



Agenda

Subcommittee: Planning & Community Development Committee
Meeting Date: Tuesday, June 21, 2016
Meeting Time: 4:00 p.m.
Meeting Location: Cloverdale City Hall Conference Room
124 N. Cloverdale Blvd., Cloverdale

Subcommittee Members: Council Member Gus Wolter Asst. City Manager/CDD David Kelley
Mayor MaryAnn Brigham City Manager Paul Cayler

1. **Call to Order:**
2. **Communications:** Committee may discuss at this time written communications sent to Committee members since the last Subcommittee meeting.
3. **Public Comments:** Members of the public may comment on any item on this agenda at the time the subcommittee considers that item. Members of the public are also free to comment on items not on this agenda. Such comments should occur at this time. Please limit comments to three minutes.
4. **Approval of Minutes:** April 19, 2016
5. **Current Items for Discussion:**
 - a. Redwood trees on Foothill Boulevard near Laurel Court - Cayler
 - b. Discussion of Development Impact Fees – Kelley
 - c. Proposal for establishing Inclusionary Housing In-Lieu Fee - Kelley
6. **Information Only Items:**
7. **Pending Items:**
8. **Future Agenda Items (schedule may change):**
 - a. Affordable Housing and Citywide rent control
9. **Good of the Order**
10. **Adjournment:** Adjourn to Tuesday, August 16, 2016, at 4:00 p.m. or alternate date as requested.

CERTIFICATION – Pursuant to Government Code § 54954.2, the agenda for this meeting was properly posted on June 16, 2016.



DRAFT MINUTES

Subcommittee: Planning & Community Development Committee
Meeting Date: Tuesday, April 19, 2016
Meeting Time: 4:00 pm
Meeting Location: Cloverdale City Hall Conference Room
124 N. Cloverdale Blvd., Cloverdale

Subcommittee Chair, Council Member Gus Wolter Asst. City Manager/CDD David Kelley
Members: Mayor MaryAnn Brigham City Manager Paul Cayler

1. **Call to Order:** Chair Wolter called the meeting to order at 4:00 p.m. Present: Chair, Council Member Gus Wolter, Mayor MaryAnn Brigham, and ACM/CDD David Kelley. Absent: City Manager Paul Cayler.
2. **Communications:** None
3. **Public Comments:** Ken Lindell, President Elect of Cloverdale Rotary, stated he has been authorized by his board to look into building a dog park in Cloverdale as his project for his presidential year and asked for feedback regarding this idea. Chair Wolter recommended he make an appointment with Staff to discuss this and suggested consideration of a joint project for the Rotary, Lions, and Kiwanis clubs of performing needed repairs at the Scout Cabin at City Park.
4. **Approval of Minutes:** The minutes from February 24, 2016, were approved.
5. **Current Items for Discussion:**
 - a. Presentation by Thompson Development Inc. – Vista Oaks Planned Development Project
ACM/CDD, David Kelley, presented this item by giving a brief background of the project and introduced Casey Clement of Thompson Development. Ms. Clement and her team delivered a PowerPoint Presentation of the proposed design of the project. The subcommittee directed Staff to work with the Applicants regarding design and erosion impacts with proposed increase in density.
 - b. Discuss zoning requirements for vacation rentals and code enforcement process for illegal vacation rentals.
A memo was presented and discussion was conducted regarding Zoning Ordinance requirements and code enforcements for vacation rentals. Direction was given to Staff to have the City Attorney review existing Zoning Ordinance regulations with regard to the rental of individual bedrooms and bring this item back to the subcommittee for further discussion.
6. **Information Only Items:** Chair Wolter distributed the City of Winters newsletter and recommended consideration of reinstatement of a City newsletter.
7. **Pending Items:** None
8. **Future Agenda Items (schedule may change):**
 - a. Affordable Housing and Citywide rent control
9. **Good of the Order**
10. **Adjournment:** Chair Wolter adjourned the meeting at 4:00 p.m., to Tuesday, June 21, 2016, at 4:00 p.m. or alternate date as requested.



Date: April 19, 2016

To: Planning and Community Development Subcommittee

From: David Kelley, Community Development Director

Rafael Miranda, Associate Planner

Re: Zoning Ordinance Requirements and Code Enforcement for Vacation Rentals

Zoning Ordinance Regulations

Definition

A vacation rental, is defined in the Zoning Ordinance as “a residence that is rented in its entirety as a tourist accommodation where an operator or on-site manager is not required to be on the premises”.

Development Standards

Section 18.09.260 of the Zoning Ordinance states that Vacation Rental are permitted in Commercial Zoning districts as indicated in Table 18.05.030-A . According to Table 18.05.030-A, Vacation Rentals are permitted in the following three Commercial Zoning Districts:

1. Downtown Commercial (DTC);
2. General Commercial (G-C); and
3. Office/Multi-Family Residential (O-R) districts.

The Development Standards in the Zoning Ordinance require a Conditional Use Permit for any Vacation Rental. Vacation rentals are not permitted in the Transit Oriented Design (TOD) or Service Commercial (SC) Zoning Districts and are prohibited in all Residential Zoning Districts.

Zoning Ordinance Section 18.09.260. B provides Minimum Development standards for Vacation Rentals. Vacation Rentals shall comply with the development standards for the zoning district in which it is to be located and with the special conditions below.

1. Any proposed vacation rental shall be compatible with the neighborhood and shall be harmonious and compatible with the existing uses within the neighborhood.
2. A vacation rental shall consist of no more than one complete residential unit on a parcel and must be detached from any other residential use.
3. Parking requirements are one space per bedroom. Excessive amounts of paving shall not be allowed. Areas devoted to parking and paving should not be disproportionate to the site size.

4. All California Building Standards Code and Fire Code requirements for the level of occupancy of the vacation rental shall apply and must be met. All units are subject to inspection.
5. All environmental health regulations shall be met.
6. Guest stays shall be limited to a period less than thirty consecutive days.
7. A city business license is required and shall be maintained at all times.
8. Transient occupancy tax (TOT) shall be paid by the owner or operator per requirements of the City of Cloverdale Municipal Code. Nonpayment of TOT when the use is still operational may constitute grounds for revocation of the conditional use permit by the planning commission. Nonpayment for a period of one year shall be evidence that the use is discontinued.
9. A maximum occupancy shall be established for the vacation rental at the time of conditional use permit issuance. The number shall be determined by the size and nature of the rental and on-site parking provision. Violation of the established occupancy is subject to the revocation of the conditional use permit by the planning commission.
10. Rules for occupancy shall be posted on site including proper handling of trash and recyclables, noise and quiet hours, emergency contact information that includes police and fire, maximum occupancy limits, and other specific responsible use guidelines for rental features and equipment.
11. Adjoining neighbors shall be given owner or operator contact information in case of disturbance, and shall be notified prior to the issuance of the conditional use permit.
12. All postings to advertise a vacation rental shall also post the permit number and business license with the advertisement. (Ord. 698-2015 § 3 (Att. 1) (part), 2015)

Code Enforcement

Generally, the City's code enforcement process is complaint driven. City staff does not actively seek out code violations and staff typically enforces violations of the Zoning Ordinance as complaints are received. When a complaint regarding a vacation rental is received, staff investigates the multiple vacation rental websites (e.g. VRBO.com, Airbnb, vacationrentals.com) to find the subject listing. If it can be determined from the listing, which property is in question, staff will send the property owner a courtesy notice informing them of the City's regulations regarding vacation rentals and requiring the listing to be removed from the websites within a set period of time. If the listing is not removed from the vacation rental website within the set period of time, staff will then send a Notice of Violation to the property owner.

In an attempt to hinder a proliferation of vacation rentals in the City, beginning last summer, staff was directed to monitor vacation rental websites every couple months and to send Courtesy Notices to those listings that can be determined are located within City limits. To date, this effort has yielded two such listings on vacation rental websites, both of which were removed following the property owners receipt of the Courtesy Notice.

C. Recreational Courts

1. The maximum height of fences enclosing recreational courts shall be 6 feet, unless a Conditional Use Permit is obtained allowing a greater height.
2. Recreational courts shall be set back a minimum of 10 feet from side and rear property lines.
3. All lighting shall be:
 - a. Designed, constructed, mounted, and maintained such that the light source is cut off when viewed from any point above 5 feet, measured outside of the lot at the lot line.
 - b. Used only between the hours of 7:00 a.m. and 10:00 p.m.
4. The surface of any recreational court shall be designed, painted, colored, and/or treated to reduce reflection from any lighting thereon.

The above standards shall be considered minimum standards. The appropriate approval authority may impose more stringent standards in cases where extraordinary site conditions exist.

Section 18.09.260 Vacation Rentals

Vacation Rentals are permitted in Commercial Zoning Districts as indicated in Table 18.05.030-A. A Vacation Rental is a residence that is rented in its entirety as a tourist accommodation and is distinguished from a Bed and Breakfast Inn because the Vacation Rental does not require an owner or operator to reside on the premises. In general, it is expected that Vacation Rentals will be in existing houses.

A. Permit Required

A Conditional Use Permit shall be required for any Vacation Rental. The Conditional Use Permit shall expire and become null and void in one year from the date that the use becomes discontinued.

B. Minimum Development Requirements

Vacation Rentals shall comply with the development standards for the Zoning District in which it is to be located and with the special conditions below.

1. Any proposed Vacation Rental shall be compatible with the neighborhood and shall be harmonious and compatible with the existing uses within the neighborhood.
2. A Vacation Rental shall consist of no more than one complete residential unit on a parcel and must be detached from any other residential use.
3. Parking requirements are one space per bedroom. Excessive amounts of paving shall not be allowed. Areas devoted to parking and paving should not be disproportionate to the site size.
4. All California Building Standards Code and Fire Code requirements for the level of occupancy of the Vacation Rental shall apply and must be met. All units are subject to inspection.
5. All Environmental Health Regulations shall be met.

6. Guest stays shall be limited to a period less than thirty (30) consecutive days.
7. A City Business License is required and shall be maintained at all times.
8. Transient Occupancy Tax (TOT) shall be paid by the owner or operator per requirements of the City of Cloverdale Municipal Code. Nonpayment of TOT when the use is still operational may constitute grounds for revocation of the Conditional Use Permit by the Planning Commission. Nonpayment for a period of one year shall be evidence that the use is discontinued.
9. A maximum occupancy shall be established for the Vacation Rental at the time of Conditional Use Permit issuance. The number shall be determined by the size and nature of the rental and on-site parking provision. Violation of the established occupancy is subject to the revocation of the Conditional Use Permit by the Planning Commission.
10. Rules for occupancy shall be posted on-site including proper handling of trash and recyclables, noise and quiet hours, emergency contact information that includes police and fire, maximum occupancy limits, and other specific responsible use guidelines for rental features and equipment.
11. Adjoining neighbors shall be given owner or operator contact information in case of disturbance, and shall be notified prior to the issuance of the Conditional Use Permit.
12. All postings to advertise a Vacation Rental shall also post the permit number and business license with the advertisement.

Section 18.09.270 Vehicle Repair Facilities

This Section provides for the mitigation of potential noise, fumes, litter, and parking problems associated with motor vehicle repair facilities. The Development Standards contained in this Section are intended to ensure that vehicle repair facilities operate harmoniously and are compatible with adjacent and surrounding uses.

A. Permit Required

Repair facilities are permitted in the applicable Commercial and Industrial Zoning Districts only with approval of a Conditional Use Permit. Each vehicle repair facility, including one that is part of and incorporated within an automobile dealership, shall conform to the development standards of the Zoning District in which it is to be located, with the development standards for automobile dealerships set forth herein, and with the following development standards.

B. Minimum Development Standards

1. Paving

The site shall be entirely paved, except for buildings and landscaping.

2. Structures

Entrances to individual service bays shall not face public rights-of-way or abutting residential parcels. All structures shall be constructed to achieve a minimum Standard Transmission Coefficient (STC) sound rating of 45-50.

3. Repair Activities

Chapter 18.05

COMMERCIAL ZONING DISTRICTS

Section 18.05.010 Purpose and Intent

The Cloverdale General Plan and Station Area/Downtown Precise Plan ("Station Area Plan") outline goals, objectives and policies regarding the character of commercial and residential uses and development for the Cloverdale Depot, the Cloverdale Downtown and opportunity development sites at Citrus Fair Drive and Cloverdale Boulevard. It is the purpose of this chapter to implement these goals, objectives and policies and to complement the City's other Commercial Zoning Districts. The destination commercial area subject to the Alexander Valley Specific Plan is described in Chapter 18.09. The remaining Commercial Zoning Districts have two centers - downtown and the Furber Plaza area. For the past 20 years, the City has concentrated on removing strip commercial development that lined Cloverdale Boulevard when it was a state highway, and has focused on strengthening two concentrated commercial areas -- the downtown and the Furber Plaza shopping center area although a small amount of strip commercial remains along Cloverdale Boulevard. The purpose of the Commercial Zoning Districts is to continue the focus on the two core commercial areas and integrate the City and the expected passenger rail service to the Cloverdale Depot while also providing higher density transit-oriented and some mixed residential uses

Section 18.05.020 Commercial Zoning Districts

A. Intent of Office/Multi-Family Residential (O-R) Zoning District

The purpose of the Office/Multi-Family Residential (O-R) Zoning District is to provide for a mix of downtown supportive compatible office, artisan and residential uses, while conserving the historic land use and development patterns of the neighborhood. The historic patterns are based on older, smaller single family residential buildings with typical single family front yards and parking, with a distinct neighborhood fabric of houses in close walking proximity to the downtown. While the O-R Zoning District allows office uses, the intent is to maintain and conserve a residential neighborhood appearance. Appropriate uses include compatible offices, art or yoga studios, lodging and residential uses that provide customers for the pedestrian-oriented activities in the DTC Zoning District. No retail use is permitted.

B. Intent of Downtown Commercial (DTC) Zoning District

The purpose of the Downtown Commercial (DTC) Zoning District is to provide for downtown commercial, cultural and office-related uses which recognize and are compatible with the historical, small town nature of the downtown area. Residential uses are allowed if sited on the second story or behind a commercial building. The Zoning District is established in order to reinforce the image of the downtown as the "heart" of Cloverdale and as a public gathering place; provide for a broad range of pedestrian-oriented commercial, office, institutional, cultural, and public uses; and to maximize the efficiency of the City's downtown district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area; and to promote special architecture and streetscape design that strives to achieve the adopted downtown design elements.

C. Intent of the Transit Oriented Development (TOD) Zoning District

The main purpose of the TOD Zoning District is to provide high-density residential development to provide riders for the SMART passenger rail station and employees and customers to support the downtown pedestrian-oriented retail core. A secondary purpose of the Zoning District is to allow public or office uses with high employment densities, to provide an employment destination for passenger rail and a source of customers to support the downtown pedestrian retail. Associated uses that provide non-retail services to residents are also allowed.

All building designs, except public or hospital use, should have a residential design and should face the street, even if the primary use is non-residential, as further described in the TOD Design Standards set forth in this Chapter.

D. Intent of General Commercial (G-C) Zoning District

The primary purpose of the General Commercial (G-C) Zoning District is to create, preserve and enhance areas for small scale retail establishments which are conveniently located to provide for frequently recurring needs of outlying residents, which uses are clearly subservient to the downtown and which are appropriate at intersections of major thoroughfares that surround residential neighborhoods. The Zoning District is also used for the Furber Plaza Shopping Center, which provides retail and commercial services for the area south of downtown. The provisions of the G-C Zoning District specifically favor retail uses, and office or other non-retail use should not disrupt a pedestrian shopping experience except as smaller storefronts in a row of retail shops or in areas on a site separate from the retail area.

E. Intent of Service Commercial (S-C) Zoning District

The primary purpose of the Service Commercial (S-C) Zoning District is to allow more intensive retail, service and heavy commercial uses including warehousing and wholesale commercial uses. Residential uses are not allowed. While the light industrial and heavy commercial uses would normally be expected in industrial areas, the S-C Zoning District allows for certain of those uses to be established at in-town locations where they can serve resident needs if the external impacts of those uses do not disturb adjoining residential and commercial neighborhoods.

Section 18.05.030 Commercial Zoning District Use Regulations

Subject to applicable General Plan policies and all applicable City ordinances, resolutions and/or regulations, the following table identifies whether a use is a permitted use or requires a City permit. The legend identifies the type of permit required. Uses not permitted in the table are prohibited. Where relevant, a reference to the applicable Section of this Title or the Municipal Code has been provided.

Many uses in this table have a corresponding definition in Chapter 18.14.

TABLE 18.05.030-A

Uses Permitted Within Commercial Zoning Districts

Legend

- P Permitted
- PP Permitted Subject to Plot Plan Review
- C Permitted Subject to issuance of a Conditional Use Permit
- PUD Permitted Subject to issuance of a PUD Permit
- NP Not Permitted
- NL No Limitation (does not apply in the Zoning District)

Land Uses	Commercial Zoning Districts					
	DTC	TOD	O-R	G-C	SC	Reference
Office & Related Uses						
Administrative/General Offices						
• Less than 1,500 square feet	P	P	P	P	C	
• 1,501 square feet or larger	C	P	PP	C	C	
• More than 50 feet of first floor frontage	NP	NL	NL	NL	NL	
Commercial Uses						
Pedestrian-Oriented Retail ¹						
• Less than 2,500 square feet	P	NP	NP	PP	C	
• 2,501 square feet or larger	PP	NP	NP	C	C	
• More than 50 feet of first floor frontage	PP	NP	NP	NL	NL	
General Retail ¹						
• Less than 1,500 square feet	P	NP	NP	P	P	
• 1,501 square feet or larger	C	NP	NP	PP	PP	
• More than 50 feet of first floor frontage	NP	NP	NP	NL	NL	
Personal/Household Services						
• Less than 1,500 square feet	P	P	P	P	C	
• 1,501 square feet or larger	C	NP	PP	C	C	
• More than 50 feet of first floor frontage	NP	NP	NP	NL	NL	
Smoke Shops/Smoking Lounges						
• Less than 1,500 square feet	C	NP	NP	C	C	18.09.230 ²
• 1,500 square feet or larger	NP	NP	NP	NP	NP	
• More than 50 feet of first floor frontage	NP	NP	NP	NL	NL	
Artist and Photographic Studios and Galleries						
• (Including the accessory sale of artwork)	P	PP	PP	P	NP	
Catering Establishments (not in conjunction with a restaurant)	NP	NP	PP	PP	P	
Dry Cleaning (with on-site cleaning equipment); Self-Service Laundry	NP	PP	NP	PP	PP	
Feed and Tack Stores	NP	NP	NP	C	PP	
Convenience Kiosks	NP	PP	NP	C	NP	
Liquor Stores	C	C	NP	C	C	
Outside Sales or Display Areas (for uses allowed in the underlying Zoning District)						
• Less than 100 square feet	PP	NP	NP	PP	PP	
• 101 square feet or more	NP	NP	NP	C	C	

City of Cloverdale Zoning Code

Restaurants	DTC	TOD	O-R	G-C	SC	Reference
With Entertainment	C	NP	NP	C	C	
Without Entertainment	P	C	NP	P	P	
Outdoor Seating	P	PP	NP	PP	PP	18.09.210
Drive-Through Facility	NP	NP	NP	C	C	18.09.110
Bar/Cocktail Lounge	C	NP	NP	C	C	
Wine/Beer Tasting/Sampling and Sales	PP	PP	NP	PP	C	
Hotels and Lodging	DTC	TOD	O-R	G-C	SC	Reference
Bed and Breakfast Inn	PP	C	PP	NP	C	18.09.100
Vacation Rental	C	NP	C	C	NP	18.09.260
Hotels and Motels						
• Up to 12 rooms	PP	PP	C	PP	PP	
• 13 rooms or more	C	C	NP	C	C	
Recreational Vehicle Park	NP	NP	NP	NP	C	
Medical Services	DTC	TOD	O-R	G-C	SC	Reference
• Major	NP	C	NP	C	NP	
• Minor	C	C	PP	C	C	
• More than 25 feet of first floor frontage	NP	-	-	-	-	
Veterinary/Animal Care Offices						
• Without exterior kennels, pens, & runs	C	NP	P	PP	PP	
• With exterior kennels, pens, and runs	NP	NP	NP	NP	C	
Vehicle Sales and Repair	DTC	TOD	O-R	G-C	SC	Reference
Sales and/or repair of automobiles, light trucks, boats, campers, and , motorcycles; car washes, tire sales & service	NP	NP	NP	NP	C	18.09.270
Automobile Service Station	NP	NP	NP	C	C	18.09.200
Industrial/Research & Development Uses	DTC	TOD	O-R	G-C	SC	Reference
Manufacturing or Processing, Light	NP	NP	NP	NP	C	
Contractor Shops (with no outdoor storage of materials or equipment)	NP	NP	NP	NP	C	
Recycling Facilities						
• Reverse Vending Machines	NP	NP	NP	PP	PP	18.09.170
• Small	NP	NP	NP	PP	PP	
Wholesale and Distribution; Warehouses	NP	NP	NP	NP	C	
Self-Storage Warehouse	NP	NP	NP	C	PP	18.09.190
Public/Quasi Public Uses	DTC	TOD	O-R	G-C	SC	Reference
Public/Quasi Public Uses	C	C	C	C	C	
Theaters (including motion picture and live performing arts)	PP	NP	NP	NP	NP	
Day Care Facilities	NP	C	C	C	NP	
Recreation Uses	DTC	TOD	O-R	G-C	SC	Reference
Athletic and Health Clubs; Indoor Commercial Recreation Facilities	C	C	NP	C	C	
Dance Schools; Yoga and Pilates Studios	PP	PP	PP	C	C	
Commercial recreation facilities (outdoor)	NP	C	NP	C	C	

City of Cloverdale Zoning Code

Residential Uses³	DTC	TOD	O-R	G-C	SC	Reference
Residential Care Facilities and Convalescent Homes	NP	C	C	C	C	
Multi-Family Residential ^{4,5,6}	PP	PP	PP	C	NP	18.05.050
<ul style="list-style-type: none"> • Above a permitted commercial or office use • First Floor 	PUD	PP	PP	C	NP	
Single-Family House ^{4,5}	NP	NP	PP	NP	NP	
Single Room Occupancy (SRO) Living Unit	NP	C	NP	NP	NP	18.09.220
Emergency Shelters	NP	PP	NP	PP	NP	
Accessory Uses	DTC	TOD	O-R	G-C	SC	Reference
Accessory Uses (located on the same site as a permitted use)	PP	PP	PP	PP	PP	
Temporary Uses	PP	PP	PP	PP	PP	
Other uses similar to, and no more objectionable than the uses identified above, as determined by the Planning Commission	C	C	C	C	C	
Outdoor Storage (on a vacant parcel)	NP	NP	NP	NP	NP	

NOTES TO TABLE:

1. Commercial projects which serve as a City-proposed catalyst project for downtown development may be approved with a Conditional Use Permit in the TOD Zoning District.
2. Uses with approved Conditional Use Permits that relocate within the same Zoning District are subject to Plot Plan Review instead of another Conditional Use Permit.
3. Employee housing for farmworkers accommodating six or fewer workers shall be considered a residential use and shall not require any special approvals that are not required of a family dwelling of the same type in the same Zoning District.
4. In all cases, Transitional Housing is and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type located in the same zone.
5. Development in Office/Residential that is 100% residential shall follow the R-2 zoning standards.
6. In the Downtown Commercial and General Commercial Zoning District the floor area for residential use cannot exceed the floor area of commercial use on the site, except that for developments with two stories of residential above a commercial use the area of each residential story cannot exceed the floor area of first floor commercial use.

Section 18.05.040 Commercial Site Development Standards

A. General Requirements

The table below sets forth minimum Site Development Standards for commercial development within Commercial Zoning Districts.

**Table 18.05.040-A
Commercial Site Development Standards**

	DTC	TOD	O-R	G-C	S-C
Density (maximum units per net acre) ⁵	20.0	20.0	8.0-20.0	20.0	-
Lot Area ⁴ (square feet)	-	-	6,000	6,000	6,000
Lot Width	-	-	60'	60'	60'
Lot Depth	-	-	100'	100'	100'
Front Setback ^{1,2,3}					
• Maximum	-	-	20'	15'	20'
• Minimum	-	-	-	-	-
Side Setback ^{1,2,3}					
• Interior	-	-	5'	-	-
• Street Side	-	-	15'	10'	20'
Rear Setback ^{1,2,3}					
• Abutting R-1 or R-2 zoning	-	-	15'	10'	10'
• Abutting R-1 or R-2 zoning	-	-	20'	10'	10'
Building Length (maximum)	-	-	-	-	-
Lot Coverage (maximum)	100%	100%	60%	60%	60%
Floor Area Ratio (maximum)	3.0	3.0	0.8	1.0	1.0
Building Height	40' or 3	40' or 3	35' or 2	35' or 2	35' or 2
• Maximum	stories	stories	stories	stories	stories
• Minimum	25'	2 stories	-	-	-
First Floor Ceiling Height (minimum)	12'	-	-	-	-
Distance Between Buildings (minimum)	-	-	-	-	-
Provision of Open Space					
• Common Open Space per 1,000 sf of building	-	100 sf	-	-	-
• Common Open Space/Res. Unit	-	150 sf	-	-	-
• Private Open Space/Res. Unit	-	60 sf	-	-	-

NOTES TO TABLE:

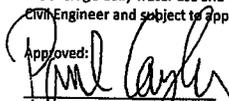
1. Larger setbacks may be required based on requirements in Chapter 18.09, surrounding development, or building code regulations.
2. A 50 foot buffer setback is required on each side of waterways shown on the General Plan Conservation Area Map.
3. When a residential development is proposed to be located adjacent to or across the street from a developed Industrially-zoned property, a minimum building setback of 50 feet measured from the property line shall be required from such Industrial Zoning District. The 15 feet of this setback located adjacent to the street or Industrial Zoning District boundary line shall be landscaped; the remainder of the setback area within the site may be used for off-street parking purposes. A three-foot high wall, berm or combination wall/berm shall be constructed within the landscaped area along street setbacks; along all other lot lines adjacent to Industrial Zoning Districts, walls shall be constructed in accordance with the provisions of Section 18.09.030.
4. The creation of new lots within Commercial Zoning Districts following the date of the adoption of this Title shall conform to the minimum dimensions stated in Table 18.05.040-A, except in the case of condominium lots or individual lots within a shopping center, in which

2015 DEVELOPMENT IMPACT FEES

Effective July 1, 2015

DEVELOPMENT IMPACT FEE PROGRAM	2015 FEE
Public Facilities Development Impact Fee	
Single Family Residential	\$4,895
Multi-family Residential	\$3,613
Mobile Home	\$3,946
Commercial (per 1,000 square feet)	\$799
Industrial (per 1,000 square feet)	\$559
Parks and Recreation Facilities	
Single Family Residential	\$3,674
Multi-family Residential	\$2,712
Mobile Home	\$2,962
Quimby Act Parkland Acquisition	
Single Family Residential	\$6,172
Multi-family Residential	\$4,556
Non-Quimby Act Parkland Acquisition	
Single Family Residential	\$6,172
Multi-family Residential	\$4,556
Mobile Home	\$4,976
Administration	
Single Family Residential	\$587
Multi-family Residential	\$434
Mobile Home	\$474
Commercial (per 1,000 square feet)	\$95
Industrial (per 1,000 square feet)	\$67
Water Capacity	
Single Family Residential	\$6,147
Multi-family Residential	\$4,536
Mobile Home	\$4,955
Commercial (per gallon) ¹	\$16.90
Industrial (per gallon) ¹	\$18.90
Wastewater Capacity	
Single Family Residential	\$9,538
Multi-family Residential	\$7,039
Mobile Home	\$7,690
Commercial (per gallon) ¹	\$58.66
Industrial (per gallon) ¹	\$58.66
Street and Thoroughfare	
Single Family Residential 4 Bedroom	\$2,689
Single Family Residential 3 Bedroom	\$2,188
Single Family Residential 2 Bedroom	\$1,743
Multi-family Residential 4 Bedroom	\$2,177
Multi-family Residential 3 Bedroom	\$1,686
Multi-family Residential 2 Bedroom	\$1,213
Downtown Commercial (Per 1,000 sf)	\$3,245
Service Commercial (per 1,000 sf)	\$3,454
Destination Commercial (per 1,000 sf)	\$3,245
General Industrial (per 1,000 sf)	\$2,586
Public (per acre)	\$5,935
Business Park (per 1,000 sf)	\$4,089
Mixed Use Commercial (per 1,000 sf)	\$3,245
Airport (per 1,000sf)	\$1,714
Storm Drainage	
Single Family Residential	\$218
Multi-family Residential	\$58
Commercial (per Acre)	\$1,051
Industrial (per Acre)	\$1,051
Fire Facilities	
Single Family Residential	\$1,284
Multi-family Residential	\$1,255
Mobile Home	\$1,118
Commercial (per 1,000 square feet)	\$944
Industrial (per 1,000 square feet)	\$681
Health Care	
Single Family Residential	\$97
Multi-family Residential	\$95
Mobile Home	\$85
Commercial (per 1,000 square feet)	\$72
Industrial (per 1,000 square feet)	\$50

1. The actual amounts of the Water and Wastewater Capacity Fees for non-residential projects shall be calculated on a case-by case basis from the average daily water use and wastewater production for the project based on a water and wastewater use study prepared by a Registered Civil Engineer and subject to approval by the City Engineer.

Approved: 
 Paul Cayler, City Manager



DAVID PAUL ROSEN & ASSOCIATES
DEVELOPMENT, FINANCE AND POLICY ADVISORS

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TO: David Kelley

FROM: David Rosen, Nora Lake Brown

CC: Curt Smoot

DATE: June 13, 2016
Via Email

SUBJECT: Affordable Housing Nexus Study Approach

Background

The City of Cloverdale, California (City) is in the process of updating its In-Lieu Fee for owner housing under its Inclusionary Zoning Ordinance (IZO). The application of the IZO to rental housing was invalidated by the California Supreme Court in the 2009 case of *Palmer/Sixth Street Properties, L.P. v City of Los Angeles* (2009) 175 Cal. App. 4th 1396. In *Palmer*, the court found that forcing *Palmer* to provide affordable housing units at regulated rents conflicts with the right afforded residential landlords under the *Costa-Hawkins Act* to establish the initial rental rate for a dwelling unit.

In light of its inability to apply the IZO to rental housing, the City of Cloverdale may desire to prepare a nexus analyses to quantify the impact of new market-rate real estate development on the need for affordable housing in the City, and determine maximum justifiable linkage fees to mitigate those impacts. A nexus fee could be applied to both rental and ownership housing, as well as to commercial development, if so desired by the City.

DRA has established methodologies for the calculation of supportable affordable housing development impact fees for new residential and non-residential development consistent with the constitutional requirements of nexus and "rough proportionality" under the U. S. Supreme Court cases of *Nollan v. California*



Mr. David Kelley
June 13, 2016
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Coastal Commission (1987) 483 U. S. 825 and Dolan v. City of Tigard (1994) 512 U. S. 374. DRA has also served as expert witness in cases presenting challenges to development impact/nexus fees, including the City of Seattle. In determining a legally justifiable fee amount, DRA uses a conservative approach that understates the number of low and moderate income households and mitigation fee amounts. DRA will work closely with City staff, and if appropriate the City Attorney, to ensure the City is satisfied that the proposed methodology meets all legal requirements and is consistent with current best practices in the industry. DRA's general approach is as follows:

1. Develop residential and non-residential prototypes to be used in the nexus analysis, financial feasibility analysis, and gap analysis, as applicable;
2. Conduct residential and non-residential nexus analyses to estimate the number of affordable housing units, by income level, necessary to mitigate the impact of new market-rate residential and non-residential development on the need for affordable housing in the City of Cloverdale;
3. Estimate the subsidy requirements, or affordability gap, required to construct the required new affordable housing units, renter and owner;
4. Calculate the nexus fee required to fill the affordability gaps and mitigate the impact of new residential and non-residential development on the need for affordable housing in Cloverdale; and
5. Evaluate the potential impact of a nexus fee, at alternative fee levels, on the financial feasibility of new residential and non-residential development in the City.

DRA has successfully applied this approach in more than 20 communities in California and across the United States, resulting in the successful adoption of numerous nexus fees on new residential and non-residential development to help support the development of new affordable housing.



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June 13, 2016
Via email

David Kelley
Assistant City Manager / Community Development Director
City of Cloverdale
24 North Cloverdale Blvd.
Cloverdale CA 95425

CC: Nora Lake Brown

Re: Scope of Services, Budget & Payment Schedule: In-Lieu Fee Update

Dear David:

It was a pleasure talking with you Monday regarding the City's need to update its In-Lieu Fee for ownership housing under Cloverdale's Inclusionary Zoning Ordinance (Chapter 18.13 of the City Code).

Attached, please find our Scope of Services, Budget & Payment Schedule to perform the work that we discussed in our conference call:

- Update of the In-Lieu Fee recommendations;
- Attendance by one DRA Principal at either one City Council or City Planning Commission meeting to present the recommended In-Lieu Fee update and commentary on the Ordinance; and
- Preparation of administrative reform recommendations for the Ordinance to improve administration and effectiveness.

If this Scope and Budget is agreeable, please include it in the City's standard professional services agreement between the City and DRA and forward it to me for my review and signature. We will get started as soon as we receive the fully executed agreement with the City. Of course, if you have any questions, do not hesitate to call.



DAVID PAUL ROSEN & ASSOCIATES
DEVELOPMENT, FINANCE AND POLICY ADVISORS

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June 13, 2016
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I will send as requested, under separate cover, a narrative regarding conduct of a nexus study for rental housing and a nexus study for non-residential development, combined with an economic impact analysis. Once you have had a chance to review this narrative with the City Council, let's talk a second time to discuss next steps.

We appreciate the opportunity to work with you, as always. Talk with you soon.

Best regards,

A handwritten signature in blue ink, appearing to read 'David Rosen', with a long horizontal flourish extending to the right.

David Rosen
Principal

Attachments: Scope of Services, Budget & Payment Schedule: In-Lieu Fee Update

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Exhibit 1

Scope of Services, Budget & Payment Schedule

In-Lieu Fee Update

**City of Cloverdale, CA
David Paul Rosen & Associates (DRA)**

June 13, 2016

Background

The City of Cloverdale, California (City) seeks to retain the services of David Paul Rosen & Associates (DRA), a California sole proprietorship to prepare and update the City's Inclusionary Zoning Ordinance (IZO) for ownership units. In addition, the City seeks the assistance of DRA to prepare and make a presentation before the City Planning Commission or the City Council of the recommended In-Lieu fee update.

This document provides the Scope of Services, Budget and Payment Schedule for DRA to perform the requested services.

1. Scope of Services

1.1. In-Lieu Fee Update

Per the In-Lieu fee provision of the City of Cloverdale's IZO, DRA will prepare an update of the In-Lieu fee program for ownership housing units. DRA will use as the basis for its calculation the definition of "maximum affordable sales price" contained in Section 18.13.020, Definitions, of Chapter 18.13 of the City's Municipal Code, Inclusionary Housing and Density Bonuses.

DRA will update the In-Lieu fee proposed amounts based on the most recent available household income and market price data.

1.2. Planning Commission/City Council Presentation

DRA will prepare a presentation of the recommended In-Lieu fee update to the City Planning Commission or City Council under the direction of Assistant City Manager/Community Development Director. The presentation will involve a PowerPoint document and attendance by one DRA Principal at a scheduled Planning Commission or City Council meeting.

1.3. Administrative Recommendations

DRA will review the City's Inclusionary Zoning and Density Bonus Ordinances, Chapter 18.13 and provide administrative guidance on changes and improvements that may be adopted administratively by the City. DRA will share background and recent court cases regarding inclusionary housing and nexus fees for the consideration of the City of Cloverdale and its contract City Attorney services.

2. Budget and Payment Schedule

DRA will complete the above referenced services under the following total budget of \$17,500, based on the following tasks and payment schedule:

Task	Fee	Due
1.1. In-Lieu Fee Update	\$7,500	Upon delivery by DRA of the memo detailing methodology and conclusions for updating the City IZO In-Lieu Fee.
1.2. Planning Commission/ City Council Presentation	\$2,500	Upon completion of the presentation by a DRA Principal at either a City Council or Planning Commission Meeting.
1.3. Administrative Recommendations	\$7,500	Upon submission by DRA of the memo detailing administrative recommendations and changes to the IZO.