



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

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

Planning Commission Members:

Ernesto A. Avila, Chair

Ray Barbour, Commissioner

Jason Laub, Commissioner

Carlyn Obringer, Commissioner

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

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. REORGANIZATION OF PLANNING COMMISSION

1. Nomination and designation of the Vice Chairperson of the Planning Commission for 2015/16.

V. ADDITIONS / CONTINUANCES / WITHDRAWALS

VI. CONSENT CALENDAR

1. 12/16/15 Meeting Minutes

VII. PUBLIC HEARINGS – None

VIII. STUDY SESSION

1. [Subdivision Ordinance Update](#) – Ryan Lenhardt, Senior Planner @ (925) 671-3162

IX. COMMISSION CONSIDERATIONS

X. STAFF REPORTS / ANNOUNCEMENTS

XI. COMMISSION REPORTS / ANNOUNCEMENTS**XII. FUTURE PUBLIC HEARING ITEMS****XIII. ADJOURNMENT**

NOTICE TO PUBLIC

ADA ACCOMMODATION

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

APPEALS

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

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

APPLICANT'S SUBMITTAL OF INFORMATION

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

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered by the Commission to be routing and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Commissioner prior to the time Commission votes on the motion to adopt.

CORRESPONDENCE

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

HEARINGS

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

MEETING RECORDS

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

NOTICE TO THE HEARING IMPAIRED

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

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

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

SPEAKER'S CARD

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

TELEVISED MEETINGS

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

NEXT PLANNING COMMISSION MEETINGS:

January 20, 2016: 6:30 pm – Council Chambers

February 3, 2016: 6:30 pm – Council Chambers



REPORT TO PLANNING COMMISSION

DATE: January 6, 2016

SUBJECT: STUDY SESSION REGARDING SUBDIVISION ORDINANCE UPDATE

Recommendation: Staff recommends that Planning Commission hear an update and provide direction. No action is required by the Planning Commission.

I. Introduction

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

This study session is intended to provide the Planning Commission with the opportunity to provide feedback and direction regarding proposed updates to the Subdivision Ordinance in the Municipal Code.

II. Background

On July 7, 2015, the City Council approved a Professional Services Agreement with Ben Noble from City and Regional Planning, to complete an analysis of the discrepancies between the current subdivision ordinance and the development code, other pertinent state and federal regulations, and develop proposed modifications to address the conflicts. Funding for the project was included in the 2014/2015 Capital Improvement Project budget. The terms of the agreement specify the City's consultant will facilitate two study sessions to receive feedback on the Assessment Memo and two study sessions on the Public Review Draft Subdivision Ordinance.

Planned assignments under this agreement will include review the existing Subdivision Ordinance and related documents and revise that ordinance to reflect current conditions, city policies, methods, and nomenclature. Emphasis will be placed on developing a clear, concise, and legally defensible Subdivision Ordinance that meets the varied subdivision needs of the community. The consultant will also ensure the new Subdivision Ordinance complies with State statutes and be consistent with the Subdivision Map Act, Development Code, and General Plan and considers the Concord Reuse Project Area Plan and unincorporated areas of the City. Staff is proposing to complete this work within calendar year 2016.

On August 26, 2015, staff conducted a "Stakeholder Meeting" to discuss key issues regarding the City's subdivision requirements, the strengths and weaknesses of the existing subdivision ordinance, and how the City's ordinance could be improved. Twenty-five development professionals, agencies,

and staff were invited to participate; two developers participated and the two finalist candidates for Master Developer of the Concord Naval Weapons Station were interviewed.

III. Discussion

The purpose of the study session is for the City's consultant to present their assessment of the Subdivision Ordinance and recommendations for amendments and to receive comments and direction from the Planning Commission regarding the same.

The memorandum presents an assessment of Concord's Subdivision Ordinance (Municipal Code Title 17) and recommendations for the updated Subdivision Ordinance. The consultant team prepared the report for the Subdivision Ordinance Update with input from City staff and local development professionals. The assessment of the existing Subdivision Ordinance and recommendations for the updated Subdivision Ordinance covers the following topics:

- Overall Assessment
- Organization and Style
- Compliance with Map Act and other Legal Requirements
- Subdivision Design and Improvement Standards
- Subdivisions in Base Reuse Project Area
- Condominiums
- Dedications
- Other Issues

The recommendations in the attached memorandum will serve as a "roadmap" to guide the Subdivision Ordinance Update. After receiving public input and direction from the Planning Commission and City Council, City staff and consultants will prepare a detailed outline for the updated Subdivision Ordinance and begin drafting the Ordinance.

IV. Fiscal Impact

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

V. Public Contact

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

VI. Summary and Recommendations

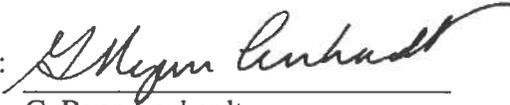
There is no recommendation or call for approval for the Commission. However, staff requests that the Commission provide suggestions and direction on the issues and information presented – bullet points on those specific issues here would be helpful. The outcome of this evening's discussion will move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

SUBDIVISION ORDINANCE UPDATE STUDY SESSION

January 6, 2016

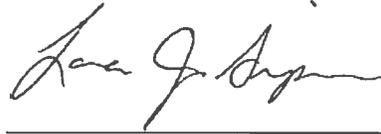
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Exhibits:

A -	Subdivision Ordinance Assessment Memo date stamp received November 4, 2015
B -	Subdivision Ordinance (see link below) http://www.codepublishing.com/ca/concord/?Concord17/Concord1705.html#17.05.010



EXISTING ORDINANCE ASSESSMENT REPORT

SUBDIVISION ORDINANCE UPDATE

City of Concord
November 4, 2015

Prepared by:
Ben Noble, Urban and Regional Planning
with Bellecci & Associates and ARUP

NOV. 4, 2015
PLANNING

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Appendix A: Adopted Policies Related to the Subdivision Ordinance

I. INTRODUCTION

This report presents an assessment of Concord's Subdivision Ordinance (Municipal Code Title 17) and recommendations for the updated Subdivision Ordinance. This report was prepared by the City's consultant team for the Subdivision Ordinance Update with input from City staff and local development professionals. The assessment of the existing Subdivision Ordinance and recommendations for the updated Subdivision Ordinance covers the following topics:

- Overall Assessment
- Organization and Style
- Compliance with Map Act and other Legal Requirements
- Subdivision Design and Improvement Standards
- Subdivisions in Base Reuse Project Area
- Condominiums
- Dedications
- Other Issues

The recommendations in this report will serve as a roadmap to help guide the Subdivision Ordinance Update. At study sessions in December 2015 and January 2016, the Planning Commission and City Council will review this report and provide input on its findings and recommendations. After receiving public input and direction from the Planning Commission and City Council, City staff and consultants will prepare a detailed outline for the updated Subdivision Ordinance and begin drafting the Ordinance.

II. SUBDIVISION ORDINANCE ASSESSMENT

A. Overall Assessment

In general, the existing Subdivision Ordinance is a complete document. In most cases it covers the major subdivision requirements in a manner consistent with the Subdivision Map Act and other legal requirements. It is written in a plain English style that is clear and concise. Readers are generally able to find what they are looking for and to understand what they read.

Some changes and improvements to the existing Subdivision Ordinance will be needed. Inconsistencies with the Development Code will need to be corrected, and the Subdivision Ordinance needs a stronger connection to the General Plan, Downtown Specific Plan, and other policy documents. Design and improvement standards need to be updated to better accommodate infill subdivisions and reflect current development practices. Some minor changes to the style and organization of the document will also enhance its usability.

In some cities, the Subdivision Ordinance is in such poor shape that it is virtually incomprehensible and generally ignored. In these cases, it is best to replace the existing Subdivision Ordinance with an entirely new ordinance based on model provisions tailored to local needs. For Concord, this is not the recommended approach. Instead, Concord should retain the existing Subdivision Ordinance and make targeted revisions to address necessary changes. This approach will enable the City to maintain aspects of the existing ordinance that have worked well, avoid the challenges associated with administering an entirely new ordinance, and focus on a limited number of key issues that are most important to the City.

- ▶ **Recommendation A-1: Revise, rather than replace, the existing Subdivision Ordinance.**

B. Organization and Style

Chapter Levels and Numbering System

The chapter levels and numbering system of the current Subdivision Ordinance are as follows:

Title (17)

Chapter (17.05)

Article (I)

Section (17.050.010)

The section numbering system is consistent with the Development Code and other titles of the Concord Municipal Code.

Chapter levels in the current Subdivision Ordinance are slightly different from the Development Code. The Subdivision Ordinance does not use a division level below the title and above the chapter levels, as in the Development Code, and the Subdivision Ordinance uses an article level below the chapter and above the section levels, which is not in the Development Code.

The division level in the Development Code is useful as a way to give order to over 100 individual chapters. Because there are only ten chapters in the existing Subdivision Ordinance, the article levels would be less useful.

While the article level is not used in the Development Code, it is used in other titles of the Concord Municipal Code. The article level is useful in the Subdivision Ordinance as a way to organize content within individual chapters.

- ▶ **Recommendation B-1: Maintain existing chapter levels and numbering system.** The existing system effectively organizes the contents of the Subdivision Ordinance and is consistent with other titles of the Municipal Code. Differences with the Development Code are not significant enough to warrant changes to a system that currently works well.

Subdivision Ordinance Chapters

The Subdivision Ordinance is currently divided into the following ten chapters:

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

The division and order of these chapters is generally good – nothing major is missing and contents are presented in a logical manner.

One organization issue concerns tentative map requirements for major and minor subdivisions. Requirements for tentative maps in Article 1 of Chapter 17.15 (Major Subdivisions) are almost identical to the requirements for tentative parcel maps in Article 1 in Chapter 17.20 (Minor Subdivisions). The only major difference between the two articles is the map approval procedures – tentative maps are approved by the Planning Commission and tentative parcel maps are approved by the Zoning Administrator. Repetition in these two articles unnecessarily increases the length of the ordinance and introduces opportunities for unintended differences in the requirements that apply to the two types of tentative maps.

- ▶ **Recommendation B-2: Consolidate tentative map and tentative parcel map requirements into a single article.** Within this article common requirements for major and minor subdivisions would be stated only once. The few differences between tentative maps and tentative parcel maps, such as review authority, would be noted within this article. Consolidating the tentative

map and tentative parcel map requirements would, however, require changes to the organization of map requirements for major and minor subdivisions.

- ▶ **Recommendation B-3: Locate all map requirements in a single chapter.** As shown in the box below, requirements for tentative maps, vesting tentative maps, parcel maps, and final maps would be in articles nested below a single Subdivision Map chapter. An alternative to this approach is to create separate chapters for each type of map, though keeping them at the article level is preferred due to the relatively short length of the parcel map and final map articles.
- ▶ **Recommendation B-4: Move Definitions to the end of the Subdivision Ordinance.** Moving the definitions to the end of the Subdivision Ordinance is consistent with modern drafting practice and helps to maintain the flow of general provisions to subdivision map requirements.

Recommended Updated Subdivision Ordinance Organization

17.05 General Provisions

17.10 Subdivision Maps

Article 1: Tentative and Vesting Tentative Maps

Article 2: Parcel Maps

Article 3: Final Maps

17.15 Dedications, Reservations, Vacations, and Abandonments

17.20 Improvements and Design Standards

17.25 Reversions, Mergers, and Lot Line Adjustments

17.30 Amendments and Enforcement

17.35 Common Interest Developments (Condominiums)

17.40 Definitions

General Readability

As mentioned above, the existing Subdivision Ordinance is generally clear and concise. Frequent use of descriptive headers, short paragraphs and sentences, consistent terminology, and use of everyday language supports reader comprehension.

Still, there are some improvements that can be made to the Subdivision Ordinance, including the following:

- Break up the occasional long paragraphs (e.g., 17.05.130.b) into shorter subparagraphs or numerated lists.
- Simplify the occasional long and complex sentence. Keep syntax simple and limit sentence length to 20 to 40 words.

- Eliminate unnecessary legal jargon (e.g., *thereto, beforementioned*) or replace with everyday language.
 - Present complicated material in tables. For example, a summary of administrative responsibilities in Section 17.05.070 could be presented in a table similar to Development Code Table 18.400.020.
 - Adding diagrams to illustrate subdivision design and improvement requirements, such as typical street sections.
- ▶ **Recommendation B-5: Make targeted and limited stylistic changes to the existing ordinance.**
Text in the existing Subdivision Ordinance will be edited to enhance clarity rather than replaced in its entirety.

C. Compliance with Map Act and Other Legal Requirements

General Compliance

Generally speaking, the Subdivision Ordinance complies with Map Act requirements. The Subdivision Ordinance covers major Map Act requirements relating to the preparation of different types of maps, improvement and design standards, and other types of approvals such as reversions, mergers, and lot line adjustments. Inconsistencies with the Map Act generally concern small details, possibly due to amendments to the Map Act made since the last comprehensive update to the Subdivision Ordinance. Specific inconsistencies with the Map Act include the following:

- Dedication Improvement Agreements (See Recommendation D-12)
- California Coordinate System (See Recommendation H-3)
- Mergers initiated by property owner. Subdivision Ordinance Section 17.40.120 (Mergers initiated by property owner) establishes procedures that do not fully align with those in Government Code Section 66451.10 et seq.

There are not many specific cases of the Subdivision Ordinance clearly conflicting with the Map Act. Major issues related to Map Act compliance for the Subdivision Ordinance Update relate to how best to incorporate Map Act requirements into the Subdivision Ordinance and whether to exceed or go beyond minimum Map Act requirements.

Incorporation of Map Act Requirements

Concord's Subdivision Ordinance must be consistent with the Map Act and implement Map Act requirements at the local level. With this purpose, the Subdivision Ordinance incorporates specific Map Act requirements in a variety of ways.

In many cases the Subdivision Ordinance presents Map Act provisions verbatim. For example, Section 17.05.120, which lists the types of subdivisions requiring a tentative and final map, is verbatim to Government Code Section 66426.

In some cases the Subdivision Ordinance incorporates detailed Map Act requirements, but omits some details. For example, Section 17.05.040 (Exceptions) lists exceptions to the Map Act from Government

Code Section 44412, but leaves out some exceptions, such as exceptions for subdivisions exclusively for wind energy devices and wireless transmission facilities.

The Subdivision Ordinance also summarizes and simplifies Map Act requirements in some places. For example, detailed and lengthy off-site improvement requirements in Section 66462.5 of the Map Act are succinctly summarized in Section 17.35.020(m) of the Subdivision Ordinance.

Finally, in some places the Subdivision Ordinance references a specific Map Act section and states that the proposed subdivision must comply with this section. Examples include water supply assessment requirements in Section 17.15.060 (d)(3) and details of tentative map extensions in Section 17.15.070(a)(1)

The different ways in which the Subdivision Ordinance incorporates Map act requirements raises a number of questions.

- Which Map Act requirements should be incorporated into the Subdivision Ordinance, and which ones should be left out?
 - What is the best method for the Subdivision Ordinance incorporates Map Act requirements?
 - Should the Subdivision Ordinance consistently incorporate Map Act requirements in the same manner (e.g., verbatim vs. summarized)? If not, is a particular approach best suited for certain types of Map Act requirements?
 - How can Concord best ensure that the Subdivision Ordinance remains consistent with the Map Act as the Map Act is amended over time?
- ▶ **Recommendation C-1: Incorporate into Subdivision Ordinance frequently used provisions from the Map Act.** Examples of frequently used provisions include requirements for types of maps (Article III of Chapter 17.05), the approval process for maps (Chapters 17.15 and 17.20) findings for map approval (Section 17.15.060), allowed corrections and amendments to final and parcel maps (Article I of Chapter 17.45), and map expiration (Section 17.15.070).
 - ▶ **Recommendation C-2: Incorporate verbatim short and clear Map Act requirements.** For example, Government Code Section 66426, specifying when tentative and final maps are required, is important, frequently referenced, and relatively clear and concise. It should be incorporated into the Subdivision Ordinance verbatim. Consider some form of notation, such as italicized text, to denote when Map Act requirements are included verbatim.
 - ▶ **Recommendation C-3: Summarize long and complicated Map Act requirements.** If a Map Act requirement is long and complicated, but also important and frequently used, it should be summarized in the Subdivision Ordinance with the summary accompanied by a reference to the Map Act. Existing Section 17.35.070 (improvement security) is an example of this approach.
 - ▶ **Recommendation C-4: Exclude from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.** The existing Subdivision Ordinance does a good job of excluding Map Act provisions that are not applicable to Concord. The updated Subdivision Ordinance will continue this approach.

- ▶ **Recommendation C-5: Include references for all Map Act requirements.** All Map Act provisions incorporated into the Subdivision Ordinance will be accompanied by a reference.

Provisions that Exceed Minimum Map Act Requirements

The existing Subdivision Ordinance contains some requirements that exceed or go beyond minimum Map Act requirements. In some cases the Subdivision Ordinance includes provisions authorized but not required by the Map Act; for example, Section 17.30.110 (Reservations) as authorized by Government Code Section 66479. In other cases the Subdivision Ordinance adds requirements or restrictions without specific Map Act authorization, for example additional grounds for denial of a tentative map in Section 17.15.060(f)(8) and (9) which are not included in Government Code Section 66474.

- ▶ **Recommendation C-6: Closely examine provisions that exceed or go beyond Map Act requirements.** When revising the Subdivision Ordinance, identify all examples of provisions that exceed or go beyond minimum Map act requirements. Determine if these provisions are legally defensible and desirable, and delete or revise them if either is not the case. Consider adding notation in the Subdivision Ordinance that distinguishes local requirements from Map Act requirements.

D. Subdivision Design and Improvement Standards

The Map Act vests in cities broad powers to regulate and control the design and improvement of subdivisions. The definition of “design” and “improvements” includes physical infrastructure such as streets and utilities, but also other improvements necessary to ensure consistency with and implementation of the General Plan.

Section 17.35.020 lists required subdivision improvements typically found in subdivision ordinances, reflecting the Map Act definition of subdivision design and improvements. However, Concord is not limited by these types of improvements and may add other types of improvements consistent with and necessary to implement the General Plan. Concord could also remove from Section 17.35.020 types of improvements which may be less critical or addressed by other public agencies or laws (e.g., fire hydrants).

Appendix A lists policies from the General Plan and other City plans that are relevant to the Subdivision Ordinance and subdivision improvement and design standards. Major goals from these plans include the following:

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

- Conserve water
 - Protect sensitive natural resources
- **Recommendation D-1: Determine if existing subdivision improvement and design standards adequately address major City goals.** The City should decide whether new types of improvement and design standards are needed and if existing standards should be removed. The City also needs to decide if substantive requirements for the standards are sufficient or if existing requirements should be modified, strengthened, or clarified.

Subdivision and Neighborhood Design

Section 17.35.120 (Subdivision Design) states that the Planning Division may refer a tentative map or parcel map to the Design Review Board to “ensure quality design.” The Subdivision Ordinance is not clear on what constitutes “quality design.” The Subdivision Ordinance also does not reflect or acknowledge General Plan policies to utilize land resources efficiently, provide a variety of housing choices, accommodate all modes of transportation, and protect natural resources.

Some Subdivision Ordinances contain specific standards related to general neighborhood design. The City of Chino Subdivision Ordinance, for example, states that “street configuration within subdivisions shall provide maximum connectivity for pedestrians, bicycles and automobiles.” The City of Livermore Development Code contains subdivision standards mandating minimum pedestrian accessibility standards to commercial areas and civic uses.

Prescriptive neighborhood form standards may be suitable for larger subdivisions on the urban edge, but are less appropriate for infill development constrained by an existing block pattern and smaller development sites. Prescriptive subdivision standards for infill sites may be infeasible in Concord. In the Base Reuse Project Area where prescriptive standards may be more feasible, existing and future plans already establish the desired form for new neighborhoods in a manner consistent with the General Plan.

- **Recommendation D-2: Strengthen connections with neighborhood design policies in the General Plan.** This could be accomplished by adding language to Section 17.35.120 summarizing the intent of General Plan policies. Findings for the approval of tentative and parcel maps could be added with a more explicit connection to General Plan policies that call for quality infill development, housing diversity, and connectivity for all modes of transportation.

Bicycle and Pedestrian Facilities

Section 17.35.020(c), (d), and (e) state that the City may require the installation of pedestrian ways, bikeways, and trails consistent with the Trails Master Plan. The Trails Master Plan was adopted in 2002 and may not reflect current plans for non-motorized transportation infrastructure. The City is also now preparing a new Bicycle, Pedestrian, and Safe Routes to Transit Plan which will be adopted prior to the adoptions of the updated Subdivision Ordinance.

- **Recommendation D-3: Add a requirement to install bicycles and pedestrian improvements consistent with the Bicycle, Pedestrian, and Safe Routes to Transit Plan.** Also, modify terminology to be consistent with this Plan.

Stormwater Management

Section 17.35.020(g) establishes general requirements for the collection and conveyance of storm water runoff from a subdivision. These requirements do not reference or reflect the C.3 requirements of the regional stormwater management plan.

- ▶ **Recommendation D-4: Add specific requirements for subdivisions to comply with C.3 requirements of the Regional Stormwater Management Plan.** Section 17.35.020 (g) should include a reference to the Regional Water Quality Control Board clean water requirements and compliance needed.

Natural Resource Protection

Section 17.35.150 requires subdivisions to provide for future passive heating and cooling opportunities to the extent feasible. This requirement is directly from Section 66473.1 of the Map Act.

The Climate Action Plan for the Base Reuse Plan establishes stronger solar access requirements for the Base Reuse Project Area. Section 3.2.1 in the Climate Action Plan requires specific street orientation to maximize solar exposure. A similar mandatory requirement could be added to the subdivision ordinance to apply city-wide. However, as the street and block pattern is mostly established in areas outside of the Base Reuse project area, it may not be feasible for infill subdivisions to always comply with this requirement.

- ▶ **Recommendation D-5: Maintain existing city-wide passive heating and cooling design standard language.**

Section 17.35.170 authorizes the City to preserve “significant rock outcroppings and other unusual land forms” and trees of a certain size. This section is inconsistent with Development Code 18.310 and Municipal Code Chapter 8.40 (Trees and Shrubs) which establishes more specific tree protection and preservation requirements.

- ▶ **Recommendation D-6: Replace tree protection provision in Section 17.35.170 with reference to Development Code Section 18.310 and Municipal Code Chapter 8.40.** Require subdivision map applications to show all trees protected by Section 18.310 and Chapter 8.40 and to follow the permit requirements for these protected trees.

The Concord General Plan identifies a range of important natural resources in Concord, including creeks, riparian corridors, surface waters, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, and significant vegetation. Development Code Chapter 18.305 contains specific standards for the protection of creek and riparian habitat. The existing Subdivision Ordinance does not address the protection of these natural resources.

- ▶ **Recommendation D-7: Add design standards to protect all important natural resources.** These design standards would require applicants to show important natural resources on all maps and to protect and preserve these resources to the extent feasible consistent with the General Plan, Development Code, and other applicable regulations. Design standards may include minimum setbacks from natural resources limitations on uses allowed within proximity of natural resources. Typical mitigation measures and conditions of approval applied to projects near to

important natural resources could be added to the Subdivision Ordinance to protect and preserve these resources.

Streets

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

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

- ▶ **Recommendation D-8: Prepare standards for a hierarchy of street types.** Prepare typical cross section diagrams for a full range of street types, including alleys and narrow streets important for infill projects. Incorporate these standards into City Engineering Specifications, not in the Subdivision Ordinance. State in the Subdivision Ordinance that streets must comply with street standards in the City Engineer Specifications.
- ▶ **Recommendation D-9: Standardize street standards with Fire District requirements.** Fire District requirements often dictate minimum width and other roadway dimension standards.
- ▶ **Recommendation D-10: Remove private street design standards from Subdivision Ordinance.** Require private streets to be designed the same as public streets. Consider adding criteria to allow the City to approve on a limited basis private streets that deviate from public street design requirements subject to approval of the City Engineer and the Fire District.

Lot Configuration

Section 17.35.180 (Standards) establishes a minimum lot width of 60 feet and minimum lot depth of 85 feet for standard single-family subdivisions. This standard conflicts with Development Code, which establishes 24 to 150-foot minimum lot widths depending on the zoning district.

- ▶ **Recommendation D-11: Remove lot configuration standards from the Subdivision Ordinance.** Replace with a statement that lot width and depth must comply with the Development Code lot configuration standards for the applicable zoning district.

Deferred Improvement Agreements

Section 17.35.060 (Deferred Improvement Agreements) contains a highly unusual procedure. Typically, a Deferred Improvement Agreement (DIA) is an agreement to construct or pay for improvements in the future with no cost to the property owner at the current time. The existing procedure is not a DIA but actually a cash payment for improvements that may/will occur in the future. If paid by the property owner, the obligation would be deemed fulfilled and nothing further would be required by the agreement.

- ▶ **Recommendation D-12: Establish a standard Deferred Improvement Agreement procedure.** Replace Section 17.35.060 with a DIA procedure that creates a binding agreement between the City and the property owner to either pay for or construct a defined list of improvements. New DIA procedures would not specify a specific date to construct improvements but rather would identify circumstances which would trigger the requirement to construct improvements.

E. Subdivisions in Concord Reuse Project Area

Subdivision in the Concord Reuse Project (CRP) Area will be different than elsewhere in the city. Currently this area has no mapping, and subdivisions will involve large areas subdivided in multiple stages with involvement of different developers and builders.

Subdivisions in the CRP Area will be guided by the CRP Area Plan, which includes many requirements relating to subdivisions, including street orientation, resource protection, view corridors, and maximum block perimeter. There will likely be more detail added to these at the Specific Plan phase, including laying out at least some of the blocks. Subdivision improvements may also be constrained by CEQA documents for the Area Plan and Specific Plan, which may identify specific improvements as required mitigation measures.

While the Area Plan and Specific Plan will dictate some design aspects of new subdivisions, the preferred process to subdivide property remains uncertain at this time. It is possible that the CRP Area master developer, in partnership with the City, will sell of one or more parcels to a major commercial tenant who would install infrastructure themselves at a future date. The master developer and City may also choose to go through the mapping process to sell small parcels to builders. The master developer and City will need maximum flexibility to respond to situations and opportunities that cannot be anticipated at this time.

During CRP Area redevelopment, developers will be required to upsize infrastructure to support future phases. If the Phase One developer doesn't develop subsequent phases, they'll be reimbursed. Also, there will likely be times when the "backbone" infrastructure is installed well in advance of vertical construction. The City may need to follow unique security requirements given extended period of time between large lot subdivision/"backbone" infrastructure and future improvements.

- ▶ **Recommendation E-1: Scrutinize all Subdivision Ordinance provisions to ensure they will support CRP Area reuse plans.** The master developer for CRP Area reuse selected by the City will be involved in this review. All requirements of the Subdivision Ordinance will be scrutinized through the "lens" of CRP Area reuse, including required map contents, procedures for map approval, subdivision design and improvement standards, modifications to approved maps, and other types of approvals (e.g., lot line adjustments, reversion to acreage).
- ▶ **Recommendation E-2: Consider adding special flexibility for all subdivisions within the CRP Area.** The City could add a catch-all provision to the Subdivision Ordinance that would allow exceptions to the Subdivision Ordinance for subdivision approvals in the CRP Area reuse plan area. During the preparation of the Subdivision Ordinance, the City should consider if such a provision is needed. Exceptions would be allowed only if the subdivision otherwise complies with the Map Act and other applicable laws and regulations.

F. Condominiums

Condominium Development Standards

Section 17.50.020 (Development Standards) and Section 17.50.080 (Development Standards) establish development standards for residential condominiums. Many of these standards are also addressed in the Development Code. For example, open space requirements are in Development Code Section 18.150.100, guest parking is in 18.160.050, trash and recycling is in 18.150.150, and utilities is in 18.150.080.C. Listing these standards in both the Subdivision Ordinance and Development Code is redundant and creates opportunities for inconsistent requirements.

- ▶ **Recommendation F-1: Remove from Subdivision Ordinance condominium standards that are also in the Development Code.**

Sections 17.50.020 and 17.50.080 also contains standards for new condominium which are not in the Development Code (e.g., storage space). Some of the standards may be unnecessary, excessively detailed, inconsistent with current building practices, or inconsistent with the Building Code.

- ▶ **Recommendation F-2: Review development standards for condominiums that are not in the Development Code.** Remove standards that are not needed, and revise standards to reflect current development practices and building code requirements.

Inclusionary Requirement for Condominium Conversions

The City of Concord has an inclusionary housing program to promote the development of affordable housing (Development Code Chapter 18.185). The program requires residential developments of five or more units to include either 10% or 6% of the units as affordable, depending on the level of affordability. Developers may choose to pay a fee in-lieu of constructing the affordable units and may construct the affordable units off-site in certain circumstances. Currently, this inclusionary housing requirement does not apply to condominium conversions, though it does apply to the construction of new condominiums.

- ▶ **Recommendation F-3: Apply the inclusionary housing requirement to condominium conversions.** This can be achieved simply by stating in Development Code Section 18.185.020 that the inclusionary housing requirement applies to condominium conversions of 5 units or more.

Non-Residential Condominiums

Article I (Standards for New Residential Condominiums) in Chapter 17.50 (Common Interest Developments) contains requirements for residential condominiums, but is silent on new non-residential condominiums. The City will likely receive applications for new non-residential condominiums in the future. It would be helpful for the Subdivision Ordinance to contain requirements for this type of application.

- ▶ **Recommendation F-4: Establish requirement for new non-residential condominiums.** An important requirement will be the preparation of documents establishing responsibility for the maintenance of shared facilities, similar to the CC&R's prepared for residential condominiums.

G. Dedications

Roadway Dedications

Existing roadway dedications language (Section 17.30.020) only addresses the street and not the utilities underneath.

- ▶ **Recommendation G-1: Revise roadway dedication language to include dedication of the public utilities.**

School Site Dedications

Section 17.30.070 (School Sites) establishes requirements for dedication of elementary school sites. These requirements are based on Map Act Section 66478. This is not a true dedication provision, but instead a reservation requirement for an elementary school site with a right to purchase at a later date. According to *Curtin's California Land Use and Planning Law*, this provision is rarely used as cities and school districts rely on other laws to require school dedications.

- ▶ **Recommendation G-2: Remove 17.30.070 (School Sites) from ordinance.** The City and school district could continue to use Map Act Section 66478 if desired or use other laws to require school dedications.

H. Other Issues

Submittal Requirements

Section 17.15.020 (Form and Content) requires tentative maps to “contain the information as established by the City Engineer and Zoning Administrator in the city’s application checklists.”

Referencing submittal requirements in a checklist helps to keep lengthy details out of the ordinance. It also allows the City to easily change submittal requirements without amending the ordinance and increases flexibility to adjust requirements for individual applications.

In other sections, however, the ordinance lists detailed submittal requirements (e.g., Section 17.15.030 (accompanying data and reports) and Section 17.15.150 (submittal for city approval)).

- ▶ **Recommendation H-1: Remove detailed submittal requirements from ordinance.** Delegate to staff authority to create and periodically amend submittal checklists. For all types of maps and approvals, reference the City’s application checklists. Update these checklists as part of the Subdivision Ordinance Update.

Enforcement

Article II (Enforcement and Judicial Review) in Chapter 17.45 (Amendments and Enforcement) specifies penalties and remedies for violation of the Subdivision Ordinance. Chapter 1.05 (General Provisions) in Title 1 of the Municipal Code also contains code enforcement provisions that apply to subdivisions. Section 18.540 (Enforcement) of the Development Code contains zoning code enforcement provisions similar to those in Chapter 17.45.

- ▶ **Recommendation H-2: Standardize the Subdivision Ordinance enforcement chapter with enforcement provisions elsewhere in the Municipal Code.** At a minimum, resolve any clear conflicts in enforcement procedures found in different chapters of the Municipal Code. Consider revising Chapter 17.45 to more closely match the enforcement provisions in the Development Code.

California Coordinate System

Section 17.15.140 (Form and Contents) contains incorrect references to the California Coordinate System.

- ▶ **Recommendation H-3: Revise Section 17.15.140 to correctly reference the California Coordinate System.** The section should be clarified to require and read "... bearing based on the California Coordinate System, Zone III, NAD 83."

Definitions

The definition of some key terms in Chapter 17.10 (Definitions) differ from definitions in the Development Code and General Plan. For example, the definitions of "development" and "lot area" are different within the Subdivision Ordinance and Development Code. As the Development Code was comprehensively updated in 2012, the Development Code definitions are generally preferable to the definitions in the Subdivision Ordinance.

- ▶ **Recommendation H-4: Revise definitions to be consistent with the Development Code and General Plan.** In some cases there are internal inconsistencies in the Development Code definitions that need clarification. As part of the Subdivision Ordinance Update, resolve these inconsistencies and reflect these changes in the updated Subdivision Ordinance definitions.

There are also definitions that are internally inconsistent within the Development Code and other Municipal Code chapters, including definitions for "easement," "lot area," and "right of way." Conflicting definitions interfere with the City's ability to process requested permits and approvals in a consistent and efficient manner.

- ▶ **Recommendation H-5: Resolve conflicting and inconsistent definitions in the Development Code and Municipal Code.** This will require amendments to the Development Code and other Municipal Code chapters outside of the Subdivision Ordinance.

Chapter 17.10 also embeds rules and standards in the definition of some terms. For example, the definition for "alley" includes the statement that "Area devoted to alleys shall not be included in net density calculations." Rules for the calculation of net density should not be hidden in a definition within the Subdivision Ordinance.

- ▶ **Recommendation H-6: Remove standards and rules from the definition of terms.** If necessary, these standards and rules should be moved elsewhere in the subdivision ordinance or other part of the Municipal Code.

Street Naming

The City of Concord recently adopted a street naming policy that requires all street names to be approved by the City Council (Administrative Directive No. 82). This requirement effectively means that final and parcel maps cannot be approved without City Council first approving the street names. This process may add time and cost to the approval of final and parcel maps and increase burdens on City staff.

- ▶ **Recommendation H-7: Consider revising the street naming policy to allow new street names without City Council approval.** The revised street naming policy could establish guidelines for the naming of streets to be utilized by staff when establishing new street names.

III. SUMMARY OF RECOMMENDATIONS

Below is a summary list of recommendations for the Subdivision Ordinance Update presented in Part II of this report.

Overall Assessment

A-1: Revise, rather than replace, the existing Subdivision Ordinance.

Organization and Style

B-1: Maintain existing chapter levels and numbering system.

B-2: Consolidate tentative map and tentative parcel map requirements into a single article.

B-3: Locate all map requirements in a single chapter

B-4: Move definitions to the end of the Subdivision Ordinance.

B-5 Make targeted and limited stylistic changes to the existing ordinance.

Compliance with Map Act and Other Legal Requirements

C-1: Incorporate into Subdivision Ordinance frequently used provisions from the Map Act.

C-2: Incorporate verbatim short and clear Map Act requirements.

C-3: Summarize long and complicated Map Act requirements.

C-4: Exclude from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.

C-5: Include references for all Map Act requirements.

C-6: Closely examine provisions that exceed or go beyond Map Act requirements.

Subdivision Design and Improvement Standards

D-1: Determine if existing subdivision improvement and design standards adequately address major City goals.

D-2: Strengthen connections with neighborhood design policies in the General Plan.

D-3: Add a requirement to install bicycles and pedestrian improvements consistent with the Bicycle, Pedestrian, and Safe Routes to Transit Plan.

D-4: Add specific requirements for subdivisions to comply with C.3 requirements of the Regional Stormwater Management Plan.

D-5: Maintain existing city-wide passive heating and cooling design standard language.

D-6: Replace tree protection provision in Section 17.35.170 with reference to Development Code Section 18.310 and Municipal Code Chapter 8.40.

- D-7: Add design standards to protect all important natural resources.
- D-8: Prepare standards for hierarchy of street types.
- D-9: Harmonize street standards with Fire District requirements.
- D-10: Remove private street design standards from Subdivision Ordinance.
- D-11: Remove lot configuration standards from Subdivision Ordinance.
- D-12: Establish a standard Deferred Improvement Agreement procedure.

Subdivisions in Concord Reuse Project Area

- E-1: Scrutinize all Subdivision Ordinance provisions to ensure they will support CRP Area reuse plans.
- E-2: Consider adding special flexibility for all subdivisions within the CRP Area.

Condominiums

- F-1: Remove from Subdivision Ordinance condominium standards that are also in the Development Code.
- F-2: Review development standards for condominiums that are not in the Development Code.
- F-3: Apply the inclusionary housing requirement to condominium conversions.
- F-4: Establish requirement for new non-residential condominiums.

Dedications

- G-1: Revise roadway dedication language to include dedication of the public utilities.
- G-2: Remove 17.30.070 (School Sites) from ordinance.

Other Issues

- H-1: Remove detailed submittal requirements from ordinance.
- H-2: Standardize the Subdivision Ordinance enforcement chapter with enforcement provisions elsewhere in the Municipal Code.
- H-3: Revise Section 17.15.140 to correctly reference the California Coordinate System.
- H-4: Revise definitions to be consistent with the Development Code and General Plan.
- H-5: Resolve conflicting and inconsistent definitions in the Development Code and Municipal Code.
- H-6: Remove standards and rules from the definition of terms.
- H-7: Consider revising the street naming policy to allow new street names without City Council approval.

**APPENDIX A:
EXISTING POLICIES RELEVANT TO SUBDIVISION ORDINANCE UPDATE**

GP = General Plan

DSP = Downtown Specific Plan

CAP = Climate Action Plan

CRP = Concord Reuse Project Area Plan

GENERAL DEVELOPMENT PATTERN

GP Policy LU-1.3.1: Encourage a variety of housing types on infill development sites.

GP Policy LU-9.2.2: Allow unique, diverse, and creative design solutions for infill development that are compatible with and enhance existing neighborhoods and shopping areas.

GP Policy LU-1.3.3: Support higher density and mixed use development in Downtown and near transit centers and corridors.

DSP Objective: Promote high quality infill development [Downtown] that successfully integrates new development with existing development.

DSP Objective: Provide a variety of living opportunities [Downtown] through a range of housing types and prices.

CRP Principle A — Character. Create a complete community [in the CRP area] that provides well-connected, pedestrian-oriented neighborhoods and districts with high quality urban design and convenient access to open spaces, daily necessities and regional transit.

HOUSING TYPES

GP Goal H-1: Promote a balanced supply of housing types, densities, and prices to meet the needs of all income groups residing or who wish to reside in Concord.

GP Policy H-1.2: Encourage a variety of housing types in new subdivisions, including duplexes, townhomes, small apartment buildings or condominiums.

GP Program H-1.3.1: Encourage the development of small lot subdivisions and continue to implement standards for small-lot single-family homes.

CRP Principle B — Housing Diversity. Provide a range of housing types, rental and ownership opportunities, and price levels [in the CRP area] that meet the needs of a diverse population.

STREETS

GP Policy T-1.1.3 Ensure that streets are designed to balance the needs of multiple travel modes, including vehicles, pedestrians, bicycles, and transit.

GP Policy T-1.1.14: Enhance the visual quality of public space through the design and landscaping of streets, and the control of visual and functional aspects of abutting improvements.

DSP Objective: Develop a green street framework of pedestrian friendly streets to promote healthy, active lifestyles.

DSP Objective: Design and construct streets that integrate walking, biking, transit use and green infrastructure.

DSP STRATEGY: Enhance the streetscapes on key streets that link major open spaces and destinations throughout the downtown.

CRP Complete Streets Standards. Standards for Through, Collector, and Local Streets.

PEDESTRIAN FACILITIES

GP Policy T-1.5.1: Develop pedestrian linkages to minimize walking distance and enhance pedestrian circulation throughout the City.

GP Policy T-1.5.4: Encourage new development to provide pedestrian connections to adjacent open spaces and trails.

DSP GOAL C-3: Quality pedestrian facilities and amenities that create a safe and aesthetically pleasing environment that encourages walking and accommodates increased pedestrian activity.

CRP Standard CF-18. All public sidewalks and parking lots [in the CRP area] shall receive at least 50 percent shade coverage when outdoor landscaping is mature.

CRP Standard CF-11. Provide an integrated trail and street network [in the CRP area] that connects key destinations within Development Districts, open spaces, and surrounding neighborhoods;

BICYCLE CIRCULATION

GP Policy T-1.6.1: Implement strategies and actions for enhanced bicycle circulation throughout the City.

GP Policy T-1.6.2: Require provision of bicycle facilities in new developments, where appropriate.

DSP GOAL C-4: A [Downtown] bicycle network with safe and efficient connections to major destinations within the Plan Area and throughout the City of Concord and adjacent communities.

CAP TL5. Bike parking installations. Require bike parking facilities for all multi-family projects and non-residential uses.

CRP Bicycle Network. Standards for Class 1, Class II, and Class III bicycle facilities with CRP area.

ENERGY CONSERVATION AND RENEWABLE ENERGY

GP Policy LU-9.1.6: Establish standards for new development and additions to existing development to incorporate green building measures.

CAP BE1. Green Building Ordinance. Implement the Tier I CALGreen Reach Code for building energy efficiency according to the following schedule:

CAP BE2: Prepare for California Zero Net Energy Standards. Prepare for and implement Zero Net Energy Standards to be developed by the State of California by 2020.

GP Policy H-5.1: Encourage the incorporation of energy and water conservation design features in existing and future residential developments to conserve resources, reduce greenhouse gas emissions, and reduce housing costs.

CRP Standard CF-15. Maximize solar exposure and penetration of summer winds by designing the street network so that the longest face of each block is oriented between +20 and +40 degrees from due south, measured clockwise.

CRP Standard CF -17. All buildings [in the CRA area] shall exceed Title 24 energy standards by at least 30 percent.

CRP Standard CF -16. Require that all south, southwest, and southeast facing rooftops [in the CRA area] receive unobstructed access to the sky at a +22 degree angle, measured counterclockwise from due south.

NATURAL RESOURCES, GENERAL

GP GOAL POS-3: WELL-PLANNED NATURAL RESOURCE CONSERVATION (creeks, riparian corridors, surface waters, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, significant vegetation)

WATER CONSERVATION

Policy PF-1.1.2: Encourage water conservation through City programs and cooperation with the CCWD.

BH1 Water Efficient Indoor Fixtures and Appliances. ... contin[ue] to ensure implementation of the CALGreen code.

CAP BH2 Water-Efficient Outdoor Irrigation. Minimize water used to irrigate outdoor areas through application of the Development Code and promotion of expanded water-efficiency opportunities.

CAP BH3 Water-Metering and Monitoring. Incorporate best-in-class water use metering and monitoring for all new commercial and multi-family development.

PARKS, TRAILS, AND RECREATIONAL FACILITIES

GP Principle LU-10.1: Create Attractive, Inviting Public Spaces and Streets that Enhance the Image and Character of the City.

GP Policy POS-1.1.1: Acquire and develop additional neighborhood and community parks to serve existing and future needs, working toward a goal of 6 acres of park land per 1,000 residents.

GP Policy POS-1.1.2: Ensure that new residential development provides for a substantial share of the 6 acre per 1,000 resident goal cited above. New residential development shall be required to dedicate on-site parkland or pay an in-lieu fee for park acquisition. The dedication and/or fee requirement shall be based on a standard of 5 acres per 1,000 residents, consistent with the Quimby Act.

GP Policy POS-1.1.3: Provide a variety of recreation spaces and facilities to serve the needs of the community.

GP Policy POS-1.1.6: Pursue the development of park and recreation facilities within reasonable walking distance of all residences.

GP Policy LU-1.1.3: Ensure that the scale, operation, location, and other characteristics of community facilities, including parks, schools, childcare facilities, religious institutions, and other public and quasi-public facilities, enhance the character and quality of neighborhoods.

GP Policy POS-1.2.2: Work with proposed development projects to provide new linkages to existing trails and create new trails where feasible.

GP Policy POS-2.1.3: Utilize the Trails Master Plan and Map to develop connections between open space areas.

FRONTAGE IMPROVEMENTS

GP Policy LU-10.1.2: Require new development to provide and maintain right-of-way improvements along project frontages such as landscaping, street trees, and other amenities that enhance the streetscape appearance.

LOT STANDARDS

Policy T-1.1.6: Require all new development to locate structures to accommodate ultimate street widths and required setbacks.

Policy T-1.1.7: Require all new development to provide adequate right-of-way and to construct ultimate on and off-site improvements.

UTILITIES

GP Policy PF-1.1.3: Coordinate with the San Francisco Bay Regional Water Quality Control Board to provide for the implementation of Storm Water Management Programs intended to protect receiving water sources from pollutants.

GP Policy PF-1.2.2: Reduce the need for sewer system improvements by requiring new development to incorporate water conservation measures.

GP Policy PF-1.3.1: Require new development to provide any needed storm drains that are not part of the City's master storm drain system and to incorporate features into site improvement plans to minimize surface runoff.

GP Policy PF-1.3.5: Ensure that new development contributes needed drainage improvements in proportion to a project's impacts, to assure an equitable distribution of costs to construct and maintain the City's master storm drainage system.

CAP BH4 Recycled Water. Extend CRP recycled water system to the rest of the City for appropriate use in outdoor places and in buildings, and plan ahead for future expansion of the system.

CONDOMINIUMS

GP Program H-1.4.1: Encourage duplex condominiums, where consistent with the General Plan density standards, to increase opportunities for home ownership.

GP Policy H-1.7: Promote the development of new condominiums and cooperatives.

GP Program H-1.7.1: Ensure that condominiums and cooperatives continue to meet high standards of quality while providing for entry level rental and ownership housing by approving density bonuses in accordance with the City ordinance.

GP Program H-1.7.2: Implement the Condominium Conversion Ordinance to limit the number of rental housing stock converted into condominiums each year.

SUBDIVISION APPROVAL PROCESS

GP Program H-1.7.2: Implement the Condominium Conversion Ordinance to limit the number of rental housing stock converted into condominiums each year.

OTHER

Policy LU-1.1.9: Preserve visible hillsides and open space areas through techniques such as cluster development or density transfers.

Principle LU-1.4: Protect the Unique Character of Rural Residential Areas Throughout the City.

**REPORT TO PLANNING COMMISSION**

DATE: January 6, 2015

SUBJECT: STUDY SESSION REGARDING SUBDIVISION ORDINANCE UPDATE

Recommendation: Staff recommends that Planning Commission hear an update and provide direction. No action is required by the Planning Commission.

I. Introduction

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

This study session is intended to provide the Planning Commission with the opportunity to provide feedback and direction regarding proposed updates to the Subdivision Ordinance in the Municipal Code.

II. Background

On July 7, 2015, the City Council approved a Professional Services Agreement with Ben Noble from City and Regional Planning, to complete an analysis of the discrepancies between the current subdivision ordinance and the development code, other pertinent state and federal regulations, and develop proposed modifications to address the conflicts. Funding for the project was included in the 2014/2015 Capital Improvement Project budget. The terms of the agreement specify the City's consultant will facilitate two study sessions to receive feedback on the Assessment Memo and two study sessions on the Public Review Draft Subdivision Ordinance.

Planned assignments under this agreement will include review the existing Subdivision Ordinance and related documents and revise that ordinance to reflect current conditions, city policies, methods, and nomenclature. Emphasis will be placed on developing a clear, concise, and legally defensible Subdivision Ordinance that meets the varied subdivision needs of the community. The consultant will also ensure the new Subdivision Ordinance complies with State statutes and be consistent with the Subdivision Map Act, Development Code, and General Plan and considers the Concord Reuse Project Area Plan and unincorporated areas of the City. Staff is proposing to complete this work within calendar year 2016.

On August 26, 2015, staff conducted a "Stakeholder Meeting" to discuss key issues regarding the City's subdivision requirements, the strengths and weaknesses of the existing subdivision ordinance, and how the City's ordinance could be improved. Twenty-five development professionals, agencies,

and staff were invited to participate; two developers participated and the two finalist candidates for Master Developer of the Concord Naval Weapons Station were interviewed.

III. Discussion

The purpose of the study session is for the City's consultant to present their assessment of the Subdivision Ordinance and recommendations for amendments and to receive comments and direction from the Planning Commission regarding the same.

The memorandum presents an assessment of Concord's Subdivision Ordinance (Municipal Code Title 17) and recommendations for the updated Subdivision Ordinance. The consultant team prepared the report for the Subdivision Ordinance Update with input from City staff and local development professionals. The assessment of the existing Subdivision Ordinance and recommendations for the updated Subdivision Ordinance covers the following topics:

- Overall Assessment
- Organization and Style
- Compliance with Map Act and other Legal Requirements
- Subdivision Design and Improvement Standards
- Subdivisions in Base Reuse Project Area
- Condominiums
- Dedications
- Other Issues

The recommendations in the attached memorandum will serve as a "roadmap" to guide the Subdivision Ordinance Update. After receiving public input and direction from the Planning Commission and City Council, City staff and consultants will prepare a detailed outline for the updated Subdivision Ordinance and begin drafting the Ordinance.

IV. Fiscal Impact

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

V. Public Contact

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

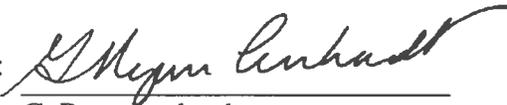
VI. Summary and Recommendations

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

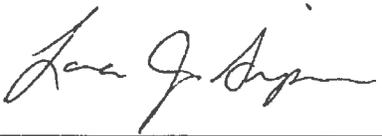
SUBDIVISION ORDINANCE UPDATE STUDY SESSION

January 6, 2015

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Exhibits:

A -	Subdivision Ordinance Assessment Memo date stamp received November 4, 2015
B -	Subdivision Ordinance (see link below) http://www.codepublishing.com/ca/concord/?Concord17/Concord1705.html#17.05.010



EXISTING ORDINANCE ASSESSMENT REPORT

SUBDIVISION ORDINANCE UPDATE

City of Concord
November 4, 2015

Prepared by:
Ben Noble, Urban and Regional Planning
with Bellecci & Associates and ARUP

NOV. 4, 2015
PLANNING

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Appendix A: Adopted Policies Related to the Subdivision Ordinance

I. INTRODUCTION

This report presents an assessment of Concord's Subdivision Ordinance (Municipal Code Title 17) and recommendations for the updated Subdivision Ordinance. This report was prepared by the City's consultant team for the Subdivision Ordinance Update with input from City staff and local development professionals. The assessment of the existing Subdivision Ordinance and recommendations for the updated Subdivision Ordinance covers the following topics:

- Overall Assessment
- Organization and Style
- Compliance with Map Act and other Legal Requirements
- Subdivision Design and Improvement Standards
- Subdivisions in Base Reuse Project Area
- Condominiums
- Dedications
- Other Issues

The recommendations in this report will serve as a roadmap to help guide the Subdivision Ordinance Update. At study sessions in December 2015 and January 2016, the Planning Commission and City Council will review this report and provide input on its findings and recommendations. After receiving public input and direction from the Planning Commission and City Council, City staff and consultants will prepare a detailed outline for the updated Subdivision Ordinance and begin drafting the Ordinance.

II. SUBDIVISION ORDINANCE ASSESSMENT

A. Overall Assessment

In general, the existing Subdivision Ordinance is a complete document. In most cases it covers the major subdivision requirements in a manner consistent with the Subdivision Map Act and other legal requirements. It is written in a plain English style that is clear and concise. Readers are generally able to find what they are looking for and to understand what they read.

Some changes and improvements to the existing Subdivision Ordinance will be needed. Inconsistencies with the Development Code will need to be corrected, and the Subdivision Ordinance needs a stronger connection to the General Plan, Downtown Specific Plan, and other policy documents. Design and improvement standards need to be updated to better accommodate infill subdivisions and reflect current development practices. Some minor changes to the style and organization of the document will also enhance its usability.

In some cities, the Subdivision Ordinance is in such poor shape that it is virtually incomprehensible and generally ignored. In these cases, it is best to replace the existing Subdivision Ordinance with an entirely new ordinance based on model provisions tailored to local needs. For Concord, this is not the recommended approach. Instead, Concord should retain the existing Subdivision Ordinance and make targeted revisions to address necessary changes. This approach will enable the City to maintain aspects of the existing ordinance that have worked well, avoid the challenges associated with administering an entirely new ordinance, and focus on a limited number of key issues that are most important to the City.

- ▶ **Recommendation A-1: Revise, rather than replace, the existing Subdivision Ordinance.**

B. Organization and Style

Chapter Levels and Numbering System

The chapter levels and numbering system of the current Subdivision Ordinance are as follows:

Title (17)

Chapter (17.05)

Article (I)

Section (17.050.010)

The section numbering system is consistent with the Development Code and other titles of the Concord Municipal Code.

Chapter levels in the current Subdivision Ordinance are slightly different from the Development Code. The Subdivision Ordinance does not use a division level below the title and above the chapter levels, as in the Development Code, and the Subdivision Ordinance uses an article level below the chapter and above the section levels, which is not in the Development Code.

The division level in the Development Code is useful as a way to give order to over 100 individual chapters. Because there are only ten chapters in the existing Subdivision Ordinance, the article levels would be less useful.

While the article level is not used in the Development Code, it is used in other titles of the Concord Municipal Code. The article level is useful in the Subdivision Ordinance as a way to organize content within individual chapters.

- ▶ **Recommendation B-1: Maintain existing chapter levels and numbering system.** The existing system effectively organizes the contents of the Subdivision Ordinance and is consistent with other titles of the Municipal Code. Differences with the Development Code are not significant enough to warrant changes to a system that currently works well.

Subdivision Ordinance Chapters

The Subdivision Ordinance is currently divided into the following ten chapters:

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

The division and order of these chapters is generally good – nothing major is missing and contents are presented in a logical manner.

One organization issue concerns tentative map requirements for major and minor subdivisions. Requirements for tentative maps in Article 1 of Chapter 17.15 (Major Subdivisions) are almost identical to the requirements for tentative parcel maps in Article 1 in Chapter 17.20 (Minor Subdivisions). The only major difference between the two articles is the map approval procedures – tentative maps are approved by the Planning Commission and tentative parcel maps are approved by the Zoning Administrator. Repetition in these two articles unnecessarily increases the length of the ordinance and introduces opportunities for unintended differences in the requirements that apply to the two types of tentative maps.

- ▶ **Recommendation B-2: Consolidate tentative map and tentative parcel map requirements into a single article.** Within this article common requirements for major and minor subdivisions would be stated only once. The few differences between tentative maps and tentative parcel maps, such as review authority, would be noted within this article. Consolidating the tentative

map and tentative parcel map requirements would, however, require changes to the organization of map requirements for major and minor subdivisions.

- ▶ **Recommendation B-3: Locate all map requirements in a single chapter.** As shown in the box below, requirements for tentative maps, vesting tentative maps, parcel maps, and final maps would be in articles nested below a single Subdivision Map chapter. An alternative to this approach is to create separate chapters for each type of map, though keeping them at the article level is preferred due to the relatively short length of the parcel map and final map articles.
- ▶ **Recommendation B-4: Move Definitions to the end of the Subdivision Ordinance.** Moving the definitions to the end of the Subdivision Ordinance is consistent with modern drafting practice and helps to maintain the flow of general provisions to subdivision map requirements.

Recommended Updated Subdivision Ordinance Organization

17.05 General Provisions

17.10 Subdivision Maps

Article 1: Tentative and Vesting Tentative Maps

Article 2: Parcel Maps

Article 3: Final Maps

17.15 Dedications, Reservations, Vacations, and Abandonments

17.20 Improvements and Design Standards

17.25 Reversions, Mergers, and Lot Line Adjustments

17.30 Amendments and Enforcement

17.35 Common Interest Developments (Condominiums)

17.40 Definitions

General Readability

As mentioned above, the existing Subdivision Ordinance is generally clear and concise. Frequent use of descriptive headers, short paragraphs and sentences, consistent terminology, and use of everyday language supports reader comprehension.

Still, there are some improvements that can be made to the Subdivision Ordinance, including the following:

- Break up the occasional long paragraphs (e.g., 17.05.130.b) into shorter subparagraphs or numerated lists.
- Simplify the occasional long and complex sentence. Keep syntax simple and limit sentence length to 20 to 40 words.

- Eliminate unnecessary legal jargon (e.g., *thereto, beforementioned*) or replace with everyday language.
 - Present complicated material in tables. For example, a summary of administrative responsibilities in Section 17.05.070 could be presented in a table similar to Development Code Table 18.400.020.
 - Adding diagrams to illustrate subdivision design and improvement requirements, such as typical street sections.
- **Recommendation B-5: Make targeted and limited stylistic changes to the existing ordinance.** Text in the existing Subdivision Ordinance will be edited to enhance clarity rather than replaced in its entirety.

C. Compliance with Map Act and Other Legal Requirements

General Compliance

Generally speaking, the Subdivision Ordinance complies with Map Act requirements. The Subdivision Ordinance covers major Map Act requirements relating to the preparation of different types of maps, improvement and design standards, and other types of approvals such as reversions, mergers, and lot line adjustments. Inconsistencies with the Map Act generally concern small details, possibly due to amendments to the Map Act made since the last comprehensive update to the Subdivision Ordinance. Specific inconsistencies with the Map Act include the following:

- Dedication Improvement Agreements (See Recommendation D-12)
- California Coordinate System (See Recommendation H-3)
- Mergers initiated by property owner. Subdivision Ordinance Section 17.40.120 (Mergers initiated by property owner) establishes procedures that do not fully align with those in Government Code Section 66451.10 et seq.

There are not many specific cases of the Subdivision Ordinance clearly conflicting with the Map Act. Major issues related to Map Act compliance for the Subdivision Ordinance Update relate to how best to incorporate Map Act requirements into the Subdivision Ordinance and whether to exceed or go beyond minimum Map Act requirements.

Incorporation of Map Act Requirements

Concord's Subdivision Ordinance must be consistent with the Map Act and implement Map Act requirements at the local level. With this purpose, the Subdivision Ordinance incorporates specific Map Act requirements in a variety of ways.

In many cases the Subdivision Ordinance presents Map Act provisions verbatim. For example, Section 17.05.120, which lists the types of subdivisions requiring a tentative and final map, is verbatim to Government Code Section 66426.

In some cases the Subdivision Ordinance incorporates detailed Map Act requirements, but omits some details. For example, Section 17.05.040 (Exceptions) lists exceptions to the Map Act from Government

Code Section 44412, but leaves out some exceptions, such as exceptions for subdivisions exclusively for wind energy devices and wireless transmission facilities.

The Subdivision Ordinance also summarizes and simplifies Map Act requirements in some places. For example, detailed and lengthy off-site improvement requirements in Section 66462.5 of the Map Act are succinctly summarized in Section 17.35.020(m) of the Subdivision Ordinance.

Finally, in some places the Subdivision Ordinance references a specific Map Act section and states that the proposed subdivision must comply with this section. Examples include water supply assessment requirements in Section 17.15.060 (d)(3) and details of tentative map extensions in Section 17.15.070(a)(1)

The different ways in which the Subdivision Ordinance incorporates Map act requirements raises a number of questions.

- Which Map Act requirements should be incorporated into the Subdivision Ordinance, and which ones should be left out?
 - What is the best method for the Subdivision Ordinance incorporates Map Act requirements?
 - Should the Subdivision Ordinance consistently incorporate Map Act requirements in the same manner (e.g., verbatim vs. summarized)? If not, is a particular approach best suited for certain types of Map Act requirements?
 - How can Concord best ensure that the Subdivision Ordinance remains consistent with the Map Act as the Map Act is amended over time?
- ▶ **Recommendation C-1: Incorporate into Subdivision Ordinance frequently used provisions from the Map Act.** Examples of frequently used provisions include requirements for types of maps (Article III of Chapter 17.05), the approval process for maps (Chapters 17.15 and 17.20) findings for map approval (Section 17.15.060), allowed corrections and amendments to final and parcel maps (Article I of Chapter 17.45), and map expiration (Section 17.15.070).
 - ▶ **Recommendation C-2: Incorporate verbatim short and clear Map Act requirements.** For example, Government Code Section 66426, specifying when tentative and final maps are required, is important, frequently referenced, and relatively clear and concise. It should be incorporated into the Subdivision Ordinance verbatim. Consider some form of notation, such as italicized text, to denote when Map Act requirements are included verbatim.
 - ▶ **Recommendation C-3: Summarize long and complicated Map Act requirements.** If a Map Act requirement is long and complicated, but also important and frequently used, it should be summarized in the Subdivision Ordinance with the summary accompanied by a reference to the Map Act. Existing Section 17.35.070 (improvement security) is an example of this approach.
 - ▶ **Recommendation C-4: Exclude from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.** The existing Subdivision Ordinance does a good job of excluding Map Act provisions that are not applicable to Concord. The updated Subdivision Ordinance will continue this approach.

- ▶ **Recommendation C-5: Include references for all Map Act requirements.** All Map Act provisions incorporated into the Subdivision Ordinance will be accompanied by a reference.

Provisions that Exceed Minimum Map Act Requirements

The existing Subdivision Ordinance contains some requirements that exceed or go beyond minimum Map Act requirements. In some cases the Subdivision Ordinance includes provisions authorized but not required by the Map Act; for example, Section 17.30.110 (Reservations) as authorized by Government Code Section 66479. In other cases the Subdivision Ordinance adds requirements or restrictions without specific Map Act authorization, for example additional grounds for denial of a tentative map in Section 17.15.060(f)(8) and (9) which are not included in Government Code Section 66474.

- ▶ **Recommendation C-6: Closely examine provisions that exceed or go beyond Map Act requirements.** When revising the Subdivision Ordinance, identify all examples of provisions that exceed or go beyond minimum Map act requirements. Determine if these provisions are legally defensible and desirable, and delete or revise them if either is not the case. Consider adding notation in the Subdivision Ordinance that distinguishes local requirements from Map Act requirements.

D. Subdivision Design and Improvement Standards

The Map Act vests in cities broad powers to regulate and control the design and improvement of subdivisions. The definition of “design” and “improvements” includes physical infrastructure such as streets and utilities, but also other improvements necessary to ensure consistency with and implementation of the General Plan.

Section 17.35.020 lists required subdivision improvements typically found in subdivision ordinances, reflecting the Map Act definition of subdivision design and improvements. However, Concord is not limited by these types of improvements and may add other types of improvements consistent with and necessary to implement the General Plan. Concord could also remove from Section 17.35.020 types of improvements which may be less critical or addressed by other public agencies or laws (e.g., fire hydrants).

Appendix A lists policies from the General Plan and other City plans that are relevant to the Subdivision Ordinance and subdivision improvement and design standards. Major goals from these plans include the following:

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

- Conserve water
 - Protect sensitive natural resources
- **Recommendation D-1: Determine if existing subdivision improvement and design standards adequately address major City goals.** The City should decide whether new types of improvement and design standards are needed and if existing standards should be removed. The City also needs to decide if substantive requirements for the standards are sufficient or if existing requirements should be modified, strengthened, or clarified.

Subdivision and Neighborhood Design

Section 17.35.120 (Subdivision Design) states that the Planning Division may refer a tentative map or parcel map to the Design Review Board to “ensure quality design.” The Subdivision Ordinance is not clear on what constitutes “quality design.” The Subdivision Ordinance also does not reflect or acknowledge General Plan policies to utilize land resources efficiently, provide a variety of housing choices, accommodate all modes of transportation, and protect natural resources.

Some Subdivision Ordinances contain specific standards related to general neighborhood design. The City of Chino Subdivision Ordinance, for example, states that “street configuration within subdivisions shall provide maximum connectivity for pedestrians, bicycles and automobiles.” The City of Livermore Development Code contains subdivision standards mandating minimum pedestrian accessibility standards to commercial areas and civic uses.

Prescriptive neighborhood form standards may be suitable for larger subdivisions on the urban edge, but are less appropriate for infill development constrained by an existing block pattern and smaller development sites. Prescriptive subdivision standards for infill sites may be infeasible in Concord. In the Base Reuse Project Area where prescriptive standards may be more feasible, existing and future plans already establish the desired form for new neighborhoods in a manner consistent with the General Plan.

- **Recommendation D-2: Strengthen connections with neighborhood design policies in the General Plan.** This could be accomplished by adding language to Section 17.35.120 summarizing the intent of General Plan policies. Findings for the approval of tentative and parcel maps could be added with a more explicit connection to General Plan policies that call for quality infill development, housing diversity, and connectivity for all modes of transportation.

Bicycle and Pedestrian Facilities

Section 17.35.020(c), (d), and (e) state that the City may require the installation of pedestrian ways, bikeways, and trails consistent with the Trails Master Plan. The Trails Master Plan was adopted in 2002 and may not reflect current plans for non-motorized transportation infrastructure. The City is also now preparing a new Bicycle, Pedestrian, and Safe Routes to Transit Plan which will be adopted prior to the adoptions of the updated Subdivision Ordinance.

- **Recommendation D-3: Add a requirement to install bicycles and pedestrian improvements consistent with the Bicycle, Pedestrian, and Safe Routes to Transit Plan.** Also, modify terminology to be consistent with this Plan.

Stormwater Management

Section 17.35.020(g) establishes general requirements for the collection and conveyance of storm water runoff from a subdivision. These requirements do not reference or reflect the C.3 requirements of the regional stormwater management plan.

- ▶ **Recommendation D-4: Add specific requirements for subdivisions to comply with C.3 requirements of the Regional Stormwater Management Plan.** Section 17.35.020 (g) should include a reference to the Regional Water Quality Control Board clean water requirements and compliance needed.

Natural Resource Protection

Section 17.35.150 requires subdivisions to provide for future passive heating and cooling opportunities to the extent feasible. This requirement is directly from Section 66473.1 of the Map Act.

The Climate Action Plan for the Base Reuse Plan establishes stronger solar access requirements for the Base Reuse Project Area. Section 3.2.1 in the Climate Action Plan requires specific street orientation to maximize solar exposure. A similar mandatory requirement could be added to the subdivision ordinance to apply city-wide. However, as the street and block pattern is mostly established in areas outside of the Base Reuse project area, it may not be feasible for infill subdivisions to always comply with this requirement.

- ▶ **Recommendation D-5: Maintain existing city-wide passive heating and cooling design standard language.**

Section 17.35.170 authorizes the City to preserve “significant rock outcroppings and other unusual land forms” and trees of a certain size. This section is inconsistent with Development Code 18.310 and Municipal Code Chapter 8.40 (Trees and Shrubs) which establishes more specific tree protection and preservation requirements.

- ▶ **Recommendation D-6: Replace tree protection provision in Section 17.35.170 with reference to Development Code Section 18.310 and Municipal Code Chapter 8.40.** Require subdivision map applications to show all trees protected by Section 18.310 and Chapter 8.40 and to follow the permit requirements for these protected trees.

The Concord General Plan identifies a range of important natural resources in Concord, including creeks, riparian corridors, surface waters, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, and significant vegetation. Development Code Chapter 18.305 contains specific standards for the protection of creek and riparian habitat. The existing Subdivision Ordinance does not address the protection of these natural resources.

- ▶ **Recommendation D-7: Add design standards to protect all important natural resources.** These design standards would require applicants to show important natural resources on all maps and to protect and preserve these resources to the extent feasible consistent with the General Plan, Development Code, and other applicable regulations. Design standards may include minimum setbacks from natural resources limitations on uses allowed within proximity of natural resources. Typical mitigation measures and conditions of approval applied to projects near to

important natural resources could be added to the Subdivision Ordinance to protect and preserve these resources.

Streets

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

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

- ▶ **Recommendation D-8: Prepare standards for a hierarchy of street types.** Prepare typical cross section diagrams for a full range of street types, including alleys and narrow streets important for infill projects. Incorporate these standards into City Engineering Specifications, not in the Subdivision Ordinance. State in the Subdivision Ordinance that streets must comply with street standards in the City Engineer Specifications.
- ▶ **Recommendation D-9: Standardize street standards with Fire District requirements.** Fire District requirements often dictate minimum width and other roadway dimension standards.
- ▶ **Recommendation D-10: Remove private street design standards from Subdivision Ordinance.** Require private streets to be designed the same as public streets. Consider adding criteria to allow the City to approve on a limited basis private streets that deviate from public street design requirements subject to approval of the City Engineer and the Fire District.

Lot Configuration

Section 17.35.180 (Standards) establishes a minimum lot width of 60 feet and minimum lot depth of 85 feet for standard single-family subdivisions. This standard conflicts with Development Code, which establishes 24 to 150-foot minimum lot widths depending on the zoning district.

- ▶ **Recommendation D-11: Remove lot configuration standards from the Subdivision Ordinance.** Replace with a statement that lot width and depth must comply with the Development Code lot configuration standards for the applicable zoning district.

Deferred Improvement Agreements

Section 17.35.060 (Deferred Improvement Agreements) contains a highly unusual procedure. Typically, a Deferred Improvement Agreement (DIA) is an agreement to construct or pay for improvements in the future with no cost to the property owner at the current time. The existing procedure is not a DIA but actually a cash payment for improvements that may/will occur in the future. If paid by the property owner, the obligation would be deemed fulfilled and nothing further would be required by the agreement.

- ▶ **Recommendation D-12: Establish a standard Deferred Improvement Agreement procedure.** Replace Section 17.35.060 with a DIA procedure that creates a binding agreement between the City and the property owner to either pay for or construct a defined list of improvements. New DIA procedures would not specify a specific date to construct improvements but rather would identify circumstances which would trigger the requirement to construct improvements.

E. Subdivisions in Concord Reuse Project Area

Subdivision in the Concord Reuse Project (CRP) Area will be different than elsewhere in the city. Currently this area has no mapping, and subdivisions will involve large areas subdivided in multiple stages with involvement of different developers and builders.

Subdivisions in the CRP Area will be guided by the CRP Area Plan, which includes many requirements relating to subdivisions, including street orientation, resource protection, view corridors, and maximum block perimeter. There will likely be more detail added to these at the Specific Plan phase, including laying out at least some of the blocks. Subdivision improvements may also be constrained by CEQA documents for the Area Plan and Specific Plan, which may identify specific improvements as required mitigation measures.

While the Area Plan and Specific Plan will dictate some design aspects of new subdivisions, the preferred process to subdivide property remains uncertain at this time. It is possible that the CRP Area master developer, in partnership with the City, will sell of one or more parcels to a major commercial tenant who would install infrastructure themselves at a future date. The master developer and City may also choose to go through the mapping process to sell small parcels to builders. The master developer and City will need maximum flexibility to respond to situations and opportunities that cannot be anticipated at this time.

During CRP Area redevelopment, developers will be required to upsize infrastructure to support future phases. If the Phase One developer doesn't develop subsequent phases, they'll be reimbursed. Also, there will likely be times when the "backbone" infrastructure is installed well in advance of vertical construction. The City may need to follow unique security requirements given extended period of time between large lot subdivision/"backbone" infrastructure and future improvements.

- ▶ **Recommendation E-1: Scrutinize all Subdivision Ordinance provisions to ensure they will support CRP Area reuse plans.** The master developer for CRP Area reuse selected by the City will be involved in this review. All requirements of the Subdivision Ordinance will be scrutinized through the "lens" of CRP Area reuse, including required map contents, procedures for map approval, subdivision design and improvement standards, modifications to approved maps, and other types of approvals (e.g., lot line adjustments, reversion to acreage).
- ▶ **Recommendation E-2: Consider adding special flexibility for all subdivisions within the CRP Area.** The City could add a catch-all provision to the Subdivision Ordinance that would allow exceptions to the Subdivision Ordinance for subdivision approvals in the CRP Area reuse plan area. During the preparation of the Subdivision Ordinance, the City should consider if such a provision is needed. Exceptions would be allowed only if the subdivision otherwise complies with the Map Act and other applicable laws and regulations.

F. Condominiums

Condominium Development Standards

Section 17.50.020 (Development Standards) and Section 17.50.080 (Development Standards) establish development standards for residential condominiums. Many of these standards are also addressed in the Development Code. For example, open space requirements are in Development Code Section 18.150.100, guest parking is in 18.160.050, trash and recycling is in 18.150.150, and utilities is in 18.150.080.C. Listing these standards in both the Subdivision Ordinance and Development Code is redundant and creates opportunities for inconsistent requirements.

- ▶ **Recommendation F-1: Remove from Subdivision Ordinance condominium standards that are also in the Development Code.**

Sections 17.50.020 and 17.50.080 also contains standards for new condominium which are not in the Development Code (e.g., storage space). Some of the standards may be unnecessary, excessively detailed, inconsistent with current building practices, or inconsistent with the Building Code.

- ▶ **Recommendation F-2: Review development standards for condominiums that are not in the Development Code.** Remove standards that are not needed, and revise standards to reflect current development practices and building code requirements.

Inclusionary Requirement for Condominium Conversions

The City of Concord has an inclusionary housing program to promote the development of affordable housing (Development Code Chapter 18.185). The program requires residential developments of five or more units to include either 10% or 6% of the units as affordable, depending on the level of affordability. Developers may choose to pay a fee in-lieu of constructing the affordable units and may construct the affordable units off-site in certain circumstances. Currently, this inclusionary housing requirement does not apply to condominium conversions, though it does apply to the construction of new condominiums.

- ▶ **Recommendation F-3: Apply the inclusionary housing requirement to condominium conversions.** This can be achieved simply by stating in Development Code Section 18.185.020 that the inclusionary housing requirement applies to condominium conversions of 5 units or more.

Non-Residential Condominiums

Article I (Standards for New Residential Condominiums) in Chapter 17.50 (Common Interest Developments) contains requirements for residential condominiums, but is silent on new non-residential condominiums. The City will likely receive applications for new non-residential condominiums in the future. It would be helpful for the Subdivision Ordinance to contain requirements for this type of application.

- ▶ **Recommendation F-4: Establish requirement for new non-residential condominiums.** An important requirement will be the preparation of documents establishing responsibility for the maintenance of shared facilities, similar to the CC&R's prepared for residential condominiums.

G. Dedications

Roadway Dedications

Existing roadway dedications language (Section 17.30.020) only addresses the street and not the utilities underneath.

- ▶ **Recommendation G-1: Revise roadway dedication language to include dedication of the public utilities.**

School Site Dedications

Section 17.30.070 (School Sites) establishes requirements for dedication of elementary school sites. These requirements are based on Map Act Section 66478. This is not a true dedication provision, but instead a reservation requirement for an elementary school site with a right to purchase at a later date. According to *Curtin's California Land Use and Planning Law*, this provision is rarely used as cities and school districts rely on other laws to require school dedications.

- ▶ **Recommendation G-2: Remove 17.30.070 (School Sites) from ordinance.** The City and school district could continue to use Map Act Section 66478 if desired or use other laws to require school dedications.

H. Other Issues

Submittal Requirements

Section 17.15.020 (Form and Content) requires tentative maps to “contain the information as established by the City Engineer and Zoning Administrator in the city’s application checklists.”

Referencing submittal requirements in a checklist helps to keep lengthy details out of the ordinance. It also allows the City to easily change submittal requirements without amending the ordinance and increases flexibility to adjust requirements for individual applications.

In other sections, however, the ordinance lists detailed submittal requirements (e.g., Section 17.15.030 (accompanying data and reports) and Section 17.15.150 (submittal for city approval)).

- ▶ **Recommendation H-1: Remove detailed submittal requirements from ordinance.** Delegate to staff authority to create and periodically amend submittal checklists. For all types of maps and approvals, reference the City’s application checklists. Update these checklists as part of the Subdivision Ordinance Update.

Enforcement

Article II (Enforcement and Judicial Review) in Chapter 17.45 (Amendments and Enforcement) specifies penalties and remedies for violation of the Subdivision Ordinance. Chapter 1.05 (General Provisions) in Title 1 of the Municipal Code also contains code enforcement provisions that apply to subdivisions. Section 18.540 (Enforcement) of the Development Code contains zoning code enforcement provisions similar to those in Chapter 17.45.

- ▶ **Recommendation H-2: Standardize the Subdivision Ordinance enforcement chapter with enforcement provisions elsewhere in the Municipal Code.** At a minimum, resolve any clear conflicts in enforcement procedures found in different chapters of the Municipal Code. Consider revising Chapter 17.45 to more closely match the enforcement provisions in the Development Code.

California Coordinate System

Section 17.15.140 (Form and Contents) contains incorrect references to the California Coordinate System.

- ▶ **Recommendation H-3: Revise Section 17.15.140 to correctly reference the California Coordinate System.** The section should be clarified to require and read "... bearing based on the California Coordinate System, Zone III, NAD 83."

Definitions

The definition of some key terms in Chapter 17.10 (Definitions) differ from definitions in the Development Code and General Plan. For example, the definitions of "development" and "lot area" are different within the Subdivision Ordinance and Development Code. As the Development Code was comprehensively updated in 2012, the Development Code definitions are generally preferable to the definitions in the Subdivision Ordinance.

- ▶ **Recommendation H-4: Revise definitions to be consistent with the Development Code and General Plan.** In some cases there are internal inconsistencies in the Development Code definitions that need clarification. As part of the Subdivision Ordinance Update, resolve these inconsistencies and reflect these changes in the updated Subdivision Ordinance definitions.

There are also definitions that are internally inconsistent within the Development Code and other Municipal Code chapters, including definitions for "easement," "lot area," and "right of way." Conflicting definitions interfere with the City's ability to process requested permits and approvals in a consistent and efficient manner.

- ▶ **Recommendation H-5: Resolve conflicting and inconsistent definitions in the Development Code and Municipal Code.** This will require amendments to the Development Code and other Municipal Code chapters outside of the Subdivision Ordinance.

Chapter 17.10 also embeds rules and standards in the definition of some terms. For example, the definition for "alley" includes the statement that "Area devoted to alleys shall not be included in net density calculations." Rules for the calculation of net density should not be hidden in a definition within the Subdivision Ordinance.

- ▶ **Recommendation H-6: Remove standards and rules from the definition of terms.** If necessary, these standards and rules should be moved elsewhere in the subdivision ordinance or other part of the Municipal Code.

Street Naming

The City of Concord recently adopted a street naming policy that requires all street names to be approved by the City Council (Administrative Directive No. 82). This requirement effectively means that final and parcel maps cannot be approved without City Council first approving the street names. This process may add time and cost to the approval of final and parcel maps and increase burdens on City staff.

- ▶ **Recommendation H-7: Consider revising the street naming policy to allow new street names without City Council approval.** The revised street naming policy could establish guidelines for the naming of streets to be utilized by staff when establishing new street names.

III. SUMMARY OF RECOMMENDATIONS

Below is a summary list of recommendations for the Subdivision Ordinance Update presented in Part II of this report.

Overall Assessment

A-1: Revise, rather than replace, the existing Subdivision Ordinance.

Organization and Style

B-1: Maintain existing chapter levels and numbering system.

B-2: Consolidate tentative map and tentative parcel map requirements into a single article.

B-3: Locate all map requirements in a single chapter

B-4: Move definitions to the end of the Subdivision Ordinance.

B-5 Make targeted and limited stylistic changes to the existing ordinance.

Compliance with Map Act and Other Legal Requirements

C-1: Incorporate into Subdivision Ordinance frequently used provisions from the Map Act.

C-2: Incorporate verbatim short and clear Map Act requirements.

C-3: Summarize long and complicated Map Act requirements.

C-4: Exclude from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.

C-5: Include references for all Map Act requirements.

C-6: Closely examine provisions that exceed or go beyond Map Act requirements.

Subdivision Design and Improvement Standards

D-1: Determine if existing subdivision improvement and design standards adequately address major City goals.

D-2: Strengthen connections with neighborhood design policies in the General Plan.

D-3: Add a requirement to install bicycles and pedestrian improvements consistent with the Bicycle, Pedestrian, and Safe Routes to Transit Plan.

D-4: Add specific requirements for subdivisions to comply with C.3 requirements of the Regional Stormwater Management Plan.

D-5: Maintain existing city-wide passive heating and cooling design standard language.

D-6: Replace tree protection provision in Section 17.35.170 with reference to Development Code Section 18.310 and Municipal Code Chapter 8.40.

- D-7: Add design standards to protect all important natural resources.
- D-8: Prepare standards for hierarchy of street types.
- D-9: Harmonize street standards with Fire District requirements.
- D-10: Remove private street design standards from Subdivision Ordinance.
- D-11: Remove lot configuration standards from Subdivision Ordinance.
- D-12: Establish a standard Deferred Improvement Agreement procedure.

Subdivisions in Concord Reuse Project Area

- E-1: Scrutinize all Subdivision Ordinance provisions to ensure they will support CRP Area reuse plans.
- E-2: Consider adding special flexibility for all subdivisions within the CRP Area.

Condominiums

- F-1: Remove from Subdivision Ordinance condominium standards that are also in the Development Code.
- F-2: Review development standards for condominiums that are not in the Development Code.
- F-3: Apply the inclusionary housing requirement to condominium conversions.
- F-4: Establish requirement for new non-residential condominiums.

Dedications

- G-1: Revise roadway dedication language to include dedication of the public utilities.
- G-2: Remove 17.30.070 (School Sites) from ordinance.

Other Issues

- H-1: Remove detailed submittal requirements from ordinance.
- H-2: Standardize the Subdivision Ordinance enforcement chapter with enforcement provisions elsewhere in the Municipal Code.
- H-3: Revise Section 17.15.140 to correctly reference the California Coordinate System.
- H-4: Revise definitions to be consistent with the Development Code and General Plan.
- H-5: Resolve conflicting and inconsistent definitions in the Development Code and Municipal Code.
- H-6: Remove standards and rules from the definition of terms.
- H-7: Consider revising the street naming policy to allow new street names without City Council approval.

**APPENDIX A:
EXISTING POLICIES RELEVANT TO SUBDIVISION ORDINANCE UPDATE**

GP = General Plan

DSP = Downtown Specific Plan

CAP = Climate Action Plan

CRP = Concord Reuse Project Area Plan

GENERAL DEVELOPMENT PATTERN

GP Policy LU-1.3.1: Encourage a variety of housing types on infill development sites.

GP Policy LU-9.2.2: Allow unique, diverse, and creative design solutions for infill development that are compatible with and enhance existing neighborhoods and shopping areas.

GP Policy LU-1.3.3: Support higher density and mixed use development in Downtown and near transit centers and corridors.

DSP Objective: Promote high quality infill development [Downtown] that successfully integrates new development with existing development.

DSP Objective: Provide a variety of living opportunities [Downtown] through a range of housing types and prices.

CRP Principle A — Character. Create a complete community [in the CRP area] that provides well-connected, pedestrian-oriented neighborhoods and districts with high quality urban design and convenient access to open spaces, daily necessities and regional transit.

HOUSING TYPES

GP Goal H-1: Promote a balanced supply of housing types, densities, and prices to meet the needs of all income groups residing or who wish to reside in Concord.

GP Policy H-1.2: Encourage a variety of housing types in new subdivisions, including duplexes, townhomes, small apartment buildings or condominiums.

GP Program H-1.3.1: Encourage the development of small lot subdivisions and continue to implement standards for small-lot single-family homes.

CRP Principle B — Housing Diversity. Provide a range of housing types, rental and ownership opportunities, and price levels [in the CRP area] that meet the needs of a diverse population.

STREETS

GP Policy T-1.1.3 Ensure that streets are designed to balance the needs of multiple travel modes, including vehicles, pedestrians, bicycles, and transit.

GP Policy T-1.1.14: Enhance the visual quality of public space through the design and landscaping of streets, and the control of visual and functional aspects of abutting improvements.

DSP Objective: Develop a green street framework of pedestrian friendly streets to promote healthy, active lifestyles.

DSP Objective: Design and construct streets that integrate walking, biking, transit use and green infrastructure.

DSP STRATEGY: Enhance the streetscapes on key streets that link major open spaces and destinations throughout the downtown.

CRP Complete Streets Standards. Standards for Through, Collector, and Local Streets.

PEDESTRIAN FACILITIES

GP Policy T-1.5.1: Develop pedestrian linkages to minimize walking distance and enhance pedestrian circulation throughout the City.

GP Policy T-1.5.4: Encourage new development to provide pedestrian connections to adjacent open spaces and trails.

DSP GOAL C-3: Quality pedestrian facilities and amenities that create a safe and aesthetically pleasing environment that encourages walking and accommodates increased pedestrian activity.

CRP Standard CF-18. All public sidewalks and parking lots [in the CRP area] shall receive at least 50 percent shade coverage when outdoor landscaping is mature.

CRP Standard CF-11. Provide an integrated trail and street network [in the CRP area] that connects key destinations within Development Districts, open spaces, and surrounding neighborhoods;

BICYCLE CIRCULATION

GP Policy T-1.6.1: Implement strategies and actions for enhanced bicycle circulation throughout the City.

GP Policy T-1.6.2: Require provision of bicycle facilities in new developments, where appropriate.

DSP GOAL C-4: A [Downtown] bicycle network with safe and efficient connections to major destinations within the Plan Area and throughout the City of Concord and adjacent communities.

CAP TL5. Bike parking installations. Require bike parking facilities for all multi-family projects and non-residential uses.

CRP Bicycle Network. Standards for Class 1, Class II, and Class III bicycle facilities with CRP area.

ENERGY CONSERVATION AND RENEWABLE ENERGY

GP Policy LU-9.1.6: Establish standards for new development and additions to existing development to incorporate green building measures.

CAP BE1. Green Building Ordinance. Implement the Tier I CALGreen Reach Code for building energy efficiency according to the following schedule:

CAP BE2: Prepare for California Zero Net Energy Standards. Prepare for and implement Zero Net Energy Standards to be developed by the State of California by 2020.

GP Policy H-5.1: Encourage the incorporation of energy and water conservation design features in existing and future residential developments to conserve resources, reduce greenhouse gas emissions, and reduce housing costs.

CRP Standard CF-15. Maximize solar exposure and penetration of summer winds by designing the street network so that the longest face of each block is oriented between +20 and +40 degrees from due south, measured clockwise.

CRP Standard CF -17. All buildings [in the CRA area] shall exceed Title 24 energy standards by at least 30 percent.

CRP Standard CF -16. Require that all south, southwest, and southeast facing rooftops [in the CRA area] receive unobstructed access to the sky at a +22 degree angle, measured counterclockwise from due south.

NATURAL RESOURCES, GENERAL

GP GOAL POS-3: WELL-PLANNED NATURAL RESOURCE CONSERVATION (creeks, riparian corridors, surface waters, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, significant vegetation)

WATER CONSERVATION

Policy PF-1.1.2: Encourage water conservation through City programs and cooperation with the CCWD.

BH1 Water Efficient Indoor Fixtures and Appliances. ... contin[ue] to ensure implementation of the CALGreen code.

CAP BH2 Water-Efficient Outdoor Irrigation. Minimize water used to irrigate outdoor areas through application of the Development Code and promotion of expanded water-efficiency opportunities.

CAP BH3 Water-Metering and Monitoring. Incorporate best-in-class water use metering and monitoring for all new commercial and multi-family development.

PARKS, TRAILS, AND RECREATIONAL FACILITIES

GP Principle LU-10.1: Create Attractive, Inviting Public Spaces and Streets that Enhance the Image and Character of the City.

GP Policy POS-1.1.1: Acquire and develop additional neighborhood and community parks to serve existing and future needs, working toward a goal of 6 acres of park land per 1,000 residents.

GP Policy POS-1.1.2: Ensure that new residential development provides for a substantial share of the 6 acre per 1,000 resident goal cited above. New residential development shall be required to dedicate on-site parkland or pay an in-lieu fee for park acquisition. The dedication and/or fee requirement shall be based on a standard of 5 acres per 1,000 residents, consistent with the Quimby Act.

GP Policy POS-1.1.3: Provide a variety of recreation spaces and facilities to serve the needs of the community.

GP Policy POS-1.1.6: Pursue the development of park and recreation facilities within reasonable walking distance of all residences.

GP Policy LU-1.1.3: Ensure that the scale, operation, location, and other characteristics of community facilities, including parks, schools, childcare facilities, religious institutions, and other public and quasi-public facilities, enhance the character and quality of neighborhoods.

GP Policy POS-1.2.2: Work with proposed development projects to provide new linkages to existing trails and create new trails where feasible.

GP Policy POS-2.1.3: Utilize the Trails Master Plan and Map to develop connections between open space areas.

FRONTAGE IMPROVEMENTS

GP Policy LU-10.1.2: Require new development to provide and maintain right-of-way improvements along project frontages such as landscaping, street trees, and other amenities that enhance the streetscape appearance.

LOT STANDARDS

Policy T-1.1.6: Require all new development to locate structures to accommodate ultimate street widths and required setbacks.

Policy T-1.1.7: Require all new development to provide adequate right-of-way and to construct ultimate on and off-site improvements.

UTILITIES

GP Policy PF-1.1.3: Coordinate with the San Francisco Bay Regional Water Quality Control Board to provide for the implementation of Storm Water Management Programs intended to protect receiving water sources from pollutants.

GP Policy PF-1.2.2: Reduce the need for sewer system improvements by requiring new development to incorporate water conservation measures.

GP Policy PF-1.3.1: Require new development to provide any needed storm drains that are not part of the City's master storm drain system and to incorporate features into site improvement plans to minimize surface runoff.

GP Policy PF-1.3.5: Ensure that new development contributes needed drainage improvements in proportion to a project's impacts, to assure an equitable distribution of costs to construct and maintain the City's master storm drainage system.

CAP BH4 Recycled Water. Extend CRP recycled water system to the rest of the City for appropriate use in outdoor places and in buildings, and plan ahead for future expansion of the system.

CONDOMINIUMS

GP Program H-1.4.1: Encourage duplex condominiums, where consistent with the General Plan density standards, to increase opportunities for home ownership.

GP Policy H-1.7: Promote the development of new condominiums and cooperatives.

GP Program H-1.7.1: Ensure that condominiums and cooperatives continue to meet high standards of quality while providing for entry level rental and ownership housing by approving density bonuses in accordance with the City ordinance.

GP Program H-1.7.2: Implement the Condominium Conversion Ordinance to limit the number of rental housing stock converted into condominiums each year.

SUBDIVISION APPROVAL PROCESS

GP Program H-1.7.2: Implement the Condominium Conversion Ordinance to limit the number of rental housing stock converted into condominiums each year.

OTHER

Policy LU-1.1.9: Preserve visible hillsides and open space areas through techniques such as cluster development or density transfers.

Principle LU-1.4: Protect the Unique Character of Rural Residential Areas Throughout the City.