

**CITY OF PIEDMONT**  
**COUNCIL AGENDA REPORT**

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DATE: April 4, 2005

FROM: Kate Black, City Planner and George Peyton, City Attorney

SUBJECT: **Resolution Providing Notice of Intent to Adopt Subdivision Ordinance**

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RECOMMENDATION :

Review and adopt the attached Resolution initiating proceedings to adopt an updated Subdivision Ordinance.

BACKGROUND:

The City Council last adopted an updated version of its Subdivision Ordinance in Chapter 19 in January, 1993, over 12 years ago. During that period of time, a number of changes have been made in the Subdivision Map Act provisions which apply to Piedmont, and the City's General Plan requires the City to revise the Subdivision Code to comply with State law.

STATUTORY AUTHORIZATION:

The attached Resolution is specifically authorized pursuant to the terms of Government Code Section 66474.2(b), which is part of the Subdivision Map Act. Notice of this City Council meeting and the proposed resolution were published in a newspaper of general circulation at least 10 days before the Council meeting. In effect, State law provides that effective with the adoption of the Resolution, all Subdivision applications of any type that are filed after the adoption of the Resolution will be subject to the terms of the new Subdivision Ordinance as it is finally adopted by the City Council, and not the current version of the Subdivision Ordinance.

The two subdivision applications currently under review by the City (415 Pacific Avenue and 71 Dudley Avenue) would not be affected by this resolution since the applications were submitted prior to the initiation of this resolution. Moreover, it is important to point out that the changes currently contemplated under the rewrite, would probably not affect either application or other similar subdivisions of existing single family properties. The new Subdivision Ordinance is intended to cover various matters subject to the Subdivision Map Act which are not adequately covered in the current Subdivision Ordinance, including the creation of new condominiums. The Council may recall that condominium conversions of existing rental apartments are prohibited in Piedmont, but it is likely that new condominiums, and not rental apartments, may be part of a

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redevelopment proposal for the PG&E substation property. New condominiums are permitted under the Subdivision Map Act, and it is important for the City to adopt appropriate provisions that give the City the maximum control over new condominium projects permitted by State law.

STATUS OF NEW SUBDIVISION ORDINANCE:

City staff has been working on a new Subdivision Ordinance for over two months. It is contemplated that an initial draft of that Subdivision Ordinance will probably be presented to the City Council for its consideration by May or July at the latest.

EXHIBITS:

Exhibit A      Proposed Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT  
INITIATING PROCEEDINGS TO ADOPT UPDATED SUBDIVISION ORDINANCE  
AT PIEDMONT MUNICIPAL CODE CHAPTER 19

WHEREAS, the City of Piedmont adopted Subdivision Ordinance 118 N.S. on August 1, 1946 and last amended that ordinance in January, 1993; and

WHEREAS, the Subdivision Ordinance is now outdated and is not in conformance with the State Subdivision Map Act (Government Code section 66410 and following); and

WHEREAS, the Goal D, Policy 1 of the Community Design Element of the Piedmont General Plan requires the review of the Subdivision Code to ensure consistency with applicable State subdivision laws; and

WHEREAS, the City intends to adopt an entirely new subdivision ordinance; and

WHEREAS, the State Subdivision Map Act provides that the City may only apply those ordinances, policies, and standards in effect on the date the City has determined a development application to be complete, unless the City has initiated proceedings to modify an ordinance, policy or standard and given notice of that fact (Government Code §66474.2(b)); and

WHEREAS, the City anticipates that one or more subdivision applications is likely to be filed within the coming months, possibly before the proposed new subdivision ordinance is adopted and takes effect; and

WHEREAS, the City intends to apply its new subdivision ordinance to any new subdivisions; and

WHEREAS, the City has published notice of its intent to consider this resolution at least 10 days before the City Council meeting, pursuant to Government code section 66474.2(b)(2).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Piedmont that:

1. The City has initiated proceedings to adopt a new subdivision ordinance at Chapter 19 of the Piedmont Municipal Code.
2. The City intends to apply the new regulations to any new subdivision.

ADOPTED by the City Council of the City of Piedmont at a regular meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
George S. Peyton, Jr., City Attorney