



AGENDA
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS

TUESDAY, MARCH 22, 2016

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

The Cloverdale City Council welcomes you to its meetings that are typically scheduled for the 2nd and 4th Tuesday of the month. Your interest and participation are encouraged and appreciated. ***Please silence all pagers, cellular telephones and other communications devices upon entering the meeting.***

ADDRESSING THE CITY COUNCIL:

When asked to do so by the Mayor, those wishing to address the City Council are asked to step up to the podium. Speak directly into the microphone so everyone in the audience can hear your comments and so they'll be recorded into the official record. State your name and City of Residence for the record. Per City Council Policy, three (3) minutes are typically allotted to each speaker. However, Council may at its discretion revise the amount of time allotted. Public comments will normally be received after staff presentations on an agenda item and before the City Council starts deliberations. A Talking Tips sheet is available for your use.

We may disagree, but we will be respectful of one another.
All comments will be directed to the issue at hand, and addressed to the City Council.
Personal attacks are unacceptable.

DISABLED OR SPECIAL NEEDS ACCOMMODATION: In compliance with the Americans with Disabilities Act, if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at 894-2521. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

WAIVER WARNING: If you challenge decisions/directions of the City Council in court, you may be limited to raising only those issues you or someone else raised at public hearings(s) described in this Agenda, or in written correspondence delivered to the City of Cloverdale at, or prior to, the public hearing(s).

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Conflict of Interest Declaration
- Agenda Review – Regular Session (Changes and/or Deletions)

PUBLIC COMMENTS:

Any person wishing to speak to the City Council on any item not listed on the agenda may do so at this time. Members of the public have the right to speak on any items on the Council Agenda during that item. Pursuant to the Brown Act, the City Council is not allowed to consider issues or take action on any item not listed on the agenda. Each person wishing to speak must go to the podium when advised by the Mayor and speak directly into the microphone.

PROCLAMATIONS / PRESENTATIONS:

1. **Presentation by the Sonoma County Community Development Commission regarding Homelessness-**
Jim Leddy

CONSENT CALENDAR:

All items under Consent Calendar will be considered together by one action of the Council unless any Council Member or member of the public requests that an item be removed and considered separately.

2. **Minutes of Previous Meeting – January 26, 2016-** Moore
3. **Consideration of Resolution No. 005-2016 authorizing the destruction of certain records-** Cayler
4. **Ordinance Repealing and Replacing Cloverdale Municipal Code Chapter 5.24 Relating to Massage Therapy and Massage Establishments-** Cramer

COMMUNICATIONS: None.

Council may discuss at this time written communications sent to Council members since the last council meeting. Written communication to be discussed will be listed below, if any.

PUBLIC HEARINGS:

5. **Introduction and First Reading of Ordinance No. 706-2016, Amending Cloverdale Municipal Code Chapter 8.08 Related to Smoking in Public Places-** Cramer

Recommendation: The City Manager recommends that the City Council introduce and waive the first reading of Ordinance No. 706- 2016, an Ordinance of the City Council of Cloverdale Amending Cloverdale Municipal Code Chapter 8.08, "Smoking in Public Places," to Align Regulations with Current Law and to Prohibit Smoking at Outdoor Public Events.

NEW BUSINESS:

6. **Consideration of Resolutions No. 022-2016, adopting a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting program (MMRP) for the Clover Springs Open Space Preserve Project-** Cayler

Recommendation: The City Manager recommends that the City Council adopt the attached Resolution No. 022-16, adopting a Mitigated Negative Declaration with amended Mitigation Measures and a Mitigation Monitoring and Reporting Plan (MMRP).

7. Action on Letter of Support for Senate Bill 1030 (McGuire) Thus Eliminating Sunset Date for the Sonoma County Regional Climate Protection Authority's (RCPA)- Cayler

Recommendation: The City Manager recommends the following City Council minute order: "The Cloverdale City Council authorizes Mayor Brigham to sign a letter of support for SB1030 (McGuire), thus advocating for the elimination of the Sonoma County Regional Climate Protection Authority's sunset clause provision under State Law."

8. Motion Order to Approve the Mayor's Appointment of Bob Bialon as a Regular Member, and Jason Turner as an Alternate Member, of the Planning Commission- Kelley

Recommendation: By motion order, approve Bob Bialon as a Regular Member of the Planning Commission with a term ending March 22, 2020 and Jason Turner as an Alternate Member of the Planning Commission with a term ending March 22, 2018.

9. Discussion of proposed revisions to the Public Works Director Job Description and Proposed Salary Range- Cayler

Recommendation: Informational item, first touch.

10. Presentation on the Master Plan Drawings for the "Thyme Square" Property by Collaborative Design Architects, Inc. and provide comments to City staff on the preferred conceptual design- Kelley

Recommendation: Staff recommends that the City Council accept the presentation by Collaborative Design Architects on the Thyme Square Master Plan project and provide comments to City staff on the preferred conceptual design for the property.

SUBCOMMITTEE ACTION ITEMS: None

SUBCOMMITTEE REPORTS: (VERBAL REPORTS: 15 minutes)

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: April 5, 2016, 8:00 am
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: April 27, 2016, 2:00 pm.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: April 19, 2016, 4:00 pm.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: March 29, 2016, 10:30 am
- Joint City/Fire District (Chair, Councilmember Palla and Mayor Brigham) - Next Meeting: June 13, 2016, 5:30 pm.
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) – Next Meeting: March 28, 2016, 5:00 pm.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON): (VERBAL REPORTS: 15 minutes)

LEGISLATIVE REPORT:

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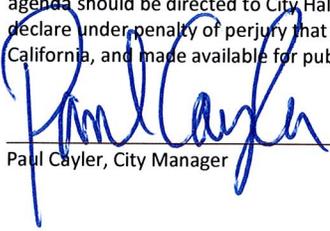
AB343 Requirements: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Hall offices located at 124 N. Cloverdale Blvd., Cloverdale CA 95425 during normal business hours.

CITY MANAGER/CITY ATTORNEY REPORT:

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS:

ADJOURNMENT: Adjourn to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, April 12, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

The City does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation. Questions about this agenda should be directed to City Hall at 707/894-2521. State of California, County of Sonoma, City of Cloverdale. CERTIFICATION I, Paul Cayler, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the City Hall, 124 N. Cloverdale Blvd., Cloverdale, California, and made available for public review, prior to or on this 17th day of March, 2016, at or before 5:00 p.m.



Paul Cayler, City Manager



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 1
Meeting Date: March 22, 2016

Agenda Section Proclamations/Presentations	Staff Contact Paul Cayler, City Manager
------------------------------------------------------	---------------------------------------------------

Agenda Item Title
Presentation by the Sonoma County Community Development Commission regarding Homelessness

Summary

On August 26, 2016, the Sonoma County Board of Supervisors held a session regarding the report titled: "Building Homes: A Policy Maker's Toolbox For Ending Homelessness". It is composed as a toolbox of options for policy makers with the goal of ending all homelessness in ten years through the building of homeless dedicated housing. The Sonoma County Board of Supervisors directed the Community Development Commission (CDC) to bring back an implementation plan. In parallel with that effort, the CDC has begun to start the process of engagement to share information with all of the cities. The report seeks to provide an understanding of the needs and opportunities to end homelessness in Sonoma County by 2025. It reviews proven strategies, proposes new initiatives to strengthen and build upon the 10-Year Homeless Action Plan which was updated in 2014 by Sonoma County Continuum of Care. The report acknowledges that there are many hard choices, substantial investments, and committed actions that will be required. Local innovation informed by national best practices can create the path to end homelessness by providing safe, secure housing coupled with essential health and human services. With focused vision, clearly articulated goals, and determined commitment, Sonoma County can achieve success and enhance the quality of life for all residents. Mr. Jim Leddy (CDC Special Projects Manager) will present to the Cloverdale City Council, wherein he will describe a series of alternatives that can be used to create the amount and types of homes needed to end homelessness. Homeless-specific housing differs in some respects from "workforce" housing, but there are significant areas of overlap in the tools that might be used to create both types of housing.

Options

This is presentation only in order to provide feedback and ask questions. No action required.

Budget/Financial Impact

None.

Subcommittee Recommendation

None.

Recommended Council Action

The City Manager recommends that the City Council hear the presentation from the Sonoma County Community Development Commission, then take public comment. As appropriate, the City Council may provide feedback and ask questions to Sonoma County Community Development Commission staff.

Attachments:

None.

cc:



Sonoma County Community Development Commission

Building HOMES



A Policy Maker's Toolbox for Ending Homelessness

March 22, 2016



Building HOMES

A Policy Maker's Toolbox for Ending Homelessness



- **H**OUSING: *What are the needs?*
- **O**PTIONS: *What can be done?*
- **M**EASUREMENTS: *What is the goal?*
- **E**NGAGEMENT: *Who can help?*
- **S**TRATEGIC ACTION: *What is the plan*



2015 Homeless Count

- **3,107** people homeless on a single night
 - 1,037 (33%) – Sheltered
 - 2,070 (67%) – Unsheltered
- **5,574** people homeless annually
 - Exceeds 1% of County's population
- **27%** decrease from 2013
 - 3 times national rate

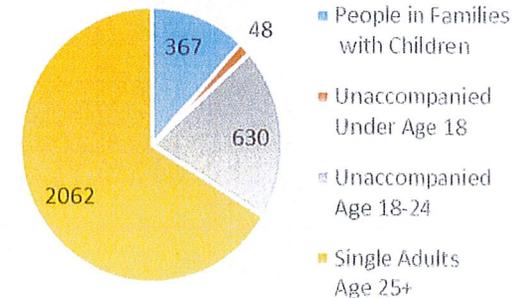




Homeless Demographics

- 87% - Single Adults over age 18
- 22% - Unaccompanied Youth under age 24
- 12% - Families with Children
- Special needs:
 - Adults with Mental Illness 57%
 - Victims of Domestic Violence 36%
 - Adults with Substance Abuse 31%
 - Chronically Homeless 23%
 - Veterans 7%
 - Adults with HIV 2%

2015 Homeless Count
3,107 People





2015 Homeless Count by Jurisdiction

In the Cities	UNSHELTERED	SHELTERED	TOTAL	%
Cloverdale	43	6	49	2%
Cotati	86	0	86	3%
Healdsburg	86	58	144	5%
Petaluma	136	225	361	12%
Rohnert Park	43	9	52	2%
Sebastopol	94	0	94	3%
Sonoma	13	14	27	1%
Santa Rosa	994	652	1,646	53%
Windsor	0	13	13	<1%
Total	1,508	964	2,472	80%



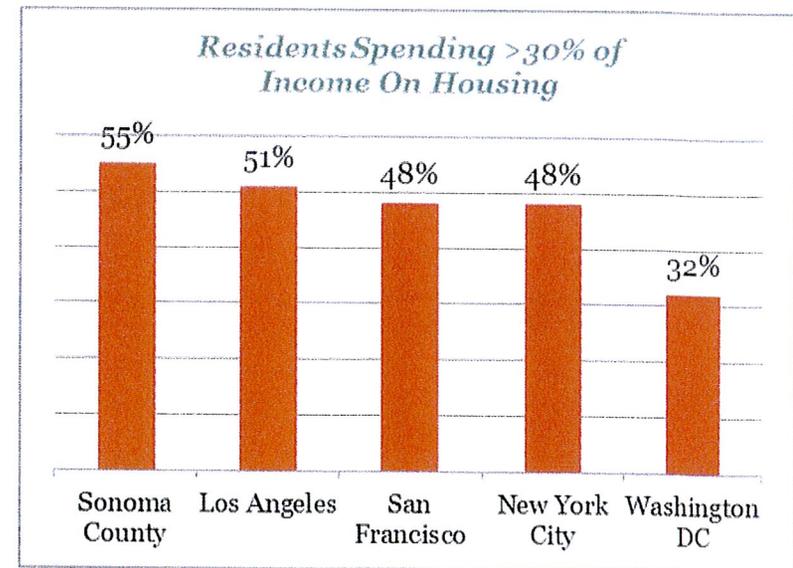
2015 Homeless Count

Outside Cities but in Region	UNSHelterED	SHelterED	TOTAL	%
Unincorporated – North County	12	0	12	<1%
Unincorporated – South County	31	0	31	1%
Unincorporated – West County	201	40	241	8%
Unincorporated – Sonoma Valley	111	20	131	4%
Unincorporated – Central Santa Rosa	210	0	210	7%
Total	565	60	625	20%



Current Housing Market

- Rental vacancy rate is 1.5%
- Rents increased 30% in last 3 years
 - Added to 46% increase from 2000 – 2012
 - Average rent ~ \$1,600
 - Over 50% of very low-income households pay more than 50% income for rent





Housing First

- “Housing First” approach resolves homelessness
 - Placement in permanent housing
 - Supportive services provided after stabilized in housing
 - Higher success in treatment outcomes
 - Higher rate of housing retention
 - Reduced use of crisis services, hospitals, jails, other institutions

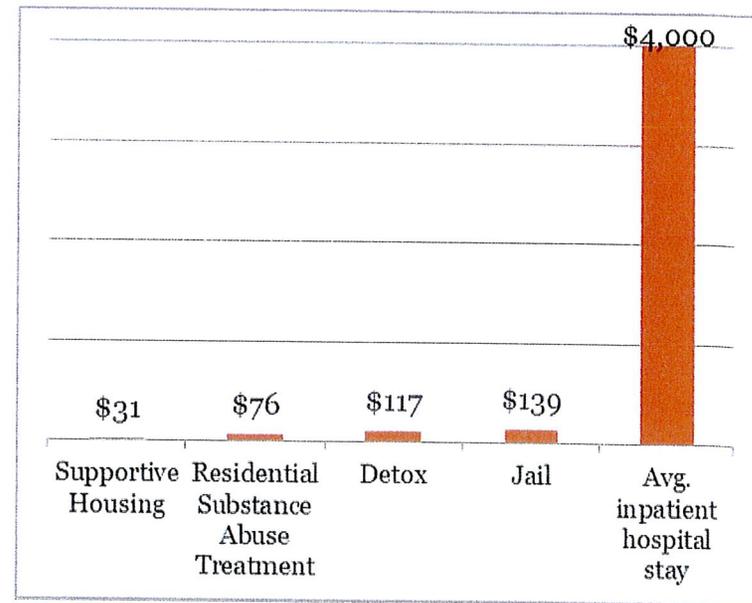


The solution to homelessness is permanent housing.



Housing = Cost Savings

- Permanent supportive housing averages \$31/day
- People who are homeless use more expensive interventions including:
 - Emergency rooms
 - Hospital stays
 - Arrests
 - Incarceration
- Net savings even when including cost to build new housing



Cost Per Day in Supportive Housing, Treatment, Jail, & Hospital, Sonoma County 2014-15



Housing Units Needed

- **2,200** homeless-dedicated units needed
 - Throughout all areas of County
- **200** in existing housing units
 - Set-asides in affordable housing developments
 - Rapid Re-Housing: short/medium-term subsidies
 - Section 8: long-term rental subsidies
 - Shared housing
 - Mix of unit sizes

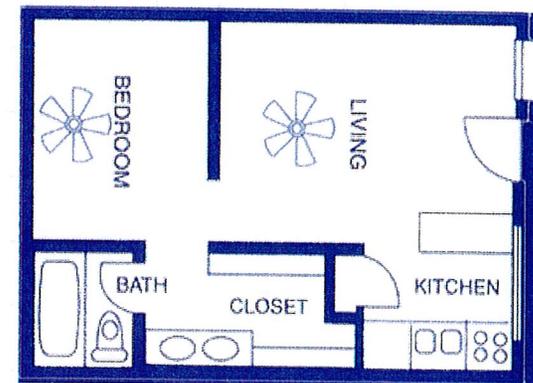


Amorosa Village in Santa Rosa includes set-aside apartments for formerly homeless families.



Housing Units Needed

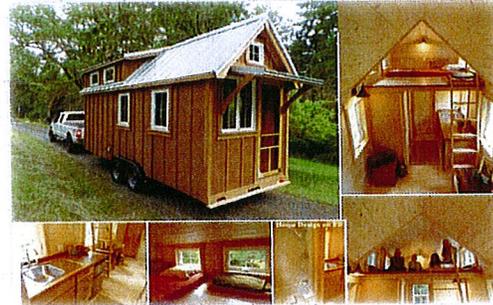
- **2,000** new units
 - New homeless-dedicated development
 - Rehabilitation of substandard housing units
 - Adaptive reuse of underutilized non-residential properties
 - Most for single adults
 - 400 to serve needs of youth
 - Most 220 - 400 square feet





Portable Units

- Types include:
 - RVs and travel trailers
 - Tiny houses
 - Cargo container homes
- Advantages
 - May be less expensive to develop
 - Can move to alternate locations as needed
- Disadvantages
 - May not have heat / utilities
 - Do not resolve homelessness
 - Do not qualify for most federal & state subsidies





Permanent Units

➤ Types include:

- Single-room occupancy (SRO)
- Small apartments
- Manufactured housing / park model homes
- Tiny houses if larger than 220 sf & on permanent foundations



➤ Advantages

- Qualify for federal & state financing
- SROs & apartments allow for higher development densities
- Compatible with urban infill

➤ Disadvantages

- Greater time & cost to develop





Interim Measures

- Interim measures used when housing is not available
 - Reduce suffering & keep people safer
 - Make connections to services & housing
- Interim measures can include:
 - Emergency & transitional facilities
 - Safe overnight vehicle parking areas & camping areas
 - Sanitary & food preparation facilities
 - Tents, yurts, sleeping boxes, conestoga homes
- Not optimal path for resolving homelessness
 - Reduction in on-going operational funding





Cost to Develop Housing

- Typical affordable apartments ~ \$350,000/unit
- Homeless-dedicated apartments ~ \$160,000/unit
 - Smaller units to serve singles
 - Simple design
 - Modest amenities
- Park model homes & tiny houses ~ \$172,000/unit
 - Lower densities due to single-story construction
 - Higher construction / site development costs





Cost to Develop Housing

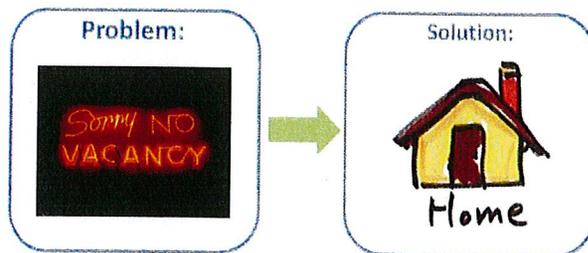
- 2,000 new units needed
- \$160,000/unit average small apartment cost
 - \$105,000/unit estimated federal & state subsidies
 - \$ 55,000/unit estimated local financing needed
- \$110 million local investment required
 - All jurisdictions
 - Spread over ten years
 - Alternatives may be implemented to reduce costs





What can be done?

- Existing resources are insufficient
- Alternatives are available
 - Financing options
 - Policy options
 - Land use options
 - Regulatory incentive options



The solution to homelessness is permanent housing.



Financing Options

- Federal funding resources
 - Low-Income Housing Tax Credits
 - Federal Home Loan Bank - Affordable Housing Program
 - Community Development Block Grant & HOME
 - National Low-Income Housing Trust





Financing Options

- State funding resources
 - Multifamily Housing Program
 - Supports deeply affordable housing
 - Veterans Housing & Homeless Prevention Program
 - \$550 million targeted for veterans who need housing with services
 - Affordable Housing & Sustainable Communities
 - Focused on green house gas reduction
 - Urban areas served by public transit
 - New Permanent Source?
 - \$75 recording fee



CALIFORNIA REPUBLIC



Financing Options

- Local resources – Public
 - Low/Mod Income Housing Asset Funds
 - Redevelopment Residual Receipts
 - Inclusionary Housing Fees
 - Commercial Linkage Fees
 - Transient Occupancy Tax
 - Enhanced Infrastructure Financing Districts
 - Housing Revenue Bonds

	Total Residual & Asset Distributions All Years @ 7/31/15
COUNTY-GENERAL	\$...19,785,816
CITY-OF-CLOVERDALE	\$.....71,342
CITY-OF-COTATI	\$.....1,419,192
CITY-OF-HEALSDBURG	\$.....3,566,322
CITY-OF-PETALUMA	\$.....3,513,005
CITY-OF-ROHNERT-PARK	\$.....2,404,108
CITY-OF-SANTA-ROSA	\$.....1,872,814
CITY-OF-SEBASTOPOL	\$.....1,276,991
CITY-OF-SONOMA	\$.....1,463,776
TOWN-OF-WINDSOR	\$.....1,788,438
Totals - County and Cities	\$...37,161,804



Financing Options

- Local resources – Private
 - Private Fundraising
 - Direct donations to non-profit agencies
 - Funds could be leveraged
 - SAY Dream Center successful model
 - Endowments
 - Funded by legacy and other donations
 - Earnings could support services
 - Employment Based Visa – Type 5

Building the
Dream
Project News & Updates





Policy Options

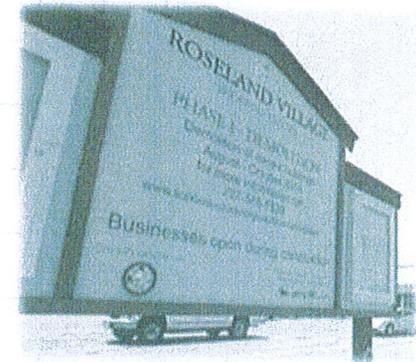
- Impact fees
 - Base fees on unit size
- Development assistance incentives
 - Higher priority for funding
 - Deeper per unit subsidies
- Rental assistance
 - Preference for homeless people
 - Project-based vouchers for homeless-dedicated units
- Use of public facilities





Land Use Options

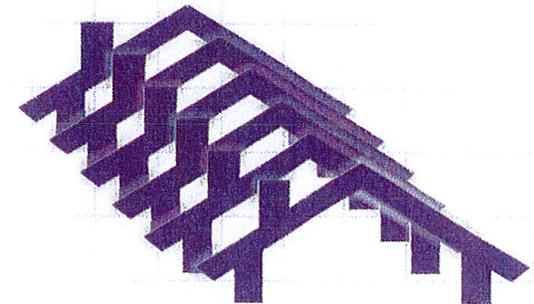
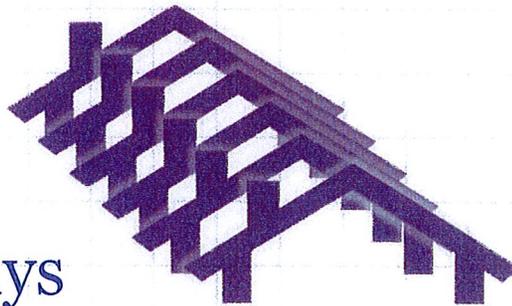
- Zoning densities
 - Zone suitable sites at higher densities
- Publicly owned & surplus land
 - Make available for housing on favorable terms
- Development readiness measures
 - Subsidize site assembly, infrastructure, impact fees





Regulatory Incentive Options

- Density bonuses
 - Create / expand local programs that exceed State-mandated 25% bonus
 - Grant bonuses based on floor area



- Housing overlays
 - Allow housing development on commercial & industrial parcels



Who can help?

- Collaboration
 - Everyone working together towards one solution
 - County / City collaborative lead role



- Community Acceptance
 - Neighborhood relations
 - Community outreach & education





Strategic Action

➤ Engagement

- Countywide Housing Summit
- Leadership Group
- Inter-jurisdictional Working Group
- Regional Housing Coordinator



➤ Geographic Distribution of Affordable Housing

- County/City agreement for proportionate number of units to be accommodated in each jurisdiction



Measuring Success

- Collaborative, strategic action can achieve the goal
 - Create 2,200 homeless-dedicated housing units
 - Increase incomes from employment & benefits
 - Increase health care coverage rates

Eliminate homelessness by 2025

Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Homeless-Dedicated Permanent Housing Units	200	400	600	800	1,000	1,200	1,400	1,600	1,800	2,000
Annual Homeless Count	3,017	2,800	2,500	2,100	1,600	1,300	900	500	250	0
People Experiencing Homelessness In One Year	5,574	5,000	4,500	3,900	3,300	2,600	1,900	1,100	500	0



Next Steps

- Work plan – Adopted January 12th, 2016
- Begin collaborative engagement!

*The solution to homelessness
is permanent housing.*



**DRAFT MINUTES
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS**

TUESDAY, JANUARY 26, 2016

CLOSED SESSION 5:30 p.m.

CLOSED SESSION LOCATION: CITY HALL CONFERENCE ROOM, 124 N. CLOVERDALE BLVD. CLOVERDALE, CA 95425

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order: Mayor Brigham called the meeting to order at 6:30
- Roll Call: Councilmember Palla, Councilmember Cox, Councilmember Russell, Mayor Brigham with Vice Mayor Wolter absent
- Report out of Closed Session –Actions Taken: No reportable action
- Conflict of Interest Declaration: None
- Agenda Review – Regular Session (Changes and/or Deletions): City Manager Cayler requested to pull item number three. Item numbers two and four were pulled for corrections

PUBLIC COMMENTS:

Walt Bear, Cloverdale, stated that he was representing himself and four neighbors who live on Asti Road. He shared that they all received a letter on Jan 11, 2016, regarding the proposed annexation of the sawmill and zoning changes. He requested that the homeowners on Asti Road be taken into consideration prior to making any zoning changes.

PROCLAMATIONS / PRESENTATIONS: None

CONSENT CALENDAR:

1. Resolution No. SA 001-2016 of the Cloverdale Community Development Successor Agency Adopting the Recognized Obligation Payment Schedule 16-17 for the Period July 1, 2016 to June 30, 2017, and the Successor Agency's Administrative Budget For Fiscal Year 2016-17, Pursuant to Health and Safety Code § 34177
2. Resolution No. 007-2015 accepting completed Capital Improvement Project with Sierra Nevada Construction to remove existing striping and raised pavement markers, place slurry seal, and replace striping, pavement markings and raised pavement markers on Cloverdale Boulevard for a pavement preservation and restriping project
3. Resolution No. 005-2015 authorizing the destruction of certain records as incorporated as Exhibit "A" of the resolution which is authorized by the City's official record retention schedule adopted in September 2006
4. Resolution No. 006-2016 adopting the 2015 Subcommittee, Joint Committee and Regional Board/Committee Appointments

5. **Ordinance No. 701-2016 amending the Cloverdale Municipal Code, Title 18 (Zoning Ordinance), Chapter 18.09, to add "Article III Marijuana, Section 18.09.300, Medical Marijuana" and Ordinance No. 702-2016 amending Title 9, Chapter 9.36 "Marijuana" of the Cloverdale Municipal Code Section 9.36.020, "Definitions" and Section 9.36.050 "Outdoor Cultivation of Marijuana Prohibited" to reference the Cloverdale zoning Ordinance for definitions and regulations related to cultivation of marijuana**

PUBLIC COMMENTS: None

Action: Motion was made by Councilmember Russell and seconded by Councilmember Cox to approve the consent calendar minus item numbers two, three, and four. The motion passed (4-ayes – Councilmember Palla, Councilmember Russell, Councilmember Cox, Mayor Brigham; 0-noes; 1-absent- Vice Mayor Wolter)

City Contract Engineer, Vanessa Apodaca stated that item two was pulled to correct a typographical error. She stated the final contract amount listed as \$90,642.53 should read \$93,823.48 as reflected in the S&C invoice.

Councilmember Russell made a correction to the Board appointments, stating that the "Sonoma County Health Action Plan" should read "Sonoma County Department of Health, Health Action Council".

Councilmember Cox also made a correction to item number four, stating that he and Councilmember Palla should be listed on the Joint Cloverdale Unified School District instead of Vice Mayor Wolter and Councilmember Palla, adding that he is also the liaison for the Cloverdale Library Advisory Board.

Action: Motion was made by Councilmember Palla and seconded by Councilmember Cox to approve the consent calendar item numbers two, and four with modifications noted. The motion passed (4-ayes – Councilmember Palla, Councilmember Russell, Councilmember Cox, Mayor Brigham; 0-noes; 1-absent- Vice Mayor Wolter)

COMMUNICATIONS: None

PUBLIC HEARINGS: None

NEW BUSINESS:

6. **Resolution No. 008-2016 of the City Council Authorizing the City Manager to Execute an Individual At-Will Employment Agreement with Mr. David Kelley as Cloverdale Assistant City Manager/Community Development Director**

City Manager Cayler introduced David Kelley, the candidate selected to fill the vacant Assistant City Manager/Community Development Director position. Mr. Cayler reported that 13 applications were received and explained the hiring process. He discussed David Kelley's qualifications and background and recommended that the City Council adopt the resolution, authorizing the City Manager to execute the at-will employment agreement with David Kelley as the new Assistant City Manager/Community Development Director.

PUBLIC COMMENTS:

David Kelley, came to the podium to address the Council, commenting that he is excited to join the City of Cloverdale team and that he looks forward to rolling up his sleeves and participating in the planning process for the Cloverdale Community.

LaReva Myles, Cloverdale, welcomed Mr. Kelley and asked what his bird's eye view is for Cloverdale and what improvements he foresees for the City. City Manager Cayler responded that economic development is a priority for Cloverdale, explaining that Mr. Kelley is very capable and is prepared to embark on this endeavor. He suggested that Ms. Myles might wish to take the opportunity to meet with Mr. Kelley individually.

Action: Motion was made by Councilmember Cox and seconded by Councilmember Russell to approve Resolution No. 008-2016 of the City Council Authorizing the City Manager to Execute an Individual At-Will Employment

Agreement with Mr. David Kelley as Cloverdale Assistant City Manager/Community Development Director. The motion passed (4-ayes – Councilmember Palla, Councilmember Russell, Councilmember Cox, Mayor Brigham; 0-noes; 1-absent- Vice Mayor Wolter).

7. Resolution No. 009-2016 adopting Complete Streets Policy

Ms. Apodaca presented this item. She informed Council that the policy before them is required to be eligible for funding from One Bay Area Grant (OBAG) for the next three to five years. She explained that Complete Streets Policy is intended to be a comprehensive system that will promote public transit, walking, biking, etc., to minimize green house gases.

Mayor Brigham opened public comment for this item; none was received.

Action: Motion was made by Councilmember Russell and seconded by Councilmember Palla to approve Resolution No. 009-2016 adopting Complete Streets Policy. The motion passed (4-ayes – Councilmember Palla, Councilmember Russell, Councilmember Cox, Mayor Brigham; 0-noes; 1-absent- Vice Mayor Wolter).

SUBCOMMITTEE REPORTS: (VERBAL REPORTS: 15 minutes)

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: February 2, 2016, 8:00 am
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: January 28, 2016, 2:00 pm.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: February 16, 2016, 4:00 pm.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: March 29, 2016, 10:30 am
- Joint City/Fire District (Chair, Councilmember Palla and Councilmember Cox) - Next Meeting: February 22, 2016, 5:30 pm.
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) – Next Meeting: March 21, 2016, 5:00 pm. Councilmember Palla reported that the committee met on January 25th and discussed the new bleachers the tennis courts will be receiving, which will be funded by the boosters club. He also announced that the School District has a new website and encouraged Council and the public to check it out.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON):

Councilmember Russell shared information from the SMART Board, the Sonoma County Transportation Authority and Regional Climate Protection Board. She shared the challenges that SMART is having recruiting diesel mechanics. Discussion ensued regarding vocational training, work force development, future job opportunities and recruitments. The impact of technology and the elimination of particular jobs was also discussed.

Councilmember Cox stated that, as a member of the League's Transportation, Communication, and Public Works Committee, he attended a meeting in Sacramento where the proposed California Road Charge Program was discussed. He explained the new charge, adding that it is intended to make up for the lower funds currently available from gas taxes. Councilmember Cox shared that autonomous vehicles were also discussed at the meeting, noting that the prediction is that within six years, all new cars will have some autonomous features.

Councilmember Palla shared that during his meeting with Supervisor Gore, he indicated that he is in support of continuing the Crisis Intervention, Assistance, Prevention, and Education Program that is currently available in schools. He discussed funding sources for the program and the importance of maintaining the funding. He shared the challenges of securing County assistance for the development of a skate park. Councilmember Palla reported that he attended the first meeting of the year for the Sonoma County Mayor and Council Members Association Legislative Committee. He stated that the committee discussed the California Road Charge Program and they were very clear that one size does not fit all, noting that rural communities are forced to drive more miles to obtain necessities and this will need to be considered. Councilmember Palla commented that at this point the

program is a pilot, volunteer program. Councilmember Palla also reported that he attended the REMIF Annual Board and shared that the pool of 15 Cities have taken a couple of hits lately due to work comp injuries and liabilities, which will cause an increase in fees. He shared that he had opportunity to tour the upgraded Police dispatch center and commended and thanked Chief Cramer and Police staff. Councilmember Russell commented that she also took the tour and concurred with Councilmember Palla.

Student liaison, Karsyn Stewart, reported that a four-game series for basketball is starting and teams will be going to Fort Bragg for games tomorrow. She announced that the Interact Club is beginning a coat drive and will also be doing a Citrus Fair exhibit. She shared that the senior class has four girls participating in the Citrus Fair Pageant and Mr. Eagle (which is the male version to the Citrus Pageant) will begin on February 17th. She commented that the new website is ran by students. Ms. Stewart announced that the High School is looking forward to hiring a new Vice Principal.

LEGISLATIVE REPORT: None

CITY MANAGER/CITY ATTORNEY REPORT: City Manager Cayler reminded the Council that the strategic planning session with Sue Haun will take place at 10:00 a.m., February 3rd, at the library community room. He also asked Council Members to mark their calendars for Tuesday, March 1st for a goal setting workshop, which is scheduled to take place during the regularly scheduled Planning Commission meeting. He explained that strategic planning is different than goal setting, in that goal setting is focused on the upcoming budget cycle planning, whereas strategic planning is looking at long term goals and objectives for next three to five years. He shared that Sue Haun would also be scheduling a meeting with community stakeholders to obtain community's input on goals.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS: None

ADJOURNMENT: Mayor Brigham adjourned the meeting at 7:25 pm to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, February 9, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).



**City Council/Redev. Agency
Agenda Item Summary**

Agenda Item: 3
Meeting Date: March 22, 2016

Agenda Section Consent	Staff Contact Paul Cayler, City Manager
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Agenda Item Title

Consideration of Resolution No. 005-2016 authorizing the destruction of certain records as incorporated as Exhibit "A" of the resolution which is authorized by the City's official record retention schedule adopted in September 2006.

Summary

In September 2006 the City Council adopted the "Local Government Records Management Guidelines" as the City's official record retention schedule. These are the state guidelines for records retention. They are amended from time to time by the State which is governed by the provisions of California Government Code Section 34090 et seq. The attorney general defines a record as any writing or recording of an event or information which is kept in the custody of a public officer, either because a law requires it to be kept or because it is necessary or convenient to the discharge of the public officer's duties, and was made or retained for the purpose of preserving its information content for future reference. Destruction of records is prohibited unless in compliance with the government code. As you know some records must be retained indefinitely such as: records affecting title to real property, those required to be kept by the state, court records and the minutes, ordinances and resolutions of any city legislative body. Other records must be retained for a minimum of two years. It should also be noted that there are also records retention requirements found in various sections of California statutory law.

The records listed in Exhibit A which is a part of Resolution 005-2016 have been collected and reviewed by City Staff. Final review was done by City Manager, Paul Cayler, Deputy City Clerk and City Attorney, Jose Sanchez and Leticia Ramirez. Additionally, Finance Manager, Joanne Cavallari, and Police Chief Stephen Cramer reviewed the records and found them to be eligible for destruction in keeping with the City's official records retention schedule, otherwise known as the Local Government Records Management Guidelines.

Options

Approve Resolution No. 005-2016 as presented or amended; direct staff to return with other action; or take no action.

Budget/Financial Impact

There is no direct financial impact to approving Resolution 005-2016. The only cost is the actual cost of destruction.

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 005-2016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS APPROVED BY THE CITY'S RECORD
RETENTION SCHEDULE AND AUTHORIZES CITY STAFF TO DESTROY SAID RECORDS LISTED AS
EXHIBIT "A" AND INCORPORATED HERETO**

WHEREAS, City Council, by resolution no 074-2006 adopted a records retention schedule in accordance with the state's record retention schedule and established the procedure for the destruction of records.

WHEREAS, the records designated for destruction have been reviewed and approved by the City Manager/City Clerk/City Attorney for destruction; and

WHEREAS, the Finance Manager and Police Chief have reviewed the attached list of records and find that they can be destroyed pursuant to the established Records Retention Schedule, and are in compliance with Section 34090 of the California Government Code.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Cloverdale does hereby authorize the destruction of the records reflected and attached and incorporated hereto, on the attached Exhibits "A" and directs City Staff to make the arrangements for the actual destruction thereof.

It is hereby certified that the foregoing Resolution No. 005-2016 was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on this 22th day of March 2016 by the following vote: (Ayes – x; Noes - x)

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

Subcommittee Recommendation

N/A

Recommended Council Action

Consider approval of Resolution No 005-2016

Attachments:

1. Resolution No. 005-2016 with Exhibit A and approved request for destruction attached.

cc:

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
891	Administration	Human Resources	Recruitment	Employment Applications	2011	GC 12946; GC 6250 et seq; 29 CFR 1602 et seq; 29 CFR 1607; 29CFR 1627.3	CL + 3	12/31/2015	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
892	Administration	Human Resources	Recruitment	Employment Applications	2011	GC 12946; GC 6250 et seq; 29 CFR 1602 et seq; 29 CFR 1607; 29CFR 1627.3	CL + 3	12/31/2015	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
918	Finance	Accounting	Accounts Receivable	Water / Sewer Cash Receipts Nov 2010 - Feb 2011	2010 - 2011	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
923	Finance	Accounting	Accounts Receivable	MARS batch proof list FY 2009 - 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	
923	Finance	Accounting	Billing Records; Purchase Orders	Utility Billing; Penalties, Final Notices, Shut Off Tags, Shutoffs FY 2011 - 2012; Purchase Orders FY 2009 - 2010	2011 - 2012; 2009 - 2010	GC 34090	AU + 2	12/31/2015	Utility Billing Monthly Reports; Purchase Orders
923	Finance	Reports	Federal and State Tax	1099's Reports	2009	GC 34090; 29USC 436	AU + 4	12/31/2015	Forms 1096, 1099, W-4's, and W-2's
928	Finance	Accounting	Billing Records	Utility Billing Activity Report Jul - Dec 2011	2011 - 2012	GC 34090	AU + 2	12/31/2015	Customer name, service address, meter reading, usage, payments, applications/cancellations; Billing including monthly activity
929	Finance	Accounting	Billing Records	Utility Billing Activity Report Jan - Jun 2012	2011 - 2012	GC 34090	AU + 2	12/31/2015	Customer name, service address, meter reading, usage, payments, applications/cancellations; Billing including monthly activity
930	Finance	Accounting	Billing Records	Monthly proof list Jul - Dec 2011 - Jan - Jun 2012	2011 - 2012	GC 34090	AU + 2	12/31/2015	Customer name, service address, meter reading, usage, payments, applications/cancellations

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
931	Finance	Accounting	Billing Records	Water / Sewer Month end; closed acct billing; open deposit list; new deposit list; acct receivable by service; billing & usage summary; aging detail & summary; adjustment register	2011 - 2012	GC 34090	AU + 2	12/31/2015	Customer name, service address, meter reading, usage, payments, applications/cancellations; Billing including monthly activity
957	Finance	Accounting	Accounts Payable	Check copies 2009-2010; A/P Reports by batch	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
959	Finance	Accounting	Accounts Payable	Accounts Payable Invoices E - M	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
960	Finance	Accounting	Accounts Payable	Accounts Payable Invoices N - R	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
961	Finance	Accounting	Accounts Payable	Accounts Payable Invoices A	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
962	Finance	Accounting	Accounts Payable	Accounts Payable Invoices B - Cloverdale	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
965	Finance	Accounting	Accounts Receivable	Cash Receipts Mar Apr May Jun 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
970	Finance	Accounting	Accounts Receivable	Misc Accts Receivable (MARS) FY 2009 - 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	General Ledger Transfers
973	Finance	Accounting	Accounts Receivable	Cash Receipts FY 2009 - 2010; Mar 2010 - Jun 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
977	Finance	Accounting	Bank Reconciliation	Bank Statements & Reconciliations; Bank of New York, Union Bank; LAIF; Sonoma Co	2008 - 2009	GC 34090; 26 CFR 16001-1	AU + 5	12/31/2015	Statements, summaries for receipts, disbursements & reconciliation
979	Finance	Accounting	Accounts Payable	A/P Invoices Letters S through Z	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
981	Finance	Accounting	Accounts Receivable	Utility Cash Receipts FY 2009 - 2010; Oct 2009 - Feb 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	Cash Receipts
982	Finance	Accounting	Accounts Receivable	Business License Month End Report; Daily Cash Drawer Reconciliation; Penalties Late Notices Shut Offs	2009 - 2010	GC 34090	AU + 4	12/31/2015	Accounts Receivable reports
983	Finance	Accounting	Accounts Receivable	REMIT Plus Report FY 2009 - 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	Accounts Receivable reports
984	Finance	Accounting	Accounts Receivable	Utility Year End Reports; Monthly Deposit Slips; Dog License Month End Report	2009 - 2010	GC 34090	AU + 4	12/31/2015	Accounts Receivable reports
986	Finance	Accounting	Accounts Payable	Accounts Payable Invoices Coastland - Du	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
992	Finance	Accounting	Accounts Receivable	Cash Receipts FY 2009 - 2010; Jul & Sept 2009	2009 - 2010	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
999	Administration	Grants	Correspondence	Grants - COPS	2009 - 2010	GC 34090	CL + 5	12/31/2015	Correspondence
999	Administration	Human Resources	Motor Vehicle Pulls	DMV Pulls	2008	GC 12946	CL + 7	12/31/2015	CA 91009; 8 USC 1324(a)
999	Finance	Accounting	Accounts Payable	Accounts Payable AFLAC 2010	2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
999	Finance	Accounting	Accounts Payable	Accounts Payable Check Copies FY 2009 - 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	Invoices, check copies, supporting documents
999	Finance	Accounting	Checks	Canceled Checks 2009	2009	GC 34090; CCP 337	AU + 5	12/31/2015	Includes payroll, canceled & voided checks
1005	Finance	License	Business License	Business License Inactive as of 12/31/2011	2011	GC 34090; CCP 337	T + 4	12/31/2015	Paid & Reports

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1007	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1008	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1009	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1010	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1011	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1012	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1013	Finance	Accounting	Correspondence	Inactive Dog Licenses as of 12/31/2013	2013	GC 34090	2	12/31/2015	Inactive Dog Licenses
1037	Administration	Risk Management	Claims, Damage	Loyal A Davis 2008	2009	GC 34090; GC 25105.5	CL + 5	12/31/2015	Paid / Denied
1037	Administration	Risk Management	Claims, Damage	Nancy Cairns 2008	2009	GC 34090; GC 25105.5	CL + 5	12/31/2015	Paid / Denied
1037	Administration	Risk Management	Claims, Damage	NuForest Products 2008	2009	GC 34090; GC 25105.5	CL + 5	12/31/2015	Paid / Denied
1037	Finance	Accounting	Billing Records	Utility Billing Activity Report; Billing Register Jun 2012	2011 - 2012	GC 34090	AU + 2	12/31/2015	Customer name, service address, meter reading, usage, payments, applications/cancellations; Billing including monthly activity

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1037	Finance	Purchasing	Purchase Orders	Purchase Orders FY 2011 - 2012	2011 - 2012	GC 34090	AU + 2	12/31/2015	Purchase Orders
1037	Public Works	Reports	Sanitary Surveys	Department of Water Resources, Public Water System Statistics 2005	2005	40 CFR 141.33	CU + 10	12/31/2015	Statistics, reports, correspondence
1037	Public Works	Reports	Sanitary Surveys	State Water Resources Control Board, 2004 - 2005 Survey for Wastewater Collection, Transport, and/or Treatment Agencies	2004 - 2005	40 CFR 141.33	CU + 10	12/31/2015	Statistics, reports, correspondence
1047	Administration	Legal / Legislative	Agendas	City Council Agenda (Original) Jan - Jun 2013	2013	GC 34090	CU + 2	6/30/2015	
1048	Administration	Legal / Legislative	Agendas	City Council Agenda (Original) Jul - Dec 2013	2013	GC 34090	CU + 2	12/31/2015	
1151	Finance	Accounting	Accounts Receivable	Cash Receipts FY 2009 - 2010; Jul & Aug 2009	2009 - 2010	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
1152	Finance	Accounting	Accounts Receivable	Cash receipt FY 2009 - 2010; Sept & Oct	2009 - 2010	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
1157	Finance	Accounting	Accounts Receivable	Cash receipt FY 2014 - 2015; Oct - Dec (scanned)	2014 - 2015	GC 34090	Copies	12/31/2015	Utility Cash Receipts
1158	Finance	Accounting	Accounts Receivable	Cash receipt FY 2014 - 2015; Jul - Sept (scanned)	2014 - 2015	GC 34090	Copies	12/31/2015	Utility Cash Receipts
1159	Finance	Accounting	Accounts Receivable	Cash receipt FY 2009 - 2010; Nov 2009 - Feb 2010	2009 - 2010	GC 34090	AU + 4	12/31/2015	Utility Cash Receipts
1196	Administration	Legal / Legislative	Applications, Boards, Commissions, Committees	Applications for Planning Commission	2013	GC 34090	CL + 2	12/31/2015	Not Selected
1196	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Release, Waiver of Liability, Assumption of Risk and Indemnity Agreement (Adults) - Date to SK8 activity 2010	2010	GC 34090	T + 5	12/31/2015	Includes leases, equipment, services, or supplies

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1196	Development	Code Enforcement	Case Files	Code Violations - all types 2012	2012	GC 30409d	CL + 2	12/31/2014	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
1196	Development	Code Enforcement	Case Files	Abandoned or Distressed Residential Property 2011 - 2013	2013	GC 34090d	CL + 2	12/31/2015	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
1203	Administration	General Subject	Correspondence	Various Correspondence with Williams, Kuebelbeck & Assoc 1982 - 1983	1982 - 1983	GC 34090	2	12/31/1985	Correspondence
1203	Administration	General Subject	Correspondence	Request for Park Use Fee Waiver; Boosters Club; Pre-School Co-op.	2002 - 2003	GC 34090	2	12/31/2005	Correspondence
1203	Administration	General Subject	Reports: Departmental	2002 Development Impact Fee Update for Water and Corporation Yard Facilities March 2002	2002	GC 34090	CU + 2	12/31/2004	Activity, periodic
1203	Administration	General Subject	Reports: Departmental	1996 Development Impact Fee Update for Public Facilities	1996	GC 34090	CU + 2	12/31/1998	Activity, periodic
1203	Administration	General Subject	Reports: Departmental	Economic Development Strategy: Two Year Goals, Objectives and Programs FY 1996 - 1998	1996 - 1998	GC 34090	CU + 2	12/31/2000	Special / or Final summary, review or evaluation
1203	Administration	General Subject	Reports: Departmental	Floods 1995 & 1997; Proclamation of Local Emergency 01/1995; Memo Storm Damage 01/1995; Proclamation of Local Emergency 03/1995; Memo Closure of Incident FEMA 03/1995; Memo Status Report of damage from the floods of March 1995; staff report to adopt resolution; Proclamation of location emergency 01/1997	1995 - 1997	GC 34090	CU + 2	12/31/1999	Special / or Final summary, review or evaluation
1203	Administration	General Subject	Reports: Departmental	Area II - Cloverdale Links LLC Specific Plan Guidance package outline 08/2000	2000	GC 34090	CU + 2	12/31/2002	Special / or Final summary, review or evaluation

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1203	Administration	General Subject	Reports: Departmental	Various reports RE: Fee Schedules and updates 2000	2000	GC 34090	CU + 2	12/31/2002	Special / or Final summary, review or evaluation
1203	Administration	General Subject	Reports: Departmental	Public Hearings and Recommendation to Adjust Service Fees	2000	GC 34090	CU + 2	12/31/2002	Special / or Final summary, review or evaluation
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with Willdan Associates to develop an interim development fee program for public facilities	1991	CCP 337.2, 343; BandP7042.5	T + 5	12/31/1997	Includes leases, equipment, services, or supplies
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Correspondence re: donations to the City of Cloverdale	1984 - 1988	GC 34090	T + 5	12/31/1993	Includes leases, equipment, services, or supplies
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Vista View Heights Refund agreement - reimbursement of water 1968	1968	GC 34090	T + 5	12/31/1978	Includes leases, equipment, services, or supplies
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement to conduct an economic development study with Williams, Kuebelbeck and Assoc 1982	1982	GC 34090	T + 5	12/31/1988	Includes leases, equipment, services, or supplies
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Settlement agreement for Water Treatment Plant with CalOsha for penalties for workplace safety violations 2007	2007	GC 34090	T + 5	12/31/2012	Includes leases, equipment, services, or supplies
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Settlement agreement for Water Treatment Plant with EPA for Notice of Non-compliance Clean Air Act 2008	2008	GC 34090	T + 5	12/31/2013	Includes leases, equipment, services, or supplies
1203	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Equipment: Vactor Truck Lease - Western Power and Equipment 1997 - 2001	1997	GC 34090	T + 5	12/31/2007	Includes leases, equipment, services, or supplies
1203	Development	Engineering	Correspondence	Various correspondence and staff reports re: Development Impact fee update 1991 - 2006	1991 - 2006	GC 34090	2	12/31/2008	Correspondence
1203	Finance	Administrative Services	Surplus Property: Disposal	Release of equipment utility and police vehicles	2004	GC 34090; CCP 337	AU + 4	12/31/2009	Sealed bid sales of equipment
1203	Finance	Administrative Services	Surplus Property: Disposal	Sales agreements for various equipment	2003	GC 34090; CCP 337	AU + 4	12/31/2008	Sealed bid sales of equipment

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1203	Finance	Administrative Services	Surplus Property: Disposal	Siren release 1996	1996	GC 34090; CCP 337	AU + 4	12/31/2001	Sealed bid sales of equipment
1203	Finance	Fixed Assets	Inventory	Computer Information and Inventory 1997	1997	GC 34090; 26 CFR 301 65-1/(F)	AU + 4	12/31/2002	Reflects purchase date, cost, account number
1203	Finance	Fixed Assets	Inventory	Equipment: Dump Truck 1980	1980	GC 34090; 26 CFR 301 65-1/(F)	AU + 4	12/31/1985	Reflects purchase date, cost, account number
1203	Finance	Fixed Assets	Inventory	IMB 6000 Computer Equipment 1990	1990	GC 34090; 26 CFR 301 65-1/(F)	AU + 4	12/31/1995	Reflects purchase date, cost, account number
1203	Finance	Fixed Assets	Inventory	Macintosh Computer 1988	1988	GC 34090; 26 CFR 301 65-1/(F)	AU + 4	12/31/1993	Reflects purchase date, cost, account number
1203	Finance	Fixed Assets	Vehicle Ownership & Title	Fire Equipment 1996	1996	VC 9900et seq	L	12/31/1996	Title transfers when vehicle sold
1203	Finance	Fixed Assets	Vehicle Ownership & Title	Equipment: Fire Truck 1981	1981	VC 9900et seq	L	12/31/1981	Title transfers when vehicle sold
1203	Finance	Fixed Assets	Vehicle Ownership & Title	Equipment purchases: Fire Trucks 1965	1965	VC 9900et seq	L	12/31/1965	Title transfers when vehicle sold
1203	Finance	Fixed Assets	Vehicle Ownership & Title	Equipment: Fire Truck - Sale of 1951 Fire Truck 1981	1981	VC 9900et seq	L	12/31/1981	Title transfers when vehicle sold
1203	Finance	Purchasing	Bids, RFQ's, RFP's: Successful	Flail mower West Cal Tractor 2003	2003	GC 34090; CCP 337	AU + 5	12/31/2009	Request for Qualification; requests for proposals regarding goods and services
1203	Finance	Purchasing	Bids, RFQ's, RFP's: Successful	Equipment: Loader 1980	1980	GC 34090; CCP 337	AU + 5	12/31/1986	Request for Qualification; requests for proposals regarding goods and services
1203	Finance	Purchasing	Bids, RFQ's, RFP's: Successful	Public Works Tractor 2003	2003	GC 34090; CCP 337	AU + 5	12/31/2009	Request for Qualification; requests for proposals regarding goods and services

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1205	Administration	General Subject	Correspondence	Various Correspondence, reports and memos re: Water and Sewer System, work outline, rate studies (workpapers), Ltr re: proposed AB 1803 Monitoring Program, Wastewater treatment and disposal evaluation 1984 - 1992	1992	GC 34090	2	12/31/1994	
1205	Administration	General Subject	Correspondence	Various Correspondence re: Wastewater Sewer Study Asti Road; let to RWQCB revised permit; report from Coastland re: South Asti Road Sewer Study Area 2007	2007	GC 34090	2	12/31/2009	
1205	Administration	General Subject	Correspondence	Correspondence re: Affordable Housing Nexus Study 2001	2001	GC 34090	2	12/31/2003	
1205	Administration	General Subject	Reports: Departmental	Reports re: Russian River Potter Valley 2000	2000	GC 34090	CU + 2	12/31/2002	
1205	Administration	General Subject	Reports: Departmental	Final Report Northern Sonoma county Transit Alternative Analysis, Technical Advisory Committee 1998	1998	GC 34090	CU + 2	12/31/2000	
1205	Administration	General Subject	Reports: Departmental	Traffic Impact Fee Study for the Police and Fire Master Plans; prepared by TJKM Transportation Consultants 1992	1992	GC 34090	CU + 2	12/31/1994	
1205	Administration	General Subject	Reports: Departmental	Water Filtration Plant / Project Feasibility report 1993	1993	GC 34090	CU + 2	12/31/1995	
1205	Administration	General Subject	Special Projects	Draft Final Report; Sonoma / Marin Multi-Modal Transportation and Land Use Study; section 3, preferred scenario 1997	1997	GC 34090	CU + 2	12/31/1999	
1205	Administration	Grants	Community Development Block Grant and Urban Development CBDG	State of California Per Capital Grant Program 2003 - 2011	2011	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2015	Applications, reports, contracts, supporting documents
1205	Administration	Legal / Legislative	Agenda Reports (Master, Subject Files)	Agenda item re; Consideration of a tentative subdivision map, rezone to planned development, and preliminary development plan applications for a 19 lot single-family residential subdivision, and adoption of a mitigated negative declaration, approximately 42.62 acres at the north end of the existing Vista View Dr. 2005	2005	GC 34090(d)	CU + 2	12/31/2007	
1205	Administration	Legal / Legislative	Applications, Boards, Commissions, Committees	Planning Commission applications 2005	2010	GC 34090; GC 40801	T + 5	12/31/2015	Selected

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1205	Administration	Legal / Legislative	Case Records	Re: Water Management Case No. 230939, Subpoena, correspondence re: records request. 2002	2002	42 USC s1983	CO + 7	12/31/2010	
1205	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement between TJKM to develop a citywide traffic mitigation program 1991	1991	GC 34090	T + 5	12/31/1996	Includes leases, equipment, services, or supplies
1205	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with Whitlock & Weinberger Transportation to prepare a citywide development capacity analysis proposal 1997	1997	GC 34090	T + 5	12/31/2003	Includes leases, equipment, services, or supplies
1205	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan Agreement with Boys and Girls Club 1997 - 2002	2002	GC 34090	T + 5	12/31/2007	Includes leases, equipment, services, or supplies
1205	Development	Administration	Reports	Downtown Marketing Strategy prepared by Swan & Assoc 1999	1999	GC 34090	CU + 2	12/31/2002	
1205	Development	Administration	Studies, Special Projects & Areas	Initial Study for the proposed Cloverdale Housing Element Update prepared by Leonard Charles & Assoc 2000	2000	GC 34090	CL + 2	12/31/2002	
1205	Development	Code Enforcement	Case Files	Various Closed Code Enforcement case files 2013	2013	GC 34090d	CL + 2	12/31/2015	Building, housing and mobile home code violation records including inspections; public nuisance rubbish and weed abatement, vehicle abatement, citations, massage parlor permits, general
1205	Public Works	Administration	Correspondence	Various workpapers and correspondence re: various rate studies 1999	1999	GC 34090	2	12/31/2001	
1205	Public Works	Streets/Alleys	Reports / Studies	Pavement Management System, Initial Study, prepared by Coastland engineering, 1996	2001	GC 34090	CL + 2	12/31/2003	
1207	Administration	General Subject	Correspondence	Memo re: Future Grant Opportunity PG&E Economic Development Grant Program 2003	2003	GC 34090	2	12/31/2005	Correspondence
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	Blair, Elm & Alter Streets 1989; Contract with John Wright & Associates for street construction	1989	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/1994	Applications, reports, contracts, supporting documents

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	MOU agreement between Sonoma County Community Foundation (SCCF) and the City as representatives of the Cloverdale Youth Partnership, governing the use of funds granted by the foundation to the City of Cloverdale to underwrite the Cloverdale Youth Partnership's programmatic involvement in the Resilient Communities Initiative (RCI)	1999	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2004	Applications, reports, contracts,, supporting documents
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Burbank Housing Cloverdale Townhomes; Agreement with Burbank Housing Development Corporation for land acquisition ; Trust Agreement with Burbank Housing Development Corp and Sonoma County Community Development Commission for Sebastopol Housing (copy)1995 - 1996	1998	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2000	Applications, reports, contracts,, supporting documents
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG agreement Sonoma County Community Development Commission for Sidewalk ADA Improvements 1998 - 1999; SCCD Staff Report 2000 - 2001; Various memos and notes re: SCCDC	1999	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2004	Applications, reports, contracts,, supporting documents
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	Agreement with Community Development Commission for 2005-2006 Community Development Block Grant Funds for Cloverdale Housing Rehabilitation program 2005	2005 - 2006	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2010	Applications, reports, contracts,, supporting documents
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	Community Partnership for Youth - various agreements and correspondence re: Boys & Girls Club 1997 - 2003	2003	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2007	Applications, reports, contracts,, supporting documents
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Business Development / Employment Generation - various agreements and correspondence business development 1995 - 1996	1998	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2000	Applications, reports, contracts,, supporting documents
1207	Administration	Grants	Community Development Block Grant and Urban Development CBDG	Joint Power Agreement JPA for housing and community development with County of Sonoma 1993 - 2002	2002	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2006	Applications, reports, contracts,, supporting documents
1208	Administration	General Subject	Correspondence	Gambetta, Dena - Correspondence re: First Street Overpass dedication and naming 1993 - 1994	1994	GC 34090	2	12/31/1996	Correspondence
1208	Administration	General Subject	Correspondence	Various Correspondence re: History of City Clerk position 1988	1988	GC 34090	2	12/31/1990	Correspondence
1208	Administration	General Subject	Correspondence	Correspondence Historical Society re: storage of Stage Coach 2003	2003	GC 34090	2	12/31/2005	Correspondence

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1208	Administration	General Subject	Correspondence	Various correspondence re: upgrading computer system 2001	2001	GC 34090	2	12/31/2003	Correspondence
1208	Administration	General Subject	Correspondence	State of California Department of Health Services - re: Annual Inspection of Water Treatment Plant and Storage tanks; City response of DHS 1999 - 2000	2000	GC 34090	2	12/31/2002	Correspondence
1208	Administration	General Subject	Special Projects	County of Sonoma Department of Emergency Services: Hazardous Waste Inventory 1999	1999	GC 34090	CU + 2	12/31/2001	Report
1208	Administration	General Subject	Special Projects	Report on polychlorinated biphenyls (PCBs) by Enviromed Health Services 1986	1986	GC 34090	CU + 2	12/31/1988	Report
1208	Administration	Legal / Legislative	Agendas	Proclamation Patriot Day 2002	2002	GC 34090	CU + 2	12/31/2004	Original Agendas and special meeting notices; including certificates of postings, original summaries, original communications and action agendas for Council, Boards and Commissions
1208	Administration	Legal / Legislative	Agendas	Proclamation Juror Appreciation Week	2001	GC 34090	CU + 2	12/31/2003	Original Agendas and special meeting notices; including certificates of postings, original summaries, original communications and action agendas for Council, Boards and Commissions
1208	Administration	Legal / Legislative	Applications, Boards, Commissions, Committees	General Plan Citizen's Advisory Board 2004	2004	GC 34090; GC 40801	CL + 2	12/31/2006	Not Selected
1208	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement for Special Services Installation of Historical Murals - Empire Builders Jeff Conner 1995	1995	CCP 337.2, 343; BandP7042.5	T + 5	12/31/2000	Includes leases, equipment, services, or supplies
1208	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Various insurance certificate related to contracts	2002	CCP 337.2	T + 5	12/31/2007	Includes leases, equipment, services, or supplies
1208	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan agreement with Exchange Bank, promissory note, Matured 2001; 1998 & 2000	2001	GC 34090	T + 5	12/31/2006	Includes leases, equipment, services, or supplies

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1208	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan agreement with Exchange Bank, Utility Vehicles 1998 - 2003	2003	GC 34090	T + 5	12/31/2008	Includes leases, equipment, services, or supplies
1208	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan Agreement with Community Development Agency and Northcoast Wine and Visitor Center and Cloverdale Chamber of Commerce, amendment to loan dated 8/12/1997; 2001 - 2005	2005	GC 34090	T + 5	12/31/2010	Includes leases, equipment, services, or supplies
1208	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan Auaranty Agreement with State Assistance Fund and CCDA for loans to small businesses, 1993	2000	GC 34090	T + 5	12/31/2005	Includes leases, equipment, services, or supplies
1208	Administration	Legal / Legislative	Petitions	Petition Street Lighting Tax Assessment 1985	1985	GC50115; GC6253	CU + 1	12/31/1986	Submitted to legislative bodies
1208	Administration	Legal / Legislative	Petitions	Petitions Various issues 1974 - 1989	1989	GC50115; GC6253	CU + 1	12/31/1991	Submitted to legislative bodies
1208	Administration	Legal / Legislative	Petitions	Petitions Vlacom / Additional Cable Channels 1978	1978	GC50115; GC6253	CU + 1	12/31/1979	Submitted to legislative bodies
1208	Administration	Legal / Legislative	Petitions	Petition water & sewer rates 1984	1984	GC50115; GC6253	CU + 1	12/31/1985	Submitted to legislative bodies
1208	Development	Municipal Facility	Flood Records	Flood Emergency 1995; various correspondence and photos	1995	GC 34090	CU + 2	12/31/1998	Correspondence
1208	Public Safety	Fire Safety	Administration	Fire Rating Bureau 1964; quotes for fire equipment	1964	GC 34090	2	12/31/1966	Correspondence
1208	Transportation	Administration	Agreement	Moody, Anna - Airport Hangar License Agreement #6, 2010	2010	CCP 337	T + 4	12/31/2014	Including concessionaire, stop rental, facility storage
1208	Transportation	Administration	Agreement	Vaughn, Kenneth Jr - Tie Down Agreement; Terminated 2010	2010	CCP 337	T + 4	12/31/2014	Including concessionaire, stop rental, facility storage
1208	Transportation	Administration	Agreement	Vaughn, Kenneth Lease Agreement 2004 - 2009	2009	CCP 337	T + 4	12/31/2013	Including concessionaire, stop rental, facility storage

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1208	Transportation	Administration	Agreement	Vaughn, Kenneth Hangar Agreement 2000 - 2005	2005	CCP 337	T + 4	12/31/2009	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Boucher, Mechel Hangar Agreement 2000 - 2005	2005	CCP 337	T + 4	12/31/2009	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Black, David Ground Lease 1985 - 1990	1990	CCP 337	T + 4	12/31/1994	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Anderson, Robin Hangar Agreement 2000 - 2005	2005	CCP 337	T + 4	12/31/2009	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Beer, Sandra / Arthur Ground Lease 1996 - 2001	2001	CCP 337	T + 4	12/31/2005	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Beer, Darrell Tie Down Lease 2005 - 2010	2010	CCP 337	T + 4	12/31/2014	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Dalbec, Edward Hangar Agreement 1991	1991	CCP 337	T + 4	12/31/1995	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Dalbec, Edward Hangar Agreement 2000	2000	CCP 337	T + 4	12/31/2004	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Dalbec, Edward Hangar Agreement 2004 - 2009	2009	CCP 337	T + 4	12/31/2013	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	King, Alvin Ground Lease 2004	2004	CCP 337	T + 4	12/31/2008	Including concessionaire, slop rental, facility storage
1208	Transportation	Administration	Agreement	Peterson, Eric Ground Lease 2004 - 2009	2009	CCP 337	T + 4	12/31/2013	Including concessionaire, slop rental, facility storage
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG investor owned housing rehab; Agreement with CDC, JPA for Housing & Community Development; 1996 - 2000	2000	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2004	Applications, reports, contracts, supporting documents

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG housing rehab; Agreement sidewalk ADA improvements 1998 -1999	1999	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2003	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Application; Housing Rehabilitation and neighborhood improvements 1984 - 1985	1985	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/1989	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CLO-NET- agreement 2009	2009	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2013	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	Sonoma County CDBG Cloverdale Shared Housing; Cloverdale affordable Housing Development; CDBG Staff Report; Agreement between County and Cloverdale CDBG funds; 1993 - 1994	1994	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/1998	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	ADA Scheduling; Application Sidewalk repair and construction; 1998	1998	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2002	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Housing - Clark Street 1983 - 1984	1984	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/1988	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG East Third Street improvement 1990 - 1991	1991	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/1995	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Holiday Inn; application; 1996 - 1997	1997	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2001	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Housing; agreement; 1985 - 1991	1991	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/1995	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Community Development Block Grant and Urban Development CBDG	CDBG Cloverdale Housing Rehab; 1996 - 1997	1997	GC 34090; 24 CFR 570.502; CFR85.42	T + 4	12/31/2001	Applications, reports, contracts,, supporting documents
1209	Administration	Grants	Federal and State	County of Sonoma Drug Free Community; service contract 2001	2001	GC 34090	CL + 5	12/31/2006	Refer to grant applications close out procedure
1209	Administration	Grants	Federal and State	Police Portable Radios; 1997 - 1998	1998	GC 34090	CL + 5	12/31/2003	Refer to grant applications close out procedure

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1209	Administration	Grants	Federal and State	Department of Parks & Recreation; Per capita grant program; 2000 - 2008	2008	GC 34090	CL + 5	12/31/2013	Refer to grant applications close out procedure
1209	Administration	Grants	Federal and State	Social Advocates for Youth (SAY - Family support counseling services; agreement; 1999 - 2000	2000	GC 34090	CL + 5	12/31/2005	Refer to grant applications close out procedure
1209	Administration	Grants	Federal and State	Social Advocates for Youth (SAY - Family support counseling services; agreement; 1998 - 1999	1999	GC 34090	CL + 5	12/31/2004	Applications, reports, contracts,, supporting documents
1209	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	PSA - Cloverdale Historical Society Old Time Fiddle contest, 2005 - 2006	2006	GC 34090	T + 5	12/31/2011	Includes leases, equipment, services, or supplies
1210	Administration	General Subject	Correspondence	Various correspondence re: Citrus Fair legal opinions and Transient Occupancy Taxes 1990 - 1992	1992	GC 34090	2	12/31/1994	Includes leases, equipment, services, or supplies
1210	Administration	General Subject	Correspondence	Cellular One Re: Lease agreement for communications site 1994	1994	GC 34090	2	12/31/1996	Correspondence
1210	Administration	General Subject	Correspondence	Application from Greg Baker to operate Heaven on Wheels Limousine Service 2006	2006	GC 34090	2	12/31/2008	Correspondence
1210	Administration	General Subject	Reports: Departmental	Sonoma County Water Agency Urban Water Management Plan 2000, Executive Summary 2001	2001	GC 34090	CU + 2	12/31/2003	Special / or Final summary, review or evaluation
1210	Administration	General Subject	Reports: Departmental	ABAG Taming Natural Disasters, Hazard Mitigation Plan, 2005-2010; Sonoma County Operational Area Emergency Operations Plan 2002	2010	GC 34090	CU + 2	12/31/2012	Special / or Final summary, review or evaluation
1210	Administration	Legal / Legislative	Case Records	Litigation Best Western, Vineyard Valley Cloverdale Oak, SVC 238413; Re: Transit Occupancy Tax 2006- 2007	2007	42 USC s1983	CO + 7	12/31/2014	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
1210	Administration	Legal / Legislative	Case Records	Litigation: Menicucci Napa auto Lloyds of London 2004	2004	42 USC s1983	CO + 7	12/31/2011	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Social Advocates for Youth SAY - office space at 216 N. Cloverdale Blvd 1999 - 2000	2000	GC 34090	T + 5	12/31/2005	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Trowbridge River Bank for Canoe Rental 1976 - 2001; Contract between City and Trowbridge 1976 - 2001	2001	GC 34090	T + 5	12/31/2006	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Assignment of lease and lease agreement with Cloverdale Community partnership, Willo Rose, for office space at 216 N Cloverdale Blvd. 2000 - 2001	2001	GC 34090	T + 5	12/31/2006	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease agreement with Willo Rose for office space 216 N Cloverdale Blvd, Addendum #1; 1999 - 2000	2000	GC 34090	T + 5	12/31/2005	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Rental Agreement with John Yepiz / Craig Clark Wilson Building, office space at 129 N Cloverdale Blvd, 2000	2000	GC 34090	T + 5	12/31/2005	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with Norval Dilley for office space at 126 N Cloverdale Blvd, 2001 - 2004	2004	GC 34090	T + 5	12/31/2009	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with Norval Dilley for office space at 126 N Cloverdale Blvd, 2004 - 2007	2007	GC 34090	T + 5	12/31/2012	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with Social Advocates for Youth SAY for office space at 216 N Cloverdale Blvd, 2000 - 2001	2001	GC 34090	T + 5	12/31/2006	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	License agreement for Sonoma County Veterans Memorial building, one day lease 2008	2008	GC 34090	T + 5	12/31/2013	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Notice of public hearing; correspondence re: Business License for Taxi Cab Service 2001	2001	GC 34090.7; 54960.1 (c) (1)	CU + 2	12/31/2003	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement for Pac Bell Mobile Services Communication Site 1997 - 2007	1997	GC 34090	T + 5	12/31/2012	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with circuit Rider Productions 216 N Cloverdale Blvd 1999 - 2000	1999	GC 34090	T + 5	12/31/2005	Includes leases, equipment, services, or supplies

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with circuit Rider Productions 216 N Cloverdale Blvd 2000 - 2001	2000	GC 34090	T + 5	12/31/2006	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Purchase Agreement with Municipal Finance Corporation for various equipment 2003 - 2008	2003	GC 34090	T + 5	12/31/2013	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Rental Agreement with Citrus Fair Association for meetings, 2002 , 2003, 2006	2006	GC 34090	T + 5	12/31/2011	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with Cloverdale Fire Protection District for 116 Broad St 1996 - 2006	2006	GC 34090	T + 5	12/31/2011	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease Agreement with Cloverdale Preschool Co-op Boy Scout Hut / Clubhouse 2002 - 2003	2003	GC 34090	T + 5	12/31/2008	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease agreement with Cloverdale High School for School & West Park 1961 - 1971	1971	GC 34090	T + 5	12/31/1976	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Rental Agreement with Greg Lands for 590 E 1st St; 1980; License Agreement with Gary Pogue for mobile home at North Well Site 1984 - 1986	1986	GC 34090	T + 5	12/31/1991	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Lease / Purchase with Exchange Bank for Ford Utility Truck 1999 - 2003	2003	GC 34090	T + 5	12/31/2008	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Public Agency Agreement Air Quality Study 1989	1990	CCP 337.2; 343; B&P7042.5	T + 5	12/31/1995	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with STA Planning to perform General Plan Expansion study and update general plan 1991	1991	CCP 337.2; 343; B&P7042.5	T + 5	12/31/1996	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement between Cloverdale Community Development Agency and Willdan Associates to prepare a Master Facilities Plan for south Cloverdale 1991	1991	CCP 337.2; 343; B&P7042.5	T + 5	12/31/1996	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with Swan and Associates to prepare a Downtown Marketing Strategy 1999	1999	CCP 337.2; 343; B&P7042.5	T + 5	12/31/2005	Includes leases, equipment, services, or supplies

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Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with STA Planning to perform revision to City General Plan, preparation of EIR and fiscal impact assessment. 1990	1990	CCP 337.2; 343; B&P7042.5	T + 5	12/31/1995	Includes leases, equipment, services, or supplies
1210	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with Brelje and Race to Update Master Plans to guide expansion of the water and sewer system 1991	1991	CCP 337.2; 343; B&P7042.5	T + 5	12/31/1996	Includes leases, equipment, services, or supplies
1215	Administration	General Subject	Correspondence	Correspondence and applications for refuse waiver program 1993	1993	GC 34090	2	12/31/1995	Correspondence
1215	Administration	General Subject	Correspondence	Various Correspondence re: IRS, Federal Excise tax and revoking the City's Registration No. 94-76-0071, 1990	1990	GC 34090	2	12/31/1992	Correspondence
1215	Administration	General Subject	Correspondence	Letter from IRS re: employment tax due for 1998	1999	GC 34090	2	12/31/2001	Correspondence
1215	Administration	General Subject	Correspondence	Letter to IRS to appeal decision for penalty adjustments for 1996 - 2000, 2001	2001	GC 34090	2	12/31/2003	Correspondence
1215	Administration	General Subject	Correspondence	Memo Internal re: Discussion with Sonoma County Transit to transition City Service to County 2001	2001	GC 34090	2	12/31/2003	Correspondence
1215	Administration	General Subject	Reports: Departmental	City of Cloverdale Appropriations Limit Calculatin Summary 2001-2002, 2002-2003	2003	GC 34090	CU + 2	12/31/2005	Special/or final summary, review or evaluation
1215	Administration	General Subject	Reports: Departmental	Traffic Relief Act for Sonoma County Expenditure Plan by Sonoma County Transportation Authority, 2004	2004	Gc 34090	CU + 2	12/31/2006	
1215	Administration	General Subject	Reports: Departmental	Report re: Evaluation of City Owned Facilities for Compliance with Americans with Disabilities Act for the City of Cloverdale by Coastland Civil Engineering 1998	1998	GC 34090	CU + 2	12/31/2000	Special/or final summary, review or evaluation
1215	Administration	General Subject	Reports: Departmental	Finance Department report to City Council re: Community Development Agency Expenditures July 2002	2002	GC 34090	CU + 2	12/31/2004	Special/or final summary, review or evaluation
1215	Administration	Grants	Federal and State	State of California Grant Application; Household Hazardous Waste Grant Program 1992	1992	GC 34090	CL + 5	12/31/1997	Refer to grant applications close out procedure

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1215	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with County of Sonoma for Distribution of Safer Off-System Funds for FY 1978-1979	1979	GC 34090	T + 5	12/31/1984	Includes leases, equipment, services, or supplies
1215	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement with Centration for Professional Services to prepare State Controller claim 2007	2008	GC 34090	T + 5	12/31/2013	Includes leases, equipment, services, or supplies
1215	Administration	Legal / Legislative	Notices, Meeting	Proof of Publications 2003	2003	GC 34090.7, 54960.1.c.1	CU + 2	12/31/2005	Special Meetings
1215	Administration	Legal / Legislative	Notices, Meeting	Proof of Publications 2002	2002	GC 34090.7, 54960.1.c.1	CU + 2	12/31/2004	Special Meetings
1215	Administration	Risk Management	Risk Management Reports	REMIF Safety Audit 2000	2000	OMB 1220-0029; 29 CFR1904-4; GC 34090	CL + 5	12/31/2005	Federal OSHA forms, Loss Analysis Report; Safety Reports; Actuarial Studies
1215	Development	Administration	Master Plans, Annual	Growth Management Program, 1998	1998	GC 34090	S + 2	12/31/2000	Special or long range program plan for municipalities coordination of services; strategic planning
1215	Development	Administration	Reports	Final Draft Report Household Hazardous Waste Element 1992	1992	GC 34090	CU + 2	12/31/1994	Activity, periodic
1215	Finance	Accounting	Accounts Receivable	Mandated Reimbursement Claims Claim Forms & Supporting Documentation to State Controller prepared by Centration 2002 - 2003	2004	GC 34090	AU + 4	12/31/2009	
1215	Finance	Accounting	Accounts Receivable	Backup and workpapers for Mandated Reimbursement Claims Claim Forms & Supporting Documentation to State Controller prepared by Centration 2002 - 2003	2004	GC 34090	AU + 4	12/31/2009	
1218	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan Agreement with Chamber of commerce to install seismic moment frame at 105 N cloverdale Blvd. 1999 - 2004	2004	GC 34090	T + 5	12/31/2009	
1218	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Collection agreement with Seghesio Parkland Fee Payment Plan for the Vineyard Meadows Subdivision (48 lots) 1993 - 1996	1996	GC 34090	T + 5	12/31/2001	
1218	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreements with City Employees re: Cellular One phones 1996	1996	GC 34090	T + 5	12/31/2001	

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1218	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Loan agreement with Exchange Bank, Line of Credit 2000 - 2001	2001	GC 34090	T + 5	12/31/2006	Includes leases, equipment, services, or supplies
1218	Development	Administration	Correspondence	Correspondence re: Response to Comments for CIEDB per-application; Cloverdale Blvd redesign project, downtown Cloverdale 2000	2000	GC 34090	2	12/31/2002	Correspondence
1218	Development	Administration	Reference Manual	City of Cloverdale Design and Construction Standards 1999	1999	GC 34090	2	12/31/2001	Reference
1218	Development	Administration	Reference Manual	City of Cloverdale Design and Construction Standards 2004	2004	GC 34090	2	12/31/2006	Reference
1218	Development	Administration	Reference Manual	City of Cloverdale Road Design and Construction Standards 2004	2004	GC 34090	2	12/31/2006	Reference
1218	Finance	Accounting	Taxes, Receivable	TOT Reports LaGrande 1992 - 1994	1994	CCP 338	AU + 3	12/31/1998	
1218	Finance	Accounting	Taxes, Receivable	TOT Reports Cloverdale Mobile Home and RV Park 1996 - 2001	2001	CCP 338	AU + 3	12/31/2005	
1218	Finance	Accounting	Taxes, Receivable	TOT various Reports and Correspondence 1992 - 2002	2002	CCP 338	AU + 3	12/31/2006	
1218	Finance	Accounting	Taxes, Receivable	TOT Reports Cloverdale Mobile Home and RV Park 1997 - 2000	2000	CCP 338	AU + 3	12/31/2006	
1218	Finance	Accounting	Taxes, Receivable	TOT Report A & M Motel 1995	1995	CCP 338	AU + 3	12/31/1999	
1218	Finance	Accounting	Taxes, Receivable	TOT 3 Delinquent letters 1992 - 1994	1994	CCP 338	AU + 3	12/31/1998	
1218	Finance	Treasurer	Bank Statements	Various correspondence and transactions with Local Agency Investment Fund LAIF 1986 - 2001	2001	FC 3368, 30210; GC 43900 et seq.	AU + 2	12/31/2004	

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
✓ 1221	Administration	General Subject	Correspondence	Various correspondence to/from Rob Dalley Chief of Police 2001 - 2002	2002	GC 34090	2	12/31/2004	
1221	Administration	General Subject	Correspondence	Various Correspondence re: Dispatchers MOU 2002	2002	GC 34090	2	12/31/2004	
1221	Administration	General Subject	Correspondence	Various Correspondence re: Dispatcher Records Supervisor 2004	2004	GC 34090	2	12/31/2006	
1221	Administration	General Subject	Correspondence	Letter from Sean Geske re: Hate Free Community 2003	2003	GC 34090	2	12/31/2005	Correspondence
1221	Administration	General Subject	Correspondence	Correspondence re: Cloverdale.net websit and monthly meetings	2002	GC 34090	2	12/31/2004	Correspondence
1221	Administration	General Subject	Correspondence	Various correspondence re: ramdon drug and alcohol testing 2002	2002	GC 34090	2	12/31/2004	Correspondence
1221	Administration	General Subject	Correspondence	Various correspondence re: Clover Springs expansion, Phase IIIb, 2003	2003	GC 34090	2	12/31/2005	Correspondence
1221	Administration	General Subject	Correspondence	Various Correspondence re; Boys and Girls Club 2002, copy of Sonoma County board action for purchase of a park known as Gavello's Grove 1923	2002	GC 34090	2	12/31/2005	Correspondence
1221	Administration	General Subject	Correspondence	Memo re: Cemetery Rules and regulation of public cemeteries 2001	2001	GC 34090	2	12/31/2003	Correspondence
1221	Administration	General Subject	Correspondence	Various correspondence Re: Citrus Fair, 1991 - 2002	2002	GC 34090	2	12/31/2004	Correspondence
1221	Administration	General Subject	Correspondence	Various correspondence re: providing engineering services to the City, 2001 - 2002	2002	GC 34090	2	12/31/2004	Correspondence
1221	Administration	General Subject	Correspondence	Various correspondence re: Cloverdale community partenship program 2003	2003	GC 34090	2	12/31/2005	Correspondence

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1221	Administration	General Subject	Correspondence	Various Correspondence re: Waste Disposal 2003 - 2004	2004	GC 34090	2	12/31/2006	Correspondence
1221	Administration	General Subject	Reports: Departmental	Cloverdale Fire Protection District, Liason Committee Report 2002; Operating Fund statement 2003 - 2004	2004	GC 34090	CU + 2	12/31/2006	Special/or final summary, review or evaluation
1221	Administration	General Subject	Reports: Departmental	Safety Compliance Report / Terminal Record Update for Bus repairs 2006	2006	GC 34090	CU + 2	12/31/2008	Special/or final summary, review or evaluation
1221	Administration	General Subject	Special Projects	The Arts as an Industry, A report on the economic impact of the non-profit Arts Organizations in Sonoma County, prepared by Sonoma County Economic Development Board, 2001	2001	GC 34090	CU + 2	12/31/2003	Report
1221	Administration	Human Resources	Correspondence	Various Correspondence re: Cloverdale Dispatchers Assoc 2002	2002	GC 34090	2	12/31/2004	Correspondence
1221	Administration	Human Resources	Safety	Training Certification for Alcohol Misuse Training for Supervisors 2006	2006	GC 34090	CU + 2	12/31/2008	Certifications/designations
1221	Administration	Legal / Legislative	Case Records	Alexander and Shirley Comazzi, 201 Hot Springs Rd APN 115-230-035; stipulation and order for judgment in condemnation and final order of condemnation 2003, various correspondence re: Condemnation and eminent domain 2002 - 2003	2003	42 USC s1983	CL+ 7	12/31/2010	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
1221	Administration	Legal / Legislative	Contracts and Agreements; Excl. Capital Improvement	Agreement PSA with City of Willits and T.M. Herman & Assoc to provide various engineering services 2002 - 2003	2003	GC 34090	T + 5	12/31/2008	Includes leases, equipment, services, or supplies
1221	Development	Administration	Correspondence	Letter from McDonough, Holland & Allen re: Tax Increment Debt Service Capacity for the CDA 1999	1999	GC 34090	2	12/31/2001	
1221	Development	Administration	Correspondence	Letters re: Unreinforced Masonry Buildings 124 N Cloverdale Blvd, 112 & 116 Broad St 2001	2001	GC 34090	2	12/31/2003	
1221	Development	Administration	Correspondence	Community Development Agency various correspondence re: ordinance extending CDA deadline to incur indebtedness 1999	1999	GC 34090	2	12/31/2001	Correspondence

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1221	Development	Administration	Correspondence	Various Correspondence Community Development Dept Misc, 2001 - 2003	2003	GC 34090	2	12/31/2005	Correspondence
1221	Development	Administration	Reports	Confirmation of Sphere of Influence 2007, Municipal Service Review MSR 2006	2007	GC 34090	CU + 2	12/31/2009	
1221	Development	Administration	Reports	CDA Five Year Implementation Plan 2001 - 2005	2005	GC 34090	CU + 2	12/31/2007	
1221	Development	Administration	Reports	CDA Five Year Implementation Plan 2005 - 2009	2007	GC 34090	CU + 2	12/31/2011	
1221	Development	Administration	Reports	CDA Five Year Implementation Plan 1996 - 2000	2000	GC 34090	CU + 2	12/31/2002	Report
1225	Administration	Human Resources	Surveys and Studies	Classification Manual, Proposal to conduct a classification and compensation study 1986, Final Classification Report 2005	2005	GC 12948, 34090; 29 CFR 516.6(2); 29 CFR 1602.14	CU + 2	12/31/2007	Includes classifications, wage rates
1225	Administration	Legal / Legislative	Case Records	People vs Robert Scheide, notice of motion and motion for discovery of law enforcement personnel records and points and authorities 2005	2005	42 USC s1983	CL + 7	12/31/2011	Includes logs, complaints, police reports, court orders, motions, notes, briefs, closing statements (unless minors - 3 years after attaining 18)
1225	Administration	Risk Management	Claims, Damage	Arriquin, Paclano; Attorney Herbert Terreri 2005	2005	GC 34090; GC 25105.5	CL + 5	12/31/2010	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	State of California CalTrans Cloverdale Blvd, Claim # G541763 Tort rejection of Claim, 2003	2003	GC 34090; GC 25105.5	CL + 5	12/31/2008	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Dobay, Gabor 216 Albany Water Pressure Valve 2007	2007	GC 34090; GC 25105.5	CL + 5	12/31/2012	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Davis, Loyal Land use 157 Healdsburg Av, 2008	2008	GC 34090; GC 25105.5	CL + 5	12/31/2013	Paid/Denied

RECORDS RETENTION LIST

Log #	Department	Division	Record Series	File Name / File Contents	Date	Retention Citation	Total Retention Period	Eligible to be Destroyed	Record Description
1225	Administration	Risk Management	Claims, Damage	Hansen, Jo Ellen River Road scooter fall 2008	2008	GC 34090; GC 25105.5	CL + 5	12/31/2013	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Poulson, John, John's Excavating Pond North 2004	2004	GC 34090; GC 25105.5	CL + 5	12/31/2009	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Menicucci, Albert, Napa Auto Parts, 2003	2003	GC 34090; GC 25105.5	CL + 5	12/31/2008	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Hobbs, Jack 2006	2006	GC 34090; GC 25105.5	CL + 5	12/31/2011	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Hobbs vs Empire Plastering (Workers comp) 2008	2008	GC 34090; GC 25105.5	CL + 5	12/31/2013	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	FEMA Flood Claim, Mittlestat Ln 2006	2006	GC 34090; GC 25105.5	CL + 5	12/31/2011	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Jenkins, Terry, Trip & Fall 2008	2008	GC 34090; GC 25105.5	CL + 5	12/31/2013	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Vlasak, Edwin Fall, late returned 2003	2003	GC 34090; GC 25105.5	CL + 5	12/31/2008	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Vogt, Randy, 166 Chablis Damage 2007	2007	GC 34090; GC 25105.5	CL + 5	12/31/2012	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Ross, David, Separation from Employment 2007	2007	GC 34090; GC 25105.5	CL + 5	12/31/2012	Paid/Denied
1225	Administration	Risk Management	Claims, Damage	Winterbottom, Michele 2008	2008	GC 34090; GC 25105.5	CL + 5	12/31/2013	Paid/Denied

Agenda Section	Staff Contact
Consent	Stephen Cramer, Police Chief

Agenda Item Title

Ordinance Repealing and Replacing Cloverdale Municipal Code Chapter 5.24 Relating to Massage Therapy and Massage Establishments

SUMMARY:

Staff is recommending that the City Council waive the second reading and adopt Ordinance 705-2016 repealing and replacing Cloverdale Municipal Code Chapter 5.24 relating to massage therapy and massage establishments in the City of Cloverdale.

BACKGROUND:

On September 27, 2008, Senate Bill 731 (“SB 731”), entitled the “Massage Therapy Act,” was signed into law. SB 731 attempted to address the concerns and frustration amongst massage professionals relating to the various regulations for massage practitioners and establishments throughout the State and to provide uniform regulations for the massage industry. Prior to the enactment of the Massage Therapy Act, local governments in California had broad authority to regulate massage practitioners and establishments within their jurisdictions. Additionally, cities and counties were able to regulate establishments through zoning ordinances to limit the location of massage establishments to certain zoning districts and/or to require a conditional use permit to operate. SB 731 created a program of voluntary certification for massage practitioners by a State supported non-profit organization, the California Massage Therapy Council (the “CAMTC”). SB 731 also imposed a variety of restrictions on cities and counties, including a mandate that local zoning regulations could not distinguish between massage establishments and other personal and professional services. SB 731 had a sunset provision of January 1, 2015.

On September 18, 2014, Governor Brown signed Assembly Bill 1147 (“AB 1147”), with an effective date of January 1, 2015. AB 1147 extended the Massage Therapy Act and made significant changes to the structure of the CAMTC and to Business and Professions Code sections 460, 4600-4621, and Government Code section 51034. AB 1147 also allowed cities and counties to return to regulating massage establishments through zoning regulations. Specifically, Assembly Bill 1147 allows cities and counties to:

- Pass ordinances that require that all people who perform massage to be CAMTC certified;
- Regulate land uses for the purpose of managing massage establishments in their communities;
- Require that all massage establishments obtain a license, permit, certificate or other authorization in order to operate lawfully in the jurisdiction; and
- Adopt or enforce a local ordinance governing zoning, business licensing, or reasonable health and safety requirements for all message establishments (limited by GC 51034).

Although AB 1147 did return some regulating power to local government, AB 1147 generally restricted cities and counties from regulating the practice of massage, and specifically prohibited cities and counties from regulating, among other things, defining or regulating any massage establishment as adult entertainment and requiring client draping that goes beyond the covering of genitalia and female breasts.

DISCUSSION:

The City of Cloverdale's existing massage ordinance has not been revised since its adoption in 1975. Since that time, the City has seen an increase in massage businesses and currently has 29 files relating to massage. Of these 29 massage business, the following has been identified:

- 19 do not hold a valid Cloverdale Police Department Massage Permit (this requirement currently violates AB 1147 if the therapist has the CAMTC certificate);
- 19 do not have a valid City of Cloverdale business license; and
- 13 have the CAMTC Certificates; however only 8 are currently valid.

Additionally, there are several massage therapists who list home addresses on their permits and/or the CAMTC licenses but do not have a Cloverdale Home Occupation Permit/License, there is no current list of independent massage therapy contractors from the local spas and none of the files have copies of current business licenses or the CAMTC Certificates. Furthermore, 9 massage therapists were issued permits that have no expiration date because prior Police Chiefs have granted lifetime permits. As a result, there is no accurate way to track therapists under such a permit mechanism. All of these files show varying degrees of compliance with the Municipal Code, and each business has a different permitting standard.

Staff has prepared an ordinance that attempts to provide a streamlined permitting process for individuals and establishments providing massage services in the City to correct the aforementioned deficiencies.

The current ordinance is also out of compliance with State law. Several sections of the Cloverdale Municipal Code (5.24.110, 5.24.020, 5.24.050, 5.24.070, and 5.24.130) directly contradict the language of AB 1147. Additionally, the current ordinance is not consistent with other sections of the Cloverdale Municipal Code in addition to the current structure of the City departments.

The proposed ordinance will seek to bring Cloverdale's Municipal Code into compliance with State law and generally update the definitions and terminology of the ordinance.

General Permit/Licensing Requirements of Proposed Ordinance

The proposed ordinance will require, among other things that any person that performs or engages in the practice of massage possess either a CAMTC Certificate or a Massage Therapist Permit that shall be issued by the Chief of Police. The proposed ordinance will also require that a massage establishment (fixed place of business), possess a Massage Establishment Permit that shall also be issued by the Chief of Police. Any person who applies for a Massage Establishment or Therapist Permit is subject to fingerprinting and a background check, unless they possess a CAMTC Certificate. In addition to the permits, every person or business entity must also obtain a business license pursuant to Chapter 5.04 of the Cloverdale Municipal Code and if a massage therapist wishes to operate a massage business from

his or her home, a home occupation permit pursuant to Chapter 18.03 is also required.

Health and Safety/Operating Requirements of Proposed Ordinance

The proposed ordinance will also seek to prevent and discourage the misuse of massage therapy as a front for prostitution, human trafficking and other illicit activities. The goals are to protect the interests of the public health, safety, and welfare of the community by providing certain minimum health and safety, building, sanitation and operation standards for massage therapists and businesses. Additionally, it will be the intent of the proposed ordinance to protect the interests of the public health, safety, and welfare of the community by requiring certain minimum educational qualifications for the massage therapists. Some of the proposed health and safety and operating regulations provide the following:

- Requires clean linens and equipment;
- Prohibits massage for sexual gratification;
- Prohibits sexually suggestive advertisement;
- Massage establishments must comply with all applicable building and fire code requirements of the City;
- Massages can only be given between 7 a.m. and 10 p.m.;
- The CAMTC Certificates or Massage Therapist Permit must be displayed in a reception area or location where massage will be performed; and
- Massage establishments cannot be used as a residence.

Minimum Educational Requirements of Proposed Ordinance

The proposed ordinance will require that anyone who applies for a Massage Therapist Permit meet minimum educational standards by possessing at least two of the following:

1. An original copy of a diploma, certificate or academic transcript that demonstrates completion of 300 hours of in-class instruction from a recognized school; or
2. Satisfactory passage of the National Certification Board for Therapeutic Massage & Bodywork; or
3. Membership in good standing in a national professional massage organization or association that requires its members to have the following:
 - a. Substantiation of at least 100 hours of massage training or education;
 - b. Possession of practitioner's liability insurance coverage in the minimum amount of \$1,000,000 per event;
 - c. Adherence to a code of ethics; and

- d. Renewal of membership at a minimum of once every 2 years; or
- 4. The Applicant has a long-standing (over 20 years) history of conducting massages in the City without any complaints or Municipal Code violations.

A massage therapist who has obtained a CAMTC Certificate is not required to obtain a Massage Therapist Permit because that person has already met the educational standards set forth by the CAMTC and passed a background check.

No Zoning Regulations in Proposed Ordinance

Although AB 1147 allows cities to regulate massage establishments through zoning regulations, staff has determined that such regulation is not currently necessary or beneficial to the City. The City does not currently have an over-concentration of massage establishments in any one area of the City.

Council Discussions and First Reading

The update to the massage ordinance was discussed at the February 26, 2016 Council meeting. At that meeting, Council discussed an update to the ordinance and requested outreach to the affected massage therapists and establishments be conducted.

On March 8, 2016, the City Council waived the first reading of the proposed Ordinance, which included various revisions that were recommended by the City Attorney's Office. The City Council is being asked to consider adoption of the Ordinance at this meeting.

Budget/Financial Impact

The City Police Department will expend considerable staff time in the administration of the Massage Therapist and Establishment Permits, investigations of complaints, conducting inspections and enforcing violations. The Police Department will be able to recover some of the costs through fees for the administrative costs of the Permits. Additionally, there may be some cost recovery through fines that are charged as a result of violations of the Municipal Code.

Subcommittee Recommendation

This agenda item was presented to the Finance/Police Subcommittee on January 28, 2016.

Recommended Council Action

Waive the second reading and adopt Ordinance 705-2016, repealing and replacing Cloverdale Municipal Code Chapter 5.24 relating to massage therapy and massage establishments

Attachments:

- 1. Ordinance
-

cc:

2621034.3

ORDINANCE NO. 705-2016
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
REPEALING AND REPLACING CLOVERDALE MUNICIPAL CODE CHAPTER 5.24
RELATING TO MASSAGE THERAPY AND MASSAGE ESTABLISHMENTS

WHEREAS, there is substantial research that indicates that the skillful practice of massage can provide many health benefits including relief of pain from disease, injury and other sources, and that massage can be a valuable component of a wellness program; and

WHEREAS, the City of Cloverdale has an interest in the safe operation and licensing of massage businesses in the City; and

WHEREAS, in 1975, the City Council adopted Cloverdale Municipal Code Chapter 5.24, establishing regulations governing massage therapy businesses and practitioners; and

WHEREAS, on September 27, 2008, the Governor approved Senate Bill 731 (“SB 731”), which sanctioned Business and Professions Code sections 4600 et seq., known as the Massage Therapy Act, to the California Business and Professions Code, which provided for the formation of a nonprofit “Massage Therapy Organization” to oversee a State-sanctioned program of certification for massage therapy practitioners; and

WHEREAS, pursuant to SB 731, the “California Massage Therapy Council” was formed and established a scheme for a voluntary certification process for persons wishing to practice massage therapy in California, with the intention of enabling persons so certified to practice massage therapy in any city within the State without being required to obtain a local permit to practice; and

WHEREAS, SB 731 included a sunset clause, expiring on January 1, 2015, to allow the State to review the law and its impacts; and

WHEREAS, on September 18, 2014, Governor Brown signed Assembly Bill 1147 (“AB 1147”), effective January 1, 2015, which substantially changed Business and Professions Code sections 460, 4600-4621, and Government Code section 51034, by significantly revising existing laws regulating certified massage professionals and gave cities and counties some regulatory authority over massage establishments; and

WHEREAS, there have been significant changes to State laws relating to massage therapy and to the landscape of massage businesses in the City of Cloverdale, since the City of Cloverdale enacted Cloverdale Municipal Code Chapter 5.24; and

WHEREAS, a revision to the Cloverdale Municipal Code relating to massage therapy and massage establishments will streamline licensing procedures while promoting those businesses that provide legitimate and important health and therapeutic services to the community and prohibiting those businesses that conduct illicit activity; and

WHEREAS, a revision to Municipal Code Chapter 5.24 will also bring the City’s local ordinance into compliance with uniform statewide regulations enacted by AB 1147; and

WHEREAS, this Ordinance is enacted pursuant to Government Code Sections 51030-51034 and Business and Professions Code Sections 4600 et seq., as amended by AB 1147.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVERDALE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Cloverdale Municipal Code Title 5, “Business Taxes, Licenses and Regulations,” Chapter 5.24 entitled "Massage Parlors," as presently written, is hereby repealed in its entirety.

SECTION 2. New Chapter 5.24 entitled “Massage Therapy and Massage Establishments” is hereby incorporated into Title 5, “Business Taxes, Licenses and Regulations” and adopted to read as follows:

“Chapter 5.24

MESSAGE THERAPY AND MESSAGE ESTABLISHMENTS

5.24.010 Purpose and Intent.

It is the purpose and intent of this Chapter to provide for the orderly regulation of individuals and businesses providing massage therapy services, and to prevent and discourage the misuse of massage therapy as a front for prostitution, human trafficking, and related activities in violation of State law while protecting the interests of the public health, safety and welfare of the community by providing certain minimum standards for health and safety, building, sanitation, education, and operation standards for massage therapists and businesses.

It is the further intent of this Chapter to update and streamline local massage therapy permitting procedures, while still facilitating and advancing the ethical practice of massage therapy. It is also the intent of the City Council that this Chapter apply to any business, location or individual that provides massage services regardless of the business name or individual’s title or position.

5.24.020. Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section shall have the meanings given them in this section:

A. “Applicant” shall mean the individual or individuals applying for a Massage Therapist Permit or a Massage Establishment Permit. Only an owner(s) may apply for a Massage Establishment Permit.

B. "California Massage Therapy Council" or "CAMTC" shall mean the non-profit organization created to regulate the massage industry set forth Chapter 10.5 of Division 2 of the Business and Professions Code of the State of California (commencing with Section 4600).

C. "CAMTC Certificate" shall mean a current and valid certificate issued by the California Massage Therapy Council to a massage practitioner pursuant to Business and Professions Code section 4601(b) or (c) or any later enacted amendment.

D. "CAMTC certified" shall mean any individual, certified by the CAMTC and possessing a valid CAMTC Certificate and is licensed to practice or administer massage, in exchange for any form of compensation within the City of Cloverdale. All persons certified by CAMTC shall have the right to perform or engage in the practice of massage consistent with the Massage Therapy Act, the qualifications established by his or her certification and the provisions of this Chapter stated herein.

E. "Chair massage" shall mean any massage given to a person who is fully clothed and sitting in an upright position on a professional bodywork seat, stool, office seat, wheelchair or other chair-like device.

F. "City" shall mean the City of Cloverdale.

G. "Client" shall mean the customer or patron who pays for or receives massage services.

H. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange or gift of money or anything of value.

I. "Disqualifying offense" shall mean any offense which disqualifies an Applicant from obtaining a Permit pursuant to this Chapter. Disqualifying offenses are any of the following:

1. The Applicant has provided materially false information in his/her application.

2. Within five (5) years immediately preceding the date of the filing of the application, the Applicant has been convicted of, or pled guilty to, any of the following offenses: violation of Penal Code sections 243.4, 261, 266a through 266j, inclusive, 267, 288, 314 to 316 inclusive, 318, 647a, 647b, 647d, 647i, 647j, any offenses requiring registration under Penal Code section 290 or Health and Safety Code section 11590; any felony offense involving the possession for sale, sale, transportation, furnishing or giving away of a controlled substance specified in Health and Safety Code sections 11054 to 11058, inclusive, as amended; violation of any charge related to human trafficking including United States Code Title 18, Chapter 77, Sections 1590, 1591 or 1592; any offense in another state which if committed in California, would have been punishable as one or more of the offenses mentioned here; any offense

involving the use of force or violence upon the person of another, or any offense involving theft, embezzlement or moral turpitude.

3. Any violation of any provision of this Chapter resulting in a suspension or revocation of any Permit issued under this Chapter, or a violation of a similar law in any other jurisdiction, which resulted in a suspension or revocation of a permit under that law.

J. "Employs or retains" shall mean a person that is a directly paid employee of the massage establishment; or an independent contractor who receives compensation for massage therapy provided to patrons of the massage establishment; or a person that receives a referral of patrons from the massage establishment and, at any time before or after the referral, arranges in any way for compensation to flow to the massage establishment operator (regardless of whether the parties involved acknowledge that compensation is flowing in exchange for the referral, or whether such parties record such compensation in their financial records).

K. "Employee" shall mean any person employed by a massage business who may render any service to the business and who receives any form of compensation from the business. For the purposes of this Chapter, the term "Employee" shall include independent contractors, agents and volunteers.

L. "Home occupation massage therapist" shall mean a massage therapist that practices massage within his or her own residence. All home occupation massage therapists are subject to the requirements for home occupation permits as set forth in Section 18.03.190 of the Cloverdale Municipal Code and no more than two (2) massage therapists may operate as home occupation massage therapists in any single residence.

M. "Inspector" shall mean the person or persons designated by the permit authority to conduct any inspections required or permitted under this Chapter.

N. "Manager" shall mean a person who supervises, manages, directs, organizes, controls, or in any other way is responsible for, or in charge of the conduct of, the activities within a massage business. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules or purchase supplies. A manager may also be an owner.

O. "Massage," and "Massage Therapy," for purposes of this Chapter are used interchangeably and shall mean the skillful application of touch, and any method of treating the external parts of the body for remedial, health or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating, of the external parts of the body with hands or other parts of the body by a practitioner to produce increased awareness, relaxation, pain relief, injury rehabilitation or neuromuscular reeducation, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without such supplementary aids as rubbing alcohol, liniments, antiseptic, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish,

Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, mud, fermentation or any other type of bath.

P. "Massage business" shall mean any business that offers massage in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall or on-site massage services. The term "massage business" includes a Massage Therapist Permit holder or CAMTC certificate holder who is the sole owner, operator and employee of a massage business operating as a sole proprietorship and also includes home occupation massage therapists. For the purposes of this Chapter, the term "massage business" shall include those businesses that provide separate massage services, such as spas and day spas, but shall not apply to massages performed to limited areas of the neck, face and/or scalp, hands or feet of the clients when that massage is accessory to and within the scope of a barber's, cosmetologist's and esthetician's state license.

Q. "Massage establishment" shall mean any business or establishment that offers massage therapy in exchange for compensation at a fixed place of business. Any business or establishment that offers any combination of massage therapy and bath facilities including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a massage establishment under this Chapter. For the purposes of this Chapter, the term "massage establishment" shall include those businesses that provide separate massage services, such as spas and day spas, but shall not apply to massages performed to limited areas of the neck, face and/or scalp, hands or feet of the clients when that massage is an accessory to and within the scope of a barber's, cosmetologist's, and esthetician's state license.

R. "Massage establishment owner" or "owner of a massage establishment" or "owner" shall mean and include any of the following persons:

1. The sole proprietor of a sole proprietorship operating a massage establishment.
2. Any general partner of a general or limited partnership that owns a massage establishment.
3. Any person who has a ten percent (10%) or greater ownership interest in a corporation that owns a massage establishment.
4. Any person who is a member of a limited liability company that owns a massage establishment.
5. Any person who has a ten percent (10%) or greater ownership interest in any other type of business association that owns a massage business.

S. "Massage Establishment Permit," or "Permit holder" means the City-issued permit required by this Chapter to operate a massage establishment. Only an owner(s) may apply for a Massage Establishment Permit.

T. "Massage Therapist Permit," or "Permit holder" means the City-issued permit required by this Chapter to operate as a massage therapist.

U. "On-site massage" shall mean a massage given to an individual who remains fully clothed during the massage and at a location other than a massage business, and is limited to massages that take place at malls, business offices, sports complexes, convention centers and public events.

V. "Operator" or "massage establishment operator" or "massage business operator" shall mean any and all owners or managers of a massage establishment.

W. "Out-call massage service" shall mean the engaging in or carrying on of massage therapy for compensation at a location other than a duly licensed massage establishment that has been permitted pursuant to this Chapter.

X. "Patron" shall mean an individual on the premises of a massage establishment for the purpose of receiving massage therapy.

Y. "Permit authority" means the Chief of Police, or his or her designee, charged with the administration of this Chapter.

Z. "Person" shall mean any individual, firm, association, partnership, corporation, joint venture, limited liability company or combination of individuals.

AA. "Reception and waiting area" shall mean the area immediately inside the main entry door of the massage establishment, dedicated to the reception and waiting of patrons, clients and visitors of the massage establishment, which is not a massage therapy room or otherwise used for the provision of massage therapy services.

BB. "Recognized school" shall mean a school of massage which entails the following:

1. Teaches the theory, ethics, practice including anatomy and physiology, profession and work of massage; and
2. Requires a residence course of study to be given and completed before the student is furnished with a diploma, certificate of learning or completion or degree in massage; and
3. The massage program provides an organized plan of study of massage and related subjects for a minimum of 300 hours and has been approved by the State of California Consumer Bureau, or the Department of Consumer Affairs or an accredited college, university or junior college established pursuant to Education Code 100850, or if said school is not located in California, has complied with the standards commensurate with those of a school of equal or greater training that is approved by the corresponding agency in another state, or accredited by an agency recognized by the United States Department of Education.

CC. "Sole-Proprietorship" shall mean a massage business where the owner owns one-hundred percent (100%) of the business, is the only person who provides massage services for compensation for that business, and has no other employees or independent contractors that perform massage therapy services for the business.

DD. "Spa" or "Day Spa" shall mean a business that offers a variety of services intended to meet personal needs of individuals such as skin treatment, manicures and pedicures and massage.

EE. "Visitor" shall mean any individual not retained or employed by the massage establishment and not receiving or waiting to receive massage therapy services, but excluding law enforcement personnel or governmental officials performing governmental business.

5.24.030. Exemptions.

The provisions of this Chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties in their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, podiatrists, acupuncturists, physical therapists, nurses or any other person duly licensed to practice any healing art and/or their respective profession under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code when engaging in such practice within the scope of his or her license.

B. Persons operating or employed at hospitals, nursing homes, sanitariums or any other health facility duly licensed by the State of California.

C. Trainers of any amateur, semi-professional or professional athlete or athletic team, so long as such persons' do not practice massage therapy as their primary occupation at any location where they provide such services in the City, and the practice of massage is limited to such athletes and athletic teams.

D. Barbers, cosmetologists or estheticians who are duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses, so long as the barber, cosmetologist or esthetician limits any massages he/she performs in the course of his/her professional duties to the neck, face and/or scalp, hands or feet of the clients when that massage is accessory to and within the scope of the barber's, cosmetologist's and esthetician's state license.

E. Enrolled students of a school of massage when they are performing massage within the City as part of a formal, supervised, internship or training program operated by the school, without compensation other than school credit, on the premises of a massage establishment duly authorized to operate pursuant to the terms of this Chapter; and provided that the operator of the massage establishment has first notified the permit authority in writing of the name, residence address and school of the students and the dates of the trainings.

F. Persons performing a therapeutic modality for which the State does not offer licenses or certification under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code and the modality is performed with minimal touching and the client remains fully clothed at all times, such as Reiki, Reflexology that is performed only to the hands, feet and neck area of a patron's body, or the Bowen Technique and/or somatic practitioners who use no physical touch of any kind at any time in their practice.

G. Persons administering massages or health treatments at single-occurrence athletic, recreational or educational events.

5.24.040. Minimum Requirements for All Massage Therapists and Massage Establishments.

A. Massage Therapists. It shall be unlawful for any person to perform or engage in the practice of massage therapy for compensation within the City unless that person possesses one (1) of the following:

1. A current, valid, unsuspended and unrevoked CAMTC certificate as defined in Section 5.24.020(C); or

2. A current, valid, unsuspended and unrevoked Massage Therapist Permit pursuant to Section 5.24.100

B. Massage Establishments. It shall be unlawful for any massage business or establishment, owner or manager, to employ or retain any person to practice massage therapy for compensation, or to allow any person to perform massage therapy for compensation, unless that person possesses either a CAMTC certificate or a Massage Therapist Permit.

C. Massage Establishments. It shall be unlawful for any massage establishment to operate without possessing a current, valid, unsuspended and unrevoked Massage Establishment Permit pursuant to Section 5.24.080.

5.24.050 Business License Required.

In addition to the minimum requirements set forth in Section 5.24.040, it shall be unlawful to transact and carry on any business, trade, profession, calling or occupation relating to massage without first having procured a business license from the City to transact or carry on said business, trade, profession, calling or occupation, pursuant to Chapter 5.04 of the Cloverdale Municipal Code and the definitions stated therein.

The fee for a City Business License shall be assessed pursuant to Cloverdale Municipal Code 5.04.170, as amended by Council from time to time.

5.24.060. Time For Compliance With Minimum Requirements.

A. Upon application for a Business License pursuant to Chapter 5.04 of the Cloverdale Municipal Code or renewal of an existing Business License for a massage business, the Applicant shall show proof of compliance with Section 5.24.040.

B. All persons, massage businesses or establishments, including its owners, operators, managers and employees shall comply with all other applicable sections of this Chapter upon its effective date.

5.24.070 Home Occupation Massage Therapist.

Any massage therapist conducting, performing, engaging in or giving massages at their residence is deemed a home occupation massage therapist and must obtain a home occupation permit pursuant to Cloverdale Municipal Code 18.03.190 and comply with the standards set forth in Cloverdale Municipal Code 18.09.120. The massage therapist conducting, performing, engaging in or giving massages shall also comply with the requirements of Section 5.24.040(A) of this Chapter.

5.24.080. Massage Establishment Permit – Required for Massage Establishments.

A. Valid Permit Required. It is unlawful and a violation of this Chapter for any person, firm, association, corporation, limited partnership, limited liability company or other entity to own, operate, engage in, conduct, permit or carry on in any way, a massage establishment without a valid, unsuspended, unrevoked, Massage Establishment Permit.

B. Single Permit for Each Location. Only one (1) Massage Establishment Permit shall be granted for each fixed location where any of the massage therapy occurs. The owner of the massage establishment, as defined in this Chapter, shall hold the Permit. If there are multiple owners, the Chief of Police, or his or her designee, will issue the Permit to one of the owners.

C. Permit Not Issued if Disqualifying Offenses Committed. A Massage Establishment Permit shall not be issued to any massage establishment where any owner(s), operator(s), manager(s), employee(s), massage therapist(s), or any other individual associated with the massage establishment has committed a disqualifying offense as defined in Section 5.24.020(K).

5.24.090. Massage Establishment Permit – Requirements, Denial, Suspension and Revocation and Due Process.

A. Application. Any Applicant wishing to obtain a Massage Establishment Permit, shall personally appear at the Police Department and file an application on a form provided by the Chief of Police, or his or her designee. The application shall include the following information:

1. The name, address and telephone number of the Applicant and all persons to be directly or indirectly interested in the Permit, such as other owner(s), if issued;

2. A copy of the Applicant's government issued identification card;

3. The name, address and telephone number, of the massage establishment;

4. The form of business under which the Applicant will be conducting the massage establishment, *i.e.*, corporation, general or limited partnership, limited liability company, or other form. If the Applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each shareholder holding more than ten percent (10%) of the stock of the corporation. If the Applicant is a general or limited partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one (1) or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply. If the Applicant is a limited liability company, the application shall set forth the name and residence address of each of the members. If one (1) or more of the members is a partnership, limited liability company, or corporation, the provisions of this Section pertaining to a partnership, limited liability company or corporate Applicant shall apply, as applicable;

5. The name and address of the owner of the real property upon, in or from which the massage establishment is to be operated. In the event the Applicant is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the Applicant and the property owner authorizing use of the premises for a massage establishment, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a massage establishment will be operated by the applicant upon, in or from the property owner's property;

6. A description of the proposed massage establishment, including the type of treatments to be administered;

7. The name and address of all persons currently employed or intended to be employed, the nature of work each employee is intended to perform and for each person that the massage establishment does or will employ or retain to perform massage therapy for compensation, whether on-site or out-call, a copy of each massage therapists' current government issued identification card and a copy of either their CAMTC certificate or their Massage Therapist Permit;

8. Whether any license or permit has ever been issued to the Applicant by any jurisdiction under the provisions of any ordinance or statute governing massage or somatic practice, and as to any such license or permit, the name and address of the issuing authority, the effective dates of such license or permit, whether such license or permit was ever suspended, revoked, withdrawn or denied; and copies of any documentary materials relating to such suspension, revocation, withdrawal or denial;

9. Whether the Applicant or any other owner(s), employee(s) or intended employee(s), has within the five (5) years immediately preceding the date of application been convicted in any state of any felony;

10. Whether the Applicant or any other owner(s), employee(s) or intended employee(s), is currently required to register under the provisions of Section 290 of the California Penal Code;

11. The Applicant's business, occupation and employment history for five (5) years preceding the date of application, and the inclusive dates of same;

12. One (1) set of fingerprints and photographs of the Applicant and any other person interested in the Permit, such as any other owner(s), in a form satisfactory to the Chief of Police, or his or her designee. At the time of the fingerprinting, the Applicant shall pay the Police Department the fingerprinting fee and the cost of obtaining criminal history information and conducting a background investigation. Fees are set forth in the City's fee schedule in amounts established by resolution of City Council and may be amended by Council from time to time. Any Applicant who is CAMTC certified shall not be subject to a background check or fingerprinting and shall be exempt from this subsection 5.24.090(A)(12);

13. A written statement that neither the Applicant nor any persons to be directly or indirectly interested in the Permit, if granted, have knowingly made any false, misleading, or fraudulent statement of facts in the application for the Permit or in any other document required by the City of Cloverdale;

14. Certification, under penalty of perjury, that neither the Applicant, nor any other owner(s), employee(s) or intended employee(s), have committed any disqualifying offenses as defined by Section 5.24.020(K);

15. Such other information as may be required by the Chief of Police, or his or her designee, or any other City Official to determine compliance with any other eligibility requirements for issuance of the Permit as specified by Federal, State or local law.

B. **Application Fee.** An application for a Massage Establishment Permit shall be accompanied by a fee as established by the City's Master Fee Schedule.

C. **Issuance.** The Chief of Police, or his or her designee, shall grant a Massage Establishment Permit to an Applicant who has satisfied the requirements of this Section and all other applicable laws, including, but not limited to, the City's building, zoning and health regulations. The Massage Establishment Permit shall be non-transferrable and cannot be sold.

D. **Denial.** The Chief of Police, or his or her designee, shall determine, based on the background investigation, fingerprints and the information submitted with the application, whether a Massage Establishment Permit shall be issued. If the Chief of Police, or his or her designee, determines that the Applicant is disqualified due to a disqualified offense, the Chief of

Police, or his or her designee, shall inform the Applicant in writing and specify the reasons for the denial.

E. Notice of Denial-Appeal-Judicial Review. If an application for a Massage Establishment Permit is denied, the Chief of Police, or his or her designee, shall serve on the Applicant, in a manner that conforms to Section 1.14.020 (B) of this Code, a written notice of denial which shall specify the grounds for the denial.

1. Any Applicant aggrieved by the decision of the Chief of Police, or his or her designee, may appeal that decision to the City Manager, or his or her designee, by filing a notice of appeal within ten (10) days of being notified of the decision.

2. The City Manager, or his designee, shall schedule a hearing within thirty (30) days and provide written notice of the time, date and location of the hearing to the appellant. The hearing shall be conducted pursuant to Cloverdale Municipal Code 1.14.090. The City Manager, or his or her designee, shall render a decision within thirty (30) days of the conclusion of the hearing, unless the parties agree otherwise.

3. The written decision of the City Manager, or his or her designee may be appealed and shall be subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

F. Display of Permit. Each holder of a Massage Establishment Permit shall display that Permit in an open and conspicuous place on the premises visible from the main entry door and/or reception and waiting area of the massage establishment. The home address of any employee need not be displayed.

G. Term. A Massage Establishment Permit issued pursuant to the terms of this Chapter shall be valid for a term of one (1) year from the date of issuance, and, unless suspended or revoked, must be renewed by the Applicant annually so long as the Applicant is operating within the City. A Massage Establishment Permit may not be renewed or amended by the Applicant unless and until all due and unpaid citations issued to the owner, operator, manager or any employee of the establishment, pursuant to this Chapter, are paid in full. Citations shall not be deemed to be due and unpaid until the thirty (30)-day period for appeal of the citation has passed.

H. Amendments. Whenever the information provided in the application for a Massage Establishment Permit on file with the City changes, for example by a change in employees, the Applicant shall, within ten (10) business days after such change, file with the Chief of Police, or his or her designee, an application for amendment to the Massage Establishment Permit to reflect such change. An application for an amendment to a Massage Establishment Permit shall be accompanied by a fee as established by the City's Master Fee Schedule. It shall be unlawful and a violation of this Chapter for any owner or manager to allow any person to perform massage therapy for compensation unless and until an amended Massage Establishment Permit has been issued by the Chief of Police, or his or her designee.

I. Grounds for Suspension or Revocation. For the purpose of enforcing the requirements of this Chapter, the massage establishment owner, operator and/or manager shall be responsible for the conduct of all massage establishment employees, agents, independent contractors or other representatives while such persons are on the premises of the massage establishment or providing outcall massage services on behalf of the massage establishment.

1. In addition to any other remedy available to the City, any Massage Establishment Permit issued pursuant to this Chapter may be suspended or revoked by the Chief of Police, or his or her designee, after a hearing, where it is found by a preponderance of the evidence, that one (1) or more of the following have occurred on even a single occasion:

a. The Permit holder, or any person employed or retained by the massage establishment, has been found to have violated any provision of this Chapter; or

b. The Permit holder, or any person employed or retained by the massage establishment has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of a provision or provisions of this Chapter or the Massage Therapy Act or some other State or Federal law, including any of the following violation(s) of Penal Code sections 243.4, 261, 266a through 266j, inclusive, 267, 288, 314 to 316 inclusive, 318, 647a, 647b, 647d, 647i, 647j, any offenses requiring registration under Penal Code section 290 or Health and Safety Code section 11590; any felony offense involving the possession for sale, sale, transportation, furnishing or giving away of a controlled substance specified in Health and Safety Code sections 11054 to 11058, inclusive, as amended; any offense in another state which if committed in California, would have been punishable as one or more of the offenses mentioned here, any offense involving the use of force or violence upon the person of another, or any offense involving the use of force or violence upon the person of another, or any offense involving theft, embezzlement or moral turpitude; or

c. The Permit holder, or any person employed or retained by the massage establishment, has been subject to a permanent injunction against the conducting or maintaining of a nuisance pursuant to this Municipal Code, or Section 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the State of California; or

d. The Permit holder, or any person employed or retained by the massage establishment, has engaged in fraud or misrepresentation or has knowingly made a misstatement of material fact while working in or for the massage establishment; or

e. A Massage Establishment Permit was obtained with fraudulent or deceitful information; or

f. The Permit holder has continued to operate or conduct massages after the Massage Establishment Permit was suspended; or

g. Massage treatments are or have been performed on the premises of the massage establishment, with or without the Permit holder's actual knowledge, by any person who does not possess a CAMTC certificate or a Massage Therapist Permit; or

h. The massage establishment is not being maintained in compliance with the provisions of this Chapter, the Massage Therapy Act (Business & Professions Code Sections 4600-4621, any other provision of the Cloverdale Municipal Code or any other local, State or Federal law and the Permit holder has failed to promptly remedy any deficiency for which they have received notice; or

i. There have been one (1) or more acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 taking place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether or not they occurred with or without the actual knowledge of the Permit Holder.

j. The Permit holder has committed a disqualifying offense pursuant to Section 5.24.020(K).

2. Upon revocation of a Massage Establishment Permit, the Permit holder shall ensure that the massage establishment immediately ceases any operation or business related to massage.

J. Process of Suspension or Revocation.

1. The Chief of Police, or his or her designee, before revoking or suspending any Massage Establishment Permit, shall serve the Permit holder and/or the massage establishment owner(s), operator(s) and/or manager(s) with written Notice of Revocation or Suspension in a manner that conforms to Section 1.14.020(B) of this Code and a date for the hearing on the matter. The Notice shall state the basis for the potential revocation or suspension and the date and time for the hearing.

2. The hearing shall be conducted by the Chief of Police, or his or her designee, and shall be an informal proceeding. The Chief of Police, or his or her designee, shall consider the facts and evidence and shall make a determination, based upon a preponderance of the evidence, whether the Massage Establishment Permit should be revoked or suspended.

3. The Chief of Police, or his or her designee, shall serve the Permit holder and/or the massage establishment owner(s), operator(s) and/or manager(s) with written Notice of Revocation or Suspension in the manner set forth in Section 1.14.090 of this Code. The Notice shall state the grounds for revocation or suspension.

4. Any Permit holder aggrieved by the decision of the Chief of Police, or his or her designee, may appeal that decision to the City Manager, or his or her designee, by filing a notice of appeal within ten (10) days of being notified of the decision.

5. The City Manager, or his or her designee, shall schedule a hearing within thirty (30) days and provide written notice of the time, date and location of the hearing to the appellant. The hearing shall be conducted pursuant to Cloverdale Municipal Code 1.14.090 and 1.14.100. The City Manager, or his or her designee, shall render a decision within thirty (30) days of the conclusion of the hearing, unless the parties agree otherwise.

6. The written decision of the City Manager, or his or her designee may be appealed and shall be subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

5.24.100. Massage Therapist Permit – Required for Massage Therapists.

A. Valid Permit Required. It is unlawful and a violation of this Chapter for any person, who is not CAMTC certified, to perform or engage in the practice of massage therapy in the City of Cloverdale without a valid, unsuspended, unrevoked, Massage Therapist Permit.

B. Permit Not Issued if Disqualifying Offenses Committed. A Massage Therapist Permit shall not be issued to any massage therapist where the Applicant has committed a disqualifying offense as defined in Section 5.24.020(K).

C. Any massage therapist who possesses a CAMTC certificate shall be exempt from the requirements of this Section.

5.24.110. Massage Therapist Permit-Minimum Educational Requirements.

A. Massage therapist Applicants must provide the Chief of Police, or his or her designee, with evidence that they possess at least two (2) of the following minimum qualifications before a Massage Therapist Permit may be issued:

1. An original copy of a diploma, certificate or academic transcript that demonstrates completion of three hundred (300) hours of in-class instruction from a recognized school; or

2. Satisfactory passage of the Board Certification Examination, or its equivalent, offered by the National Certification Board for Therapeutic Massage & Bodywork ; or

3. Membership in good standing in a national professional massage organization or association that requires its members to have the following:

a. Substantiation of at least one hundred (100) hours of massage training or education;

b. Possession of practitioner’s liability insurance coverage in the minimum amount of one million dollars (\$1,000,000) per event;

- c. Adherence to a code of ethics; and
- d. Renewal of membership at a minimum of once every two (2)

years; or

4. The Applicant has a long-standing (over twenty (20) years) history of conducting massages in the City without any complaints or Municipal Code violations.

5.24.120. Massage Therapist Permit - Requirements, Denial, Suspension and Revocation and Due Process.

A. Application. Any Applicant wishing to obtain a Massage Therapist Permit, shall personally appear at the Police Department and file an application on a form provided by the Chief of Police, or his or her designee. The application shall include the following information:

1. If the Applicant is a U.S. citizen, his or her social security number, driver's license number, birth certificate, address and telephone number;

2. If the Applicant is not a U.S. citizen, his or her original Immigration and Naturalization Service documents, to be verified by the Chief of Police, or his or her designee;

3. The name, address and telephone number, of the massage establishment where the Applicant intends to be employed or if the Applicant is a sole-proprietorship or the owner of a business then, the name, address and telephone number of that business;

4. The form of business under which the Applicant will be conducting the massage, *i.e.*, solo practitioner, corporation, general or limited partnership, limited liability company, or other form. If the Applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each shareholder holding more than ten percent (10%) of the stock of the corporation. If the Applicant is a general or limited partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one (1) or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply. If the Applicant is a limited liability company, the application shall set forth the name and residence address of each of the members. If one (1) or more of the members is a partnership, limited liability company, or corporation, the provisions of this section pertaining to a partnership, limited liability company, or corporate Applicant shall apply, as applicable;

5. The name and address of the owner of the real property upon, in, or from which the massage establishment is to be operated. In the event the Applicant is not the legal owner of the property, the application shall be accompanied by a copy of any written lease between the Applicant and the property owner authorizing use of the premises for a massage establishment, or, alternatively, if there is no written lease, then a written, notarized acknowledgment from the property owner that the property owner has been advised that a

massage establishment will be operated by the applicant upon, in, or from the property owner's property;

6. A description of the types of massage and services that the massage therapist is qualified to offer;

7. The name, address, telephone number of places of residence and employment of the Applicant for the last five (5) years;

8. Whether any license or permit has ever been issued to the Applicant by any jurisdiction under the provisions of any ordinance or statute governing massage or somatic practice, and as to any such license or permit, the name and address of the issuing authority, the effective dates of such license or permit, whether such license or permit was ever suspended, revoked, withdrawn, or denied; and copies of any documentary materials relating to such suspension, revocation, withdrawal, or denial;

9. Whether the Applicant has, within the five (5) years immediately preceding the date of application, been convicted in any state of any felony;

10. Whether the Applicant is currently required to register under the provisions of Section 290 of the California Penal Code;

11. One (1) set of fingerprints and photographs for each Applicant in a form satisfactory to the Chief of Police, or his or her designee. At the time of the fingerprinting, the Applicant shall pay the Police Department a fingerprinting fee and the cost of obtaining criminal history information and conducting a background investigation. Fees are set forth in the City's fee schedule in amounts established by resolution of City Council and may be amended by Council from time to time;

12. A written statement that neither the Applicant nor any persons to be directly or indirectly interested in the permit, if granted, have knowingly made any false, misleading, or fraudulent statement of facts in the application for the permit or in any other document required by the City of Cloverdale;

13. Certification, under penalty of perjury, that the Applicant has not committed any disqualifying offenses as defined by Section 5.24.020(K);

14. Such other information as may be required by the Chief of Police, or his or her designee, or any other City Official to determine compliance with any other eligibility requirements for issuance of the Permit as specified by Federal, State, or local law. The Chief of Police, or his or her designee, may waive any of the requirements of this section;

15. Any original documents demonstrating the fulfillment of the minimum educational requirements for massage therapists that are not CAMTC certified, as set forth in Section 5.24.110.

B. Home Occupation Massage Therapist. An Application by a person conducting, performing, engaging in or giving massages at their residence is deemed a home occupation massage therapist and must indicate in the Application for a Massage Therapist Permit such an intent to operate as such.

C. Application Fee. An application for a Massage Therapist Permit shall be accompanied by a fee as established by the City's Master Fee Schedule.

D. Issuance. The Chief of Police, or his or her designee, shall grant a Massage Therapist Permit to an Applicant who has satisfied the requirements of this Section and all other applicable laws, including, but not limited to, the City's building, zoning, and health regulations. The Massage Therapist Permit shall be non-transferrable and cannot be sold.

E. Denial. The Chief of Police, or his or her designee, shall determine, based on the background investigation, fingerprints and the information submitted with the application, whether a Massage Therapist Permit shall be issued. If the Chief of Police, or his or her designee, determines that the Applicant is disqualified due to a disqualified offense. The Chief of Police, or his or her designee, shall inform the Applicant in writing and specify the reasons for the denial.

F. Notice of Denial-Appeal-Judicial Review. If an application for a Massage Therapist Permit is denied, the Chief of Police, or his or her designee, shall serve on the Applicant, in a manner that conforms to Section 1.14.020(B) of this Code, a written notice of denial which shall specify the grounds for the denial.

1. Any Applicant aggrieved by the decision of the Chief of Police, or his or her designee, may appeal that decision to the City Manager, or his or her designee, by filing a notice of appeal within ten (10) days of being notified of the decision.

2. The City Manager, or his or her designee, shall schedule a hearing within thirty (30) days and provide written notice of the time, date and location of the hearing to the appellant. The hearing shall be conducted pursuant to Cloverdale Municipal Code 1.14.090. The City Manager, or his or her designee, shall render a decision within thirty (30) days of the conclusion of the hearing, unless the parties agree otherwise.

3. The written decision of the City Manager, or his or her designee may be appealed and shall be subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

G. Display of Permit. Each holder of a Massage Therapist Permit shall display that Permit in an open and conspicuous place on the premises visible from the main entry door and/or reception and waiting area of the massage establishment. The home address of any employee need not be displayed.

H. Term. A Massage Therapist Permit issued pursuant to the terms of this Chapter shall be valid for a term of one (1) year from the date of issuance, and, unless suspended or

revoked, must be renewed by the Applicant annually so long as the Applicant is operating within the City. A Massage Therapist Permit may not be renewed or amended by the Applicant unless and until all due and unpaid citations issued to the owner, operator, manager or any employee of the establishment, pursuant to this Chapter, are paid in full. Citations shall not be deemed to be due and unpaid until the thirty (30)-day period for appeal of the citation has passed.

I. Amendments. Whenever the information provided in the application for a Massage Therapist Permit on file with the City changes, for example by a change in address or telephone number, the Applicant shall, within ten (10) business days after such change, file with the Chief of Police, or his or her designee, an application for amendment to the Massage Therapist Permit to reflect such change. An application for an amendment to a Massage Therapist Permit shall be accompanied by a fee as established by the City's Master Fee Schedule. It shall be unlawful and a violation of this Chapter for any owner or manager to allow any person to perform massage therapy for compensation unless and until an amended Massage Therapist Permit has been issued by the Chief of Police, or his or her designee. A Massage Therapist Permit may not be renewed or amended by the Applicant unless and until due and unpaid citations issued to the operator pursuant to this Chapter are paid in full. Citations shall not be deemed to be due and unpaid until the thirty (30)-day period for appeal of the citation has passed.

J. Grounds for Suspension or Revocation.

1. In addition to any other remedy available to the City, any Massage Therapist Permit, issued pursuant to this Chapter, may be suspended or revoked by the Chief of Police, or his or her designee, after a hearing, where it is found by a preponderance of the evidence, that one (1) or more of the following have occurred on even a single occasion:

a. The Permit holder, or any person employed or retained by the Permit holder, has been found to have violated any provision of this Chapter; or

b. The Permit holder, or any person employed or retained by the Permit holder has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of a provision or provisions of this Chapter or the Massage Therapy Act or some other state or federal law, including any of the following violation(s) of Penal Code sections 243.4, 261, 266a through 266j, inclusive, 267, 288, 314 to 316 inclusive, 318, 647a, 647b, 647d, 647i, 647j, any offenses requiring registration under Penal Code section 290 or Health and Safety Code section 11590; any felony offense involving the possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health and Safety Code sections 11054 to 11058, inclusive, as amended; any offense in another state which if committed in California, would have been punishable as one or more of the offenses mentioned here, any offense involving the use of force or violence upon the person of another, or any offense involving the use of force or violence upon the person of another, or any offense involving theft, embezzlement, or moral turpitude; or

c. The Permit holder, or any person employed or retained by the Permit holder, has been subject to a permanent injunction against the conducting or maintaining

of a nuisance pursuant to this Municipal Code, or Section 11225 through 11235 of the California Penal Code, or any similar provision of law in any jurisdiction outside the State of California; or

d. The Permit holder, or any person employed or retained by the Permit holder, has engaged in fraud or misrepresentation or has knowingly made a misstatement of material fact while working in or for the massage establishment; or

e. A Massage Therapist Permit was obtained with fraudulent or deceitful information; or

f. The Permit holder has continued to operate or conduct massages after the Massage Therapist Permit was suspended; or

g. Massage treatments are or have been performed, by any person who does not possess a CAMTC certificate or a Massage Therapist Permit; or

h. The Permit holder is not complying with the provisions of this Chapter, the Massage Therapy Act (Business & Professions Code Sections 4600-4621, any other provision of the Cloverdale Municipal Code or any other local, state or federal law and the Permit holder has failed to promptly remedy any deficiency for which they have received notice; or

i. There have been one (1) or more acts prohibited under California Penal Code Sections 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 taking place on the premises of the massage establishment, whether or not any criminal prosecution has been pursued or conviction obtained for such acts, and whether or not they occurred with or without the actual knowledge of the Permit holder.

j. The Permit holder has committed a disqualifying offense pursuant to Section 5.24.020(K).

2. Upon revocation of a Massage Therapist Permit, the Permit holder shall ensure that he or she immediately ceases any performance or engagement in massage therapy.

K. Process of Suspension or Revocation.

1. The Chief of Police, or his or her designee, before revoking or suspending any Massage Therapist Permit, shall serve the Permit holder and/or the massage establishment owner(s), operator(s) and/or manager(s) with written Notice of Revocation or Suspension in a manner that conforms to Section 1.14.020(B) of this Code and a date for the hearing on the matter. The Notice shall state the basis for the potential revocation or suspension and the date and time for the hearing.

2. The hearing shall be conducted by the Chief of Police, or his or her designee, and shall be an informal proceeding. The Chief of Police, or his or her designee, shall

consider the facts and evidence and shall make a determination, based upon a preponderance of the evidence, whether the Massage Therapist Permit should be revoked or suspended.

3. The Chief of Police, or his or her designee, shall serve the Permit holder and/or the massage establishment owner(s), operator(s) and/or manager(s) with written Notice of Revocation or Suspension in the manner set forth in Section 1.14.090 of this Code. The Notice shall state the grounds for revocation or suspension.

4. Any Permit holder aggrieved by the decision of the Chief of Police, or his or her designee, may appeal that decision to the City Manager, or his or her designee, by filing a notice of appeal within ten (10) days of being notified of the decision.

5. The City Manager, or his or her designee, shall schedule a hearing within thirty (30) days and provide written notice of the time, date and location of the hearing to the appellant. The hearing shall be conducted pursuant to Cloverdale Municipal Code 1.14.090 and 1.14.100. The City Manager, or his or her designee, shall render a decision within thirty (30) days of the conclusion of the hearing, unless the parties agree otherwise.

6. The written decision of the City Manager, or his or her designee, may be appealed and shall be subject to judicial review according to the provisions and time limits set forth in Code of Civil Procedure Section 1094.6.

5.24.130. Out-call Massage and On-Site Massage Restrictions.

A. No person or massage business shall perform either on-site massage or out-call massage for compensation without possessing either a CAMTC certificate or a Massage Therapist or Establishment Permit in conjunction with a valid City Business License and any other City permits that may be necessary.

B. Out-call massage and on-site massage shall only be conducted between the hours of 7:00 a.m. and 10:00 p.m.

C. Out-call massage or on-site massage shall not be conducted in a hotel/motel room or any other similar location used primarily for transitory habitation purposes.

5.24.140. Health and Safety Requirements for All Massages.

Except as otherwise specifically provided in this Chapter, all massage business owners, operators, employees, sole proprietors, independent contractors, home occupation massage therapists, and any person performing massage within the City shall comply with all of the following health and safety requirements. The Chief of Police, or his or her designee, may waive any of the requirements of this section if the Chief of Police, or his or her designee, determines that such a waiver will have no impact on public safety or neighborhood quality of life. The Chief of Police, or his or her designee, will also take into consideration whether compliance with

the requirements of this Section would place an undue financial burden on or would be physically infeasible.

A. The massage establishment and massage therapists shall at all times be equipped with an adequate supply of clean sanitary towels, non-disposable coverings, and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering, or linen has been used once, it shall be deposited in a closed receptacle and not used again until properly laundered and sanitized. Towels, non-disposable coverings, and linens shall be laundered either by regular commercial laundering, or by a noncommercial laundering process that includes immersion in water at least one hundred forty (140) degrees Fahrenheit for not less than fifteen (15) minutes during the washing or rinsing operation. Clean towels, coverings, and linens shall be stored in closed, clean cabinets when not in use. Towels, non-disposable coverings, and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate receptacles.

B. In a massage establishment, all massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, steam or vapor rooms or cabinets, shower compartments, bathrooms, hot tubs, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day when the premises have been or will be open and such facilities in use, with a hospital-grade disinfectant. All bathtubs shall be thoroughly cleaned and disinfected after each use, with a hospital-grade disinfectant. All walls, ceilings, floors and other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.

C. All equipment used for massage shall be maintained in a clean and sanitary condition. Instruments utilized in performing massage techniques shall not be used on more than one (1) client unless they have been sterilized, using standard sterilization methods.

D. All liquids, creams or other preparations used on or made available to patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

E. No invasive procedures shall be performed on any patron. Invasive procedures include, but are not limited to:

1. Application of electricity that contracts the muscle;
2. Penetration of the skin by metal needles;
3. Removal of skin by means of any razor-edged instrument or other device or tool; and
4. Other similar procedures.

F. All bathrobes, bathing suits, and/or other garments that are provided for the use of patrons shall be fully disposable and not used by more than one (1) patron, or shall be laundered after each use pursuant to subsection (C) of this Section.

G. All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and not used by more than one (1) patron, or shall be fully disinfected after each use.

H. No patrons shall be allowed to use any shower facilities unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons either shall be fully disposable and not used by more than one (1) patron, or shall be fully disinfected after each use.

I. No massage shall be given unless the client's genitalia and female breasts are, at all times, fully covered. Genitalia shall include the genitals, anus, and perineum of any person. The patron's genitals, pubic area, anus, and areola must be fully draped at all times while any individual employed or retained by the massage establishment to practice massage for compensation, or any other employee or operator of the massage establishment, is in the massage therapy room or cubicle with the patron. No massage therapy shall be provided for sexual gratification by intentional contact, or occasional and repetitive contact, with the genitals, pubic area, anus, or areola of a patron, either covered or uncovered.

J. No massage establishment shall have any alcohol for consumption or illegal controlled substance on the premises at any time except for those massage establishments who obtain authorization from the Chief of Police, or his or her designee, and any necessary licenses from the State of California that may be necessary to provide minimal quantities of alcohol to a client as a part of the establishment's services for specific occasions throughout the year such as Mother's Day, Easter, etc.

K. No massage shall be given by any massage therapist who is consuming, or under the influence of, any alcoholic beverage or illegal controlled substance.

L. The following attire and physical hygiene requirements shall be applicable to all employees and any other persons who work permanently or temporarily on the premises, of a massage establishment within the City, including, but not limited to, all persons who are employed or retained to practice massage for the massage establishment and any person performing massage:

1. No person shall dress in:

a. attire that is transparent, see-through, or substantially exposes the person's undergarments;

b. swim attire, if not providing a water-based massage modality approved by the California Massage Therapy Council;

- c. a manner that exposes the person's breasts, buttocks, or genitals;
- and
- d. a manner that constitutes a violation of Section 314 of the California Penal Code.

2. No massage establishment operator, employee, or visitor shall, while on the premises of a massage establishment or while performing any outcall massage service, and while in the presence of any patron, customer, employee or visitor, expose his or her genitals, buttocks or chest.

M. All massage therapists shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded or cut), or where a skin infection or eruption is present.

N. No massage therapist or massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising material that depicts any portion of the human body that would reasonably suggest to prospective customers that services prohibited by this Chapter are available, nor shall any massage therapist or massage establishment employ language in any advertising text or business name that would reasonably suggest to a prospective client that any service is available that is prohibited under this Chapter.

O. A massage therapist shall not violate the provisions of Sections 647(a) (soliciting to engage in lewd or dissolute conduct in a public place) and 647 (b) (soliciting to engage in or engaging in any act of prostitution) of the California Penal Code, or any other State law involving a crime of moral turpitude, and such practices shall not be allowed or permitted by the massage business.

5.24.150. Operating Requirements for Massage.

Except as otherwise specifically provided, the following operational requirements shall be applicable to all massage establishments located within the City. The Chief of Police, or his or her designee, may waive any of the requirements of this section if the Chief of Police, or his designee, determines that such a waiver will have no impact on public safety or neighborhood quality of life. The Chief of Police, or his or her designee, will also take into consideration whether compliance with the requirements of this Section would place an undue financial burden on or would be physically infeasible.

A. The CAMTC certificate or the Massage Therapist Permit shall be displayed in the reception area or in the area where massage is to be performed for all massage therapists performing or engaging in massage for the massage establishment or anyone performing or engaging in massage as an out-call, or a home occupation massage therapist. CAMTC certificates or the Massage Therapist Permit of former employees, independent contractors, volunteers shall be removed as soon as those massage therapists are no longer performing

massage at a massage establishment. No owner, operator or manager of a massage establishment shall allow or permit a person to administer massage for such establishment unless the practitioner possesses a valid CAMTC certificate or a Massage Therapist Permit.

B. Massage performed at a massage establishment shall only be performed between the hours of 7:00 a.m. and 10:00 p.m.. No massage business shall be open and no massage shall be provided between 10:00 p.m. and 7:00 a.m. A massage commenced prior to 10:00 p.m. shall terminate prior to 10:00 pm. and all clients shall exit the massage establishment prior to 10:00 pm. The hours of operation of the massage establishment shall be displayed in a conspicuous, public, place in the reception and waiting area and in any front window clearly visible from outside of the massage establishment.

C. Patrons and visitors shall be permitted in the massage establishment only during the hours of operation.

D. During the hours of operation, patrons shall be permitted in massage therapy rooms only if at least one (1) duly authorized massage therapist is present on the premises of the massage establishment.

E. During the hours of operation, visitors shall not be permitted in massage therapy rooms of massage establishments except as follows:

1. The parents or guardian of a patron who is a minor child may be present in the massage therapy room with that minor child;

2. The minor child of a patron may be present in the massage therapy room with the patron when necessary for the supervision of the child; or

3. The conservator, aid, or other caretaker of a patron who is elderly or disabled may be present in the massage therapy room with that elderly or disabled person.

F. During the hours of operation, except as otherwise provided herein, no visitors shall be permitted in massage therapy rooms, dressing rooms, showers, or any other room or part of the massage establishment premises other than the reception and waiting area or the restrooms.

G. Except for a patron who is inside a massage therapy room for the purpose of receiving a massage, no patrons or visitors shall be permitted in or on the massage establishment premises at any time who are less than fully clothed in outer garments of nontransparent material, or who display or expose themselves in underclothing or similar intimate apparel.

H. A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises, such as the reception area within the massage establishment, or provided to patrons before services are rendered as an out-call massage therapist or a home occupation massage therapist. The services shall be described in English and may also be described in such other languages as may be convenient. Outcall service providers

shall provide such a list to clients in advance of performing any service. No massage establishment operator, owner, or manager shall permit, and no massage therapist shall offer to perform any service other than those posted or listed, as required herein, nor shall an owner, manager, or operator nor a massage therapist offer or charge a fee for any service other than those on the list of available services posted in the reception area or provided to the client in advance of any services.

I. One (1) main entry door shall be provided for patron entry to the massage establishment, which shall open to an interior patron reception and waiting area immediately. All patrons and any persons other than individuals employed or retained by the massage establishment shall be required to enter and exit through the main entry door. Unless the massage establishment is a sole proprietorship, the main entry door shall be unlocked at all times during business hours.

J. No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

K. All interior doors of a massage establishment, including massage therapy rooms or cubicles, but excluding individual dressing rooms and toilet rooms, shall be incapable of being locked and shall not be blocked to prevent opening. Draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner massage therapy rooms or cubicles.

L. Minimum lighting equivalent to at least one (1) 40-watt light shall be provided in any area, cubicle, or room where massage is to be performed.

M. A massage table shall be used for all massage therapy, with the exception of "Thai," "Shiatsu," and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully attired in loose clothing, pajamas, scrubs or similar style of garment. Massage tables shall have a minimum height of eighteen (18) inches.

N. Beds, floor mattresses, and waterbeds are not permitted on the premises of the massage establishment, and no massage establishment, shall be used for residential or sleeping purposes.

O. All locker facilities that may be provided to patrons at a massage establishment shall be fully secured for the protection of the patrons' valuables, and each patron shall be given control of the key or other means of access.

P. The massage establishment shall meet and be maintained in a condition to comply with all applicable building standards and fire code requirements (as adopted by Title 15 of this Code), including, but not limited to, those related to the safety of structures, adequacy of the plumbing, lighting, heating, ventilation, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.

Q. Clients of the massage establishment shall be furnished with a private dressing room. Dressing rooms need not be separate from the room in which the massage is being performed.

R. Toilet facilities shall be provided in convenient locations within the massage establishment and shall consist of at least one (1) unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

S. A minimum of one (1) wash basin shall be available at all times for massage therapists performing massage. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Soap and sanitary towels shall also be available at each basin.

T. All records of employees, independent contractors, volunteers who have performed massage for a massage establishment shall be retained for a period of two (2) years and shall be made available to any City Inspector upon request.

U. Massage therapists shall be fully clothed at all times. Clothing shall be of a fully opaque, non-transparent material and said garments shall not expose their genitals, pubic areas, buttocks or breasts.

V. Every massage business, including home occupation massage therapists, shall keep a written or electronic record of the date and hour of each treatment administered, the name and address of each patron, the name of the massage therapist administering treatment, and the type of treatment administered. Such written or electronic record shall be available for inspection by the City inspector. Such records shall be kept for a period of two (2) years and shall be open to inspection by the City.

W. No massage establishment shall simultaneously operate as a school of massage or share facilities with a school of massage.

X. No massage establishment shall allow any person to reside within the massage establishment or in any attached structures owned, leased or controlled by the massage establishment owners. This section does not apply to those businesses that have been properly permitted as a home occupation.

Y. All massage establishments must comply with all State and Federal laws and regulations pertaining to disabled clients.

Z. All massage establishments must comply with the City's Sign Ordinance pursuant to Title 18, Chapter 12 of the Cloverdale Municipal Code.

5.24.160. Inspection of Massage Establishment by Officials.

A. The investigating and enforcing officials of the City, including but not limited to, the Chief of Police, or his or her designees, Chief Building Official, or his or her designees, the Chief of the Fire Department, or his or her designee, shall have the right to enter the massage establishment premises, from time to time, during regular business hours, without a search or inspection warrant, for the purpose of making reasonable inspections to observe and enforce compliance with applicable laws, statutes and regulations, and with the provisions of this Chapter. The Chief Building Official and/or the Chief of the Fire Department may charge a fee for any safety inspections, which shall be established by Council.

B. The violator shall take immediate action to correct each violation noted by the City inspector. A re-inspection will be performed within thirty (30) days, or sooner as determined by the City official, to ensure that each violation noted by the City inspector has been corrected.

5.24.170. Exchange of Information.

The City may, from time to time, request information from CAMTC pertaining to any person who possesses a CAMTC certificate and who is engaging in the practice of massage in the City. The requested information may include, but need not be limited to, the current status of a person's CAMTC certificate, any history of disciplinary action(s) taken against the person, the home and work addresses of the CAMTC certificate holder and any other information that may be necessary to verify fact relevant to administering the provisions of this Chapter.

5.24.180. Nuisance.

Any massage business or establishment operated, conducted or maintained contrary to the provisions of this Chapter shall be unlawful and a public nuisance, and the City Attorney may, in the exercise of his or her discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in any manner provided by the Cloverdale Municipal Code and by law. All remedies provided for in this Chapter are cumulative.

5.24.190. Prosecutorial Discretion.

Pursuant to the City Attorney's prosecutorial discretion, the City may enforce violations of this Chapter as criminal, civil and/or administrative violations utilizing administrative remedies. All remedies provided for in this Chapter are cumulative.

5.24.200. Criminal Prosecution.

A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall constitute a misdemeanor and at the discretion of the City Attorney, a violation of any provision of this Chapter may be prosecuted in a criminal court. Any violation of this Chapter prosecuted as a misdemeanor shall be punishable by a fine of not

more than one thousand dollars (\$1,000.00), per violation or by imprisonment in the County Jail for a period of not more than six (6) months, or by both fine and imprisonment. All remedies provided for in this Chapter are cumulative.

5.24.210. Administrative Fines.

A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Chapter, may result in the issuance of an administrative citation and the City may, at its discretion, seek an administrative fine of up to one thousand dollars (\$1,000.00).

A. Each violation of any provision of this Chapter shall constitute a separate and distinct violation for each and every day during which any violation of any provision of this Chapter is committed, continued or permitted by such person.

B. Notice of the assessed fine shall be served by certified mail with the legal violation and supporting facts in accordance with Section 1.14.020 of the Cloverdale Municipal Code. The notice shall contain an advisement of the right to file an appeal and the process for contesting the imposition of the fine with the City. The appeal process and timeline shall follow those procedures and timelines set forth in Section 1.14.020 through 1.14.140 of the Municipal Code.

C. If an appeal is not filed and the fine is not paid within thirty (30) days from the date of the notice of fine or a notice of determination from the Hearing Officer, the fine may be referred to a collection agency within or external of the City.

D. Any outstanding amounts owed to the City may be recovered through a lien against any real property owned by the offending party or a personal obligation lien against the offending party.

5.24.220. Applicability of Other Ordinances.

Nothing contained in this Chapter shall be construed to exempt any person from complying with the provisions of any other applicable ordinance, rule, or regulation, or to exempt a massage establishment or massage therapist from the provisions of any zoning, licensing or other building ordinance, rule or regulation.

5.24.230. Unlawful Business Practices May Be Enjoined.

Any massage establishment or business operated, conducted, or maintained contrary to the provisions of this Chapter shall constitute an unlawful business practice pursuant to Business & Professions Code section 17200 et seq., and the City Attorney and/or District Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this Chapter, commence an action or actions, proceeding or proceedings in an appropriate court of jurisdiction, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorneys' fees and costs."

SECTION 3. California Environmental Quality Act (“CEQA”). This Ordinance is exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines and does not constitute the approval of a “project” under CEQA, pursuant to section 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State CEQA Guidelines. Specifically, it can be seen with certainty that there is no possibility that this Ordinance, containing amendments to the registration, inspection and revocation processes for permits for massage establishments and massage therapists, or its implementation, would have a significant effect on the environment and is covered by the general rule, pursuant to 14 Cal. Code Regulations Section 15061(b)(3).

SECTION 4. No Mandatory Duty of Care. This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Council Members voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on _____, 2016, by the following vote:

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2016 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

MaryAnn Brigham, Mayor

Paul Cayler, City Clerk

SECTION 3. California Environmental Quality Act (“CEQA”). This Ordinance is exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines and does not constitute the approval of a “project” under CEQA, pursuant to section 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State CEQA Guidelines. Specifically, it can be seen with certainty that there is no possibility that this Ordinance, containing amendments to the registration, inspection and revocation processes for permits for massage establishments and massage therapists, or its implementation, would have a significant effect on the environment and is covered by the general rule, pursuant to 14 Cal. Code Regulations Section 15061(b)(3).

SECTION 4. No Mandatory Duty of Care. This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Council Members voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on _____, 2016, by the following vote:

PASSED, APPROVED AND ADOPTED this ___ day of _____ 2016 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

ATTEST:

_____,
MaryAnn Brigham, Mayor

_____,
Paul Cayler, City Clerk



Agenda Section Public Hearings	Staff Contact Stephen Cramer, Police Chief Jose Sanchez, City Attorney
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Agenda Item Title

Introduction and First Reading of Ordinance No. 706-2016, Amending Cloverdale Municipal Code Chapter 8.08 Related to Smoking in Public Places.

SUMMARY:

The purpose of this agenda item is the introduction and first reading of an ordinance amending Cloverdale Municipal Code Chapter 8.08 related to smoking in public places in the City. The City’s current smoking ordinance has not been updated since 1989. Minor amendments are necessary to bring the ordinance in line with current laws. Additionally, staff is recommending that provisions be added to prohibit smoking at all public events in the City, such as festivals, concerts, farmers’ markets, and other indoor and outdoor public events where numerous people would be susceptible to the negative impacts of secondhand smoke.

BACKGROUND:

The City of Cloverdale’s existing smoking ordinance, located in Chapter 8.08 of the Cloverdale Municipal Code, has not been revised since 1989. The current ordinance is out of compliance with state law. Several sections of Chapter 8.08 allow for smoking in indoor locations (such as bars, waiting rooms, cafeterias, etc.) where State law now prohibits it. The Municipal Code also allows for businesses to seek a variance from the City, allowing for indoor smoking. Since 1998, California law has prohibited smoking in nearly all indoor workplaces and therefore businesses usually comply with this.

Staff is proposing amendments to the Municipal Code to create clear local regulations that align with State law and meet local needs. Based on numerous complaints from the public, staff is proposing amendments that would prohibit all smoking at public events in the City such as concerts, festivals, markets, parades, etc. The changes would allow for smoking in any public area not being used for the event, as long as it is at least 20 feet away from the event. The proposed changes also make minor amendments to bring the City in line with current trends, such as including electronic cigarettes within the definition of cigarettes and adding a definition for “smoke,” which includes tobacco and marijuana smoke.

The Planning and Community Development Subcommittee reviewed the proposed ordinance at its February 24th meeting and recommended it be presented to the full City Council. The draft ordinance was presented to the full City Council at its March 8, 2016 workshop. Staff received direction to bring it back for first reading with no changes or additions. A public hearing notice regarding the ordinance appeared in the newspaper.

DISCUSSION:

Proposed Amendments to Smoking Ordinance:

The ordinance before the City Council consideration proposes the following changes and additions to Chapter 8.08 of the Municipal Code (the “Smoking Ordinance”):

- 1) Minor amendments to bring ordinance more in line with current law and trends:
 - Amend “definitions” to include electronic cigs, vape pipes and hookah in cigarette/smoking devices; and add definition of “smoke” (this item was not included in the proposal reviewed by the Subcommittee)
 - Delete provisions related to certain allowable indoor smoking that is now illegal in California

- (bars, waiting rooms, employee cafeterias, etc.)
- Remove variance section

2) Add a prohibition section regarding public events:

- 8.08.035, “public events regulated”
 - shall apply to indoor and outdoor events
 - farmers markets
 - concerts
 - fairs, bazars
 - does not prevent people from smoking on streets/sidewalks near event (20 feet away or more) that aren’t being used for the event

Overview of the law:

Laws related to smoking, secondhand smoke, and tobacco in California are in numerous statutes, including the Labor Code, the Government Code, the Health and Safety Code, the Education Code, the Penal Code, and the United States Code.

It is illegal in California to smoke on school campuses, in government buildings, at daycare facilities, within 25 feet of playgrounds, within 20 feet of an entrance, exit or window of a public building, and in health facilities.

It is also illegal in California to smoke in any enclosed place of employment. There are exceptions to this rule, including: up to 65% of hotel/motel guest rooms; up to 25 or 50% (depending on the total square footage) of hotel/motel lobbies; meeting and banquet rooms in hotels, except when food is present; retail tobacco shops and private smoking lounges within a tobacco shop; employee break rooms meeting strict design standards; and small businesses with five or fewer employees, and when the smoking area is not accessible to minors, all employees have consented to allow smoking, and certain ventilation and exhaust standards are met.

Local Authority:

Cities have the authority to enact local regulations that are more stringent than state law on secondhand smoke. Local regulations on smoking are intended to address both the health impacts of the activity to nonsmokers and the undesired impacts (odor, irritants) of smoking. Such ordinances are within the authority of a city to pass laws to protect the public health and welfare, as well as a city’s authority to regulate public nuisances. The United States Surgeon General has declared that there is no safe level of exposure to secondhand smoke. Numerous local cities have enacted more stringent smoking regulations in recent years. For example, smoking in outdoor dining areas of restaurants and bars is generally prohibited in Healdsburg, Santa Rosa, Cotati, Petaluma, Rohnert Park, and Windsor.

Electronic cigarettes:

Electronic cigarettes are devices that emit doses of vaporized nicotine or other substances that are inhaled by the user. Most use battery-powered heat to vaporize a liquid solution held in the mouthpiece of the device. Many cities have enacted regulations on electronic cigarettes, a growing trend in the tobacco business. Some examples of the more than 44 cities and counties that have passed prohibitions on electronic cigarettes include the cities of Los Angeles, Cotati, Healdsburg, Petaluma, Santa Rosa, Walnut Creek, Mountain View, Los Altos, Arcadia, Temecula, Santa Barbara, and Eureka.

Existing State law makes it illegal to sell or give electronic cigarettes to minors, but does not extend smoking prohibitions to electronic cigarettes. A recent national survey by the Centers for Disease Control and Prevention revealed that use of electronic cigarettes by middle and high school students is increasing. Many electronic cigarette cartridges come in flavors that may appeal to children and teens, such as cotton candy and

bubble gum.

According to the California Medical Association, the safety of electronic cigarettes is currently unknown. The devices have yet to be submitted to the U.S. Food and Drug Administration for approval. A 2009 study by the U.S. Food and Drug Administration found that electronic cigarettes contain carcinogens and toxic chemicals (although at lower levels than those within cigarettes) to which users and bystanders could be exposed. In 2013, University of California researchers determined that many of the elements identified in electronic cigarette vapor are known to cause respiratory distress and disease. However, some smokers successfully use electronic cigarettes to help them quit or reduce their tobacco intake, and studies support this. Much of the uncertainty surrounding the effects of electronic cigarettes is due to inaccurate nicotine content labeling, variations in nicotine related impurities in cartridges among manufacturers, and the varying levels of metal and silicate particle concentrations in electronic cigarette particles.

The federal government has banned the use of electronic cigarettes on airplanes. Additionally, the U.S. Food and Drug Administration is developing regulations for electronic cigarettes, which could make them subject to requirements for ingredient listing, user fees, and manufacturing requirements.

Outdoor smoking regulations:

Many cities prohibit smoking in outdoor areas of restaurants, at city parks, and at all places of employment. According to a recent reports from the American Lung Association, 84 municipalities in California prohibit smoking in all outdoor dining areas, 113 restrict smoking at public events, and 45 restrict smoking on sidewalks in commercial areas.¹ Cities with total bans on smoking in outdoor dining areas include El Cerrito, Piedmont, Oakland, Union City, Berkeley, Malibu, Manhattan Beach, Pasadena, Santa Monica, Del Mar, Morro Bay, Healdsburg, and San Jose.

¹ American Lung Association, *List of Municipalities that Restrict Smoking in Outdoor Dining Areas June 2015*; and *State of Tobacco Control 2014, 2015, and 2016*.

Budget/Financial Impact

The financial impact of additional smoking regulations on the budget would be minimal.

Subcommittee Recommendation

This agenda item was presented to the Planning and Community Development Subcommittee on February 24, 2016. The Subcommittee recommended it be presented to the full City Council for discussion and direction to staff. The full City Council discussed the draft ordinance at its March 8, 2016 workshop and directed staff to bring it back for first reading.

Recommended Council Action

The City Manager recommends that the City Council introduce and waive the first reading of Ordinance No. 706- 2016, an Ordinance of the City Council of Cloverdale Amending Cloverdale Municipal Code Chapter 8.08, "Smoking in Public Places," to Align Regulations with Current Law and to Prohibit Smoking at Outdoor Public Events.

Attachments:

1. Ordinance No. 706-2016.
 2. Red-line version of CMC Chapter 8.08, showing proposed changes
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2621661.1

**CITY OF CLOVERDALE
CITY COUNCIL
ORDINANCE NO. 706-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF CLOVERDALE AMENDING
CLOVERDALE MUNICIPAL CODE CHAPTER 8.08, "SMOKING IN PUBLIC
PLACES," TO ALIGN REGULATIONS WITH CURRENT LAW AND TO
PROHIBIT SMOKING AT OUTDOOR PUBLIC EVENTS**

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States, accounting for about 443,000 deaths each year;¹ and
- Scientific studies have concluded that tobacco use can cause chronic lung disease, coronary heart disease and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;² and
- Some of the most common types of cancers, including stomach, liver, uterine, cervix, and kidney are related to tobacco use;³ and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;⁴ and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;⁵ and

¹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

² US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

³ Leistikow B, Zubair K, Connolly GN, et al. "Male Tobacco Smoke Load and Non-Lung Cancer Mortality Associations in Massachusetts." *BMC Cancer*, 8:341, 2008. Available at: www.biomedcentral.com/1471-2407/8/341.

⁴ US Department of Health and Human Services, Office of the Surgeon General. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. 2010, p. 9. Report highlights available at: www.surgeongeneral.gov/library/tobaccosmoke/factsheet.html.

⁵ Resolution 06-01, Cal. Air Resources Bd. (2006) at 5. Available at: www.arb.ca.gov/regact/ets2006/res0601.pdf; see also California Environmental Protection Agency, Air Resources Board. *News Release, California Identifies Secondhand Smoke as a "Toxic Air Contaminant."* Jan. 26, 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm.

- The California Environmental Protection Agency included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm;⁶ and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Secondhand smoke is responsible for as many as 3,000 deaths from lung cancer and 46,000 deaths from heart disease among nonsmokers each year in the United States;⁷and
- Exposure to secondhand smoke increases the risk of coronary heart disease by approximately thirty percent;⁸ and
- Secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis, in as many as 300,000 children in the United States under the age of 18 months each year, and exacerbates childhood asthma;⁹ and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs, as evidenced by the following:

- The total annual economic burden of smoking in the United States is \$193 billion;¹⁰ and
- From 2001-2004, the average annual health care expenditures attributable to smoking were approximately \$96 billion;¹¹ and
- The medical and other costs to nonsmokers due to exposure to secondhand smoke were estimated at over \$10 billion per year in the United States in 2005;¹² and

⁶ California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*. 2006, p. 8 & 17. Available at: www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf.

⁷ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

⁸ Barnoya J and Glantz S. "Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking." *Circulation*, 111: 2684-2698, 2005. Available at: www.circ.ahajournals.org/cgi/content/full/111/20/2684.

⁹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf.

¹⁰ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Economic Facts about U.S. Tobacco Production and Use*. Available at: www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/index.htm#costs (last updated March 9, 2011).

¹¹ US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Economic Facts about U.S. Tobacco Production and Use*, www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/index.htm#costs (last updated March 9, 2011).

¹² Behan DF, Eriksen MP and Lin, Y. *Economic Effects of Environmental Tobacco Smoke*. Schaumburg, IL: Society of Actuaries, 2005, p. 2. Available at:

(footnote continued)

- California's Tobacco Control Program saved the state and its residents \$86 billion in health care expenditures between the year of its inception, 1989, and 2004, with savings growing yearly;¹³ and
- Indoor smoking bans have been attributed with reductions in calls for ambulances and reductions in deaths attributed to heart attacks;¹⁴ and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on the direction and amount of wind and number and proximity of smokers;¹⁵ and
- Irritation from secondhand smoke begins at levels as low as 4 micrograms per cubic meter, and in some outdoor situations this level can be found as far away as 13 feet from the burning cigarette;¹⁶ and
- Smoking cigarettes near building entryways can increase air pollution levels by more than two times as compared to background levels, with maximum levels reaching the "hazardous" range on the US EPA's Air Quality Index;¹⁷ and

[www.soa.org/files/pdf/ETSReportFinalDraft\(Final%203\).pdf](http://www.soa.org/files/pdf/ETSReportFinalDraft(Final%203).pdf); see also US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Fast Facts*, www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm (last updated March 9, 2011).

¹³ Lightwood JM, Dinno A and Glantz SA. "Effect of the California Tobacco Control Program on Personal Health Care Expenditures." *PLoS Med*, 5(8): e178, 2008. Available at: www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0050178.

¹⁴ Franklin D. *Smoking Ban Tilts Odds Against Ambulance Calls from Casinos*. Available at: <http://www.npr.org/blogs/health/2013/08/05/209149956/smoking-ban-in-casinos-linked-to-fewer-caller-for-ambulances>; Shute N. *After Smoking Is Banned, Heart Attacks Drop*. Available at <http://www.npr.org/blogs/health/2012/10/29/163889012/after-smoking-is-banned-heart-attacks-drop>.

¹⁵ Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. San Francisco: University of California, San Francisco and Stanford University, 2004, p. 80, 87. Available at: http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf; see also Klepeis NE, Ott WR and Switzer P. "Real-Time Measurement of Outdoor Tobacco Smoke Particles." *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at: www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf.

¹⁶ Junker MH, Danuser B, Monn C, et al. "Acute Sensory Responses of Nonsmokers at Very Low Environmental Tobacco Smoke Concentrations in Controlled Laboratory Settings." *Environmental Health Perspectives*, 109(10):1045-1052, p. 1049-51, 2001. Available at: www.pubmedcentral.nih.gov/picrender.fcgi?artid=1242082&blobtype=pdf; Repace JL. "Benefits Ordinance No. of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles." *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf.

¹⁷ Kaufman P, Zhang, B, Bondy S, et al. "Not just 'a few wisps': real-time measurement of tobacco smoke at entrances to office buildings." *Tobacco Control*. Published Online First: 21 December 2010. doi:10.1136/tc.2010.041277. Abstract available at: <http://tobaccocontrol.bmj.com/content/early/2010/12/21/tc.2010.041277.abstract>.

- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke, about the width of a two-lane road;¹⁸ and

WHEREAS, cigarette butts pose a health threat to young children and are a major and persistent source of litter; and

WHEREAS, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs, as evidenced by the following:

- Cities with smoke-free laws see an appreciable reduction in hospital admittances for heart attacks in the months and years after such laws are passed;¹⁹ and
- Smoking bans help people reduce the number of cigarettes they smoke or to quit altogether;²⁰ and
- Strong smoking regulations for restaurants decrease the number of children who transition from experimenting with smoking to becoming actual smokers;²¹ and

WHEREAS, the safety and efficacy of electronic cigarettes is still unknown and electronic cigarettes deliver an unknown mix of potentially carcinogenic and toxic compounds, as evidenced by the following: a) nicotine content labeling is not accurate with some electronic cigarette manufacturers;²² b) nicotine related impurities content in cartridges and refills vary by electronic cigarette manufacturer;²³ and c) the concentrations of some metal and silicate particles in electronic cigarette aerosol were higher than or equal to the levels contained in conventional cigarette smoke;²⁴ and

¹⁸ Repace JL. "Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles." *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf.

¹⁹ US Department of Health and Human Services, Centers for Disease Control and Prevention. "Reduced Hospitalizations for Acute Myocardial Infarction After Implementation of a Smoke-Free Ordinance – City of Pueblo, Colorado, 2002 – 2006." *Morbidity and Mortality Weekly Report*, 57(51&52): 1373-1377, 2009. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5751a1.htm; Glantz SA. "Meta-Analysis of the Effects of Smokefree Laws on Acute Myocardial Infarction: An Update." *Preventive Medicine*, 47(4): 452-453, 2008. Abstract available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC2927851/?tool=pubmed.

²⁰ Neighmond P. "Smoking Bans Help People Quit, Research Shows." *National Public Radio*, October 25, 2007, www.npr.org/templates/story/story.php?storyId=15610995.

²¹ Siegel M, Albers AB, Cheng DM, et al. "Local Restaurant Smoking Regulations and the Adolescent Smoking Initiation Process: Results of a Multilevel Contextual Analysis Among Massachusetts Youth." *Archives of Pediatrics and Adolescent Medicine*, 162(5): 477-483, 2008. Available at: <http://archpedi.ama-assn.org/cgi/reprint/162/5/477.pdf>.

²² Trehy ML, Ye W, et al. "Analysis of Electronic Cigarette Cartridges, Refill Solutions, and Smoke for Nicotine and Nicotine Related Impurities." *Journal of Liquid Chromatography & Related Technologies*, 34:1442-1458, 2011.

²³ *Id.*

²⁴ Williams M, Villarreal A, Bozhilov K, Lin S, Talbot P (2013) Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol. *PLoS ONE* 8(3): e57987. doi:10.1371/journal.pone.0057987

WHEREAS, the U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found them to contain carcinogens and toxic chemicals to which users and bystanders could potentially be exposed,²⁵ suggesting that the same concerns present with secondhand smoke from conventional cigarettes may exist with electronic cigarettes; and

WHEREAS, it is unlawful to sell or furnish electronic cigarettes to minors,²⁶ however minors are still able to obtain access to electronic cigarette products. A national survey revealed that between 2011 and 2012, middle school students who reported ever using electronic cigarettes increased from 1.4% to 2.7% and current use of electronic cigarettes increased from 0.6% to 1.1%.²⁷ The same survey found that high school students who reported ever using electronic cigarettes increased from 4.7% to 10.0% while current use increased from 1.5% to 2.8%; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions;²⁸ and state law prohibits smoking within 20 feet of entryways and operable windows of government buildings;²⁹ and

WHEREAS, there is no Constitutional right to smoke;³⁰ and

WHEREAS, it is the intent of the City Council, in enacting this Ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City.

²⁵ US Food and Drug Administration. *News Release, FDA and Public Health Experts Warn About Electronic Cigarettes*. July 22, 2009. Available at: www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm.

²⁶ Cal. Health & Safety Code § 119405 (West 2013).

²⁷ Centers for Disease Control and Prevention. *Electronic Cigarette Use Among Middle and High School Students—United States, 2011-2012. Morbidity and Mortality Weekly Report*. September 6, 2013 (survey results are available at http://www.cdc.gov/tobacco/data_statistics/surveys/nyts.)

²⁸ Cal. Health & Safety Code § 104495 (West 2008).

²⁹ Cal. Gov't Code § 7597 (West 2008).

³⁰ Public Health Law & Policy, Technical Assistance Legal Center. *There Is No Constitutional Right to Smoke*. 2005. Available at www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke.

NOW, THEREFORE, the City Council of the City of Cloverdale does ordain as follows:

SECTION 1. Amendment of Code. Chapter 8.08 of the Cloverdale Municipal Code is amended to read as follows:

Chapter 8.08

SMOKING IN PUBLIC PLACES

Sections:

- 8.08.010 Purpose of provisions.**
- 8.08.020 Definitions.**
- 8.08.030 City-owned facilities regulated.**
- 8.08.035 Public events regulated.**
- 8.08.040 Enclosed places where smoking is prohibited.**
- 8.08.050 Places of employment regulated.**
- 8.08.060 Areas exempt from restrictions.**
- 8.08.070 Posting requirements.**
- 8.08.080 Reserved.**
- 8.08.090 Enforcement of provisions.**
- 8.08.100 Retaliation prohibited.**
- 8.08.110 Chapter provisions not exclusive.**
- 8.08.120 Violation—Penalty.**

8.08.010 Purpose of provisions.

The purpose of this chapter is to protect the public health and welfare by regulating smoking in public places and places of employment and to strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers to breathe smoke-free air, and to recognize that, when these needs conflict, the need to breathe smoke-free air shall have priority.

8.08.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section, unless it is apparent from the context that they have a different meaning:

“Bar” means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

“City” means the city of Cloverdale, state of California.

“Electronic smoking device” means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances.

“Electronic smoking device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. “Electronic smoking device”

Attachment 1

does not include any product specifically approved by the United States Food and Drug Administration for the use in the mitigation, treatment, or prevention of disease.

“Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

“Employer” means any person, partnership, corporation, including municipal corporation, who employs the services of more than three persons.

“Enclosed” means closed in by roof and four walls with appropriate openings for ingress and egress.

“Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias or eating places. A private residence is not a place of employment for purposes of this chapter, unless it is used as a child care or health care facility.

“Smoke” means” the gases, particles or vapors released into the air by combustion, electronic ignition or vaporization when the apparent or usual purpose of the combustion, electronic ignition or vaporization is human inhalation of the resulting combustion products, including but not limited to tobacco smoke, cigarette smoke, marijuana smoke, and gases, aerosol or vapor released by the ignition of e-cigarettes or electronic smoking devices. “Smoke” does not include the product of combustion of incense or similar products when used solely for olfactory purposes and not containing tobacco or nicotine.

“Smoking” means the carrying or holding of a lighted pipe, cigar, cigarette of any kind, including an electronic cigarette or electronic or battery-operated smoking device, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke or vapor of a pipe, cigar, or cigarette of any kind.

“Sports arena” means the enclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

8.08.030 City-owned facilities regulated.

All enclosed facilities and transit buses owned, leased, or operated by the city or under control of the city council shall be subject to the provisions of this chapter.

8.08.035 Public events regulated.

Smoking shall be prohibited in enclosed and unenclosed public places, when being used for a public event, including but not limited to a farmers’ market, concert, parade, craft fair, festival, bazar, or any other event which may be attended by the general public, provided that Smoking is permitted at least twenty (20) feet from the event area on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter or other law.

8.08.040 Enclosed places where smoking is prohibited.

Smoking shall be prohibited in the following places within all areas of the city:

- A. All enclosed areas within businesses available to and customarily used by the general public including, but not limited to, retail stores, hotels and motels, pharmacies, banks, attorneys' offices and other offices;
- B. Within all restaurants.
- C. Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices, except that health facilities shall also be subject to the provisions of Section 8.08.050 of this chapter regulating smoking in places of employment;
- D. Elevators, public restrooms, indoor service lines, buses, taxicabs, public airports, and other means of public transit under the authority of the city, and in ticket, boarding, and waiting areas of public transit depots;
- E. In public areas of museums and galleries;
- F. Enclosed seating areas of theaters, auditoriums, and halls which are used for motion pictures, stage dramas and musical performances, ballets or other exhibitions, except when smoking is part of any such production;
- G. Enclosed sports arenas, convention, church, social and auditorium halls;
- H. Retail food marketing establishments, including grocery stores and supermarkets;
- I. Public schools and other public facilities under the control of another public agency, which are available to and customarily used by the general public, to the extent that the same are subject to the jurisdiction of the city;
- J. Notwithstanding any other provisions of this chapter, any owner, operator, manager or other person who controls any establishment subject to this chapter may declare that entire establishment as a nonsmoking establishment.

8.08.050 Places of employment regulated.

- A. It shall be the responsibility of employers to make reasonable effort to provide smoke-free area for nonsmokers within existing facilities.
- B. Within ninety days of the effective date of the ordinance codified in this chapter, each employer and each place of employment located within the city, shall adopt, implement, make known to employees and public, and maintain a written smoking policy, which shall contain at a minimum the following requirements:

Attachment 1

1. Prohibition of smoking in conference and meeting rooms, classrooms, restrooms, medical facilities, hallways and elevators and all other areas as required by state or federal law;

2. Any employee in a place of employment shall be given the right to designate his/her immediate work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer. The policy adopted by the employer shall include a reasonable definition of the term "immediate work area";

C. Reserved.

D. The smoking policy shall be communicated to all employees within three weeks of its adoption, and at least annually thereafter. All new employees shall be informed of the policy during initial orientation and in no case later than three weeks after employment;

E. Notwithstanding the provisions of subsection A of this section, every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area.

8.08.060 Areas exempt from restrictions.

Notwithstanding any other provision of this chapter, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences, unless the residence is used as a child care or a health care facility;

B. Reserved.

C. Hotel or motel rooms rented to guests, as allowable under state law;

D. Retail stores that deal primarily in the sale of tobacco and smoking paraphernalia;

E. Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions, so long as no food is being served;

F. A private enclosed space occupied exclusively by smokers, even though such a place may be visited by nonsmokers, and private enclosed offices, excepting places in which smoking is prohibited by the fire agency of jurisdiction or by any other law, ordinance or regulation.

8.08.070 Posting requirements.

"Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other places.

8.08.080 Reserved.

8.08.090 Enforcement of provisions.

Attachment 1

A. Any owner, manager, operator or employer of any establishment subject to this chapter shall have the responsibility to inform any apparent violator, whether public or employee, about any smoking restrictions in the establishment, and shall attempt at all times to obtain voluntary compliance by any apparent violator.

B. Any citizen who desires to register a complaint under this chapter may initiate the complaint by filing a written complaint with the police department.

C. While an establishment is undergoing otherwise mandated inspections, a “self-certification” will be required from the owner, manager, operator or other person having control of such establishment that all requirements of this chapter have been complied with.

8.08.100 Retaliation prohibited.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter.

8.08.110 Chapter provisions not exclusive.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

8.08.120 Violation—Penalty.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to this chapter to fail to:

1. Properly post signs required hereunder,
2. To provide signs for the use of employees in designating their areas;
3. To properly set aside “No Smoking” areas;
4. To adopt a smoking restriction policy; or
5. To comply with any other requirements of this chapter.

B. It is unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C. Any person or business that violates subsections A or B or any other provisions of this chapter shall be guilty of an infraction, punishable by:

1. A fine, not exceeding one hundred dollars for first violation;
2. A fine, not exceeding two hundred dollars for a second violation of this chapter within one year,

3. A fine, not exceeding five hundred dollars for each additional violation of this chapter within five years.

SECTION 2. California Environmental Quality Act (“CEQA”).

The City Council hereby finds that the approval of the amendments in this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

SECTION 3. No Mandatory Duty of Care.

This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date.

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Council Members voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on _____, 2016, by the following vote:

PASSED, APPROVED AND ADOPTED this ___ day of _____ 2016 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

_____,
MaryAnn Brigham, Mayor

_____,
Paul Cayler, City Clerk

Chapter 8.08 SMOKING IN PUBLIC PLACES

Sections:

- 8.08.010 Purpose of provisions.**
- 8.08.020 Definitions.**
- 8.08.030 City-owned facilities regulated.**
- 8.08.035 Public events regulated.**
- 8.08.040 Enclosed places where smoking is prohibited.**
- 8.08.050 Places of employment regulated.**
- 8.08.060 Areas exempt from restrictions.**
- 8.08.070 Posting requirements.**
- 8.08.080 Reserved**
- 8.08.090 Enforcement of provisions.**
- 8.08.100 Retaliation prohibited.**
- 8.08.110 Chapter provisions not exclusive.**
- 8.08.120 Violation—Penalty.**

8.08.010 Purpose of provisions.

The purpose of this chapter is to protect the public health and welfare by regulating smoking in public places and places of employment and to strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers to breathe smoke-free air, and to recognize that, when these needs conflict, the needs to breathe smoke-free air shall have priority. (Ord. 429-89 § 1, 1989)

8.08.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section, unless it is apparent from the context that they have a different

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meaning:

“Bar” means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

“City” means the city of Cloverdale, state of California.

“Electronic smoking device” means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. “Electronic smoking device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. “Electronic smoking device” does not include any product specifically approved by the United States Food and Drug Administration for the use in the mitigation, treatment, or prevention of disease.

“Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

“Employer” means any person, partnership, corporation, including municipal corporation, who employs the services of more than three persons.

“Enclosed” means closed in by roof and four walls with appropriate openings for ingress and egress.

“Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias or eating places. A private residence is not a place of employment for purposes of this chapter, unless it is used as a child care or health care facility.

“Smoke” means the gases, particles or vapors released into the air by combustion, electronic ignition or vaporization when the apparent or usual purpose of the combustion, electronic ignition or vaporization is human inhalation of the resulting combustion products, including but not limited to tobacco smoke, cigarette smoke,

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marijuana smoke, and gases, aerosol or vapor released by the ignition of e-cigarettes or electronic smoking devices. "Smoke" does not include the product of combustion of incense or similar products when used solely for olfactory purposes and not containing tobacco or nicotine.

"Smoking" means the carrying or holding of a lighted pipe, cigar, cigarette of any kind, including an electronic cigarette or electronic or battery-operated smoking device, or any other lighted smoking equipment or the lighting or emitting or exhaling the smoke or vapor of a pipe, cigar, or cigarette of any kind.

"Sports arena" means the enclosed sports pavilions, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events. (Ord. 429-89 § 2, 1989)

8.08.030 City-owned facilities regulated.

All enclosed facilities and transit buses owned, leased, or operated by the city or under control of the city council shall be subject to the provisions of this chapter. (Ord. 429-89 § 4, 1989)

8.08.035 Public events regulated.

Smoking shall be prohibited in enclosed and unenclosed public places, when being used for a public event, including but not limited to a farmers' market, concert, parade, craft fair, festival, bazar, or any other event which may be attended by the general public, provided that Smoking is permitted at least twenty (20) feet from the event area on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter or other law.

8.08.040 Enclosed places where smoking is prohibited.

Smoking shall be prohibited in the following places within all areas of the city:

A. All enclosed areas within businesses available to and customarily used by the general public including, but not limited to, retail stores, hotels and motels, pharmacies,

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banks, attorneys' offices and other offices;

B. Within all restaurants ~~of fifty seats or more provided, however, that this prohibition does not prevent:~~

~~1. The designating of a contiguous area within the restaurant that contains no more than fifty percent of the seating capacity of the restaurant as a smoking area, or~~

~~2. The providing of separate rooms designated as smoking rooms, so long as said rooms do not contain more than fifty percent of the seating capacity of the restaurant;~~

C. Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices, except that health facilities shall also be subject to the provisions of [Section 8.08.050](#) of this chapter regulating smoking in places of employment;

D. Elevators, public restrooms, indoor service lines, buses, taxicabs, public airports, and other means of public transit under the authority of the city, and in ticket, boarding, and waiting areas of public transit depots ~~provided, however, that this prohibition does not prevent:~~

~~1. The establishment of separate waiting areas for smokers and nonsmokers, or~~

~~2. The establishment of at least fifty percent of a given waiting area as a nonsmoking area;~~

E. In public areas of museums and galleries;

F. Enclosed seating areas of theaters, auditoriums, and halls which are used for motion pictures, stage dramas and musical performances, ballets or other exhibitions, except when smoking is part of any such production;

G. Enclosed sports arenas, convention, church, social and auditorium halls ~~provided, however, that this prohibition does not prevent the designation of smoking areas not to exceed fifty percent of the seating capacity and floor space;~~

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H. Retail food marketing establishments, including grocery stores and supermarkets, ~~except those areas of such establishments set aside for the serving of food and drink, restrooms and offices, and areas thereof not open to the public, which may be otherwise regulated by this chapter,~~

I. Public schools and other public facilities under the control of another public agency, which are available to and customarily used by the general public, to the extent that the same are subject to the jurisdiction of the city;

J. Notwithstanding any other provisions of this chapter, any owner, operator, manager or other person who controls any establishment subject to this chapter may declare that entire establishment as a nonsmoking establishment. (Ord. 429-89 § 5, 1989)

8.08.050 Places of employment regulated.

A. It shall be the responsibility of employers to make reasonable effort to provide smoke-free area for nonsmokers within existing facilities.

B. Within ninety days of the effective date of the ordinance codified in this chapter, each employer and each place of employment located within the city, shall adopt, implement, make known to employees and public, and maintain a written smoking policy, which shall contain at a minimum the following requirements:

1. Prohibition of smoking in conference and meeting rooms, classrooms, restrooms, medical facilities, hallways and elevators and all other areas as required by state or federal law;

2. Any employee in a place of employment shall be given the right to designate his/her immediate work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer. The policy adopted by the employer shall include a reasonable definition of the term "immediate work area";

C. ~~Reserved Provision and maintenance of a separate and/or contiguous nonsmoking area of not less than fifty percent of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges;~~

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D. The smoking policy shall be communicated to all employees within three weeks of its adoption, and at least annually thereafter. All new employees shall be informed of the policy during initial orientation and in no case later than three weeks after employment;

E. Notwithstanding the provisions of subsection A of this section, every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area. (Ord. 429-89 § 6, 1989)

8.08.060 Areas exempt from restrictions.

Notwithstanding any other provision of this chapter, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences, unless the residence is used as a child care or a health care facility;

B. Reserved Bars;

C. Hotel or motel rooms rented to guests, as allowable under state law;

D. Retail stores that deal primarily in the sale of tobacco and smoking paraphernalia;

E. Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions, so long as no food is being served;

F. A private enclosed space occupied exclusively by smokers, even though such a place may be visited by nonsmokers, and private enclosed offices, excepting places in which smoking is prohibited by the fire agency of jurisdiction or by any other law, ordinance or regulation. (Ord. 429-89 § 7, 1989)

8.08.070 Posting requirements.

~~A.~~ "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar

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across it, shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other places.

~~B. Every restaurant regulated by this chapter shall have posted at its entrance a sign clearly stating that a nonsmoking section is available, and where escorted seating is provided, every patron shall be asked as to his or her preference. (Ord. 429-89 § 8, 1989)~~

8.08.080 Reserved. Variances.

~~A. In order to prevent or lessen unnecessary hardship or practical difficulties in exceptional cases, any owner, manager, operator or employer of any establishment subject to this chapter may file a written application for a variance with the chief of police for subsequent action by the city council. The city council may grant such variance only when unusual hardship will result from the strict application of this chapter.~~

~~B. Establishments which have been granted a variance under this chapter shall have clearly and conspicuously posted at each of their entrances a sign with the statement: "WARNING: This establishment has been granted a variance to the Cloverdale Smoking Ordinance. Exposure to second-hand smoke may be hazardous to your health."~~

~~C. The word "WARNING" shall be in capital letters not less than one inch in height, and the entire sign shall be clearly legible. (Ord. 429-89 § 9, 1989)~~

8.08.090 Enforcement of provisions.

A. Any owner, manager, operator or employer of any establishment subject to this chapter shall have the responsibility to inform any apparent violator, whether public or employee, about any smoking restrictions in the establishment, and shall attempt at all times to obtain voluntary compliance by any apparent violator.

B. Any citizen who desires to register a complaint under this chapter may initiate the

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complaint by filing a written complaint with the police department.

C. While an establishment is undergoing otherwise mandated inspections, a "self-certification" will be required from the owner, manager, operator or other person having control of such establishment that all requirements of this chapter have been complied with. (Ord. 429-89 § 3, 1989)

8.08.100 Retaliation prohibited.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter. (Ord. 429-89 § 11, 1989)

8.08.110 Chapter provisions not exclusive.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 429-89 § 12, 1989)

8.08.120 Violation—Penalty.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to this chapter to fail to:

1. Properly post signs required hereunder,
2. To provide signs for the use of employees in designating their areas;
3. To properly set aside "No Smoking" areas;
4. To adopt a smoking restriction policy; or
5. To comply with any other requirements of this chapter.

B. It is unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C. Any person or business that violates subsections A or B or any other provisions of this chapter shall be guilty of an infraction, punishable by:

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1. A fine, not exceeding one hundred dollars for first violation;
2. A fine, not exceeding two hundred dollars for a second violation of this chapter within one year,
3. A fine, not exceeding five hundred dollars for each additional violation of this chapter within five years. (Ord. 429-89 § 10, 1989)

2605286.1



City Council/Successor Agency
Agenda Item Summary

Agenda Item: 6
Meeting Date: March 22, 2016

Table with 2 columns: Agenda Section (New Business) and Staff Contact (Paul Cayler, City Manager)

Agenda Item Title
Adoption of a Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting program (MMRP) for the Clover Springs Open Space Preserve Project.

Summary

Background and Location. The project includes design and construction of new recreational trails and associated improvements within the Clover Spring Open Space Preserve, located on approximately 250 acres of land at the terminus of Skyview Drive in southwestern Cloverdale.

Public Notice and Review. CEQA requires a 30-day notice period for Negative Declarations and Mitigated Negative Declarations. Accordingly, a "Notice of Intent to Adopt a Mitigated Negative Declaration" was published in the Cloverdale Reveille for 30 days between December 10, 2015 and January 11, 2016.

Proposed Project. The project would include construction of two new recreational trails that would link to the existing trail system to improve circulation in this scenic part of Cloverdale. The project would also include construction of two new pedestrian bridges over Porterfield Creek and removal of a number of older trails on steep terrain that are erosion-prone. Other improvements would include upgrading an existing trailhead at the terminus of Skyview Drive that would consist of rustic perimeter fencing, information signs and a kiosk, bike racks, a water fountain with a water bottle filling station and trash receptacles. The project is proposed to be funded by a grant from the Sonoma County Open Space and Conservation District. If approved construction would begin in the summer of 2016.

City of Cloverdale Public Works staff would be responsible for on-going maintenance of the new improvements once completed, similar to the maintenance of existing trail and recreational improvements.

Initial Study Analysis and CEQA Recommendation. An Initial Study (Attachment 1) was prepared as required by the California Environmental Quality Act (CEQA) and implementing Guidelines to address potentially significant impacts of approving and constructing the proposed trails and related improvements. The Initial Study identified potentially significant impacts with respect to biological resources (impacts to special-status wildlife, wetlands or migratory fish and wildlife corridors), cultural resources (potential disturbance to unrecorded archeological artifacts, human remain, paleontological or a Native American resource), hazards (local wildfire hazards) and noise (increases in local permanent and temporary noise during construction. Mitigation Measures have been included in the Initial Study to reduce all identified impacts to a less-than-significant level.

Based on the findings of the Initial Study, it is recommended that the City of Cloverdale, by resolution, adopt a Mitigated Negative Declaration for this project (Attachment 2).

Amended Mitigation Measures. After further review of the Initial Study document by City staff, a number of minor wording changes are proposed to the Mitigation Measures included in the Initial Study document. Proposed changes would not change the scope or effectiveness of Mitigation Measures, but would clarify how some measures would be implemented with normal City operations and procedures. Attachment 3 shows the existing and proposed minor changes to the Mitigation Measures.

Public Comment. One comment letter was received from the North Coast Regional Quality Control Board

(Attachment 4) requesting that the City acknowledge the potential presence of wetlands on the project site. City staff notes that the Initial Study recognizes the presence of wetlands on the site and includes Mitigation Measure BIO-6 to protect fish and aquatic species that may be found in Porterfield Creek. Therefore, no further action is needed.

Mitigation Monitoring and Reporting Program (MMRP). As required by CEQA, a Mitigation Monitoring and Reporting Program (MMRP) document has been prepared to ensure that required mitigation measures are implemented by the appropriate party at the correct stage of the project. This is included as Attachment 5 to this staff report. City staff will use the approved MMRP to monitor implementation of environmental measures to ensure that project construction does not result in a significant environmental impact.

Options

- 1) Adopt the attached proposed Resolution No. 022-2016, approving a Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Plan (MMRP) with revised mitigation measures for new and upgraded trails and related recreation improvements within the Clover Springs Open Space Preserve; or 2) Reject the proposed resolution and not proceed with the proposed recreation project.

Budget/Financial Impact

Proposed construction of recreational improvements would be funded by a grant from the Sonoma County Open Space and Agricultural Preservation District. Ongoing maintenance would continue to be funded by the City's General Fund.

Subcommittee Recommendation

N/A

Recommended Council Action

The City Manager recommends that the City Council adopt the attached Resolution No. 022-16, adopting a Mitigated Negative Declaration with amended Mitigation Measures and a Mitigation Monitoring and Reporting Plan (MMRP).

Attachments:

1. Initial Study document
2. Draft Resolution No. 022-2016
3. Amended Mitigation Measures
4. Comment Letter
5. Mitigation Monitoring and Reporting Program (MMRP)

cc:



DRAFT
Clover Springs Open Space Preserve Project
Initial Study/Mitigated Negative Declaration
Cloverdale, Sonoma County, California

Prepared for:
City of Cloverdale
Planning/Community Development Department
124 North Cloverdale Boulevard
Cloverdale, CA 95425
707.894.1701

Contact: Paul Cayler, City Manager

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Elizabeth Johnson, Project Manager

Report Date: November 11, 2015

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SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is to identify any potential environmental impacts from implementation of the Clover Springs Open Space Preserve Project in Cloverdale, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of Cloverdale is the Lead Agency in the preparation of this IS/MND and any additional environmental documentation required for the project. The City has discretionary authority over the project. The intended use of this document is to determine the level of environmental analysis required to adequately prepare the project IS/MND and to provide the basis for input from public agencies, organizations, and interested members of the public.

The remainder of this section provides a brief description of the project location and the characteristics of the project. Section 2 includes an environmental checklist giving an overview of the potential impacts that may result from project implementation. Section 2 elaborates on the information contained in the environmental checklist, along with justification for the responses provided in the environmental checklist.

1.2 - Project Location

The project site is located within the Clover Spring Open Space Preserve, located at the terminus of Skyview Drive in the City of Cloverdale, Sonoma County, California (Exhibit 1). The 250-acre project site contains a network of existing trails and open space areas (Exhibit 2).

1.3 - Project Description

The City of Cloverdale proposes the development of a new trail system and related improvements on the Clover Spring Open Space Preserve, consisting of 250 acres located at the terminus of Skyview Drive in southwestern Cloverdale. The project consists of the following main proposed elements:

- Construct a new trail system that would create loops within the property and eliminate existing dead ends. Two new trails would be constructed: the “pink” trail is 1,341 feet of new construction and the “blue” trail is 2,105 feet of new construction. All new trails would have natural surfaces and would be designed to prevent erosion.
- Improve the Creek-side Trail to allow for a year-round sustainable trail.
- Restoration and decommissioning of steep and severely eroded social trails that crisscross the property.
- Construction of two new bridges where the new trails cross Porter Field Creek.

Exhibit 3 shows the existing and proposed trail system.

1.3.1 - Trailhead

In order to accommodate trail users, the existing trailhead area at the end of Skyview Drive will be improved by the addition of informational signage and a kiosk, split rail fencing, a water fountain, water bottle fill station, bike racks, trash receptacles and a pet waste station. On-street parking currently exists on Skyview Drive, and will be improved by extending the existing road terminus roughly 35 feet and adding additional asphalt paving on each side of the street extension to include new curb, gutter and sidewalks. The project will also include construction of a gate at the connection of the street and the existing paved maintenance road which extends into the preserve. Exhibit 4 shows the proposed trail head improvements.

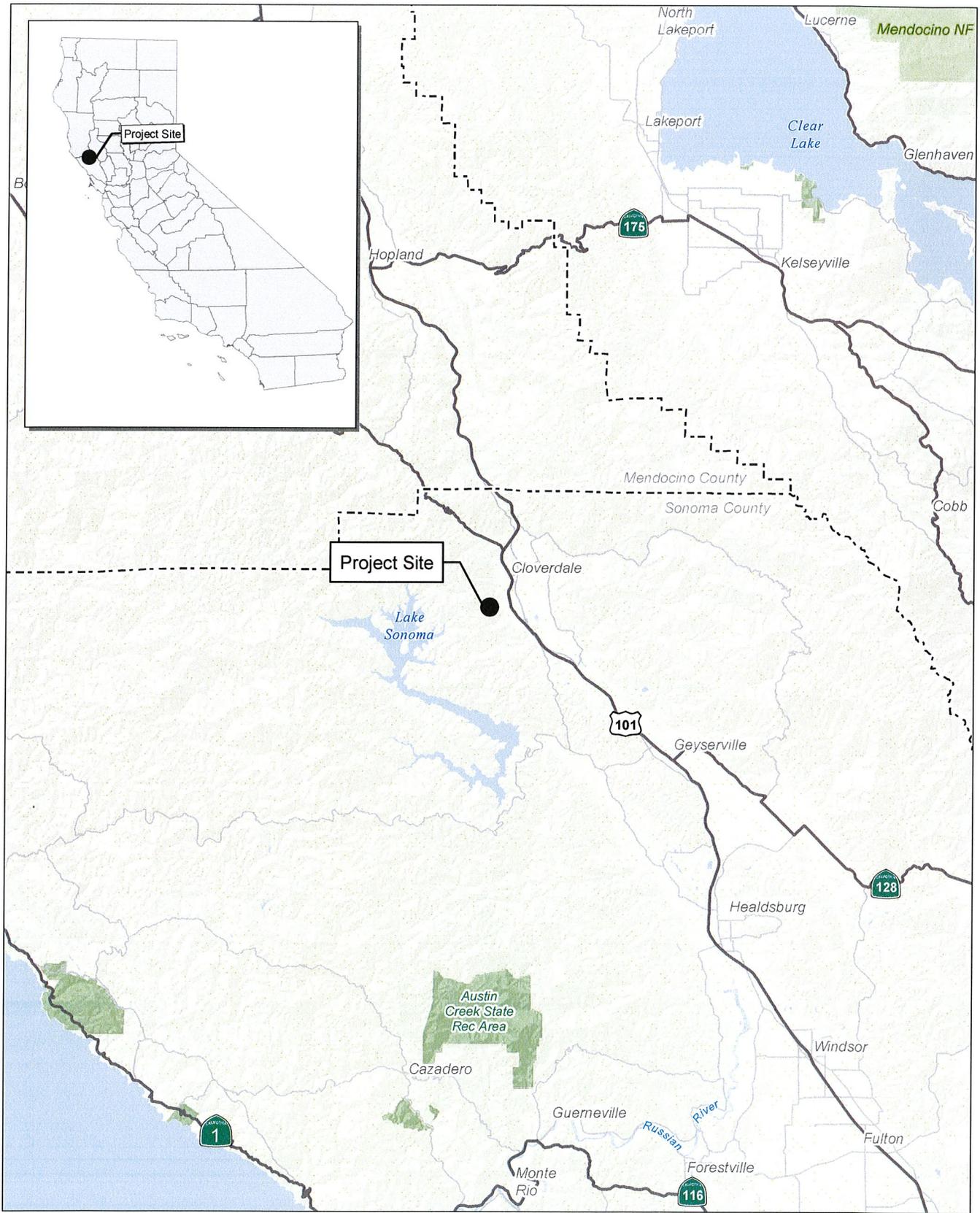
1.3.2 - Potential Parking Lot Options

The City is not proposing at this time to build any off-street parking but is analyzing two possible scenarios that could be constructed at some point in the future, based on need and project funding. The two scenarios would each provide 10 parking spaces, with minor modifications to the service road to accommodate the proposed layout. If either of the parking lot options are implemented, the trailhead amenities would be relocated accordingly to accommodate the new parking lot. Exhibit 5a and Exhibit 5b show potential locations for visitor parking.

1.3.3 - Construction

The construction of the new trails would involve clearing of trees and brush to allow for trail construction, placement of armored crossings, restoration and re-vegetation along Porterfield Creek and tributaries, and erosion control. Removal and replacement of existing culverts is also proposed. Trail hardening aggregates will be installed, ranging in size from ¾-inch gravel to 12- to 18-inch rocks. The work and personnel required to construct the new trails and revegetate cleared areas for this project will be provided by either a licensed trail contractor with mechanized equipment or experienced hand crews such as the Conservation Corps North Bay or the California Conservation Corps.

The recommended bridges for the project are made of lightweight reinforced fiberglass. They would be supported above the stream banks by lightweight wood abutments standing on wood or concrete footings, outside of the stream channel, as shown in Exhibit 6. Bridge construction will require additional mobilization of materials from the trailhead to the site for construction of the footings and the bridge parts to be assembled on the site. Bridge parts and abutment materials will be transported by all-terrain vehicles (ATVs) and assembled by hand at their designated locations.



Source: Census 2000 Data, The CaSIL, FCS GIS 2013.



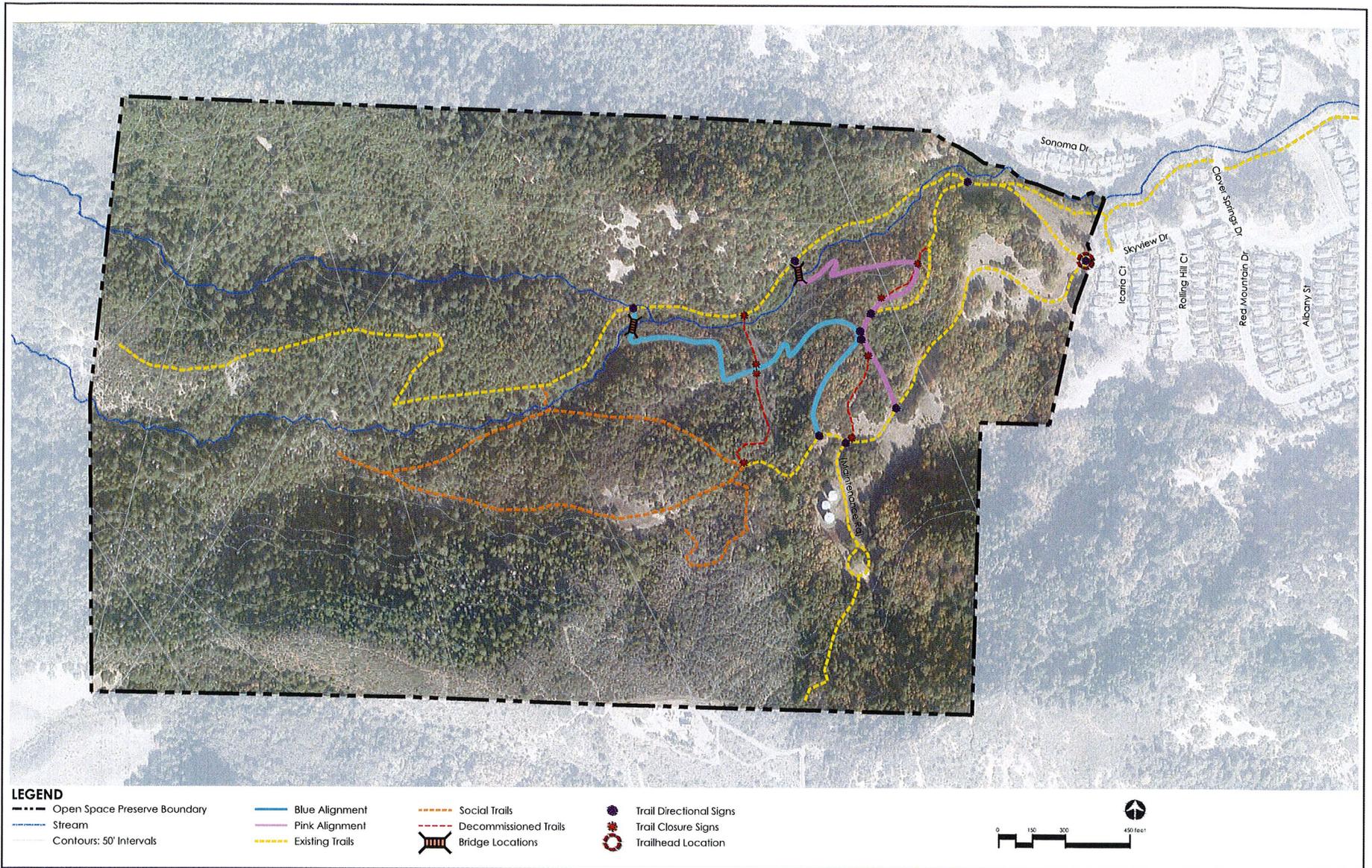
Exhibit 1 Regional Location Map



Source: ESRI Imagery

Exhibit 2
Local Vicinity Map
Aerial Base





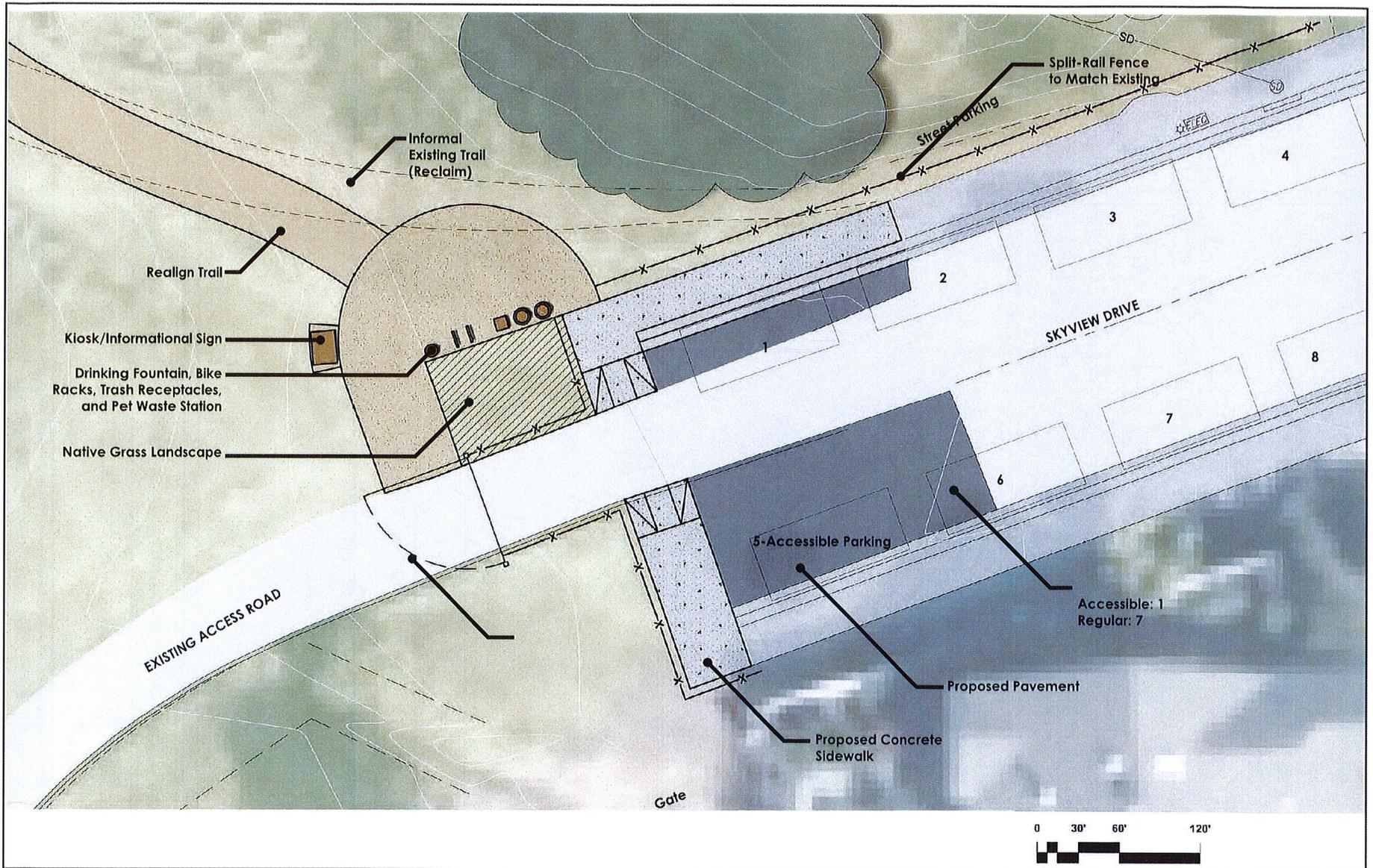
Source: RMM Design Group, 2015



36110014 • 09/2015 | 3_existing_trail.cdr

Exhibit 3 Existing and Proposed Trail System

CITY OF CLOVERDALE • CLOVER SPRINGS OPEN SPACE PRESERVE PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION



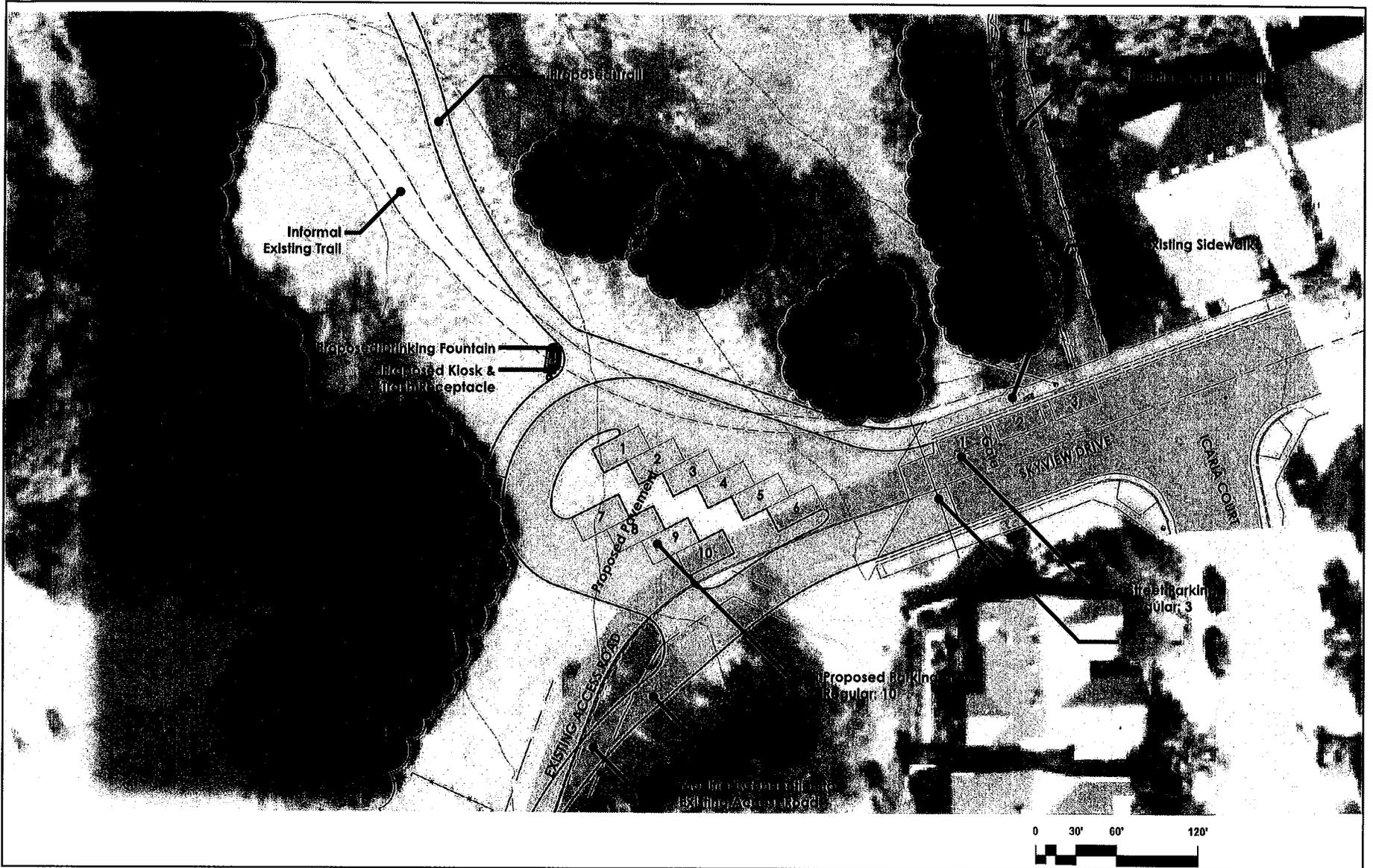
Source: RMM Design Group, 2015



36110014 • 09/2015 | 4_trailhead_imp.cdr

Exhibit 4 Proposed Trail Head Improvements

CITY OF CLOVERDALE • CLOVER SPRINGS OPEN SPACE PRESERVE PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION



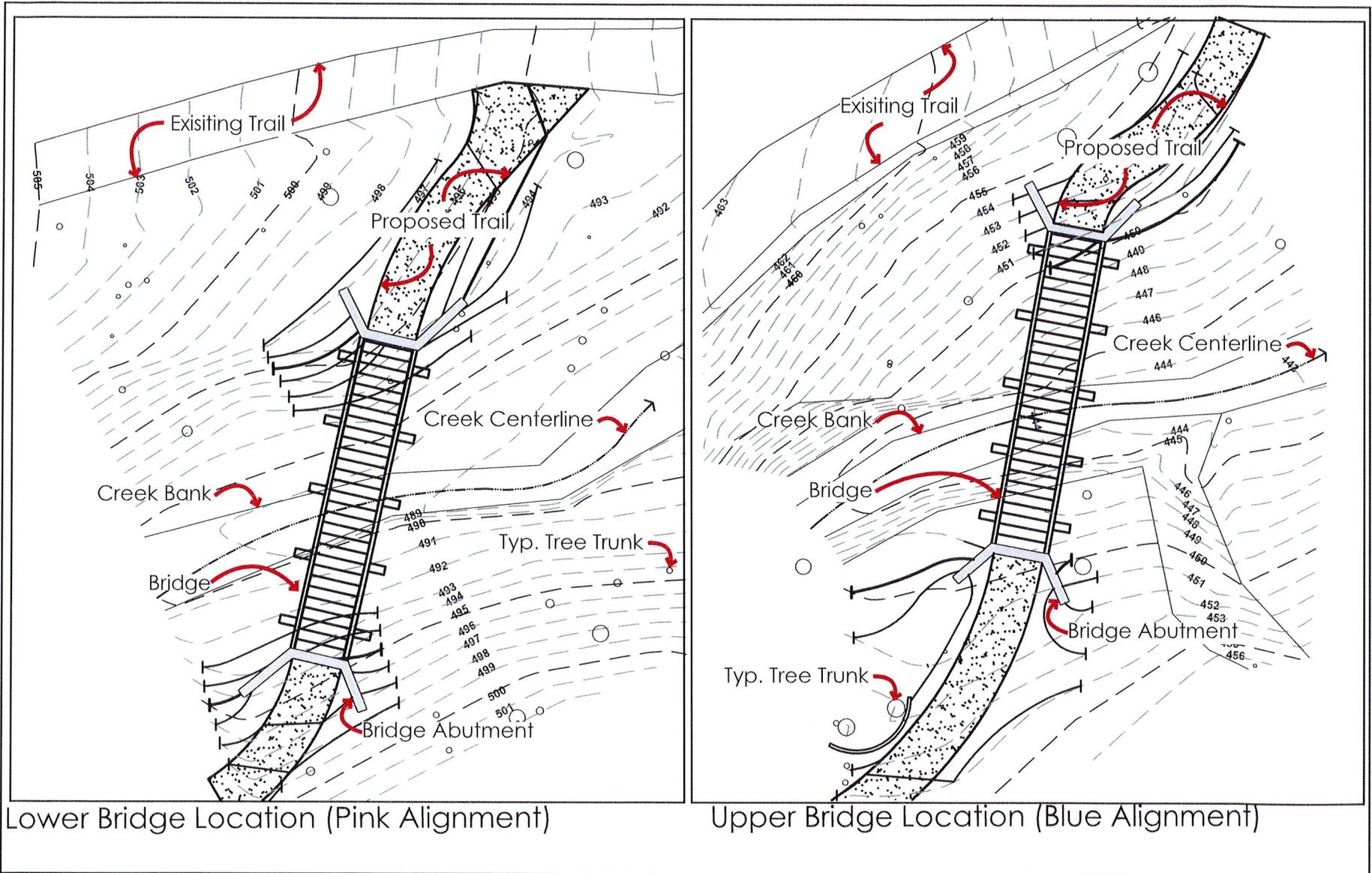
Source: RMM Design Group, 2015



36110014 • 09/2015 | 5b_parking2.cdr

Exhibit 5b Parking Option 2

CITY OF CLOVERDALE • CLOVER SPRINGS OPEN SPACE PRESERVE PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION



Lower Bridge Location (Pink Alignment)

Upper Bridge Location (Blue Alignment)

Source: RMM Design Group, 2015



Exhibit 6
Bridge Details

1.4 - Intended Uses of this Document

This IS/MND has been prepared to disclose and evaluate the potential environmental impacts of the project. This document will also serve as a basis for soliciting comments and input from members of the public and public agencies regarding the project. The IS/MND will be circulated for a minimum of 20 days, during which period comments concerning the analysis contained in the IS/MND should be sent to:

Mr. Paul Cayler, City Manager
City of Cloverdale
Planning/Community Development Department
124 North Cloverdale Boulevard
Cloverdale, CA 95425
707.894.1701
Email: PCayler@ci.cloverdale.ca.us

1.5 - Required Approvals

The proposed project is subject to review and permitting by the California Department of Fish and Wildlife and North Coast Regional Water Quality Control Board for encroachment into the riparian corridor along South Branch Porterfield Creek.

Ministerial approvals for grading, paving and construction of the bridges and amenities will be required by the City of Cloverdale.

1.6 - Environmental Setting

The Clover Spring Open Space Preserve is located southwest of the City of Cloverdale, where the Outer Coast Range meets the Russian River Valley. The main Preserve entrance is at the western end of Skyview Drive. The Preserve ranges in elevation from approximately 1,280 feet in the southwest corner to 400 feet in the northeast corner. It is bordered by residential development to the northeast and undeveloped private lands on the other three sides, which support forests, chaparral, and grasslands.

Two drainages flow through the Preserve from west to east and join approximately in the center of the Preserve to form the South Branch of Porterfield Creek, a perennial stream. Porterfield Creek flows into the Russian River approximately 1.5 miles east of the Preserve.

There are many existing trails already present on the Preserve, in addition to a paved maintenance road that extends from the entrance to three water tanks on a slope in the southeastern part of the property. The trails include a wide, well-established, trail along an old road bed adjacent to the creek, as well as numerous other single-track trails crossing the property. Many of the trails appear to have been informally created by local residents, independent of the City.

The northeastern 49 acres of the Preserve are within the City of Cloverdale and are zoned as part of the Clover Springs planned development (a residential retirement development) (City of Cloverdale 2011). The remaining approximately 200 acres of the Preserve are zoned as Sonoma County Resources and Rural Development District (RRD B6 40), with maximum residential density of one dwelling per 40 acres (PRMD 2008). The preserve is also zoned as Riparian Corridor with 60-foot setback requirements from the flowline of the creek in accordance with City of Cloverdale Zoning Code.

SECTION 2: ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

Environmental Factors Potentially Affected					
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.					
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality			
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils			
<input type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality			
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise			
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation			
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities/Services Systems	<input checked="" type="checkbox"/> Mandatory Findings of Significance			

Environmental Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: _____ Signed: _____

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Aesthetics <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The nearest scenic highways to the proposed project area are California State Highway 1, located approximately 24 miles west of the project site and California State Scenic Highway 116, located approximately 24 miles south of the project site. Highway 1 is an eligible state scenic highway, while Highway 116 is an officially designated scenic highway. The distances to the project site preclude impacts to views from designated scenic routes and therefore produce a less than significant impact.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?

No impact. The proposed trails would occur in areas with existing trees, brush, and vegetation, which would help screen the trails from off-site visual receptors. The trails would visually blend in with existing surroundings would be visually consistent with the open space preserve. The proposed staging area and associated components would not impair scenic views as the staging facilities would be located at a lower elevation relative to the trails. No trees, rock outcroppings or historic buildings would be impacted as a result of the new trails. Furthermore, the proposed trails would provide residents with greater opportunities and access to scenic vistas within the area. Therefore, impacts would not occur.

c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Less than significant impact. The trails would enhance and extend the existing network of trails that already exist in the Open Space Area. Trails would be added to provide access to areas not currently accessible and some existing trail segments that are exceedingly steep would be abandoned to allow these areas to recover to their natural state. Signage and trailhead amenities would conform to the easement from the Sonoma County Agricultural and Open Space District. The easement allows for a maximum of two signs up to 32 square feet in area to identify the property, and smaller signs to mark the boundary, provide directional or interpretive information, or set forth park rules or regulations, "provided that the size and number of such signs shall be limited to that which is reasonably necessary to accomplish the permitted uses herein, that such signs are sited and constructed in a manner that does not create a significant visual impact, and that such signs otherwise comply with the Sign Regulations. No sign on the property shall be artificially illuminated."

d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

No impact. The proposed project would not introduce new sources of light and glare into the area since the project does not include the provision for lighting. The proposed project is generally located in an open space preserve where no existing sources of light existing, nearby sources of light and glare include sensitive receptors, which include residential uses near the trailhead. As such, no impacts would occur.

Mitigation Measures

No mitigation measures are required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. Agriculture and Forestry Resources				
<i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No impact. The project site is currently used as an open space preserve with existing trails and undeveloped land. The California Department of Conservation's Farmland Mapping and Monitoring Program designates the project area as "Other Land" which is a non-agricultural designation. Therefore, development of the proposed project would not convert Important Farmland to non-agricultural use and no impacts would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The project site is zoned "C—Conservation," which is a non-agricultural zoning designation. The land is not encumbered by a Williamson Act contract. Therefore, the proposed project would not conflict with existing agricultural zoning or with a Williamson Act contract and no impacts would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No impact. The project site is zoned "C—Conservation," which is a non-forest zoning designation. No impacts would occur.

d) Result in the loss of forestland or conversion of forestland to non-forest use?

No impact. The project site contains existing trails and undeveloped land. The majority of trees along the new trails would be maintained. The project site is not considered suitable forestry land. This condition precludes the possibility of the loss of forestland. Therefore, no impacts would occur.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

No impact. The project site is surrounded by open space preserve land uses with no infrastructure. No agricultural land uses are located in the vicinity of the project. Therefore, the proposed project does not possess any characteristics that would lead to the conversion of farmland to non-agricultural uses. Therefore, no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Air Quality				
<i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

The project site is located in northern Sonoma County, which falls within the North Coast Air Basin (NCAB) along with Del Norte, Humboldt, Trinity, and Mendocino Counties. The Northern Sonoma County Air Pollution District (NSAPCD) is the local agency responsible for monitoring air quality conditions in northern Sonoma County and for carrying out enforcement activities to maintain air quality with applicable state and federal standards. The City of Cloverdale is enriched by its natural setting that includes generally good air quality. This air basin extends into the Santa Rosa Plain to the south. The City lies between the Mayacama Mountains to the north and east and the Coast Range to west. These mountain ranges tend to buffer the Cloverdale area from the marine weather systems that originate over the Pacific and area drawn inland by the jet stream.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No impact. The project is located in the NCAB, where air quality is regulated by the NSAPCD. The Air Basin is in attainment for all federal ambient air quality standards. Therefore, the NSCAPCD is not required to prepare or implement an air quality plan. There is no applicable air quality plan. As such, no impacts would occur.

- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Construction Emissions

Less than significant impact. The NSCAPCD has not adopted standards of significance for construction activities and instead suggests the use of the Bay Area Air Quality Management District's (BAAQMD) thresholds and mitigation measures. The BAAQMD considers any project's construction emissions to be less than significant if the following Best Management Practices (BMPs) are implemented:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

The proposed project would generate emissions from construction equipment exhaust, worker travel, and fugitive dust. The construction staging area would be located at the base of Skyview Drive adjacent to residences and would be anticipated to last approximately 6 to 9 months. These construction emissions include dust (PM₁₀ and PM_{2.5}) as well as other criteria air pollutants from the operation of construction equipment. The project would implement BMPs recommended by the BAAQMD, which include dust control measures described above. Therefore, impacts during construction would be less than significant.

Operational Emissions

Less than significant impact. Because of the scale and project type, the proposed project would not result in substantial on-site emissions. There may be some on-site emissions from vehicles traveling in and out of the staging parking area; however, these emissions would be minor. There may also be minor quantities of dust from the trails; an existing paved trail would be repaired while others would be comprised of natural compacted soil, which would reduce dust emissions. Operational emissions would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, impacts during operation would be less than significant.

- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?**

Less than significant impact. As mentioned above, the NCAB is in attainment for federal standards for criteria pollutants. However, the Air Basin is in nonattainment for state standards for ozone, PM₁₀, and PM_{2.5} standards. Non-attainment pollutants of concern for this impact are ozone, PM₁₀ and PM_{2.5}. As discussed previously, the Northern Sonoma County Air Pollution Control District does not have established thresholds of significance but defers to the BAAQMD's thresholds of significance. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in impact (b) above, the projects operational emissions would be less than significant and would not be expected to exceed the daily thresholds of significance. Therefore, cumulative impacts would be less than significant.

- d) **Expose sensitive receptors to substantial pollutant concentrations?**

Less than significant impact. A sensitive receptor is defined as the following: Facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas. There are private residences located adjacent to the site at the base of the trail at Skyview Drive. These sensitive receptors could be exposed to construction related activities during the six to nine month period during which the trails would be constructed. However, because of the scale and project type, the number of cars and trucks entering the site would be expected to be minimal. Bridge construction will require additional mobilization of materials to the site for construction of the footings and the bridge parts to be assembled on the site. Bridge parts and abutment materials can be transported by ATV vehicles and assembled by hand at their designated locations.

The work and personnel required to construct the new trails for this project would be either a licensed trail contractor with mechanized equipment or experienced hand crews such as the Conservation Corps North Bay or the California Conservation Corps.

During operation, these sensitive receptors would be exposed to a limited number of cars entering the staging area to access the trails and picnic site. Therefore, impacts would be less than significant.

- e) **Create objectionable odors affecting a substantial number of people?**

No impact. Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The project does not contain land uses typically associated with emitting objectionable odors. Therefore, there would be no impacts.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Biological Resources				
<i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Special-status biological resources on the site include special-status plants, animals, and natural communities, plus wetlands and other waters of the United States and State, as defined by the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), California Native Plant Society (CNPS), U.S. Army Corps of Engineers (USACE), and Regional Water Quality Control Board (RWQCB).

Special-status plant and wildlife species are defined as:

- Species listed under the federal Endangered Species Act (FESA), Marine Mammal Protection Act, California Endangered Species Act (CESA), California Fish and Game Code (CFG), and the California Native Plant Protection Act (NPPA) as endangered, threatened, or depleted; species which are candidates or proposed for listing; or species that are designated as rare, species of special concern, or fully protected.
- Locally rare species, which may include species that are designated as sensitive, declining, rare, locally endemic, or as having limited or restricted distribution by various federal, state, and local agencies, organizations, and watch lists. This includes species on Lists 1B, 2, 3, or 4 of the California Native Plant Society (CNPS).

A special-status plant community is a natural habitat that receives regulatory recognition from municipal, county, State, and/or federal entities, because it is restricted in distribution, supported by distinctive soil conditions, and/or considered locally rare. Many (but not all) special-status plant communities are tracked by the CDFW's California Natural Diversity Database (CNDDB).

Consideration of special-status species must be included during project evaluation in order to comply with CEQA, in consultation with state and federal resources agencies, and in the development of specific management guidelines for resource protection. Work within streams and wetlands typically require consultation with state, federal, and potentially local agencies.

A Biological Resources Assessment of the proposed public access improvements at the Clover Springs Open Space Preserve (Preserve) was completed to identify existing resources and potential habitat for special-status plant and wildlife species and to identify impacts associated with the new trails and the addition of a dedicated parking area and amenities at the Preserve entrance; see Appendix A, Biological Resources for the complete Biological Resources Assessment.

A field survey of the Preserve was completed in July 2015. The assessment was intended as a general inventory of habitats within the proposed improvement areas and species observed or potentially occurring within the Preserve. During the survey, an inventory of all plant and wildlife species observed was compiled (see complete lists in Appendix A). Vegetation communities and other biological resources of concern identified during the field survey were mapped and locations overlain on an aerial photograph of the Preserve (Appendix A).

As part of the background scoping, a comprehensive literature and database search was conducted to determine the potential occurrence of special-status species (see above) within the Preserve. The literature search focused on reported occurrences of special-status species for the Cloverdale 7.5' USGS quadrangle where the Preserve is located and surrounding quads, and those species identified as having a high likelihood of occurrence in the background reports. General references were also consulted to evaluate the potential for unique habitats and special-status species.

The Preserve is located at the western edge of Cloverdale, where residential development meets ranchlands and undeveloped, forested lands. With diverse terrain, perennial water flow in the creeks, and serpentine substrates present, the Preserve supports a diversity of plant and wildlife

communities. In general, the habitats are of high quality, supporting diverse native plant populations that appear healthy and relatively low in invasive species. Table 1 lists the eight plant communities observed during the survey, as well as those tentatively identified through soil maps and aerial imagery. These communities are also described in terms of vegetation alliances as defined by the Manual of California Vegetation, 2nd edition (Sawyer et al. 2009; see Appendix A for the complete Biological Resources Assessment). Each community is designated as sensitive or non-sensitive, based on federal, state, and local regulations.

Table 1: Plant Communities Identified on the Preserve

Community Type	Vegetation Alliance (Manual of CA Vegetation)	Sensitivity ¹
Native grassland	Idaho fescue grassland (<i>Festuca idahoensis</i> Alliance)	Yes
	Purple needlegrass grassland (<i>Stipa pulchra</i> Alliance)	Yes
Non-native grassland	Wild oats grassland (<i>Avena barbata</i> Semi-natural Stands)	No
Oregon oak woodland	Oregon white oak woodland (<i>Quercus garryana</i> Alliance)	Yes
Riparian forest	Coast live oak woodland (riparian) (<i>Quercus agrifolia</i> Alliance)	Yes, due to riparian setting
Mixed oak forest	Mixed oak forest (<i>Quercus</i> spp. Alliance)	No
Douglas-fir forest	Douglas-fir forest (<i>Pseudotsuga menziesii</i> Alliance)	No
Seep wetland	Western azalea patch (<i>Rhododendron occidentale</i> Alliance)	Yes
	Undetermined herbaceous wetland vegetation	Yes, due to wetland setting
Serpentine chaparral	Not surveyed; may be leather oak (<i>Quercus durata</i> Alliance)	Unknown, but high potential for special-status plant species
Note: ¹ Sensitivity based on federal (U.S. Army Corps of Engineers; Section 404), state (California Department of Fish and Wildlife), and local (Sonoma County) regulations.		

In addition to sensitive plant communities, two drainages flow through the Preserve from west to east and join approximately in the center of the Preserve to form the South Branch of Porterfield Creek, a perennial stream. Porterfield Creek flows into the Russian River approximately 1.5 miles east of the Preserve. Two potential jurisdictional wetland areas were also identified near existing trails on the Preserve. A seep wetland is present near one existing trail. A second wetland was identified near the maintenance road.

The background literature review identified the potential presence of a number of special-status plants and animals within the project area's region. Nine special-status plant species have reported occurrences within the Cloverdale area with the potential for occurrence on the Preserve (see Special-status Plant Species, below). Based on suitable habitat characteristics and areas of proposed improvement, five of those species have the potential to occur on the Preserve. No special-status plants were documented during the survey of the Preserve. However, the survey occurred outside of the blooming period for many plants. Follow-up spring surveys will be completed.

Seven special-status animal species have reported occurrences within the Cloverdale area with potential for occurrence on the Preserve (see Special-status Animals). One special-status species, steelhead—central California coast DPS, was documented in South Branch Porterfield Creek on and adjacent to the Preserve. All of the other identified special-status animals have the potential to occur on the Preserve.

Potential impacts of the proposed activities are identified below. As applicable, protection measures are proposed to minimize or avoid significant impacts and reduce impacts to less than significant levels.

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less than significance impact with mitigation incorporated.

Special-status Plant Species

Based on the evaluation of existing habitats, the likelihood of occurrence of special-status plants along the proposed trail routes is high, since construction would occur within sensitive native perennial grasslands, serpentine grasslands, and Oregon oak woodlands. According to the background literature review, there are nine special-status plant species with reported occurrences in the project region. However, based on the suitability of habitat within the area of proposed improvements, four of these species were ruled out from further analysis. The assessment occurred outside of the reported blooming period for special-status plants and spring surveys are recommended for the following: Franciscan onion, Rincon Ridge ceanothus, serpentine cryptantha, Colusa layia, and Hoffman's bristly jewel-flower. Mitigation Measure (MM) BIO-1 would reduce impacts on special-status plants by requiring preconstruction surveys in the disturbance areas and the protection or relocation of the plants.

Special-status Animal Species

Based on the evaluation of existing habitats, special-status animal species were identified as having a high likelihood of occurrence on the Preserve. One special-status fish, steelhead, was documented on the Preserve and suitable habitat for six additional species was identified. MM BIO-2 through

MM BIO-7 would reduce impacts on special-status animals by requiring preconstruction surveys, species relocations, construction crew trainings, and wildlife exclusion.

Bats

Three special-status bat species bats (pallid bat, Townsend's big-eared bat, western red bat) have moderate potential to occur within the Preserve, and additional bat species may utilize the area for foraging and roosting, as well.

Pallid bats occur year-round in Sonoma County and utilize forest and woodland habitats, roost in trees, and forage over a variety of habitats. Townsend's big-eared bats occur in low to mid-elevation mesic habitats including riparian, mixed forest, coniferous forest, prairies, and agricultural lands. These bats use edge habitat for foraging. Western red bats occur in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. They are also found in riparian habitats dominated by willows, sycamore, and cottonwood.

Trail construction and other construction activities would not be likely to disrupt the foraging behavior of bats as they are mostly nocturnal, and work will be restricted to daylight hours. A small number of trees may need to be removed to accommodate construction of the project and trees may be trimmed along the trails and within the riparian corridor. Tree removal and trimming could impact bats, and the impact could be significant. MM BIO-2 would reduce impacts to bats by identifying trees occupied by bats and postponing tree removal or trimming until trees are no longer occupied.

Breeding Birds

The native habitats on the Preserve provide nesting opportunities, food, and shelter for breeding birds. Project construction activities could result in direct impacts on breeding birds and their offspring through nest destruction and mortality from vegetation removal or trimming without protection measures in place. Indirect impacts can occur as a result of increased human presence and noise during construction. Construction activities that occur during the nesting season could disturb nesting sites for birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code (§3503 and §3503.5). This is a potentially significant impact. MM BIO-3 would reduce impacts to nesting birds by avoiding construction activities during the nesting season and by restricting work near active nests if construction must occur when nesting birds are nearby.

Reptiles and Amphibians

Trail construction and bridge installation may result in direct impacts on special-status reptiles and amphibians. One special-status reptile, northern western pond turtle, and one special-status amphibian, foothill yellow-legged frog, may utilize aquatic and upland habitats on the Preserve.

Northern western pond turtle are known to occur in the Russian River watershed and suitable habitat is present on the Preserve. Pond turtles are a year-round resident of Sonoma County. They occupy permanent or semi-permanent water sources and use uplands for overland migration and nesting sites. Foothill yellow-legged frogs are year-round residents in perennial streams, have been

sighted in the Russian River watershed, and suitable habitat is present in South Branch Porterfield Creek.

If the species are present in the construction area or move into the construction area for the trail or the bridge construction, they may be directly impacted, and the impact could be significant. MM BIO-4 would reduce impacts on special-status reptiles and amphibians by conducting preconstruction surveys to determine presence and through placement of exclusionary fencing to keep turtles and frogs from entering the work area.

Common Wildlife Species

Construction activities would modify or destroy habitat, potentially resulting in disturbance, displacement, or mortality of common terrestrial wildlife species (e.g., reptiles, amphibians, and mammals). Mobile wildlife species would be displaced as part of the initial construction activities, but these species would likely colonize adjacent habitats. Direct mortality could result to less mobile species, and the impact could be adverse, but would be less than significant. MM BIO-5 would protect wildlife by conducting preconstruction surveys to determine presence and through placement of exclusionary fencing to keep wildlife from entering the work area.

Fish and Aquatic Species

The Porterfield Creek watershed supports steelhead, and steelhead were documented on the Preserve. Steelhead occur year-round in select Sonoma County streams. They spawn in freshwater and rear in the ocean, except resident trout, which can be found year-round in perennial systems.

Bridge installation may directly impact the bed and bank of South Branch Porterfield Creek and its tributaries and may result in water quality impacts from sedimentation due to construction and impacts to fish and other aquatic species. Construction may adversely impact special-status fish, and the impact could be significant. MM BIO-6 and MM BIO-7 would reduce impacts on aquatic resources through the use of erosion control measures to maintain water quality and through the implementation of the proper procedures to relocate fish and aquatic species if creek diversions are needed during construction.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less than significant with mitigation incorporated. Sensitive native riparian woodlands, perennial grasslands, serpentine grasslands, and Oregon oak woodlands are present within the improvement areas and construction activities could result in the loss of these natural communities. As noted above, some of these communities could also support special-status plants.

Construction of new trails, bridge crossings, and infrastructure may also result in native tree and understory plant removal, impacts to tree root zones, including those of mature valley oaks near the Preserve entrance, trees along the trail corridor, and riparian trees at bridge crossings. Native trees are particularly susceptible to disturbance, especially within the root crown and root zone,

commonly referred to as the Root Protection Zone (RPZ), which is defined as 1.5 times the dripline radius measured from the tree trunk. The RPZ also extends approximately 3 feet below the soil surface. Construction activities within the RPZ, including soil compaction or cutting of roots, could adversely affect mature native trees.

Any ground disturbance, including parking and trail development, can also facilitate the spread or establishment of invasive species. Invasive species establish readily in disturbed soil. Weed seed can be transported onto the Preserve via construction or mowing equipment. Plants, seeds, straw, and mulch purchased for restoration efforts can contain seeds of noxious non-native species.

Construction may adversely impact native communities and vegetation and facilitate the spread of invasive plant species, and the impact could be significant. MM BIO-8 through MM BIO-11 would reduce impacts through the implementation of habitat protection measures.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Less than significant impact with mitigation incorporated. Two potential jurisdictional wetland areas were identified near existing trails on the Preserve (Figure 2). A seep wetland is present near one existing trail. A second wetland was identified near the maintenance road. No additional infrastructure or trail development is proposed near the existing wetlands; however, trail decommissioning may occur near or within the seep wetland. Trail decommissioning could result in disturbance to the wetland.

South Branch Porterfield Creek and its tributaries are perennial channels that support riparian vegetation and have clear beds and banks. Construction of the bridges could result in temporary disturbance to the channels and riparian corridor. MM BIO-10 and BIO-12 would restore and protect existing wetland habitat and protect Porterfield Creek and the riparian corridor.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?**

Less than significant impact with mitigation incorporated. Steelhead and other native fish and wildlife use South Branch Porterfield Creek. Construction of the new bridge crossings could adversely impact fish migration if bridge footings are placed in the channel or if construction activities occur in the channel. Temporary movement would be restricted during construction; see MM BIO-6. Permanent impacts could be significant. MM BIO-12 would reduce impacts by installing supports above the top of the bank and removal of debris that may reduce passage.

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

A portion of the Preserve is located within the limits of the City of Cloverdale, and the City has several policies to address protection of trees and riparian corridors and natural vegetation and

wildlife communities. The City of Cloverdale General Plan includes policies to protect riparian corridors while balancing the needs for various land uses, and the Zoning Code provides implementation of the riparian protection policies (City of Cloverdale 2010).

The project would not conflict with the City's goals to conserve natural wildlife, fisheries, trees, and sensitive areas with implementation of the mitigation measures listed below. Tree removal would be kept to a minimum. Sensitive areas would be avoided and protected, or restored where impacts are unavoidable. The proposed mitigation measures would ensure the protection of the City's and Sonoma County's resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. At this time, there are no current or proposed Habitat Conservation Plans that would conflict with the proposed activities. Therefore, impacts associated with an adopted habitat conservation plan would not occur.

Mitigation Measures

MM BIO-1 To avoid impacts on special-status plants, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Native grasslands, especially serpentine grassland, may support special-status species and shall be surveyed in spring 2016 to determine whether any of those species are present, and to develop a more complete understanding of the community composition.
2. If special-status plants are present, a detailed mitigation plan shall be prepared by a restoration specialist familiar with serpentine habitats and plants. This plan shall describe methods for avoidance and/or plant salvage, local seed collection, revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met.

MM BIO-2 To avoid impacts on special-status and common bats during construction, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Prior to tree removal or trimming, a qualified biologist shall survey for bat roosts. If occupied roosting habitat is identified, removal/trimming of roost trees shall not be allowed until the roost is abandoned or unoccupied. The California Department of Fish and Wildlife (CDFW) shall be consulted during the permit process to identify any additional protection measures.

2. If tree removal or trimming is postponed or interrupted for more than 2 weeks from the date of the initial bat survey, the biologist shall repeat the preconstruction survey.
3. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.
4. Before any construction begins, a qualified biologist shall conduct a training session for all construction crew personnel. The training shall include a discussion of the sensitive biological resources within the Preserve and the potential presence of special-status species. This shall include a discussion of special-status species' habitats, protection measures to ensure species are not impacted by project activities, project boundaries, and biological conditions outlined in the project permits.

MM BIO-3

To avoid potential loss of nesting native birds, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Construction activities shall occur outside of the critical breeding period (mid-March through mid-August) for protected nesting birds to the extent feasible.
2. If activities must occur during the normal breeding season, work areas shall be surveyed by a qualified biologist to identify nesting birds. The preconstruction surveys shall be conducted within one week prior to initiation of vegetation removal or trimming and other construction activities. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
3. If active owl or raptor nests are identified within 200 feet of the construction area or if an active songbird nest is identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species), the level of noise or construction disturbance, and the line of sight between the nest and the disturbance.
4. If a qualified biologist determines that construction activities would likely disrupt nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas and a designated buffer area that is based on the nest location, species, and proximity to active construction. Construction activities in the no-disturbance buffers shall be avoided until the nests have been vacated.
5. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. Ongoing construction monitoring shall occur to ensure no nesting activity is disturbed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and the United States Fish and Wildlife Service (USFWS) shall occur.

MM BIO-4 To avoid impacts on special-status reptiles and amphibians during construction, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. A preconstruction survey for northern western pond turtle shall occur prior to beginning work within riparian areas and adjacent uplands, and work shall only occur in areas that have been surveyed. This would include a focused survey for adult turtles and nest site searches. Any adults found within the work area shall be relocated to suitable off-site habitat. Nest sites discovered during the preconstruction survey or anytime during construction shall be avoided until vacated, as determined by a qualified biologist, or CDFW shall be consulted to determine if relocation is suitable. Ongoing monitoring during construction shall occur to ensure turtles have not moved back into the area, and they are not being impacted by activities.
2. A preconstruction survey for foothill yellow-legged frog shall occur prior to beginning work, and work shall only occur in areas that have been surveyed by a qualified biologist. Frogs surveys would be restricted to the stream channels. If found, frogs shall be relocated outside of the work area and temporary exclusionary fencing shall be installed (see below). Ongoing monitoring during construction shall occur to ensure frogs have not moved back into the area, and they are not being impacted by activities.
3. Temporary wildlife exclusionary fencing (e.g., silt fence, which is a piece of synthetic filter fabric [also called geotextile]) shall be installed around work areas during installation of the bridges. Openings shall be restricted to areas of construction site access. This fencing would prevent animals from entering the work area and prevent construction debris and workers from entering adjacent riparian and aquatic habitats.
4. See MM BIO-2 regarding preconstruction training.

MM BIO-5 To avoid impacts on common wildlife species during construction, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. A preconstruction survey (on the day preceding work and/or ahead of the construction crew) shall be performed prior to site disturbance with mechanical equipment. If terrestrial species are observed within the work area or immediate surroundings, these areas shall be avoided until the animal(s) has (have) vacated the area and/or the animal(s) will be relocated out of the project area by a qualified biologist.
2. Work areas shall be surveyed periodically during construction to ensure that no terrestrial species are being impacted by construction activities.
3. See MM BIO-4 regarding wildlife exclusion fencing.

MM BIO-6 To avoid impacts on fish and aquatic species in Porterfield Creek during construction, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. If water is present during construction, fish and other vertebrate aquatic species shall be relocated up- and/or downstream prior to construction, species shall be excluded from the work area, and the stream shall be dewatered. Fish relocation methods shall include exclusion of the aquatic species from the work area and installation of coffer dams and fish barriers. Fish and other aquatic species shall be encouraged to move down from the upstream end of the site with the aid of weighted seines operated by a qualified biologist. Once they have been guided to the downstream end of the work area, barrier seines shall be placed across the creek at both the upstream and downstream ends to prevent aquatic species from re-entering the work area.
2. Once the barrier seines are in place and aquatic species have been encouraged downstream, coffer dams or similar water diversion structures shall be constructed immediately downstream of the upstream barrier and immediately upstream of the downstream barrier. When the coffer dams are in place and the construction area is sealed off, the biologist shall make his or her best effort to relocate aquatic species remaining within the work area as the water surface elevation begins to drop. Aquatic species shall be relocated to suitable habitat up- and/or downstream of the work area. Release sites shall contain suitable cover and foraging habitat and natural barriers present that are likely to preclude species from traveling back upstream or downstream into the work area. A complete record of all fish and wildlife species observed during the observation and relocation process shall be kept and provided to CDFW, National Oceanic and Atmospheric Administration (NOAA) Fisheries Service, and other permitting agencies as required.
3. Electrofishing can be used as an alternative fish capture method in accordance with Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (NOAA Fisheries Service 2000). If electrofishing is utilized, the qualified biologist overseeing the aquatic species relocation shall have the appropriate training and experience.
4. Throughout project construction, a qualified biologist shall make frequent visits to the work area to ensure that no fish or other aquatic species are being impacted by construction activities. If fish and other vertebrate aquatic species are observed in the work area after construction commences, work shall be stopped and appropriate actions taken.
5. A qualified biologist shall be consulted in the design and layout of the coffer dams and bypass piping, and diversion locations.
6. See MM BIO-2 regarding preconstruction training.

MM BIO-7 To protect water quality during construction, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Construction of the trail and installation of the bridges shall occur outside of the top of bank of South Branch Porterfield Creek to the extent feasible.
2. Best management practices for erosion control and water quality protection shall be followed to avoid sedimentation and disturbance to nearby aquatic habitats during construction activities.
3. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and manner that would prevent potential runoff of petroleum products into South Branch Porterfield Creek and adjacent aquatic habitats. Oil-absorbent and spill-containment materials shall be on-site at all times.

MM BIO-8 To protect native grasslands and special-status plants, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Ground disturbing activities, including trail and parking development, shall avoid any disturbance to native grasslands, where feasible.
2. If avoidance is not feasible, a detailed mitigation plan shall be prepared by a restoration specialist familiar with native grassland and serpentine habitats. This plan shall describe methods for plant salvage, local seed collection, decommissioning of existing unauthorized trails and revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met. Low fencing to guide trail users to stay on established, legal trails shall be installed to allow decommissioned trails to recover.
3. Preserve signage shall clearly indicate that informal trail building damages natural resources and sensitive habitats, and is strictly prohibited. Preserve shall be monitored over time to ensure that no additional informal trail building occurs. Neighbors shall be encouraged to abide by these rules.
4. Invasive species prevention Best Management Practices (BMPs) shall be strictly followed to avoid introducing non-natives into the relatively pristine serpentine grassland (see MM BIO-11).

MM BIO-9 To protect Oregon oak woodlands, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. No trees shall be removed within the Oregon oak habitat, to the extent feasible. If tree removal is unavoidable, mitigation plantings may be required by regulatory agencies.

2. Removal of understory native vegetation shall be minimized. Perennial herbs and shrubs shall be salvaged and replanted on-site where feasible.
3. Existing trails that replicate similar routes shall be decommissioned to reduce impacts to Oregon oak woodland habitat. Methods may include blocking access with plantings of poison oak, installation of low fencing or signage noting that restoration is underway, decompaction of soils, revegetation under the guidance of a restoration specialist, and Preserve patrols (volunteer or professionally staffed).

MM BIO-10 To protect native trees (including riparian trees), the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Work shall be limited within the Root Protection Zone around native trees.
2. The outer extent of the RPZ shall be clearly delineated with exclusion fencing during construction to keep construction vehicles and construction activities away from tree roots.
3. If native trees greater than 6 inches diameter at breast height are removed as part of the project, on-site mitigation plantings shall be installed. All removed vegetation shall be left on-site for wildlife habitat. Replanting sites shall be contiguous with existing woodlands and provide the greatest opportunities for wildlife movement and use. Replacement of lost trees shall be at a 3:1 ratio.
4. A detailed mitigation plan shall be prepared by a restoration specialist. A certified arborist shall guide tree trimming if needed during construction.

MM BIO-11 To limit the spread of invasive plant species and prevent new infestations during construction and long-term management of the Preserve, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:

1. Any seed, straw, or mulch brought onto the Preserve shall be certified weed-free or inspected by a revegetation specialist or ecologist before use to confirm weed seed is not present.
2. Construction vehicles and other equipment such as mowers shall be cleaned of seed and soil from other sites before entering the Preserve, and shall also be cleaned after use within non-native annual grassland and prior to entry into adjacent native habitats.
3. Revegetation of disturbed soil shall occur promptly after disturbance.
4. Only locally native plant species shall be used on the Preserve for any site restoration, erosion control, or landscaping efforts. Propagules shall be collected on-site or within the Porterfield Creek watershed. This is essential for the serpentine habitats on the Preserve. For other habitats, if on-site or local seed collection is not possible, propagules shall be from the Russian River watershed or selected by a qualified restoration specialist.

MM BIO-12 The City of Cloverdale shall implement the following mitigation measures in trail decommissioning and bridge design to prevent adverse effects to protected wetlands and riparian corridors, and include the wording of these measures in all final construction plans and specifications:

1. A detailed mitigation plan shall be prepared by a restoration specialist for any trail decommissioning adjacent to or within the seep wetland.
2. Use a bridge design that does not require installation of supports or any bridge elements below the top of the bank.
3. Design new trails to avoid drainage into South Branch Porterfield Creek or wetlands.
4. Any construction material, including tree limbs and soil, shall be removed from the channel immediately following construction.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
5. Cultural Resources				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological or Tribal Cultural Resource (TCR) pursuant to §15064.5 or Public Resources Code 21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

This section describes the existing cultural resources setting including historical resources (resources determined eligible for listing in the California Register of Historical Resources) that could be affected by the project. It presents the methods employed to identify historical resources, assesses impacts to those historical resources, and presents mitigation measures to address significant impacts. The following tasks were conducted to complete this section:

- Records Search and Literature Review
- Initialize Consultation with Potentially Interested Parties
- Pedestrian Survey

Northwest Information Center

To determine the presence or absence of cultural and historical resources within the proposed project area and a 0.5-mile radius on May 22, 2015, FCS conducted a record search at the Northwest Information Center (NWIC) in Rohnert Park. In order to identify any historic properties or resources, the current inventories of the National Register of Historic Places (NR), the California Register of Historic Resources (CR), the California Historical Landmarks list (CHL), the California Points of Historical Interest (CPHI) list, and the California State Historic Resources Inventory (HRI) for Sonoma County were reviewed to determine the existence of previously documented local historical resources.

Results from the NWIC indicate that five resources are on file within 0.05 mile of the project area, as listed in Table 2. Two of these resources (P-49-003184 and P-49-001206) are located within the proposed project area; however, they are not located in proximity to any proposed ground

disturbance and will remain unaffected by the proposed new trail system. In addition, eight area-specific survey reports are on file with the NWIC for the search radius. Three of these reports assessed the eastern half of the project area, suggesting that part of project area has been previously surveyed for cultural resources.

Table 2: Known Historic Resources within a 0.5-Mile Radius of the Project Area

Resource #	Resource Description
P-49-001206	CA-SON-00011284: Prehistoric site including lithic scatters and habitation debris
P-49-001207	CA-SON-001285: Prehistoric site consisting of a lithic scatter
P-49-001212	CA-SON-001290H: Historic ruins of a winery complex consisting of stone and concrete structures, tanks and machinery
P-49-001213	CA-SON-001291H: Historic ruins of a single large stone residential structure
P-49-003184	Historic Porterfield Mining Adit (tunnel)

Native American Heritage Commission

On June 6, 2015, FCS sent a request to the Native American Heritage Commission (NAHC) to review its sacred lands file search and to provide a consultant list of Native Americans who may have an interest in or knowledge of cultural resources that could be impacted by the project. On July 6, 2015, a response was received from the NAHC that indicated no sacred sites were listed as being present in the project area. Included in the letter was a list of four Native American representatives. Letters were sent to these representatives on July 29, 2015, which included summary information regarding the project and its location. As of this date, no responses have been received from any of the tribal representatives.

Pedestrian Survey

FCS Professional Archaeologist Dana DePietro, Ph.D. surveyed the proposed project area on June 6, 2015. The project area is hilly, densely forested with scrub oaks and thick underbrush, and is cross cut by east-west running streams. The survey was conducted along two proposed trail alignments: The “blue” alignment in the southwest of the project area, and the “pink” alignment in the northeast. Both alignments connect with a paved road in the south, the existing Creekside trail to the north, and with one another in the center, forming an X-shaped layout. Surface visibility was poor (15 to 20 percent), due to thick underbrush and vegetation. In addition to the proposed trail alignments, the existing trails and creek bed running between them were surveyed for cultural resources. The survey also located and identified the two previously recorded resources—P-49-003184 and P-49-001206—that are within the general boundaries of the project area. The survey confirmed that both resources will be unaffected by the construction of the proposed trail alignments. No additional prehistoric or historic resources were discovered during the course of the survey.

Would the project:

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Less than significant impact with mitigation incorporated. A single known historic resource (P-49-003184) lies within the general project area. The resource is a mining tunnel/adit that lies on the north bank of Porterfield creek that was not found to contain any historical materials. While the Adit technically falls within the project area, it lies over 150 feet to the northwest of the proposed pink trail alignment, and will be entirely unaffected by the proposed development. Given the minimal sub-surface activity proposed in the project, it is highly unlikely that historic resources will be encountered during construction. There is always the possibility, however, that previously unknown historic resources exist below the ground surface. Therefore, implementation of standard cultural resource construction mitigation (MM CUL-1) would ensure that this impact would be less than significant.

Inadvertent Discovery of Historical Resources

The project area is considered to have moderate sensitivity for prehistoric and historic resources. In the event where a historical resource is discovered, implementation of MM CUL-1 would reduce impacts to a level of less than significant.

- b) **Cause a substantial adverse change in the significance of an archaeological or Tribal Cultural Resource (TCR) pursuant to §15064.5 or Public Resources Code 21074?**

Less than significant impact with mitigation incorporated. As of this date, one tribal organization (the Cloverdale Rancheria of Pomo Indians) has contacted the City of Cloverdale requesting consultation regarding potential tribal cultural resources pursuant to Public Resources Code 21074. The City sent a letter to the tribal representative on September 23, 2015, inquiring whether the Tribe wishes to initiate consultation regarding Tribal Cultural Resources in accordance with Assembly Bill 52. As of this date, no response has been received from the Tribe. A copy of the letter is included in Appendix B.

Based on the records search results and previous archaeological surveys of the project area, it is not anticipated that additional prehistoric archaeological sites will be found within the study area. A single known prehistoric archaeological resource exists within the general project area (P-49-001206). The resource is a prehistoric settlement site that was found to contain a moderately dense chert and obsidian scatter with artifacts and midden materials close to Porterfield Creek. While the site technically falls within the project area, it lies over 600 feet to the northwest of the proposed pink trail alignment, and will be entirely unaffected by the proposed development. Given the minimal sub-surface activity proposed in the project, it is unlikely that additional prehistoric resources would be encountered during construction. However, there is always the possibility that ground-disturbing activities during construction may uncover previously unknown historic resources. What is more, the proximity of P-49-001206, a prehistoric habitation site, increases the probability that additional resources may be found. Therefore, implementation of standard cultural resource construction mitigation (MM CUL-1) would ensure that this impact would be less than significant.

c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Less than significant impact with mitigation incorporated. Fossils of plants, animals, or other organisms of paleontological significance have not been discovered at the project site, nor has the site been identified to be within an area where such discoveries are likely. The type of depositional environment at the project site typically does not present favorable conditions for the discovery of paleontological resources, and the project is minimally invasive in terms of sub-surface activity. As such, it is highly unlikely that paleontologically sensitive alluvial deposits will be disturbed, as they are generally present at greater depths. In this context, the project would not result in impacts to paleontological resources or unique geologic features. However, if significant paleontological resources are discovered, implementation of MM CUL-2 would reduce this potential impact to a less than significant level.

d) **Disturb any human remains, including those interred outside of formal cemeteries?**

Less than significant with mitigation incorporated. No human remains are known to exist within the project area. Furthermore, the proposed project is minimally invasive in terms of sub-surface activity, making the discovery of human remains unlikely. There is always the possibility that construction activities associated with the proposed project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, implementation of MM CUL-3 would reduce this potential impact to a less than significant level.

Mitigation Measures

MM CUL-1 It is always possible that ground-disturbing activities during construction may uncover previously unknown, archaeological resources. In the event that archaeological resources are discovered during construction, operations shall stop within 50 feet of the find and an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. The City of Cloverdale shall implement this mitigation, and include the wording of this measure in all final construction plans and specifications.

MM CUL-2 In the event a fossil is discovered during excavations of 10 feet or more below ground surface, excavation activity within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The City of Cloverdale shall implement this mitigation, and include the wording of this measure in all final construction plans and specifications.

MM CUL-3 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.
- Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. The City of Cloverdale shall implement this mitigation, and include the wording of this measure in all final construction plans and specifications.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Geology and Soils				
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source:

Environmental Evaluation

Would the project:

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**
 - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

Less than significant impact. The closest active faults to the project site are Rodgers Creek Fault Zone located approximately 31.5 miles southeast, the Maacama Fault Zone located approximately 5.3 miles east, and the San Andreas Fault Zone located approximately 18 miles west. Strong ground shaking would likely occur at the project site during an earthquake, due to the proximity of active faults in the region. As with most areas of northern California, there exists the potential for seismic events to occur. However, no habitable dwellings would be constructed as part of the proposed project and the trails themselves would not be considered structures. Construction of the trail's proposed parking area, bridges, and associated components would comply with current state and City of Cloverdale building regulations, including the most recent version of the California Building Code (2013) and Sonoma County Agricultural and Open Space District easement design standards for the Preserve. Accordingly, mandatory compliance with building regulations would ensure that the proposed project would not expose people or structures to potential adverse effects involving rupture of a known earthquake fault. Compliance with building regulations would reduce potential impacts to less than significant.

ii) **Strong seismic ground shaking?**

Less than significant impact. There are no known or potentially active faults that traverse the site, and the project is not located within an Alquist-Priolo Earthquake Fault Zone. The project would be located within seismically active Northern California, putting the entire area at risk of adverse effects due to strong seismic ground shaking. The potential severity of ground shaking depends on many factors, including distance from the originating fault, the earthquake magnitude, and the nature of the subsurface materials. While no residential dwellings would be constructed as part of the proposed project, smaller structures such as kiosks and bridges would be included. Such structures would be susceptible to strong seismic ground shaking.

All new structures including trail bridges would be limited, and would be required to conform to the seismic design parameters of the 2013 California Building Code (CBC). All proposed development would be required to adhere to federal, state, and local regulations pertaining to seismic safety design, thereby reducing and preventing potential impacts. Compliance with all applicable building codes, including the CBC, would reduce impacts to less than significant levels.

iii) **Seismic-related ground failure, including liquefaction?**

Less than significant impact. Strong seismic shaking can cause ground failure such as liquefaction. The California Department of Conservation produces maps of liquefaction hazard zones throughout the state. The project site is not located within a liquefaction zone as determined by the Department of Conservation. The proposed staging area would include smaller structures (e.g., kiosks) and portions of the trails would be located on and adjacent to hillsides and bluffs. However, since no inhabitable dwellings would be constructed as part of the proposed project, the risk of exposing people or structures to adverse effects related to liquefaction would be remote. As mentioned, new structures associated with the project are limited. Adherence to the California Building Code would reduce any potential impacts due to ground-failure and liquefaction to levels of less than significant.

iv) Landslides?

Less than significant impact. Because portions of the trail are located on and adjacent to hillsides and bluffs, and the proposed project would include smaller structures such as kiosks within the staging area and minor bridges along the trail, these structures could be at risk of landslide, lateral spreading, collapse, or rockfall hazards. The majority of the trail is located within areas with moderate to very steep slopes, greater than 15 percent. Additionally, the trail segments have been strategically planned to avoid steep slopes, and certain steep trail segments are proposed to be abandoned to reduce the erosion that current occurs through the use of these segments. Since no residential dwellings would be constructed as part of the proposed project, the risk of exposing people or structures to adverse effects related to landslides and rockfalls would be remote. Therefore, impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less than significant impact. Short-term construction activities could potentially result in substantial soil erosion or loss of topsoil. Construction activities, (including clearing, grading, trenching, and excavation) while minor, could instigate or accelerate soil erosion or the loss of topsoil. During the construction phase, high winds, rainfall, or other storm events could contribute to erosion impacts. As such, the proposed project would be constructed in accordance with a National Pollutant Discharge Elimination Systems (NPDES) Permit. Compliance with the NPDES Permit would include a Water Quality Management Plans (WQMPs), Stormwater Pollution Prevention Plans (SWPPP) and implementation of BMPs aimed at reducing on-site soil erosion and the loss of on-site topsoil.

As in the construction phase, long-term operation activities could potentially result in substantial soil erosion or the loss of topsoil. During the operation phase of the proposed project, both paved and soft surface trails should be less susceptible to the effects of soil erosion than during construction. However, surface erosion may occur where steep slopes exist. Routine trail maintenance is proposed to prevent substantial soil erosion on and around the trails, especially following significant storm events. Therefore, potential long-term impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than significant impact. The proposed trails are not located within areas of documented subsidence. Additionally, structures would be limited to kiosks within the staging areas and minor bridges at trail crossings. To reduce impacts associated with unstable soils, construction of the trails and all associated components would comply with current state and local building regulations, including the most recent version of the California Building Code (2013) and County of Riverside design standards. Accordingly, mandatory compliance with building regulations would ensure that proposed project would not expose people or structures to potential adverse effects involving unstable soils. Compliance with mandatory local, state, and federal regulations would reduce impacts to less than significant.

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Less than significant impact. The Cloverdale General Plan notes that certain areas of the City may be susceptible to expansive soils. Assuming that expansive soil is found in the project area, mandatory compliance with current state and local building regulations, including the most recent version of the California Building Code (2010). Compliance with the California Building Code would reduce impacts to less than significant.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Less than significant impact. The proposed project does not include the construction of restrooms and would not require installing septic tanks. Proposed on-site structures include a drinking water fountain and an informational kiosk at the staging area, and two minor bridges along the trails. Wastewater produced by the drinking water fountain would be disposed into the existing wastewater system. Impacts would be less than significant.

Mitigation Measures

No mitigation measures are required.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. Greenhouse Gas Emissions <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Less than significant impact. The project is located in the NCAB, where air quality is regulated at the local level by the North Sonoma County Air Pollution Control District. However, the Air District does not have any rules, regulations, or evaluation policies that pertain to greenhouse gas emissions. As such, the Air District relies on methods used in the neighboring San Francisco Bay Area Air Basin, which is regulated by the BAAQMD. The BAAQMD suggests applying greenhouse gas efficiency thresholds to projects with emissions of 1,100 metric tons of carbon dioxide equivalent (MTCO_{2e}) or greater. With projects that have emissions below this threshold per year, the effect is considered less than significant.

- b) **Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Less than significant impact. The Sonoma County Community Climate Action Plan (CAP) adopted in October 2008 applies to the County and participating cities including the City of Cloverdale. The CAP includes a goal of reducing county greenhouse gas emissions by 25 percent below 1990 levels by 2015, but has no mandatory provisions that would apply to the project. Since the CAP was adopted, the State of California has adopted regulations that apply to the project that will help the County achieve its reduction goal. The proposed project will comply with the California Green Building Standards Code, which includes requirements to increase recycling, reduce waste, reduce water use, increase bicycle use, and other measures that will reduce greenhouse gas emissions. Motor vehicle emissions associated with the project would be reduced through compliance with state regulations on fuel efficiency and fuel carbon content. The regulations include the Pavley fuel efficiency standards that require manufacturers to meet increasing stringent fuel mileage rates for vehicles

sold in California and the Low Carbon Fuel Standard that requires reductions in the average carbon content of motor vehicle fuels. Emissions related to electricity consumption by the project would be reduced as the electric utility complies with the Renewable Portfolio Standard, which requires utilities to increase its mix of renewable energy sources to 33 percent by 2020. The project would not conflict with the Sonoma County CAP and regulations adopted by the State of California to reduce greenhouse gas emissions. Therefore, impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Hazards and Hazardous Materials				
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the

environment when improperly handled, disposed, or otherwise managed. Hazardous materials are grouped into the following four categories, based on their properties:

- Toxic - causes human health effects
- Ignitable - has the ability to burn
- Corrosive - causes severe burns or damage to materials
- Reactive - causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Less than significant impact. Short-term construction activities associated with construction of the staging area could potentially use hazardous materials, specifically those associated with the operation of construction equipment and vehicles (i.e., fuel, lubricants). Much like the construction phase, these uses would be temporary in nature and comply with all local, state, and federal regulations. Long-term operation activities are not anticipated to transport, use, or dispose of hazardous materials. The handling and transport of all hazardous materials on-site would be performed in accordance with applicable laws and regulations. These potentially hazardous materials would not be of a type or occur in sufficient quantities to pose a significant hazard to public safety or the environment. Therefore, impacts would be less than significant.

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less than significant impact. The proposed project consists of the development of new trails in an open preserve. As previously indicated, the project may involve the minor use of hazardous materials, including diesel fuel and other motor lubricants used during construction. The use of these substances is not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset or accident. Therefore, impacts would be less than significant.

- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Less than significant impact. The project site is located approximately 1.0 mile northeast of Washington School and 0.75 mile east of Seventh Day Adventist School. As mentioned above, the proposed project would not involve the use of significant quantities of hazardous materials and therefore would not have the potential to expose the school to such substances. Therefore, impacts would be less than significant.

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

No impact. Pursuant to CEQA, the California Department of Toxic Substances Control (DTSC) maintains a Hazardous Waste and Substances Sites List (Cortese List). Before placing a site on the backlog, DTSC ensures that all necessary actions have been taken to protect the public and environment from any immediate hazard posed by the site. The project is not included in the DTSC Cortese List and according to State Water Resources Control Board Geotracker®, an online hazardous materials database, the project site is not listed as a hazardous materials site. This condition precludes the possibility of impacts in this case. Therefore, no impacts would occur.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

No impact. The Cloverdale Municipal Airport is approximately 2.2 miles southwest of the project site. This distance limits the potential for the project to create safety hazards for persons residing or working in the project area. Therefore, no impacts would occur.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

No impact. There are no private airstrips within the Cloverdale city limits. The nearest private airstrip is located approximately 28 miles south of Cloverdale in the City Of Santa Rosa. The Cloverdale Municipal Airport located approximately 2.2 miles southwest of the project site. These distances limit the potential for the project to create safety hazards for persons residing or working in the project area. Therefore, no impacts would occur.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

No impact. Development of the proposed project would not impair implementation of or physically interfere with an adopted emergency plan. Because of the nature of the project, the proposed recreational trails would not impair or interfere with any such plan.

- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Less than significant impact. The proposed project involves the development of trails and staging area for recreational use by the public during the day. Activities such as camping, campfire building, or similar uses on the trails or staging areas would be prohibited. However, the proposed project would introduce people to an abundantly vegetated environment susceptible to wildland fires, especially during the dry season. Regular maintenance activities on the trails such as brush clearing, which are proposed and budgeted as part of the proposed project, would reduce potential impacts from wildland fires. To further reduce the risk posed by wildland fires, implementation of MM HAZ-1 is deemed necessary. Applying MM HAZ-1 would reduce impacts to less than significant.

Mitigation Measures:

MM HAZ-1 During periods of high wildland fire danger, public access to the trail system will be restricted to certain uses, or, when deemed necessary, temporarily closed to all uses. The Cloverdale Fire Protection District shall be charged with determining the level of fire danger on and adjacent to the trails. Access to the trails deemed susceptible to wildland fires shall be allowed only after the Fire Protection District deems the fire danger to have dissipated to acceptable levels.

Monitoring: Prior to the operational phase, the Cloverdale Fire District shall develop a fire response plan for the proposed trail alignments. This response plan should include standard protocol regarding communication between the Fire District and applicable agencies responsible for fire safety. This response plan shall be made available for review and should be periodically revisited and revised as deemed necessary.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Hydrology and Water Quality				
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Less than significant impact. The proposed project would comply with all federal, state, and local regulations regarding water quality standards and waste discharge requirements, including those of the RWQCB. A WQMP is required for any project creating 2,500 square feet or more of impervious surfaces that are adjacent to (within 200 feet) of areas designated in the Basin Plan as waters supporting habitats necessary for the survival and successful maintenance of plant or animal species designated under state or federal law are rare, threatened, or endangered species or waterbodies listed on the Clean Water Act (CWA) Section 303(d) list of Impaired Waterbodies. The project will not create 2,500 square feet or more of impervious surface. Thus, preparation of a WQMP is not warranted.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)

Less than significant impact. The proposed project would not include construction of paved trail segments that would introduce impervious surfaces to previously pervious areas. The paved alignments, however, would be surrounded by natural surfaces and vegetation that would promote surface waters running off the paved trail to percolate into the surrounding subsurface soils and eventually into the groundwater supply. The proposed project is not anticipated to interfere with groundwater recharge.

c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

Less than significant impact. The proposed project would not include the construction of paved trails that would introduce impervious surfaces to previously pervious, undeveloped areas. However, the paved alignments would be surrounded by natural surfaces and vegetation that would encourage surface runoff to percolate into the surrounding subsurface soils. In areas that are susceptible to erosion such as steep slopes or unpaved portions of the trails that sharply ascend/descend, drainage ditches have been incorporated into project design to convey runoff, reduce erosion, and preserve existing drainage patterns. Additionally, the proposed staging area includes a potential parking area for autos. This area would consist of decomposed granite, which would promote percolation and would not significantly contribute to erosion impacts.

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?**

Less than significant impact. The proposed project would not include construction of paved trails that would introduce impervious surfaces to previously pervious, undeveloped areas. The existing paved trail alignments, however, would be surrounded by natural surfaces and vegetation that would encourage surface runoff to percolate into the surrounding subsurface soils. During storm events resulting in ground saturation and excessive surface runoff, the natural surfaces and vegetation would allow surface runoff to percolate into the surrounding subsurface soils. Moreover, the proposed staging area would include a parking area consisting of decomposed granite that would promote percolation and would not significantly contribute to flooding impacts.

- e) **Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Less than significant impact. The proposed project would not include construction of paved trail alignments that would introduce impervious surfaces to previously pervious areas. The paved trails, however, would be surrounded by natural surfaces and vegetation that would encourage surface runoff to percolate into the surrounding subsurface soils. During storm events resulting in ground saturation and excessive surface runoff, the existing drainage systems would channel excess storm flows downstream and away from the project area. Moreover, the staging area includes a parking area consisting of decomposed granite that would promote percolation and would not significantly contribute to excess surface runoff.

- f) **Otherwise substantially degrade water quality?**

Less than significant impact. The project design, as well as compliance with all federal, state, and local regulations regarding water quality standards and waste discharge requirements, including those of the RWQCB, would ensure that the proposed project would not negatively affect water quality. Project design features, such as culvert replacement, and mandated compliance with NPDES permits and associated SWPPP and BMPs would reduce water quality and hydrology and water quality impacts by curtailing runoff that conveys surface flows, pollutants, and sediments offsite.

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

No impact. The proposed project would not include residential dwellings. Therefore, development of the proposed project would not place housing within a 100-year flood hazard area. No impacts would occur.

- h) **Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?**

No impact. The project area is located within Zone X (moderate to low risk area). Flood Insurance Rate Map Community Parcel No. 06097C0117E indicates that the project is located in Zone A, an

area where no base flood elevations have been determined. The proposed project would not place any structures which would impede or redirect flood flows. Therefore, no impacts would occur.

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Less than significant impact. The closest dams are Coyote Dam, 28 miles north-northwest of the site, and Warm Springs Dam, 5.9 miles south of the site. According to the City of Cloverdale General Plan Safety Element, these two dams are not considered likely to collapse during a seismic event. No habitable structures are proposed on the site and overnight camping is not proposed. Flooding of the creek could occur during major storm events. The only structures that would be introduced are the two bridges, which would be susceptible to loss by flooding of Porterfield Creek. This impact would be less than significant.

- j) **Inundation by seiche, tsunami, or mudflow?**

Less than significant impact. Since the City of Cloverdale is located well inland, tsunamis are not considered a risk. Although the project site is in an area of steep slopes with moderate to high landslide risk, the Clover Springs Preserve maintains vegetative cover over the area, reducing the risk of mudflows occurring during heavy rainfall. Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Land Use and Planning				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community's conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

a) Physically divide an established community?

No impact. The proposed project would be located in a natural open space, which consist of existing trails, public and maintenance roadways, and other similar rights-of-way. All new trail alignments would allow for public passage and would include no physical elements, there would be no security fencing or barriers, which could potentially physically prevent passage. No portion of the trails would physically disrupt or divide an established community. Therefore, no impacts would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The northeastern 49 acres of the Preserve are within the City of Cloverdale and are zoned as part of the Clover Springs planned development (a residential retirement development) (City of Cloverdale 2011). The remaining approximately 200 acres of the Preserve are zoned as Sonoma County Resources and Rural Development District (RRD B6 40), with maximum residential density of one dwelling per 40 acres (PRMD 2008). It is also zoned as Riparian Corridor with 60-foot setback requirements from the flowline of the creek consistent with City of Cloverdale Zoning Code.

The Preserve is operated under a Conservation Easement from the Sonoma County Agricultural Preservation and Open Space District. The development of the trails and the associated improvements are allowed under the terms of the easement. Therefore, no impact would occur.

c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

No impact. There are no applicable habitat conservation plans or natural communities conservation plan on the site.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. Mineral Resources <i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

The primary mineral resources of the area are aggregate, sand, and gravel. The State Mines and Geology Board designate sand and gravel deposits that are of regional significance pursuant to the California Surface Mining and Reclamation Act of 1975. The State has designated the terrace mining pits along Russian River, including those of Kaiser Sand and Gravel of Syar, as regionally significant because of their commercial value to Sonoma County.

Would the project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

No impact. The project site does not support any mineral extraction activities, nor do any known mineral deposits exist on-site. Therefore, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. Therefore, no impacts would occur.

- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

No impact. The proposed project site is not designated for mineral resources by the City of Healdsburg General Plan. Therefore, the implementation of the proposed project would not result in the loss of availability of a locally important mineral resource. Therefore, no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. Noise				
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less than significant impact with mitigation incorporated. While long-term operational activities would not exceed standards established by the City of Cloverdale, short-term construction activities could potentially temporarily increase ambient noise levels in the project area. Noise impacts from construction activities would depend upon the type of equipment, the location of equipment, the sensitivity of neighboring uses, and the timing and duration of construction activities. Noise impacts could result from the transport of personnel, equipment, and materials to and from the project site, or from on-site clearing, grading, excavation, and related activities. Because only hand tools and ATVs are proposed for the trail construction, the construction of the street improvements at the trailhead would be the only area in which standard construction activities would take place.

Table 3 illustrates typical noise levels associated with standard construction equipment that could be used for the street improvements that are part of the project development.

Table 3: Construction Equipment Noise Emissions and Usage Factors

Equipment	Acoustical Use Factor ¹ (percent)	Spec 721.560 L _{max} @ 50 feet ² (dBA, slow ³)	Actual Measured L _{max} @ 50 feet ⁴ (dBA, slow)
Backhoe	40	80	78
Compactor (ground)	20	80	83
Compressor (air)	40	80	78
Concrete Mixer Truck	40	85	79
Concrete Pump	20	82	81
Concrete Saw	20	90	90
Crane	16	85	81
Dozer	40	85	82
Dump Truck	40	84	76
Excavator	40	85	81
Flat Bed Truck	40	84	74
Front End Loader	40	80	79
Generator	50	82	81
Grader	40	85	N/A
Jackhammer	20	85	89
Paver	50	85	77
Pneumatic Tools	50	85	85
Pumps	50	77	81
Roller	20	85	80
Tractor	40	84	N/A
Welder/Torch	40	73	74

Notes:
¹ Acoustical use factor is the percentage of time each piece of equipment is operational during a typical workday.
² Spec 721.560 is the equipment noise level used by the Roadway Construction Noise Model program.
³ The "slow" response averages sound levels over 1-second increments. A "fast" response averages sound levels over 0.125-second increments.
⁴ Actual Measured is the average noise level measured of each piece of equipment during the Central Artery/Tunnel project in Boston, Massachusetts primarily during the 1990s.
Source: Federal Highway Administration, 2006.

The City of Cloverdale does not have an adopted noise ordinance, nor does Sonoma County. However, the City's standard construction specifications limits construction to between the hours of

7:00 a.m. and 6:00 p.m., Monday through Saturday. Compliance with this regulation during construction would help reduce impacts associated with noise.

Regardless, sensitive receptors such as residences could potentially be present in the project area, and in an effort to further reduce construction noise levels attributed to project development, implementation of MMs NOI-1, NOI-2, and NOI-3 is deemed necessary. Compliance with MMs NOI-1, NOI-2, and NOI-3 would reduce short-term impacts to less than significant.

Long-term operational activities would not exceed standards established by the City of Cloverdale. The only long-term source of substantial noise would be vehicular traffic associated with recreational users driving to and from the proposed staging areas. While potentially substantial, the staging areas, as well as the portions of the proposed trails that would occur adjacent to existing roadways, are already subject to noise impacts associated with vehicular traffic. These noise impacts would not substantially increase with project development.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. Short-term construction activities could temporarily introduce groundborne vibration in the project area. The human response to vibration greatly depends on whether the source is continuous or transient. Continuous sources of vibration include construction activities, while transient sources include large vehicle movements. Generally, thresholds of perception and agitation are higher for continuous sources.

Table 4 illustrates typical construction vibration levels for continuous and transient sources and the associated human response.

Table 4: Vibration Levels and Human Response

Peak Particle Velocity (inches/second)		Human Response
Continuous	Transient	
0.40	2.00	Severe
0.10	0.90	Strongly perceptible
0.04	0.25	Distinctly perceptible
0.01	0.04	Barely perceptible

Source: California Department of Transportation, 2004.

Specialty construction equipment such as pile drivers can be a continuous source of excessive groundborne vibration or noise levels. Construction activities would not require the use of such equipment. Furthermore, larger vehicles and equipment commonly associated with groundborne vibration would not be present as heavy excavation and hauling activities would not be part of the proposed project. Therefore, impacts would be less than significant.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less than significant impact with mitigation incorporated. While long-term operational activities would not exceed standards established by the City of Cloverdale, short-term construction activities could potentially temporarily increase ambient noise levels in the project area. Noise impacts from construction activities would depend upon the type of equipment, the location of equipment, the sensitivity of neighboring uses, and the timing and duration of construction activities. Noise impacts could result from the transport of personnel, equipment, and materials to and from the project site, or from on-site clearing, grading, excavation, and related activities. Therefore, MM NOI-1 through MM NOI-3 would reduce potential construction related noise impacts to levels below significance.

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Less than significant impact with mitigation incorporated. Construction activities could introduce temporary and/or periodic noise levels to the surrounding community. In general construction of the trails would be accomplished by the use of hand tools and transportation of workers and supplies by ATVs. Construction of the parking areas or roadway improvements could result in noise impacts from the transport of personnel, equipment, and materials to and from the project site, or from on-site clearing, grading, excavation, and related activities. Therefore, MM NOI-1 through MM NOI-3 would reduce potential construction-related noise impacts to levels below significance.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No impact. The proposed project is not located within an airport land use plan. Cloverdale Municipal Airport is approximately 2.2 miles southwest of the project site. This distance limits the potential for the project to expose people residing or working in the project area to excessive noise levels. Therefore, no impacts would occur.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

No impact. There are no private airstrips within the Cloverdale city limits. The nearest private airstrip is located approximately 28 miles south of Cloverdale in the City of Santa Rosa. The Cloverdale Municipal Airport located approximately 2.2 miles southwest of the project site. These distances limit the potential to expose people residing or working in the area to excessive noise levels. Therefore, no impacts would occur.

Mitigation Measures

- MM NOI-1:** Construction equipment with internal combustion engines shall be equipped with mufflers, silencers, or other noise-mitigating device. Construction equipment shall

not idle when within one-quarter mile of residential or school uses or any other sensitive receptors.

MM NOI-2: Construction staging areas, if required, shall be located one-quarter mile or more from residential or school uses or any other sensitive receptors.

MM NOI-3: Construction shall take place only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Weekend and holiday construction activities within 0.25 mile of any sensitive receptor shall also be prohibited.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Population and Housing <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

No impact. According to the most recent Bay Area Census, the City of Cloverdale has a population of 8,708 persons with an average household size of 2.71 (U.S. Census Bureau 2015). The project consists of developing a new trail system and associated improvements on the existing Clover Spring Open Space Preserve within the City of Cloverdale. Therefore, the proposed project would not directly or indirectly increase the City's population. As such, no impacts would occur.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

No impact. The project site does not contain any housing. This precludes impacts related to displacement of housing. Therefore, no impacts would occur.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

No impact. As previously indicated the project site does not contain any housing. This precludes impacts related to displacement of people. Therefore, no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Public Services				
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less than significant impact with mitigation incorporated. The City of Cloverdale receives fire protection from the Cloverdale Fire Protection District (CFPD). The CFPD, which was formed in 1887, provides fire suppression and dispatches emergency services for a 75-mile area in northern Sonoma County, including the City of Cloverdale. On-site emergency response services would be provided by the particular agency that has jurisdiction over the specific segment of trails where the event necessitating fire protection/emergency response services is occurring. Overall, the proposed project would not adversely impact fire protection services, response times, or personnel and facility requirements. As noted in the hazardous materials section, MM HAZ-1 requires that during periods of high wildland fire danger, public access to the trail system will be restricted to certain uses, or, when deemed necessary, temporarily closed to all uses. The CFPD shall be charged with determining the level of fire danger on and adjacent to the trails. Access to the trails deemed susceptible to wildland fires shall be allowed only after the Fire Protection District deems the fire danger to have dissipated to acceptable levels. Therefore, with the implementation of MM HAZ-1, impacts would be less than significant.

b) Police protection?

Less than significant impact. The project site is located within the service area of the Cloverdale Police Department. The proposed project would not significantly increase demand for police protection services because the project site is located within an open space preserve with an existing network of trails that are already used by the public. The proposed project would not substantially increase demand on the Police Department such that new or expanded police facilities would be required. Therefore, impacts would be less than significant.

c) Schools?

No impact. The proposed project would not involve the development of residential dwellings or otherwise contribute to a substantial increase in the school-aged child population, necessitating either construction or expansion of local school district facilities. Therefore, no impacts would occur.

d) Parks?

No impact. The proposed project would not be creating new housing units or creating significant population growth due to employment. Population growth would not be considered substantial enough to result in new or expanded park facilities outside the project site. Therefore, impacts would be less than significant.

e) Other public facilities?

No impact. The proposed project would not involve the development of residential dwellings or otherwise contribute to a substantial increase in the overall population, necessitating either construction or expansion of a library facilities and community centers. Therefore, no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Less than significant impact. The proposed project would not create new housing units or induce new population growth, which would accelerate the deterioration of existing parks or recreational facilities. The proposed project involves the development of trails for recreational use by the public. The new trails would expand and compliment the current network of recreational services in the project area, while allowing public access to areas formerly without trails. Therefore, impacts would be less than significant

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

Less than significant impact. The proposed project involves the development of trails for recreational use by the public. The new trails would expand and compliment the current network of recreational services in the project area, while allowing public access to areas formerly without trails. Potential physical impacts resulting from the proposed trails have been considered throughout this document and applicable mitigation measures would ensure that impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Transportation/Traffic				
<i>Would the project:</i>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

Less than significant impact. Short-term construction traffic would be nominal and primarily include limited numbers of construction personnel commuting to and from the project site. Construction activities associated with development of the staging area and trails would be expected to last between 6 and 9 months. This short-term nominal increase in project-generated traffic would not adversely affect the number of net vehicle trips, the volume to capacity ratio on roadways, congestion at intersections, or level of service (LOS) in the project area.

During operation, the proposed project involves developing trails for recreational use, so an incremental increase in traffic near the staging area would be expected. However, this increase is not anticipated to be substantial in relation to the existing traffic load and capacity of the local and regional street system. Visitors to the preserve currently park vehicles along Skyview Drive and access the trails on foot through the existing paved road. The traffic generated by the local area would not be expected to substantially increase as a result of the proposed project. The long-term incremental increase in project-generated traffic would not adversely affect the number of net vehicle trips, the volume to capacity ratio on roadways, congestion at intersections, or LOS in the project area. Therefore, impacts would be less than significant.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Less than significant impact. As previously discussed, local and regional traffic is not anticipated to substantially increase as a result of the proposed project. Implementation of the proposed project would not adversely affect net vehicle trips, the volume-to-capacity ratios on roadways, congestion at intersections, or LOS in the project area. The proposed project would comply with the standards found within the City of Cloverdale's Congestion Management Program, as well as the City of Cloverdale's General Plan's Circulation Element. Therefore, impacts would be less than significant.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?**

No impact. The Cloverdale Municipal Airport is located approximately 2.2 miles southeast of the project site; as such, the project site is located outside of the most commonly used take-off and landing patterns of the airport. Therefore, no impacts would occur.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

No impact. The proposed staging area and trails would comply with all design and compatibility standards to ensure safe usage for all trail users. The trail design would comply with the width requirements found in the City of Cloverdale's General Plan's Circulation Element. Therefore, no impacts would occur.

e) Result in inadequate emergency access?

Less than significant impact. Design of the proposed project does not include any elements that would impede emergency access to or from the project site or area. A staging area would be available to the trails, allowing for adequate emergency access. Additionally, the trailhead would be subject to California Fire Code requirements, including provisions associated with minimum width and prohibition on parking (where necessary). As such, adequate emergency access would be provided. Impacts would be less than significant.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less than significant impact. The proposed project involves development of trails for recreational use by the public. The proposed project would expand and compliment the current network of recreation trails in the project area, while allowing public access to areas formerly without trails. Therefore, impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. Utilities and Service Systems				
<i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Evaluation

Would the project:

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Less than significant impact. The sewage collection, treatment and disposal facilities for the City of Cloverdale are owned and operated by the City. The wastewater treatment plant is located at 700 Asti Road in Cloverdale. The treatment plant has an average dry weather flow of 2.2 million gallons

per day. The amount of wastewater generated by the connection of the proposed drinking fountain would be nominal. Therefore, impacts would be less than significant.

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less than significant impact. The proposed trailhead improvements would include drinking water facilities that would connect to the local municipal wastewater treatment infrastructure already serving existing residential uses in the immediate project vicinity. While wastewater would be generated at the trailhead, the average daily quantity of wastewater would not threaten to exceed the existing treatment facilities. Project development would not necessitate the construction or expansion of water treatment facilities. The City's water system is operated and maintained by the City of Cloverdale's Public Works Department. The City's water supply is drawn from four wells adjacent to the Russian River and processed through the City's Water Treatment Plant located adjacent to the well field. The City provides water to over 11,000 people and recently passed the 3,000 connection threshold, which requires them to prepare an Urban Water Management Plan, which is currently being prepared. The City of Cloverdale Department Public Works currently operates its wastewater treatment plant, which serves the entire city. When compared with the capacity of the local wastewater treatment infrastructure, the proposed project's wastewater treatment capacity would be nominal. Overall, the proposed project would be adequately served by existing infrastructure and would not necessitate the construction or expansion of wastewater treatment facilities. Therefore, impacts would be less than significant.

- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less than significant impact. The expansion of on-street parking in the project area will contribute a nominal amount of additional runoff to the existing stormwater collection system in Skyview Drive. No new construction or expansion of the existing facilities will be required. Impacts would therefore be less than significant.

- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Less than significant impact. The City of Cloverdale would serve the proposed project with potable water service, which it obtains from well fields located along the Russian River. The proposed staging area would include drinking water facilities that would connect to local municipal water infrastructure already serving existing commercial and industrial uses in the immediate project vicinity. When compared with the capacity of the local water infrastructure, the proposed project's potable water demand would be negligible. Overall, the proposed project would be adequately served by existing infrastructure and would not necessitate the construction or expansion of water facilities. Therefore, impacts would be less than significant.

- e) **Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less than significant impact. The proposed staging area would include drinking water facilities that would connect to local municipal wastewater treatment infrastructure already serving existing residential uses in the immediate project vicinity. While wastewater would be generated at the proposed staging area, the average daily quantity of wastewater would not threaten to exceed the existing treatment facilities. Project development would not necessitate the construction or expansion of water treatment facilities. When compared with the capacity of the local wastewater treatment infrastructure, the proposed project's wastewater treatment capacity would be nominal. Overall, the proposed project would be adequately served by existing infrastructure. Therefore, impacts would be less than significant.

- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

Less than significant impact. Solid waste collection services is contracted to and conducted by Redwood Empire Disposal and brought to the Sonoma County Central Landfill outside the City of Petaluma, via the transfer station located in Healdsburg. Central Landfill has a permitted daily capacity of 2500 tons, and has a remaining estimated capacity of 9.5 million cubic yards (CalRecycle 2015).

Short-term construction activities would produce some waste materials, although the proposed project's waste disposal needs would not be substantial as demolition activities are not anticipated. During long-term operational activity, trash receptacles would be available to the public at the trailhead. Solid waste collection demand at this area would be similar to other existing recreational uses in the project area and would not be substantial. Central Landfill would be able to process all solid waste created by the project. Therefore, impacts would be less than significant.

- g) **Comply with federal, state, and local statutes and regulations related to solid waste?**

Less than significant impact. Solid waste generated during short-term construction activities, as well as that regularly collected during routine maintenance activities as part of long-term operational activities, would be disposed of according to all federal, state, and local regulations. Therefore, impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Evaluation

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?**

Less than significant impact with mitigation incorporated. The project may result in several impacts associated with biological resources and cultural resources that would be significant if left unmitigated. MMs BIO-1 through BIO-13, CUL-1, CUL-2, and CUL-3, would fully mitigate all potential impacts to levels of less than significant. With the implementation of these mitigation measures, the project would have less than significant impacts.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Less than significant impact with mitigation incorporated. All cumulative impacts related to air quality, biological resources, cultural resources, geology, hydrology and water quality, and noise are either less than significant after mitigation or less than significant and do not require mitigation. MMs BIO-1 through BIO-13, CUL-1, CUL-2, CUL-3, NOI-1, NOI-2, and NOI-3 would fully mitigate all potential impacts to levels of less than significant. Given the size of the project and its impacts and mitigation measures, the incremental effects of this project are not considerable relative to the effects of past, current, and probable future projects. Therefore, the project would not result in cumulatively considerable impacts on these areas. Impacts would be less than significant.

- c) **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than significant impact with mitigation incorporated. All impacts identified in this IS/MND are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

Mitigation Measures

Implement MMs BIO-1 through BIO-13, CUL-1, CUL-2, CUL-3, HAZ-1, NOI-1, NOI-2, and NOI-3.

SECTION 3: REFERENCES

- California Air Resources Board. 2015. Area Designations (Activities and Maps). Website: <http://www.arb.ca.gov/desig/changes.htm#summaries>. Accessed May 3, 2015.
- California Department of Conservation. 2013. Sonoma County Williamson FY 2013/2014.
- California Department of Conservation. 2014. Sonoma County Important Farmland 2012 Map. October.
- California Department of Finance. 2015. City/County Population and Housing Estimates. January.
- California Department of Fish and Wildlife (CDFW). 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Sacramento, CA.
- California Department of Fish and Wildlife (CDFW). 2010. Natural Communities List. Sacramento, CA. Website: http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_list.asp.
- California Department of Fish and Wildlife (CDFW). 2015. California Natural Diversity Database, RareFind Version 5.0 and Spotted Owl Viewer. California Department of Fish and Game. Sacramento, CA.
- California Department of Fish and Wildlife (formerly Game) (CDFW). 2006. Stream Inventory Report—Porterfield Creek. Report revised April 14, 2006. Assessment completed 2002.
- California Department of Transportation. 2011. California Scenic Highway Mapping System. Website: http://www.dot.ca.gov/hq/LandArch/scenic_highways/. Accessed May 2, 2015.
- California Department of Transportation. 2014. “Scenic Highway System.” Website: <http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>. Accessed June 16, 2015.
- California Native Plant Society (CNPS). 2015. Inventory of Rare and Endangered Plants (online edition, v7-08d). California Native Plant Society. Sacramento, CA. Website: <http://www.cnps.org/inventory>.
- City of Cloverdale. 2009. General Plan. May.
- City of Cloverdale. 2009. Sewer System Master Plan Update. June.
- City of Cloverdale. 2010. City of Cloverdale General Plan. Adopted by the City Council of the City of Cloverdale by Resolution 022-2009. Amended November 2010.
- City of Cloverdale. 2011. City of Cloverdale Zoning Map. January 12.
- City of Cloverdale. Zoning Ordinance. 2015. January
- County of Sonoma. 2008. Sonoma County General Plan 2020. December.

References

- Federal Emergency Management Agency. 2008. Flood Insurance Rate Map 06097C0117E. December.
- Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. May.
- Natural Resources Conservation Service (NRCS). 2015. Web Soil Survey. Website: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>.
- NOAA's National Marine Fisheries Service (NOAA Fisheries Service). 2000. Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act. June.
- Riparian Habitat Joint Venture (RHJV). 2004. The Riparian Bird Conservation Plan: A Strategy for Reversing the Decline of Riparian Associated Birds in California. Version 2.0.
- Sawyer, J., T. Keeler-Wolf, and J. Evens. 2009. A Manual of California Vegetation. Second Edition. California Native Plant Society and California Department of Fish and Game. Sacramento, CA.
- Sonoma County Agricultural Commissioner (Agricultural Commissioner). 2014. Guidelines for Preparing Biological Resource Studies or Assessment. March 19.
- Sonoma County Permit and Resource Management Department (PRMD). 2008. Sonoma County General Plan 2020. Adopted by Resolution No. 08-0808 of the Sonoma County Board of Supervisors. September 23.
- United States Fish and Wildlife Service (USFWS). 2015. On-line endangered species lists. Website: <http://www.fws.gov/sacramento/>.

SECTION 4: LIST OF PREPARERS

Lead Consultant

FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
Phone: 925.357.2562
Fax: 925.357.2572

Project Director Mary Bean
Project Manager Elizabeth Johnson
Environmental Analyst..... Angela Pan
Cultural Resources Specialist Dana DePietro
Editor Ed Livingston
Word Processor Ericka Rodriguez
GIS/Graphics John De Martino
Reprographics Kevin Salguero
Administrative Assistant Alicia Yuen

Biological Resources Subconsultant

Prunuske Chatham, Inc.
400 Morris Street, Suite G
Sebastopol, CA 95472
Phone: 707.824.4600

Project Planners

RRM Design Group
3765 S. Higuera Street, Suite 102
San Luis Obispo, CA 93401

**Appendix A:
Biological Resources**



**Biological Resources Assessment
Clover Springs Open Space Preserve
Public Access Improvement Project
Cloverdale, California
September 22, 2015**

Prepared for:

First Carbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Prepared by:

Prunuske Chatham, Inc.
400 Morris Street, Suite G
Sebastopol, CA 95472



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1 Introduction

The Clover Springs Open Space Preserve (Preserve) is a 249-acre preserve owned by the City of Cloverdale (City; Figure 1). The City is planning the development of a new trail system that would create loops within the Preserve, improvements to an existing creek side trail to provide year-round access, restoration and decommissioning of existing trails that are steep and severely eroding, and the addition of a dedicated parking area and amenities at the Preserve entrance. RRM Design Group is under contract to design these public access improvements. First Carbon Solutions is providing regulatory compliance services for the project. Prunuske Chatham, Inc. (PCI) has been retained to provide a biological assessment of the proposed improvement areas on the Preserve to determine 1) the impacts of the proposed project on sensitive biological resources; and 2) if there are any biological constraints associated with the proposed project; and to 3) provide recommendations for California Environmental Quality Act (CEQA) compliance. This report summarizes a field survey of the site improvement areas on the Preserve, existing biological resources, and provides general recommendations to protect biological resources.

2 Setting

The Preserve is located southwest of the City of Cloverdale, where the Outer Coast Range meets the Russian River Valley. The main Preserve entrance is at the western end of Skyview Drive. It is mapped on the Cloverdale USGS quadrangle (38°47'19"N and 123°1'44"W), and ranges in elevation from approximately 1,280 feet in the southwest corner to 400 feet in the northeast corner. It is bordered by residential development to the northeast and undeveloped private lands supporting forests, chaparral, and grasslands on the other sides.

Two drainages flow through the Preserve from west to east and join approximately in the center of the Preserve to form the South Branch of Porterfield Creek, a perennial stream. Porterfield Creek flows into the Russian River approximately 1.5 miles east of the Preserve.

There are many existing trails already present on the Preserve, in addition to a paved maintenance road that extends from the entrance to three water tanks on a slope in the southeastern part of the property. The trails include a wide, well-established, trail along an old road bed adjacent to the creek, as well as numerous other single-track trails crossing the property. Many of the trails appear to have been informally created by local residents, independent of the City.

The northeastern 49 acres of the Preserve are within the City of Cloverdale and are zoned as part of the Clover Springs planned development (a residential retirement development) (City of Cloverdale 2011). The remaining 200 acres of the Preserve are zoned as Sonoma County Resources and Rural Development District (RRD B6 40), with

maximum residential density of one dwelling per 40 acres (PRMD 2008). It is also zoned as Riparian Corridor with 60 foot setback requirements from the flowline of the creek as per City of Cloverdale Zoning Code.

3 Proposed Project

The City's proposed improvements include constructing a new trail system that would create loops within the Preserve, decommissioning steep and eroded trails that crisscross the property, and the development of additional on-site parking spaced and amenities at the Preserve entrance (Figure 2). Two new trail alignments are proposed, the blue and pink alignments, through the property to connect the main trails at the north and south edges of the Preserve. The lower pink alignment would cross the South Branch of Porterfield Creek. The upper blue alignment would cross the creeks above the confluence of both tributaries. Both alignments would require the construction of bridges over the creek channels. Existing trails crossing the property would be decommissioned and native habitats restored.

Near the Preserve entrance, public access improvements would include the development of on-street parking spaces for eight vehicles, trash receptacles and pet waste station, bike racks, kiosk with bottle filling station and water fountain, and landscaping (Figure 2). To accommodate the trail head amenities, the existing road would be extended approximately 35 feet and minor adjustments made to existing trail alignment. At a future date, the City may construct additional parking spaces based on need and project funding. This could include up to 10 additional parking spaces with minor modifications to the serve road and installed amenities.

4 Field Survey Methodology

A field survey of the Preserve was completed on July 9, 2015, by PCI's Senior Wildlife Biologist and Vegetation Ecologist, who are familiar with the region's flora and fauna. The assessment was intended as a general inventory of habitats within the proposed improvement areas and species observed or potentially occurring within the Preserve; it did not include focused surveys for special-status species and the entire Preserve was not evaluated. Observations were limited in scope due to the seasonal distribution and/or rarity of some species. The primary purposes of the assessment were to characterize biological communities within the Preserve to help determine existing habitat conditions, determine whether or not suitable habitat for special-status species is present, and determine potential project impacts associated with the proposed improvements. The potential presence of and impacts on special-status species/habitats were determined based on existing habitat conditions and presence of unique habitat features, proximity of the Preserve to reported occurrences, and geographic range of subject species.

PCI's biological assessment follows the *Guidelines for Preparing Biological Resource Studies and Assessments* (Agricultural Commissioner 2014) and protocols established by California Department of Fish and Wildlife (CDFW 2009). During the survey, an inventory of all plant and wildlife species observed was compiled. The survey was conducted with the aid of binoculars (Swarovski™ 10 x 42). Visual cues, calls, songs, and direct observations were used to identify wildlife species. The Preserve was examined for presence of birds, mammals, amphibians, fish, and reptiles. The survey consisted of evaluating all of the public access improvement areas. PCI used a proposed trail base map (dated 6/22/15) and parking options (dated May 2015) provided by First Carbon Solutions and prepared by RRM Design Group as the basis for the assessment.

Figure 1, Project Location, shows the Preserve location relative to the City of Cloverdale and other lands. Figure 2, Proposed Public Access Improvements and Identified Sensitive Resources, shows the general location of the proposed trail alignments and parking lot and identified resources of concern. Figure 3, Reported Occurrences of Special-status Species, shows the locations of known sightings of special-status plants and wildlife near the Preserve within the region based on California Department of Fish and Wildlife documentation (CDFW 2015) and PCI's field observations of listed species. Representative photographs taken during the field survey are also provided at the end of this report.

This level of assessment is standard at this stage of project review and is meant to support City of Cloverdale staff in making initial determinations for compliance with the CEQA¹, recommendations for further study, and/or mitigation, restoration, and enhancement opportunities. This biological assessment is specific to the public access improvements identified above; impacts beyond the project boundaries were not evaluated. It does not include an evaluation of the cumulative effects of the project within the context of the completed work or potential future development within the area. This report represents PCI's best professional effort to identify all sensitive habitats, species, and resources of concern based on the proposed project and biological conditions of the Preserve at the time of the assessment.

5 Soils

The soils mapped within the Preserve include five types (NRCS 2015):

- Henneke gravelly loam (30-75% slopes) – Derived from serpentine bedrock; excessively drained. Occurs at higher elevations in the southern part of the Preserve.

¹ Projects undertaken, funded, or requiring a permit by public agency must comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform decision-makers and the public about the potential environmental impacts of the proposed activities.

- Manzanita gravelly silt loam (0-9%) – Parent material is residuum derived from basic igneous rock; well-drained. Occurs at the Preserve entrance.
- Josephine, Los Gatos, and Laughlin loams (9-75%) – Parent material is residuum derived from sedimentary rock; well-drained. These are the dominant soil types on the Preserve. Josephine loams occur along drainages, Los Gatos loams occur at higher elevations, and Laughlin loam occurs in a small area of the northeastern portion of the Preserve.

The hazard of erosion from unpaved roads and trails in most of these soil types and slopes is considered severe. Some areas of active erosion were observed along the creek, especially where the drainage becomes narrower just above the proposed blue alignment crossing, and along the informally-created trail which continues upstream from that location.

6 Existing Biological Communities

The Preserve is located at the western edge of Cloverdale, where residential development meets ranchlands and undeveloped, forested lands. With diverse terrain, perennial water flow in the creeks, and serpentine substrates present, the Preserve supports a diversity of plant and wildlife communities. In general, the habitats are of high quality, supporting diverse native plant populations that appear healthy and relatively low in invasive species.

6.1 Plant Resources

The table below lists the plant communities observed during the survey, as well as those tentatively identified through soil maps and aerial imagery. These communities are also described in terms of vegetation alliances as defined by the *Manual of California Vegetation, 2nd edition* (Sawyer et al. 2009). Each community is designated as sensitive or non-sensitive, based on federal, state, and local regulations. Rarity rankings developed by CDFW for each vegetation alliance are also given. Following the table, each community is briefly described.

Table 1. Plant Communities Identified on the Preserve

Community Type	Vegetation Alliance (Manual of CA Vegetation)	CDFW Rank ²	Sensitivity ³
Native grassland	Idaho fescue grassland (<i>Festuca idahoensis</i> Alliance)	G4 S3?	Yes
	Purple needlegrass grassland (<i>Stipa pulchra</i> Alliance)	G4 S3	Yes
Non-native grassland	Wild oats grassland (<i>Avena barbata</i> Semi-natural Stands)	N/A	No
Oregon oak woodland	Oregon white oak woodland (<i>Quercus garryana</i> Alliance)	G4 S3	Yes
Riparian forest	Coast live oak woodland (riparian) (<i>Quercus agrifolia</i> Alliance)	G5 S4	Yes, due to riparian setting
Mixed oak forest	Mixed oak forest (<i>Quercus</i> spp. Alliance)	G4S4	No
Douglas-fir forest	Douglas-fir forest (<i>Pseudotsuga menziesii</i> Alliance)	G5S4	No
Seep wetland	Western azalea patch (<i>Rhododendron occidentale</i> Alliance)	G3S2?	Yes
	Undetermined herbaceous wetland vegetation	N/A	Yes, due to wetland setting
Serpentine chaparral	Not surveyed; may be leather oak (<i>Quercus durata</i> Alliance)	Unknown	Unknown, but high potential for special-status plant species

Native and Non-Native Grassland

Grassland occurs in several small patches on the Preserve, including at the entrance and in a band currently crossed by a trail. At the entrance and in the vicinity of the water tanks that are located in the southeast portion of the Preserve, it is dominated by a mixture of native purple needlegrass (*Stipa pulchra*), California oatgrass (*Danthonia californica*), and non-native annual grasses [(wild oat (*Avena* sp.), hedgehog dogtail (*Cynosurus echinatus*)]. Both native and non-native forbs are also common, including native hayfield tarweed (*Hemizonia congesta* ssp. *luzulifolia*) and Spanish lotus (*Acmispon americanus*) and non-native clovers (*Trifolium* sp.). At the entrance, a number of mature valley oaks (*Quercus lobata*) are also present. Additional parking and amenities are proposed in this area (see Section 3, Proposed Project).

² Alliances ranked G3 S3 or lower were considered to be of priority for mapping. Non-native alliances (a.k.a. Semi-natural stands) are not ranked. "G" indicates conservation priority at the global level, and "S" refers to the state level. 1 = critically imperiled; 2 = imperiled; 3 = vulnerable; 4 = apparently secure; 5 = secure. "?" indicates the need for further study.

³ Sensitivity based on federal (U.S. Army Corps of Engineers; Section 404), state (California Department of Fish and Wildlife), and local (Sonoma County) regulations.

In two other patches in the interior of the Preserve, vegetation is influenced by serpentine substrates, and is strongly dominated by native species. The linear patch of grassland through which an informal trail passes is of particularly high quality, with almost no non-native species observed (see Figure 2). This patch is dominated by Idaho fescue (*Festuca idahoensis*), with some purple needlegrass also present. Native forbs are abundant, including extensive cover of hayfield tarweed (*Hemizonia congesta* ssp. *lutescens*), yampah (*Perideridia kelloggii*), hairy bird's beak (*Cordylanthus pilosus*), hillside morning glory (*Calystegia* cf. *collina* ssp. *collina*), onion (*Allium* sp.), and brodiaea (*Brodiaea* sp.). At the edges of the grassland, occasional leather oak (*Quercus durata*) and whiteleaf manzanita (*Arctostaphylos* cf. *viscida*) are present.

Along the paved maintenance road just southwest of the Preserve entrance, native grassland species are less abundant and non-native annual grasses such as wild oats and bromes (*Avena* sp., *Bromus* spp.) are dominant.

Oregon Oak Woodland

Oregon oak woodland is present on the north-facing slopes on the south side of the South Branch of Porterfield Creek, just upslope of the two proposed creek crossings, and in areas proposed to be traversed by the new blue trail alignment. This habitat has a relatively continuous canopy of deciduous Oregon oak, with a native-dominated understory with dense stands of soaproot (*Chlorogalum pomeridianum*) and poison oak (*Toxicodendron diversilobum*). Non-native annual grasses (e.g., *Bromus* spp.) are common in some areas. The Oregon oak woodland on the Preserve appears generally healthy, with a native understory, natural regeneration occurring, and few non-native species. Proposed trails would result in vegetation loss, potential erosion, and habitat fragmentation within the woodland areas.

Riparian Forest

Riparian forest is present along the stream channels, including at the locations of the two proposed bridge crossings. It is characterized by a diverse mixture of native trees, shrubs, and herbs. Trees include Oregon oak, coast live oak (*Quercus agrifolia*), bay (*Umbellularia californica*), and big-leaf maple (*Acer macrophyllum*), with occasional Oregon ash (*Fraxinus latifolia*), black oak (*Q. kelloggii*), and buckeye (*Aesculus californica*) also present. Shrubs include spicebush (*Calycanthus occidentalis*), toyon (*Heteromeles arbutifolia*), poison oak, California blackberry (*Rubus ursinus*), and redberry (*Rhamnus ilicifolia*). Vining California grape (*Vitis californica*) is common. Herbs include maidenhair fern (*Adiantum jordanii*), modesty (*Whipplea modesta*), and sedges (*Carex* spp.). Extensive stands of soaproot are present where more sunlight is available. In the vicinity of the proposed pink alignment, the riparian forest is dominated by bay with an understory of soaproot, sedges, modesty, and one stand of lily (*Lilium* sp.). In the vicinity of the proposed blue alignment, the habitat is slightly more open, with a mixture of oaks, bay, fir, and ash in the canopy and a fern-dominated understory.

The riparian forest on the Preserve appears generally healthy, with a diverse suite of native species, natural regeneration occurring, and few non-native species. Some erosion was evident where apparently unauthorized trails have been created along steep sections of the drainages.

Mixed Oak Forest

Mixed oak forest occupies much of the Preserve. This is a shifting mosaic of coast live oak, Oregon oak, black oak, madrone (*Arbutus menziesii*), and bay, with occasional Douglas-fir. The understory is comprised primarily of native shrubs, vines, and herbs, including honeysuckle (*Lonicera hispidula*), sticky monkeyflower (*Mimulus aurantiacus*), ferns (*Polypody* spp.), iris (*Iris* sp.), California fescue (*Festuca californica*), and other grasses. No invasive species were observed. The oak forest is of high quality in the Preserve, but the high density of trails (formal and informal) impacts the habitat, resulting in areas of devegetation, erosion, and fragmentation.

Douglas-fir Forest

Douglas-fir forest is present in the upper elevations and western parts of the Preserve. This habitat intergrades with the mixed oak woodland described above, but Douglas-fir becomes dominant. The understory is similar.

Seep Wetland

A small seep wetland is present near the upper end of the trail through the serpentine grassland (Figure 2). This supports a suite of native shrubs and herbs, including western azalea (*Rhododendron occidentale*), slender rush (*Juncus tenuis*), hedge nettle (*Stachys chamissonis*), and sedges (*Carex* sp.). An additional small patch of herbaceous wetland was observed within grassland just east of the maintenance road below the water tanks; in this more disturbed area, species present are likely a mix of common native and non-native species.

Serpentine Chaparral

Chaparral habitat on the Preserve was not surveyed as it is outside the area of proposed development, but based on aerial imagery, soil types, and other site observations, is likely to include leather oak, chamise (*Adenostoma fasciculatum*), toyon, and Jepson ceanothus (*Ceanothus jepsonii*), and other native serpentine-adapted shrub and herb species.

6.2 Animal Resources

The wildlife resources described below are those that would be expected to occur on the Preserve and/or in nearby areas where suitable habitat exists. Although the characteristic assemblages may occur predictably within certain vegetation types, it should be recognized that relatively few wildlife species are restricted to a single

habitat, and, indeed, some species may require more than one habitat type. Therefore, wildlife communities are described in a larger context and across broader plant communities: forests and woodlands, chaparral, and grasslands; aquatic resources are described under stream channels. The following discussion includes a general summary of species typically associated with natural communities present on the Preserve based on regional occurrence and field observations. Wildlife species' common names are used in the text because they are unequivocal.

Woodlands and Forests

Woodlands and forests provide the greatest habitat diversity on the Preserve and support terrestrial birds, mammals, amphibians, reptiles, and a variety of invertebrates. Birds represent the most abundant and prominent wildlife species within these habitats. Year-round resident birds of woodland and forest habitats, such as those found within the Preserve, include chestnut-backed chickadee, western-scrub jay, American robin, common bushtit, oak titmouse, California quail, dark-eyed junco, and spotted towhee. All of these species were observed in densely vegetated habitats on the Preserve. Additional migratory species observed and potentially breeding within the habitats include orange-crowned warbler, Pacific-slope and ash-throated flycatchers, and swallows.

Tree climbing birds such as woodpeckers, nuthatches, and brown creeper may also frequent the Preserve. Casual winter residents may include red-breasted sapsucker, ruby-crowned kinglet, varied thrush, and Townsend's and yellow-rumped warblers. Forests and woodlands that are structurally diverse with a healthy understory of low-growing groundcover, midstory shrubs and small trees, high canopy of trees and vines, and snags are critical for supporting the various habitat needs of the above-mentioned species.

Suitable foraging and breeding habitat also exists on the Preserve for raptors. Forested areas are likely to support red-tailed, Cooper's hawks, and red-shouldered hawks, American kestrel, and sharp-shinned hawks, especially in winter when this species is a common migrant. Small vertebrates within the habitats are likely to serve as a food source for predatory birds. The larger oaks are prime habitat for nesting raptors. Nocturnal avian predators also likely inhabit the Preserve including western screech, great horned, and barn owls. There are no northern spotted owl territories documented within the area; however, based on habitat conditions, this species may forage in the densely forested areas on the Preserve.

The woodland and forested habitats support a variety of mammals. Undisturbed habitats with limited human activity provide escape, cover, and nesting sites for a number of larger mammals. Sonoma County's top carnivores, bobcat, mountain lion, and coyote, are likely to utilize the Preserve. The presence of a large number of smaller

vertebrate species, such as birds, small mammals, and herpetofauna may serve as a significant food source for these larger carnivores. Additional mammal species found in both native woodlands and forests include black-tailed deer, gray fox, and western gray squirrel. In addition, common bat species may forage over the habitats and roost in larger trees.

Native oaks and oak communities found within the Preserve serve as a significant resource for many wildlife species in the form of both food and shelter. Every part of the oak tree is utilized as forage for native species including acorns, leaves, twigs, pollen, roots, and sap. Perhaps the most widely recognized source of food is the acorn. This high-energy food is used heavily by acorn woodpeckers, western-scrub jays, western gray squirrels; all three species are known to occur on the Preserve. Individual trees are also important food storage sites for acorn woodpeckers, which cache acorns for future consumption, particularly in dead and dying oak trees. The use of acorns by a number of wildlife species is important for dispersal and colonization of trees. The entire tree from the canopy to the roots is used as shelter, as well as the layer of detritus around the base, which is utilized by amphibians and insects.

Within the woodland and forest floor, woody debris piles and layers of duff provide habitat for amphibians. Locally, common amphibians including *Ensatina*, California slender salamander, and arboreal salamander are likely to occur there and are more easily detectable during the wet winter months. Common reptiles of this community include skink, fence lizard, alligator lizard, common kingsnake, rubber boa, and gopher, rattle, and ring-necked snakes.

Chaparral

Chaparral provide habitat for a wide variety of wildlife adapted to shrub-dominated habitats. Numerous rodent species inhabit these communities, and deer and other herbivores make extensive use of it for browse and protective cover. Some small herbivores use woody species in fall and winter when grasses are not abundant. Brush rabbits eat twigs, evergreen leaves, and bark from plants. Shrubs are important to many other mammals (e.g., bobcat, gray fox) as shade during hot weather. Reptiles frequently observed in this habitat type include western fence lizard, alligator lizard, and gopher and rattlesnakes. Shrub-dominated habitats provide a variety of resources for birds in the form of seeds, fruits, insects, protection from predators and climate, as well as singing, roosting, and nesting sites. Typical birds include California quail, Anna's hummingbird, western scrub-jay, bushtit, Bewick's wren, wrentit, blue-gray gnatcatcher, and spotted towhee. Rock outcroppings add complexity to the habitat, providing additional perching, foraging, and nesting opportunities.

Grasslands

Grasslands provide habitat for a range of wildlife species. They provide cover for species such as birds, small mammals, and reptiles and foraging opportunities in the form of seeds, other plant parts, and insects. Grassland specialist songbirds were not noted during the field surveys. Bird species utilizing the grasslands include those also occupying adjacent shrub and woodlands patches such as California quail, dark-eyed junco, song sparrow, and spotted towhee. Predatory hawks and owls are likely to forage over the grassland patches in search of small mammals and other wildlife species.

Subterranean foragers, such as Botta's pocket gopher and California mole, commonly occur in grassland habitats. In addition, small mice (e.g., deer and harvest), California vole, black-tailed jackrabbit, coyote, and black-tailed deer are frequently observed. Evidence of tunnel systems and burrows of small mice and voles were noted in grassland habitats. Reptiles of this community include western fence lizard, alligator lizard, western skink, and snakes such as gopher, racer, rattle, and garter. Bat species may also forage over grasslands.

Stream Channels

The Porterfield Creek watershed has been identified by CDFW as an anadromous, natural production stream (CDFW 2006). Steelhead and other native fish species have been documented in the watershed. During PCI's field survey, steelhead were documented at two locations – one fish just outside of the Preserve boundary near at the northeast corner and a second fish between the blue and pink alignments.

Throughout the Preserve, South Branch Porterfield Creek supports well-developed riparian vegetation along the banks. Water is likely present through much of the year as sufficient flow was noted in July during an extended drought in California. By late summer, flows may subside, but small pools of water may be present which may support steelhead and other aquatic species year-round. Within the Preserve, the creek supports a complex of pool and riffle habitats. Pools were relatively shallow (less than 12"), but one larger bedrock pool was noted in the downstream reach. The substrate is comprised largely of a large gravels and some cobble. Small undercuts were noted which provide some shelter for aquatic species. In addition to steelhead, native Pacific treefrog tadpoles and California giant salamander were observed in the creek. The creek may also support special-status foothill yellow-legged frog and Pacific pond turtle.

Wildlife observations included: chestnut-backed chickadee, American robin, common bushtit, California quail, Anna's hummingbird, acorn woodpecker, northern mockingbird, spotted towhee, dark-eyed junco, Pacific-slope flycatcher, northern flicker, California towhee, ash-throated flycatcher, Cassin's vireo, oak titmouse, Steller's jay, western scrub-jay, turkey vulture, western tanager, steelhead, western gray squirrel, black-tailed deer, California giant salamander, and Sierran treefrog. See Special-status

Species below for further discussion about sensitive fish and wildlife resources within the Preserve.

7 Sensitive Habitats and Special-status Species

7.1 Background Research

A background literature and database search was conducted to determine the potential occurrence of special-status species within the Preserve. The search focused on reported occurrences for the Cloverdale 7.5' USGS quadrangle where the Preserve is located and surrounding quads, and those species identified as having a high likelihood of occurrence in the background reports. General references were also consulted to evaluate the potential for unique biological communities and special-status species. The review included, but was not limited to, the following sources:

- California Department of Fish and Wildlife Natural Diversity Database (CNDDDB)⁴ (CDFW 2015);
- A Manual of California Vegetation; 2nd Edition (Sawyer et al. 2009);
- California Department of Fish and Wildlife Natural Communities List (CDFW 2010);
- CNPS Inventory of Rare and Endangered Vascular Plants of California on-line inventory (CNPS 2015);
- Natural Resources Conservation Service Web Soil Survey (NRCS 2015);
- Sacramento U.S. Fish and Wildlife Service (USFWS) Office Species Lists for the Cloverdale Quadrangle (USFWS 2015); and
- Field guides and general references for plants, birds, mammals, reptiles, amphibians, fish, and invertebrates.

7.2 Definition of Special-status Species

In California, special-status plants and animals include those species that are afforded legal protection under the federal and California Endangered Species Acts (ESA and CESA, respectively) and other regulations. Consideration of these species must be included during project evaluation in order to comply with CEQA, in consultation with state and federal resources agencies, and in the development of specific management guidelines for resource protection. Special-status species are defined as the following:

⁴ The California Natural Diversity Data Base (CNDDDB) is a repository of information on sightings and collections of rare, threatened, or endangered plant and animal species within California. It is maintained by CDFW. CNDDDB reports occurrences of special-status species that have been entered into the database and does not generally include inventories of more common animals or plants. The absence of a species from the database does not necessarily mean that they do not occur in the area, only that no sightings have been reported. In addition, sightings are subject to observer judgment and may not be entirely reliable as a result.

- Species listed or proposed for listing as threatened or endangered under the federal ESA;
- Species listed or proposed for listing as threatened or endangered under CESA;
- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as U.S. Fish and Wildlife Service, NOAA's National Marine Fisheries Service, and California Department of Fish and Wildlife;
- Species defined by California Department of Fish and Wildlife as California Species of Special Concern;
- Species classified as Fully Protected by California Department of Fish and Wildlife;
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.);
- Plant species listed by the California Native Plant Society as List 1 and 2 and some List 3 plants under CEQA (CEQA Guidelines Section 15380); some list 4 plants based on CNPS guidelines; and
- Species that otherwise meet the definition of rare, threatened, or endangered pursuant to Section 15380 of the CEQA Guidelines.

7.3 Special-status Plants and Animals

The background literature review identified the potential presence of a number of special-status plants and animals within the project area's region (Figure 3; see CDFW lists for listing status and scientific names). Based on the suitability of habitat within the Preserve and surrounding areas and proximity of recorded sightings, these species were evaluated for potential occurrence within the project site. The following species have reported occurrences within the Cloverdale area with the potential for occurrence on the Preserve:

Animals:

- Pallid bat (CDFW Species of Special Concern) – a year-round resident of Sonoma County, utilizes forest and woodland habitats, roosts in trees, forages over a variety of habitats. Pallid bats are reported approximately two miles from the Preserve. Suitable habitat for pallid bats and other bat species is present in the Preserve; bats may roost in trees and forage over the area. Precautionary measures should be in place to avoid impacts.
- Townsend's big-eared bat (CDFW Species of Special Concern and candidate for threatened listing under CESA) – occurs in low to mid-elevation mesic habitats including riparian, mixed forest, coniferous forest, prairies, and agricultural lands. These bats use edge habitat for foraging. Townsend's big-eared bats are reported approximately 0.3 mile from the Preserve boundary to the east.

- Suitable habitat is present in the Preserve; bats may roost in trees and forage over the area. Precautionary measures should be in place to avoid impacts.
- Western red bat (CDFW Species of Special Concern) – occurs in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. They are also found in riparian habitats dominated by willows, sycamore, and cottonwood. Western red bats are reported approximately two miles from the Preserve boundary. Suitable habitat is present at the Preserve; bats may roost in trees and forage over the area. Precautionary measures should be in place to avoid impacts.
 - Northern spotted owl (federally listed as threatened, CDFW Species of Special Concern, and candidate for threatened listing under CESA) – a year-round resident of Sonoma County, occupies dense forest and woodland habitats. Spotted owl territories are documented approximately six miles west of the Preserve in the Lake Sonoma watershed. No breeding territories have been documented in the area; however, owls may forage on the Preserve and breeding may occur nearby. Precautionary measures should be in place to avoid impacts.
 - Pacific pond turtle (CDFW Species of Special Concern and under review for ESA protection) – a year-round resident of Sonoma County, occupies permanent or semi-permanent water sources. Turtles use uplands for overland migration and nesting sites. Pond turtles are known to occur within approximately two miles of the Preserve in the Russian River. Pond turtles may utilize stream channels on the Preserve and uplands for nesting. Precautionary measures should be in place to avoid impacts.
 - Foothill yellow-legged frog (CDFW Species of Special Concern) – occurs year-round in perennial streams, never found far from water. Foothill yellow-legged frogs are known to occur less than 0.75 miles from the Preserve in the Skunk Creek watershed, a tributary to Lake Sonoma, and 3.5 miles southeast of the Preserve in the Crocker Creek watershed, a tributary to the Russian River. Suitable habitat for foothill yellow-legged frogs occurs on the Preserve. Precautionary measures should be in place to avoid impacts.
 - Steelhead, central California coast DPS (federally listed as threatened) – occur year-round in select Sonoma County streams. Steelhead spawn in freshwater and rear in the ocean, except resident trout, which can be found year-round in perennial systems. Steelhead have been documented in the Porterfield Creek watershed (CDFW 2006) and were documented during the field survey at two locations on/adjacent to the Preserve (see Figure 2). Precautionary measures should be in place to avoid impacts.
 - Obscure bumble bee (not formally listed) – a bumble bee species that occurs from Washington to Southern California. It has been documented feeding on 19 families of plants. Active from early March to late April. Only new queens survive

through winter. Species may occur on the Preserve. Since not formally listed, no protection measures proposed.

Plants:

No special-status plants were documented during the survey of the Preserve. However, the survey occurred outside of the blooming period for many plants. There is potential for rare species to occur where new trail alignments are proposed, especially within serpentine grassland. Improvement areas should be surveyed in spring to determine whether any special-status species are present, and to more fully characterize the native plant diversity present. No impacts are currently proposed for the serpentine chaparral in the southern part of the Preserve, but that area also has potential to support rare species and should be surveyed prior to any disturbance and to inform long-term management. The following species have reported occurrences within the Cloverdale area with the potential for occurrence on the Preserve:

- Franciscan onion (*Allium peninsulare* var. *franciscum*; CNPS Rare Plant Rank 1B.2) – perennial bulbiferous herb, occurs in woodland, grassland (clay, volcanic, often serpentinite). Blooms May to June. Documented occurrence five miles to the north. Potential habitat present on the Preserve, including in serpentine grassland through which trail construction and decommissioning are planned. Spring survey recommended.
- Cedars manzanita (*Arctostaphylos bakeri* ssp. *sublaevis*; State Rare, CNPS Rare Plant Rank 1B.1) – evergreen shrub, found along serpentine seeps in chaparral, closed-cone coniferous forest. Blooms April to May. Cedars manzanita is known only from The Cedars, a serpentine canyon system in northwestern Sonoma County, located approximately 12 miles southwest of the site. Species not observed, and no suitable habitat present in area surveyed. Impacts are unlikely.
- Konocti manzanita (*Arctostaphylos manzanita* ssp. *elegans*; CNPS Rare Plant Rank 1B.3) – evergreen shrub, found on volcanic soils in chaparral, woodland, and lower coniferous forest. Blooms January to July. No recorded occurrences within Preserve vicinity, and species not observed. Impacts are unlikely.
- Rincon Ridge ceanothus (*Ceanothus confuses*; CNPS Rare Plant Rank 1B.1) – evergreen shrub, occurs in chaparral and woodland on volcanic or serpentine substrates. Blooms February to June. Documented occurrence within one mile to the west. Species not observed during survey, but suitable habitat likely to be present in southern, chaparral-dominated portion of the Preserve. If any disturbance is proposed in that area, spring survey recommended.
- Serpentine cryptantha (*Cryptantha dissita*; CNPS Rare Plant Rank 1B.2) – annual herb, occurs in serpentine chaparral. Blooms April to June. Documented occurrences five miles to the north. Suitable habitat likely to be present in southern, chaparral-dominated portion of the Preserve. If any disturbance is proposed in that area, spring survey recommended.

- Congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*; CNPS Rare Plant Rank 1B.2) – annual herb found in grasslands, sometimes in fallow fields and roadsides. Blooms April to November. Documented occurrence within five miles to the southwest. Suitable habitat present, but species not observed. Impacts are unlikely.
- Colusa layia (*Layia septentrionalis*; CNPS Rare Plant Rank 1B.2) – Annual herb, occurs in sandy or serpentine soil in chaparral, woodland, and grassland. Blooms April to May. Documented historic occurrence within three miles to the northeast. Suitable habitat present in serpentine grassland and chaparral, including areas of proposed blue trail alignment. Spring survey recommended.
- Cobb mountain lupine (*Lupinus sericatus*; CNPS Rare Plant Rank 1B.2) – Perennial herb. Blooms March to June. In stands of knobcone pine-oak woodland, on open wooded slopes in gravelly soils; sometimes on serpentine. Documented occurrence six miles to west. Only marginally suitable habitat present. Impacts are unlikely.
- Hoffman’s bristly jewel-flower (*Streptanthus glandulosus* ssp. *hoffmanii*; CNPS Rare Plant Rank 1B.3) – Annual herb. Rocky woodland, chaparral, and grassland; often serpentine, typically on moist, steep rocky banks. Blooms March to July. Documented historic occurrence seven miles to north. No suitable habitat present in areas surveyed, but may exist in southern, chaparral-dominated portion of the Preserve. If any disturbance is proposed in that area, spring survey recommended.

7.4 Protected Bird Species

Nesting native bird species are protected under both federal and state regulations. Under the federal Migratory Bird Treaty Act (MBTA), it is unlawful to take, kill, and/or possess migratory birds at any time or in any manner, unless the appropriate permits are obtained. Protections extend to active nests, eggs, and young birds still in the nest. Birds and their nests are also protected under the California Fish and Wildlife Code (§3503 and §3503.5).

Most bird species, with a few specific exceptions, are protected under the MBTA and California Fish and Game Code. Vegetation removal and/or construction activities in areas with suitable nesting habitat during the breeding period, typically mid-March to mid-August in this region (RHJV 2004), could result in nest abandonment or loss of native nesting birds unless appropriate actions are taken (e.g., preconstruction surveys, avoidance, monitoring).

7.5 Sensitive Aquatic Communities

Sensitive aquatic communities include wetlands and other waters of the U.S. and the State of California. Wetlands and other waters include a variety of both permanent and ephemeral aquatic ecosystems. Regulations and policies that protect aquatic habitats

have been enacted by a number of government agencies. Wetlands and other waters fall under the jurisdiction of federal and State agencies, including the U.S. Army Corps of Engineers, local Regional Water Quality Control Board, and California Department of Fish and Wildlife. Work within streams and wetlands typically require consultation with State, federal, and potentially local agencies.

Wetland and riparian habitats are protected under the Sonoma County General Plan. Minimum setback requirements may apply for both wetland and streams in accordance with Riparian Corridor and Biological Resource Combining Zones. According to the City of Cloverdale Zoning Code Chapter 18.08 Special Zoning Districts, the setback along the South Branch Porterfield Creek is 60 feet from the flowline.

8 Conclusions and Recommendations

The proposed improvements at the Clover Springs Open Space Preserve include the development of a new trail system that would create loops within the Preserve, improvements to an existing creek side trail to provide year-round access, restoration and decommissioning of existing trails that are steep and severely eroding, and the addition of a dedicated parking area and amenities at the Preserve entrance. Based on the background literature and data search and field survey, the following biological resource impact determinations were made:

- The proposed trail development would entail impacts to sensitive habitats including perennial, steelhead-bearing South Branch Porterfield Creek; riparian forest; serpentine grassland; and Oregon oak woodland. The serpentine grassland in particular has potential to support special-status plant species.
- The proposed new trail development would entail impacts to additional native habitats including mixed oak forest and Douglas-fir forest.
- Parking development and amenities will be constructed near mature valley oak oaks.
- The proposed bridges would encroach on the 60-foot Sonoma County streamside area setback with construction activities occurring up to the top of bank along South Branch Porterfield Creek.
- Construction of the bridges could result in riparian tree removal and disturbance to understory vegetation.
- Numerous social trails mapped on Figure 2 and additional unmapped trails (observed in the field) have been constructed through sensitive and other native habitats on the Preserve, and this practice appears to be supported by neighbors and ongoing.
- With numerous existing formal and unauthorized trails, and additional trails proposed, this relatively small Preserve is crossed by a high density of trails. These fragment native habitat. Decommissioning of unauthorized trails, and preventing their development in the future, will benefit native habitats. The

guidance of a qualified restoration specialist is recommended for work in sensitive habitats.

- The Preserve supports high-quality native habitats; these are currently relatively uninfested with invasive plant species and shall be protected from disturbance and infestation.
- The Preserve supports habitat for a variety of native wildlife species (e.g., birds, reptiles, amphibians, mammals, invertebrates). South Branch Porterfield Creek and its associated riparian vegetation are particularly important resources for animals within the Preserve and beyond. The Preserve supports:
 - potential roosting and foraging habitat for special-status pallid bat, Townsend’s big-eared bat, western red bat, and common bat species.
 - potential habitat for special-status northern spotted owl, but no documented territories have been reported nearby.
 - breeding habitat for birds protected under the Migratory Bird Treaty Act and California Fish and Game Code.
 - potential habitat for special-status Pacific pond turtle.
 - potential habitat for special-status foothill yellow-legged frog.
 - habitat for special-status steelhead.

Potential impacts of the proposed activities are identified below. As applicable, protection measures are proposed to minimize or avoid significant impacts and reduce impacts to less than significant levels.

- 1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Less than significance impact with mitigation incorporated.

Special-status Plant Species

Based on the evaluation of existing habitats, the likelihood of occurrence of special-status plants along the proposed trail routes is high, since construction would occur within sensitive native perennial grasslands, serpentine grasslands, and Oregon oak woodlands. According to the background literature review, there are nine special-status plant species with reported occurrences in the project region. However, based on the suitability of habitat within the area of proposed improvements, four of these species were ruled out from further analysis. The assessment occurred outside of the reported blooming period for special-status plants and spring surveys are recommended for the following: franciscan onion, Rincon Ridge ceanothus, serpentine cryptantha, Colusa layia, and Hoffman’s bristly jewel-flower. Mitigation Measure (MM) BIO-1 would reduce

impacts on special-status plants by requiring preconstruction surveys in the disturbance areas and the protection or relocation of the plants.

Special-status Animal Species

Based on the evaluation of existing habitats, special-status animal species were identified as having a high likelihood of occurrence on the Preserve. One special-status fish, steelhead, was documented on the Preserve and suitable habitat for six additional species was identified. MM BIO-2 through MM BIO-7 would reduce impacts on special-status animals by requiring preconstruction surveys, species relocations, construction crew trainings, and wildlife exclusion.

Bats. Three special-status bat species bats (pallid bat, Townsend's big-eared bat, western red bat) have moderate potential to occur within the Preserve, and additional bat species may utilize the area for foraging and roosting, as well.

Pallid bats occur year-round in Sonoma County and utilize forest and woodland habitats, roost in trees, and forage over a variety of habitats. Townsend's big-eared bats occur in low to mid-elevation mesic habitats including riparian, mixed forest, coniferous forest, prairies, and agricultural lands. These bats use edge habitat for foraging. Western red bats occur in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. They are also found in riparian habitats dominated by willows, sycamore, and cottonwood.

Trail construction and other construction activities would not be likely to disrupt the foraging behavior of bats as they are mostly nocturnal, and work will be restricted to daylight hours. A small number of trees may need to be removed to accommodate construction of the project and trees may be trimmed along the trails and within the riparian corridor. Tree removal and trimming could impact bats, and the impact could be significant. MM BIO-2 would reduce impacts to bats by identifying trees occupied by bats and postponing tree removal or trimming until trees are no longer occupied.

Breeding Birds. The native habitats on the Preserve provide nesting opportunities, food, and shelter for breeding birds. Project construction activities could result in direct impacts on breeding birds and their offspring through nest destruction and mortality from vegetation removal or trimming without protection measures in place. Indirect impacts can occur as a result of increased human presence and noise during construction. Construction activities that occur during the nesting season could disturb nesting sites for birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code (§3503 and §3503.5). This is a potentially significant impact. MM BIO-3 would reduce impacts to nesting birds by avoiding construction activities during the nesting season and by restricting work near active nests if construction must occur when nesting birds are nearby.

Reptiles and Amphibians. Trail construction and bridge installation may result in direct impacts on special-status reptiles and amphibians. One special-status reptile, northern western pond turtle, and one special-status amphibian, foothill yellow-legged frog, may utilize aquatic and upland habitats on the Preserve.

Northern western pond turtle are known to occur in the Russian River watershed and suitable habitat is present on the Preserve. Pond turtles are a year-round resident of Sonoma County. They occupy permanent or semi-permanent water sources and use uplands for overland migration and nesting sites. Foothill yellow-legged frogs are year-round residents in perennial streams, have been sighted in the Russian River watershed, and suitable habitat is present in South Branch Porterfield Creek.

If the species are present in the construction area or move into the construction area for the trail or the bridge construction, they may be directly impacted, and the impact could be significant. MM BIO-4 would reduce impacts on special-status reptiles and amphibians by conducting preconstruction surveys to determine presence and through placement of exclusionary fencing to keep turtles and frogs from entering the work area.

Common Wildlife Species. Construction activities would modify or destroy habitat, potentially resulting in disturbance, displacement, or mortality of common terrestrial wildlife species (e.g., reptiles, amphibians, and mammals). Mobile wildlife species would be displaced as part of the initial construction activities, but these species would likely colonize adjacent habitats. Direct mortality could result to less-mobile species, and the impact could be adverse, but would be less than significant. MM BIO-5 would protect wildlife by conducting preconstruction surveys to determine presence and through placement of exclusionary fencing to keep wildlife from entering the work area.

Fish and Aquatic Species. The Porterfield Creek watershed supports steelhead, and steelhead were documented on the Preserve. Steelhead occur year-round in select Sonoma County streams. They spawn in freshwater and rear in the ocean, except resident trout, which can be found year-round in perennial systems.

Bridge installation may directly impact the bed and bank of South Branch Porterfield Creek and its tributaries and may result in water quality impacts from sedimentation due to construction and impacts to fish and other aquatic species. Construction may adversely impact special-status fish, and the impact could be significant. MM BIO-6 and MM BIO-7 would reduce impacts on aquatic resources through the use of erosion control measures to maintain water quality and through the implementation of the proper procedures to relocate fish and aquatic species if creek diversions are needed during construction.

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than significant with mitigation incorporated. Sensitive native riparian woodlands, perennial grasslands, serpentine grasslands, and Oregon oak woodlands are present within the improvement areas and construction activities could result in the loss of these natural communities. As noted above, some of these communities could also support special-status plants.

Construction of new trails, bridge crossings, and infrastructure may also result in native tree and understory plant removal, impacts to tree root zones, including those of mature valley oaks near the Preserve entrance, trees along the trail corridor, and riparian trees at bridge crossings. Native trees are particularly susceptible to disturbance, especially within the root crown and root zone, commonly referred to as the Root Protection Zone (RPZ), which is defined as 1.5 times the dripline radius measured from the tree trunk. The RPZ also extends approximately three feet below the soil surface. Construction activities within the RPZ, including soil compaction or cutting of roots, could adversely affect mature native trees.

Any ground disturbance, including parking and trail development, can also facilitate the spread or establishment of invasive species. Invasive species establish readily in disturbed soil. Weed seed can be transported onto the Preserve via construction or mowing equipment. Plants, seeds, straw, and mulch purchased for restoration efforts can contain seeds of noxious non-native species.

Construction may adversely impact native communities and vegetation and facilitate the spread of invasive plant species, and the impact could be significant. MM BIO-8 through MM BIO-11 would reduce impacts through the implementation of habitat protection measures.

3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than significant impact with mitigation incorporated. Two potential jurisdictional wetland areas were identified near existing trails on the Preserve (Figure 2). A seep wetland is present near one existing trail. A second wetland was identified near the maintenance road. No additional infrastructure or trail development is proposed near

the existing wetlands; however, trail decommissioning may occur near or within the seep wetland. Trail decommissioning could result in disturbance to the wetland.

South Branch Porterfield Creek and its tributaries are perennial channels that support riparian vegetation and have clear beds and banks. Construction of the bridges could result in temporary disturbance to the channels and permanent fill to waters of the U.S./State, and the impact could be significant. MM BIO-12 and MM BIO-13 would restore and protect existing wetland habitat and protect Porterfield Creek.

4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

Less than significant impact with mitigation incorporated. Steelhead and other native fish and wildlife use South Branch Porterfield Creek. Construction of the new bridge crossings could adversely impact fish migration if bridge footings are placed in the channel or if construction activities occur in the channel. Temporary movement would be restricted during construction; see MM BIO-6. Permanent impacts could be significant. MM BIO-13 would reduce impacts by minimizing the installation of instream supports and removal of debris that may reduce passage.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

A portion of the Preserve is located within the limits of the City of Cloverdale, and the City has several policies to address protection of trees and riparian corridors and natural vegetation and wildlife communities. The City of Cloverdale, General Plan includes policies to protect riparian corridors while balancing the needs for various land uses, and the Zoning Code provides implementation of the riparian protection policies (City of Cloverdale 2010).

The project would not conflict with the City's goals to conserve natural wildlife, fisheries, trees, and sensitive areas with implementation of the mitigation measures listed below. Tree removal would be kept to a minimum. Sensitive areas would be avoided and protected, or restored where impacts are unavoidable. The proposed mitigation measures would ensure the protection of the City's and Sonoma County resources.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. At this time, there are no current or proposed Habitat Conservation Plans that would conflict with the proposed activities. Therefore, impacts associated with an adopted habitat conservation plan would not occur.

7. Mitigation Measures

MM BIO-1

To avoid impacts on special-status plants, the City of Cloverdale shall implement the following measures:

1. Native grasslands, especially serpentine grassland, may support special-status species and shall be surveyed in spring 2016 to determine whether any of those species are present, and to develop a more complete understanding of the community composition.
2. If present, a detailed mitigation plan shall be prepared by a restoration specialist familiar with serpentine habitats and plants. This plan shall describe methods for avoidance and/or plant salvage, local seed collection, revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met.

MM BIO-2

To avoid impacts on special-status and common bats during construction, the City of Cloverdale shall implement the following measures:

1. Prior to tree removal or trimming, a qualified biologist shall survey for bat roosts. If occupied roosting habitat is identified, removal/trimming of roost trees shall not be allowed until the roost is abandoned or unoccupied. CDFW shall be consulted during the permit process to identify any additional protection measures.
2. If tree removal or trimming is postponed or interrupted for more than two weeks from the date of the initial bat survey, the biologist shall repeat the preconstruction survey.
3. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.
4. Before any construction begins, a qualified biologist shall conduct a training session for all construction crew personnel. The training shall include a discussion of the sensitive biological resources within the Preserve and the potential presence of special-status species. This shall include a discussion of special-status species' habitats, protection measures to ensure species are not impacted by project activities, project boundaries, and biological conditions outlined in the project permits.

MM BIO-3

To avoid potential loss of nesting native birds, the City of Cloverdale shall implement the following measures:

1. Construction activities shall occur outside of the critical breeding period (mid-March through mid-August) for protected nesting birds to the extent feasible.
2. If activities must occur during the normal breeding season, work areas shall be surveyed by a qualified biologist to identify nesting birds. The preconstruction surveys shall be conducted within one week prior to initiation of vegetation removal or trimming and other construction activities. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
3. If active owl or raptor nests are identified within 200 feet of the construction area or if an active songbird nest is identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species), the level of noise or construction disturbance, and the line of sight between the nest and the disturbance.
4. If a qualified biologist determines that construction activities would likely disrupt nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas plus a designated buffer area based on the nest location, species, and proximity to active construction. Construction activities in the no-disturbance buffers shall be avoided until the nests have been vacated.
5. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. Ongoing construction monitoring shall occur to ensure no nesting activity is disturbed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and USFWS shall occur.

MM BIO-4

To avoid impacts on special-status reptiles and amphibians during construction, the City of Cloverdale shall implement the following measures:

1. A preconstruction survey for northern western pond turtle shall occur prior to beginning work within riparian areas and adjacent uplands, and work shall only occur in areas that have been surveyed. This would include a focused survey for adult turtles and nest site searches. Any adults found within the work area shall be relocated to suitable off-site habitat. Nest sites discovered during the preconstruction survey or anytime during construction shall be avoided until vacated, as determined by a qualified biologist, or CDFW shall be consulted to determine if relocation is suitable. Ongoing monitoring during construction shall

- occur to ensure turtles have not moved back into the area, and they are not being impacted by activities.
2. A preconstruction survey for foothill yellow-legged frog shall occur prior to beginning work, and work shall only occur in areas that have been surveyed by a qualified biologist. Frogs surveys would be restricted to the stream channels. If found, frogs shall be relocated outside of the work area and temporary exclusionary fencing shall be installed (see below). Ongoing monitoring during construction shall occur to ensure frogs have not moved back into the area, and they are not being impacted by activities.
 3. Temporary wildlife exclusionary fencing (e.g., silt fence, which is a piece of synthetic filter fabric [also called geotextile]) shall be installed around work areas during installation of the bridges. Openings shall be restricted to areas of construction site access. This fencing would preclude animals from entering the work area and prevent construction debris and workers from entering adjacent riparian and aquatic habitats.
 4. See MM BIO-2 regarding preconstruction training.

MM BIO-5

To avoid impacts on common wildlife species during construction, the City of Cloverdale shall implement the following measures:

1. A preconstruction survey (on the day preceding work and/or ahead of the construction crew) shall be performed prior to site disturbance with mechanical equipment. If terrestrial species are observed within the work area or immediate surroundings, these areas shall be avoided until the animal(s) has (have) vacated the area and/or the animal(s) will be relocated out of the project area by a qualified biologist.
2. Work areas shall be surveyed periodically during construction to ensure that no terrestrial species are being impacted by construction activities.
3. See MM BIO-4 regarding wildlife exclusion fencing.

MM BIO-6

To avoid impacts on fish and aquatic species in Porterfield Creek during construction, the City of Cloverdale shall implement the following measures:

1. If water is present during construction, fish and other vertebrate aquatic species shall be relocated up- and/or downstream prior to construction, species shall be excluded from the work area, and the stream shall be dewatered. Fish relocation methods shall include exclusion of the aquatic species from the work area and installation of coffer dams and fish barriers. Fish and other aquatic species shall be encouraged to move down from the upstream end of the site with the aid of weighted seines operated by a qualified biologist. Once they have been guided to the downstream end of the work area, barrier seines shall be placed across

the creek at both the upstream and downstream ends to prevent aquatic species from re-entering the work area.

2. Once the barrier seines are in place and aquatic species have been encouraged downstream, coffer dams or similar water diversion structures shall be constructed immediately downstream of the upstream barrier and immediately upstream of the downstream barrier. When the coffer dams are in place and the construction area is sealed off, the biologist shall make his/her best effort to relocate aquatic species remaining within the work area as the water surface elevation begins to drop. Aquatic species shall be relocated to suitable habitat up- and/or downstream of the work area. Release sites shall contain suitable cover and foraging habitat and natural barriers present that are likely to preclude species from traveling back upstream or downstream into the work area. A complete record of all fish and wildlife species observed during the observation and relocation process shall be kept and provided to CDFW, NOAA Fisheries Service, and other permitting agencies as required.
3. Electrofishing can be used as an alternative fish capture method in accordance with *Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act* (NOAA Fisheries Service 2000). If electrofishing is utilized, the qualified biologist overseeing the aquatic species relocation shall have the appropriate training and experience.
4. Throughout project construction, a qualified biologist shall make frequent visits to the work area to ensure that no fish or other aquatic species are being impacted by construction activities. If fish and other vertebrate aquatic species are observed in the work area after construction commences, work shall be stopped and appropriate actions taken.
5. A qualified biologist shall be consulted in the design and layout of the coffer dams and bypass piping, and diversion locations.
6. See MM BIO-2 regarding preconstruction training.

MM BIO-7

To protect water quality during construction, the City of Cloverdale shall implement the following measures:

1. Construction of the trail and installation of the bridges shall occur outside of the top of bank of South Branch Porterfield Creek to the extent feasible.
2. Best management practices for erosion control and water quality protection shall be followed to avoid sedimentation and disturbance to nearby aquatic habitats during construction activities.
3. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and manner that would prevent potential runoff of petroleum products into South Branch Porterfield Creek and adjacent aquatic habitats. Oil-absorbent and spill-containment materials shall be on site at all times.

MM BIO-8

To protect native grasslands and special-status plants, the City of Cloverdale shall implement the following measures:

1. Ground disturbing activities, including trail and parking development, shall avoid any disturbance to native grasslands, where feasible.
2. If avoidance is not feasible, a detailed mitigation plan shall be prepared by a restoration specialist familiar with serpentine habitats. This plan shall describe methods for plant salvage, local seed collection, decommissioning of existing unauthorized trails and revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met. Low fencing to guide trail users to stay on established, legal trails shall be installed to allow decommissioned trails to recover.
3. Preserve signage shall clearly indicate that informal trail building damages natural resources and sensitive habitats, and is strictly prohibited. Preserve shall be monitored over time to ensure that no additional informal trail building occurs. Neighbors shall be encouraged to abide by these rules.
4. Invasive species prevention BMPs shall be strictly followed to avoid introducing non-natives into the relatively pristine serpentine grassland (see MM BIO-11).

MM BIO-9

To protect Oregon oak woodlands, the City of Cloverdale shall implement the following measures:

1. No trees shall be removed within the Oregon oak habitat, to the extent feasible. If tree removal is unavoidable, mitigation plantings may be required by regulatory agencies.
2. Removal of understory native vegetation shall be minimized. Perennial herbs and shrubs shall be salvaged and replanted on site where feasible.
3. Existing trails that replicate similar routes shall be decommissioned to reduce impacts to Oregon oak woodland habitat. Methods may include blocking access with plantings of poison oak, installation of low fencing or signage noting that restoration is underway, decompaction of soils, revegetation under the guidance of a restoration specialist, and Preserve patrols (volunteer or professionally staffed).

MM BIO-10

To protect native trees, the City of Cloverdale shall implement the following measures:

1. Work shall be limited within the Root Protection Zone around native trees.
2. The outer extent of the RPZ shall be clearly delineated with exclusion fencing during construction to keep construction vehicles and construction activities away from tree roots.

3. If native trees greater than 6 inches at breast height are removed as part of the project, on-site mitigation plantings shall be installed. All removed vegetation shall be left on-site for wildlife habitat. Replanting sites shall be contiguous with existing woodlands and provide the greatest opportunities for wildlife movement and use. Replacement of lost trees shall be at a 3:1 ratio.
4. A detailed mitigation plan shall be prepared by a restoration specialist. A certified arborist shall guide tree trimming if needed during construction.

MM BIO-11

To limit the spread of invasive plant species and prevent new infestations during construction and long-term management of the Preserve, the City of Cloverdale shall implement the following measures:

1. Any seed, straw, or mulch brought onto the Preserve shall be certified weed-free or inspected by a revegetation specialist or ecologist before use to confirm weed seed is not present.
2. Construction vehicles and other equipment such as mowers shall be cleaned of seed and soil from other sites before entering the Preserve, and shall also be cleaned after use within non-native annual grassland and prior to entry into adjacent native habitats.
3. Revegetation of disturbed soil shall occur promptly after disturbance.
4. Only locally native plant species shall be used on the Preserve for any site restoration, erosion control, or landscaping efforts. Propagules shall be collected on-site or within the Porterfield Creek watershed. This is essential for the serpentine habitats on the Preserve. For other habitats, if on-site or local seed collection is not possible, propagules shall be from the Russian River watershed or selected by a qualified restoration specialist.

MM BIO-12

1. A detailed mitigation plan shall be prepared by a restoration specialist for any trail decommissioning adjacent to or within the seep wetland.
2. Use a bridge design that does not require installation of supports or any bridge elements below the top of the bank, if feasible.
3. If not feasible to construct the bridge without permanent elements in the channel, then the bridge shall be designed to minimize fill in the channel.
4. Any construction material, including tree limbs and soil, shall be removed from the channel immediately following construction.

MM BIO-13

The City of Cloverdale shall implement the following protection measures:

1. Use a bridge design that does not require installation of supports or any bridge elements in South Branch Porterfield Creek, if feasible.
2. If not feasible to construct the bridge without permanent elements in the channel, then the bridge shall be designed to minimize fill in the channel.

3. Any construction material, including tree limbs and soil, shall be removed from the channel immediately following construction.
4. Design new trails to avoid drainage into South Branch Porterfield Creek or wetlands.

8. Cumulative Impacts

At this time, there are no current or proposed projects of similar nature and within the project area's region that would result in significant cumulative impacts. Cumulative impacts would need to be addressed further if additional projects are identified by City staff.

9 References

California Department of Fish and Wildlife (formerly Game) (CDFW). 2006. Stream Inventory Report – Porterfield Creek. Report Revised April 14, 2006. Assessment Completed 2002.

California Department of Fish and Wildlife (CDFW). 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Sacramento, CA.

California Department of Fish and Wildlife (CDFW). 2010. Natural Communities List. Sacramento, CA. Accessed at:
http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_list.asp.

California Department of Fish and Wildlife (CDFW). 2015. California Natural Diversity Database, RareFind Version 5.0 and Spotted Owl Viewer. California Department of Fish and Game. Sacramento, CA.

California Native Plant Society (CNPS). 2015. Inventory of Rare and Endangered Plants (online edition, v7-08d). California Native Plant Society. Sacramento, CA. Accessed at: <http://www.cnps.org/inventory>.

City of Cloverdale. 2010. City of Cloverdale General Plan. Adopted by the City Council of the City of Cloverdale by Resolution 022-2009. Amended November 2010.

City of Cloverdale. 2011. City of Cloverdale Zoning Map. January 12.

Natural Resources Conservation Service (NRCS). 2015. Web Soil Survey. Accessed at: <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>.

NOAA's National Marine Fisheries Service (NOAA Fisheries Service). 2000. Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act, June 2000.

Riparian Habitat Joint Venture (RHJV). 2004. Version 2.0. The Riparian Bird Conservation Plan: A Strategy for Reversing the Decline of Riparian Associated Birds in California.

Sawyer, J., T. Keeler-Wolf, and J. Evens. 2009. A Manual of California Vegetation. Second Edition. California Native Plant Society and California Department of Fish and Game. Sacramento, CA.

Sonoma County Agricultural Commissioner (Agricultural Commissioner). 2014.

Guidelines for Preparing Biological Resource Studies or Assessment. March 19, 2014.

Sonoma County Permit and Resource Management Department (PRMD). 2008. Sonoma County General Plan 2020. Adopted by Resolution No. 08-0808 of the Sonoma County Board of Supervisors, September 23, 2008.

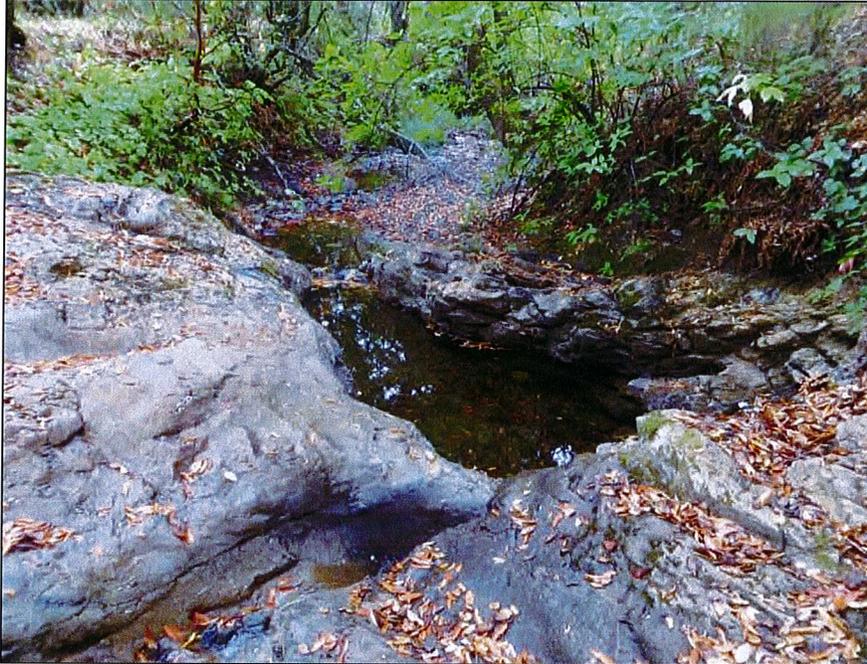
U.S. Fish and Wildlife Service (USFWS). 2015. On-line endangered species lists. Accessed at: <http://www.fws.gov/sacramento/>

10 Project Photographs

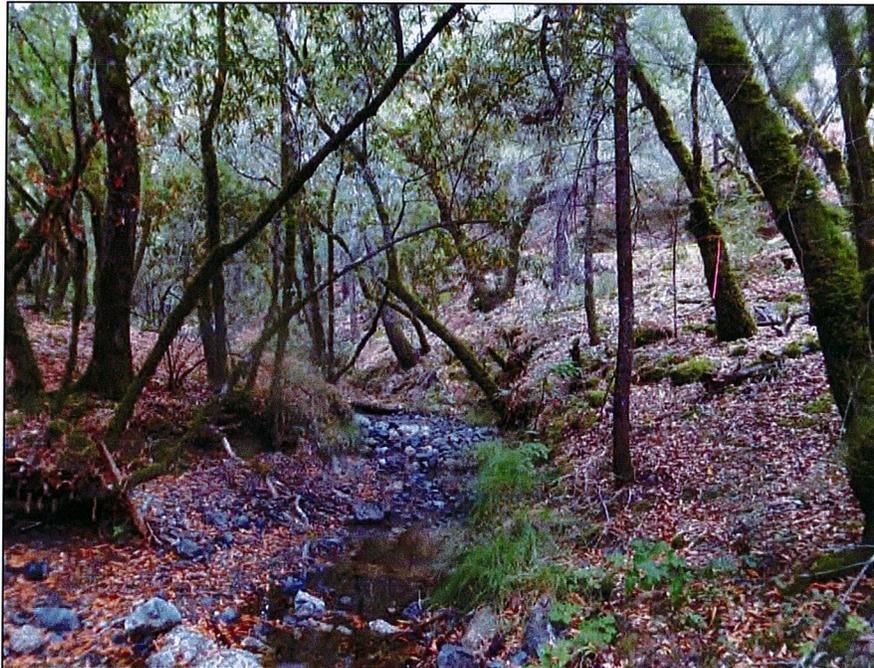


Above: Native grassland (mown) just north of Preserve entrance (end of Skyview Dr. visible in background). Below: Annual grassland and mixed oak woodland along paved maintenance road just west of Preserve entrance.





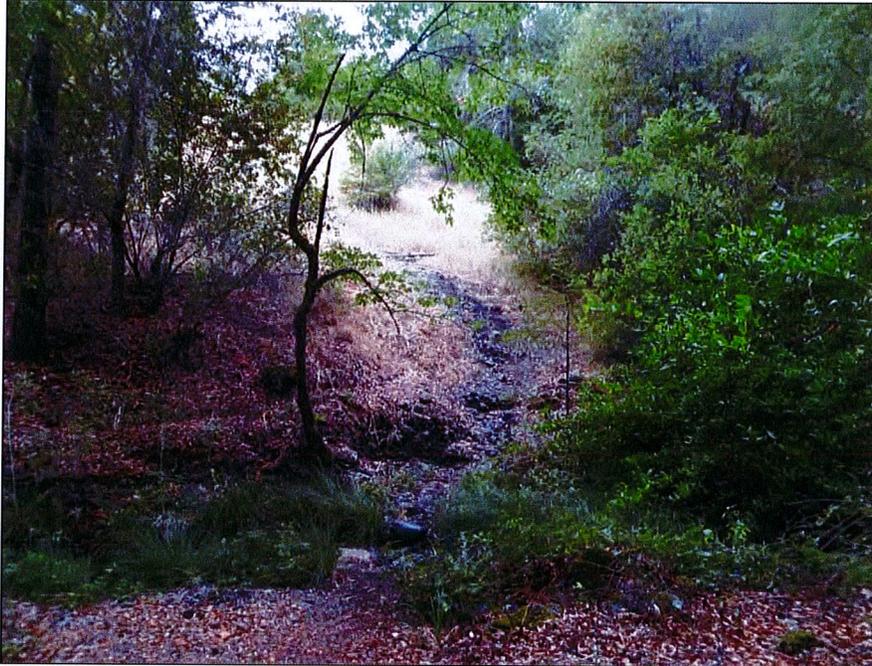
Above: South Branch Porterfield Creek, near Preserve entrance. Steelhead observed in this vicinity. Below: Riparian forest along creek, looking upstream from location of proposed pink alignment crossing.





Above: Undercut banks near the proposed pink alignment crossing. Steelhead observed in this location. Below: Riparian forest where proposed pink alignment trail begins heading uphill after creek crossing.



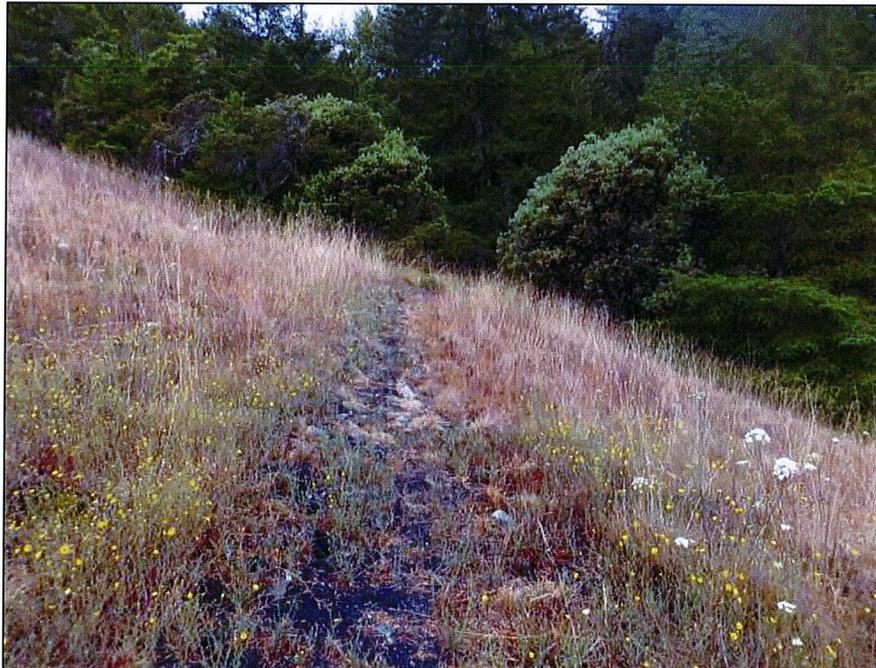


Above: Informal trail (to be decommissioned) leading from creek in foreground, upslope through serpentine grassland. Below: Serpentine grassland with informal trail.





Above: Closer view of serpentine grassland, with Idaho fescue and hayfield tarweed visible. Below: Trail crossing serpentine grassland from east to west, proposed to be incorporated into new blue alignment trail.





Above: Location of proposed upper creek crossing along blue alignment, looking south.

Below: Location of proposed blue alignment trail, south of creek.

Oregon oak woodland visible in background.





Above: Seep wetland near junction of existing trails above serpentine grassland. Western azalea (shrub at center), hedge nettle, (gray-green herb in front of azalea), and sedges (front left) visible.

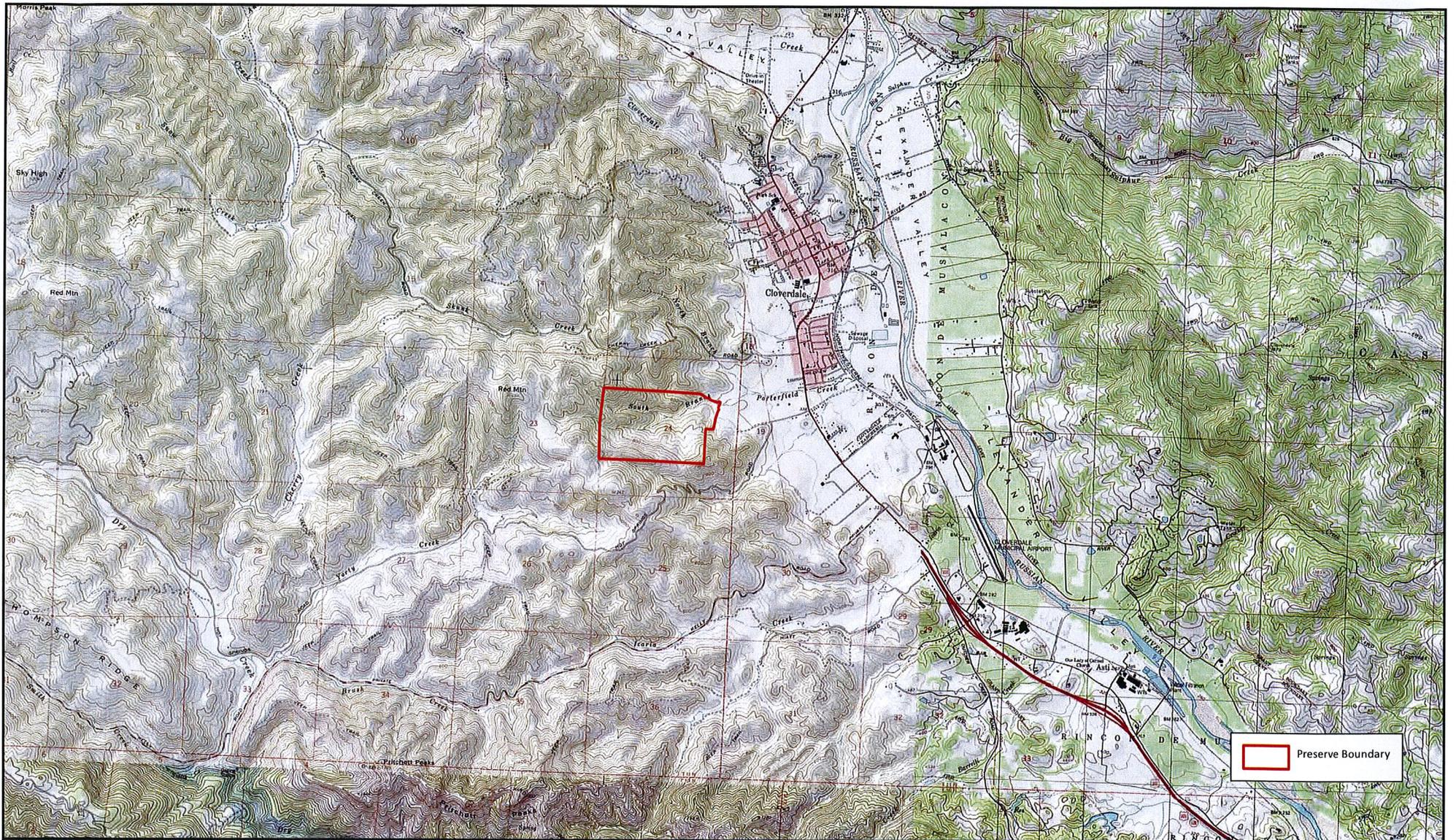


Figure 1. Preserve Location
Clover Springs Open Space Preserve
Biological Resources Assessment


PRUNUSKE CHATHAM, INC.
 Date Created: August 2015

Sources
 Aerial Imagery: ESRI
 Trails: RRM

0 0.25 0.5 1 Miles



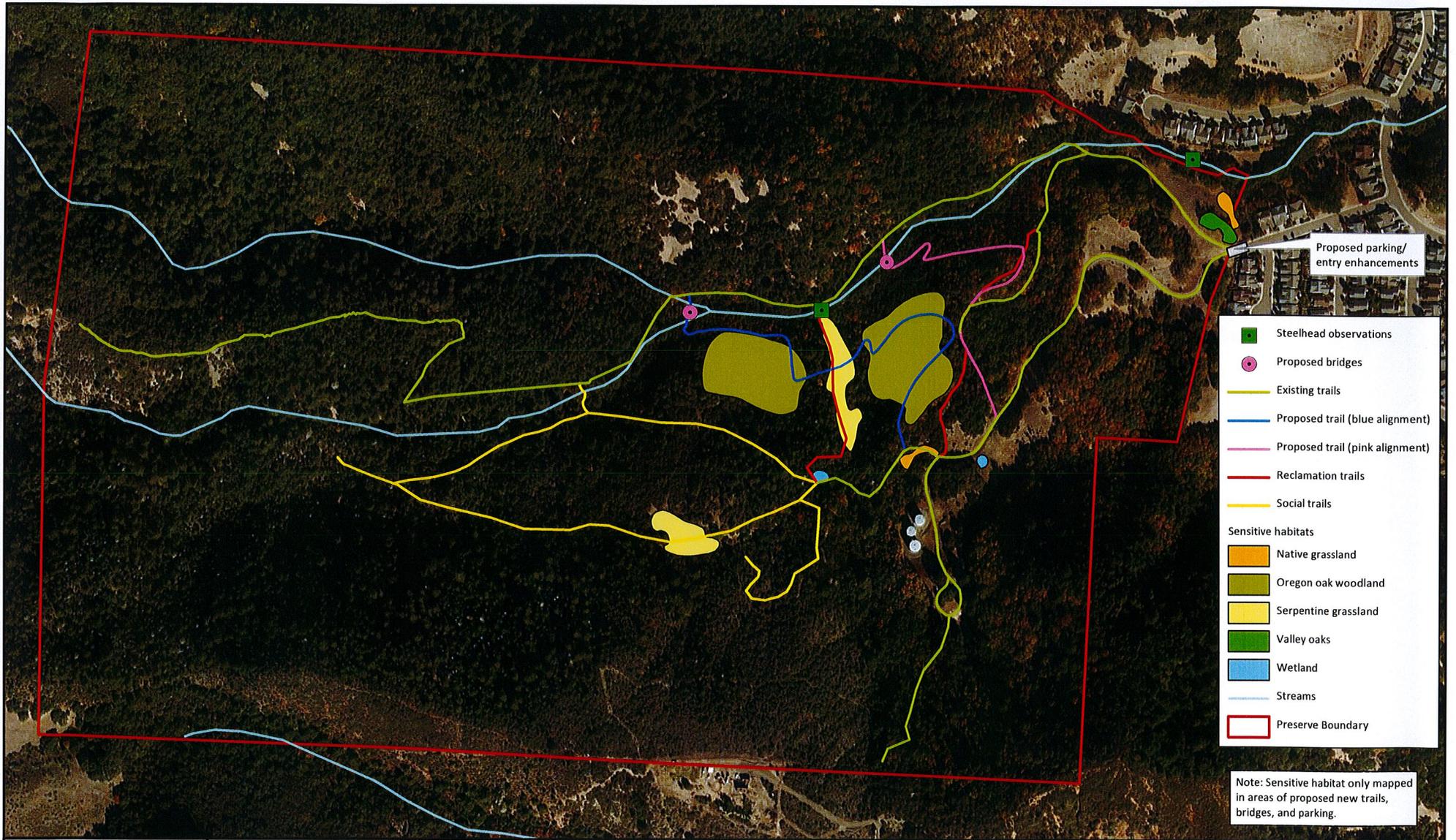
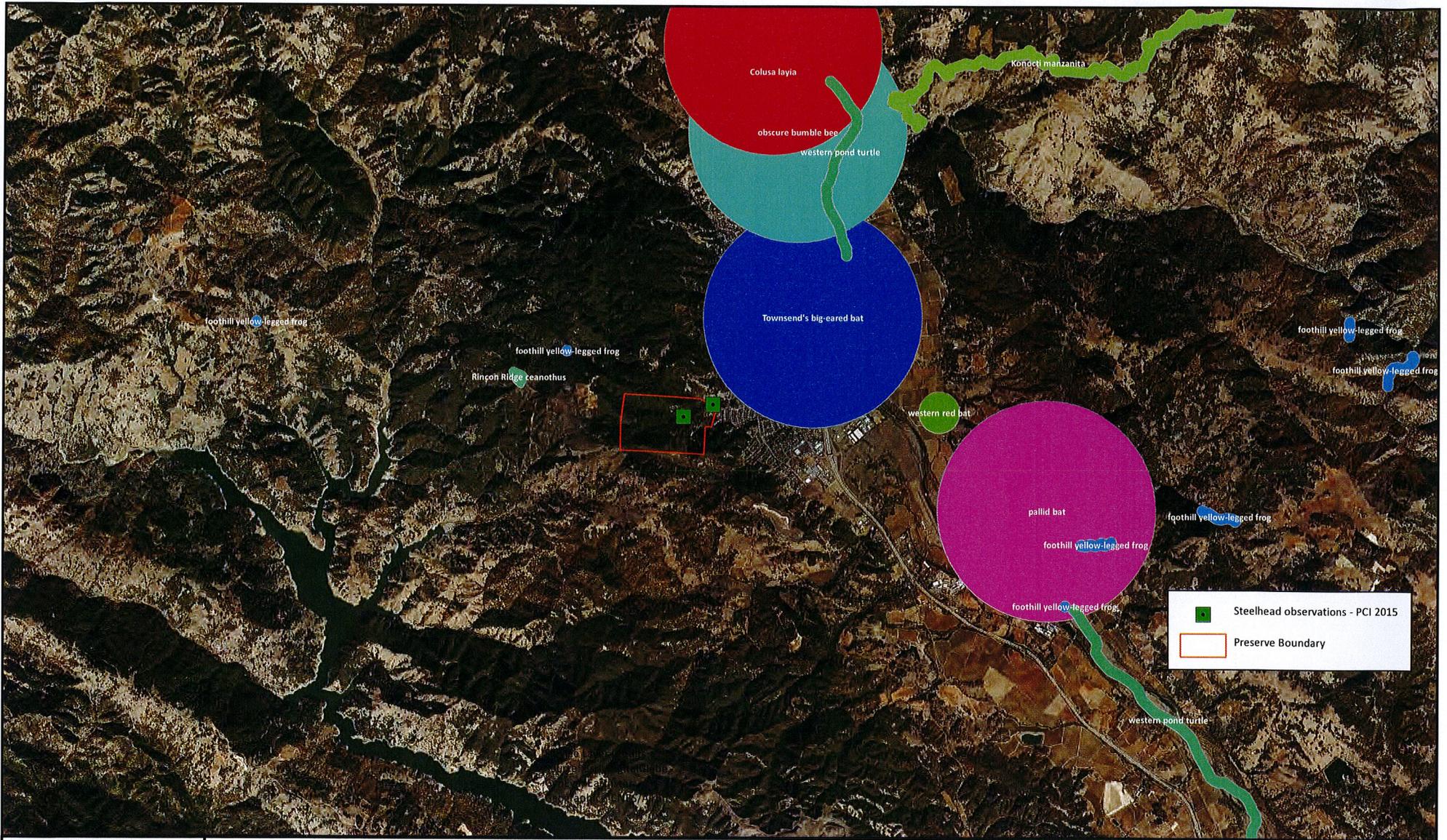


Figure 2. Proposed Public Access Improvements and Identified Sensitive Resources
Clover Springs Open Space Preserve
Biological Resources Assessment



Steelhead observations - PCI 2015
 Preserve Boundary

Figure 3. Reported Occurrences of Special-status Species in the Preserve Region
Clover Springs Open Space Preserve
Biological Resources Assessment



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad is (Cloverdale (3812371))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Colusa layia <i>Layia septentrionalis</i>	PDAST5N0F0	None	None	G2	S2	1B.2
foothill yellow-legged frog <i>Rana boylei</i>	AAABH01050	None	None	G3	S3	SSC
Franciscan onion <i>Allium peninsulare</i> var. <i>franciscanum</i>	PMLIL021R1	None	None	G5T1	S1	1B.2
Konocti manzanita <i>Arctostaphylos manzanita</i> ssp. <i>elegans</i>	PDERI04271	None	None	G5T3	S3	1B.3
obscure bumble bee <i>Bombus caliginosus</i>	IIHYM24380	None	None	G4?	S1S2	
Rincon Ridge ceanothus <i>Ceanothus confusus</i>	PDRHA04220	None	None	G1	S1	1B.1
serpentine cryptantha <i>Cryptantha dissita</i>	PDBOR0A0H2	None	None	G2	S2	1B.2
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
western pond turtle <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC

Record Count: 9

**Appendix B:
Cultural Resources**

Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION

915 Capitol Mall, RM 364
Sacramento, CA 95814
(916) 653-4082
(916) 657-5390 – Fax
nahc@pacbell.net

Information Below is Required for a Sacred Lands File Search

Date: June 3, 2015

Project: 3611.0014 Clover Springs

County: Sonoma County

USGS Quadrangle Name: Cloverdale

T/S/R: T11N R11W Sec 24

Company/Firm/Agency:
FirstCarbon Solutions/Michael Brandman Associates

Contact Person: Dana Depietro, Ph.D.

Street Address: 1350 Treat Blvd. Ste. 380, Walnut Creek, CA 94597

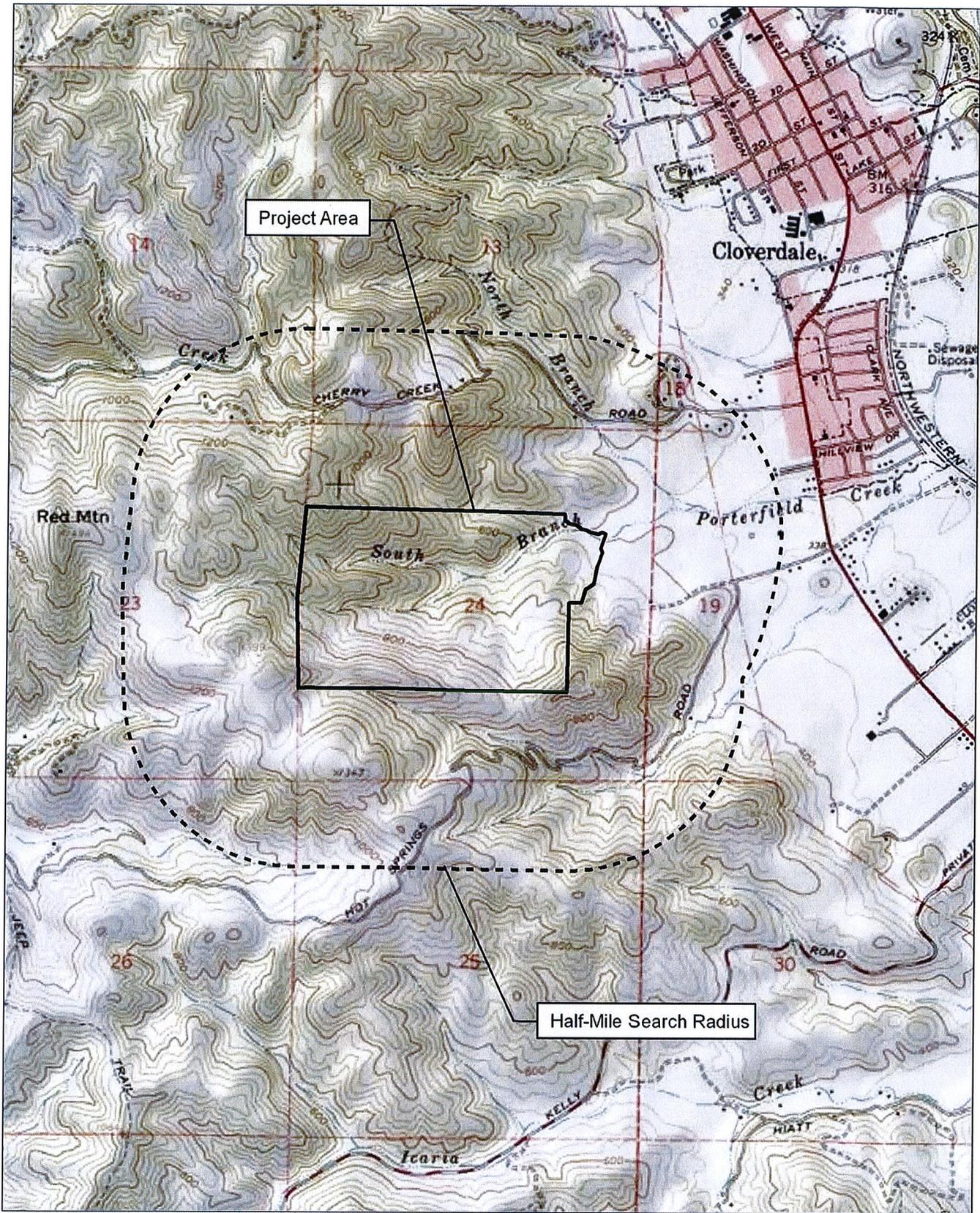
Cell 530.219.1432 Preferred number as I'm in the field so often!

Office Phone: 925.357.2562

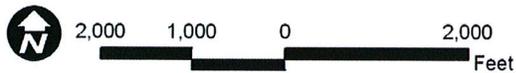
Fax: 925.357.2572 Please note this is our new FAX number

Email: ddepietro@fcs-intl.com

This proposed project in the city of Cloverdale, Solano county involves an archaeological survey of proposed trails in a recreational area east of the city. Reports will be compiled into an Initial Study. Please find a map detailing the project area enclosed. Thank you.



Source: TOPOI USGS Cloverdale, CA 7.5' DRG. T11N,R11W,sec24



Record Search Map



September 23, 2015

Vickey Macias, Tribal Treasurer
Cloverdale Rancheria of Pomo Indians
555 S. Cloverdale Blvd, Suite A
Cloverdale, CA 95425

Subject: Proposed Clover Springs Open Space Preserve Project, City of Cloverdale, Sonoma County

Dear Ms. Macias:

Pursuant to Public Resources Code Section 21080.3.1 and AB 52, The City of Cloverdale is notifying the Cloverdale Rancheria of Pomo Indians of a proposed project within the City of Cloverdale, CA. The proposed project intends to develop a new trail system and make improvements to an existing road to the Clover Spring Open Space Preserve. The 250 acre Clover Springs property consists of three main proposed elements for improvement and development: The construct a new trail system that would create loops within the property and eliminate existing dead ends, the improvement of the "Creek-side Trail" to allow for a year-round sustainable trail and the restoration and decommissioning of steep and severely eroded social trails that criss-cross the property. The proposed project area is depicted on the attached map.

The project area was surveyed on June 2, 2015. During the course of the survey, no prehistoric sites were found. Additionally, a records search at the Northwest Information Center indicated that a single prehistoric site lay within 0.5 miles of the project area, but it will remain unaffected by the proposed development.

Consultation

The City of Cloverdale is sending this letter to give you the opportunity to provide any additional knowledge you may have about the project area and to provide you with an opportunity for consultation about the proposed project. Public involvement is a key ingredient in successful consultation, we are soliciting your input as a vital part of the California Environmental Quality Act (CEQA) process. Should you wish to consult, please respond in writing no later than 30 days after receiving this letter as detailed in Public Resources Code Section 21080.3.1.

Please feel free to contact me at 707-894-1726 or via email at rmiranda@ci.cloverdale.ca.us if you have any questions or would like to discuss the project in more detail.

Sincerely,

Rafael Miranda
Associate Planner

X:\Community Development\Applications\2015\Letters\092315 Notice to Tribe RE Clover Springs Trail project.doc

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 022-2016**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
ADOPTING A MITIGATED NEGATIVE DECLARATION AND A
MITIGATION ONINTORIKNG ND REPORTING PROGRAM (MMRP)
FOR DESIGN AND CONSTRUCTION OF RECREATIONAL CREEKS,
BRIDGES AND RELATED RECREATIONAL FACILITIES ON
APPROXIMATELY 250 ACRES OF LAND LOCATED WITHIN THE
CLOVER SPRINGS OPEN SPACE PRESERVE GENERALLY LOCATED
AT THE TERMINUS OF SKYVIEW DRIVE IN SOUTHWESTERN
CLOVERDALE**

WHEREAS, the City of Cloverdale desires to improve the quality and accessibility of recreational access to a major open space area in the southwestern portion of the City, known as the Clover Springs Open Space Preserve; and

WHEREAS, the City has prepared a preliminary design for the construction of two new trails in the Clover Springs Open Preserve (the "project") that would link with other existing trails, as well as two pedestrian bridges over Porterfield Creek, removal of older erosion-prone trails and other associated recreational amenities in the Preserve, such as new identification signs, fencing, a water fountain and trash receptacles; and

WHEREAS, the proposed improvements may require issuance of State of California biological resource regulatory permits to be built and is therefore subject to the provisions of the California Environmental Quality Act (CEQA) and implementing Guidelines; and

WHEREAS, CEQA, together with the State guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City caused an Initial Study to be prepared to assess the impacts of the project, which is identified as the "Clover Springs Open Space District Initial Study/Mitigated Negative Declaration, Cloverdale, Sonoma County, California" dated November 11, 2015 (Attachment 1); and

WHEREAS, the Initial Study analyzed all of the environmental topics required in Appendix G of the CEQA Implementing Guidelines; and

WHEREAS, the Initial Study identified potentially significant impacts with respect to the following topics: biological resources, cultural resources, hazards and hazardous materials and noise; and

WHEREAS, the Initial Study also sets forth a number of mitigation measures to reduce all potentially significant impacts to a less-than-significant level; and

WHEREAS, since the Initial Study determined that all potentially significant impacts can be reduced to a less-than-significant level, adoption of a Mitigated Negative Declaration has been recommended to satisfy CEQA requirements for the Clover Springs Open Space Preserve Project; and

WHEREAS, the Initial Study/Mitigated Negative Declaration was circulated for public review for a 30-day period between December 10, 2015 and January 11, 2016; and

WHEREAS, the City received one comment during the review period that did not raise any new issues or require additional analysis that was not included in the Initial Study (Attachment 2); and

WHEREAS, following the close of the public comment period, the City has made a number of small technical changes to certain of the Mitigation Measures that do not materially change the scope or effectiveness of the earlier Mitigation Measures. These are included as Attachment 3 to this Resolution; and

WHEREAS, the City of Cloverdale has prepared a Mitigation Monitoring and Reporting Program as required by CEQA (see Attachment 4) that includes the updated Mitigation Measures and

WHEREAS, on March 22, 2016 the Cloverdale City Council considered the Initial Study at a regularly noticed public meeting, at which time all interested parties had the opportunity to be heard; and

WHEREAS, a Staff Report dated March 22, 2016, and incorporated herein by reference described and analyzed the Initial Study and Mitigated Negative Declaration; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Cloverdale does hereby adopt a Mitigated Negative Declaration for the Clover Springs Open Space Preserve Project as noted in the recitals above.

NOW, THEREFORE BE IT FURTHER RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED that the City Council makes the following findings to support the determination that no further environmental review is required under CEQA for the proposed project. These findings are based on information contained in the Initial Study, the staff report, and all other information contained in the record before the City Council. These findings constitute a summary of the information contained in the entire record. The detailed facts to support the findings are set forth in the Mitigated Negative Declaration and elsewhere in the record. Other facts and information in the record that support each finding that are not included below are incorporated herein by reference:

1. The City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration, the associated staff report and other associated material pertinent to the project.
2. The Initial Study/Mitigated Negative Declaration adequately described the environmental impacts of the proposed project. On the basis of the whole record before it, the City Council finds that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
3. The Initial Study/Mitigated Negative Declaration has been completed in compliance with CEQA and the CEQA Guidelines.
4. The Initial Study/Mitigated Negative Declaration is complete, adequate and reflects the City's independent judgment and analysis as to the environmental effects of the proposed recreational trail project.

BE IT FURTHER RESOLVED that the City Council of the City of Cloverdale adopts a Mitigation Monitoring Reporting Program (MMRP) attached thereto as Attachment 3, pursuant to CEQA Guidelines Sections 15162 and 15164 for the Clover Springs Open Space Preserve Project.

It is hereby certified that the foregoing Resolution No. 022-2016 was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on March 22, 2016, by the following roll call vote: (Ayes-; Noes-).

Ayes: 0
Noes: 0
Absent: 0
Recuse: 0

APPROVED:

ATTESTED:

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

Attached:

- 1)-Initial Study/Mitigated Negative Declaration document
- 2)-Comment letter
- 3)-Modifications to Mitigation Measures
- 4) Mitigation Monitoring and Reporting Program

Clover Springs Open Space Preserve

Mitigated Negative Declaration

Amended CEQA Mitigation Measures

March 22, 2016

(note: older wording is ~~struck through~~ and revised wording is underlined)

BIO-1. To avoid impacts on special-status plants, the City of Cloverdale shall implement the following measures and include ~~any wording of these~~ any recommended measures identified in the Mitigation Plan all final construction plans and specifications:

1. Native grasslands, especially serpentine grassland, may support special-status species and shall be surveyed prior to ~~Spring 2016~~ prior to construction to determine whether any of those species are present, and to develop a more complete understanding of the community composition.
2. If special-status plants are present, a detailed Mitigation Plan shall be prepared by a restoration specialist familiar with serpentine habitats and plants. This plan shall describe methods for avoidance and/or plant salvage, local seed collection, revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met.

BIO-2. To avoid impacts on special-status and common bats during construction, the City of Cloverdale shall implement the following measures, and ~~the wording include provisions~~ addressing these measures in all final construction plans and specifications:

1. Prior to tree removal or trimming, a qualified biologist shall survey for bat roosts. If occupied roosting habitat is identified, removal/trimming of roost trees shall not be allowed until the roost is abandoned or unoccupied. The California Department of Fish and Wildlife (CDFW) shall be consulted during the permit process to identify any additional protection measures.
2. If tree removal or trimming is postponed or interrupted for more than 2 weeks from the date of the initial bat survey, the biologist shall repeat the preconstruction survey.
3. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats.
4. Before any construction begins, a qualified biologist shall conduct a training session for all construction crew personnel. The training shall include a discussion of the sensitive biological resources within the Preserve and the potential presence of special-status species. This shall include a discussion of special-status species' habitats, protection measures to ensure species are not impacted by project activities, project boundaries, and biological conditions outlined in the project permits.

BIO-3. To avoid potential loss of nesting native birds, the City of Cloverdale shall implement the following measures, and include ~~the wording of~~ provisions addressing these measures in all final construction plans and specifications:

1. Construction activities shall occur outside of the critical breeding period (mid-March through mid-August) for protected nesting birds to the extent feasible.
2. If activities must occur during the normal breeding season, work areas shall be surveyed by a qualified biologist to identify nesting birds. The preconstruction surveys shall be conducted within one week prior to initiation of vegetation removal or trimming and other construction activities. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions.
3. If active owl or raptor nests are identified within 200 feet of the construction area or if an active songbird nest is identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species), the level of noise or construction disturbance, and the line of sight between the nest and the disturbance.
4. If a qualified biologist determines that construction activities would likely disrupt nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas and a designated buffer area that is based on the nest location, species, and proximity to active construction. Construction activities in the no-disturbance buffers shall be avoided until the nests have been vacated.
5. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. Ongoing construction monitoring shall occur to ensure no nesting activity is disturbed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and the United States Fish and Wildlife Service (USFWS) shall occur.

BIO-4. To avoid impacts on special-status reptiles and amphibians during construction, the City of Cloverdale shall implement the following measures, and include ~~the wording of~~ provisions addressing these measures in all final construction plans and specifications:

1. A preconstruction survey for northern western pond turtle shall occur prior to beginning work within riparian areas and adjacent uplands, and work shall only occur in areas that have been surveyed. This would include a focused survey for adult turtles and nest site searches. Any adults found within the work area shall be relocated to suitable off-site habitat. Nest sites discovered during the preconstruction survey or anytime during construction shall be avoided until vacated, as determined by a qualified biologist, or CDFW shall be consulted to determine if relocation is suitable. Ongoing monitoring during construction shall occur to ensure turtles have not moved back into the area, and they are not being impacted by activities.
2. A preconstruction survey for foothill yellow-legged frog shall occur prior to beginning work, and work shall only occur in areas that have been surveyed by a qualified biologist. Frog surveys would be restricted to the stream channels. If found, frogs shall be relocated outside of the work area and temporary exclusionary fencing shall be installed (see below). Ongoing monitoring during construction shall occur to ensure frogs have not moved back into the area, and they are not being impacted by activities.
3. Temporary wildlife exclusionary fencing (e.g., silt fence, which is a piece of synthetic filter fabric [also called geotextile]) shall be installed around work areas during installation of the bridges. Openings shall be restricted to areas of construction site access. This fencing would prevent animals from entering the work area and prevent construction debris and workers from entering adjacent riparian and aquatic habitats.
4. See MM BIO-2 regarding preconstruction training.

BIO-5. To avoid impacts on common wildlife species during construction, the City of Cloverdale shall implement the following measures, and include ~~the wording of~~ provisions addressing these measures in all final construction plans and specifications:

1. A preconstruction survey (on the day preceding work and/or ahead of the construction crew) shall be performed prior to site disturbance with mechanical equipment. If terrestrial species are observed within the work area or immediate surroundings, these areas shall be avoided until the animal(s) has (have) vacated the area and/or the animal(s) will be relocated out of the project area by a qualified biologist.
2. Work areas shall be surveyed periodically during construction to ensure that no terrestrial species are being impacted by construction activities.
3. See MM BIO-4 regarding wildlife exclusion fencing.

BIO-6. To avoid impacts on fish and aquatic species in Porterfield Creek during construction, the City of Cloverdale shall implement the following measures, and include ~~the wording of~~ provisions addressing these measures in all final construction plans and specifications:

1. If water is present ~~during~~ immediately prior to or during construction, fish and other vertebrate aquatic species shall be relocated up- and/or downstream prior to construction, species shall be excluded from the work area, and the stream shall be dewatered. Fish relocation methods shall include exclusion of the aquatic species from the work area and installation of coffer dams and fish barriers. Fish and other aquatic species shall be encouraged to move down from the upstream end of the site with the aid of weighted seines operated by a qualified biologist. Once they have been guided to the downstream end of the work area, barrier seines shall be placed across the creek at both the upstream and downstream ends to prevent aquatic species from re-entering the work area.
2. Once the barrier seines are in place and aquatic species have been encouraged downstream, coffer dams or similar water diversion structures shall be constructed immediately downstream of the upstream barrier and immediately upstream of the downstream barrier. When the coffer dams are in place and the construction area is sealed off, the biologist shall make his or her best effort to relocate aquatic species remaining within the work area as the water surface elevation begins to drop. Aquatic species shall be relocated to suitable habitat up- and/or downstream of the work area. Release sites shall contain suitable cover and foraging habitat and natural barriers present that are likely to preclude species from traveling back upstream or downstream into the work area. A complete record of all fish and wildlife species observed during the observation and relocation process shall be kept and provided to CDFW, National Oceanic and Atmospheric Administration (NOAA) Fisheries Service, and other permitting agencies as required.
3. Electrofishing can be used as an alternative fish capture method in accordance with Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (NOAA Fisheries Service 2000). If electrofishing is utilized, the qualified biologist overseeing the aquatic species relocation shall have the appropriate training and experience.
4. Throughout project construction, a qualified biologist shall make frequent visits to the work area to ensure that no fish or other aquatic species are being impacted by construction activities. If fish and other vertebrate aquatic species are observed in the work area after construction commences, work shall be stopped and appropriate actions taken.
5. A qualified biologist shall be consulted in the design and layout of the coffer dams and bypass piping, and diversion locations.
6. See MM BIO-2 regarding preconstruction training.

BIO-8. To protect native grasslands and special-status plants, the City of Cloverdale shall implement the following measures and include ~~any recommended wording of these~~ measures identified in the Mitigation Plan in all final construction plans and specifications:

1. Ground disturbing activities, including trail and parking development, shall avoid any disturbance to native grasslands, where feasible.
2. If avoidance is not feasible, a detailed Mitigation Plan shall be prepared by a restoration specialist familiar with native grassland and serpentine habitats. This plan shall describe methods for plant salvage, local seed collection, decommissioning of existing unauthorized trails and revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met. Low fencing to guide trail users to stay on established, legal trails shall be installed to allow decommissioned trails to recover.
3. Preserve signage shall clearly indicate that informal trail building damages natural resources and sensitive habitats, and is strictly prohibited. Preserve shall be monitored over time to ensure that no additional informal trail building occurs. Neighbors shall be encouraged to abide by these rules.
4. Invasive species prevention Best Management Practices (BMPs) shall be strictly followed to avoid introducing non-natives into the relatively pristine serpentine grassland (see MM BIO-11).

BIO-9. To protect Oregon oak woodlands, the City of Cloverdale shall implement the following measures, and include ~~the wording of these provisions addressing~~ measures in all final construction plans and specifications:

1. No trees shall be removed within the Oregon oak habitat, to the extent feasible. If tree removal is unavoidable, mitigation plantings may be required ~~by regulatory agencies~~ at a 3:1 replanting ratio.
2. Removal of understory native vegetation shall be minimized. Perennial herbs and shrubs shall be salvaged and replanted on-site where feasible.
3. Existing trails that replicate similar routes shall be decommissioned to reduce impacts to Oregon oak woodland habitat. Methods may include blocking access with plantings of poison oak, installation of low fencing or signage noting that restoration is underway, de-compaction of soils, revegetation under the guidance of a restoration specialist, and Preserve patrols (volunteer or professionally staffed).

Bio-12. The City of Cloverdale shall implement the following mitigation measures in trail decommissioning and bridge design to prevent adverse effects to protected wetlands and riparian corridors, and include ~~the wording of these~~ any recommended measures identified in the Mitigation Plan in all final construction plans and specifications:

1. A detailed Mitigation Plan shall be prepared by a restoration specialist for any trail decommissioning adjacent to or within the seep wetland.
2. Use a bridge design that does not require installation of supports or any bridge elements below the top of the bank.
3. Design new trails to avoid drainage into South Branch Porterfield Creek or wetlands.
4. Any construction material, including tree limbs and soil, shall be removed from the channel immediately following construction.

NOI-1. Construction equipment with internal combustion engines shall be equipped with mufflers, silencers, or other noise-mitigating device. Construction equipment shall not idle when within one-quarter mile of residential or school uses or any other sensitive receptors. These measures shall be included on final project plans.

NOI-2. Construction staging areas, if required, shall be located one-quarter mile or more from residential or school uses or any other sensitive receptors. These measures shall be included on final project plans.

NOI-3. Construction shall take place only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Weekend and holiday construction activities within 0.25 mile of any sensitive receptor shall also be prohibited. These measures shall be included on final project plans.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

December 22, 2015

Rafael Miranda
City of Cloverdale – Community Development Department
124 N. Cloverdale Boulevard
Cloverdale, CA 95425

Dear Mr. Miranda:

Subject: Clover Springs Open Space Preserve Project

This correspondence is regarding the Clover Springs Open Space Preserve Project. The North Coast Regional Water Quality Control Board (Regional Water Board) may be a responsible agency for this project, with jurisdiction over the quality of ground and surface waters, including riparian wetlands, and the protection of the beneficial uses of those waters.

The project description includes the construction of two new bridges. If these activities impacts any jurisdictional water bodies either temporarily or permanently through excavation, fill placement, riparian vegetation removal, riparian vegetation shading, or in any other way, then your project may require a 401 Water Quality Certification or other permit.

We suggest the following be considered and incorporated if appropriate:

Waters of the State: The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "Waters of the state' refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.

Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated. Impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. All efforts to first avoid and second to minimize impacts to waters of the State must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then

JOHN W. CORBETT, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.

Water Quality Certification (401 Certification): 401 Permits are issued for activities resulting in dredge or fill within waters of the United States. All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the State. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Sections 401 and 404, disturbing wetlands requires a permit from the United States Army Corps of Engineers (ACOE) and a state 401 permit. To determine whether wetlands may be present on any proposed construction site, please contact Holly Costa of ACOE at (415) 503-6780. If wetlands are present, please contact Stephen Bargsten from our office at (707) 576-2653 for a 401 Permit or other permit action. You may also access our 401 Certification web page and access the application form and other information at: http://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml. Alterations or work within or adjacent to streambeds or lakes may also require a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). Removal of riparian vegetation also requires this permit. We recommend that all project applicants contact CDFW for additional information on these requirements.

Construction General Storm Water Permit: Land disturbances on projects of one acre or more require coverage under the construction general storm water permit. If the land disturbance will be one acre or more, the owner of the property will need to apply for coverage under this permit prior to the commencement of activities on-site. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to implement and maintain to minimize pollutant discharges from a construction site. The permit also requires a risk level analysis for the project based on erosion risk and sensitivity of the receiving waters, inspections of construction sites before and after storm events, and every 24 hours during extended storm events, storm event monitoring, and electronic document and data submittal. The permit requires the use of LID to treat post-construction storm water runoff from impervious surfaces. Owners may find the permit at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. Please contact Mona Dougherty at Mona.Dougherty@waterboards.ca.gov if you have questions.

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.

If you have any questions or comments, please contact Stephen Bargsten at (707) 576-2653 or by email at Stephen.Bargsten@waterboards.ca.gov

Clover Springs Open Space Preserve Project Comment Letter

Clover Springs Open Space Preserve Project Mitigation Monitoring and Reporting Program

March 2016

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>BIO-1. To avoid impacts on special-status plants, the City of Cloverdale shall implement the following measures and include any recommended measures identified in the Mitigation Plan all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. Native grasslands, especially serpentine grassland, may support special-status species and shall be surveyed prior to construction to determine whether any of those species are present, and to develop a more complete understanding of the community composition. 2. If special-status plants are present, a detailed Mitigation Plan shall be prepared by a restoration specialist familiar with serpentine habitats and plants. This plan shall describe methods for avoidance and/or plant salvage, local seed collection, revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met. 	<p>Project Design Engineer</p>	<p>Cloverdale Public Works Department</p>	<p>Prior to approval of final construction plans</p>	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>BIO-2. To avoid impacts on special-status and common bats during construction, the City of Cloverdale shall implement the following measures, and include provisions addressing these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. Prior to tree removal or trimming, a qualified biologist shall survey for bat roosts. If occupied roosting habitat is identified, removal/trimming of roost trees shall not be allowed until the roost is abandoned or unoccupied. The California Department of Fish and Wildlife (CDFW) shall be consulted during the permit process to identify any additional protection measures. 2. If tree removal or trimming is postponed or interrupted for more than 2 weeks from the date of the initial bat survey, the biologist shall repeat the preconstruction survey. 3. Construction shall be limited to daylight hours to avoid interference with the foraging abilities of bats. 4. Before any construction begins, a qualified biologist shall conduct a training session for all construction crew personnel. The training shall include a discussion of the sensitive biological resources within the Preserve and the potential presence of special-status species. This shall include a discussion of special-status species' habitats, protection measures to ensure species are not impacted 	Project Design Engineer	Cloverdale Public Works Department	Prior to approval of final construction plans; prior to commencement of construction activities & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>by project activities, project boundaries, and biological conditions outlined in the project permits.</p>				
<p>BIO-3. To avoid potential loss of nesting native birds, the City of Cloverdale shall implement the following measures, and include provisions addressing these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. Construction activities shall occur outside of the critical breeding period (mid-March through mid-August) for protected nesting birds to the extent feasible. 2. If activities must occur during the normal breeding season, work areas shall be surveyed by a qualified biologist to identify nesting birds. The preconstruction surveys shall be conducted within one week prior to initiation of vegetation removal or trimming and other construction activities. If the biologist finds no active nesting or breeding activity, then work can proceed without restrictions. 3. If active owl or raptor nests are identified within 200 feet of the construction area or if an active songbird nest is identified within 50 feet of the construction area, a qualified biologist shall determine whether or not construction activities may impact the active nest or disrupt reproductive behavior. If it is determined that construction would not affect an active nest or disrupt breeding behavior, construction can 	<p>Project Design Engineer</p>	<p>Cloverdale Public Works Department</p>	<p>Prior to approval of final construction plans; prior to commencement of construction activities & during construction</p>	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>proceed without restrictions. The determination of disruption shall be based on the species' sensitivity to disturbance (which can vary among species), the level of noise or construction disturbance, and the line of sight between the nest and the disturbance.</p> <p>4. If a qualified biologist determines that construction activities would likely disrupt nesting activities, then a no-disturbance buffer shall be placed around the nesting location. The no-disturbance buffer shall include the active nest or breeding areas and a designated buffer area that is based on the nest location, species, and proximity to active construction. Construction activities in the no-disturbance buffers shall be avoided until the nests have been vacated.</p> <p>5. If the site is left unattended for more than one week following the initial surveys, additional surveys shall be completed. Ongoing construction monitoring shall occur to ensure no nesting activity is disturbed. If state and/or federally listed birds are found breeding within the area, activities shall be halted, and consultation with the CDFW and the United States Fish and Wildlife Service (USFWS) shall occur.</p>				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>BIO-4. To avoid impacts on special-status reptiles and amphibians during construction, the City of Cloverdale shall implement the following measures, and include provisions addressing these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. A preconstruction survey for northern western pond turtle shall occur prior to beginning work within riparian areas and adjacent uplands, and work shall only occur in areas that have been surveyed. This would include a focused survey for adult turtles and nest site searches. Any adults found within the work area shall be relocated to suitable off-site habitat. Nest sites discovered during the preconstruction survey or anytime during construction shall be avoided until vacated, as determined by a qualified biologist, or CDFW shall be consulted to determine if relocation is suitable. Ongoing monitoring during construction shall occur to ensure turtles have not moved back into the area, and they are not being impacted by activities. 2. A preconstruction survey for foothill yellow-legged frog shall occur prior to beginning work, and work shall only occur in areas that have been surveyed by a qualified biologist. Frogs surveys would be restricted to the stream channels. If found, frogs shall be relocated outside of the work area and temporary exclusionary fencing shall be installed (see 	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans; prior to commencement of construction activities & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>below). Ongoing monitoring during construction shall occur to ensure frogs have not moved back into the area, and they are not being impacted by activities.</p> <p>3. Temporary wildlife exclusionary fencing (e.g., silt fence, which is a piece of synthetic filter fabric [also called geotextile]) shall be installed around work areas during installation of the bridges. Openings shall be restricted to areas of construction site access. This fencing would prevent animals from entering the work area and prevent construction debris and workers from entering adjacent riparian and aquatic habitats.</p> <p>4. See MM BIO-2 regarding preconstruction training.</p>				
<p>BIO-5. To avoid impacts on common wildlife species during construction, the City of Cloverdale shall implement the following measures, and include provisions addressing these measures in all final construction plans and specifications:</p> <p>1. A preconstruction survey (on the day preceding work and/or ahead of the construction crew) shall be performed prior to site disturbance with mechanical equipment. If terrestrial species are observed within the work area or immediate surroundings, these areas shall be avoided until the animal(s) has (have) vacated the area and/or the animal(s) will be relocated</p>	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans; prior to commencement of construction activities & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>out of the project area by a qualified biologist.</p> <p>2. Work areas shall be surveyed periodically during construction to ensure that no terrestrial species are being impacted by construction activities.</p> <p>3. See MM BIO-4 regarding wildlife exclusion fencing.</p>				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>BIO-6. To avoid impacts on fish and aquatic species in Porterfield Creek during construction, the City of Cloverdale shall implement the following measures, and include provisions addressing these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. If water is present immediately prior to or during construction, fish and other vertebrate aquatic species shall be relocated up- and/or downstream prior to construction, species shall be excluded from the work area, and the stream shall be dewatered. Fish relocation methods shall include exclusion of the aquatic species from the work area and installation of coffer dams and fish barriers. Fish and other aquatic species shall be encouraged to move down from the upstream end of the site with the aid of weighted seines operated by a qualified biologist. Once they have been guided to the downstream end of the work area, barrier seines shall be placed across the creek at both the upstream and downstream ends to prevent aquatic species from re-entering the work area. 2. Once the barrier seines are in place and aquatic species have been encouraged downstream, coffer dams or similar water diversion structures shall be constructed immediately downstream of the upstream barrier and immediately upstream of the downstream barrier. When the coffer dams are in place and 	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>the construction area is sealed off, the biologist shall make his or her best effort to relocate aquatic species remaining within the work area as the water surface elevation begins to drop. Aquatic species shall be relocated to suitable habitat up- and/or downstream of the work area. Release sites shall contain suitable cover and foraging habitat and natural barriers present that are likely to preclude species from traveling back upstream or downstream into the work area. A complete record of all fish and wildlife species observed during the observation and relocation process shall be kept and provided to CDFW, National Oceanic and Atmospheric Administration (NOAA) Fisheries Service, and other permitting agencies as required.</p> <p>3. Electrofishing can be used as an alternative fish capture method in accordance with Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (NOAA Fisheries Service 2000). If electrofishing is utilized, the qualified biologist overseeing the aquatic species relocation shall have the appropriate training and experience.</p> <p>4. Throughout project construction, a qualified biologist shall make frequent visits to the work area to ensure that no fish or other aquatic species are being impacted by construction activities. If fish and other vertebrate aquatic species are observed in the work area after</p>				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>construction commences, work shall be stopped and appropriate actions taken.</p> <p>5. A qualified biologist shall be consulted in the design and layout of the coffer dams and bypass piping, and diversion locations.</p> <p>6. See MM BIO-2 regarding preconstruction training.</p>				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>BIO-7. To protect water quality during construction, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. Construction of the trail and installation of the bridges shall occur outside of the top of bank of South Branch Porterfield Creek to the extent feasible. 2. Best management practices for erosion control and water quality protection shall be followed to avoid sedimentation and disturbance to nearby aquatic habitats during construction activities. 3. All staging, maintenance, fueling, and storage of construction equipment shall be conducted in a location and manner that would prevent potential runoff of petroleum products into South Branch Porterfield Creek and adjacent aquatic habitats. Oil-absorbent and spill-containment materials shall be on-site at all times. 	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans	
<p>BIO-8. To protect native grasslands and special-status plants, the City of Cloverdale shall implement the following measures and include any recommended wording of these measures identified in the Mitigation Plan in all final construction plans and specifications:</p>	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<ol style="list-style-type: none"> 1. Ground disturbing activities, including trail and parking development, shall avoid any disturbance to native grasslands, where feasible. 2. If avoidance is not feasible, a detailed Mitigation Plan shall be prepared by a restoration specialist familiar with native grassland and serpentine habitats. This plan shall describe methods for plant salvage, local seed collection, decommissioning of existing unauthorized trails and revegetation with appropriate plants of on-site provenance, development of success targets, monitoring for success, and maintenance until success targets have been met. Low fencing to guide trail users to stay on established, legal trails shall be installed to allow decommissioned trails to recover. 3. Preserve signage shall clearly indicate that informal trail building damages natural resources and sensitive habitats, and is strictly prohibited. Preserve shall be monitored over time to ensure that no additional informal trail building occurs. Neighbors shall be encouraged to abide by these rules. 4. Invasive species prevention Best Management Practices (BMPs) shall be strictly followed to avoid introducing non-natives into the relatively pristine serpentine grassland (see MM BIO-11). 				
BIO-9. To protect Oregon oak woodlands, the City of	Project Design	Cloverdale Public	Prior to approval of	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Cloverdale shall implement the provisions addressing the wording of these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. No trees shall be removed within the Oregon oak habitat, to the extent feasible. If tree removal is unavoidable, mitigation plantings may be required at a 3:1 replanting ratio. 2. Removal of understory native vegetation shall be minimized. Perennial herbs and shrubs shall be salvaged and replanted on-site where feasible. 3. Existing trails that replicate similar routes shall be decommissioned to reduce impacts to Oregon oak woodland habitat. Methods may include blocking access with plantings of poison oak, installation of low fencing or signage noting that restoration is underway, de-compaction of soils, revegetation under the guidance of a restoration specialist, and Preserve patrols (volunteer or professionally staffed). 	<p>Engineer & Project Contractor</p>	<p>Works Department</p>	<p>final construction plans & during construction</p>	
<p>BIO-10. To protect native trees (including riparian trees), the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. Work shall be limited within the Root Protection Zone around native trees. 	<p>Project Design Engineer & Project Contractor</p>	<p>Cloverdale Public Works Department</p>	<p>Prior to approval of final construction plans, during construction and prior to City acceptance of work</p>	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<ol style="list-style-type: none"> 2. The outer extent of the RPZ shall be clearly delineated with exclusion fencing during construction to keep construction vehicles and construction activities away from tree roots. 3. If native trees greater than 6 inches diameter at breast height are removed as part of the project, on-site mitigation plantings shall be installed. All removed vegetation shall be left on-site for wildlife habitat. Replanting sites shall be contiguous with existing woodlands and provide the greatest opportunities for wildlife movement and use. Replacement of lost trees shall be at a 3:1 ratio. 4. A detailed mitigation plan shall be prepared by a restoration specialist. A certified arborist shall guide tree trimming if needed during construction. 				
<p>Bio-11. To limit the spread of invasive plant species and prevent new infestations during construction and long-term management of the Preserve, the City of Cloverdale shall implement the following measures, and include the wording of these measures in all final construction plans and specifications:</p> <ol style="list-style-type: none"> 1. Any seed, straw, or mulch brought onto the Preserve shall be certified weed-free or inspected by a revegetation specialist or ecologist before use to confirm weed seed is not present. 	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>2. Construction vehicles and other equipment such as mowers shall be cleaned of seed and soil from other sites before entering the Preserve, and shall also be cleaned after use within non-native annual grassland and prior to entry into adjacent native habitats.</p> <p>3. Revegetation of disturbed soil shall occur promptly after disturbance.</p> <p>4. Only locally native plant species shall be used on the Preserve for any site restoration, erosion control, or landscaping efforts. Propagules shall be collected on-site or within the Porterfield Creek watershed. This is essential for the serpentine habitats on the Preserve. For other habitats, if on-site or local seed collection is not possible, propagules shall be from the Russian River watershed or selected by a qualified restoration specialist.</p>				
<p>Bio-12. The City of Cloverdale shall implement the following mitigation measures in trail decommissioning and bridge design to prevent adverse effects to protected wetlands and riparian corridors, and include any recommended measures identified in the Mitigation Plan in all final construction plans and specifications:</p> <p>1. A detailed Mitigation Plan shall be prepared by a restoration specialist for any trail decommissioning adjacent to or within the seep wetland.</p>	Project Design Engineer & Project Contractor	Cloverdale Public Works Department	Prior to approval of final construction plans & during construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>2. Use a bridge design that does not require installation of supports or any bridge elements below the top of the bank.</p> <p>3. Design new trails to avoid drainage into South Branch Porterfield Creek or wetlands.</p> <p>4. Any construction material, including tree limbs and soil, shall be removed from the channel immediately following construction.</p>				
<p>CUL-1. It is always possible that ground-disturbing activities during construction may uncover previously unknown, archaeological resources. In the event that archaeological resources are discovered during construction, operations shall stop within 50 feet of the find and an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology shall be consulted to determine whether the resource requires further study. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Any previously undiscovered resources found during</p>	<p>Cloverdale Public Works Department & Project Contractor</p>	<p>Cloverdale Public Works Department</p>	<p>Prior to approval of final construction plans & during construction</p>	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. The City of Cloverdale shall implement this mitigation, and include the wording of this measure in all final construction plans and specifications.</p>				
<p>CUL-2. In the event a fossil is discovered during excavations of 10 feet or more below ground surface, excavation activity within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The City of Cloverdale shall implement this mitigation, and include the wording of this measure in all final construction plans and specifications.</p>	Project Contractor	Cloverdale Public Works Department	During Project Construction	
<p>CUL-3. In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code</p>	Project Contractor	Cloverdale Public Works Department	During Project Construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ul style="list-style-type: none"> • There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. • Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in 				

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> - The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the commission. - The descendant identified fails to make a recommendation. - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. The City of Cloverdale shall implement this mitigation, and include the wording of this measure in all final construction plans and specifications. 				
<p>HAZ-1. During periods of high wildland fire danger, public access to the trail system will be restricted to certain uses, or, when deemed necessary, temporarily closed to all uses. The Cloverdale Fire Protection District shall be charged with determining the level of fire danger on and adjacent to the trails. Access to the trails deemed susceptible to wildland fires shall be allowed only after the Fire Protection District deems the fire danger to have dissipated to acceptable levels.</p>	<p>City of Cloverdale Public Works Department & Cloverdale Fire Protection District</p>	<p>Cloverdale Fire Protection District</p>	<p>During Project Construction</p>	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Monitoring: Prior to the operational phase, the Cloverdale Fire District shall develop a fire response plan for the proposed trail alignments. This response plan should include standard protocol regarding communication between the Fire District and applicable agencies responsible for fire safety. This response plan shall be made available for review and should be periodically revisited and revised as deemed necessary.</p>				
<p>NOI-1. Construction equipment with internal combustion engines shall be equipped with mufflers, silencers, or other noise-mitigating device. Construction equipment shall not idle when within one-quarter mile of residential or school uses or any other sensitive receptors. These measures shall be included on final project plans.</p>	Project Contractor	Cloverdale Public Works Department	Prior to approval of final plans & during project construction	
<p>NOI-2. Construction staging areas, if required, shall be located one-quarter mile or more from residential or school uses or any other sensitive receptors. These measures shall be included on final project plans.</p>	Project Contractor	Cloverdale Public Works Department	Prior to approval of final plans & during project construction	
<p>NOI-3. Construction shall take place only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. Weekend and holiday construction activities within 0.25 mile of any sensitive receptor shall also be prohibited. These measures shall be</p>	Project Contractor	Cloverdale Public Works Department	Prior to approval of final plans & during project construction	

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
included on final project plans.				



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 7 Meeting Date: March 22, 2016

Agenda Section New Business	Staff Contact Paul Cayler, City Manager
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Agenda Item Title

Action on Letter of Support for Senate Bill 1030 (McGuire) Thus Eliminating Sunset Date for the Sonoma County Regional Climate Protection Authority's (RCPA).

Summary

The Sonoma County Regional Climate Protection Authority (RCPA) assists Sonoma County in reducing greenhouse gases by coordinating with climate change organizations to implement best practices and utilizing available resources. The RCPA was the first agency of its kind in the State of California, and thus the State Legislature required a sunset date for ending the agency. RCPA demonstrated its effectiveness in coordinating a unified response to climate change across Sonoma County. In 2014, the RCPA was recognized as the White House Climate Protection Champion. Removing the sunset date from the legislation that established the RCPA ensures the long term stability of the agency, enhances grant writing efforts, and increases climate protection efforts in the long term.

Options

- 1) Reject the proposed letter of support for SB1030; or 2) Approve the proposed letter of support for SB1030.

Budget/Financial Impact

None.

Subcommittee Recommendation

None.

Recommended Council Action

The City Manager recommends the following City Council minute order: "The Cloverdale City Council authorizes Mayor Brigham to sign a letter of support for SB1030 (McGuire), thus advocating for the elimination of the Sonoma County Regional Climate Protection Authority's sunset clause provision under State Law."

Attachments:

- 1) SB1030 Fact Sheet
- 2) Draft Letter of Support for SB1030

cc:

Senate Bill 1030

Sonoma Climate Protection: GHG Reductions

Senator McGuire

SUMMARY

The historic passage of the California Global Warming Solutions Act, AB 32 (Pavley, 2006), and the recent passage of the Clean Energy and Pollution Reduction Act, SB 350 (De Leon, 2015), has affirmed California's role as an international leader in climate change mitigation. The state is now seeking to further emission reductions through local programs such as the Sonoma County Regional Climate Protection Authority (RCPA).

The RCPA assists Sonoma County and the Bay Area in reducing greenhouse gases (GHG) by coordinating with climate change organizations to implement best practices and utilizing available resources most effectively. Being the first organization of its kind in the State, the Legislature required a sunset clause to ensure the RCPA achieved the goals set out for it in the original legislation. In accordance with the RCPA's proven track record, this bill eliminates the sunset clause.

BACKGROUND

The RCPA is made up of the same board of local elected officials as the Sonoma County Transportation Authority. The RCPA membership includes representatives from the Sonoma County Board of Supervisors, all nine cities in Sonoma County, and works with many other climate change organizations around the Bay Area. In 2014, **the RCPA was recognized by the federal government as a White House Climate Champion.**

The RCPA's core function is to coordinate a unified response to climate change across Sonoma County. Their fundamental strategies include adopting regional goals that positively impact cities and counties, formalizing partnerships, pooling resources, and working across public and private sectors. The RCPA engages in GHG mitigation through reduction of energy consumption, enhancing alternative transportation options, and increasing water use efficiency. Their efforts have exceeded expectations, and it is clear that the core of climate change action will increasingly take place at the local level.

HOW DOES THIS COMPARE WITH STATE ACTIONS?

The RCPA's climate action plan finds that local climate action strategies will account for over 677,000 metric tons (or 1.6 billion pounds) of CO₂ annually by 2020. This is equivalent to removing 142,500 passenger cars from the road, or the carbon sequestered by 554,900 acres of forest.

In comparison, the State's Global Warming Solutions Act (AB 32) Scoping Plan measures are expected to generate reductions in Sonoma County of over 750,000 metric tons of CO₂. Through the RCPA, Sonoma County is matching State efforts to nearly a 1 to 1 match.

PROBLEM

Climate change is an ongoing and increasingly volatile issue. Most scientific studies agree the problems associated with climate change are set to intensify. While the RCPA continues to adopt strategies to mitigate the effects of climate change, grant making entities want assurances that any funding awarded will contribute to the long-term and widespread response to climate change, while reducing emissions locally.

Furthermore, the ability to retain highly qualified and capable staff at the RCPA is challenged without certainty regarding the continuation of the agency.

SOLUTION

The RCPA's success is proof that GHG mitigation will happen at the local level. Removing the sunset clause from statute ensures the RCPA will retain highly qualified staff, reassure grant making entities of its long term status, and increase efforts to the ongoing and long-term challenges we face as a community and as a state. Therefore, for these reasons SB 1030 seeks to remove the sunset clause

CONTACT

Buck Ellingson, Senate Fellow
Buck.Ellingson@sen.ca.gov
916-651-4343



Senator Mike McGuire
State Capitol
1303 10th Street, Room 5064
Sacramento, CA 95814

RE: Support for SB 1030 (McGuire) – Sonoma County Regional Climate Protection Agency

Dear Senator McGuire:

On behalf of City of Cloverdale, I am writing to express our support for SB 1030 to remove the sunset date on the Sonoma County Regional Climate Protection Authority (RCPA).

Cloverdale is a member of the RCPA, collaborating with the RCPA on many projects including energy efficiency rebates and financing, renewable energy implementation, low carbon transportation planning, electric vehicle infrastructure planning, public outreach, and planning for climate resilience.

Sonoma County communities rely on the RCPA to advance a countywide long term response to climate change by providing a regional policy forum, staff level coordination, public education, program management, grant administration, and reporting. The RCPA is able to efficiently develop climate action strategies on behalf of multiple local agencies at once, aligning projects across governments towards maximum, integrated benefits and creating a consistent approach throughout the county. The RCPA is essential for regional long range planning and programs, including the community climate action plan and regional electric vehicle planning, working to harness funding which we otherwise could not pursue due to staffing and resource constraints.

The State of California is an international leader that has adopted ambitious targets to reduce greenhouse gas emissions. Success in meeting those targets will require action and collaboration at all levels of government – local, regional, state, and federal. The RCPA is a proven model for local governments to participate fully and take charge in solving the problem. Local action by Sonoma County communities, working in unison with the RCPA, has immediate and impactful results in the fight against climate change.

Removing the sunset clause will enable the RCPA to work long-term on the climate challenges ahead for our communities. Thank you for your leadership in support of the RCPA.

Sincerely,

Mary Ann Brigham,
Mayor



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 8
Meeting Date: March 22, 2016

Agenda Section	Staff Contact
New Business	David J. Kelley, Assistant City Manager/CDD Director

Agenda Item Title

Motion Order to Approve the Mayor’s Appointment of Bob Bialon as a Regular Member, and Jason Turner as an Alternate Member, of the Planning Commission.

Summary

According to Cloverdale Municipal Code (CMC) Section 2.36.10, the Planning Commission shall be composed of five (5) regular members appointed by the Mayor. It is also the policy of the City to allow one nonresident commissioner who must reside at a place no more than five miles from City Hall. In addition to the five regular members, the Mayor with the approval of the City Council shall appoint two resident alternate commissioners for a term of two (2) years. The current membership including appointment date and term expiration of the Planning Commission is identified in Table 1.

Table 1 – City of Cloverdale Planning Commission Membership

Name of Commissioner	Member	Date Appointed	Term Expires
Mike Shanahan	Regular	May 14, 2014	June 30, 2018
Roy Domke, Jr.	Regular	March 27, 2013	June 30, 2016
Lou Enge	Regular	June 10, 2015	June 30, 2016
Jimmy Halliday	Regular/non-resident	August 13, 2014	June 30, 2019
Shawn Bovee	Alternate	June 10, 2015	June 30, 2017

There is currently one vacancy of a regular member and one vacancy of the second alternate member of the Planning Commission. City Staff solicited potential candidates to fill the two vacancies on the Planning Commission. Written responses were received from three residents interested in filling the vacant seats on the Planning Commission including Mr. Bob Bialon, Mr. Brandon Axell and Mr. Jason Turner.

Mayor Brigham and Councilmember Wolter held interviews of the candidates during the Planning & Community Development Sub-Committee meeting on Wednesday, February 24, 2016. All three of the interested candidates participated in the interview and outlined their respective background and qualifications. Following the interview, Mayor Brigham recommended appointment of Mr. Bob Bialon to fill the vacant Regular Member seat of the Commission and Mr. Jason Turner to fill one of the vacant Alternate Member seats of the Planning Commission. Mr. Bialon will serve for a term of four years while Mr. Turner will serve for a term of two years. Both applicants have accepted the positions, pending Council approval.

Upon Council’s approval of the Mayor’s appointments, all vacant positions on the Planning Commission will be filled. However, two terms of existing Commissioners expire on June 30, 2016. As such, it will be necessary to either reappoint existing members, recommend new appointments or a combination thereof upon expiration of the two expiring terms.

Options

Approve the recommended appointments; select other members of the community to fill the vacancy; or provide additional direction to Staff.

Budget/Financial Impact

N/A

Subcommittee Recommendation

N/A

Recommended Council Action

By motion order, approve Bob Bialon as a Regular Member of the Planning Commission with a term ending March 22, 2020 and Jason Turner as an Alternate Member of the Planning Commission with a term ending March 22, 2018.

Attachments:

1. Letter (e-mail) of Interest from Mr. Bob Bialon
 2. Letter of Interest from Mr. Jason Turner
-

cc:

From: bobbialon@aol.com

Subject: **Opening for the Planning Commission**

Date: February 6, 2016 at 10:58:42 AM PST

To: maryannbrigham@comcast.net

Mayor Brigham,

I understand there is an opening on the Cloverdale Planning Commission, and I would like to apply for the position.

My name is Robert Bialon and I am 67 years old (tomorrow), and retired after 40 years in the Insurance Industry, spending most of my working career in San Francisco as a manager and national Underwriter. My wife, Candi and I moved to Cloverdale in 2012 upon my retirement after living in the Bay Area for over 25 years.

In my retirement years, I realized immediately there is more to life than waiting for the next senior party, so in the past few years in Cloverdale, I was a volunteer at the History Center for a year and completed their computer accessioning of items in their vast collection, and joined the Board of the Cloverdale Senior Center, where I am currently the Board President. I am also a city-licensed Business person, operating a small watch repair shop out of my home and a member of the Chamber of Commerce. I am also a Member of Sons of the American Legion, and a member of the Good Shepard Church in Cloverdale and part of our Total Ministry Leadership team. As you can tell, I continue to enjoy being active in various services.

I hope to hear from you and look forward to this opportunity to serve our Community.

Sincerely,

Robert Bialon
101 Honeysuckle Court
Cloverdale, CA 95425
707-894-6061

Jason Turner

316 Pinot Way, Cloverdale, Ca 95425 | 707-292-6458 | jaturner87@gmail.com

February 11, 2016

Mary Ann Brigham
124 N. Cloverdale Blvd
Cloverdale, Ca 95425

Dear Mary Ann Brigham:

I am writing this letter in order to express interest in a seat amongst the Cloverdale Planning Commission.

I currently work for Kaiser Permanente in the Member Services Division of Kaiser Foundation Health Plan. I work hard to ensure our community, including citizens of Cloverdale have the coverage they need and options available to them to continue to Thrive should they choose to work with our company.

I am also certified in the Six Sigma (DMAIC) principles of Process Improvement and Innovation; my certification is the level of Greenbelt.

I've lived in Cloverdale personally for 5 years and have owned property for close to two years. My wife is a lifetime resident and when it came time to settle down the choice was easy. I want to bring something new to the Planning Commission. I am currently 28 years old and believe that I would be a representative for the millennial generation of our town. I want to continue growth and development in a positive way for the town and its residents while keeping an eye out for new opportunities that may be able to blossom in Cloverdale.

I have sat on many committees within Kaiser Permanente which involved proposal and review of new and existing ideas and policies within a large organization. I believe with these skills I will be able to use my experience and values to become a very positive resource for the planning commission and Cloverdale as a whole.

Thank you for considering me for a seat in the planning commission. I look forward to any further questions you may have.

Sincerely,

Jason Turner



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 9
Meeting Date: March 22, 2016

Agenda Section New Business	Staff Contact Paul Cayler, City Manager
Agenda Item Title Discussion of proposed revisions to the Public Works Director Job Description and Proposed Salary Range	

Summary

The City of Cloverdale has been without a Public Works Director/City Engineer since Craig Scott's departure on October 16, 2015. Through a contract, the City of Healdsburg began the first recruitment on October 10, 2015, and advertised in the Press Democrat, Ukiah Daily Journal, Cloverdale Reveille, Western Cities, Jobs Available, BC Water Jobs, Craigslist, and Municipal Management Association of Northern California. No applications were received from this recruitment. A second recruitment was conducted in-house by the City of Cloverdale beginning December 28, 2016, and was advertised more broadly than the initial effort. This recruitment brought in five applications, but only two applicants were interviewed based upon their consistency with City of Cloverdale's desired qualifications. A job offer was made to the preferred candidate but he ultimately declined the position.

City staff has concluded that this position will continue to be a challenge to fill due to the engineering licensure requirement and the fact that the salary is not as competitive as some of the neighboring cities. Since this is a critical position to the City of Cloverdale, it was necessary for staff to consider other options. The engineering license greatly reduces the number of qualified applicants; therefore, the removal of this requirement would increase the applicants able to meet the minimum requirements and likely produce a larger applicant pool from which to draw. For this reason, staff is recommending the engineering licensure requirement be removed from the job description. This will necessitate contracting for civil engineering services on an as needed basis. Attached you will find the current job description with engineering requirements lined out.

Although the Public Works Director will still have a wide scope of responsibilities, the removal of the engineering licensure will impact the salary setting for this position. A study was conducted of the Public Works Director position in twelve benchmark cities. The analysis included reviewing the job description and comparing the required duties, minimum requirements and salary ranges for the Public Works Director positions in twelve jurisdictions in our region. Four of the twelve cities do not require the Public Works Director to hold an engineering license. The average salary range for these four Cities is \$47.98 to \$60.56 per hour (99,798 to 125,965 annually). The average salary range for all twelve cities is \$52.93 to \$67.48 per hour (110,094 to 140,358 annually). The current salary for the Public Works Director is a flat rate of \$61.30 per hour (127,500 annually). Based on the data from this study and the City of Cloverdale's internal salary structure, staff is recommending a salary of \$53.75 (111,800 annually) per hour for the revised classification of Public Works Director. Attached you will find an organizational chart with the proposed change.

Future Options

- 1) Approve the revised Public Works Director job description and proposed salary.
- 2) Modify the proposed Public Works Director job description and/or proposed salary.

- 3) Reject the revised job description and salary range as proposed and keep the current job description and salary.
-

Budget/Financial Impact

The current annual salary for the Public Works Director/City Engineer is \$127,500. The proposed annual salary for the Public Works Director position will be \$111,800, which is a \$15,700 savings in base salary. Additional savings in benefits tied to base salary will also be realized.

Work requiring an engineer's license will be provided on a contract basis as needed. The City is currently paying \$160 per hour for contract engineering services. Coastland Engineering has been providing services since Mr. Scott's departure. The salary savings could provide compensation for close to 100 hours non-reimbursable contract engineering hours (not allocable to a specific project or developer). Engineering services would predominately be for development projects, which will be billed to the developer. The salary for the Public Works Director is funded 15% from the General Fund and 85% from other sources.

Subcommittee Recommendation:

None

Recommended Council Action:

Informational, first touch

Attachments:

1. Proposed Public Works Director Job Description.
 2. City of Cloverdale Proposed Organizational Chart
-

FLSA: EXEMPT

CITY OF CLOVERDALE
PUBLIC WORKS DIRECTOR/~~CITY ENGINEER~~

Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications may not include all duties performed by individuals within a classification. In addition, specifications are intended to outline the minimum qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.

DEFINITION:

Under administrative direction, plans, manages, oversees, directs and performs professional level work in support of all City public works activities, including the planning, design, construction, and maintenance of City infrastructure in the areas of water, wastewater, storm drains, streets, engineering, facilities, municipal airport, parks, and landscaping & lighting districts; coordinates activities with other City officials, departments, outside agencies, organizations, and the public; provides responsible and complex staff support to the City Manager and the City Council; serves as a technical resource for assigned tasks; performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

The Public Works Director/~~City Engineer~~ is the administrative management level class which oversees all functions and operations of the Public Works Department. In addition, this position ~~serves as the City Engineer and in this role~~ oversees and ensures the provision of expert professional assistance to City staff by consultants and others in engineering design, public facility construction and review of plans and specifications. Responsibilities include formulating policy, developing goals and objectives, and supervising staff in addition to representing the City in a variety of meetings and contacts with public agencies, private groups, and individual citizens. This classification is distinguished from the next higher class of City Manager in that the latter has overall responsibility for administering the City's operations.

SUPERVISION RECEIVED/EXERCISED:

Receives administrative direction from the City Manager. Exercises direct and indirect supervision over assigned staff.

ESSENTIAL FUNCTIONS (include but are not limited to the following):

- Accepts full responsibility for all Public Works Department activities and services; develops, implements and maintains departmental goals, objectives, policies and procedures.
- Plans, directs and coordinates the Public Works Department's work plan; assigns work activities and responsibilities to appropriate personnel; identifies and resolves problems and/or issues.

- Confers with citizens and City officials on public works-related issues and concerns and assists in the development of innovative strategies to address them.
- Oversees the selection, training and evaluation of Public Works Department personnel; identifies and resolves staff deficiencies; fulfills discipline procedures; reviews the work of department personnel to ensure compliance with applicable federal, state and local laws, codes and regulations.
- Prepares, manages and coordinates the development of the Public Works Department's operating and Capital Improvement Program (CIP) budgets; prepares forecasts of necessary funds for staffing, materials and supplies; presents, justifies and defends programs, projects, operations and activities; monitors and approves expenditures; discusses and resolves budget issues with appropriate staff, and implements adjustments as necessary; manages grant applications and grant administration activities.
- Serves as a resource for public works personnel, City staff, other organizations and the public; coordinates pertinent information, resources and work teams necessary to support a positive, productive and cooperative work environment.
- Directs, through Supervisors and other assigned staff, work crews engaged in water treatment and distribution; wastewater collection and treatment; street repairs and construction activities, including patching streets, repairing curbs and gutters, painting street markings and traffic signs; development and maintenance of parks and lighting & landscaping districts; maintenance of City-owned facilities, structures, and property; and repair and maintenance of automotive and other equipment.
- Plans, directs, supervises, ~~and~~ coordinates, ~~and performs~~ professional engineering work for traffic engineering projects and the design and construction of streets, sidewalks, storm drains, water and wastewater systems, park or recreation facilities, and other public works functional areas.
- Supervises the preparation of plans, project specifications, public works inspections, legal descriptions, surveys and other engineering work performed by staff members or consultants.
- Oversees the review of plans and specifications for the construction of privately-funded public improvements, including streets, sidewalks, water and sewer system improvements, drainage system improvements, and other public facilities.
- ~~Approves and signs~~ Oversees and coordinates, plans for water and wastewater utilities and other improvement projects.
- Serves as project manager for municipal construction and capital improvement projects from the planning and design stage, including requests for bids or proposals, the use of appropriate selection processes, and the preparation and oversight of appropriate construction or other agreements; through the construction and finalization phases, including inspections.
- Coordinates engineering activities and field service programs with other City departments and divisions and with outside agencies.

- Supervises and conducts field inspections of municipal contract construction and repair work.
- Works with developers and private engineering firms to coordinate the construction of new subdivisions and buildings.
- Makes decisions on problems of design, materials, and processes proposed in connection with new construction or major repairs.
- May oversee the building inspection and plan review functions for private development within the City.
- Prepares regular and special oral and written reports for presentation to the City Manager and the City Council.
- Attends and participates in professional and community meetings; stays current on issues relative to the field of public works and service delivery responsibilities; responds to and resolves sensitive and complex community and organizational inquiries, issues and complaints; establishes and maintains a customer service orientation within the Department.
- Performs other duties of a similar nature or level.
- Establishes and maintains positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff, and the public.

PHYSICAL, MENTAL, AND ENVIRONMENTAL WORKING CONDITIONS:

Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, stooping, and squatting, crouching, grasping, making repetitive hand movements and fine coordination in preparing reports using a computer keyboard in the performance of daily duties. The position also requires both near and far vision and acute hearing. The incumbent works in all weather conditions, including wet, hot, and cold. Additionally, the position is required to lift, drag, and push files, paper, documents, tools and equipment weighing in excess of 50 pounds.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

QUALIFICATIONS (Minimal qualifications necessary for entry into the classification):

Education and/or Experience:

Any combination of education and experience that has provided the knowledge, skills, and abilities necessary for a Public Works Director/City Engineer. A typical way of obtaining the required qualifications is to possess the equivalent of graduation from an accredited four-year college or university with major coursework in ~~civil engineering or public or business administration, civil engineering or closely related field~~ ~~a field related to the work~~ and EITHER three years of administrative or managerial ~~engineering~~ experience, preferably in a municipal or similar public works setting, ~~OR five years of professional engineering or related experience, including two years in a supervisory or administrative capacity.~~ Some experience with the planning and/or building inspection functions is desirable.

License/Certificate:

~~Registration in the State of California as a Professional Civil Engineer; registration in the State of California as Land Surveyor is highly desirable, if civil engineering license does not cover land surveying;~~ Possession of, or ability to obtain, a valid Class C California driver's license upon employment.

KNOWLEDGE/ABILITIES/SKILLS: (The following are a representative sample of the KAS's necessary to perform essential duties of the position.)

Knowledge of:

Modern administrative principles, practices and techniques, including goal setting, program development, implementation, and employee supervision; principles and practices of ~~engineering design and~~ construction management; principles and practices of public facility construction and maintenance in municipal setting; applicable federal, state, and local laws and regulations; capital and operating budget development and implementation; funding sources impacting program development; principles of contract negotiation and administration; principles of building inspection and plan review; computer applications related to assigned functions; basic principles and terminology of water production and distribution; principles and terminology of wastewater collection and treatment.

Ability to:

Plan, direct, manage, and coordinate the work of the Public Works Department; supervise and participate in the establishment of Department goals, objectives and methods for evaluating achievement and performance levels; analyze complex public works issues, evaluate alternatives and implement sound solutions; make adjustments to standard operating procedures as necessary to improve organizational effectiveness; facilitate group participation and consensus building; plan, organize, train, evaluate and direct work of assigned staff; negotiate and oversee consultant contracts; estimate time, materials, and equipment needed to complete projects; read and understand plans and specifications; perform mathematical calculations quickly and accurately; interpret, explain, and apply applicable laws, codes and regulations; read, interpret and record data accurately; organize, prioritize, and follow-up on work assignments; work independently and as part of a team; make sound decisions within established guidelines; analyze a complex issue and develop and implement an appropriate response; follow written and oral directions; observe safety principles and work in a safe manner; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships.

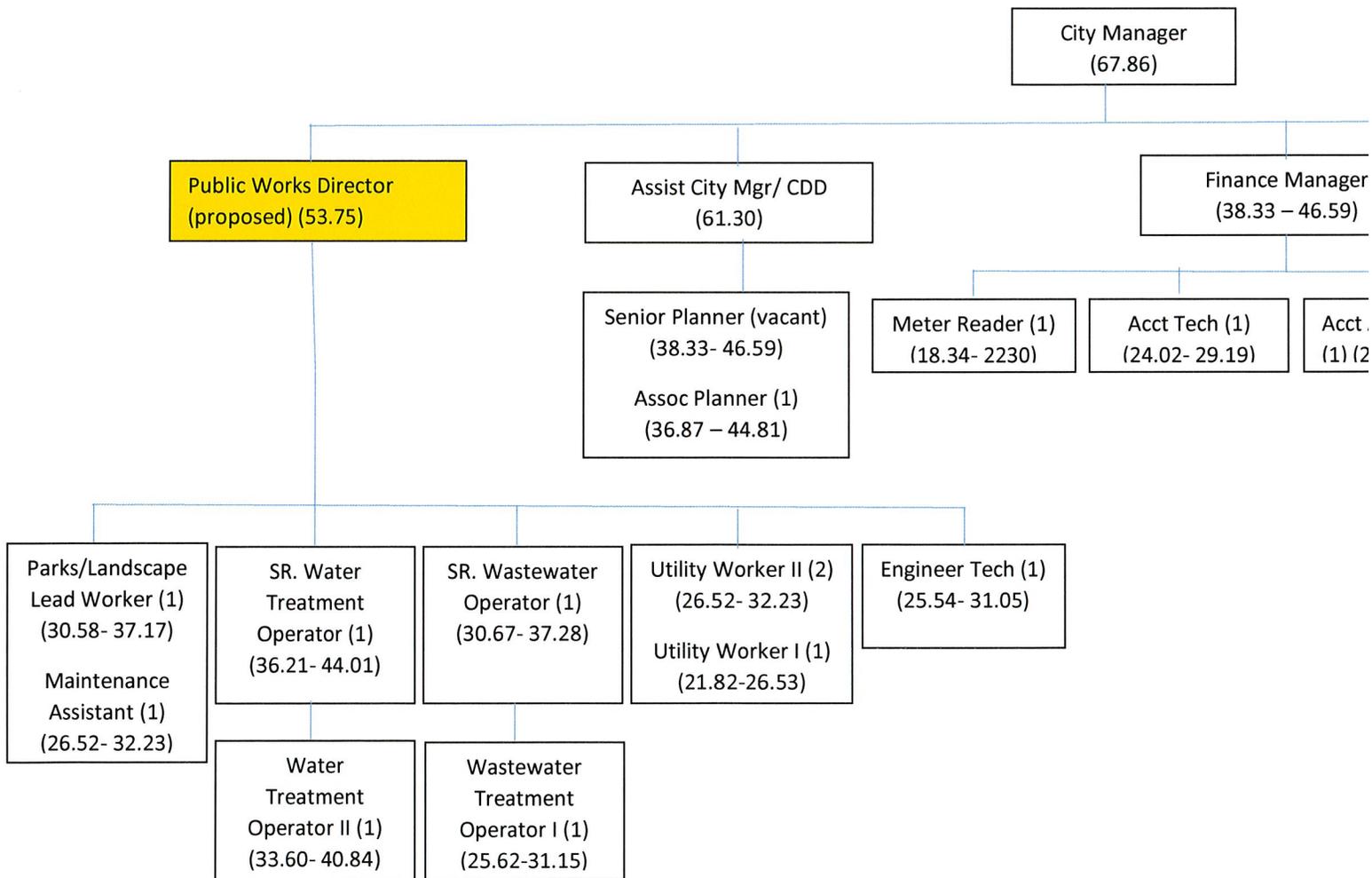
Skill to:

Effectively operate an office computer and a variety of applicable software.



Organization Chart

March 2016



Agenda Section New Business	Staff Contact David Kelley, Assistant City Manager/Community Development Director
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Agenda Item Title

Receive presentation on the Master Plan Drawings for the “Thyme Square” Property by Collaborative Design Architects, Inc. and provide comments to City staff on the preferred conceptual design.

Summary

The Thyme Square property is undeveloped City owned property located south of the Citrus Fairgrounds on South Cloverdale Blvd. The property was purchased by the former Cloverdale Redevelopment Agency with low and moderate housing set-aside funds. During the Fiscal Year 2015-2016 Goal Setting process, the City Council set Goal No. One: “Begin redevelopment of Thyme Square and Cherry Creek properties through strategic visioning process and outlining path to construction, including use of remaining funds and action plan.”

On July 22, 2015, the City Council approved a letter of support for Alexander Valley Healthcare (AVH) to build a Community Wellness Center on a portion of the Thyme Square property. Collaborative Design Architects, Inc. was subsequently retained by the City of Cloverdale in January 2016 to prepare three (3) conceptual designs for the property that included the AVH Community Wellness Center, a new police station, affordable housing and potential retail uses. Based on the desire to provide additional public park amenities as part of the project, City staff requested that the conceptual design plans also identify an option for a proposed skate park on the site. In order to support traffic and pedestrian circulation in the planning area, all of the concept designs provide for the extension of South Washington Street along the west perimeter of the project site through to Healdsburg Avenue. The mix of proposed uses of the property reflected on the conceptual design drawings is based in part on the redevelopment funding that was used to purchase the property and the Redevelopment Agency dissolution process.

Collaborative Design Architects Inc.’s three conceptual design alternatives for the Thyme Square property identify a conceptual location and area (square footage) of critical project elements including the AVH Wellness Center, new police station and affordable housing. The three concept plans are intended to establish a vision for development and location of key project elements on the property including parking. The concept plans inform the City Council, key stakeholders and the community about the proposed future development of the Thyme Square property and allow for discussion of the preferred uses and concepts for new activities and facilities. Once a preferred conceptual design plan is agreed upon for the property, the City can take the next step of initiating additional site planning activities and developing more detailed plans for the use of the property including obtaining approval for use of the property from the California Department of Finance.

Options

- 1) Accept the conceptual design plans for the Thyme Square Master Plan project prepared by Collaborative Design Architects Inc.;
- 2.) Request revisions to the conceptual design plans for the Thyme Square Master Plan project;
- or 3) Reject the proposed conceptual design plans for the Thyme Square Master Plan project and direct Collaborative Design Architects Inc. to prepare new concept plans.

Budget/Financial Impact

The agreement with Collaborative Design Architects, Inc. for Master Planning Services at the "Thyme Square" Property for conceptual design services was for \$23,800. Design services were funded by the Inclusionary Housing Budget Unit (205-704). The justification is that the proposed conceptual design work will determine how much of the parcel is to be used for low and moderate income housing.

Subcommittee Recommendation

N/A.

Recommended Council Action

Staff recommends that the City Council accept the presentation by Collaborative Design Architects on the Thyme Square Master Plan project and provide comments to City staff on the preferred conceptual design for the property.

Attachments:

1. Thyme Square Master Plan PowerPoint Presentation
-

cc:



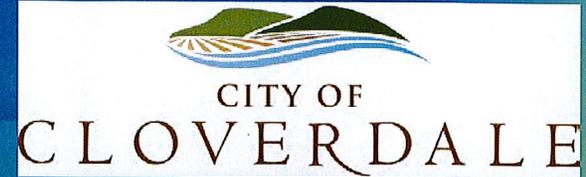
CITY OF
CLOVERDALE

Thyme Square Master Plan

City of Cloverdale, California

Collaborative Design Architects Inc.
22 March 2016

Introductions



- Design Team:

- James R. Burns, President

The logo for Collaborative Design Architects, featuring the text "COLLABORATIVE DESIGN ARCHITECTS INC" in a serif font, with "INC" in a smaller font size.

- City of Cloverdale Project Team:

- Paul Cayler, City Manager
- David Kelley, Assistant City Manager / CDD
- Jerry Haag, Planning Consultant

THYME SQUARE CONCEPTUAL DRAWINGS:

1. Identify a conceptual location and area (square footage) of critical project elements:
 - a. Alexander Valley Healthcare Wellness Center;
 - b. New police station; and
 - c. Affordable Housing.
2. Establish a vision for development and location of key project elements on the property.

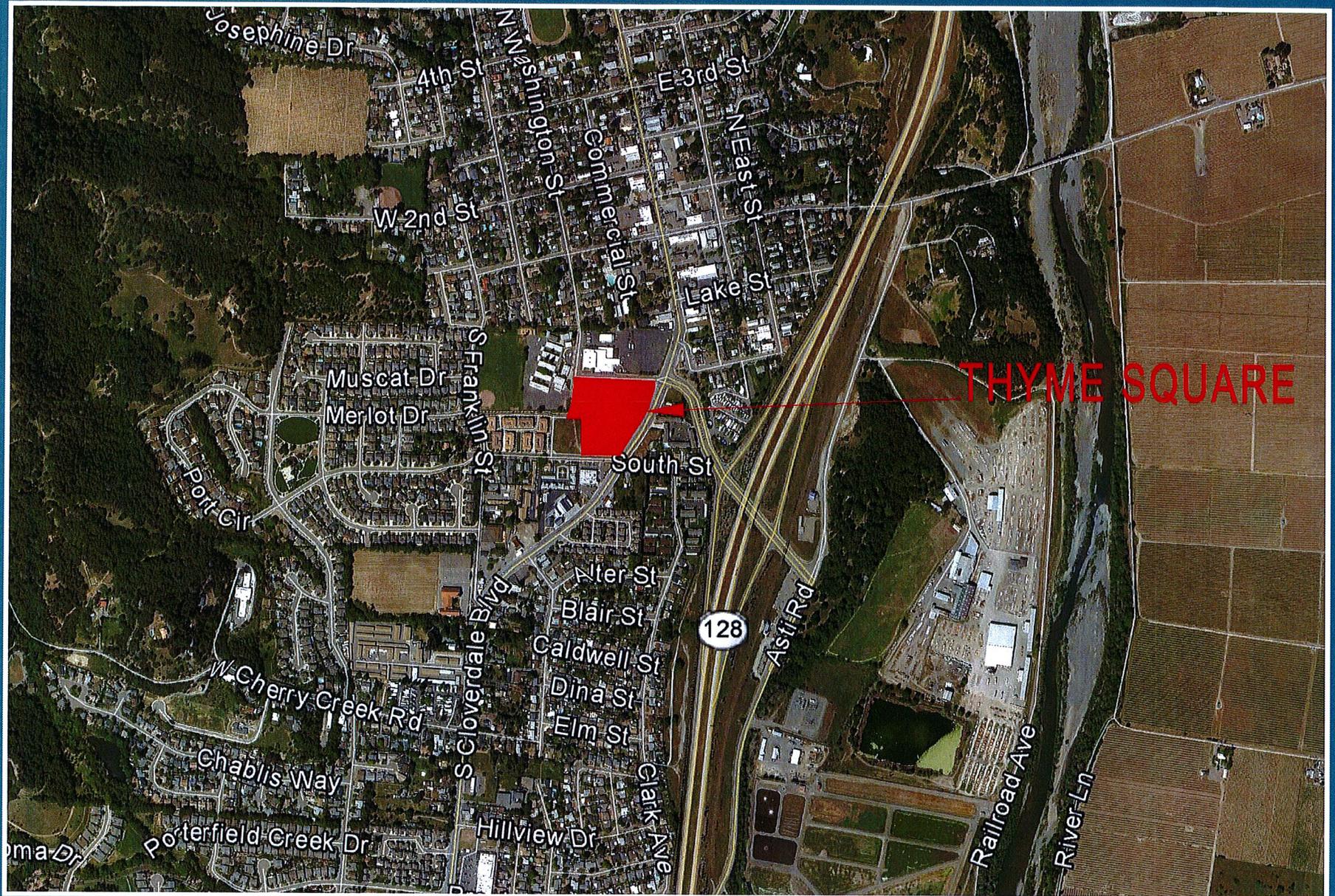
PROJECT GOALS:

1. Inform the City Council, key stakeholders and the community about the proposed future development of the Thyme Square property.
2. Allow for discussion of the preferred uses and concepts for new activities and facilities on the site.

THYME SQUARE SITE LOCATION & SITE INFORMATION:

1. SITE IS LOCATED AT THE INTERSECTION OF HEALDSBURG AVENUE AND CLOVERDALE BLVD. DIRECTLY SOUTH OF THE CITRUS FAIR ENTRANCE.
2. SITE AREA IS APPROXIMATELY 5.3 ACRES

THYME SQUARE SITE



THYME SQUARE SITE



Design Parameters:

- A. PROVIDE FOR THE EXTENSION OF S. WASHINGTON STREET THROUGH TO HEALDSBURG AVENUE ON WEST PERIMETER OF THE SITE AS A PUBLIC STREET.
 - 1. RIGHT OF WAY (ROW) WOULD BE 60' WIDE
 - 2. PROVIDE A SIDEWALK ON BOTH SIDES OF THE STREET
 - 3. PROVIDE A 6' WIDE BICYCLE PATH ON WEST SIDE OF STREET.
 - 4. INTEGRATE PARKING INTO THE ROW.

- B. PROVIDE FOR A “CHANGING VENUE” PUBLIC ART FEATURE SUCH AS A SCULPTURE PLAZA AT KEY ENTRY POINTS TO THE PROJECT SITE FACING CLOVERDALE BLVD.

Design Parameters continued:

- C. ACKNOWLEDGE EXISTING EASEMENTS AS POTENTIAL DESIGN ALTERING ISSUES.
 - 1. GIVEN THE NATURE OF THE “PRIVATE EASEMENTS”, SOME OR ALL OF THE EASEMENTS COULD POTENTIALLY BE REMOVED OR RELOCATED.

- D. EACH DESIGN SCHEME WILL INCLUDE ADEQUATE SPACE FOR EACH OF THE FOLLOWING USERS:
 - 1. THE CLOVERDALE POLICE DEPARTMENT--APPROXIMATE AREA OF BETWEEN 13,500 S.F. TO 18,000 S.F. IN A ONE AND/OR TWO STORY STRUCTURE
 - 2. ALEXANDER VALLEY HEALTHCARE—APROXIMATE FIRST FLOOR OF 16,000 S.F. WITH A TOTAL 3 STORY BUILDING OF APPROXIMATELY 38,000 S.F.
 - 3. AN “AFFORDABLE HOUSING” PROJECT, SIZE WOULD VARY WITH OTHER USES ON THE SITE

Design Parameters continued:

- E. VARYING PROGRAM COMPONENTS FOR SCHEMES WOULD INCLUDE THE FOLLOWING IN ADDITION TO THE MAIN USERS:
 1. SCHEME ONE WOULD INCLUDE A SKATE PARK AND A RETAIL COMPONENT ON THE CORNER OF CLOVERDALE BLVD. AND CITRUS FAIR ENTRANCE.
 2. SCHEME TWO WOULD NOT INCLUDE RETAIL, THUS ALLOWING A LARGE SKATE PARK VENUE
 3. SCHEME THREE WOULD INCLUDE A RETAIL COMPONENT BUT NOT A SKATE PARK

SCHEME ONE –use/area summary

1. ALEXANDER VALLEY HEALTHCARE:

- a. FIRST FLOOR AREA: 16,000 S.F.
- b. THREE FLOORS, TOTAL AREA: 38,000 S.F.
- c. PARKING REQUIRED BY CODE: 152 SPACES

2. CLOVERDALE POLICE DEPARTMENT:

- a. FIRST FLOOR AREA SHOWN: 13,000 S.F.
- b. TWO FLOORS, TOTAL AREA: 16,000 S.F.
- c. SECURED PARKING 23 SPACES

3. RETAIL:

- a. FIRST FLOOR AREA SHOWN: 16,500 S.F.
- b. PARKING REQUIRED BY CODE: 66 SPACES

SCHEME ONE –continued

4. AFFORDABLE HOUSING

- | | |
|-----------------------------------------------------|-----------------|
| a. FIRST FLOOR AREA SHOWN: | 17,000 S.F. |
| b. THREE FLOORS: | |
| i. 1 ST FLOOR PARKING: | 45 SPACES |
| ii. 2 ND & 3 RD FLOOR HOUSING | 17,000 S.F./FL. |
| c. TOTAL AREA OF HOUSING: | 34,000 S.F. |
| d. TOTAL 1 BR UNITS (OR SRO): | 34 UNITS |
| e. PARKING REQUIRED BY CODE: | 17 SPACES |

5. SKATE PARK

- | | |
|----------------|------------|
| a. AREA SHOWN: | 8,700 S.F. |
|----------------|------------|

TOTAL PARKING REQUIRED BY CODE: 260 SPACES

TOTAL PARKING PROVIDED: 320 SPACES

Scheme One



SCHEME TWO –use/area summary

1. ALEXANDER VALLEY HEALTHCARE:

- a. FIRST FLOOR AREA: 16,000 S.F.
- b. THREE FLOORS, TOTAL AREA: 38,000 S.F.
- c. PARKING REQUIRED BY CODE: 152 SPACES

2. CLOVERDALE POLICE DEPARTMENT:

- a. FIRST FLOOR AREA SHOWN: 14,500 S.F.
- b. TWO FLOORS, TOTAL AREA: 16,000 S.F.
- c. SECURED PARKING 24 SPACES

SCHEME TWO –continued

3. AFFORDABLE HOUSING

- a. FIRST FLOOR AREA SHOWN: 11,000 S.F.
- b. THREE FLOORS-TOTAL AREA: 33,000 S.F.
- c. TOTAL AREA OF HOUSING: 33,000 S.F.
- d. TOTAL 1 BR UNITS (OR SRO): 33 UNITS
- e. PARKING REQUIRED BY CODE: 17 SPACES

4. SKATE PARK

- 3. AREA SHOWN: 18,000 S.F.

TOTAL PARKING REQUIRED BY CODE: 196 SPACES

TOTAL PARKING PROVIDED: 322 SPACES

Scheme Two



SCHEME THREE –use/area summary

1. ALEXANDER VALLEY HEALTHCARE:

- a. FIRST FLOOR AREA: 14,000 S.F.
- b. THREE FLOORS, TOTAL AREA: 38,000 S.F.
- c. PARKING REQUIRED BY CODE: 152 SPACES

2. CLOVERDALE POLICE DEPARTMENT:

- a. FIRST FLOOR AREA SHOWN: 13,000 S.F.
- b. TWO FLOORS, TOTAL AREA: 16,000 S.F.
- c. SECURED PARKING 23 SPACES

3. RETAIL:

- a. FIRST FLOOR AREA SHOWN: 16,500 S.F.
- b. PARKING REQUIRED BY CODE: 66 SPACES

SCHEME THREE –continued

3. AFFORDABLE HOUSING

- | | |
|-------------------------------|-------------|
| a. FIRST FLOOR AREA SHOWN: | 11,000 S.F. |
| b. THREE FLOORS-TOTAL AREA: | 33,000 S.F. |
| c. TOTAL AREA OF HOUSING: | 33,000 S.F. |
| d. TOTAL 1 BR UNITS (OR SRO): | 33 UNITS |
| e. PARKING REQUIRED BY CODE: | 17 SPACES |

TOTAL PARKING REQUIRED BY CODE: 262 SPACES

TOTAL PARKING PROVIDED: 336 SPACES

Scheme Three

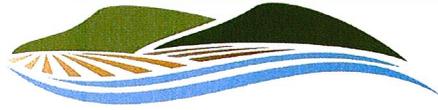


USE AND AREA SUMMARY:

1. ALEXANDER VALLEY HEALTHCARE	
a. FIRST FLOOR AREA SHOWN:	14,000 S.F.
b. THREE FLOORS, TOTAL AREA:	38,000 S.F.
c. PARKING REQUIRED BY CODE:	162 SPACES
2. CLOVERDALE POLICE DEPARTMENT:	
a. FIRST FLOOR AREA SHOWN:	13,000 S.F.
b. TWO FLOORS, TOTAL AREA:	18,000 S.F.
c. SECURED PARKING:	24 SPACES
3. RETAIL	
a. FIRST FLOOR AREA SHOWN:	16,500 S.F.
b. PARKING REQUIRED BY CODE:	66 SPACES
4. AFFORDABLE HOUSING	
a. FIRST FLOOR AREA SHOWN:	11,000 S.F.
b. THREE FLOORS:	33,000 S.F.
c. TOTAL AREA HOUSING	33,000 S.F.
d. TOTAL 1 BR UNITS (OR SRO)	33 UNITS
e. PARKING REQUIRED BY CODE:	17 SPACES
TOTAL PARKING REQUIRED BY CODE:	
262 SPACES	
TOTAL PARKING PROVIDED:	
336 SPACES	

Conclusion:

1. Staff recommends that the City Council accept the presentation on the Thyme Square Master Plan and provide comments to City staff on the preferred conceptual design.
2. Comments / Questions ?



CITY OF
CLOVERDALE

Thyme Square Master Plan

City of Cloverdale, California

THANK YOU!

Collaborative Design Architects Inc.
22 March 2016