



## SB 9 Eligibility Determination Request and Submittal Checklist

Parts I, II and III of this form shall be completed and submitted to determine a project's eligibility under Senate Bill 9 (SB 9). SB 9 creates a streamlined ministerial approval process for certain housing and/or lot split projects under Government Code Sections 66452.6, 65852.21, and 66411.7. After receiving a determination of eligibility, applicants may proceed with formal approval of a lot split and/or building permit(s) utilizing the submittal checklists in Parts IV and V, with supporting documentation as necessary.

### PART I. APPLICANT AND OWNER INFORMATION

APPLICANT CONTACT INFORMATION	PROPERTY OWNER'S CONTACT INFORMATION
NAME/COMPANY: _____	NAME/COMPANY: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE: _____ ZIP: _____	CITY, STATE: _____ ZIP: _____
BUSINESS PHONE: _____ CELL: _____	BUSINESS PHONE: _____ CELL: _____
FAX: _____ EMAIL: _____	FAX: _____ EMAIL: _____

Agent Authorization Note: If the Applicant is not the Property Owner, the Property Owner **must** sign below to authorize the Applicant as their official representative.

I, \_\_\_\_\_, as Owner of the property listed in Section II.C below, authorize the Applicant listed above to represent me for this Project and in all matters relating to this Determination Request. I have read this Determination Request and I agree with its contents.

\_\_\_\_\_  
Property Owner's Signature<sup>1</sup>

\_\_\_\_\_  
Date

#### Applicant's Acknowledgement

I, \_\_\_\_\_, as Applicant for this Project under SB 9, certify under penalty of perjury that the information included in this document and all attached materials is true and complete to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

<sup>1</sup> If the property is owned by more than one Owner, all Owners shall execute this authorization. Provide additional pages as necessary.

**PART II. ELIGIBILITY**

**A. SB9 Project Type** (check one box only and complete table(s) indicated)

- Housing development without lot split. **Complete Table 1 only.**
- Housing development with lot split. **Complete Tables 2 and 3.**
- Lot split (subdivision) with no new units. **Complete Table 3 only.**

**Table 1: Unit Count (Without Lot Split)**

Existing Units (including ADUs)		New Units		Total Units Upon Project Completion
To Remain	To Be Demolished	Single-Family Detached	Attached <sup>2</sup>	

**Table 2: Unit Count (With Lot Split)**

	Existing Units		New Units		Total Units Upon Project Completion
	To Remain	To Be Demo- lished	Single- Family Detached	Attached <sup>2</sup>	
Lot #1 (front/left)					
Lot #2 (rear/right)					

**Table 3: Proposed Lot Areas**

	Lot Area (Sq. Ft.)	% of Original Lot Area
Lot #1 (front/left)		
Lot #2 (rear/right)		

**B. Project Description.** Provide additional information not included in the tables above, including the location, square footage, number of stories, and number of bedrooms of proposed unit(s).

<sup>2</sup> Attached in this context means a new duplex, or adding a new unit to an existing residential structure.

**C. General Site Information.**

Address:
Parcel Number(s): <i>(Use this format: ###-###-###)</i>
Existing Parcel Area (Sq. Ft.): <i>(Do not include public right-of-way)</i>
General Plan Designation:
Zoning District: <i>(Only RS and RR districts are eligible)</i>

**D. Existing Site Conditions.** Describe the existing property including the existing number of units and square footage, any existing Accessory Dwelling Units (ADU) or junior ADUs, accessory structures and square footage, easements, utility lines such as sewer and water line, average slope, protected trees (see Concord Development Code Section 18.310.020) and any other notable features of the property.

**E. Eligibility Checklist.** Please answer each question below to confirm eligibility (**Yes, No, Don't know, or N/A**):

**All SB9 projects:**

1. Is the property zoned single-family residential? (Click [here](#) to look up zoning. Zoning district must have an "RS" or "RR" prefix.)  
 Yes  No  Don't know.  N/A
2. Is the Project located on a site that is any of the following (as defined in Gov. Code Section 65913.4(a)(6)(B)-(K):
  - a. Wetlands?<sup>3</sup>  
 Yes  No  Don't know.  N/A

<sup>3</sup> According to the [United States Fish and Wildlife Service Manual, Part 660 FW 2](#) (June 21, 1993), "wetlands" are defined as "lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands); (2) the substrate is predominantly undrained hydric (wetland) soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

- b. A hazardous waste site as designated by a State regulatory agency? (*Click [here](#) to look up.*)  
 Yes  No  Don't know.  N/A
- c. Within a delineated earthquake fault zone? (*Click [here](#) to look up.*)  
 Yes  No  Don't know.  N/A
- d. Within a special flood hazard area? (*Click [here](#) to look up.*)  
 Yes  No  Don't know.  N/A
- e. Within a regulatory floodway? (*Click [here](#) to look up.*)  
 Yes  No  Don't know.  N/A
- f. Land identified for conservation in an adopted natural community conservation plan?  
 Yes  No  Don't know.  N/A
- g. Habitat for protected species identified by state or federal agencies?  
 Yes  No  Don't know.  N/A
- h. Land under conservation easement?  
 Yes  No  Don't know.  N/A
3. Will the Project require demolition or alteration of:
- a. Affordable housing (subject to a recorded covenant, ordinance, or law restricting rents to moderate, low, or very-low income persons and families)?  
 Yes  No  Don't know.  N/A
- b. Rent-controlled housing?  
 Yes  No  Don't know.  N/A
- c. Housing that has been occupied by a tenant in the last three years?  
 Yes  No  Don't know.  N/A
4. Is the Project located on a parcel on which an owner has exercised rights under Government Code 7060 (the Ellis Act) to withdraw housing from rent or lease within the last 15 years?  
 Yes  No  Don't know.  N/A
5. Is the Project located on a property included on the State Historic Resources Inventory or within a site that is designated or listed as a City or County landmark or historic property or district pursuant to a City or County ordinance?  
 Yes  No  Don't know.  N/A
6. Does the Project conflict with any applicable objective zoning, subdivision, or design standards in the [Concord Municipal Code](#)?  
 Yes  No  Don't know.  N/A
- a. If yes, would imposition of such standard(s) preclude one or both units from being at least 800 square feet in floor area?  
 Yes  No  Don't know.  N/A

- b. If yes, identify which standard(s) would preclude the unit(s), how this would occur, and how the project has been designed to maximize compliance with the precluding standard(s). Attach additional page(s) as necessary.

7. Will the Project provide less than one parking space for each new unit?

Yes  No  Don't know.  N/A

- a. If so, is the Project located *more than* one-half (0.5) mile from a BART station<sup>4</sup>, or *more than* one block from a car share vehicle? (*If using car share vehicle provision, provide documentation.*)

Yes  No  Don't know.  N/A

8. Will any unit or units created pursuant to SB9 be used as a short term rental (i.e., allowing stays for less than 30 days, such as AirBnB)?

Yes  No  Don't know.  N/A

**All Projects Creating New Units:**

1. Will the Project result in more than two new units per lot? (*Any new lots created under SB9 should be counted separately.*)

Yes  No  Don't know.  N/A

2. Will the Project require demolition of more than 25 percent of the existing exterior structural walls?

Yes  No  Don't know.  N/A

- a. If so, has the existing unit been occupied by a tenant within the last 3 years?

Yes  No  Don't know.  N/A

<sup>4</sup> SB 9 also waives parking requirements for sites within one-half mile from either a "high-quality transit corridor" as defined in Public Resources Code (PRC), or a "major transit stop" as defined in PRC Section 21064.3. These definitions require a minimum of two bus routes with service intervals no longer than 15 minutes during peak commute hours. As of November 2022, there are no transit corridors or stops in Concord that provide this level of service. Applicants who believe they qualify for a parking waiver based on these definitions should contact staff for further discussion.

**All Projects With Lot Splits:**

Note: Applicants for lot splits must submit items in Part IV upon receiving a determination of eligibility.

1. Will the Project result in the creation of more than two parcels or more than two units on each parcel (including existing residential units and ADUs)?  
 Yes  No  Don't know.  N/A
2. Will either of the resulting parcels be smaller than 1,200 square feet?  
 Yes  No  Don't know.  N/A
3. Will either of the resulting parcels be smaller than 40% of the area of the original parcel?  
 Yes  No  Don't know.  N/A
4. Has the property been the subject of a previous ministerial urban lot split application under SB 9 (Gov. Code section 66411.7)?  
 Yes  No  Don't know.  N/A
5. Has the owner of the property or anyone acting in concert with the owner<sup>5</sup> subdivided an adjacent parcel under the ministerial urban lot split allowed by SB 9 (Gov. Code section 66411.7)?  
 Yes  No  Don't know.  N/A
6. Does the Project conflict with any applicable objective requirement of the Subdivision Map Act (Gov. Code section 66411 et seq.)?  
 Yes  No  Don't know.  N/A

### **PART III: ELIGIBILITY DETERMINATION REQUEST SUBMITTAL REQUIREMENTS**

All Eligibility Determination Requests shall provide the following items, at minimum. Additional items may be required for special circumstances. Applicants are encouraged to speak with Planning Division staff in advance of filing in order to review requirements.

- Filing Fee (Deposit).** The City charges hourly for staff time spent reviewing this request, and a deposit toward these charges is required. Until July 2023, the deposit amount is \$3,000 and the hourly charge is \$238.<sup>6</sup> Any deposit funds not used will be refunded, and an additional deposit will be required if the initial deposit is depleted prior to completion of the review.
- Trust Account Agreement.** See attached. This agreement is required for all deposit-based projects.
- Site Plan.** Drawn at common engineering or architectural scale (such as 1"= 20' or 1/8"=1') with scale noted, a graphic bar scale, and north arrow. The site plan information should be based on a survey prepared by a licensed surveyor and include the following:
  - Dimensioned existing (and proposed) property lines with lengths noted in feet.

<sup>5</sup> "Acting in concert" may generally mean a person that has common ownership of the subject parcel with the owner of the adjacent parcel, or a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel divided.

<sup>6</sup> To determine fees beginning July 2023, please see the City's current [Master Fee Schedule](#), items 32.3, 46.1.1, and 13.2.

- Dimensions of setbacks between existing and proposed building(s) and structures(s) from the property lines, and between other buildings and structures.
- Location and dimensions of all existing and proposed building(s) and structure(s). Differentiate proposed changes with cross-hatching/shading or other notation. Clearly identify all existing and proposed structures such as fencing, walls, all building features including decks and porches, all accessory structures including garages, carports, and sheds. Label all structures and indicate the structures to remain and the structures to be removed.
- Required setbacks for the applicable zoning district (front, side, rear, and corner side).
- Location of abutting streets. Dimensions and locations of any proposed or existing curb cuts, sidewalks, driveways, and parking areas.
- Dimensions between driveways on subject and adjacent properties.
- Existing and proposed parking areas, including dimensions. [Per CMC 18.160.](#)
- Table with the following information:
  - Total lot area in square feet.
  - Total square footage of primary structure and attached garage.
  - Total square footage of existing accessory structures and buildings including: accessory dwelling units, covered porches, sheds, carports, trellises, etc. (Uncovered decks and accessory structures that meet all of the following are not included in this calculation: (a) less than six feet in height; (b) less than 120 square feet in size; (c) are not on a permanent foundation; and (d) do not require a building permit.)
  - Total square footage of proposed additions or alterations (if attached unit is proposed).
  - Lot coverage including existing buildings, proposed additions, and accessory structures. Calculation shall include eaves/roof overhang. Include square footage and percent lot coverage. (Lot coverage = Existing sq. footage + Proposed sq. footage ÷ Net lot area)
- Location and dimensions of any recorded or proposed easement, such as easements for access, storm drains, sewer, water lines, and other public rights of way
- Location of all natural features such as creeks, waterways, ponds, drainage swales, wetlands, etc.
- Driveway and access details and dimensions.
- Front yard landscaping calculation (for all parcels). Calculate the percentage of the front area (area between front wall of structure and front property line) devoted to landscaping (unpaved).

#### **PART IV: LOT SPLIT SUBMITTAL REQUIREMENTS**

Projects that include a lot split under SB 9 must apply for an SB 9 Lot Split Permit prior to submitting for a Building Permit (Part V). Applications shall be submitted online using the Engineering portal of the [Virtual Permit Center](#) (click [here](#) for instructions). When submitting your application, please select "Subdivision Map" for the Record Type (see step 6 of the instructions in the preceding link). The following items are required for a Lot Split Permit application unless otherwise indicated by the Engineering Division.

- Filing Fee.** See Fees and Charges Resolution for current year.
- Deed Restriction(s).** See attached. Must be recorded on both new parcels concurrently with the final map, prohibiting short term rentals, non-residential uses, and further subdivision under SB 9.

- Affidavit.** See attached. Property owner must sign and record affidavit regarding owner occupancy and other SB 9 requirements.
- Property Survey.** Prepared by licensed surveyor.
- Title Report.** Prepared within the past three months.
- Arborist Report.** Prepared by an ISA Certified Arborist for the removal or disturbance of any Protected Tree on the site or on an adjacent property, which could be impacted by the proposed development. The report should describe the condition of all Protected trees to be removed/disturbed and a statement of specific reasons for the proposed removal. (City of Concord 2012 Development Code, Article VI, Division 3 Tree Preservation and Protection).
- Parcel Map.** The Tentative Parcel Map shall be prepared by or under the direction of a registered Civil Engineer or licensed land surveyor, drawn at 1"= 20' scale, with scale noted, a graphic bar scale, and north arrow. The map shall include the following:
  - Vicinity map showing north arrow, location and boundary of the lot split, major cross streets and the existing street pattern in the vicinity.
  - Project name, names and addresses of the applicant, all property owners of record; and the civil engineer or surveyor including their registration or license number.
  - Table with the following information:
    - Size of property including gross & net lot area (square feet and acres).
    - Floor area for each unit type, the number of bedrooms, the number of units by type, the number of units per building, the total number of units, and net density.
    - Percent lot coverage, percent of net lot area covered by buildings (total ground floor area of all buildings divided by net lot area).
    - Percentage of net lot area devoted landscaping, common open space and private useable open space.
    - Statement if the property is subject to inundation.
    - Sewage disposal; source of water supply.
    - Statement setting forth the intended land use of the parcels.
    - Assessor's Parcel numbers.
  - Existing and proposed property lines with dimensions, bearings, radii and arc lengths, easements, and net & gross lot area for existing and proposed parcels. Benchmark based on U.S.C. & G.S. datum, 1929 (City of Concord is on the same datum as U.S.C. & G.S.1929).
  - Location and dimensions of all existing and proposed structures extending 50 feet beyond the property. If adjacent to a street, show the entire width of street to the next property line, including driveways. Clearly identify all existing and proposed structures such as fencing, walls, all building features including decks and porches, all accessory structures including garages and sheds, mailboxes, and trash enclosures. Label all structures and indicate the structures to remain and the structures to be removed.
  - Dimensions for setbacks from property lines and between structures.



- Location, dimension and purpose (i.e. water, sewer, access, etc.) of all easements including sufficient recording data to identify the conveyance (book and page of official records).
- Location and dimensions for all adjacent streets (public and private) and proposed streets showing both sides of streets, street names, street width, striping, centerlines, centerline radii of all curves, median and landscape strips, bike lanes, pedestrian ways, trails, bridges, curb, gutters, sidewalks, driveways, and edge of right-of-way including any proposed or required right-of-way dedication. Show all existing and proposed improvements including traffic signal poles and traffic signs. Show line of sight for all intersections and driveways based on current City of Concord standards, and corner setback lines based on City of Concord Standard Plan S-36.
- Existing topography and proposed grading extending 50 feet beyond the property at 2 foot contour intervals for slopes up to 5% and under 5 feet in height; and contour intervals of 5 feet for slopes over 5% or greater than 5 feet in height. Include spot elevations, pad elevations, percent slope and show all retaining walls with TOW/BOW elevations.
- Preliminary drainage information showing spot elevations, pad elevations, existing catch basins, and direction of proposed drainage, including approximate street grade and existing and proposed storm drain locations.
- Location and dimensions of existing and proposed utilities including water supply system, sanitary sewers and laterals, drainage facilities, wells, septic tanks, underground and overhead electrical lines, utility poles, aboveground utility vaults and meters, transformers, electroliers, street lights, lighting fixtures, underground irrigation and drainage lines, backflow prevention and reduced pressure devices, traffic signal poles, underground conduit for signals and interconnect, and traffic signal pull boxes, signal cabinets, service cabinets, and other related facilities.
- Location and dimensions of parking spaces, back up, loading areas, and circulation patterns.
- Survey of all existing trees on the site and adjacent to the site with a trunk diameter of 4" or greater, indicating species, size (circumference or diameter noted) measured at 4-1/2' above grade, base elevation, and accurate trunk locations and drip lines. Identify all [protected trees](#) (trees over 72 in. in circumference measured 4-1/2 feet above natural grade, multi-stemmed trees with one stem of at least 24 inches in circumference).
- Location of all natural features such as creeks, ponds, drainage swales, wetlands, etc., extending 50 feet beyond the property line to show the relationship with the proposed development.
- Approximate location of areas subject to inundation or storm water overflow, and all areas covered by watercourses.
- If any parcel is within a FEMA defined 100-year floodplain or floodway:
  - Identify the floodplain or floodway on all plan sheets depicting the existing and proposed site, with the base flood elevation (BFE) and flood zone type clearly labeled. In addition, show the existing site topography and finish floor elevations for all existing and proposed structures. If FEMA has not defined a BFE, a site specific

- hydraulic analysis will be required to determine the BFE prior to deeming the application complete (CMC Sec. 34-32.b2).
- Flood zone boundaries and floodwater surface elevation. If the property proposed to be developed is within or adjacent to the 100 year flood zone (Zone A) or the National Flood Insurance Program, Flood Insurance Rate Map, the extent of Zone A shall be clearly drawn on the tentative map and the 100 year flood water surface elevation shall be shown. The map shall show the approximate location of the Floodway Boundary as shown on the latest edition of the "Flood Boundary and Floodway Map" published by the Federal Emergency Management Agency.
  - Engineered Cross-Sections.** A minimum of two cross-sections drawn with an exaggerated vertical scale, with scale noted, through critical portions of the site extending beyond the property line to the opposite curb line of adjacent streets or to a minimum of 50 feet onto adjacent properties. Sections shall include existing topography, final grades, existing and proposed structures, fences, walls, property lines, easements, dedications, curb, gutter and sidewalks. Section locations shall be identified on the Parcel Map.
  - Stormwater Control Plan.** See Stormwater Control Plan Application Checklist. All Stormwater Plans shall be coordinated and consistent with all Site, Grading, Utility, and Landscape Plans. If the project creates or replaces more than 10,000 sq. ft. of impervious area, a Stormwater Control Plan is required. Provide the following information to determine if the project meets this threshold.
    - Provide the project data table to the site plan, indicating the amount of impervious and pervious surface area existing, created or replaced. Table 2-1, page 13 of the Stormwater C.3 Guidebook.
    - If the project create or replace more than 2,500 square feet of impervious surface, then comply with the small land development project, Appendix C of the Stormwater C.3 Guidebook 7th edition: [http://www.cccleanwater.org/wp-content/uploads/2013/01/Stormwater\\_C3\\_Guidebook\\_7th\\_Edition\\_2017-05-12.pdf](http://www.cccleanwater.org/wp-content/uploads/2013/01/Stormwater_C3_Guidebook_7th_Edition_2017-05-12.pdf)
  - True Cross-Sections.** A minimum of two cross-sections (more as needed to showing varying site conditions), drawn at 1:1 scale (same scale used for both vertical and horizontal axis), at 1"=20' scale, with scale noted, and a graphic bar scale through critical portions of the site extending 50 feet beyond the property line onto adjacent properties or to the property lines on the opposite side of adjacent streets. Sections shall include existing topography, final grades, location and height of existing and proposed structures, fences, walls, roadways, parking areas, landscaping, trees, and property lines. Section locations shall be identified on the Parcel Map.
  - Photos.** Several photos of the project site and surrounding area with the location noted.

## **PART V. BUILDING PERMIT SUBMITTAL REQUIREMENTS**

Projects that create a new unit or units under SB 9 must apply for a Building Permit via the [Virtual Permit Center](#) (click [here](#) for instructions). If the project also involves a lot split, the Lot Split Permit application must be filed first (see Part III above). The following items are required for a Building Permit application unless otherwise indicated by the Building and Planning Divisions.

- Filing Fee.** See Fees and Charges Resolution for current year.
- Deed Restriction(s).** See attached. Must be recorded on the existing parcel prohibiting short-term rentals. If project also involves a lot split, use Deed Restriction for Lot Splits instead of this form.
- California Building Codes.** The project plans submitted shall comply with the Building Division's requirements and be prepared in conformance with currently adopted California Building Codes. E.g. structural, electrical, plumbing, and mechanical plans; Title 24; structural calculations; California Green checklist, etc.. Please use the following checklist as a reference for preparing your plans in conformance with these requirements: <http://www.cityofconcord.org/DocumentCenter/View/315/New-Buildings-and-Additions-PDF>
- Contra Costa County Fire Protection District (CCCFD) Approval.** Written verification that the project has been reviewed and approved by CCCFD.
- Title Sheet.** Including address, assessor's parcel number, project name, zoning, scope of work for the project; and table of contents listing all the plan sheets with content, page numbers, and date prepared.
- Site Plan.** See Part III above for detailed requirements.
- Building Elevations (Existing and Proposed):** Plans shall be drawn at a common architectural scale (such as 1/8" = 1' or 1/4"=1'); dimensioned vertically and horizontally in feet and inches. Elevations shall be labeled and should not include superimposed landscaping and trees that hide the buildings. The plans shall include:
  - Fully dimensioned elevations for buildings identifying materials, details, and features.
  - Include all sides of buildings or structures proposed for modification.
  - Vertical distance measured between highest point of roof or parapet wall and the existing finished grade directly beneath on all elevations.
  - Materials and colors of exterior surfaces and features including siding, window, and door detail, trim, roof materials, wainscoting, etc.
  - Location and type of building mounted exterior lighting. Include a cut sheet of the proposed fixture. All exterior light fixtures shall be compliant with objective standards contained in CMC 18.150.110.
  - Photos showing existing building elevations (as a supplement to building elevations, or in-lieu of drawn elevations, as determined by the plan reviewer.)
  - If any demolition of existing exterior structural walls is proposed, provide existing elevations showing the portions to be demolished with shading, hatching or other appropriate symbol.
- Floor Plans (existing and proposed).** Plans shall be drawn by a licensed Architect at 1/8" = 1' or larger scale.

- Label use of rooms, including bedrooms and garage, and show dimensions and size in square feet.
- Indicate stairways, doorways, windows, closets, patios, porches, decks, etc.
- Differentiate existing and new features such as doors, walls, and windows on proposed floor plans.
- Show exterior dimensions of rooms including garages, garage door openings, and attached structures.
- (If applicable) Proposed demolition plan with wall legend noting exterior structural walls to remain and exterior structural walls to be demolished, and table listing total lineal feet of exterior structural walls, lineal feet of exterior structural walls to be demolished, and percentage of existing exterior structural walls demolished.
  
- Roof Plan.** Plan shall be drawn by a licensed Architect at 1/8"= 1' or larger scale. The plan shall include property lines, outline of building footprint, ridgelines, valleys, downspouts location, flat roof areas, dimensions of eave overhangs, and roof pitch. Plans shall show existing roof forms and roof forms to be added or changed.
  
- Fence and Wall Plan.** Drawn at 1"=20' scale showing the location, height and type of all fences and walls.
  
- Landscape Plans.** Plans shall be drawn to a common engineering or architectural scale (such as 1"= 20' or 1/8"=1') with scale noted. The plan shall incorporate the proposed Grading and Utility Plan, showing the location of existing and proposed utility lines and utility structures screened back but legible, and shall include the following:
  - Final planting plan and plant list for all trees, shrubs, groundcovers, turf, mulches, and other surfacing materials. The plan shall include a legend showing symbols for all plant materials (and/or materials called out on the plan), with both Latin and common name, including size, spacing, total quantities, ultimate height, and spread of materials. Trees shall be a minimum of 24 gallon size and shrubs a minimum of 5 gallon size. Accent or sub-shrubs may be 1-gallon in size. Larger trees may be required depending on project location, size, or other conditions.
  - If installing between 500 and 2,500 square feet of landscaping, the project shall comply with applicable requirements of the [State Model Water Efficient Landscape Ordinance](#).
  
- Environmental Water Features.** A site map showing any stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
  
- Waste Water. A separate sewer connection from the proposed unit to the public sewer line will be required.** For residential units connected to an onsite wastewater treatment system (e.g., septic tank): Properties less than 200 feet away from a public sewer line are required to make a connection to the public sewer. If more than 200 feet away, the applicant must (a) submit a percolation test completed within the last 5 years, or a recertified percolation test completed within the last 10 years; and (b) coordinate with Contra Costa County Environmental Health.
  
- Geotechnical/Soil Report.** A geotechnical/soils report will be required when any of the following conditions apply:

- Construction of a new home
  - The site slope exceeds 1V:3H per CBC provisions
  - The engineer or architect incorporates allowable design values higher than that associated with the allowable design values corresponding to Class of Materials Item 5 of CBC Table 1806.2.
  - The site is located within an Alquist-Priolo Special Studies Zone.
  - The site has a history of soil related problems (e.g., creep, settlement, lateral spreading, expansive soil, etc.)
- A soils compaction report by a licensed engineer shall be provided if an existing structure or portion of an existing structure is demolished in order to build, rebuild, or add to a structure. A pad certification is required for all new homes.
- Stormwater Control Plan.** See Part IV above for detailed requirements.

**CITY OF CONCORD  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
TRUST ACCOUNT AGREEMENT**

The City of Concord (“City”) provides applicants with the ability to deposit funds into a “Trust Account” to pay for future fees and charges for development review projects, including but not limited to plan review, inspection, attending meetings/public meetings, or any applicable permit administrative fees, refundable security deposits, etc., incurred by or from any Community and Economic Development (CED) department division process or staff time in connection with an application for a development project within the City of Concord.

The purpose of this agreement is to set forth the parties’ understanding the rules and requirements governing the establishment and maintenance of a Trust Account, the ownership of Trust Account funds, and the use of Trust Account funds.

1. Trust Account funds are owned by the designated Trust Account Owner, as specified below. Deposits to a Trust Account can be made by any entity, but the funds become the property of the Trust Account Owner immediately upon receipt of City.
2. Trust Account Owner acknowledges that charges and fees incurred in processing the development application will be based on current City Council approved fee schedules (pursuant to the City’s Master Fees and Charges Schedule as set forth in Resolution 78-6042, as amended from time to time) and that the initial deposit is a retainer and not a fee. Trust Account Owner gives City permission to use the Trust Account funds to pay and to reimburse City for any fees and charges incurred in connection with the associated project from the designated Trust Account.
3. Separate Trust Accounts must be established for separate projects, and a separate Trust Account Agreement is required for each project/Trust Account. A Trust Account may be associated with only one project or with multiple permits if the account is established to be used for Building permits or Wide Load permits. All fees and charges associated with the designated project/permit(s) will be paid from the Trust Account.
4. City may not use Trust Account funds for any other purpose other than to pay the fees and charges on the project specified below.
5. City may set a minimum deposit amount (“threshold”) for a Trust Account balance, depending on the project’s anticipated costs. Such deposit may be increased at the discretion of City depending on the activity of associated project(s). The Trust Account Owner is responsible for providing an additional deposit within twenty (20) days after notification by City of any need for additional funds.
6. City may elect to suspend work on the project or permit associated with an inadequately funded Trust Account until such time as the Trust Account is adequately replenished. No permits or revisions will be issued until all fees and charges have been paid for said permits or revisions.  
  
Any delay, suspension or cessation in processing the proposed project(s) or application caused by the Trust Account Owner’s failure to maintain adequate funds in the Trust Account shall be attributable to the Applicant for purposes of calculating timeframes under the applicable law for the Permit Streamlining Act (Govt. Code Sec. 65920 *et seq.*) and the California Environmental Quality Act (CEQA).
7. Trust Account Owner is responsible for monitoring its Trust Account activity and balances and is encouraged to check balances periodically with staff. Any objections, complaints or concerns of reimbursement payments from the Trust Account to City must be made within sixty (60) days after payment from the Trust Account.
8. City will deactivate a Trust Account and refund all remaining Trust Account funds upon written request only if all related obligations have been met. Such refunds may take up to four weeks to process. Unspent Trust Account funds will be refunded **only** to the Trust Account Owner

**CITY OF CONCORD  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
TRUST ACCOUNT AGREEMENT**

specified below at the address specified below (or as amended by a Trust Account Amendment Form.) The written request must include the Trust Account number or numbers to be deactivated and must be signed by the Trust Account Owner.

9. In addition to providing current contact information as set forth below, City requires an active email account to be associated with every Trust Account. City will make every effort to ensure that Trust Account activity is communicated on a regular basis, and will provide this information via email. This email address will be used for no other purpose other than to communicate with the Trust Account Owner as pertains to the Trust Account or related project/permit work.
10. It is the Trust Account Owner's responsibility to ensure that the contact information provided to City (including address, telephone number and email) is updated and current. Changes to associated projects, or address or telephone contact information, can be made by completing and submitting a Trust Account Amendment Form.

Trust Accounts are non-transferrable; therefore, no change can be made of the Trust Account Owner unless evidence of a legal change in the Trust Owner name, entity type, beneficiary/ies, and/or ownership of the Trust Account funds (as applicable) is provided to the City's satisfaction.

11. **INACTIVITY CLAUS:** City may, at its discretion, deactivate any Trust Account that has been inactive for a period of 12 months or more, and refund any unencumbered Trust Account funds to the Trust Account Owner at the address currently on file pursuant to this Trust Agreement or the most recent Trust Account Amendment. If such payment is returned as undeliverable, City will follow the publication process for unclaimed funds (Govt. Code Sec. 65920 *et seq.*) which may result in the Trust Account Owner forfeiting the amount in full.

If a Trust Account remains inactive (based on the last transaction date) and unclaimed for a period of four years, Trust Account Owner understands that the funds in the Trust Account may be forfeited. **It is the responsibility of the Trust Account Owner to ensure that a refund request is submitted in a timely fashion, and all contact information is kept current in order to avoid such forfeitures.**

12. The Trust Account Owner understands that receipt of the deposit by the City does not constitute an entitlement to commence work or discretionary approval of any project(s).
13. The validity, construction, and effect of this agreement and the Trust Account shall be governed by the laws of the State of California.

By signing below, I hereby acknowledge and agree to the above conditions and terms for the use of Trust Account(s), and certify that the information provided above is accurate to the best of my knowledge. I also further represent that I am duly authorized to sign and bind this agreement on behalf of the Applicant(s):

**TRUST ACCOUNT OWNER:**

Trust Account Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Trust Account Owner's Name (print): \_\_\_\_\_

**APPLICANT (if different from Trust Account Owner)**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name (print): \_\_\_\_\_

**FOR QUESTIONS REGARDING YOUR TRUST ACCOUNT, PLEASE CONTACT YOUR TRUST MANAGER (IDENTIFIED BELOW) AT: (925) 671-3107**

**CITY OF CONCORD  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
TRUST ACCOUNT AGREEMENT**

Trust Account Owner and Applicant (if different from Trust Account Owner) must complete the following information:

<b>TRUST ACCOUNT OWNER INFORMATION (please print legibly):</b>	
<b>Name:</b>	
<b>Street Address:</b>	
<b>City / State / Zip:</b>	/ /
<b>Phone Number:</b>	
<b>Cell Phone Number:</b>	
<b>Email (Required):</b>	

<b>APPLICANT INFORMATION if different from Trust Account Owner (please print legibly):</b>	
<b>Name:</b>	
<b>Street Address:</b>	
<b>City / State / Zip:</b>	/ /
<b>Phone Number:</b>	
<b>Cell Phone Number:</b>	
<b>Email (Required):</b>	

<b>Project (or Permit Numbers) to be Associated with this Trust Account:</b>	
<b>Permit Number</b>	<b>Name/Description</b>

*For City use only:*

Trust Account Number: \_\_\_\_\_

Initial Deposit: \_\_\_\_\_

CED Division: \_\_\_\_\_

Set up by: \_\_\_\_\_

Check Number: \_\_\_\_\_

Trust Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Minimum Threshold: \_\_\_\_\_

Extension: \_\_\_\_\_



**Recording Requested By:**  
City of Concord

**When Recorded Return**

**To:**  
City of Concord  
ATTN: City Clerk  
1950 Parkside Drive  
Concord, CA 94519

This document is recorded for the benefit of the City of Concord and is entitled to be recorded free of charge in accordance with Section 6103 of the Government Code.

Area Above Reserved for Recorder's Use

**OWNER AFFIDAVIT FOR LOT SPLIT**  
**PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66411.7**

My legal name is \_\_\_\_\_ ("Affiant") and I hereby declare and affirm the following:

1. I am the owner/co-owner of real property (the "Lot Split Property") located at:  
Address: \_\_\_\_\_  
APN: \_\_\_\_\_
2. The Lot Split Property is/will be held as (circle one): sole ownership, tenancy in common, joint tenancy, partnership, or community property.
3. The Lot Split Property has not been previously subdivided pursuant to California Government Code Section 66411.7.
4. Neither I, nor any other owner of the Lot Split Property, nor any person acting in concert with me or any other owner of the Lot Split Property, has previously subdivided any parcel adjacent to the Lot Split Property using an urban lot split pursuant to California Government Code Section 66411.7.
5. Pursuant to California Government Code Section 66411.7(g)(1), I intend to occupy a housing unit on the Lot Split Property as my principal residence for no less than three years beginning on \_\_\_\_\_ (the date of the City's approval of subdivision of the Lot Split Property) and ending on \_\_\_\_\_.
6. The proposed subdivision of the Lot Split Property does not require demolition or alteration of either of the following: (a) housing on a parcel or parcels for which an

owner has exercised their rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application; or (b) housing that has been occupied by a tenant in the last three years.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Affiant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

WARNING: TITLE 18, SECTION 101 OF THE U.S. CODE STATES THAT A PERSON IS GUILTY OF A FELONY FOR KNOWINGLY AND WILLINGLY MAKING FALSE OR FRAUDULENT STATEMENTS TO ANY DEPARTMENT OF THE UNITED STATES GOVERNMENT. A PERSON THAT MAKES FALSE OR FRAUDULENT STATEMENTS IS ALSO GUILTY OF PERJURY UNDER SECTION 118 OF THE CALIFORNIA PENAL CODE.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

) ss:

COUNTY OF CONTRA COSTA )

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, Notary Public,  
(insert name and title of the officer),

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

[This area for notary seal]

**Recording Requested By:**  
City of Concord

**When Recorded Return**

**To:**  
City of Concord  
ATTN: City Clerk  
1950 Parkside Drive  
Concord, CA 94519

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**DEED RESTRICTION**  
**PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66411.7**  
**(Projects With Lot Split)**

**WHEREAS**, the undersigned is/are the present owner or owners of record (collectively, "Property Owner") of certain real property located at \_\_\_\_\_ within the City of Concord, County of Contra Costa, State of California, (Assessor Parcel No. \_\_\_\_\_) and more particularly described in the attached legal description (Exhibit "A") ("Property"); and

**WHEREAS**, California Government Code Section 66411.7 ("G.C. 66411.7") allows ministerial approval of certain lot splits meeting specific statutory and local requirements; and

**WHEREAS**, G.C. 66411.7 prohibits further subdivision of the Property pursuant to G.C. 66411.7, limits the uses of the Property to residential uses, and requires that rental of any dwelling unit created pursuant to G.C. 66411.7 be for a term longer than 30 days; and

**WHEREAS**, the Property Owner understands that the Property is therefore subject to these requirements and knowingly and willingly agrees to recordation of this Deed Restriction; and

**NOW THEREFORE**, in consideration of the benefits received by the Property Owner under G.C. 66411.7, Property Owner hereby agrees to the following restrictions on the Property:

1. No further SB 9 subdivision. The SB 9 Property shall not be subdivided further under SB 9.
2. Residential uses only. The SB 9 Property shall only contain residential uses.

3. Short-term rental prohibited. Rental of any dwelling unit created pursuant to G.C. 66411.7 shall be for a term longer than 30 days.
4. Enforcement. Any violation of this Deed Restriction may result in the imposition of fines, fees, penalties and/or other enforcement action allowed at law or in equity by the City of Concord Municipal Code and State of California law.
5. Binding on heirs, assigns, and transferees. This Deed Restriction runs with the land and is binding on all heirs, assigns, and transferees.
6. Severability. If any one or more of the provisions contained in this Deed Restriction shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such provision(s) shall be deemed severable from the remaining provision(s) contained in this restriction, and this Deed Restriction shall be construed as if such invalid, illegal, or unenforceable item had never been contained herein.
7. No Waiver. No delay or omission in the exercise of any right or remedy of City of Concord (City) upon any default by Property Owner shall impair such right or remedy or be construed as a waiver. The City's failure to insist in any one or more instance upon the strict observance of the terms of this Deed Restriction shall not be considered a waiver of the City's right thereafter to enforce the provisions of this Deed Restriction. The City shall not waive its rights to enforce any provision of this Deed Restriction unless it does so in writing, signed by an authorized agent of the City
8. Amendments in Writing. This Deed Restriction may not be amended except by a written agreement executed by City and Property Owner.
9. Recordation. This Deed Restriction shall be executed by the Property Owner and by the City and shall be recorded by the Property Owner in the Office of the Recorder for the County of Contra Costa within ten (10) days of the date of execution.

IN WITNESS WHEREOF, Property Owner and City have executed this Deed Restriction as of

\_\_\_\_\_.

**OWNER**

**CITY OF CONCORD**, a municipal corporation

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Valerie Barone City Manager

\_\_\_\_\_  
Print or Type Name

**APPROVED AS TO FORM:**

**TERMS AND CONDITIONS HAVE  
BEEN REVIEWED AND APPROVAL  
RECOMMENDED:**

\_\_\_\_\_  
Susanne Brown, City Attorney

\_\_\_\_\_  
Mindy Gentry, Planning Manager

**NOTARY ACKNOWLEDGEMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

) ss:

COUNTY OF CONTRA COSTA )

On \_\_\_\_\_, 20\_\_ before me, \_\_\_\_\_, Notary Public,  
(insert name and title of the officer),

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_

[This area for notary seal]

**Recording Requested By:**  
City of Concord

**When Recorded Return**

**To:**  
City of Concord  
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Concord, CA 94519

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**DEED RESTRICTION**  
**PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65852.21**  
**(Projects With New Unit(s) and No Lot Split)**

**WHEREAS**, the undersigned is/are the present owner or owners of record (collectively, "Property Owner") of certain real property located at \_\_\_\_\_ within the City of Concord, County of Contra Costa, State of California, (Assessor Parcel No. \_\_\_\_\_) and more particularly described in the attached legal description (Exhibit "A") ("Property"); and

**WHEREAS**, California Government Code Section 65852.21 ("G.C. 65852.21") allows ministerial approval of certain lot splits meeting specific statutory and local requirements; and

**WHEREAS**, G.C. 65852.21 requires that rental of any dwelling unit created pursuant to G.C. 65852.21 be for a term longer than 30 days; and

**WHEREAS**, the Property Owner understands that the Property is therefore subject to these requirements and knowingly and willingly agrees to recordation of this Deed Restriction; and

**NOW THEREFORE**, in consideration of the benefits received by the Property Owner under G.C. 65852.21, Property Owner hereby agrees to the following restrictions on the Property:

1. Short-term rental prohibited. Rental of any dwelling unit created pursuant to G.C. 66411.7 shall be for a term longer than 30 days.



2. Enforcement. Any violation of this Deed Restriction may result in the imposition of fines, fees, penalties and/or other enforcement action allowed at law or in equity by the City of Concord Municipal Code and State of California law.
3. Binding on heirs, assigns, and transferees. This Deed Restriction runs with the land and is binding on all heirs, assigns, and transferees.
4. Severability. If any one or more of the provisions contained in this Deed Restriction shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such provision(s) shall be deemed severable from the remaining provision(s) contained in this restriction, and this Deed Restriction shall be construed as if such invalid, illegal, or unenforceable item had never been contained herein.
5. No Waiver. No delay or omission in the exercise of any right or remedy of City of Concord (City) upon any default by Property Owner shall impair such right or remedy or be construed as a waiver. The City's failure to insist in any one or more instance upon the strict observance of the terms of this Deed Restriction shall not be considered a waiver of the City's right thereafter to enforce the provisions of this Deed Restriction. The City shall not waive its rights to enforce any provision of this Deed Restriction unless it does so in writing, signed by an authorized agent of the City
6. Amendments in Writing. This Deed Restriction may not be amended except by a written agreement executed by City and Property Owner.
7. Recordation. This Deed Restriction shall be executed by the Property Owner and by the City and shall be recorded by the Property Owner in the Office of the Recorder for the County of Contra Costa within ten (10) days of the date of execution.

IN WITNESS WHEREOF, Property Owner and City have executed this Deed Restriction as of

\_\_\_\_\_.

**OWNER**

**CITY OF CONCORD**, a municipal corporation

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Valerie Barone City Manager

\_\_\_\_\_  
Print or Type Name

**APPROVED AS TO FORM:**

**TERMS AND CONDITIONS HAVE  
BEEN REVIEWED AND APPROVAL  
RECOMMENDED:**

\_\_\_\_\_  
Susanne Brown, City Attorney

\_\_\_\_\_  
Mindy Gentry, Planning Manager

**NOTARY ACKNOWLEDGEMENT**

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WITNESS my hand and official seal.

Signature: \_\_\_\_\_

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