



6000 Heritage Trail, Clayton, CA 94517  
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[www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)

# Prezoning/Rezoning Application

As Provided in the Clayton Municipal Code Title 17, Chapter 17.56

Mark all that Apply:  Map  Text  Prezone  Rezone

Below: Office Use Only

File No: \_\_\_\_\_ Deposit: \_\_\_\_\_

Received By: \_\_\_\_\_

Date: \_\_\_\_\_ Receipt No: \_\_\_\_\_

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

## 1. Project Contact Information:

### Applicant/Property Owner:

Phone Number: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Applicant Email: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Property Owner Email: \_\_\_\_\_

### Master Developer:

Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Email: \_\_\_\_\_ Direct Phone No: \_\_\_\_\_

Address: \_\_\_\_\_

### Architect/Designer:

Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Email: \_\_\_\_\_ Direct Phone No: \_\_\_\_\_

Address: \_\_\_\_\_

### Land Planner:

Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Email: \_\_\_\_\_ Direct Phone No: \_\_\_\_\_

Address: \_\_\_\_\_

### Landscape Architect:

Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Email: \_\_\_\_\_ Direct Phone No: \_\_\_\_\_

Address: \_\_\_\_\_

### Civil Engineer:

Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Email: \_\_\_\_\_ Direct Phone No: \_\_\_\_\_

Address: \_\_\_\_\_

## Instructions:

1. Discuss your project with the Community Development Director or staff member before you begin to put this application together.
2. Make sure that every submittal requirement is completed, unless otherwise directed by the Community Development Director. (Incomplete applications will not be processed.)
3. Once all of the submittal requirements have been met, the Community Development Director shall schedule the matter before the Planning Commission.
4. The Planning Commission shall hold a public hearing to review the Rezoning application.
5. The Planning Commission shall make a recommendation with conditions, as warranted, to the City Council if the application is passed by an affirmative vote of the majority of the commissioners.
6. The City Council shall review the Rezoning Permit request and recommendation from the Planning Commission.
7. After a public hearing and review, the City Council shall approve the request, with conditions, as warranted, or shall deny the request.
8. Please refer to the City of Clayton Municipal Code Title 17, Chapter 17.56 for more information on the approval and appeal process, also found in Part 3 of this application.

## 2. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

Community Development General Application

Prezone/Rezone Application- Mark all that apply:  Map  Text  Prezone  Rezone

Environmental Review Application

Development Plan Permit Application, if applicable

Processing Deposit \$ \_\_\_\_\_ (Make check payable to the City of Clayton)

Title Report or copy of a Preliminary Title Report prepared for the current owner

Legal description of subject parcel(s)

Current zoning map showing existing and proposed zoning classification(s), as applicable, for the subject parcel(s) and its surrounding land uses

Current General Plan map showing existing and proposed general plan designation(s), as applicable, for the subject parcel(s) and its surrounding land uses

Photographs/Graphics showing the relationship of the subject parcel(s) identified to the surrounding properties. Include aerials such as Google Earth maps, and perspective photographs.

### **Site Opportunities/Constraints Analysis:**

Use maps, graphics, and text to answer the questions below, as applicable

#### **I. Environmental:**

- |  |   |
|--|---|
| 1. Existing natural land features  | 6. Water bodies and wetlands  |
| 2. Type and diameter of trees 6" or larger in diameter at 4'6" above natural grade | 7. Flood hazard areas   |
| 3. Topography (at 2' contour intervals)  | 8. Surface and subsurface geology plus geological hazards such as earthquake faults |
| 4. Soils- summarize soils report findings  | 9. Natural features including view sheds and ridge lines                            |
| 5. Drainage patterns   | 10. Archeological sites   |

#### **II. Existing Improvements:**

1. Location and dimensions of all existing structures/improvements
2. Show roads, paths, parking areas and all other improvements (patios, pools, decks)
3. Identify all on-site and off-site improvements to be retained showing location and dimensions

#### **III. Easements:**

1. The location, dimension, and purpose of all existing easements on the property.

### **Letter of Explanation:**

1. Describe the proposed zone change and your rationale.
2. Explain how the proposed zone change will effect, either positively and/or negatively, the City of Clayton residents and the adjacent property owners.
3. Explain how the zone change supports conformance and consistency with the General Plan. (Show how the zone change supports the goals of the General Plan.)

### **Mailing Envelopes and addresses:**

1. List of names and addresses of all legal owners of property within a 300' radius of the subject parcel(s).
2. Envelopes: prepare a complete set of addressed and stamped legal size envelopes for all listed property owners. Do not place return address on envelopes.
3. Ownership Map: County Assessors map showing subject parcel(s) highlighted or outlined and a boundary line indicating all properties located within a 300' radius of the subject parcel(s). (Will be provided by City Staff if applicant is not using a Title Company.)

### **3. Important Implementing Information from the City of Clayton Municipal Code:**

**17.56.010 Authorized.** This title may be amended by changing the boundaries of districts, by adding new zoning districts, or by changing any other provision of this title whenever the public necessity, convenience and general welfare require such amendment. (Ord.52 Ch. III Sec. 1(a), 1968).(Ord 377, 2004)

**17.56.020 Application--**Initiation by whom. Amendments may be initiated by the City Council or the Planning Commission or by a qualified applicant whose property is affected by the proposed amendment. (Ord. 52 Ch. III Sec.1(b), 1968).

**17.56.030 Application--**Rezoning or other change--Fee. An application by an individual for an amendment which, if approved, would rezone the property covered by the application from one district to another, or which requests the changing of any provisions of this title, including an application for a Planned Unit District zoning (P.U.D.), shall be filed with the City Clerk and accompanied by a fee in such amount as may be fixed from time to time by resolution of the City Council. (Ord. 172 Se. 3, 1977: Ord. 84 Sec. 2, 1970: Ord.52 Ch. III Sec. 1(c) (part), 1968).

**17.56.040 Application--**Additional Information Required. The application shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan, if one is in effect at the time, and that the public necessity, convenience and general welfare require the adoption of the proposed amendment. An accurate legal description of the lands and existing buildings shall also be submitted with the application, along with any other documents or data required by the Planning Commission. (Ord. 52 Ch. III Sec. 1(c)(part), 1968).

**17.56.050 Application--Hearing--Procedure.** Upon filing of an application pursuant to this chapter by any person, or upon initiation of an amendment by the City Council or Planning Commission, the City Clerk shall take appropriate steps to schedule the matter on the Planning Commission agenda. The City Clerk shall cause notice of the public hearing on the matter before the Commission, if such public hearing is required by Section 65853 of the California Government Code, to be given in the manner and for the time required by Section 65854 of said Government Code. The public hearing shall be scheduled to be held as soon as the necessary studies and report can be completed by the Planning Commission and its consultants and necessary legal notice of hearing can be accomplished, subject to any rules of the Commission relating generally to the scheduling of such hearings. (Ord. 52 Ch. III Sec. 1(d), 1968).

**17.56.060 Application--Hearing--Recommendation by Commission.** If at the conclusion of any hearing, the Commission decides to recommend amendment of this title, the recommendation shall be by resolution carried by the affirmative votes of not less than a majority of the total voting members of the Commission. No recommendation for amendment shall be made without a public hearing having been held thereon; provided, however, that notwithstanding any other provision of this chapter, the Commission may, without having held a public hearing, recommend an amendment which does not change any property from one district to another, and which does not impose any regulation listed in Section 65850 of the California Government Code not theretofore imposed or which does not remove or modify any such regulation theretofore imposed. No recommendation for amendment shall be made unless the Commission finds that such proposed amendment, is in general conformance with the General Plan, if one be in effect at said time, and that the public necessity, convenience and general welfare require the adoption of the proposed amendment. (Ord. 52 Ch. III Sec. 1(e), 1968).

**17.56.070 Recommended amendment--Submission to Council.** A copy of any decision recommending an amendment which changes any property from one district to another or denying a request for such a zoning district change, or imposing any regulation listed in Section 65850 of the California Government Code not theretofore imposed or removing or modifying any such regulation theretofore imposed, shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearings, recommendations of the Commission and the reasons therefore. (Ord. 52 Ch. III Sec. 1(f), 1968).

**17.56.080 Application--Denial--Appeal.** In the event the Commission recommends denial of the application, or any portion thereof, with or without a public hearing, the applicant may appeal the determination to the City Council, pursuant to and in accordance with the provisions of Sections 17.68.020 and 17.68.030 of this title. (Ord. 52 Ch. III Sec. 1(g), 1968).

**17.56.090 Recommended amendment--Council hearing--Notice.** Upon receipt of a copy of any recommended amendment from the Commission, the City Clerk shall place the matter upon the agenda of the City Council at the earliest meeting practicable having due regard for the rules of the Council and time necessary for the giving of notice of public hearing if such notice is required. If the amendment recommended is to change any property from one district to another or to impose any regulation listed in Section 65850 of the California Government Code not theretofore imposed or to remove or modify any such regulation theretofore imposed, the City Clerk shall schedule the matter for public hearing on the Council agenda and shall cause notice of the time and place of the hearing to be given in accordance with the provisions of California Government Code Section 65854. (Ord. 52 Ch. III Sec 1(h), 1968).

**17.56.100 Findings by Council.** In order to amend this title, the Council shall find the following:

- A. That the proposed amendment is in general conformance with the General Plan, if such General Plan has been adopted by the City;
- B. That the public necessity, conveniences, and general welfare require the adoption of the proposed amendment. (Ord. 52 Ch. III Sec. 1(i), 1968).

**17.56.110 Ordinance--Council hearing--Change in Commission recommendation-- Procedure.** The City Council shall hold a public hearing before adopting any ordinance which amends this title by changing any property from one district to another, or by imposing any regulation listed in Section 65850 of the California Government Code not theretofore imposed or by removing or modifying any such regulation theretofore imposed. Where a Commission recommendation has such effect, the Council shall not make a change in such proposed amendment until the proposed change has been referred to the Commission for a report and a copy of the report has been filed with the Council. Where a Commission recommendation does not have such effect, the Council may make changes in the proposed amendment without such a reference back to the Commission. When a Council proposed change in any proposed amendment is referred back to the Commission, the failure of the Commission to report within forty days after the reference or such longer period as may be designated by the Council shall be deemed to be approval of the proposed change. (Ord. 52 Ch. III Sec. 1(j)(1), 1968).

**17.56.120 Ordinance--Initiations--Commission report--**Failure to report deemed approval. When it deems it to be for the public interest, the Council may initiate an ordinance amending this title. If the proposed amendment does not change any property from one district to another or impose any regulation listed in Section 65850 of the California Government Code not theretofore imposed or remove or modify any such regulation theretofore imposed, the ordinance may be adopted as other ordinances are adopted, but if the proposed ordinance has such effect, then the Council shall refer it to the Commission for report. If the Commission has not held a public hearing on the proposed amendment it shall do so before making its report. The failure of the Commission to report within forty days after reference, or such longer period as may be designated by the Council, shall be deemed to be approval of the proposed amendment. (Ord. 52 Ch. III Sec. 1(j)(2), 1968).

**17.56.130 Council authority to adopt temporary interim zoning ordinance not affected.** No provision in this title shall be deemed to affect the authority of the Council to adopt any temporary interim zoning ordinance pursuant to Section 65858 of the California Government Code. (Ord. 52 Ch. III Sec. 1(j)(3), 1968).

**17.56.140 Application--Effect of denial.** Whenever an application for an amendment of the text of this title or for rezoning of any property is denied, the application for such amendment or for rezoning of all or any portion of the property shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Council or Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that previously applied for; and
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the General Plan, and the General Plan has subsequently been amended in a manner which will allow the proposed zoning. (Ord. 52 Ch. III (k), 1968).

#### **4. Certification:**

##### **General Certification:**

##### **I (We):**

- consent to the submission of this application.
- understand that an incomplete application may be denied.
- hereby declare under penalty of perjury under the laws of the State of California that the information in this application and its attachments is true, complete and correct.
- certify that I (We) have read and understand Title 17, Chapter 17.56 found in Part 3 of this application and in the City of Clayton's Municipal Code.

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

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

Property Owner's Signature: \_\_\_\_\_

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