



6000 Heritage Trail, Clayton, CA 94517  
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 www.cityofclayton.org

# Development Plan Permit Application

As Provided in the Clayton Municipal Code Title 17, Chapter 17.28

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:

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

Phone

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 Development Plan Permit 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 Development Plan Permit request and the Planning Commission's recommendation.
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 17.28 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

Development Plan Application

Environmental Review Application

Impervious Area Worksheet

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.

Preliminary Landscape Plan See Title 17 Chapter 17.80 of the Municipal Code

Open Space Plan Show/describe the method used to satisfy the open space requirements of section 17.28.100 of the Municipal Code found in Part 3 of this application.

**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.

**Site/Development Plan:** 12 copies (maximum of 11"x 17"). Show/Include the following:

- |   |  |
|---|--|
| 1. Project name   | 13. Density (existing and proposed)  |
| 2. Submitted by (name, address, phone, date)  | 14. Location of <u>existing</u> improvements to be <u>retained</u>   |
| 3. Site address   | 15. Location of <u>proposed</u> on-site <u>and</u> off-site improvements (buildings, structures)                         |
| 4. Scale, North arrow   | 16. Building area, % of lot coverage, height of bldg., number of stories   |
| 5. The name(s) of the present owner(s) of each separate legal parcel                                    | 17. Property lines/lease lines/phase lines: (1) fully dimensioned (2) street right of ways/alleys/easements (3) setbacks |
| 6. Map showing the property to be developed in its context (surrounding streets, land uses, structures) | 18. Indicate <u>proposed</u> private common areas and those proposed for dedication for public use                       |
| 7. Boundary lines showing the <u>entire</u> proposed development including dimensions                   | 19. Landscaping on-site, required <u>and</u> provided by % of site/ % of useable open space                              |
| 8. Boundary lines of <u>each</u> separate legal parcel including dimensions                             | 20. All streets, medians & driveways (both sides of street) within 125' of property                                      |
| 9. Parcel size (net and gross)  | 21. Parking required <u>and</u> provided   |
| 10. Legal description(s)  |  |
| 11. Zoning (existing and proposed)  |  |
| 12. General Plan projected land use   |  |

**Architectural Design:** 12 copies (maximum of 11"x 17"). Show/Include the following:

1. Elevations/drawings to scale showing architectural design of all structures proposed for the site
2. Identify the exterior materials, color and finish of all structures
3. Discuss the harmony of the proposed design with the significant design features or themes of adjacent and

**Circulation Plan:**

1. Show all proposed, on-site public and/or private vehicular (automobile and bicycle) and pedestrian ways
2. Show proposed, on-site, public right-of-way, walkways, paths, trails, etc. Identify pavement width and type
3. Show the relationship of the proposed circulation facilities to the existing facilities (Including, but not limited to: streets, highways, pedestrian walkways, public transit, bicycle paths, hiking and equestrian trails, etc.)
4. Show location of points of ingress and egress for vehicles

**Proposed Signs:**

1. Architectural drawings for each sign
2. Location of each sign
3. Size, color, and shape of each sign
4. Type of illumination for each sign

**Community Facilities Plan:**

1. The location of significant historical, cultural and archaeological features of the site, including methods proposed to preserve and incorporate such elements into the proposed project
2. The proposed layout, dedication and/or reservation of school sites library sites, and public open space and usable recreation areas including parks and playgrounds

**Additional Reports/Statements:**

1. Preliminary storm drainage plan
2. Soils report for the subject area
3. Geotechnical report for the subject area
4. Preliminary sewer disposal plan
5. Preliminary public utilities plan (including cable TV.)
6. Feasibility analysis of all public or quasi-public recreational and educational areas and facilities proposed to be located within the development. This analysis shall include a statement of anticipated financing, development and long-term maintenance
7. Residential density analysis of the subject area and the estimated population, both adult and school-age, resulting therefrom. The proposed number of school-age children shall be integrated with the analysis of educational needs and proposed facilities
8. Any additional information as may be required by the Community Development Director

**Letter of Explanation:**

1. Identify and provide justification for the specific modification(s) to the general development standards, if applicable.
2. Explain how the Development Plan accommodates, encourages, and promotes innovatively designed developments involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community.
3. Describe how the Development Plan is deemed appropriate or necessary, and traditional zoning regulations are replaced by performance considerations to fulfill the objectives of the General Plan and Specific Plan, if applicable.

**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:**

**17.28.010 Planned Development District Defined.** A Planned Development District (PD) is a zone which allows for an integrated, comprehensively-planned area located on a single tract or contiguous tracts of land under a single or joint ownership which allows flexibility in the land use controls typically required by another zone. The Planned Development District requires a subsequent development level permit. (Ord. 308, 1993)

**17.28.020 Purpose.** The major purposes of the Planned Development District are:

- A. To implement the objectives of the General Plan.
- B. To conserve outstanding natural and archeological features.
- C. To provide more private and public open space.
- D. To encourage building variety and innovative approaches in environmental design. The Planned Development District permits, for example, mixed land uses, varied setbacks and building heights and diverse lot sizes.
- E. To promote economy and efficiency through shared facilities and services. (Ord. 308, 1993)

**17.28.030 Criteria for Planned Development District Application.** Any piece of land one half acre or larger with any General Plan designation or designations may be rezoned to Planned Development District. Mixed use development would require rezoning to Planned Development District prior to seeking development approval. (Ord. 308, 1993)

**17.28.040 Rezoning to Planned Development District.** An application to rezone or prezone an area to Planned Development District shall include all other submittals normally required by the City for a rezoning application pursuant to Chapter 17.56 of this Title. (Ord. 308, 1993)

**17.28.050 Land Use Permit Required.** For all areas zoned Planned Development District, a land use permit is required as follows:

- A. For residential uses of four (4) lots or less and containing four (4) dwelling units or less, a Site Plan Permit is required pursuant to Chapter 17.44.
- B. For residential uses of five (5) lots or more or containing five (5) dwelling units or more, a Development Plan Permit is required as specified below.
- C. For commercial or mixed use development on parcels less than 15,000 square feet in area (subject Subsection E below), a Site Plan Permit and/or a Use Permit is required pursuant to Chapters 17.44 and/or 17.60, respectively.
- D. For commercial or mixed use development on parcels 15,000 square feet or greater in area (subject Subsection E below), a Development Plan Permit is required as specified below.
- E. The applicable parcel areas for Subsections C and D above, are those shown on the Assessor's Maps of the Contra Costa County Assessor's Office as of January 1, 2007 (termed Original Parcels). Development projects located on parcels created by any subsequent division of the Original Parcels must comply with the requirements applicable to the parcel areas of the Original Parcels. (Ord. 402, 2007)

**17.28.060 Permitted Uses.** The Planned Development District is designed to effectively control the development of a single use or mixture of uses as defined in the overlying category(ies) designated in the General Plan. (Ord. 308, 1993)

**17.28.070 Density.** The maximum permissible density is defined by the overlying category(ies) designated in the General Plan. If the proposed Planned Development District spans more than one General Plan use and/or density category, then such use and/or densities may be mixed in the same proportions in the Planned Development District as designated in the General Plan. Strict adherence to overlying General Plan use/density boundaries may not be necessary if a reasonable mixture of uses/densities can be designed which is compatible with adjacent uses and which is not greater than the maximum permissible density as defined by the General Plan. (Ord. 308, 1993)

**17.28.080 Latitude of Regulations.** The Planning Commission or City Council may adopt as part of a Site Plan or a Development Plan pursuant to the Planned Development District regulations, limitations and restrictions different from those specified elsewhere in City Ordinances, but which are designed to protect, foster and maintain the health, safety, and general welfare of the community, including and relating to but not limited to the following:

- A. Setback and height limitations on structures;
- B. Percent coverage of land by structures;
- C. The location, width, and improvement of vehicular and pedestrian access to various portions of the property;
- D. Planting and maintenance of trees, shrubs, plants and turf in accordance with a landscaping plan;
- E. Construction of fences and walls;
- F. Limitations upon the size, design, number, lighting and location of signs and advertising structures;
- G. Arrangement and spacing of buildings and structures to provide appropriate open spaces around them;
- H. Location and size of off-street parking, loading areas and docks;
- I. Architectural design of buildings and structures; and
- J. Provision for exterior night lighting. (Ord. 308, 1993)

**17.28.100 Open Space.**

- A. Amount of Open Space. Projects must contain provisions for active and passive open space areas collectively comprising at least twenty (20) percent of the project site, except commercial or mixed use projects on parcels less than one acre which must provide active open space on at least ten (10) percent of the project site. These minima may be increased depending upon the amount and type of active open space improvements provided.
- B. Proportion of Active and Passive Open Space. At least half of the designated open space area should be active open space (except for commercial or mixed use projects on parcels less than one acre). However, the City may consider the following factors for determining the proportion of the open space area which is active open space and passive open space:
  - 1. The topography of the project site;
  - 2. The proximity of the project site to other public areas of active open space and passive open space;
  - 3. The nature of any proposed active open space improvements including recreational areas (e.g., athletic facility, swimming pool, park, playgrounds, clubhouse, plaza, courtyard, walking trail) or open space amenities (e.g., public art, infrastructure for community events, landscaping);

4. The extent to which the designated open space in commercial projects is accessible to the public or on-site customers; and
5. The extent to which the provisions for active and passive open space are provided on-site, off-site, or through an in-lieu financial contribution.

**C. Off-Site Open Space and In-Lieu Contributions.** Residential projects on sites less than three (3) acres as well as commercial or mixed use projects on sites less than one (1) acre may meet all or a portion of the open space requirements through one or more of the following means:

1. The acquisition of land for public open space and/or the construction of open space improvements on public open space at off-site locations.
2. In-lieu financial contributions to the City for acquisition and/or maintenance of public open space. In-lieu financial contributions shall be based on the following criteria:
  - a. For the active portion (minimum fifty percent) of the open space requirement, a financial contribution for acquisition and/or maintenance of active recreation areas (e.g., athletic fields, playgrounds) in the City's park system.
  - b. For the passive portion (maximum fifty percent) of the open space requirement, a financial contribution for maintenance of the City's trail system.
3. If the financial contributions are based upon maintenance costs, such contributions shall be based upon reasonable maintenance costs for a ten-year period and shall be proportional to the land area that would be required if the open space area was provided on-site.

**D. Open Space Standards.** The following standards apply to all open space areas.

1. For purposes of calculating open space requirements, the project site area shall exclude areas to be dedicated for public right-of-way.
2. Any active open space area shall not have a slope greater than ten (10) percent or any length or width dimension of less than ten (10) feet.
3. Open space areas shall be owned and maintained as listed below. Alternatively, open space areas may be proposed and accepted for dedication as public open space.
  - a. Residential active open space -- by a property owners association.
  - b. Residential passive open space -- by a property owners association or by one or more individual property owners if the area is subject to development restrictions by a conservation easement.
  - c. Commercial or mixed use open space -- by a property owners association or the project site property owner.
4. All open space improvements and in-lieu financial contributions are subject to approval by the City. (Ord. 402, 2007)

**17.28.110 Maintenance of Common Areas.** Legal provision shall be made for the perpetual maintenance of all areas to be dedicated for common use including but not limited to active open space, passive open space, property owners association facilities, parking, and circulation. (Ord. 402, 2007)

**17.28.120 Circulation/Parking.**

- A. Road/street widths are to be determined by the Subdivision Regulations in conjunction with the City Engineer.
- B. Streets shall be dedicated for public use and maintenance or privately-owned and maintained but open for continual public use. (Ord. 308, 1993)
- C. Off-street parking and loading shall be provided in accordance with the requirements of Chapter 17.37 (Off-Street Parking and Loading Regulations). (Ord. 408, 2007)

**17.28.130 Utilities.** The design, location and installation schedule of all utilities are to be determined by the Subdivision Regulations and the City Engineer in consultation with the utility providers. (Ord. 308, 1993)

**17.28.140 Review Procedures/Development Plan Permit.**

**A. Hearing-Recommendation by Planning Commission**

1. After application filing, the Community Development Director shall determine if all submittal requirements have been met and if the application is complete. The Community Development Director shall then schedule the matter before the Planning Commission. The Planning Commission shall then hold a public hearing to review the Development Plan application. Notice of the public hearing shall be given in the manner and for the time required by Section 65091 of the California Government Code.
2. The Planning Commission shall review the Development Plan Permit request and make a recommendation with conditions, as warranted, to the City Council. The recommendation shall be by affirmative vote of not less than a majority of Commissioners present at a duly constituted meeting of the Planning Commission. A denial of the Development Plan Permit request by the Commission shall cease further consideration of the request for a period of one year following such denial, except in the following cases:
  - a. An appeal is filed pursuant to Chapter 17.68 of this title;
  - b. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or
  - c. When the permit request was denied for the reason that the proposed development would not conform to the General Plan and the General Plan has subsequently been amended in a manner which would allow the proposed development.
3. The City Council shall review the Development Plan Permit request and recommendation from the Planning Commission. After its public hearing and review, the City Council shall approve the request, with conditions, as warranted, or shall deny the request. Action of the City Council shall be by vote of not less than a majority of the Council present at a duly constituted meeting of the City Council. A denial of the Development Plan Permit request shall cease further consideration of the request for a period of one year following such denial, except in the following cases:
  - a. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or
  - b. When the permit request was denied for the reason that the proposed development would not conform to the General Plan, and the General Plan has subsequently been amended in a manner which would allow the proposed development. (Ord. 308, 1993)

**17.28.150 Conditions of Approval.**

- A. The Planning Commission and/or City Council reserves the right to require development which is less dense than the maximum permitted in the General Plan as well as to impose conditions to insure that the development meets the purposes of the Planned Development District as here above specified.
- B. The Planning Commission and/or City Council may as a condition of approval require a cash bond or surety bond to ensure the completion of all or specified parts of the development determined to be essential to the achievement of the purposes of this Chapter. (Ord. 308, 1993)

**17.28.160 Standards of Review.** In order to make the findings required by Section 17.28.170, the provision of the following amenities shall be thoroughly evaluated:

- A. Natural Open Space:** The quantity and quality of open space areas. Whether significant natural areas will be preserved including: prominent land features, watercourses, minimize removal of existing trees, etc;
- B. Open Spaces:** Quantity and quality of open space and associated improvements to be provided and whether such areas and improvements will be functional, safe, attractive and adequate (Ord. 402, 2007);
- C. Vehicular Access** including parking location, amount and design of pedestrian access including trails and bike paths, and the safe separation of transportation modes including provision for emergency vehicles;
- D. Landscape Design:** The degree of compliance with the water conserving guidelines found in Chapter 17.80 of this Title and, where appropriate, the degree of fire resistant landscaping;
- E. Site Design:**
  - 1. Creative integration of visual focal points, views and topographic features;
  - 2. Sun and wind orientation; and
  - 3. Building grouping and sensitive siting on the terrain for access and privacy as well as to minimize the necessity for retaining walls.
- F. Design Features:**
  - 1. Maximize the harmonious integration of a variety of architectural features, materials and colors and site layouts to prevent design monotony; and
  - 2. Provision for the dense landscape screening of vehicular parking areas both public and private.
- G. Ownership/Maintenance of Common Areas:** That adequate provision is made for the ownership and maintenance of the common areas of the development for the duration of its economic life; and
- H. Other Features:** Provision of such other features as the Planning Commission or City Council determine are appropriate. (Ord. 308, 1993)

**17.28.170 Required Findings.** A Development Plan Permit for a Planned Development District shall not be granted unless the Planning Commission and/or City Council makes the following findings:

- A. That the application of the Planned Development District, as proposed, will result in a significantly better quality development than would occur with a non-flexible zone and that the factors specified in Section 17.28.160 have been thoroughly evaluated;
- B. That the project complies with the open space requirements of Section 17.28.100 (Ord. 402, 2007);
- C. That the development is consistent with the City's General Plan;
- D. That the development will be compatible with and in harmony and character with the City as a whole and with adjoining areas and uses;
- E. That in the case of non-residential uses such development is needed at the proposed location to provide adequate facilities of the type proposed and such non-residential development will fit harmoniously into and will not have adverse effects upon the adjacent or surrounding areas;
- F. That the development's environmental impacts have been reviewed pursuant to CEQA; and
- G. The applicant intends to start construction within the allotted time as specified in Section 17.28.190. (Ord. 308, 1993)

**17.28.180 Development Plan Modifications.** The Development Plan may be modified by submitting an application amendment following the review procedures specified in Section 17.28.140 of this Chapter provided that the proposal is consistent with the General Plan. (Ord. 308, 1993)

**17.28.190 Termination.** If within 18 months after the approval by the City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.

The Planning Commission or City Council, on appeal, may grant extensions to commence construction for not more than one year at a time upon showing of good cause. (Ord. 308, 1993)

**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 17.28 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: \_\_\_\_\_