences.** Along any street where lots front on one street, but back up to another street, or where no vehicular access is allowed, a decorative masonry wall at least six feet in height, as measured from the highest adjacent finish elevation, shall be provided. The design and material of said wall shall be reviewed and approved by the Planning Commission. The setback of such fencing from the right-of-way line may be varied, but shall average of five feet, except that a lesser average setback may be allowed by the Planning Commission where a monolithic sidewalk is to be developed. All unpaved areas shall be

landscaped, and a funding mechanism, such as a homeowners' association shall be created, and recordation of an agreement with the City will be required, to ensure maintenance of all landscaping and fencing.

- (m) **Off-Site Improvements.** 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 acquire by negotiation or commence condemnation of the land. If the City fails to meet the 120-day time limit, the condition for the construction shall be waived. Prior to approval of the final 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. The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

94-62 Improvement Plans.

Before beginning construction of any improvements, a complete set of plans, profiles, cross sections, and other drawings for all improvements, together with a complete set of detailed specifications for the work, shall be submitted to the City Engineer for review. All work shall be according to city standards and specifications. After being signed, the City Engineer shall be furnished, without cost, one or more complete sets as required. No work shall commence without signed plans.

94-63 Design of Improvements.

The design and layout of all required improvements both on and off site, private and public, shall conform to generally acceptable engineering standards, to the City's Street Standards and Standard Plans and Specifications, to such standards as approved by the City Engineer, and, where applicable, to the standards of Division 3, Design Standards, of this article.

94-64 Improvement Agreements.

The subdivider shall enter into an improvement agreement for the construction of the required improvements. Such agreement is subject to the approval of the City Manager as recommended by the City Engineer and approved as to form by the City Attorney. The agreement shall provide for:

- (a) Construction of all improvements according to the approved plans and specifications on file with the City Engineer;
- (b) Specified times for completion of improvements;

- (c) Right by City to require changes to the plans and specifications in accordance with the development requirements and to require the subdivider to pay for the modifications;
- (d) Payment of applicable fees as set forth in the Resolution of Fees and Charges;
- (e) Improvement security as required by this article;
- (f) Posting of a one-year warranty bond guaranteeing the constructed improvements from defects;
- (g) Release and indemnification of the City from all liability incurred by the development and payment of all reasonable attorney's fees that the City may incur because of any legal action arising from the development; and
- (h) Any other provisions required by the City as reasonably necessary to comply with the requirements of this chapter.

94-65 Deferred Improvement Agreements.

- (a) **Subdivisions.** The improvements serving the subdivision may be deferred when deemed necessary by the City Engineer. Deferral will be allowed when the City Engineer finds that construction is impractical due to physical constraints, or the surrounding neighborhood is absent of similar improvements. When improvements are deferred, the subdivider and the City shall enter into a Deferred Construction of Improvement Agreement which shall provide that the subdivider and/or owner of the real property pay the City, in cash, the estimated cost of constructing the improvements based upon the estimate of the subdivider's engineer as reviewed and approved by the City Engineer. If the subdivider or subsequent owner(s) of the subdivision desire to construct the improvements, the City will release the deposit to the subdivider or subsequent owner(s) of the subdivision upon completion of the improvements as inspected and accepted by the City as complete.
- (b) **Remainders.** Wherever there is a remainder parcel, the subdivider may enter into an agreement with the City to construct improvements within the remainder at some future date and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel. The improvements shall be at the subdivider's expense. In the absence of an agreement, the City may require fulfillment of the construction requirements within a reasonable time following approval of the map, upon a finding that fulfillment of the construction requirements is necessary for reasons of:
 - (1) The public health and safety, or

- (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

94-66 Improvement Security.

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this chapter, for which security is required, shall be secured in accordance with Section 66499 et seq. of the Subdivision Map Act and as provided below.

- (a) **Improvement Security Required.** No final map or parcel map shall be signed by the City Engineer or recorded until all improvement securities required by this section have been received and approved.
- (b) **Warranty Security.** Upon acceptance of the subdivision improvements by the City, the subdivider shall provide security in the amount as required by the City Engineer to guarantee the improvements throughout the warranty period of one year following completion and acceptance of the improvements. The amount of the warranty security shall be not less than 15 percent of the cost of the construction of the improvements, including the cash bond, which shall be retained for the one-year warranty period.
- (c) **Form of Security.** The form of security shall be one or the combination of the following at the option and subject to the approval of the City.
 - (1) Bond or bonds by one or more duly authorized corporate sureties. The provisions of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Subdivision Map Act.
 - (2) An instrument of credit or certificate of deposit from one or more financial institutions subject to regulation by the State or federal government with an office located in the nine Bay Area counties and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.
 - (3) 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.
- (d) **Amount of Security.** A performance bond or security in the amount of 100 percent of the estimated improvement cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of 100 percent of the estimated improvement cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors and to persons furnishing labor, materials or equipment for the construction or installation of improvements. The foregoing shall not apply to a California nonprofit corporation that is funded by a government agency if the corporation complies with Section 66499.3(c) of the Subdivision Map Act.

- (e) **Estimated Improvement Cost.** The estimated improvement cost shall be subject to the City Engineer's review and approval. The estimate shall be based on the cost to the City if the City were to construct the improvements if the subdivider fails to perform the work. The cost shall include contingency, design, construction administration, adjustment due to inflation as necessary, and other reasonable expenses and fees, including attorney's fees, that may be incurred in enforcing the obligation secured.
- (1) Ten percent of the total construction cost for contingencies;
 - (2) All utility installation costs or a statement acceptable to the City Engineer from the utility company that adequate security has been deposited to ensure installation;
 - (3) In addition to the full amount of the security, there shall be included estimated costs and reasonable expenses and fees, including attorney's fees, which may be incurred in enforcing the obligation secured.
- (f) **Release of Improvement Securities.**
- (1) **Performance Security.** The performance security shall be released only upon acceptance of the improvements by the City and when an approved warranty security has been filed with the City Engineer. If warranty security is not submitted, performance security shall be released 12 months after acceptance of improvements and correction of all warranty deficiencies.
 - (2) **Labor and Materials Security.** Security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment may, 30 days after the completion and acceptance of the improvements by the City Council or City Engineer, be reduced to an amount equal to the amount of claims therefore filed and of which notice has been given to the City Council. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.
 - (3) **Warranty Security.** The warranty security shall be released upon satisfactory completion of the warranty period provided:
 - a. All deficiencies appearing on the final deficiency list for the subdivision have been corrected;
 - b. Not less than 12 months have elapsed since the acceptance of the improvements by the City Council.

94-67 Construction Inspection.

The construction methods and materials for all improvements shall conform to the "Standard Improvement Specifications" established by the City Engineer. Construction shall not commence until required improvement plans have been approved by the City

Engineer. All improvements are subject to inspection by the City Engineer in accordance with the City's approved specifications.

94-68 Completion of Improvements.

The subdivider shall complete the subdivision improvements within 12 months, or at a time approved by the City Engineer, not to exceed 24 months, from the recording of the final map, unless an extension is granted by the City Council. If the subdivider fails to complete the improvements within the specified time, the City may, by resolution of the Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.

94-69 Acceptance of Improvements.

- (a) **Procedure.** Upon completion of the improvements required by the provisions of this article, the subdivider or his authorized agent shall file a complete set of record drawings with the City Engineer. Such record drawings shall be drawn on original tracings and be certified as to accuracy and completeness by the subdivider's engineer of record. Upon the receipt and acceptance of such record drawings for major subdivisions, the City Engineer shall recommend to the City Council the formal acceptance of the improvements; for minor subdivisions, the City Engineer shall accept the improvements.
- (b) **Recordation of Acceptance.** If the subdivision has been accepted by the City and public improvements have been dedicated on the final map, the City Clerk shall file an Acceptance of Public Improvements with the County Recorder. The City Engineer shall file the acceptance of dedications on parcel maps with the County Recorder. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.
- (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 will be accepted by the City only if it finds 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.

Division 3. Design Standards

Sections :

94-70	Purpose and Applicability.
94-71	Subdivision Design.
94-72	Access.
94-73	Cable Television, Video Service, Internet, and Telecommunications Facilities.
94-74	Energy Conservation.
94-75	Grading and Erosion Control.
94-76	Protection of Natural Features and Trees.
94-77	Streets.
94-78	Water and Sewer Connection.

94-70 Purpose and Applicability.

This Division describes design standards for subdivisions and streets. It applies to both major and minor subdivisions, except where otherwise specified.

94-71 Subdivision Design.

To ensure high quality site design, the Zoning Administrator may refer a tentative map or a parcel map to the Design Review Board. The Design Review Board shall make recommendations to the approving body regarding elements such as, but not limited to: siting of buildings and project grading, architectural relationship among project buildings and with neighboring properties, layout of streets and driveways, landscaping, walls and fences, and lighting.

94-72 Access.

- (a) The subdivision shall abut upon or have an approved access to a public or private street. Each unit or lot within the subdivision shall have access to a public or private street.
- (b) Street layout shall be designed to provide for future access to undeveloped property adjoining the subdivision. Reserve strips, or non-access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the City when required.
- (c) In no event shall lots in a proposed subdivision that do not abut a public or private street be served by access that traverses an existing lot that abuts a public or private street. This does not preclude flag lots where access through an existing parcel abuts an existing property line.

- (d) Single-family residential and duplex lots shall not front on, or have direct access to, arterial or collector streets unless there is no feasible alternative. Where a pre-existing residential lot that fronts on an arterial or collector street is divided into two lots, access points serving the two lots shall be shared; no additional curb cuts shall be created.

94-73 Cable Television/Video Service/Internet/Telecommunications Facilities.

A subdivision shall provide franchised cable television and/or video systems an opportunity to construct, install and maintain, on land identified on the map as dedicated or to be dedicated to public utility use, any equipment necessary to extend cable television and/or video services to each residential parcel in the subdivision. For the purposes of this section, "franchised cable television or video systems" means those systems franchised or licensed to serve the geographical area in which the subdivision is located. This section shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

94-74 Energy Conservation and Solar Access.

- (a) A subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.
- (b) Examples of passive or natural cooling opportunities include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- (c) Consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure.
- (d) The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.
- (e) For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

94-75 Grading and Erosion Control.

Subdivisions shall comply with the following requirements for grading and erosion control:

- (a) Grading shall be done in accordance with the hillside development regulations of the Zoning Ordinance, the City's site grading guidelines, and the Uniform Building Code.
- (b) No grading shall be done without prior review and approval of the City Engineer and Zoning Administrator.

94-76 Protection of Natural Features and Trees.

- (a) **Natural Features.** Significant rock outcroppings and other unusual land forms shall be shown and identified on the tentative map or tentative parcel map, and on improvement and landscape plans. Such features shall be preserved as required by the Zoning Administrator or Planning Commission.
- (b) **Trees.**
 - (1) All existing trees four inches in diameter or over shall be shown on the tentative map or tentative parcel map with a notation as to the size, species and dripline.
 - (2) Existing trees six inches or over in diameter may be required to be preserved. In cases where tree preservation is required, all grading and necessary tree trimming shall be reviewed and approved by the Zoning Administrator or Planning Commission.
 - (3) Trees within a proposed public right-of-way shall be removed only for good cause to protect the public safety or to allow the installation of adequate public facilities as may be approved by the City Engineer and the Zoning Administrator.
 - (4) Where applicable, proposed tree removal and/or preservation shall be consistent with Chapter 114, Article II, Division 2, Heritage Trees, of the Municipal Code.

94-77 Streets.

- (a) **General Criteria.**
 - (1) Streets shall not be less than 36 feet wide within a 50-foot-wide right-of-way, except when otherwise approved by the Zoning Administrator or Planning Commission.
 - a. Hillside residential streets may be 32 feet wide within a 42-foot-wide right-of-way.

- b. For a subdivision proposed in conjunction with a planned unit development (PUD), as allowed by the Zoning Ordinance, the City Engineer may approve public streets with the following minimum requirements:
 - 1. A 36-foot width from face-of-curb to face-of-curb (37-foot width from back-of-curb to back-of-curb);
 - 2. A five-foot-wide public utility easement (PUE) along both sides of the street; and
 - 3. A sidewalk within the PUE on both sides of the street.
 - c. For special circumstances, the City Engineer may permit a public street with a 28-foot width from face-of-curb to face-of-curb (29-foot width from back-of-curb to back-of-curb) for local, residential streets, with the following minimum requirements:
 - 1. Parking is allowed on only one side of the street, with appropriate signs or markings.
 - 2. A five-foot-wide PUE and sidewalks shall be provided along both sides of the street.
- (2) Private streets, alleys, or access corridors are not permitted unless they are improved, as specified in this chapter, by Council policy, engineering standards, or Planning Commission approval and provision is made for their permanent maintenance.
 - (3) Streets shall be graded and improved in accordance with City Standards and Specifications and to grades approved by the City Engineer.
 - (4) Where a subdivision adjoins unsubdivided land, streets which may be extended in the event of the subdivision of the adjoining land shall be required to be provided through to the boundary line of the subdivision, and provision for a temporary cul-de-sac may be required.
 - (5) Existing dead-end streets abutting a subdivision shall be extended into the subdivision with continuation of the centerline of the existing street. In such cases in which straight continuations are not reasonably possible, such centerlines may be continued by tangent curves.
 - (6) Whenever a dead-end street is permitted, it shall not exceed 600 feet in length and shall have a circular end with a minimum radius of 40 feet of right-of-way and a minimum radius of 33 feet at the curbline or which for other good cause may be approved by the City Engineer.
 - (7) Access rights shall be restricted where required by the City for major streets or park lands.
 - (8) Reserve strips controlling the access to streets or other public rights-of-way shall not be approved unless such strips are necessary for the protection of the public welfare or property.

- (b) **Pavement Design.**
 - (1) The structural design of the pavement, including the determination of the thickness and type of subbase, base, and surfacing to be placed over the basement soil, is subject to approval by the City Engineer.
 - (2) The subdivider, at his or her expense, shall make tests of the soil over which the surfacing and base is to be constructed and furnish the test reports to the City Engineer for use in determining a preliminary structural design of the road bed.
- (c) **Curbs, Gutters, and Sidewalks.** Curbs, gutters, and sidewalks shall be installed in accord with City Standards and Specifications. The proposed widths, locations, and grades are subject to approval by the City Engineer.
- (d) **Street and Traffic Signs.** Traffic signs, signals, pavement markings, and street name signs conforming to City Standards and Specifications shall be installed by the subdivider at all intersections.
- (e) **Street Names.** All proposed street names shall be reviewed and approved by the Fire District, Police Department, and other interested agencies, prior to filing of a final or parcel map, and shall be shown on these maps.
- (f) **Electroliers.** The location of electroliers shall be shown on the construction plans in plain view and a typical street cross section as required by the City Engineer. It shall be the responsibility of the subdivider to make necessary arrangements with the serving utility for the installation of a utility owned and maintained street lighting system to be served at the lowest applicable rate available to the City.
- (g) **Private Street Design Standards.**
 - (1) **Width.** Private street widths shall be as follows:
 - a. **Streets Serving One Lot Only.** An access corridor serving only one lot may have a minimum of 14 feet pavement width, if all of the following conditions exist:
 - 1. The street/driveway is contained within a fee strip of land which is part of the one lot to which access is being provided;
 - 2. No access is, or will be, available to adjacent properties, (i.e., all abutters' rights to the fee strip are controlled or restricted);
 - 3. The standards in subsections (2) through (5) and (7) listed below are met.

- b. *Streets Serving One or Two Lots.* An access corridor serving a single lot but not meeting the conditions in subsection (1) above, and streets serving two lots, shall have a minimum 16-foot pavement width with no parking allowed.
 - c. *Streets Serving Three or More Lots.* Streets serving three or more lots shall have a minimum 20-foot pavement width with no parking allowed, or 28-foot pavement width with parking on one side, or a 36-foot pavement width with parking allowed on both sides.
- (2) *Minimum Vertical Clearance.* Minimum vertical clearance shall be 13.5 feet.
 - (3) *Maximum Grade.* Maximum grade shall be 20 percent.
 - (4) *Surface.* A paved, all-weather driving surface is required that is capable of supporting fire apparatus loads of 20 tons.
 - (5) *Minimum Centerline Radius.* Minimum centerline radius shall be 45 feet for any horizontal curve.
 - (6) *Turnaroud.* A turnaround shall be provided with minimum 28-foot inside turning radius. This requirement does not apply to private streets serving only one lot.
 - (7) *Maintenance Agreement.* A maintenance agreement, acceptable to the City Attorney, shall be recorded against each lot. This agreement shall establish a means to assess each property having access along the street for the proportional cost of maintaining the private street. The agreement shall stipulate and provide that the private street shall be maintained in a manner so as to be comparable in usability and appearance to similar public streets. The agreement shall allow the City to order maintenance as required and assess each property owner proportionally for the cost of the work. The City maintains the option to require other legal instruments, as may be deemed appropriate, for the maintenance of streets and other privately held improvements.
 - (8) *Curb Painting.* Private streets, where no parking is allowed because of minimum street widths, shall have curbs painted red or "no parking" signs posted.
 - (9) *Curbs and Gutters.* Curbs and gutters may be required, depending on established grades of abutting properties and drainage requirements of the proposed subdivision. Sidewalks may be required, depending on length, width, number of lots, and other factors. The provision of curbs, gutters, and sidewalks shall be as required by the City Engineer and Zoning Administrator.
 - (10) *Screening for Adjacent Lots.* A fence of heavy timber or masonry material shall be constructed along a private street serving two or more lots where the private street abuts the side and rear yards of neighboring residential properties.

- (11) **Street Trees.** The City Engineer or the Zoning Administrator may require street trees along private as well as public streets. Species shall be as specified in the Street Tree Master Plan or as approved by the City Engineer or the Zoning Administrator.
- (12) **Additional Requirements.** The City may impose other private street standards based upon requirements of the Fire District, or other health, safety and welfare considerations.

94-78 Water and Sewer Connection.

- (a) Water supply and sanitary sewer facilities shall be shown on all maps and shall be installed in accordance with City Standards and Specifications and the Master Trunk Sewer Plan.
- (b) The location and size of water and sewer facilities, including pipe lines, grades, manholes, and rodding inlets shall be as approved by the City Engineer.
- (c) Water lines and sanitary sewers shall be installed to the end of new paving on any street that might need a water or sewer extension to avoid need for a trench cut in new paving.
- (d) Easements not less than 10 feet in width shall be provided within the subdivision where required for construction and maintenance of water and sanitary sewer facilities.

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Article VI: Common Interest Developments (Condominiums)

Division 1. Standards for New Residential Condominiums

Sections:

- 94-79 Purpose.
94-80 Development Standards.
94-81 Contents of the Covenants, Conditions, and Restrictions (CC&Rs).

94-79 Purpose.

The purpose of this division is to establish development and design standards, procedures and required findings for new condominiums, stock cooperatives, community apartments, or any other subdivision of community owned property to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large. More specifically, the purposes of this division are to:

- (a) Ensure that new condominiums meet sound construction criteria required under state and local regulations, that reasonable amenities are provided to condominium residents, and that the character of condominium projects is compatible with nearby structures;
- (b) Promote the creation of condominium projects to provide a reasonable balance of rental and ownership housing in Concord and meet the variety of housing needs for all income groups in the city; and
- (c) Protect the interest of condominium homeowners under the special conditions created by condominiums by ensuring adequate provision for long-term management.

94-80 Development Standards.

In addition to the development standards established in the Zoning Ordinance, the following development standards apply to common interest developments:

- (a) **Laundry Facilities.** All units shall be equipped with space and outlets for washers and dryers.
- (b) **Open Space.** Total usable open space in a common interest development having three or more dwelling units shall be at least 200 square feet per dwelling unit.

This requirement shall be met by providing Private Open Space, Common Open Space, or a combination of the two.

(1) ***Private Open Space.***

- a. *Location and Access.* Private Open Space must be located within the project, directly accessible from one unit, and separate and distinct from Common Open Space.
- b. *Qualifying Facilities.* Private Open Space may include but not necessarily be limited to decks, balconies, porches, patios and enclosed yards.
- c. *Standards.* Private Open Space must meet the following standards:
 1. Have minimum dimensions no less than six feet when a horizontal rectangle is inscribed within it;
 2. Have at least two weatherproofed electrical outlets; and
 3. Be at approximately the same level as, and immediately accessible from, a room within the unit.

(2) ***Common Open Space.***

- a. *Location and Access.* Common Open Space must be located within the project, and accessible to all dwelling units that it is designed to serve. Common Open Space may not include driveways and parking areas. It must be located at least 15 feet from any door or window of any dwelling unit.
- b. *Permitted Accessory Structures.* Accessory structures within Common Open Space may include but are not limited to benches, tables and BBQ structures.
- c. *Standards.* Common Open Space must be designed for the leisure use by all residents and meet the following standards:
 1. Have minimum dimensions of no less than 10 feet when a horizontal rectangle is inscribed within it; and
 2. Be open to the sky.

(3) ***Recreational Open Space.***

- a. *Requirement.* In addition to the Private and Common Open Space requirements above, a project of 25 units or more shall provide at least one element of Recreational Open Space. For projects of 100 or more units, a multi-purpose or recreation room shall be provided.

- b. *Location and Access.* Recreational Open Space must be located within the project, and accessible to all units of the project. Any Recreational Open Space element must be located at least 15 feet from any door or window of a dwelling unit.
 - c. *Qualifying Facilities.* Recreational Open Space must be designed for active use by all residents, and may include but is not limited to game courts, recreational rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.
- (4) ***Modification of Open Space Requirement.*** The Open Space requirements above may be modified by the Planning Commission, based on findings that a project site is physically constrained, or that the quality of life accommodated by the project will not be compromised, or that the residents will benefit from other amenities that are located in close proximity to the project site.
- (c) **Guest Parking.** A minimum of one on-site visitor parking space shall be provided for every three units. The Planning Commission may waive up to five percent of the resident and guest parking ratio requirement, based upon a finding of unique circumstances of the site, location or occupancy of the project. In no case shall requirements for assigned resident spaces be waived.
 - (d) **Parking for Recreational Vehicles (RVs).** A minimum of one RV parking space (with dimensions of at least 10 by 25 feet) per five dwelling units shall be provided, or on-site RV parking shall be prohibited in the common interest development.
 - (e) **Storage Space.** Each unit shall have a minimum of 200 cubic feet of Storage Space that is enclosed, weatherproofed and lockable, with no less than a horizontal surface area of 25 square feet, and an interior dimension of 3-1/2 feet. If the space is a reach-in type, it shall have an opening of 3-1/2 feet by six feet. If the space is a walk-in type, it shall have a minimum clear access opening of 2-1/2 feet by 6-2/3 feet. This Storage Space shall be in addition to guest, linen, food pantry, and clothes closets that are customarily provided in each unit. Storage Space:
 - (1) May be provided in any location that is safe, convenient, and unobtrusive) but shall not be divided into two or more locations;
 - (2) If located within Common Area, the Association shall be responsible for the care and maintenance of the exterior surface of the space; and
 - (f) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and shall comply with the Central Contra Costa Sanitary District's specifications for trash enclosures.

- (g) **Utilities.** All utility meters and other utility apparatus shall be concealed from public view.
- (h) **Budget for Maintenance.** Copy of the approved proposed 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. Such 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.
- (i) **Warranties.** The developer shall provide to the Association the following minimum warranties from the date of Final or Parcel Map approval, unless otherwise specified:
 - (1) ***Roof And Exterior Finish.*** A five-year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weatherproof conditions.
 - (2) ***Moisture Barriers.*** A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.
 - (3) ***Paved Areas.*** A five-year warranty of a useful life for all paved areas within the project.
 - (4) ***Swimming Pools.*** A five-year warranty of structural soundness.
 - (5) ***Appliances.*** A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
 - (6) ***Condition Of Equipment Owned In Common.*** 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% of the units are sold.
 - (7) ***Reserves.*** The developer shall establish the following minimum reserves prior to issuance of the first certificate of occupancy:
 - a. A fund in the name of the 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 \$500.00 for each dwelling unit in the project as minimum security for the various warranties required by this Division. Such fund shall be maintained for the maximum period of the warranties.

94-81 Contents of the Covenants, Conditions, and Restrictions (CC&Rs).

Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

- (a) **Conveyance Of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.
- (b) **Conveyance Of Storage Space.** The surface and appurtenant air space of Storage Space areas shall be described and conveyed in the declaration as an integral part of the unit.
- (c) **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required parking space of another unit. All studio and one-bedroom units shall be assigned one parking space and may rent additional spaces from the Association. An occupant of a unit with two or more bedrooms shall be assigned two spaces but may rent one parking space back to the Association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
- (d) **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the county, the state, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.
- (e) **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments

may be collected on a monthly basis. The remedies which the Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

- (f) **Sharing of Water Costs.** When separate water meters are not provided for each unit, the CC&Rs shall make provisions for the equitable sharing of water costs.
- (g) **Utility Easements Over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas.
- (h) **Access for Construction, Maintenance, or Repairs.** Each Owner and the Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.
- (i) **Unit Rentals.** Provision shall be made that restricts the leasing of units to not more than 10% of the total number of units within the project.
- (j) **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the Association assumes control of the project, or at that time renegotiate any such contracts.
- (k) **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the City.

Division 2. Standards for Residential Condominium Conversions

Sections:

94-82	Purpose.
94-83	Use Permit and Maps Required.
94-84	Application Requirements.
94-85	Procedures.
94-86	Development Standards.
94-87	Building Standards.
94-88	Evaluation of Effect of Proposed Apartment Conversions on City's Housing Stock.
94-89	Required Findings for Approval of Conversions.
94-90	Special Conditions of Approval.
94-91	Content of the Covenants, Conditions, and Restrictions (CC&Rs).
94-92	Approval of Tentative or Final Map.
94-93	Annual Limitation on Condominium Conversions.
94-94	Appeal.

94-82 Purpose.

The intent of this division is to regulate the conversion of residential multifamily apartments in order 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; and
- (d) Provide a reasonable balance of ownership and rental housing and a variety of choices of tenure, type, price and location of housing.

94-83 Use Permit and Maps Required.

A Use Permit and Tentative Map or Parcel Map approved by the Planning Commission are required for all condominium conversion applications.

94-84 Application Requirements.

All condominium projects shall conform to the requirements of the residential district in which the project is located. In addition, all projects, including conversion of multiple residential structures to condominiums, shall conform to the following standards, except as noted. In granting a Use Permit, the Planning Commission may impose reasonable conditions to assure that a project complies with the standards of their division.

- (a) A Site Plan that includes, but is not limited to, lot lines, property dimensions, easements, setbacks, and location of all structures, including streets and parking elements.
- (b) Building Elevation drawings that include, but are not limited to, specifying all materials, details and features for all building sides.
- (c) A Landscape Plan that includes, but is not limited to trees and tree clusters, shrub groupings, lawn and groundcover areas, special paving, hardscape and site furnishings.
- (d) A Physical Elements Report for every structure and facility that includes but is not limited to:
 - (1) A description of the structural condition of each element of the property, including foundation, braced walls, roofing and roofing structure, electrical, plumbing, utilities, ceiling, windows, recreational facilities, mechanical equipment, parking facilities, and appliances;
 - (2) Information when each element was constructed or installed, and/or last replaced, the approximate date when each element will require replacement, and the cost of replacing each element;
 - (3) Identification of each known defective or unsafe element as well as proposed corrective measures to be employed;
 - (4) A report from a licensed structural pest control operator, approved by the City, on each structure and each unit within the structure;
 - (5) A description of the condition of common area improvements, including landscaping, lighting, utilities and streets;
 - (6) Information regarding any known soil and geologic conditions, including soil deposits, rock formations, faults, groundwater and landslides in the vicinity of the project, a statement regarding any known evidence of soils problems relating to each element, and reference to any previous soils report for the site with copy of same;
 - (7) A qualified engineer's report on the condition of, and any repairs required to all paved areas and all drainage systems within the project; and

- (8) A statement of repairs and improvements to be made by the applicant necessary to refurbish and restore the project to achieve a high degree of appearance, quality and safety.
- (e) Sound Transmission Control Details that include sections of the types of wall, floor, and ceiling construction that would be used in both common and interior partition walls, and published data from a recognized and approved testing laboratory or a statement from a licensed acoustical engineer as to the STC (sound transmission class) and ISI (impact sound insulation) of the proposed type of construction. Prior to approval of the Tentative or Parcel Map, a compliance statement signed by a certified sound engineer shall be submitted to the Zoning Administrator.
- (f) The Covenants, Conditions and Restrictions (CC&Rs) may be submitted after the approval of the Use Permit and Tentative or Parcel Map, however they must be submitted and approved prior to the recording if the Final or Parcel Map.
- (g) A Rental Rate History Report which shall include, but not be limited to:
 - (1) A rental rate history for each type of unit for the previous five years;
 - (2) The monthly vacancy rate for each month during the preceding two years;
 - (3) The turnover rate for all tenants during the preceding two years;
 - (4) The percentage annual increase in maintenance and taxes occurring over the preceding five years; and
 - (5) Estimated sales prices of units.
- (h) **Tenant Notice.**
 - (1) Evidence of service by mail that the written Notice of Intention to Convert, pursuant to Government Code Section 66452.9, was provided to each tenant 60 days prior to filing a formal application.
 - (2) Evidence of additional notification of the Use Permit application to all tenants who occupy the property following application filing shall be provided to the City. Such evidence shall demonstrate the developer has attached a clearly worded statement to the proposed deposit/ rental agreement as well as a sign prominently displayed in the business office. This notice shall conform to the form and requirements contained in Government Code Section 66452.8.
 - (3) All required written notices regarding the condominium conversion shall be issued in the language that the rental agreement was negotiated.
- (i) **A Tenant Relocation and Assistance Plan (Plan).** The Plan shall describe how tenants will be notified of its contents, how and when the tenants can comply with Plan provisions, how tenants will receive permitted monies, and a procedure for resolving developer/tenant disputes regarding Plan

implementation. Further, the developer shall offer to those parties who are residents as of the date of notification of intent to convert the project, and who are still residents as of the date sales commence, all of the following concessions, including but not limited to:

- (1) ***Discounts on Unit Purchase.*** 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. 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.
 - (2) ***Rent Freeze.*** 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. If approval of the Tentative or 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. 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.*** 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. Such allowance shall be payable only after City approval of the Tentative or 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 tentative map application has been accepted as complete by the Zoning Administrator shall be given at least six months in which to find suitable replacement housing.
- (j) **Budget.** A proposed budget for the maintenance and operation of common facilities, plus minimum reserves as specified in Section 94-89(g), including the estimated costs to the owner of each unit, projected over a five-year period. Such budget shall be reviewed or prepared by a professional management firm familiar with the costs of similar properties, or by other qualified professional, and that firm or person shall provide of statement of recommendations on the budget, together with a statement of professional qualifications.
- (k) **Design Review.** Condominium conversion projects may also be subject to review by the Design Review Board if:

- (1) Changes to the building elevations are proposed;
- (2) Buildings and structures are in need of renovation and/or rehabilitation;
or
- (3) A significant amount of new landscaping is proposed or required.

94-85 Procedures.

- (a) **Subdivision Procedures.** Under Government Code Section 66426, a Condominium Conversion is treated as a subdivision subject to the provisions of the Subdivision Map Act and this article.
- (b) **Acceptance of Reports.** The final form of the Physical Elements Report and other documents required by Section 94-84, Application Requirements, shall be approved by the Zoning Administrator. The reports in their accepted form shall remain on file with the Planning Division for review by the public. They are referred to collectively in this article as "the reports."
- (c) **Copy to Buyers.** The subdivider shall provide each purchaser with a copy of the reports in their final accepted form, except information required by Section 94-84, Application Requirements (1 through 3, 7 through 9, and 11), before the purchaser executes an agreement to purchase a unit in the project, and the subdivider shall give the purchaser sufficient time to review the reports. A copy of the reports shall be made available at all times at the sales office.

94-86 Development Standards.

The following minimum standards apply to all condominium conversion projects.

- (a) **Landscaping and Irrigation.** All landscaping and irrigation shall be restored or new landscaping and irrigation shall be installed to achieve a high degree of appearance and quality. Provisions shall be made for continuing maintenance of all landscaped areas.
- (b) **Laundry Facilities.** All units shall be equipped with space and outlets for washers and dryers.
- (c) **Open Space.** Total usable open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing private open space, common open space, or a combination of the two.
 - (1) **Private Open Space.** This type of open space must:
 - a. Have minimum dimensions no less than six feet when a horizontal rectangle is inscribed within it;

- b. Have at least two weatherproofed electrical outlets; and
 - c. Be at approximately the same level as, and immediately accessible from a room within the unit.
- (2) **Common Open Space.** This type of open space must:
- a. Have minimum dimensions of no less than 10 feet when a horizontal rectangle is inscribed within it;
 - b. Be open to the sky;
 - c. Be located at least 15 feet from any door or window of a dwelling unit; and
 - d. Not include driveways or parking areas.
- (3) **Recreational Open Space.** In addition to the Private and Common open space requirements above, a project of 25 units or more shall provide at least one element of Recreational Open Space. For projects of 100 or more units, a multi-purpose or recreation room shall be provided. Any Recreational Open Space element must be located at least 15 feet from any door or window of a dwelling unit.
- (4) **Modification of Open Space Requirement.** The open space requirements above may be modified by the Planning Commission based on findings that a project site is physically constrained, or that the quality of life accommodated by the project will not be compromised, or that residents will benefit from other amenities that are located in close proximity to the project site.
- (d) **Guest Parking.** A minimum of one on-site visitor parking space shall be provided for every three units. Up to five percent of the resident and guest parking ratio requirement may be waived, based upon a finding of unique circumstances of the site, location, age or occupancy of the project. In no case shall requirements for assigned resident spaces be waived.
- (e) **Parking for Recreational Vehicles (RVs).** A minimum of one RV parking space per five dwelling units shall be provided; on-site RV parking shall be prohibited.
- (f) **Storage Space.** Each unit shall have a minimum of 200 cubic feet of Storage Space that is enclosed, weatherproofed and lockable, with no less than a horizontal surface area of 25 square feet, and an interior dimension of 3-1/2 feet. If the space is a reach-in type, it shall have an opening of 3-1/2 feet by six feet. If the space is a walk-in type, it shall have a minimum clear access opening of 2-1/2 feet by 6-2/3 feet. This storage space shall be in addition to guest, linen, food pantry, and clothes closets that are customarily provided in each unit. Storage Space:

- (1) May be provided in any location, but shall not be divided into two or more locations;
 - (2) If located within Common Area, the Association shall be responsible for the care and maintenance of the exterior surface of the space; and
 - (3) Location shall be in areas that are safe, convenient and unobtrusive to the functional and aesthetic qualities of the project.
- (g) **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and shall comply with the Central Contra Costa Sanitary District's specifications for trash enclosures.
- (h) **Utilities.** All utility meters and other utility apparatus shall be concealed from public view.

94-87 Building Standards.

- (a) The design, improvement, construction, and repair of all condominium conversions, including all common areas, shall conform to and be in accordance with the most currently adopted requirements of all California model building and fire codes, approved local modifications to these codes, other applicable ordinances, including, but not limited to:
- (1) Housing Code;
 - (2) Electrical Code;
 - (3) Fire Code;
 - (4) Plumbing Code;
 - (5) Mechanical Code;
 - (6) Swimming Pool, Spa and Hot Tub Code; and
 - (7) Building Security.
- (b) Any existing dangerous condition that is not specifically itemized shall be corrected to the satisfaction of the Building Official.

94-88 Evaluation of Effect of Proposed Apartment Conversions on City's Housing Stock.

In reviewing an application for conversion of existing apartment buildings to condominiums, the City shall consider the following:

- (a) 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 Article IX, Division 1, Definitions. This determination shall be based on:

- (1) The number of families on current waiting lists for assisted rental housing programs that operate in the City, such as the Housing Choice Program and assisted rental units within the City.
 - (2) 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. That income range will be compared 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.
- (b) The extent and nature of demand in the City 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.
 - (c) 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.
 - (d) Whether or not the conversion will be detrimental to the retention of low and moderate housing stock or will reduce or significantly alter the opportunity within the City for housing of young and elderly citizens.

94-89 Required Findings for Approval of Conversions.

In approving a Use Permit for a condominium conversion, the Planning Commission shall make the following findings, in addition to findings required for Use Permit:

- (a) The proposed conversion will not have an adverse effect on the diversity of housing types available in the City;
- (b) The proposed conversion will not displace a significant percentage of tenants and delete low and moderate income rental units from the City's housing stock at a time when no equivalent housing is readily available in the City;
- (c) The proposed conversion will present homeownership opportunities to households of low and moderate income within the City;

- (d) The proposed conversion will not be detrimental to the health, safety, or general welfare of the community and is consistent with the General Plan;
- (e) The overall design and construction of the project conforms to the standards of this division;
- (f) Vacancies in the project have not been increased for the purpose of preparing the project for conversion; and
- (g) 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.

94-90 Special Conditions of Approval.

The following conditions shall apply to all condominium conversions, in addition to the City's standard conditions of project approval:

- (a) All units shall be brought into compliance with all provisions of this article prior to certificate of occupancy, and shall be duly inspected to ensure compliance.
- (b) 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.
- (c) 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.
- (d) The developer shall supply the Association with copies of final approved building and site plans which shall show, among other things, the actual location of major utilities and services, such as irrigation pipes and controls, utility easements, and underground wiring, before the initial meeting of the Association.
- (e) The developer shall make available the following information and documents to all potential and actual buyers of units in a condominium project:
 - (1) Copy of the approved proposed 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. Such 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.

- (2) Copy of all the Reports specified in Section 94-84, Application Requirements;
 - (3) Copy of the CC&Rs;
 - (4) Copy of the project Conditions of Approval; and
 - (5) Any other information which the Planning Commission may require to be provided.
- (f) The developer shall provide to the Association the following minimum warranties from the date of Final or Parcel Map approval, unless otherwise specified:
- (1) ***Roof and Exterior Finish.*** A five-year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weatherproof conditions.
 - (2) ***Moisture Barriers.*** A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.
 - (3) ***Paved Areas.*** A five-year warranty of a useful life for all paved areas within the project.
 - (4) ***Swimming Pools.*** A five-year warranty of structural soundness.
 - (5) ***Appliances.*** A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.
 - (6) ***Condition of Equipment Owned in Common.*** 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% of the units are sold.
- (g) The developer shall establish the following minimum reserves prior to issuance of the first certificate of occupancy:
- (1) A fund in the name of the 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.
 - (2) A fund, through cash deposit or bond, equal to \$500.00 for each dwelling unit in the project as minimum security for the various warranties required by this article. Such fund shall be maintained for the maximum period of the warranties.
- (h) The developer shall provide evidence that all tenant notification requirements have been or will be satisfied pursuant to Government Code Section 66427.1.

94-91 Content of the Covenants, Conditions, and Restrictions (CC&Rs).

Project Covenants, Conditions, and Restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map. The CC&Rs shall include each of the provisions required in Section 94-81, Contents of the Covenants, Conditions, and Restrictions [for New Condominiums].

94-92 Approval of Tentative or Final Map.

- (a) In addition to the noticing requirements specified in Section 94-84(h), the developer shall provide proof of the following tenant notification pursuant to Government Code Section 66427.1:
 - (1) Ten days written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and written notification that the property owner has received the public report from the Department of Real Estate.
 - (2) Written notification within 10 days after approval of a final map for the proposed conversion.
 - (3) One hundred eighty days written notice of intent to convert prior to termination of tenancy due to the conversion or proposed conversion pursuant to Government Code Section 66452.11, but not before the approving body has approved a tentative map for the conversion.
 - (4) Notice of an exclusive right to contract with tenants for the purchase of their respective units upon the same terms and conditions that the units will be initially offered to the general public or terms more favorable to the tenant as provided in Section 94-84(i).
- (b) Pursuant to Government Code Section 66427, the City Council or Planning Commission shall not refuse approval of the tentative or final map of a condominium conversion project on account of design or location of the buildings shown on the map not in violation of the provisions of this chapter, or on account of the manner in which the air space is to be divided in conveying units within the condominium.

94-93 Annual Limitation on Condominium Conversions.

- (a) At the commencement of each fiscal year, the Housing Division shall certify by base number of the total rental units existing in developments of 4 or more units at the beginning of such fiscal year. The City's Multiple Housing Inspection Program inventory of multiple family housing shall be used to establish the initial base count for number of multiple family units in the City. For the purposes of this article, rented units in condominium projects shall not be counted as rental units. A unit approved for conversion to a condominium shall

not be considered part of the "total rental units", as that term is used in subsection (2), for subsequent fiscal years, regardless of whether such unit is owner-occupied or rented, unless the time for filing of a final map has expired without the filing of such final map. For the purposes of this article, the determination and certification of such number by the Housing Division shall be conclusive in the absence of fraud.

- (b) Commencing with the 2006-2007 fiscal year, no more rental units may be approved by the Planning Commission for conversion to condominiums each fiscal year than an amount equal to five percent of the total rental units existing in developments of four or more units at the beginning of the fiscal year as determined and certified by the Housing Division.
- (c) The Planning Division shall not accept any application or approval of a Tentative Subdivision Map or Parcel Map for the conversion of rental units to condominiums which, if approved and added to the number already approved that fiscal year for conversion, would exceed the five-percent limitation imposed by this article.
- (d) Any pending application for approval of a Tentative or Parcel Map for conversion of rental units which, if approved and added to the number of other units already approved that fiscal year for conversion, would exceed the five-percent limitation imposed by this article shall be:
 - (1) Reduced by the developer to a number of units that does not exceed the five-percent limitation; or
 - (2) If the developer does not reduce or withdraw the application, shall be denied by the Planning Commission without consideration of the merits of the proposal and shall not be reconsidered except upon a new application in a later fiscal year.

94-94 Appeal.

Any person who is dissatisfied with the decision made by the Planning Commission may appeal to the City Council in accordance with Section 2-52 of the Municipal Code. The appeal shall be processed and heard pursuant to Government Code Section 66452.5.

**Division 3. Standards For New Commercial And Industrial
Condominiums (Reserved)**

Sections 94-95 to 94-114 are reserved.

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**Division 4. Standards for Commercial and Industrial
Condominium Conversions (Reserved)**

Sections 94-115 to 94-124 are reserved.

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Article VII: Reversions, Mergers, and Lot Line Adjustments

Division 1. Reversion to Acreage

Sections:

- 94-125 Purpose.
- 94-126 Initiation of Proceedings.
- 94-127 Contents of Petition.
- 94-128 Submittal of Petition to Zoning Administrator.
- 94-129 City Council Approval.
- 94-130 Required Findings.
- 94-131 Conditions.
- 94-132 Filing with the County Recorder.

94-125 Purpose.

The purpose of this division is to establish procedures and standards, consistent with the requirements of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.

94-126 Initiation of Proceedings.

Proceedings to revert subdivided property to acreage may be initiated by the City Council or by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Zoning Administrator and shall contain information deemed necessary to comply with the requirements of the Subdivision Map Act.

94-127 Contents of Petition.

The petition shall contain all of the following:

- (a) Evidence of title to the real property within the subdivision;
- (b) Evidence of the consent of all of the owners with an interest in the property;
- (c) Evidence that none of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later;
- (d) Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record;

- (e) A tentative map in the form required by Section 94-15, Form and Contents, of this chapter, and, if applicable, a final or parcel map in the form required by Section 94-27 and 94-41 of this chapter, which delineates dedications that will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
- (f) Fees as required by the City toward processing and plan checking costs in accordance with the City's resolution establishing fees and charges; and
- (g) Any other information the Zoning Administrator may require.

94-128 Submittal of Petition to Zoning Administrator.

The final or parcel map for the reversion together with all other data as required by this article shall be submitted to the Zoning Administrator for review. Upon finding that the petition meets all the requirements of this chapter and the Subdivision Map Act, the City Engineer shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

94-129 City Council Approval.

A public hearing shall be held by the City Council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as provided in Section 94-8, Notification Procedures for Public Hearings. The Zoning Administrator may give other notice that he or she deems necessary or advisable.

94-130 Required Findings.

The City Council may approve a reversion to acreage only if it finds that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and that:

- (a) All owners of an interest in the real property within the subdivision have consented to reversion; or
- (b) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for recording, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (c) No lots shown on the final or parcel map were sold within five years from the date such map was filed for recording.

94-131 Conditions.

The City Council may require as conditions of the reversion that:

- (a) The owners dedicate or offer to dedicate streets, public rights-of-way or easements;
- (b) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if necessary to accomplish any of the provisions of this chapter; and
- (c) Such other conditions as are necessary to accomplish the purposes of this chapter or necessary to protect the public health, safety, or welfare.

94-132 Filing with County Recorder.

Upon approval of the reversion to acreage by the City Council, the City Clerk shall transmit the final or parcel map, together with the City Council resolution approving the reversion, to the County Recorder for recordation. Reversions shall be effective when the final or parcel map is filed with the County Recorder.

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Division 2. Parcel Mergers

Sections:

- 94-133 Purpose.
- 94-134 Required Mergers.
- 94-135 Mergers Initiated by the City.
- 94-136 Mergers Initiated by Property Owner.
- 94-137 Unmerged Parcels.

94-133 Purpose.

The purpose of this division is to establish the procedures and standards for the merger of contiguous parcels of land that were created under the provisions of the Subdivision Map Act or any prior State law regulating the division of land.

94-134 Required Mergers.

Pursuant to the Subdivision Map Act and the requirements of this chapter, the City may initiate the merger of two or more contiguous parcels or units held by the same owner if any one of the contiguous parcels or units does not conform to the standards for minimum parcel or lot size established by Chapter 122, Zoning, and if all the following requirements are satisfied:

- (a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
- (b) With respect to any affected parcel, one or more of the following conditions exists:
 - (1) The parcel comprises less than 5,000 square feet in area at the time of the determination of merger.
 - (2) The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - (3) The parcel does not meet current standards for sewage disposal and domestic water supply.
 - (4) The parcel does not meet slope stability standards.
 - (5) The parcel has no legal access that is adequate for vehicular and safety equipment access and maneuverability.
 - (6) Development would create health or safety hazards.

- (7) The parcel is inconsistent with the General Plan and any applicable specific plan, other than minimum lot size or density standards.

94-135 Mergers Initiated by the City.

- (a) **Notice of Intention to Determine Status.** The Planning Division shall mail, by certified mail, a notice of intention to determine status to the current record owner of the property. The notice shall state that the affected parcels may be merged, and the owner may request a hearing on the determination of status before the Planning Commission to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record at the office of the Contra Costa County Recorder on the same day that the notice is mailed to the property owner.
- (b) **Hearing on Determination of Status.** The owner of the affected property may file a written request for a hearing with the Zoning Administrator within 30 days after the recording of the notice of intention to determine status. Upon receipt of the request, the Planning Division shall set a time, date and place for a hearing and notify the owner by certified mail. The hearing shall be conducted not more than 60 days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Zoning Administrator and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of this chapter.
- (c) **Determination of Merger.** At the conclusion of the hearing, the Planning Commission shall determine whether the affected parcels shall be merged or not and shall notify the owner of the determination.
 - (1) If the Planning Commission makes a determination that the parcels are to be merged, the City Engineer shall record a determination of merger within 30 days of the Commission's determination unless the owner files an appeal.
 - (2) If, within the 30-day period following the recording of the notice of intention to determine status, the owner did not file a request for hearing, the Zoning Administrator and City Engineer shall make a determination that the affected parcels are to be merged or are not to be merged. If the Zoning Administrator and City Engineer determine that the parcels shall be merged, the City Engineer shall record a determination of merger within 90 days following the mailing of the notice of intention to determine status if no hearing.
 - (3) The determination of merger shall specify the name of the record owners and a description of the property.

- (4) If the City determines that the parcels shall not be merged, the City Engineer shall record a release of the notice of intention to determine status and shall mail a clearance letter to the owner of record.

94-136 Mergers Initiated by Property Owner.

- (a) **Request for Determination.** Upon written application by the owner to the City Engineer, and payment of required fees, the Zoning Administrator and City Engineer shall determine whether the affected parcels shall be merged and shall notify the owner of the determination. If the Zoning Administrator and City Engineer determine that the parcels shall not be merged, the owner may file a written request for a hearing with the Planning Commission pursuant to the requirements of this article. If the Planning Commission determines that the parcels shall be merged, a determination of merger shall be recorded.
- (b) **Waiver of Right to Hearing.** If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Zoning Administrator and to all notices required by this article. Upon receipt of the waiver, the City Engineer shall record a notice of intention to determine status, a waiver of right of hearing and notice, and a notice of merger simultaneously.

94-137 Unmerged Parcels.

A property owner may apply to the City for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Section 66451.30 of the Subdivision Map Act. If the Zoning Administrator determines that the parcels meet the standards specified in Section 66451.30, the City shall issue the owner, and record with the County Recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.

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Division 3. Lot Line Adjustments

Sections:

- 94-138 Purpose.
- 94-139 Permitted Lot Line Adjustments.
- 94-140 Procedures.
- 94-141 Appeals.
- 94-142 Recording with County Recorder.

94-138 Purpose.

The purpose of this division is to establish the procedures and standards for changing the boundary or boundaries between four or fewer existing adjoining parcels as provided for in the Subdivision Map Act to ensure that such adjustments are consistent with the General Plan and applicable zoning and building requirements. The Map shall be drawn in accordance with the requirements established by the City Engineer.

94-139 Permitted Lot Line Adjustments.

A lot line adjustment is permitted, provided that all of the following conditions are met:

- (a) The adjustment is between four or fewer parcels;
- (b) No additional parcels are created;
- (c) The resulting parcels comply with the provisions of this chapter, the Subdivision Map Act, the General Plan, the Zoning Ordinance and the Building Ordinance;
- (d) The resulting parcels do not interfere with existing utilities, infrastructure or easements;
- (e) Real property taxes have been paid; and
- (f) The City Engineer and the Zoning Administrator approve the adjustment.

94-140 Procedures.

An application for a lot line adjustment shall be made to the Engineering Division and shall be accompanied by a filing fee in accordance with the City's fee schedule and shall include a map to be retained in the City files. If required by Section 8762 of the Business and Professions Code, a record of survey shall also be submitted. Within 30 days of the receipt of an application, the City Engineer or Zoning Administrator may require additional information as deemed necessary to determine whether the proposed adjustments meet the requirements of this section.

- (a) **Action by City Engineer.** Within 30 days of the receipt of a complete application, the City Engineer, in consultation with the Zoning Administrator, shall approve, conditionally approve, or deny the application for lot line adjustment and shall notify the owner of the determination.
- (b) **Limitations on Conditions.** The City Engineer shall not impose any conditions on the approval of a lot line adjustment except to comply with the requirements of Section 94-139, Permitted Lot Line Adjustments. Any improvements that are required to be installed or constructed shall be constructed pursuant to the requirements of this chapter.

94-141 Appeals.

Decisions that are subject to appeal under the Subdivision Map Act or the provisions of the Subdivision Ordinance shall be filed and processed according to the procedures of Article V, Division 12, Appeals and Calls for Review, of the Zoning Ordinance.

94-142 Recording with County Recorder.

The lot line adjustment shall be reflected in a deed and shall be filed for record in the office of the Contra Costa County Recorder.

Article VIII: Amendments and Enforcement

Division 1. Correction and Amendment of Maps

Sections:

- 94-143 Purpose.
- 94-144 Tentative Maps.
- 94-145 Final and Parcel Maps—Allowed Corrections and Amendments.
- 94-146 Final and Parcel Maps—Form and Contents.
- 94-147 Final and Parcel Maps—Review and Approval.
- 94-148 Final and Parcel Maps—Filing with the County Recorder.

94-143 Purpose.

The purpose of this division is to establish procedures for the correction and amendment of required maps, consistent with the regulations of the Subdivision Map Act.

94-144 Tentative Maps.

Tentative maps and tentative parcel maps may be corrected and amended as follows.

- (a) **Minor Changes.** Minor changes in an approved tentative map may be approved by the Zoning Administrator and City Engineer upon application by the subdivider or on the City's initiative, provided that:
 - (1) No lots, units or building sites or structures are added;
 - (2) Changes are consistent with the intent of the original tentative map approval; and
 - (3) There are no resulting violations of the Municipal Code.
- (b) **Substantive Changes.** Amendments of the tentative map that in the opinion of the Zoning Administrator or City Engineer are not minor shall be referred to the Planning Commission for a decision, subject to the procedures for processing a tentative map set forth in Article III, Division 1 of this chapter.
- (c) **Effect of Amendments.** Any approved amendment shall not alter the expiration date of the tentative map.

94-145 Final and Parcel Maps—Allowed Corrections and Amendments.

- (a) **Corrections.** After a final map or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or amending map for any of the following purposes:

- (1) To correct an error in any course or distance shown on the map.
- (2) To show any course or distance that was omitted from the map.
- (3) To correct an error in the description of the real property shown on the map.
- (4) To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
- (5) To show the proper location of any monument that has been changed in location or character, or that was originally shown at the wrong location or incorrectly as to its character.
- (6) To correct any additional information filed or recorded pursuant to Section 66434.2 of the Subdivision Map Act if the correction does not impose any additional burden on the present owners of the property and does not alter any right, title, or interest in the real property reflected on the recorded map.
- (7) To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right, including, but not be limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

As used in this section, “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

- (b) **Amendments.** After a final map or parcel map is filed in the office of the County Recorder, it may be amended by an amending map in order to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary. Amendment to the map shall require a public hearing before the Planning Commission. The Planning Commission shall only approve the amendment if it finds that all of the following are true:
- (1) The modifications do not impose any additional burden on the owners of the property;
 - (2) The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 - (3) The map as modified conforms to the findings in Section 94-19(d), Required Findings for Approval.

94-146 Final and Parcel Maps—Form and Contents.

Amendments to either a final map or a parcel map may be made with a certificate of correction or an amending map. The amending map or certificate of correction shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor. The form and contents of the amending maps shall conform to the applicable requirements of this chapter (For parcel maps, Section 94-41, and for final maps, Section 94-27). The

amending map shall set forth in detail the corrections made and show the names of the owners of the property affected by the correction or omission as of the date of the filing or recording of the original recorded map.

94-147 Final and Parcel Maps—Review and Approval of Corrections.

- (a) **General Review.** The amending map or certificate of correction shall be submitted to the City Engineer for review and approval, accompanied by the required fee. The City Engineer shall examine the amending map or certificate of correction and, if the only changes are those set forth in Section 94-145, Allowed Corrections and Amendments above, the City Engineer shall certify to this fact on the amending map or certificate of correction.

- (b) **Certificate of Correction.** The City Engineer shall have 20 working days to examine the certificate of correction for compliance with Section 94-145(b), Amendments, endorse a statement on it of his or her examination and certification, and present it to the County Recorder for recordation. If the City Engineer determines that the certificate of correction fails to comply with this chapter, the City Engineer shall return the certificate to the applicant with a written statement of the changes necessary. The City Engineer shall have 10 working days after resubmission and approval of the amended certificate of correction to present it to the County Recorder for recordation.

94-148 Final and Parcel Maps—Filing with the County Recorder.

The amending map or certificate of correction certified by the City Engineer shall be filed in the office of the County Recorder in which the original map was filed. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index and map index respectively. The original map shall be deemed to have been conclusively so corrected and shall impart constructive notice of all the corrections in the same manner as though upon the original map.

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Division 2. Enforcement and Judicial Review

Sections:

94-149	Purpose.
94-150	Prohibition.
94-151	Penalty for Violation.
94-152	Remedies.
94-153	Certificate of Compliance.
94-154	Notice of Violation.
94-155	Judicial Review.

94-149 Purpose.

This division establishes procedures that the City will use to enforce the requirements of the Subdivision Ordinance, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.

94-150 Prohibition.

- (a) No person shall sell, lease, or finance a parcel of real property or begin construction of a building for sale, lease or financing thereon (except for financing model homes) or allow occupancy thereof, for which a final or parcel map is required by the Subdivision Map Act or this chapter, until the map complies with the Subdivision Map Act and this chapter and is recorded with the Contra Costa County Recorder. This section does not prohibit an offer or contract to sell, lease or finance real property or to construct improvements where the sale, lease or financing or the beginning of construction, is expressly conditioned upon the approval and filing of a final map or parcel map.
- (b) The conveyance of part of a division of real property for which a final or parcel map is required shall not be made by parcel or block number, letter or other designation until the map is recorded with the County Recorder.
- (c) This section does not apply to a parcel of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this chapter, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

94-151 Penalty for Violation.

A violation of this chapter by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine

not exceeding \$10,000, or by both fine and imprisonment. Every other violation of this chapter is a misdemeanor.

94-152 Remedies.

- (a) **Conveyance Voidable.** A deed of conveyance, sale or contract to sell real property which has been divided or which results from a division in violation of the Subdivision Map Act or this chapter, is voidable at the sole option of the grantee, buyer or person contracting to purchase, or the heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation. However, the deed of conveyance, sale or contract to sell is binding upon a successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or their assignee, heir or devisee.
- (b) **Other Legal Action.** This chapter does not bar any legal, equitable or summary remedy to which the City or other public agency, or any person may otherwise pursue. The City or other public agency or person may file a suit in the superior court to restrain or enjoin an attempted or proposed subdivision or sale, lease or financing in violation of the Subdivision Map Act or this chapter.
- (c) **Denial of Permits and Approvals.** The City shall not issue a permit or grant any approval necessary to develop real property which has been divided or which has resulted from a division in violation of the Subdivision Map Act or this chapter if it finds that development of the property is contrary to the public health or safety. The authority to deny or approve such a permit applies whether the applicant was the owner of record at the time of the violation or whether the applicant is either the current owner of record or a vendee of the current owner with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in the property.
- (d) **Permit or Approval Subject to Conditions.** If the City issues a permit or grants approval for the development of any real property illegally subdivided, the City may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 94-153, Certificate of Compliance, only the conditions stipulated in that certificate are applicable.

94-153 Certificate of Compliance.

- (a) A person owning real property or a vendee of such person under a contract of sale may request the City Engineer to determine whether the real property complies with the provision of the Subdivision Map Act and this chapter. A written application for a certificate of compliance shall be accompanied by a current preliminary title report showing the legal owner of the property.
- (b) If the City Engineer determines that the real property complies with the provisions of the Subdivision Map Act and this chapter, the City Engineer shall file a certificate of compliance for recording with the County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this chapter.
- (c) If the City Engineer determines that the real property does not comply with the provisions of the Subdivision Map Act or this chapter, the City Engineer may, as a condition to granting a certificate of compliance, impose conditions in accordance with Section 94-152, Remedies. Upon the City Engineer's making such a determination and establishing such conditions, the City Engineer shall file a conditional certificate of compliance for record with the County Recorder. The certificate shall serve as notice to the property owner and any successor that the fulfillment and implementation of such conditions shall be required before subsequent issuance of a permit or other grant of approval for development of the property. Compliance with such conditions is not required until the City issues a permit or other grant of approval for development of the property.
- (d) A recorded final map, parcel map or official map constitutes a certificate of compliance with respect to the parcels of real property described on the map.
- (e) The applicant for a certificate of compliance shall pay the City a fee to cover the reasonable cost of processing the application.

94-154 Notice of Violation.

- (a) **Notice of Intention to Record Notice of Violation.** If it is determined that real property has been divided in violation of the Subdivision Map Act or this chapter, the city engineer shall mail by certified mail to the current owner a notice of intention to record a notice of violation. The notice shall describe the property in detail, name the owners, describe the violation, why the subject parcel is not lawful under Section 66412.6(a) or (b) of the Subdivision Map Act and state that the owner will be given the opportunity to present evidence. The notice shall specify the date, time and place for a Planning Commission meeting at which the owner may present evidence why a notice of violation should not be recorded.

- (b) **Meeting.** The meeting shall be held no sooner than 30 days and no later than 60 days from that date of mailing of the notice of intention to record a notice of violation.
- (c) **Clearance if No Violation.** If, after the owner has presented evidence, the City determines that there has been no violation, the city engineer shall mail a clearance letter to the then current owner of record.
- (d) **Recording a Notice of Violation.** The City shall record the notice of violation with the County Recorder's office.
 - (1) Within 15 days of receipt of the notice, the owner fails to file with the City Engineer a written objection to recording the notice of violation; or
 - (2) After the owner has presented evidence, the City determines that the property has in fact been illegally divided.
- (e) **Effect of Recording.** The notice of violation, when recorded, is constructive notice of the violation to all successors in interest in the property.

94-155 Judicial Review.

An action or proceeding to attack, review, set aside, void or annul a decision of the City under this chapter must be commenced and served on the City within 90 days after the date of the decision. After 90 days, all persons are barred from any such action.

Article IX: Definitions

Division 1. Definitions

Section:

94-156 Purpose and Applicability.
94-157 Definitions.

94-156 Purpose and Applicability.

This division defines terms that are used in the Subdivision Ordinance. The definitions and meanings of all other terms as contained in the Subdivision Map Act are hereby adopted as the meanings of such terms whenever they appear in the Subdivision Ordinance, unless otherwise specifically defined or described. Words and phrases not defined herein shall be given their customary meaning, except where the context clearly indicates a different meaning.

94-157 Definitions.

Alley. A public or private right-of-way not more than 24 feet in width that is primarily designed to serve as secondary vehicular access to the rear or side of those properties whose principal frontage is on some other street. Area devoted to alleys shall not be included in net density calculations.

Access Corridor. An access to one lot having not less than 14 feet of frontage and a width less than the required site width but not less than 14 feet. Area devoted to access corridors shall not be included in net density calculations.

Arterial Street. A street carrying volumes of relatively high-speed traffic from local and collector streets to and from freeways and other major streets. These streets are typically from four to six lanes, have controlled intersections and generally provide limited direct access to abutting properties. Area devoted to arterial streets shall not be included in net density calculations.

Bikeway. A right-of-way either on or off a street that is used as a travel route for bicycles either independently or jointly with other means of transportation, and as identified in the City's Trails Master Plan.

Block. The area of land within a subdivision which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

Building Official. The Building Official or his or her designee.

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.

City Engineer. The City Engineer or his or her designee.

Collector Street. A street carrying volumes of relatively low-speed traffic between arterial and local streets. These streets are typically two to four lanes, and generally provide direct access to abutting properties. Area devoted to collector streets shall not be included in net density calculations.

Condominium-related Terms. The following terms are related to residential condominium conversions and new condominium construction.

Association. An organization composed of persons who own a condominium unit(s) or right of exclusive occupancy in a community apartment, and who are organized to operate and maintain common areas for condominiums.

Common Area. The area that is available to the common use of unit owners in an entire project, excepting the individual units therein.

Community Apartment. One residential unit within a community apartment project. For the purposes of this chapter, "community apartment" shall mean the same thing and shall be treated in the same manner as a unit as defined herein.

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. For the purposes of this chapter, "community apartment project" shall mean the same thing and shall be treated in the same way as a residential condominium, as defined herein. For purposes of this chapter, 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.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential building such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property. For purposes of this chapter, the term "condominium" shall be deemed to include a stock cooperative or planned development.

Consumer Price Index, Rental Component. 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 chapter, the index for the San

Francisco-Oakland area, for the 12-month period most recently reported, shall be applicable.

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.

Cooperative, Limited Equity Housing. A corporation, organized on a cooperative basis for the purpose of owning residential property, whose rules limit the value at which residents' interests may be transferred, and which otherwise meets the requirements of Health and Safety Code Section 33007.5.

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.

Developer. The applicant, owner or subdivider of real property with a controlling proprietary interest in the proposed condominium conversion project.

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.

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.

Open Space—Common. Landscaped area within the project that is designed for leisure use by all residents. Accessory structures within Common Open Space may include but not be limited to benches, tables and BBQ structures.

Open Space—Private. Area within the project that is available only for use by an individual homeowner, and is separate and distinct from common open space. Private open space may include but not necessarily be limited to decks, balconies, porches, patios and enclosed yards.

Open Space—Recreational. Area within the project that is designed for active use by all residents, and may include but is not limited to game courts, recreational rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.

Organizational Documents. The declaration of covenants, conditions and restrictions, articles of incorporation, bylaws, a description of project elements, a condominium plan, if any, and any contracts for the maintenance, management, or operation of all or any part of the condominium project.

Owner. The person(s) named on a Deed of Trust of a residential condominium unit.

Planned Development. A development that has either or both common areas owned by an association or owners, and has the power to enforce obligations of owners by imposing assessments as more particularly defined in Civil Code Section 1351(k).

Project Elements. The condominium units which are to be conveyed, the areas and spaces which are to be assigned to such units, and the common areas (including improvements) which are to be shared by the owners of all units.

Residential Condominium. A condominium for residential purposes.

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.

Unit. Is element of a residential 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.

Construction Costs. The total cost required to construct, rebuild, repair, remodel, or make an addition to an existing building, including all permanent work and permanent equipment, excluding landscaping.

Cul-de-sac. A street having only one outlet for vehicular traffic which conforms to city standards.

Design. Design means:

- (a) Street alignments, grades and widths;
- (b) Drainage and sanitary facilities and utilities, including alignments and grades;
- (c) Location and size of all required easements and rights-of-way;
- (d) Fire roads and firebreaks;

- (e) Lot size and configuration;
- (f) Traffic access;
- (g) Grading;
- (h) Land to be dedicated for park or recreational purposes; and
- (i) 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.

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.

District. A portion of the city within which certain uniform regulations and requirements, or various combinations thereof apply under the provisions of Chapter 122, Zoning.

Driveway. A private roadway providing vehicle access between a public or private street or alley and a parking space, garage, dwelling, or other structure located on private property. The portion of any driveway located on private property shall be included in net density calculations.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest that one party has in the land of another. Examples include, but are not limited to public or private access easements for utilities or conservation.

Final Map. A map showing a subdivision for which a tentative and final map are required by the Subdivision Map Act or this chapter, prepared in accordance with the provisions of this chapter and the Subdivision Map Act designed to be recorded in the office of the Contra Costa County Recorder.

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

Improvement. Any streets, traffic controls, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drainage facilities, sanitary sewer facilities, lighting facilities, other utilities and landscaping to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map. Any other specific improvements or type of improvements, the installation of which, either by, or by a

combination of, the subdivider, public agencies, private utilities, or any other entity approved by the City, is necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

Improvement Plan. One or more city standard engineered drawings, done according to the city's standard, which show in detail the improvements which are to be installed in any particular development, including but not limited to plan and profile views of streets, sewers, storm drains, and associated facilities.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences and hedges), earth patterning and bedding materials, and other like site improvements, for an aesthetic or functional purpose.

Local Street. A street that primarily serves as access to abutting properties characterized by traffic with low speeds, low volumes and relatively short trip lengths. Area devoted to local streets shall not be included in net density calculations.

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.

Lot Area. Lot area shall consist of the square footage of the lot or parcel, except that the following shall be excluded from the calculation:

- (a) Land area within an existing flood control public right-of-way;
- (b) Any land area within the proposed subdivision where development rights are to be dedicated for flood control purposes;
- (c) Land area of any alley or street (private street, public street, land offered for dedication to the public, e.g., for a future public street) and any additional turnaround area required for public safety purposes within either a fee title strip of land or access easement;
- (d) Land area within a utility easement, unless the area within the easement is usable by the private property owner for yard/setback area, and permission for such use of the easement area has been reserved by the fee owner or granted by the agency holding the easement.

Lot Frontage. The portion of a lot that fronts on or adjoins a street.

Lot Line. A line separating the lot from a street; the side from a street or adjoining property; the rear from an alley or street or adjoining property.

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, subject to approval by the Zoning Administrator and City Engineer or authorized representative.

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.
- (e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel.

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.

Municipal Code. The City of Concord Municipal Code.

Parcel. A legally subdivided plot of land shown on a map of record. Also referred to as "lot."

Parcel Map. A map showing a division of land of four or fewer parcels as required by this chapter, prepared in accordance with the provisions of this chapter and the Subdivision Map Act.

Pedestrian Way. A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

Planning Commission. The Planning Commission of the City of Concord.

Planning Division. The Planning Division of the Planning and Economic Development Department of the City of Concord.

Planting Strip. A strip adjoining the curb within a street right-of-way which is designed to separate the sidewalk from the roadway or to prevent access to abutting properties from the roadway and which is intended to be planted with trees or otherwise landscaped.

Private Access Easement. An interest of any person in the land of another for vehicular access to one or more lots.

Private Street. Any street, roadway or accessway, lying in whole or in part within a subdivision that is privately owned and maintained and provides access to a development.

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.

Remainder; Designated Remainder. That portion of an existing parcel which is designated on the required map as not included as part of the subdivided land. It is that portion not divided for the purpose of sale, lease, or financing. The remainder is not counted as a parcel for the purpose of determining whether a final or parcel map is required. The subdivider may elect to omit the remainder from the map which is not divided for the purpose of sale, lease or financing.

Reversion to Acreage Map. A map filed for the purpose of reverting to acreage land previously placed on record with the County Recorder by means of a subdivision or parcel map.

Sidewalk. A paved walkway, bikeway, or combination of those designed for use by the public, generally within the public right-of-way and generally parallel to a public street.

Street.

Subdivider. A person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others. Employees and consultants of such persons or entities, acting in that capacity, are not “subdividers.”

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.

Subdivision Map Act (SMA). State of California Government Code Section 66410 to 66499.

Tentative Map. A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it. The term "tentative map" includes a vesting tentative map.

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.

Trail. A right-of-way for non-automobile use. Specifically, such a right-of-way as shown on the Trail Master Plan or the General Plan.

Vesting Tentative Map. A map that meets the requirements of a tentative map and Article V, and has the words "Vesting Tentative Map" printed on it. The vesting tentative map conveys development rights for subdivisions according to Article V.

Zoning Administrator. The Zoning Administrator of the City of Concord, or his/her designee.

Zoning Ordinance. Chapter 122 of the City of Concord Municipal Code.

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