

**Other useful publications available  
to help you through the development process:**

Title 8, Planning and Zoning,  
County Ordinance Code

Title 9, Subdivisions,  
County Ordinance Code

Title 10, Public Works and Flood Control,  
County Ordinance Code

Public Works Conditions of Approval:  
What Do They Mean?

Your Development Project and the Public Works Department—Part II (Development Processing Phase—Condition of Compliance)

Floodplain Management Program:  
Answers to Commonly Asked Questions

1/2015

# **Your Development Project and the Public Works Department**

## **Part I**

(Development Application Phase)



Contra Costa County  
**Public Works**  
D e p a r t m e n t

Contra Costa County  
Public Works Department  
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**Title 10:** The “Public Works and Flood Control” Ordinance Code.

**Variance Permit:** Permission granted by the County to allow a specific non-conforming use of zoned property.

four or fewer new parcels.

**Ordinance Code:** The set of rules and regulations which governs, among other things, land development in Contra Costa County.

**Project Engineer:** The staff in the Public Works Department who prepares the Public Works Conditions of Approval for your project.

**Project Planner:** The staff in Community Development who is assigned to your project, coordinates the information received from all other agencies, and develops a staff report and recommendation for action on your application.

**Public Works Department:** The agency, located at 255 Glacier Drive in Martinez, which prepares and later ensures compliance with the Conditions of Approval for roads and drainage.

**Site Plan:** A scaled drawing of the site of a proposed development other than a subdivision or minor subdivision (typically associated with a land use permit or development plan).

**Subdivision (or Major Subdivision):** A subdivision of land which creates five or more new lots/parcels.

**Tentative Map:** A scaled drawing of the site of a proposed subdivision or minor subdivision.

**Title 9:** The "Subdivision Ordinance," enacted for the purpose of adopting subdivision regulations in accordance with the Subdivision Map Act, the Government Code, and other regulations.

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**NOTE:** Throughout the text of this booklet, some words will appear in **bold type**. These words are defined for you in the Glossary of Terms at the end of the booklet.

## Your Development Project and the Public Works Department

The **Public Works Department** is involved with all development applications virtually from start to finish. If you are proposing a **subdivision (SD)**, **minor subdivision (MS)**, **land use permit (LP)**, **variance permit (VR)**, or **development plan (DP)** in the unincorporated Contra Costa County, chances are you have already been in contact with the Community Development Division of the Department of Conservation and Development at the Application and Permit Center. If you have submitted a development application, a copy of your application is either in or on its way to Public Works.

When an application arrives at the Community Development Division, it is assigned to a **project planner**. Your project planner will be the staff member most intimately involved with your project. The planner forwards a copy of the plans and the application to all the agencies which may have jurisdiction over the proposed development, including the Sanitary District, the Fire District, the Environmental Health Department, and the Public Works Department. As the applicant, you are also encouraged to contact these agencies to determine the nature of their concerns as early in the process as possible, preferably before you submit your application and fees.

In general, the Public Works Department analyzes the impacts of development on roads and drainage. Since almost all land development has some effect on area roads and drainage, Public Works staff works with each applicant to minimize and/or mitigate the negative impacts of development. This is done primarily through the use of **Conditions of Approval**.

## GLOSSARY OF TERMS

**Approved Permit:** The document which is issued when your application is conditionally approved that allows you to proceed with your development, if and when, all Conditions of Approval are met.

**Civil Engineer:** A registered professional who deals with the design elements of land development.

**Conditions of Approval:** The requirements which you must fulfill in order to receive final approval for your development.

**Deemed complete:** An application is deemed complete when it is determined that all the necessary information to begin to process the development has been provided. Additional information may be required to complete the Environmental Review.

**Deemed incomplete:** An application is deemed incomplete if it is determined that additional information is necessary to process the development. The determination of completeness must be made within 30-days of receipt of your application.

**Hearing Body:** The hearing body that will make a decision on your application or hear appeals. It may be the Zoning Administrator, one of the Planning Commissions, or the Board of Supervisors.

**Land Use Permit:** A change in land use requiring a permit which does not involve subdividing property (e.g. start or expansion of a new business).

**Minor Subdivision:** A subdivision of land which creates

## **Step 16**

### **Permit Issued: Project Moves to the Development Processing Phase.**

If your application is approved and there is no appeal, the Community Development Division will issue an **approved permit**, which includes all the Conditions of Approval. This approved permit, along with the Site Plan or Tentative Map and other supporting documents, are then forwarded within the Public Works Department to the Development Processing Section of the Engineering Services Division. In Development Processing, the Conditions of Approval, as set forth in the approved permit, are enforced. The procedure for getting your project through this stage of the development process in Public Works is outlined in another booklet entitled, "After Your Project's Tentative Approval: The Processing Phase," or contact the Engineering Services Division for an "Information Packet."

Land development can be a complicated process. If you are considering a land development project, get all the information you can before you get started. The staff at the Application and Permit Center and the staff in the Engineering Services Division of the Public Works Department are there to answer any questions you may have about their role in the development process.

Because the Public Works Conditions of Approval often involve actual construction of improvements to the road and drainage system, they can be the most expensive and difficult Conditions of Approval to satisfy. Sometimes an applicant will decide that it is not the right time to pursue a development based on the magnitude of the Public Works Conditions of Approval. Consider hiring a **Civil Engineer** with land development experience to give you a rough idea of what it may cost to develop your property before beginning the process.

## **Step 1**

### **Your Application Arrives at Public Works.**

An application for a Land Use Permit or Development Plan must be accompanied by a **Site Plan**. An application for a Subdivision or Minor Subdivision must be accompanied by a **Tentative Map**. A Site Plan or Tentative Map should clearly depict the proposed project, the parcel on which the project is located, the fronting road(s) along the parcel, the topography of the parcel and the land immediately surrounding it, and any sidewalks, curbs, drainage facilities, utility poles, or edges of pavement which may exist along the parcel frontage (in addition to Community Development requirements). Any on-site or nearby creeks should also be clearly shown on the drawing. This is especially important for subdivisions because the required structure setback from a creek may eliminate one or more of the proposed lots in the subdivision. You may find it necessary to consult a Civil Engineer to prepare an acceptable Site Plan or Tentative Map for your project.

For more information on the requirements for a Tentative Map, please refer to Section 94-2.204 under Title 9 of the County **Ordinance Code** (available at the front counter of the Public Works Department). ***Proceed to Step 2.***

## **Step 2**

### **Is Your Application Complete?**

When the Public Works Department receives your project application, department staff must respond to your project planner within 30 calendar days. During these first 30 days, the application is assigned to a **project engineer**, to review the submittal to determine whether or not all the re-

## **Step 14**

### **Project Denied: End of Process.**

If your project is denied and you do not choose to appeal the decision, the Public Works Department will no longer be involved with the application but will keep a copy of the file for its records.

## **Step 15**

### **Was the Decision Appealed?**

When a decision is rendered by a Hearing Body, anyone affected by the decision, including the applicant, the neighboring property owner(s), public agencies, or concerned citizens can appeal the decision. If your project is approved, but you do not agree with the Conditions of Approval as they were approved, you have the right to appeal the decision to a higher Hearing Body. Any decision of the Zoning Administrator on an application may be appealed to the Planning Commission, and any decision of the Planning Commission may be appealed to the Board of Supervisors for final decision. Please be aware that when an application decision is appealed to a higher Hearing Body, issues that may have been resolved in the original hearing may be changed in the appeal hearing. A project which had been approved by the first Hearing Body, may even be denied by the higher Hearing Body for the appeal. When a decision is appealed for a specific Condition of Approval, the whole application again becomes open to scrutiny by the successive Hearing Body.

**If the decision is appealed, return to Step 11. If there is no appeal, *Proceed to Step 16.***

pervisors. If changes to the Conditions of Approval result from the public hearing, they will be reflected in the approved permit. If there are changes to the Public Works Conditions of Approval, they will be reflected in a memorandum from the project engineer at the Public Works Department to the project planner in Community Development. A copy of this memorandum will be sent to the applicant.

**If the application is approved, skip to Step 15. If the application is denied, Proceed to Step 13.**

## **Step 13**

### **Did the Applicant Appeal the Decision?**

If your project is denied, you or anyone affected by the decision will have an opportunity to appeal the decision. Any decision of the Zoning Administrator on an application may be appealed to the Planning Commission, and any decision of the Planning Commission may be appealed to the Board of Supervisors. A helpful pamphlet entitled, "Application Decisions and the Appeal Procedure" is available at the Application and Permit Center in the County Building at 30 Muir Road, Martinez, California 94553. The project planner that is assigned to your application will be able to help you with the appeal process.

**If you are appealing the decision, return to Step 11. If you are not appealing, Proceed to Step 14.**

quired information has been provided. The Flood Control District, County Traffic Engineer, and Lighting and Landscaping Coordinator may also review the application during this time and forward their comments to the project engineer. If sufficient information has been provided, or if the 30-day time period lapses without comment that additional information is required, then the application is **deemed complete** by the project planner. If there is still some information needed in order to fully analyze the impacts of the project, Public Works staff will recommend that the project planner deem the application incomplete and request additional information from the applicant.

If the application is complete, skip to **Step 5**. If the application is not complete. **Proceed to Step 3.**

## **Step 3**

### **Public Works Requests More Information.**

There are a number of reasons why Public Works staff may recommend that an application be **deemed incomplete**, some of which are listed below:

1. An on-site creek or creek structure setback is not properly shown on the parcel(s).
2. Existing frontage improvements and/or utilities are not shown on the tentative map or site plan.
3. A drainage plan and/stormwater control plan has not been provided.
4. The tentative map or site plan is illegible or not to scale.
5. It does not appear likely from the information given that

improvements can be made to the infrastructure to meet County standards and Ordinance Code requirements.

6. Floodplain information is not provided.

The applicant's engineer will be asked to show to the satisfaction of the Public Works Department that, should the application be approved, these improvements can be constructed feasibly.

For new businesses, churches, subdivisions, or any other development which may generate significant traffic, a traffic study and/or a parking study may be required before an application is deemed complete. Your engineer may wish to contact the Public Works project engineer to discuss the additional information required. ***Proceed to Step 4.***

## **Step 4 Information Is Furnished to Public Works for Review.**

The applicant will be required to submit the requested information to the project planner, and a copy of the information will be forwarded to the Public Works Department. If the new information is satisfactory, the project engineer will inform the project planner that the application can now be deemed complete. ***Proceed to Step 5.***

If there are still issues that need to be resolved, the project engineer will inform the applicant and project planner within 30 days of the latest submittal that the application should still not be considered complete and give specific criteria which must be met in order to complete the application.

decide on your development and when your project is scheduled to be heard.

A representative of the Public Works Department will be present at the hearing. If there is any discussion regarding a Public Works issue, the representative will be available there for answers. If there are still issues to be resolved regarding the Public Works Conditions of Approval, you will have the opportunity to voice your disagreement with the conditions at the public hearing. The Public Works Department representative will also have the opportunity to state the reasons why the Conditions of Approval in question are appropriate and should remain. The Hearing Body will make the final determination on which Conditions of Approval should be included with the development and how these Conditions of Approval shall be worded. ***Proceed to Step 12.***

## **Step 12 Is the Application Approved?**

There are four possible outcomes to every hearing. The first is that the application is approved as recommended by staff. The second possibility is that the application is approved, but with modifications to the staff report, the Conditions of Approval, or the Advisory Notes. The third is that the application is denied. The fourth is that the application is continued to a future hearing by request of the applicant, Project Planner, or the Hearing Body.

If your project is approved, a ten (10) day appeal period ensues. If there is no appeal of the decision, a permit is issued, which includes the Conditions of Approval. Please note that applications for a rezone (RZ) or general plan amendment (GPA) will need approval by the Board of Su-

**Body.** If the Hearing Body rules in your favor, the condition of approval is changed or removed. If not, Conditions of Approval become a part of the **Approved Permit**, as recommended by staff. **If the applicant and the Public Works Department are still not in agreement over the Conditions of Approval, Skip to Step 15.**

## **Step 10 Public Works Forwards Conditions of Approval Changes to Project Planner.**

If changes are agreed upon by the applicant and the Public Works Department, the project engineer will send a memorandum to the project planner discussing the changes. These changes are sent to the project planner to be included in the staff report for the public hearing. If there are no objections at the public hearing, then the changes will be incorporated into the Conditions of Approval. ***Proceed to Step 11.***

## **Step 11 Application Goes to Public Hearing.**

With the staff report complete, your project is now ready to go to hearing. If the project is a Development Plan, Minor Subdivision, a Land Use Permit, or a Major Subdivision with fewer than 100 parcels and no associated general plan amendments, the project will go to the Zoning Administrator. Larger projects or appeals from Zoning Administrator decisions will go to one of the Planning Commissions in the County. Planning Commission decisions that are appealed will go to the Board of Supervisors for final decision. Talk to your project planner to confirm which Hearing Body will de-

**NOTE:** The Public Works Department is not the only agency which may request additional information. Other departments or agencies may need to be satisfied with the application before the project planner will deem the application complete. ***Return to Step 2.***

## **Step 5 Application Is Deemed Complete.**

When your application is deemed complete, the project engineer will prepare a staff report and write Conditions of Approval for your project. These Conditions of Approval are compiled from various sources: the County Ordinance Code (specifically, **Title 9** and **Title 10**, available at the front counter), the County Traffic Engineer, the Flood Control District, the Lighting and Landscaping Coordinator, the Fire District, and the environmental documents. Typically, Conditions of Approval require road and drainage improvements and/or fees which mitigate the negative impacts of a project. All Conditions of Approval are screened by a development review committee to insure uniformity and fairness.

If you haven't already obtained the booklet entitled "Public Works Conditions of Approval: What Do They Mean?," pick one up at the front counter of the Public Works Department. It is a helpful guide to the specific conditions which may be imposed on your development. ***Proceed to Step 6.***

## **Step 6**

### **Conditions of Approval Are Forwarded to Project Planner and Applicant.**

Conditions of Approval can take just a few days, or several weeks to draft, depending on the size and complexity of the development. When the Conditions of Approval are complete, you (the applicant) and your project planner will each receive a copy. The project planner will incorporate the Public Works Conditions of Approval into the project staff report, which will be distributed to all interested parties prior to the public hearing. ***Proceed to Step 7.***

## **Step 7**

### **Is the Applicant in Agreement with the Conditions of Approval?**

When you receive your Conditions of Approval, read them carefully. Do you understand all the Conditions of Approval and are you in agreement with them? If you have any questions or concerns with the Public Works Conditions of Approval, contact the project engineer at Public Works. The Public Works staff will work with you and your engineer to resolve any issues prior to a public hearing.

**If the applicant and the Public Works Department agree that the Conditions of Approval are acceptable as written, skip to Step 11. If the applicant and the Public Works Department do not agree that the Conditions of Approval are acceptable, *Proceed to Step 8.***

## **Step 8**

### **Applicant Contacts Public Works Staff to Discuss Conditions of Approval.**

When you call the Public Works Department, please have your Application Number (i.e. SD#, MS#, LP#, DP#, VR#, etc.) ready. The project engineer can quickly locate your file using this number. If there are issues which cannot be resolved with a telephone call, a meeting will be set up at that time. You, your engineer, and the project engineer at Public Works can discuss the Conditions of Approval over the Site Plan or Tentative Map, or at the project site, if necessary. ***Proceed to Step 9.***

## **Step 9**

### **Changes to Conditions of Approval Agreed upon by Staff and Applicant?**

Under certain circumstances, the Public Works Department will agree to changes to the Conditions of Approval. Usually changes are made only to clarify the intent of the conditions. Sometimes, however, new information on the project warrant a revision to the conditions. It is best if differences between staff and applicant are resolved while there is still enough time to change the conditions prior to the public hearing. **If the applicant and the Public Works Department agree to changes to the Conditions of Approval, *Proceed to Step 10.***

If you and the Public Works staff cannot agree on appropriate changes to the Conditions of Approval, the application will go to a public hearing. At the public hearing, you (and the public) will have the opportunity to voice your disagreement with any conditions of approval before the **Hearing**