



Planning Services Division

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549

Tel. (925) 284-1976 • Fax (925) 284-1122

<http://www.ci.lafayette.ca.us>

APPLICATION FOR MINOR SUBDIVISION INSTRUCTION TO APPLICANTS

GENERAL

State Law authorizes local governmental agencies to regulate and control the design and improvement of subdivisions. A subdivision is defined as the division of any improved or unimproved land for the purpose of sale, lease, or financing. A subdivision includes the conversion of a structure to condominiums. The State Subdivision Map Act provides general regulations and procedures that local government must follow in the regulation of subdivisions. The City also has a Subdivision Ordinance which provides specific City guidelines and standards for the regulation and control of subdivisions. Lafayette has adopted by reference the Contra Costa County subdivision regulations. Subdivision regulations and review procedures vary between major subdivision, which encompass a division of property into five or more lots (requiring tentative map approval), and minor subdivisions of four or less lots (requiring parcel map approval). This guideline only covers the procedures for minor subdivisions requiring parcel map approval.

The Tentative Parcel Map review procedure is designed to insure that such things as street alignments, grades and widths, drainage and sanitary facilities, location and size of easement and rights-of-way, fire roads, trees, lot sizes and configurations, traffic access, grading and numerous other features conform to City regulations and policies and are arranged in the best possible manner to serve the public.

The Tentative Parcel Map is elevated for its consistency with the General Plan, zoning designation and the Hillside & Ridgeline Ordinance, Lot Split Policy and the compatibility of site plan and public improvements with surrounding development. Special attention is focused on the preservation of natural topographic features of value and the integration of the development to existing terrain.

PROCEDURES

Step 1 - Project Consideration

Early in the consideration of a potential subdivision, the applicant should carefully review the City's General Plan and zoning in the location or area affected. It is important that the proposed subdivision be consistent with both the zoning regulations and the General Plan or the application cannot be approved. In addition, local utilities and other special agencies should be contacted regarding requirements for future development in the area.

Step 2 – Pre-application Review

It is recommended that the applicant discuss the preliminary proposal with the Planning Staff prior to submission of the formal application. This will allow the Planning and perhaps Engineering Staff to review the plans and to provide input to the applicant on possible environmental concerns, General Plan, zoning and engineering requirements, traffic, siting, and design criteria. This early review and input by staff could save the applicant possible delay and expensive plan revisions. Later in the process, staff can also review the history of other development proposals on the site and review the required data and procedures to be followed through the process.

Step 3 - Filing of Application

The applicant should submit the completed application to the Planning Department. A staff planner will review the materials to make sure all the required information is provided. The applicant shall be notified within 30 days as to whether the application is complete or if any additional information is required. The applicant will also be required to make a deposit at the time of submittal for processing the application. The final charge will be based upon the actual cost of staff time required to process the application to completion of the parcel map and the conditions of approval. Costs may include the costs of other City Departments and necessary consultants.

Step 4 - Environmental Review

All subdivision requests are required to have an environmental assessment to determine if it will be necessary to have an Environmental Impact Report (EIR) prepared. Usually a determination will be made at the first public hearing as to whether a Negative Declaration (ND) or EIR will be necessary. Should an EIR be required a consultant will be hired by the City at the applicant's expense. The full cost for the preparation of the EIR shall be submitted to the City prior to the consultant beginning work.

Step 5 - Staff Review or Planning Commission

Prior to Planning Staff review, all the affected agencies and commissions and other City Departments will be sent a copy of the map for their review and comment. Following the receipt of any comments from other agencies, the Planning Staff will study the application by reviewing the relationship of the request to the City's General Plan and analyze the environmental, land use, traffic, site plan, design and other impacts or concerns of the proposed development. A written staff report will be prepared for the Planning Commission which will analyze the Tentative Parcel Map and include other governmental agencies' recommendations as well as staff recommendations. A copy of this report will be sent to the applicant prior to the Planning Commission review of the Tentative Parcel Map.

Step 6 - Planning Commission Review

Staff schedules the Tentative Parcel Map for review before the Planning Commission. The Planning Commission will hold a hearing, with notice to the applicant and every property owner within 300 feet of the site to review the Tentative Parcel Map. There will normally be more than one hearing before a tentative map is acted on. Should an EIR be necessary, the Commission will determine the necessary scope of the EIR. The Planning Commission will determine the necessary scope of the EIR. The Planning Commission must review the take action on the Tentative Parcel Map within 50 days after the Environmental Review process has been completed. An extension may be granted with the consent of the applicant. At the first hearing, staff first will present its report. This presentation will be followed by testimony from the applicant and any interested persons who may wish to comment on the application. A decision will be made by the Planning Commission after evaluating the applicant's testimony, the staff report, and the environmental information. The Commission may then close the hearing for that night and make its decision either (1) approving, (2) conditionally approving, (3) denying the request or (4) postponing it to a later date. If an EIR is required, the hearing will be continued to allow time for the drafting and public review of the EIR.

Appeal to City Council

Following the Commission's action, an appeal may be filed by the applicant or any interested party with the Planning Department within 14 days of the decision. The Council will then hear the appeal within 30 days of the filing with notices sent to the subdivider and previously notified persons. After the hearing, the Council has 10 days to declare its findings, whereby it may sustain, modify or reject the rulings of the Planning Commission subject to the same limitations that are placed on the Commission.

Other Required Actions

The applicant (subdivider) must complete and have approved by the City Engineer and Planning Director the Final Parcel Map and related improvement plans within 24 months or the approved map expires. If filed before the expiration of the Tentative Parcel Map, an extension of this time period up to 24 months, may be granted upon approval of the Planning Commission.

TIME REQUIRED FOR PROCESSING

The estimated time for the processing of a Tentative Parcel Map application will vary depending upon the complexity and magnitude of the proposal and staff workload, but is generally estimated as follows:

- A. From submission of completed application to first public hearing 6 weeks

B. From first public hearing to decision

- No EIR 2-6 weeks

- EIR 12-24 weeks

Estimated Process Time

10 - 20 weeks

TIME AND PLACE OF MEETINGS

The Planning Commission normally meets on the **first** and **third** Thursday of each month, commencing at 7:30 p.m. The meetings for both the Planning Commission and the City Council are held at the Lafayette Community Center, 500 St. Mary's Road. The City Council normally meets on the second and fourth Mondays at the same time and location.



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APPLICATION FOR MINOR SUBDIVISION SUBMITTAL REQUIREMENTS

The following is a list of minimum submittal requirements. Additional materials may be required at the discretion of the Planning staff or City Commissions.

- 1. Application form completed and signed by the current property owner.
- 2. Application supplemental forms, as applicable, signed by the preparer.
- 3. Completed and signed Agreement to Pay for City Services
- 4. Required fee payable to CITY OF LAFAYETTE.
- 5. Completed Environmental Information Form if applicable. Based on an Initial Study, your project may be subject to additional environmental review fees to be paid to the California Department of Fish and Game (payable to Contra Costa County). These fees, if required, are due at the time of project approval. The fee for an EIR is \$850 and for a Negative Declaration is \$1250. These fee amounts were set by the State, not the City. The planner working on your development application will notify you whether your project has been determined to be exempt from AB3158 fees, based on the Initial Study prepared for your application. There is an additional County administrative fee of \$25 for the handling of the environmental review fee.
- 6. Two (2) copies of tentative map folded to approximately 9" x 11" and One (1) 11" x 17" reduction of the Tentative Parcel Map.
 - a. FORM & CONTENT (per Contra Costa County Code and City Requirements)

The Tentative Parcel Map shall be clearly and legibly drawn on sheets not to exceed 30" x 42", additional sheets may be required and shall contain the following information:

- 1. The Title, which shall contain the type of subdivision.
- 2. Names and addresses for:
 - a. Legal owner of property
 - b. Subdivider, and
 - c. Person or persons who prepared the map (including registration number)
- 3. A topographical contour map showing accurately (within one foot) the existing terrain within the subdivision, and, a minimum of 100' beyond the perimeter of the project boundary, including existing drainage channels, roads, culverts,

overhead and underground utility lines which affect the design of the subdivision, wells and springs, major structures, irrigation ditches, utility poles, and other improvements in their correct location. Topography and other site details under trees or heavy vegetation shall be field verified if located within 100 ft. of any proposed house location, driveway or grading. Elevations shall be in accord with the U.S. Geological Survey (1929 Sea Level Datum). The map shall be drawn to an engineer's scale large enough to show all information clearly, but not smaller than thirty feet to the inch. Contour interval shall not be greater than 2' feet if the ground slope is less than ten percent nor larger than five feet for ground slopes greater than ten percent; and at such intervals that the contour lines will not be spread more than one hundred-fifty feet (ground distance) apart.

The surveyor or civil engineer shall provide a certification on the map that he/she performed the field verifications and the information on the map represents field conditions as of a certain date. The map shall show:

- a. Per the Hillside & Ridgeline Preservation Ordinance (Section 6-2006) a building site may not exceed 30% slope; therefore, the footprint of a schematic house located in the less than 30% slope area shall be shown.

The topography within the footprint and 100' outside the footprint and any driveway shall be field surveyed. The 100' may be reduced to 10' beyond an existing intervening property line.

- b. The outline of existing slides, slips, slump areas, and areas subject to inundation or ponding,
- c. The edges of pavement on both sides of existing paved roads, driveways, and the edges of existing traveled ways within the public rights-of-way and easements or within private common rights-of-way,
- d. Location of existing property lines and approximate boundaries of existing easements within the subdivision, with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision,
- e. The proposed lot and street layout with scaled dimensions and sizes of each lot. Engineering data must show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, and the identifying Parcel Letter of each lot,
- f. Preliminary grading for streets, house sites, driveways, lots and drainage,
- g. The location of all proposed easements for drainage and access,
- h. Street names, width of streets and easements, approximate grade, and radius of curves along property lines of each street,

- i. Typical geometric sections for streets showing pavement width, curbs, sidewalks, grading in marginal strips, slopes of cuts and fills, and other construction proposed or applicable,
- j. Areas to be used for public purposes,
- k. Location, approximate grade, direction of flow and type of facility of existing drainage channels and storm drains. If there are any creeks on the property, the map shall show the creek centerline, top of bank and creek setback line required by Lafayette Code Article 4, Section 6-1841 Creek Setback Requirements.
- l. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroad, and other data sufficient to locate the proposed subdivision and show its relation to community development,
- m. North arrow and scales for maps and contour interval. A temporary benchmark is required on-site or nearby and it shall be identified on the map and staked.
- n. Boundary lines of existing land use zones shall be delineated,
- o. Type of trees, field verified location of all trees over 4" in diameter as measured 4 ft. above grade, and spot elevation at the base and driplines for trees within 100' of house footprint, driveway or any grading or within 20' of any street right-of-way. Tree canopies shall be filled with a medium gray tone on the tentative map. Any trees proposed to be removed shall be identified with a prominent "X".
- p. A conceptual drainage plan prepared by a registered civil engineer, showing the proposed alignment and layout for the collection of drainage originating within the subdivision, as well as drainage entering the subdivision, and the means of conveying drainage downstream, drainage easements or erosion control shall be indicated on the plan.
- q. Small scale drawing showing the watershed, drainage basin in which the subdivision is located including approximate acreage.

Off-site Easements

To accomplish your subdivision will you need any easements across the property of a third party? These might be easements for access, utilities or drainage. If so, you need to investigate securing these easements in advance of submitting your application.

If you are unsuccessful in securing the necessary easements(s), you will need to provide evidence of a good faith effort to acquire the easement. At a minimum this evidence should consist of a written description of the easement in question, the property owner(s) involved, and a record of the contacts made in attempting to secure the easement.

FORM AND CONTENT - DATA TO ACCOMPANY TENTATIVE MAP

The Tentative Parcel Map shall be accompanied by one (1) copy of the following data, which shall be submitted at the time the map is filed with the Planning Department:

- 1. A written statement of general information containing the following information.
 - a. Existing use or uses of property.
 - b. Comment on each of the applicable items listed in the Lot Split Policy.
 - c. A description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development.
 - d. A preliminary title report, prepared within three months prior to filing the Tentative Map.
 - e. Source of water supply.
 - f. Calculations for each lot size as required by Chapter 6-20 Hillside Development, including a map indicating any excluded area, if the project site is located in the Hillside Overlay District.
 - g. The method of sewage disposal proposed.
 - h. Other improvements proposed.
 - i. Certification in writing from all utilities that the proposed subdivision can be adequately served.

- 2. 2 copies of a thorough geotechnical and soils reconnaissance prepared and signed by an engineering geologist and a civil engineer specializing in soils, regarding slide conditions on entire lot, existing or anticipated; geologic features, topography or soil conditions within or immediately adjoining the proposed subdivision.

Additional geotechnical and soils information will be required where initial reconnaissance indicates adverse soils conditions.

- 3. When a Tentative Map is filed on an area which is part of a larger single ownership which may be subdivided in the future, the Planning Department may require a map drawn at 1"-30' or larger showing the proposed future development, including its street location and design, topography, grading and house locations.

You must prepare a Stormwater Control Plan if:

- Your project creates 10,000 square feet or more of impervious surface; OR
- It is a project on a previously developed site that results in addition or replacement, which combined, total 10,000 square feet or more of impervious surface.

See the separate handout, "Stormwater Control Plan Submittal Requirements" available at the Planning Services Division or at www.lovelafayette.org > City Departments > Planning > Planning Handouts > Stormwater Control Plan Submittal Requirements.

Applicant's Signature _____

Date: _____

I acknowledge that I have read the instructions on applying for a minor subdivision, and have submitted at least the minimum submittal requirements to the Planning Services Division Staff. I agree to submit more materials regarding my application, if requested to do so.

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APPLICATION FOR A MINOR SUBDIVISION RESPONSE TO FINDINGS

Response to Findings - Repeat and respond to each of the findings listed below which must be made for the hearing body to approve a minor subdivision. Print or type using blue or black ink. These findings can be found on the City of Lafayette web site to facilitate copy/paste into word processing software.

The applicant must prove, and the Planning Commission must find, all the following or the application will be denied:

1. The proposed subdivision will not be detrimental to the health, safety, and general welfare of the City.
2. It will not adversely affect the orderly development of property within the City.
3. It will not adversely affect the preservation of property values and the protection of the tax base within the City.
4. It will be consistent with the General Plan and each element of it and will not adversely affect the policies and goals set forth in the General Plan.
5. It will not create a nuisance or enforcement problems within the neighborhood.
6. It will not encourage marginal development within the neighborhood.
7. Is consistent with the purpose section of the zoning district in which it is located.

The applicant assumes the burden of producing evidence that the above listed standards, as well as the criteria enumerated in the Lot Split Policy will be met, and that the intent of the zoning ordinance and the objectives of the General Plan will be satisfied. Failure to satisfy this burden will result in denial of the application. In addition, the applicant is responsible for responding to the findings required by the State Map Act, Section 66474. (See next page.)

Pursuant to Section §66474 of the State Map Act, the hearing body must make the following findings in order to approve a minor subdivision. Repeat and respond to each finding listed below.

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
3. That the site is physically suitable for the type of development.
4. That the site is physically suitable for the proposed density of development.
5. That the design of the subdivision and/or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Additional Comments - Provide any additional comments on a separate sheet

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STANDARD APPLICATION FORM

PROJECT INFORMATION			
Project Address / Location		Assessor's Parcel Number (APN)	Zoning District
Flood Zone			
General Plan Designation	Parcel Size (sq.ft.)	Grading: Cut (cu.yds.)	Grading: Fill (cu.yds.)
Existing Gross Floor Area (sq.ft.)	Existing Building Footprint (sq.ft.)	Existing Impervious Surface (sq.ft.)	Existing # Parking Spaces (sq.ft.)
Proposed Gross Floor Area (sq.ft.)	Proposed Building Footprint (sq.ft.)	Proposed Impervious Surface (sq.ft.)	Proposed # Parking Spaces (sq.ft.)
Existing Land Use <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Office <input type="checkbox"/> Vacant <input type="checkbox"/> Other (specify) _____			
Proposed Land Use <input type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Office <input type="checkbox"/> Vacant <input type="checkbox"/> Other (specify) _____			

APPLICANT INFORMATION			OWNER INFORMATION		
Applicant Name			Owner Name		
Applicant Address			Owner Address		
City	State	Zip	City	State	Zip
Phone () -	Fax () -		Phone () -	Fax () -	
Cell () -	Email (for official use only)		Cell () -	Email (for official use only)	

CHECK ALL APPLICABLE REQUESTS		
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Design Review	<input type="checkbox"/> Second Unit Permit
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Land Use Permit	<input type="checkbox"/> Grading Permit (≥ 50 cu.yds.)
<input type="checkbox"/> Re-Zone Property	<input type="checkbox"/> Temporary Land Use Permit	<input type="checkbox"/> Sign Permit
<input type="checkbox"/> Tract (5 lots or more)	<input type="checkbox"/> Address Assignment / Change	<input type="checkbox"/> Study Session
<input type="checkbox"/> Minor Subdivision (4 lots or fewer)	<input type="checkbox"/> Right-of-Way Abandonment	<input type="checkbox"/> Family Day Care
<input type="checkbox"/> Hillside Development Permit	<input type="checkbox"/> Change of Conditions	<input type="checkbox"/> Tree Removal Permit
<input type="checkbox"/> Class I Ridgeline Exception	<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> Variance
<input type="checkbox"/> Class II or III Ridgeline Exception	<input type="checkbox"/> Lot Line Revision	<input type="checkbox"/> Appeal (Application No. _____)

OWNER / AGENT STATEMENT
<p>Property Owner Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application. I hereby grant permission to access the property to individuals involved in the processing of the subject application(s).</p>
<p style="font-size: 2em; font-weight: bold;">X</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;">Signature and Date</p>

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City of Lafayette • Planning Services Division

AGREEMENT TO PAY FOR CITY SERVICES

Directions: Complete and submit this form with the development application.

In consideration for the City providing the services described in this Agreement, the undersigned agrees as follows:

1. The City services requested relate to development application number _____, property in the City of Lafayette located at _____, assessor's parcel number _____.
2. This Agreement is for services and fees that are in addition to the planning fees paid upon the filing of the referenced development application. I agree to pay for the additional charges imposed by the City for staff time spent processing the application based upon an hourly rate established by resolution of the City Council. These services include but are not limited to City staff time spent for engineering and other City administrative services regarding the application. In addition, I agree to pay for services of consultants retained by the City and required by it in connection with the development application at the hourly rate charged by each consultant to the City. These services include but are not limited to legal, landscaping, traffic engineering and environmental services.
3. The City will bill for the services performed under this Agreement upon a monthly or other periodic basis. If at any time the balance due exceeds \$500.00, the City may cease processing the application, prepare a recommendation for taking action on the application and present the application to the appropriate hearing body for final action.
4. The development application account will remain open until it is paid in full. Final payment in full is due as follows:
 - a. In the case of a subdivision, upon release of the final improvement bond or when conditions of approval are satisfied, which ever is later in time;
 - b. In the case of all other applications, when the City authorizes Contra Costa County to issue final building inspection clearance or when work for which a permit is issued is completed;
 - c. If an application is denied, upon expiration of the appeal period or upon a final decision on appeal;
 - d. If an application is withdrawn, when all remaining staff work on the application is completed;
 - e. Upon the expiration of 12 consecutive months during which there was no activity on the application.
5. The undersigned is responsible for the payment of the costs and charges involved with the application even though the property or project is sold or assigned to another party. If the undersigned desires to transfer payment responsibility to another, it is the undersigned's responsibility to have this Agreement replaced by a new agreement with the responsible party. Any outstanding balance must be paid before the City will accept a replacement agreement.
6. The undersigned agrees to advise the City in writing of any change to their billing address and represents that (s)he is the party responsible for payment of the costs under this Agreement.

PRINT NAME: _____

TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____

CITY, STATE, ZIP: _____

DATE _____

NOTE: THIS DOCUMENT IS NOT TRANSFERABLE • ORIGINAL TO FINANCE • COPY TO APPLICANT • COPY TO APPLICATION FILE

APPLICATION NO. _____

FOR OFFICIAL USE ONLY

ACCOUNT NO. _____

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